

PLANNING COMMISSION REPORT



Meeting Date: *October 23, 2024*
General Plan Element: *Economic Vitality*
General Plan Goal: Manage land uses to enhance economic development while protecting neighborhoods.

ACTION

Accessory Dwelling Unit (ADU) Text Amendment 4-TA-2024

Request to consider the following:

A recommendation to City Council to adopt:

1. Ordinance No. 4652 for the purpose of amending the City of Scottsdale Zoning Ordinance (Ordinance No. 455), Article I., Section 1.206. (Processing Of Development Applications.) and Section 1.1304. (Enlargement, Extension, Reconstruction or Structural Alteration of Nonconforming Use.), Article III., Section 3.100. (Definitions), Article V., Sections 5.010. through 5.556. (Single-Family Residential), Sections 5.600. through 5.606. (Two-Family Residential), Sections 5.700. through 5.707. (Medium Density Residential), Sections 5.800. through 5.807. (Townhouse Residential), Sections 5.900. through 5.907. (Resort/Townhouse Residential), Sections 5.1000. through 5.1007. (Multiple-Family Residential), Sections 5.1100. through 5.1107. (Service Residential), and Sections 5.2000. through 5.2008. (Manufactured Home), Article VI., Section 6.1004. (Property Development Standards.), Article VII., Sections 7.200.A. through 7.200.G. (Additional Area Regulations.), Section 7.203. (Vacation Rentals or Short-Term Rentals.), and Section 7.900., Article XI. – Land Use Tables, and any associated Sections for the purpose of addressing recent State of Arizona Legislation of HB2720 regarding accessory dwelling units and HB2325 regarding backyard fowl as provided in Case No. 4-TA-2024, and
2. Resolution No. 13255 declaring as a public record that certain document filed with the City Clerk of the City of Scottsdale and entitled “Accessory Dwelling Unit Text Amendment – 4-TA-2024”.

Related Policies, References:

Scottsdale General Plan 2035, as amended
Zoning Ordinance

Key Items for Consideration

- Amending the city’s Zoning Code to ensure compliance with State law, including:
 - Arizona State Legislature passed HB2720 – required compliance by January 1, 2025
 - Arizona State Legislature passed HB2325

STAFF CONTACTS

Brad Carr, AICP, LEED-AP, Planning & Development Area Manager – Current Planning Services

Adam Yaron, Planning & Development Area Manager – Long Range Planning Services

APPLICABILITY

Citywide

BACKGROUND

In the 2024 session, the Arizona State Legislature passed HB2720 (Attachment 1), which includes various provisions regarding how municipalities may regulate accessory dwelling units, or ADU’s, on any lot or parcel where a single-family residential dwelling is permitted. Further, the Arizona State Legislature also passed HB2325 (Attachment 2), which requires municipalities to amend their zoning codes to address how fowl is kept in the backyard of a single-family residential lot and the associated enclosure for keeping of fowl, including the maximum height of such an enclosure. The Governor signed both bills and the new legislation became effective September 14, 2024. Scottsdale now must amend its Zoning Ordinance to comply with State Law. In particular, if the City does not comply with the requirements outlined in HB 2720 by January 1, 2025, the new law states “accessory dwelling units shall be allowed on all lots or parcels zoned for residential use in the municipality without limits.”

ANALYSIS & ASSESSMENT

The following summarizes staff’s analysis of HB2720 and HB2325, and recommended responses to this new legislation that are proposed within 4-TA-2024 (Attachment 3 and 4), which includes the City’s effort to update all related portions of the Zoning Ordinance.

HB2720 – Accessory Dwelling Unit (ADU)

An ADU is a subordinate, self-contained dwelling unit that is located on the same lot as a main single-family residential dwelling of greater square footage than the ADU. An ADU is designed for living purposes, and includes its own sleeping facilities, kitchen facilities, and sanitary facilities. An ADU can be attached or detached from the main single-family dwelling.

ADU’s come in many shapes and styles – the most common include a self-contained living unit built as a detached structure, separate from the main single-family home, as well as a self-contained living unit built as an attached extension off the main single-family home. In an attached configuration, an ADU can be either on the ground floor or as a 2nd level addition.

Scottsdale does not currently permit ADU’s. However, Scottsdale does currently permit guest houses (sometimes referred to as casitas). A guest house is intended to be a detached, subordinate accessory building used to accommodate guest of the occupants of the main

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single-family residential dwelling. A guest house is distinguished from an accessory dwelling unit in that a guest house is not permitted to be rented separately from the main single-family residence on the same lot, and must have shared utility connections with the main single-family residence on the same lot.

HB2720 provides specific exclusions for ADU's. The City's intent is to preserve its current approach to planning and development, including existing neighborhood character, while still meeting the legal parameters of the bill. This includes:

- Excluding land in the territory in the vicinity of a Federal Aviation Administration commercially licensed airport or general aviation or public airport as defined by State Law.
- HB2720 does not prohibit restrictive covenants concerning ADU's entered into between private parties or homeowners' associations (often referred to as CCR's). This means that any existing CCR's regarding ADU's remain in effect moving forward.

HB2720 outlines allowances for ADU's that a municipality must follow, as well as specific qualifications and development standards for ADU's. Those requirements include:

The city *must*:

- Allow one attached and one detached ADU per single-family property,
- Allow a third detached ADU for parcels that are 1 acre in size or greater, if at least 1 of the ADUs is an affordable housing unit, and
- Allow the size of an ADU to be 75% of the gross floor area of the single-family home or up to a maximum 1,000 square feet, whichever is less.

The city *cannot*:

- Prohibit the short- or long-term leasing of an ADU or the main single-family home located on the same lot as an ADU,
- Require familial relationship between the owner of the main home & ADU occupant(s),
- Require on-site parking for an ADU (or fees in lieu of parking),
- Require an ADU to have an exterior design like that of the single-family home,
- Require setbacks for an ADU from side or rear property lines that are greater than five (5) feet,
- Require improvements to the public street as a condition of allowing the ADU,
- Require permits, licenses or conditions between private parties for use of the ADU,
- Require an ADU to contain a fire sprinkler system.

In response to HB2720, the proposed draft amendment includes the following:

- New zoning code definitions incorporating the definitions for: Accessory Dwelling Unit, Accessory Dwelling Unit (Attached,) Accessory Dwelling Unit (Detached), Accessory Dwelling Unit (Restricted-Affordable Detached), and Residential Recreation Area, as well as other minor updates to associated definitions within the existing code. These definitions will ensure critical elements of the State Law are incorporated, and subsequently implemented, into the city's Zoning Ordinance as permitted by State Statute.
- Establish a new defined land use entitled "Accessory Dwelling Unit" in residential zoning districts throughout the Zoning Ordinance. The establishment of this new land use also addresses the distinction between Guest Homes versus ADU's – which primarily relates to the size of such structures, their use, and associated setback requirements.

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The proposed Zoning Ordinance text contains qualifications that must be demonstrated in order to construct an ADU, and include:

- An ADU shall only be permitted on a single-family residential lot as permitted by the underlying zoning district. No ADU shall be constructed upon a single-family residential lot unless the main single-family residential dwelling has been constructed and received a Certificate of Occupancy on the same lot.
- ADU's shall not be permitted in any of the exclusion areas as permitted by State Law.
- ADU utilities shall be separately metered (electrical, gas, water, and sanitary sewer) from the main single-family dwelling on the same lot, unless otherwise determined by the utility provider.
- ADU's shall not be sold separately, or subdivided in a manner that would create a separate lot, parcel, or ownership boundaries from the main single-family residential dwelling on the same lot.
- Any ADU that is rented, leased, offered for rent or lease, or occupied as a Vacation Rental or Short-term Rental shall require the property owner to reside on-site.
- A Restricted-Affordable Detached ADU shall only be rented to households earning up to eighty percent (80%) of area median income and shall not be offered as a Vacation Rental or Short-term Rental. Rent shall be established based on the household size and income in accordance with the rent and income limits published by the Arizona Department of Housing at the time of the lease agreement. Prior to issuance of any permit for a Restricted-Affordable Detached ADU, the property owner shall enter into a private deed restriction to meet the requirements of this section, to the satisfaction of the City.

Property Development Standards Set Forth by the State

Finally, the legislation outlines certain property development standards that a municipality must follow for an ADU. Generally speaking, an ADU will be subject to the property development standards of the underlying zoning district for which the ADU is located. However, per the new State Law the property development standards for building setback, density, and building height maximum allowances are determined by the new State Law. To comply with the new State Law requirements, the following property development standards are established for ADU's:

Density

This provision only relates to the extent of where buildings are permitted. An ADU, where permitted, does not count towards calculations of density.

Attached Accessory Dwelling Unit.

- There shall be no more than one (1) Attached ADU on any one (1) single-family residential lot.

Detached Accessory Dwelling Unit.

- There shall be no more than one (1) Detached ADU on any one (1) single-family residential lot.

Restricted-Affordable Detached Accessory Dwelling Unit.

- Single-family residential lots that are one (1) acre or larger in size are permitted one (1) Restricted-Affordable Detached ADU on any one (1) single-family residential lot in addition to any existing ADU(s) constructed on the lot.

For any single-family residential lot less than one (1) acre in size, there shall be no more than two (2) total ADU(s) on that lot. For any single-family residential lot that is one (1) acre or larger

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in size, there shall be no more than three (3) total ADU(s) on that lot, one of which must be a Restricted-Affordable Detached ADU.

Size

- Only one (1) ADU constructed on a single-family residential lot shall be allowed to have a gross floor area that is up seventy-five percent (75%) of the gross floor area of the main single-family residential dwelling on the same lot, or one thousand (1,000) gross square feet, whichever is less.
- All other ADU's constructed on the same lot shall be five hundred (500) gross square feet or less in size.

Building Height

- ADU building height shall be that as permitted in the underlying zoning district.

Building Setbacks

Attached ADU's

- The building setbacks for an Attached ADU shall be that which apply to a main single-family residential dwelling of the zoning district for which the Attached ADU is located.

Detached Accessory Dwelling Unit or Restricted-Affordable Detached Accessory Dwelling Unit.

- A Detached ADU or Restricted-Affordable Detached ADU shall not be permitted in a required front yard, including the front yard on the longer street frontage of a corner lot.
- A Detached ADU or Restricted-Affordable Detached ADU shall not be permitted in a required side yard.
- A Detached ADU or Restricted-Affordable Detached ADU that is located within a rear yard may be constructed five (5) feet from a side or rear property line.

Additional Property Development Standards Set Forth by the City

In addition to those property development standards outlined by the new State Law, the City has set forth additional property development standards for any ADU, including:

Occupancy

- The cumulative occupancy of the main single-family residential dwelling in combination with any ADU's on a single-family residential lot shall not exceed six (6) adults. A familial, marital, employment, or other preexisting relationship between the owner or occupant of the main single-family residential dwelling and the occupant of an Accessory Dwelling Unit located on the same lot is not required.

Distance between buildings

- There shall not be less than ten (10) feet between an ADU and the main single-family residential dwelling on the same lot, or between an ADU and another ADU on the same lot.

Private Outdoor Living Space

- Each ADU shall provide private outdoor living space located adjacent to the Accessory Dwelling Unit.
- Each private outdoor living space shall be at least five (5) feet deep and fifty (50) square feet in area.

Parking

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- The addition of an ADU to a single-family residential lot shall not reduce or eliminate any required parking for the main single-family residential dwelling on the lot. The minimum parking requirements for the main single-family residential dwelling on the lot shall be provided at all times. If an ADU removes or modifies existing required vehicle parking spaces for the main single-family residential dwelling on the lot, the minimum required parking spaces for the main single-family residential dwelling on the lot shall be replaced on the same lot in a location approved by the Zoning Administrator or designee.

Access

- Each ADU shall provide a separate exterior entrance from that serving the main single-family residential dwelling on the same lot.
- The path of ingress and egress travel from an ADU to a public street or to a yard that opens to a public street shall be independent of, and not pass through, the main single-family residential dwelling.

Addressing

- Each ADU shall provide a unique address that follows the City's addressing requirements, policies, and assignment process. The address of an ADU shall be placed near the primary entrance of the ADU, clearly visible from the main street frontage of the lot.

Implementation of HB2720 – Accessory Dwelling Unit

Incorporating the requirements of HB2720 into the city's Zoning Ordinance is just the first of several steps needed to implement the bill. This initial step is the only step that requires a public hearing.

The second step is multifaceted – but will focus on the city's operational practices, where the city will continue to assess development applications based on the qualifications and criteria established by this text amendment. This includes applying all applicable exclusions under State Law.

A community's ability to prepare and respond to change is an indication of its resiliency and sustainability. Although the impacts of this new State Law offer both positive and negative, the city will look to respond to emerging trends, issues, and opportunities associated with the implementation of HB2720.

HB2325 – Keeping of Fowl

The provisions of HB 2325 address the keeping of fowl in the backyard of single-family detached residence, including enclosures for such backyard fowl. The new State Law now allows municipalities the ability to require fowl to be kept in an enclosure located in the rear or side yard of the property at least twenty feet from a neighboring property and restrict the size of the enclosure to a maximum of two hundred square feet with a maximum height of eight feet. Updates to the City's Zoning Ordinance are being proposed in conformance with this new State Law, which include specific requirements for enclosures. Other sections of HB2325 that relate to the keeping of fowl are subject to the City's existing ordinances related to the keeping of domestic animals, found in Scottsdale Revised Code, Chapter 4, Article II.

Implementation of HB2325 – Keeping of Fowl

Related to this item, implementation is strictly focused on the City's application of its Zoning Ordinance.

Additional Proposed Zoning Ordinance Amendments in 4-TA-2024

As is the case any time staff reviews the Zoning Ordinance, action is taken to improve the administration and usability of the Zoning Ordinance. Among the updates related to accessory dwelling units, staff has also clarified areas of the code related to non-conforming structures, guest houses, and property development standards within the Manufactured Home (M-H) zoning district, amongst other updates. Consequently, implementation is strictly focused on the City’s application of its Zoning Ordinance.

Non-Conforming Structures – Single-family Residential Dwellings

Staff updated a portion of the Zoning Ordinance’s regulations regarding non-conforming structures to clarify the applicability of Sec. 1.1304.B. as it pertains to main single-family residential dwellings. Additional updates in this section also address a recent Zoning Administrator decision that was made regarding a scrivener’s error in this section.

Accessory Buildings and Structures

Accessory buildings and structures are intended to be secondary buildings or structures that are customarily incidental to that of the dominant use of the main building on the same lot. Staff has updated portions of the Zoning Ordinance, including the accessory building definition and accessory building and structures regulations, to clarify the use of these types of buildings, where these types of buildings may be located on a single-family residential lot, and distinguish these types of buildings from the new accessory dwelling unit land use. Staff updates also address existing Zoning Administrator interpretations that have been made regarding these types of buildings, as well as the reorganization of additional accessory building requirements to aid in usability.

Residential Recreation Areas

Staff created a new land use to address the varying types of outdoor recreation areas that are prevalent on residential lots throughout the Scottsdale community. Previously, these types of outdoor recreation areas were acknowledge as accessory buildings despite most of these areas not meeting the definition of a building or structure. Therefore, in an effort to clarify these specific types of incidental and subordinate recreation areas in the Zoning Ordinance, staff has removed these types of area from the accessory building portion of the Zoning Ordinance and created a separate land use for them. Associated updates were made to the General Provisions section to clarify requirements and ease usability to coincide with the new land use.

Guest Houses

The Scottsdale community has a long-standing history of guest houses, sometimes referred to as casitas. The City’s Zoning Ordinance has permitted guest houses on single-family residential lots for some time. A guest house is intended to be a detached, subordinate accessory building used to accommodate guest of the occupants of the main single-family residential dwelling. A guest house is distinguished from an accessory dwelling unit in that a guest house is not permitted to be rented separately from the main single-family residence on the same lot, and must have shared utility connections with the main single-family residence on the same lot. Staff has updated portions of the Zoning Ordinance, including the guest house definition and the specific regulations of guest houses, to clarify the distinction between guest houses and the new accessory dwelling unit land use.

Manufactured Home (M-H) Regulations

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While the M-H zoning district is primarily intended to provide regulations for the relatively small number of manufacture home parks in the city, the M-H zoning district also permits single-family residential dwellings. Staff made minor modifications to the existing regulations of the M-H zoning district to address inconsistencies with the application of property regulations for single-family residential dwellings in the zoning district, as well as address the new accessory dwelling unit land use.

Foothills Overlay (FO) Regulations

The FO zoning district is a specific zoning district overlay that applies to areas in the northern part of the Scottsdale community. The intent of the FO zoning district is to protect the rural character of development in the applicable areas of the overlay district. To accomplish this, the FO zoning district outlines specific requirements related to the building setback of single-family residences and any associated accessory buildings or structures. Staff updated a portion of the FO zoning district requirements to address the specific building setback requirements outlined by HB2720.

Other Non-Categorized Updates

As is customary, any time staff is reviewing the Zoning Ordinance as a part of a text amendment, opportunities to clarify existing Zoning Ordinance language, correct typographical errors, or restructure text for usability are pursued. As a result, staff has made minor text updates to sections of the Zoning Ordinance pertaining to single-family residential zoning districts and multifamily residential zoning districts to clarify intent and ease usability of the Zoning Ordinance.

PUBLIC PARTICIPATION

An informative video regarding Case No. 4-TA-2024 was created by the City and posted online. As of the drafting of this report, online viewership has been noteworthy at over 600 views. Further, City staff hosted two open house events to discuss proposed changes to the Zoning Ordinance on Thursday, September 19, 2024, and Friday, September 20, 2024. A total of 20 people attended the in-person sessions.

Overall, attendees responded positively to the proposed amendments, with many attendees expressing support that their properties would not be as affected, and there would be fewer overall community impacts due to exclusions under the State Law. The full citizen involvement report can be found as Attachment 5. All other public input received can be found with Attachment 6.

OTHER BOARDS & COMMISSIONS

Planning Commission – Initiation

This effort to update the Zoning Ordinance in response to HB2720 was initiated by the Planning Commission on July 10, 2024.

Neighborhood Advisory Commission (NAC) – Information Only

Staff presented this text amendment to the NAC on [September 25, 2024](#) as an informational item.

Planning Commission – Non-Action

Staff presented this text amendment to the Planning Commission on [October 9, 2024](#) as a non-action item so as review, discuss, and answer Planning Commission questions about the proposed Zoning Ordinance text amendment, educate the public about the new State Laws, and provide an opportunity for continued public input.

STAFF RECOMMENDATION & NEXT STEPS

RECOMMENDED APPROACH

A recommendation to City Council to adopt:

1. Ordinance No. 4652 for the purpose of amending the City Of Scottsdale Zoning Ordinance (Ordinance No. 455), Article I., Section 1.206. (Processing Of Development Applications.) and Section 1.1304. (Enlargement, Extension, Reconstruction Or Structural Alteration Of Nonconforming Use.), Article III., Section 3.100. (Definitions), Article V., Sections 5.010. through 5.556. (Single-Family Residential), Sections 5.600. through 5.606. (Two-Family Residential), Sections 5.700. through 5.707. (Medium Density Residential), Sections 5.800. through 5.807. (Townhouse Residential), Sections 5.900. through 5.907. (Resort/Townhouse Residential), Sections 5.1000. through 5.1007. (Multiple-Family Residential), Sections 5.1100. through 5.1107. (Service Residential), and Sections 5.2000. through 5.2008. (Manufactured Home), Article VI., Section 6.1004. (Property Development Standards.), Article VII., Sections 7.200.A. through 7.200.G. (Additional Area Regulations.), Section 7.203. (Vacation Rentals Or Short-Term Rentals.), and Section 7.900., Article XI. – Land Use Tables, and any associated Sections for the purpose of addressing recent State of Arizona Legislation of HB2720 regarding accessory dwelling units and HB2325 regarding backyard fowl as provided in Case No. 4-TA-2024, and
2. Resolution No. 13255 declaring as a public record that certain document filed with the City Clerk of the City of Scottsdale and entitled “Accessory Dwelling Unit Text Amendment – 4-TA-2024”.

NEXT STEPS

After review and possible recommendation of this proposal by the Planning Commission, the proposal has been tentatively scheduled for review and possible action by City Council at their November 25, 2024, regular meeting so as to ensure adoption on or before January 1, 2025, as required by State Law.

Although the legislation only requires an update to its Zoning Ordinance, staff determined during review of the state legislation that an amendment to Scottsdale General Plan 2035 would be necessary to bring together the effect of this legislation at the policy level, commensurate with the regulatory changes proposed by Case No. 4-TA-2024. For this reason, the city will pursue an effort in 2025 to amend its General Plan through a separate, future public input and hearing process as a result of any Zoning Ordinance changes that occur with this text amendment to allow greater transparency, public involvement, and ease of review to all considered amendments.


RESPONSIBLE DEPARTMENTS & STAFF CONTACTS

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10/15/2024


Date



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ATTACHMENTS

1. HB2720 Legislative Text
2. HB2325 Legislative Text
3. –DRAFT– Ordinance No. 4652
4. –DRAFT– Resolution No. 13255
 - a. Exhibit A - Accessory Dwelling Unit Text Amendment – 4-TA-2024
5. Citizen Involvement Report
6. Public Input Received

Senate Engrossed House Bill

accessory dwelling units; requirements.

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

CHAPTER 196
HOUSE BILL 2720

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-461.18; AMENDING SECTION 9-500.39, ARIZONA REVISED
STATUTES; RELATING TO MUNICIPAL PLANNING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

H.B. 2720

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 6, Arizona Revised Statutes,
3 is amended by adding section 9-461.18, to read:

4 9-461.18. Accessory dwelling units; regulation;
5 applicability; definitions

6 A. A MUNICIPALITY WITH A POPULATION OF MORE THAN SEVENTY-FIVE
7 THOUSAND PERSONS SHALL ADOPT REGULATIONS THAT ALLOW ON ANY LOT OR PARCEL
8 WHERE A SINGLE-FAMILY DWELLING IS ALLOWED ALL OF THE FOLLOWING:

9 1. AT LEAST ONE ATTACHED AND ONE DETACHED ACCESSORY DWELLING UNIT
10 AS A PERMITTED USE.

11 2. A MINIMUM OF ONE ADDITIONAL DETACHED ACCESSORY DWELLING UNIT AS
12 A PERMITTED USE ON A LOT OR PARCEL THAT IS ONE ACRE OR MORE IN SIZE IF AT
13 LEAST ONE ACCESSORY DWELLING UNIT ON THE LOT OR PARCEL IS A
14 RESTRICTED-AFFORDABLE DWELLING UNIT.

15 3. AN ACCESSORY DWELLING UNIT THAT IS SEVENTY-FIVE PERCENT OF THE
16 GROSS FLOOR AREA OF THE SINGLE-FAMILY DWELLING ON THE SAME LOT OR PARCEL
17 OR ONE THOUSAND SQUARE FEET, WHICHEVER IS LESS.

18 B. A MUNICIPALITY MAY NOT DO ANY OF THE FOLLOWING:

19 1. PROHIBIT THE USE OR ADVERTISEMENT OF EITHER THE SINGLE-FAMILY
20 DWELLING OR ANY ACCESSORY DWELLING UNIT LOCATED ON THE SAME LOT OR PARCEL
21 AS SEPARATELY LEASED LONG-TERM RENTAL HOUSING.

22 2. REQUIRE A FAMILIAL, MARITAL, EMPLOYMENT OR OTHER PREEXISTING
23 RELATIONSHIP BETWEEN THE OWNER OR OCCUPANT OF A SINGLE-FAMILY DWELLING AND
24 THE OCCUPANT OF AN ACCESSORY DWELLING UNIT LOCATED ON THE SAME LOT OR
25 PARCEL.

26 3. REQUIRE THAT A LOT OR PARCEL HAVE ADDITIONAL PARKING TO
27 ACCOMMODATE AN ACCESSORY DWELLING UNIT OR REQUIRE PAYMENT OF FEES INSTEAD
28 OF ADDITIONAL PARKING.

29 4. REQUIRE THAT AN ACCESSORY DWELLING UNIT MATCH THE EXTERIOR
30 DESIGN, ROOF PITCH OR FINISHING MATERIALS OF THE SINGLE-FAMILY DWELLING
31 THAT IS LOCATED ON THE SAME LOT AS THE ACCESSORY DWELLING UNIT.

32 5. SET RESTRICTIONS FOR ACCESSORY DWELLING UNITS THAT ARE MORE
33 RESTRICTIVE THAN THOSE FOR SINGLE-FAMILY DWELLINGS WITHIN THE SAME ZONING
34 AREA WITH REGARD TO HEIGHT, SETBACKS, LOT SIZE OR COVERAGE OR BUILDING
35 FRONTAGE.

36 6. SET REAR OR SIDE SETBACKS FOR ACCESSORY DWELLING UNITS THAT ARE
37 MORE THAN FIVE FEET FROM THE PROPERTY LINE.

38 7. REQUIRE IMPROVEMENTS TO PUBLIC STREETS AS A CONDITION OF
39 ALLOWING AN ACCESSORY DWELLING UNIT, EXCEPT AS NECESSARY TO RECONSTRUCT OR
40 REPAIR A PUBLIC STREET THAT IS DISTURBED AS A RESULT OF THE CONSTRUCTION
41 OF THE ACCESSORY DWELLING UNIT.

42 8. REQUIRE A RESTRICTIVE COVENANT CONCERNING AN ACCESSORY DWELLING
43 UNIT ON A LOT OR PARCEL ZONED FOR RESIDENTIAL USE BY A SINGLE-FAMILY
44 DWELLING.

1 C. THIS SECTION DOES NOT PROHIBIT RESTRICTIVE COVENANTS CONCERNING
2 ACCESSORY DWELLING UNITS ENTERED INTO BETWEEN PRIVATE PARTIES. THE
3 MUNICIPALITY MAY NOT CONDITION A PERMIT, LICENSE OR USE OF AN ACCESSORY
4 DWELLING UNIT ON ADOPTING OR IMPLEMENTING A RESTRICTIVE COVENANT BETWEEN
5 PRIVATE PARTIES.

6 D. THIS SECTION DOES NOT SUPERSEDE APPLICABLE BUILDING CODES, FIRE
7 CODES OR PUBLIC HEALTH AND SAFETY REGULATIONS, EXCEPT THAT A MUNICIPALITY
8 MAY NOT REQUIRE AN ACCESSORY DWELLING UNIT TO COMPLY WITH A COMMERCIAL
9 BUILDING CODE OR CONTAIN A FIRE SPRINKLER.

10 E. AN ACCESSORY DWELLING UNIT MAY NOT BE BUILT ON TOP OF A CURRENT
11 OR PLANNED PUBLIC UTILITY EASEMENT UNLESS THE PROPERTY OWNER RECEIVES
12 WRITTEN CONSENT FROM ANY UTILITY THAT IS CURRENTLY USING THE PUBLIC
13 UTILITY EASEMENT OR THAT MAY USE THE PUBLIC UTILITY EASEMENT IN THE
14 FUTURE.

15 F. IF A MUNICIPALITY FAILS TO ADOPT DEVELOPMENT REGULATIONS AS
16 REQUIRED BY THIS SECTION ON OR BEFORE JANUARY 1, 2025, ACCESSORY DWELLING
17 UNITS SHALL BE ALLOWED ON ALL LOTS OR PARCELS ZONED FOR RESIDENTIAL USE IN
18 THE MUNICIPALITY WITHOUT LIMITS.

19 G. THIS SECTION DOES NOT APPLY TO LOTS OR PARCELS THAT ARE LOCATED
20 ON TRIBAL LAND, ON LAND IN THE TERRITORY IN THE VICINITY OF A MILITARY
21 AIRPORT OR ANCILLARY MILITARY FACILITY AS DEFINED IN SECTION 28-8461, ON
22 LAND IN THE TERRITORY IN THE VICINITY OF A FEDERAL AVIATION ADMINISTRATION
23 COMMERCIALY LICENSED AIRPORT OR A GENERAL AVIATION AIRPORT OR ON LAND IN
24 THE TERRITORY IN THE VICINITY OF A PUBLIC AIRPORT AS DEFINED IN SECTION
25 28-8486.

26 H. FOR THE PURPOSES OF THIS SECTION:

27 1. "ACCESSORY DWELLING UNIT" MEANS A SELF-CONTAINED LIVING UNIT
28 THAT IS ON THE SAME LOT OR PARCEL AS A SINGLE-FAMILY DWELLING OF GREATER
29 SQUARE FOOTAGE THAN THE ACCESSORY DWELLING UNIT, THAT INCLUDES ITS OWN
30 SLEEPING AND SANITATION FACILITIES AND THAT MAY INCLUDE ITS OWN KITCHEN
31 FACILITIES.

32 2. "GROSS FLOOR AREA" MEANS THE INTERIOR HABITABLE AREA OF A
33 SINGLE-FAMILY DWELLING OR AN ACCESSORY DWELLING UNIT.

34 3. "LONG-TERM RENTAL" MEANS RENTAL USE IN WHICH THE TENANT HOLDS A
35 LEASE OF NINETY DAYS OR LONGER OR ON A MONTH-BY-MONTH BASIS.

36 4. "MUNICIPALITY" MEANS A CITY OR TOWN THAT EXERCISES ZONING POWERS
37 UNDER THIS TITLE.

38 5. "PERMITTED USE" MEANS THE ABILITY FOR A DEVELOPMENT TO BE
39 APPROVED WITHOUT REQUIRING A PUBLIC HEARING, VARIANCE, CONDITIONAL USE
40 PERMIT, SPECIAL PERMIT OR SPECIAL EXCEPTION, OTHER THAN A DISCRETIONARY
41 ZONING ACTION TO DETERMINATION THAT A SITE PLAN CONFORMS WITH APPLICABLE
42 ZONING REGULATIONS.

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1 6. "RESTRICTED-AFFORDABLE DWELLING UNIT" MEANS A DWELLING UNIT
2 THAT, EITHER THROUGH A DEED RESTRICTION OR A DEVELOPMENT AGREEMENT WITH
3 THE MUNICIPALITY, SHALL BE RENTED TO HOUSEHOLDS EARNING UP TO EIGHTY
4 PERCENT OF AREA MEDIAN INCOME.

5 Sec. 2. Section 9-500.39, Arizona Revised Statutes, is amended to
6 read:

7 9-500.39. Limits on regulation of vacation rentals and
8 short-term rentals; state preemption; civil
9 penalties; transaction privilege tax license
10 suspension; definitions

11 A. A city or town may not prohibit vacation rentals or short-term
12 rentals.

13 B. A city or town may not restrict the use of or regulate vacation
14 rentals or short-term rentals based on their classification, use or
15 occupancy except as provided in this section. A city or town may regulate
16 vacation rentals or short-term rentals as follows:

17 1. To protect the public's health and safety, including rules and
18 regulations related to fire and building codes, health and sanitation,
19 transportation or traffic control and solid or hazardous waste and
20 pollution control, if the city or town demonstrates that the rule or
21 regulation is for the primary purpose of protecting the public's health
22 and safety.

23 2. To adopt and enforce use and zoning ordinances, including
24 ordinances related to noise, protection of welfare, property maintenance
25 and other nuisance issues, if the ordinance is applied in the same manner
26 as other property classified under sections 42-12003 and 42-12004.

27 3. To limit or prohibit the use of a vacation rental or short-term
28 rental for the purposes of housing sex offenders, operating or maintaining
29 a sober living home, selling illegal drugs, liquor control or pornography,
30 obscenity, nude or topless dancing and other adult-oriented businesses.

31 4. To require the owner of a vacation rental or short-term rental
32 to provide the city or town ~~an~~ WITH emergency ~~point of~~ contact information
33 for the owner or the owner's designee who is responsible for responding to
34 complaints or emergencies in a timely manner in person if required by
35 public safety personnel, over the phone or by email at any time of day
36 before offering for rent or renting the vacation rental or short-term
37 rental. In addition to any other penalty IMPOSED pursuant to this
38 section, the city or town may impose a civil penalty of up to \$1,000
39 against the owner for every thirty days the owner fails to provide contact
40 information as prescribed by this paragraph. The city or town shall
41 provide thirty days' notice to the owner before imposing the initial civil
42 penalty.

43 5. To require ~~an~~ THE owner of a vacation rental or short-term
44 rental to obtain and maintain a local regulatory permit or license
45 ~~pursuant to title 9, chapter 7, article 4.~~ As a condition of issuance of

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1 a permit or license, the application for the permit or license may require
2 an applicant to provide only the following:

3 (a) THE name, address, ~~phone~~ TELEPHONE number and email address for
4 the owner or owner's agent.

5 (b) THE address of the vacation rental or short-term rental.

6 (c) Proof of compliance with section 42-5005.

7 (d) Contact information required pursuant to paragraph 4 of this
8 subsection.

9 (e) Acknowledgment of an agreement to comply with all applicable
10 laws, regulations and ordinances.

11 (f) A fee not to exceed the actual cost of issuing the permit or
12 license or \$250, whichever is less.

13 6. To require, before offering a vacation rental or short-term
14 rental for rent for the first time, the owner or the owner's designee of a
15 vacation rental or short-term rental to notify all single-family
16 residential properties adjacent to, ~~AND~~ AND directly and diagonally across
17 the street from the vacation rental or short-term rental. Notice shall be
18 deemed sufficient in a multifamily residential building if given to
19 residents on the same building floor. A city or town may require
20 additional notification pursuant to this paragraph if the contact
21 information previously provided changes. Notification provided in
22 compliance with this paragraph shall include the permit or license number
23 if required by the city or town, the address, ~~OF THE VACATION RENTAL OR~~
24 SHORT-TERM RENTAL and the information required pursuant to paragraph 4 of
25 this subsection. The owner or the owner's designee shall demonstrate
26 compliance with this paragraph by providing the city or town with an
27 attestation of notification compliance that consists of the following
28 information:

29 (a) The permit or license number of the vacation rental or
30 short-term rental, if required by the city or town.

31 (b) The address of each property notified.

32 (c) A description of the manner in which the owner or owner's
33 designee chose to provide notification to each property subject to
34 notification.

35 (d) The name and contact information of the person attesting to
36 compliance with this paragraph.

37 7. To require the owner or owner's designee of a vacation rental or
38 short-term rental to display the local regulatory permit number or license
39 number, if any, on each advertisement for a vacation rental or short-term
40 rental that the owner or owner's designee maintains. A city or town that
41 does not require a local regulatory permit or license may require the
42 owner or owner's designee of a vacation rental or short-term rental to
43 display the transaction privilege tax license NUMBER required by section
44 42-5042 on each advertisement for a vacation rental or short-term rental
45 that the owner or owner's designee maintains.

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1 8. To require the vacation rental or short-term rental to maintain
2 liability insurance appropriate to cover the vacation rental or short-term
3 rental in the aggregate of at least \$500,000 or to advertise and offer
4 each vacation rental or short-term rental through an online lodging
5 marketplace that provides equal or greater coverage.

6 9. TO REQUIRE THE OWNER OF A VACATION RENTAL OR SHORT-TERM RENTAL
7 TO RESIDE ON THE PROPERTY IF THE PROPERTY CONTAINS AN ACCESSORY DWELLING
8 UNIT THAT WAS CONSTRUCTED ON OR AFTER THE EFFECTIVE DATE OF THIS AMENDMENT
9 TO THIS SECTION AND THAT IS BEING USED AS A VACATION RENTAL OR SHORT-TERM
10 RENTAL. UNLESS THE TIME PERIOD SPECIFIED IN SECTION 12-1134, SUBSECTION G
11 HAS EXPIRED, THIS PARAGRAPH DOES NOT APPLY TO A PROPERTY OWNER WHO HAS THE
12 RIGHT TO BUILD AN ACCESSORY DWELLING UNIT ON THE PROPERTY OWNER'S PROPERTY
13 BEFORE THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION WHETHER OR NOT
14 THE ACCESSORY DWELLING UNIT HAS BEEN BUILT.

15 C. A city or town that requires a local regulatory permit or
16 license pursuant to this section shall issue or deny the permit or license
17 within seven business days of receipt of the information required by
18 subsection B, paragraph 5 of this section and otherwise in accordance with
19 section 9-835, except that a city or town may deny issuance of a permit or
20 license only for any of the following:

21 1. Failure to provide the information required by subsection B,
22 paragraph 5, subdivisions (a) through (e) of this section.

23 2. Failure to pay the required permit or license fee.

24 3. At the time of application the owner has a suspended permit or
25 license for the same vacation rental or short-term rental.

26 4. The applicant provides false information.

27 5. The owner or owner's designee of a vacation rental or short-term
28 rental is a registered sex offender or has been convicted of any felony
29 ~~act~~ OFFENSE that resulted in death or serious physical injury or any
30 felony use of a deadly weapon within the past five years.

31 D. A city or town that requires a local regulatory permit or
32 license pursuant to this section shall adopt an ordinance to allow the
33 city or town to initiate an administrative process to suspend a local
34 regulatory permit or license for a period of up to twelve months for the
35 following verified violations associated with a property:

36 1. Three verified violations within a twelve-month period, not
37 including any verified violation based on an aesthetic, solid waste
38 disposal or vehicle parking violation that is not also a serious threat to
39 public health and safety.

40 2. One verified violation that results in or constitutes any of the
41 following:

42 (a) A felony offense committed at or in the vicinity of a vacation
43 rental or short-term rental by the vacation rental or short-term rental
44 owner or owner's designee.

1 (b) A serious physical injury or wrongful death at or related to a
2 vacation rental or short-term rental resulting from the knowing,
3 intentional or reckless conduct of the vacation rental or short-term
4 rental owner or owner's designee.

5 (c) An owner or owner's designee knowingly or intentionally housing
6 a sex offender, allowing offenses related to adult-oriented businesses,
7 sexual offenses or prostitution, or operating or maintaining a sober
8 living home, in violation of a regulation or ordinance adopted pursuant to
9 subsection B, paragraph 3 of this section.

10 (d) An owner or owner's designee knowingly or intentionally
11 allowing the use of a vacation rental or short-term rental for a special
12 event that would otherwise require a permit or license pursuant to a city
13 or town ordinance or a state law or rule or for a retail, restaurant,
14 banquet space or other similar use.

15 3. Notwithstanding paragraphs 1 and 2 of this subsection, any
16 attempted or completed felony ~~act~~ OFFENSE, arising from the occupancy or
17 use of a vacation rental or short-term rental, that results in a death, or
18 actual or attempted serious physical injury, shall be grounds for judicial
19 relief in the form of a suspension of the property's use as a vacation
20 rental or short-term rental for a period of time that shall not exceed
21 twelve months.

22 E. A city or town that requires sex offender background checks on a
23 vacation rental or short-term rental guest shall waive the requirement if
24 an online lodging marketplace performs a sex offender background check of
25 the booking guest.

26 F. Notwithstanding any other law, a city or town may impose a civil
27 penalty of the following amounts against an owner of a vacation rental or
28 short-term rental if the owner receives one or more verified violations
29 related to the same vacation rental or short-term rental property within
30 the same twelve-month period:

31 1. Up to \$500 or up to an amount equal to one night's rent for the
32 vacation rental or short-term rental as advertised, whichever is greater,
33 for the first verified violation.

34 2. Up to \$1,000 or up to an amount equal to two nights' rent for
35 the vacation rental or short-term rental as advertised, whichever is
36 greater, for the second verified violation.

37 3. Up to \$3,500 or up to an amount equal to three nights' rent for
38 the vacation rental or short-term rental as advertised, whichever is
39 greater, for a third and any subsequent verified violation.

40 G. A vacation rental or short-term rental that fails to apply for a
41 local regulatory permit or license in accordance with subsection B,
42 paragraph 5 of this section, within thirty days of the local regulatory
43 permit or license application process being made available by the city or
44 town issuing such permits or licenses, must cease operations. In addition
45 to any ~~finer~~ CIVIL PENALTIES imposed pursuant to subsection F of this

1 section, a city or town may impose a civil penalty of up to \$1,000 per
2 month against the owner if the owner or owner's designee fails to apply
3 for a regulatory permit or license within thirty days after receiving
4 written notice of the failure to comply with subsection B, paragraph 5 of
5 this section.

6 H. If multiple verified violations arise out of the same response
7 to an incident at a vacation rental or short-term rental, those verified
8 violations are considered one verified violation for the purpose of
9 assessing civil penalties or suspending the regulatory permit or license
10 of the owner ~~or owner's designee~~ pursuant to this section.

11 I. If the owner of a vacation rental or short-term rental has
12 provided contact information to a city or town pursuant to subsection B,
13 paragraph 4 of this section and if the city or town issues a citation for
14 a violation of the city's or town's applicable laws, regulations or
15 ordinances or a state law that occurred on the owner's vacation rental or
16 short-term rental property, the city or town shall make a reasonable
17 attempt to notify the owner or the owner's designee of the citation within
18 seven business days after the citation is issued using the contact
19 information provided pursuant to subsection B, paragraph 4 of this
20 section. If the owner of a vacation rental or short-term rental has not
21 provided contact information pursuant to subsection B, paragraph 4 of this
22 section, the city or town is not required to provide such notice.

23 J. This section does not exempt an owner of a residential rental
24 property, as defined in section 33-1901, from maintaining with the
25 assessor of the county in which the property is located information
26 required under title 33, chapter 17, article 1.

27 K. A vacation rental or short-term rental may not be used for
28 nonresidential uses, including for a special event that would otherwise
29 require a permit or license pursuant to a city or town ordinance or a
30 state law or rule or for a retail, restaurant, banquet space or other
31 similar use.

32 L. For the purposes of this section:

33 1. "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING PRESCRIBED IN
34 SECTION 9-461.18.

35 ~~1.~~ 2. "Online lodging marketplace" has the same meaning prescribed
36 in section 42-5076.

37 ~~2.~~ 3. "Transient" has the same meaning prescribed in section
38 42-5070.

39 ~~3.~~ 4. "Vacation rental" or "short-term rental":

40 (a) Means any individually or collectively owned single-family or
41 one-to-four-family house or dwelling unit or any unit or group of units in
42 a condominium or cooperative that is also a transient public lodging
43 establishment or owner-occupied residential home offered for transient use
44 if the accommodations are not classified for property taxation under
45 section 42-12001.

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1 (b) Does not include a unit that is used for any nonresidential
2 use, including retail, restaurant, banquet space, event center or another
3 similar use.

4 ~~4.~~ 5. "Verified violation" means a finding of guilt or civil
5 responsibility for violating any state law or local ordinance relating to
6 a purpose prescribed in subsection B, D, F or K of this section that has
7 been finally adjudicated.

APPROVED BY THE GOVERNOR MAY 21, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 21, 2024.

Conference Engrossed

backyard fowl; regulation; prohibition

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

CHAPTER 192
HOUSE BILL 2325

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-462.10; AMENDING TITLE 11, CHAPTER 6, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-820.04; RELATING TO MUNICIPAL AND COUNTY ZONING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

H.B. 2325

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 6.1, Arizona Revised
3 Statutes, is amended by adding section 9-462.10, to read:

4 9-462.10. Backyard fowl regulation; prohibition; exceptions;
5 state preemption; definition

6 A. A MUNICIPALITY MAY NOT ADOPT ANY LAW, ORDINANCE OR OTHER
7 REGULATION THAT PROHIBITS A RESIDENT OF A SINGLE-FAMILY DETACHED RESIDENCE
8 ON A LOT THAT IS ONE-HALF ACRE OR LESS IN SIZE FROM KEEPING UP TO SIX FOWL
9 IN THE BACKYARD OF THE PROPERTY. A MUNICIPALITY MAY:

10 1. PROHIBIT A RESIDENT FROM KEEPING MALE FOWL, INCLUDING ROOSTERS.

11 2. REQUIRE FOWL TO BE KEPT IN AN ENCLOSURE LOCATED IN THE REAR OR
12 SIDE YARD OF THE PROPERTY AT LEAST TWENTY FEET FROM A NEIGHBORING PROPERTY
13 AND RESTRICT THE SIZE OF THE ENCLOSURE TO A MAXIMUM OF TWO HUNDRED SQUARE
14 FEET WITH A MAXIMUM HEIGHT OF EIGHT FEET.

15 3. REQUIRE THE ENCLOSURE TO BE MAINTAINED AND MANURE PICKED UP AND
16 DISPOSED OF OR COMPOSTED AT LEAST TWICE WEEKLY.

17 4. REQUIRE THAT COMPOSTED MANURE BE KEPT IN A WAY THAT PREVENTS
18 MIGRATION OF INSECTS.

19 5. REQUIRE WATER SOURCES WITH ADEQUATE OVERFLOW DRAINAGE.

20 6. REQUIRE THAT FEED BE STORED IN INSECT-PROOF AND RODENT-PROOF
21 CONTAINERS.

22 7. PROHIBIT FOWL FROM RUNNING AT LARGE.

23 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A MUNICIPALITY
24 SHALL ENACT AN ORDINANCE THAT REQUIRES AN ENCLOSURE LOCATED IN A
25 RESIDENTIAL COMMUNITY ON A LOT LESS THAN ONE ACRE IN SIZE TO BE SHORTER
26 THAN THE FENCE LINE OF THE PROPERTY.

27 C. AN ORDINANCE THAT IS ENACTED AFTER THE EFFECTIVE DATE OF THIS
28 SECTION DOES NOT APPLY TO AN ENCLOSURE THAT WAS CONSTRUCTED ON OR BEFORE
29 THE EFFECTIVE DATE OF THIS SECTION.

30 D. THE PROPERTY RIGHTS OF PROPERTY OWNERS IN THIS STATE OUTLINED IN
31 THIS SECTION ARE OF STATEWIDE CONCERN. THIS SECTION PREEMPTS ALL LOCAL
32 LAWS, ORDINANCES AND CHARTER PROVISIONS TO THE CONTRARY.

33 E. FOR THE PURPOSES OF THIS SECTION, "FOWL" MEANS A COCK OR HEN OF
34 THE DOMESTIC CHICKEN.

35 Sec. 2. Title 11, chapter 6, article 2, Arizona Revised Statutes,
36 is amended by adding section 11-820.04, to read:

37 11-820.04. Backyard fowl regulation; prohibition; exceptions;
38 state preemption; definition

39 A. A COUNTY MAY NOT ADOPT ANY LAW, ORDINANCE OR OTHER REGULATION
40 THAT PROHIBITS A RESIDENT OF A SINGLE-FAMILY DETACHED RESIDENCE ON A LOT
41 THAT IS ONE-HALF ACRE OR LESS IN SIZE FROM KEEPING UP TO SIX FOWL IN THE
42 BACKYARD OF THE PROPERTY. A COUNTY MAY:

43 1. PROHIBIT A RESIDENT FROM KEEPING MALE FOWL, INCLUDING ROOSTERS.

44 2. REQUIRE FOWL TO BE KEPT IN AN ENCLOSURE LOCATED IN THE REAR OR
45 SIDE YARD OF THE PROPERTY AT LEAST TWENTY FEET FROM A NEIGHBORING PROPERTY

1 AND RESTRICT THE SIZE OF THE ENCLOSURE TO A MAXIMUM OF TWO HUNDRED SQUARE
2 FEET WITH A MAXIMUM HEIGHT OF EIGHT FEET.
3 3. REQUIRE THE ENCLOSURE TO BE MAINTAINED AND MANURE PICKED UP AND
4 DISPOSED OF OR COMPOSTED AT LEAST TWICE WEEKLY.
5 4. REQUIRE THAT COMPOSTED MANURE BE KEPT IN A WAY THAT PREVENTS
6 MIGRATION OF INSECTS.
7 5. REQUIRE WATER SOURCES WITH ADEQUATE OVERFLOW DRAINAGE.
8 6. REQUIRE THAT FEED BE STORED IN INSECT-PROOF AND RODENT-PROOF
9 CONTAINERS.
10 7. PROHIBIT FOWL FROM RUNNING AT LARGE.
11 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A COUNTY SHALL
12 ENACT AN ORDINANCE THAT REQUIRES AN ENCLOSURE LOCATED IN A RESIDENTIAL
13 COMMUNITY ON A LOT LESS THAN ONE ACRE IN SIZE TO BE SHORTER THAN THE FENCE
14 LINE OF THE PROPERTY.
15 C. AN ORDINANCE THAT IS ENACTED AFTER THE EFFECTIVE DATE OF THIS
16 SECTION DOES NOT APPLY TO AN ENCLOSURE THAT WAS CONSTRUCTED ON OR BEFORE
17 THE EFFECTIVE DATE OF THIS SECTION.
18 D. THE PROPERTY RIGHTS OF PROPERTY OWNERS IN THIS STATE OUTLINED IN
19 THIS SECTION ARE OF STATEWIDE CONCERN. THIS SECTION PREEMPTS ALL LOCAL
20 LAWS AND ORDINANCES TO THE CONTRARY.
21 E. FOR THE PURPOSES OF THIS SECTION, "FOWL" MEANS A COCK OR HEN OF
22 THE DOMESTIC CHICKEN.

APPROVED BY THE GOVERNOR MAY 21, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 21, 2024.

ORDINANCE NO. 4652

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, FOR THE PURPOSE OF AMENDING THE CITY OF SCOTTSDALE ZONING ORDINANCE (ORDINANCE NO. 455), ARTICLE I., SECTION 1.206. (PROCESSING OF DEVELOPMENT APPLICATIONS.) AND SECTION 1.1304. (ENLARGEMENT, EXTENSION, RECONSTRUCTION OR STRUCTURAL ALTERATION OF NONCONFORMING USE.), ARTICLE III., SECTION 3.100. (DEFINITIONS), ARTICLE V., SECTIONS 5.010. THROUGH 5.556. (SINGLE-FAMILY RESIDENTIAL), SECTIONS 5.600. THROUGH 5.606. (TWO-FAMILY RESIDENTIAL), SECTIONS 5.700. THROUGH 5.707. (MEDIUM DENSITY RESIDENTIAL), SECTIONS 5.800. THROUGH 5.807. (TOWNHOUSE RESIDENTIAL), SECTIONS 5.900. THROUGH 5.907. (RESORT/TOWNHOUSE RESIDENTIAL), SECTIONS 5.1000. THROUGH 5.1007. (MULTIPLE-FAMILY RESIDENTIAL), SECTIONS 5.1100. THROUGH 5.1107. (SERVICE RESIDENTIAL), and SECTIONS 5.2000. THROUGH 5.2008. (MANUFACTURED HOME), ARTICLE VI., SECTION 6.1004. (PROPERTY DEVELOPMENT STANDARDS.), ARTICLE VII., SECTIONS 7.200.A. THROUGH 7.200.G. (ADDITIONAL AREA REGULATIONS.), SECTION 7.203. (VACATION RENTALS or SHORT-TERM RENTALS.), and SECTION 7.900., ARTICLE XI. – LAND USE TABLES, AND ANY ASSOCIATED SECTIONS FOR THE PURPOSE OF ADDRESSING RECENT STATE OF ARIZONA LEGISLATION OF HB2720 REGARDING ACCESSORY DWELLING UNITS AND HB2325 REGARDING BACKYARD FOWL AS PROVIDED IN CASE NO. 4-TA-2024.

WHEREAS, the City of Scottsdale wishes to amend the Zoning Ordinance regarding certain provisions of Article I., Section 1.206. (Processing of development applications.) and Section 1.1304. (Enlargement, extension, reconstruction or structural alteration of nonconforming structure; enlargement of nonconforming use.), Article III., Section 3.100. (Definitions), Article V., Sections 5.010. through 5.556. (Single-family Residential), Sections 5.600. through 5.606. (Two-family Residential), Sections 5.700. through 5.707. (Medium Density Residential), Sections 5.800. through 5.807. (Townhouse Residential), Sections 5.900. through 5.907. (Resort/Townhouse Residential), Sections 5.1000. through 5.1007. (Multiple-family Residential), Sections 5.1100. through 5.1107. (Service Residential), and Sections 5.2000. through 5.2008. (Manufactured Home), Article VI., Section 6.1004. (Property development standards.), Article VII., Sections 7.200.A. through 7.200.G. (Additional Area Regulations.), Section 7.203. (Vacation rentals or Short-term rentals.), and Section 7.900., Article XI. – Land Use Tables, and any associated sections for the purposes of addressing State of Arizona legislation of HB2720 regarding accessory dwelling units and HB2325 regarding backyard fowl; and

WHEREAS, the Arizona State Legislature adopted HB2720 to mandate certain development regulations relating to accessory dwelling units for a municipality with a population exceeding 75,000; and

WHEREAS, the City of Scottsdale is a municipality with a population exceeding 75,000; and

DRAFT

Ordinance No. 4652

Page 1 of 3

WHEREAS, HB2720 mandates that certain development regulations be adopted on or before January 1, 2025; and

WHEREAS, HB2720 provides that certain accessory dwelling units must be allowed on any lot or parcel where a single-family dwelling is allowed; and

WHEREAS, subject to limitations, HB2720 requires the City to adopt development regulations allowing for at least one attached and one detached accessory dwelling unit on a lot or parcel where a single-family dwelling is allowed; and

WHEREAS, subject to limitations, HB2720 requires the City to adopt development regulations allowing for at least one additional detached accessory dwelling unit on a lot or parcel where a single-family dwelling is allowed if the lot or parcel is one acre or more in size and at least one accessory dwelling unit on the lot or parcel is a restricted-affordable dwelling unit; and

WHEREAS, subject to limitations, HB2720 requires the City to adopt development regulations allowing for an accessory dwelling unit that are a cumulative 75% of the gross floor area of the single-family dwelling unit on the same lot or parcel or 1,000 square feet, whichever is smaller; and

WHEREAS, HB2720 requires the owner of a short-term rental to reside on the property if an accessory dwelling unit on the same lot or parcel was constructed on or after the general effective date of HB2720 is being used as a short-term rental; however, HB2720 also provides that this requirement does not apply to property owners with a right to build an accessory dwelling unit on their properties before September 14, 2024, unless the time period specified in Ariz. Rev. Stat. § 12-1234(G) has expired; and

WHEREAS, the Arizona Legislature adopted HB2720, codified as Arizona Revised Statutes § 9-461.18.C through § 9-461.18.G and associated subsections, the authorization of various exceptions and limitations; and

WHEREAS, the Legislature adopted HB2325 that allows for the keeping of fowl in the backyard of a single-family detached residence property, on a lot that is one-half acre or less in size, in an enclosure that is a maximum of two hundred (200) square feet and a maximum height of eight (8) feet or to the height of the fence line of the property, whichever is shorter; and

WHEREAS, this Ordinance is being adopted by the City Council to comply with the new requirement and regulations established under HB2720 and HB2325; and

WHEREAS, the City Council has considered the probable impact of this Ordinance on the cost to construct housing for sale or rent; and

WHEREAS, the Planning Commission held a public hearing on October 23, 2024; and considered a text amendment to the Zoning Ordinance of the City of Scottsdale, Case No. 4-TA-2024; and

WHEREAS, the City Council has determined that the subject Zoning Ordinance amendment is in conformance with the General Plan, as amended.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the Zoning Ordinance of the City of Scottsdale is hereby amended as specified in that certain document entitled "Accessory Dwelling Unit (ADU) Text Amendment – 4-TA-2024," declared to be a public record by Resolution No. 13255 of the City of Scottsdale and hereby referred to, adopted, and made a part hereof as if fully set out in this Ordinance.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the code adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this _____ day of _____, 2024.

ATTEST:

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By: _____
Ben Lane
City Clerk

By: _____
David D. Ortega
Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
Sherry R. Scott, City Attorney
By: Joe Padilla, Deputy City Attorney

RESOLUTION NO. 13255

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK OF THE CITY OF SCOTTSDALE AND ENTITLED "ACCESSORY DWELLING UNIT (ADU) TEXT AMENDMENT – 4-TA-2024".

WHEREAS, State Law permits cities to declare documents a public record for the purpose of incorporation into city ordinances; and

WHEREAS, the City of Scottsdale wishes to incorporate by reference amendments to the Zoning Ordinance, Ordinance No. 455, by first declaring said amendments to be a public record.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That certain document entitled "Accessory Dwelling Unit (ADU) Text Amendment – 4-TA-2024", attached to this Resolution as Exhibit 'A', a paper and an electronic copy of which are on file in the office of the City Clerk, is hereby declared to be a public record. Said copies are ordered to remain on file with the City Clerk for public use and inspection.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this ____ day of _____, 2024.

ATTEST:

CITY OF SCOTTSDALE, an Arizona municipal corporation

By: _____
Ben Lane, City Clerk

By: _____
David D. Ortega, Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

Sherry R. Scott, City Attorney
By: Joe Padilla, Deputy City Attorney

ACCESSORY DWELLING UNIT (ADU) TEXT AMENDMENT

Section 1. That the Zoning Ordinance of the City of Scottsdale, ARTICLE I. – ADMINISTRATION AND PROCEDURES, Section 1.206. and Section 1.1304. are amended as follows with all new language depicted in grey shading and deleted language in strike-through:

Sec. 1.206. Processing of development applications.

- A. The Zoning Administrator shall process the following development applications: General Plan amendments, Zoning Ordinance text amendments, zoning district map amendments, conditional use permits, municipal use master site plan approvals, abandonments, development review, variances, conditional use permit revocations, multifamily conversion developments, **accessory dwelling units**, and subdivision plats.
- B. The Historic Preservation Officer shall process the following development applications: Historic Property (HP) District designation, Certificates of No Effect, Certificates of Appropriateness, Certificates of Demolition Approval, and Certificates of Economic Hardship relating to development of historic and/or archaeological resources.

* * *

Sec. 1.1304. Enlargement, extension, reconstruction or structural alteration of nonconforming structure; enlargement of nonconforming use.

- A. Except as set forth in paragraph ~~(b)~~**(B)** of this subsection, no existing structure designed or arranged in a manner not permitted under the regulations of this Zoning Ordinance for the district in which such structure is located shall be enlarged, extended, reconstructed or structurally altered unless such structure together with such enlargement, extension, reconstruction or structural alterations conform in every respect with the regulations specified by this Zoning Ordinance for such district in which said structure is located. Provided nothing herein shall prohibit any reasonable repairs or alterations to such structure. Similarly, except as set forth in paragraph ~~(c)~~**(C)** of this subsection, no existing use not permitted under the regulations of this Zoning Ordinance shall be enlarged or extended unless such use conforms in every respect with the regulations specified by this ordinance for the district in which such use is located.
- B. For all **main single-family residential dwellings located in residential zoning districts shown on Table 4.100.A., or the portion of a Planned Community (P-C) with an underlying zoning district comparable to a residential zoning district shown on Table 4.100.A., or any Planned Residential Development (PRD) district:** ~~that are not located within an environmentally sensitive lands overlay zone:~~
 - 1. Structural enlargements, extensions, reconstruction or modifications to dwellings are permitted if:

- a. The enlargement, extension, reconstruction or modification is made to the ground level story;
 - b. The height of any portion of the dwelling is not increased;
 - c. The cumulative total of the initial and any subsequent enlargement, extension, reconstruction or modification constitutes less than fifty (50) percent of the gross floor area of the existing livable and non-livable square footage of the existing main single-family residential dwelling at the time of non-conformance; and
 - d. The dwelling enlargement, extension, reconstruction, or structural modification conforms to all of the regulations specified by this Zoning Ordinance for such district in which the dwelling is located.
2. Nothing contained in this subsection shall prohibit any reasonable repairs or alterations to such dwelling.
 3. An existing use not permitted under the regulations of this Zoning Ordinance shall not be enlarged or extended unless such use conforms to the regulations specified by this Zoning Ordinance for the district in which the use is located.
- C. Any authorized care home that is lawfully located and operating in a residential zoning district on December 5, 2017, may continue to operate in their existing location. Nothing in this section will grandfather a care home operating unlawfully or that is located in violation of the provisions of the Zoning Ordinance of the City of Scottsdale existing on December 5, 2017.

Section 2. That the Zoning Ordinance of the City of Scottsdale, ARTICLE III. – DEFINITIONS, Section 3.100. is amended as follows with all new language depicted in grey shading and deleted language in strike-through:

Accessory building or structure is a detached, secondary building or structure, the use of which is customarily incidental to that of a dominant use of the main building on the same lot. Accessory building or structure includes, but is not limited to, guest houses, private garages, pool houses, and residential recreation area support buildings, but does not include Accessory Dwelling Units.

Accessory Dwelling Unit shall mean a subordinate, self-contained dwelling unit that is on the same lot as a main single-family residential dwelling of greater square footage than the accessory dwelling unit, that is designed for living purposes, and that includes its own sleeping facilities, kitchen facilities, and sanitary facilities. An Accessory Dwelling Unit is not a guest house, accessory building or accessory structure. An Accessory Dwelling Unit, where permitted, does not count towards calculations of density.

Accessory Dwelling Unit (Attached) shall mean an Accessory Dwelling Unit that is physically attached and structurally integrated to the main single-family residential dwelling on a single-family residential lot, but which has its own separate entrance, sleeping facilities, kitchen facilities, and sanitary facilities from the main single-family residential dwelling.

Accessory Dwelling Unit (Detached) shall mean an Accessory Dwelling Unit that is physically detached from the main single-family residential building and any other buildings on the same single-family residential lot, and that includes its own separate entrance, sleeping facilities, kitchen facilities, and sanitary facilities.

Accessory Dwelling Unit (Restricted-Affordable Detached) shall mean a Detached Accessory Dwelling Unit that, through a private deed restriction, shall only be rented to households earning up to eighty percent (80%) of area median income.

* * *

Building shall mean any structure capable of complying with all applicable building code and fire code requirements as adopted by the City of Scottsdale, unless exempted by state statutes, for the shelter, housing or enclosure of persons, animals, chattels or property of any kind, with the exception of dog houses, play houses and similar minor structures. Each portion of a building separated by dividing wall or walls without openings may be deemed a separate building for the purposes of issuing building permits.

* * *

Dwelling shall mean any building, or portion thereof, that is designed principally for residential purposes and that includes sleeping facilities, cooking kitchen facilities, and sanitary facilities.

Dwelling, multiple-family shall mean a main building dwelling or portion thereof designed for occupancy by three (3) or more families.

Dwelling, single-family shall mean a main building dwelling designed for occupancy by one (1) family.

Dwelling, two-family shall mean a main building dwelling designed for occupancy by two (2) families.

Dwelling unit shall mean one (1) or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and having its own cooking sleeping facilities, kitchen facilities, and sanitary facilities.

* * *

Guest house is an detached, subordinate, accessory building used to house accommodate guests of the occupants of the main single-family residential dwelling. A guest house is not a dwelling unit or an Accessory Dwelling Unit.

* * *

Lot shall mean a legally created parcel of land occupied or intended for occupancy by one (1) main building together with its accessory buildings or structures, and uses customarily

incident incidental to it, including the open spaces required by this Zoning Ordinance and having its principal frontage upon a street as defined in this Zoning Ordinance.

* * *

Residential Recreation Area is an outdoor area designed for recreational activities customarily incidental, related, appropriate, and clearly subordinate to the principal use of the lot. Residential recreation areas include, but are not limited to, multi-sport courts and batting cages, but exclude swimming pools, driveways with a primary use for access to a garage or carport, and patios.

Section 3. That the Zoning Ordinance of the City of Scottsdale, ARTICLE V. – DISTRICT REGULATIONS, Sections 5.010. through 5.1107. are amended as follows with all new language depicted in grey shading and deleted language in strike-through:

Sec. 5.010. Single-family Residential (R1-190).

Sec. 5.011. Purpose.

This district is intended to promote and preserve residential development. Large lots are required to maintain a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities.

Sec. 5.012. Use regulations.

- A. *Permitted uses.* Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered, or enlarged only for the following uses:
 - 1. Any use shown as permitted in Table 5.012., subject to the use limitations as listed.
- B. *Uses permitted by conditional use permit.*
 - 1. Any use shown as permitted by conditional use permit in Table 5.012., subject to the use limitations as listed, and any additional conditional use permit criteria.

Table 5.012. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Accessory buildings and structures including private garages, swimming pools, and recreation buildings and courts	P (11)
2. Accessory Dwelling Unit	P (12)
2.3. Accessory uses including home occupation and swimming pools	P (1) (13)
3.4. Care home	P (2)
4.5. Cemetery (see Section 1.403. for criteria)	CU

5.6. Community buildings and recreational facilities not publicly owned, such as: athletic fields, boys' clubs, commercial stables, ranches, and tennis clubs (see Section 1.403. for criteria)	CU
6.7. Day care home	P
7.8. Day care group home	P
8.9. Dwelling unit, single-family, including Vacation rental or Short-term rental	P (3)
9.10. Farm	CU
10.11. Educational service, elementary and secondary school (see Section 1.403. for criteria)	CU (4) (5)
11.12. Educational service, other than elementary and secondary school, colleges and universities only (see Section 1.403. for criteria)	CU (4)
12.13. Golf course (except miniature golf course or commercial driving range)	CU
13.14. Guest house, as an accessory use	P (6)
14.15. Ham transmitting or receiving radio antennas in excess of seventy (70) feet	CU
15.16. Model home, temporary sales office/buildings	P (7)
16.17. Municipal uses	P
17.18. Place of worship	P (8)
18.19. Public utility buildings, structures or appurtenances thereto for public service uses	CU
20. Residential Recreation Area	P (14)
19.21. Wireless communication facility, Type 1, 2 and 3	P (9)
20.22. Wireless communication facility, Type 4	CU (10)

Use Limitations:

- (1) The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.
- (2) Care home is subject to the following criteria:
 - a. *Floor area ratio*: Is limited to thirty-five hundredths (0.35) of the net lot area.
 - b. *Capacity*: The maximum number of residents, including up to ten (10) disabled persons, the manager/supervisor, property owner, and residential staff at the home is twelve (12) per residential lot.
 - c. *Location*: A care home shall not be located within twelve hundred (1200) feet, measured from lot line to lot line, of another care home.
 - d. *Compatibility*: The 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.
 - e. *Criteria*: Care homes must be licensed by the State of Arizona and must provide proof of such licensing by the State of Arizona as a health care institution to the Director of

Planning prior to the commencement of operations. All care homes must pass an initial and annual fire inspection administered by the Scottsdale Fire Department. Proof of such inspection and of correction of any noted deficiencies must be available at the care home at all times.

- f. *Accommodation:* A disabled person may request a disability accommodation from the above criteria or a development standard pursuant to Section 1.806. of this Zoning Ordinance.
- (3) Limited to one main dwelling unit per lot.
- (4) Conditional use permit is not required for public or charter educational services.
- (5) Educational service, charter school: minimum lot size is forty-three thousand (43,000) square feet.
- (6) Guest house, as an accessory use and accessory building subject to the following criteria:
- a. The cumulative ~~square footage~~ gross floor area of the guest house(s) shall be no greater than one-half (1/2) the ~~livable square footage~~ gross floor area of the main ~~single-family residential~~ dwelling on the same lot.
 - b. Any guest house shall be connected to the existing ~~water meter~~ utilities (electrical, gas, water, and sanitary sewer) connections for the main ~~single-family residential~~ dwelling on the same lot. It shall not be separately metered.
 - c. The guest house shall not be sold, rented, or offered for rent independent of the main ~~single-family residential~~ dwelling on the same lot. The property owner shall record a private deed restriction acknowledging that the guest house will never be sold, rented, or offered for rent independent of the main single-family residential dwelling on the same lot, in a form satisfactory to the City.
 - d. The guest house shall be subject to the requirements of Section 7.200.A.
- (7) For uses incidental to construction work and/or home sales, to be removed upon completion or abandonment of construction work and/or home sales.
- (8) Place of worship subject to compliance with the following standards, as well as those otherwise required in the underlying District:
- a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than twenty thousand (20,000) square feet (net).
 - b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.
 - c. Building height: Development Review Board may allow building heights, including towers, spires, and mechanical equipment (such equipment must be screened) limited to thirty (30) feet in height, and may allow a maximum of ten (10) percent of the roof area to exceed the height limit by fifteen (15) feet. Height and location are subject to the Development Review Board review and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods. (This provision supersedes Section 7.100. through 7.102., exceptions to height restrictions, which shall not apply to churches within the underlying District.)

- d. Required open space:
 - i. Minimum: 0.24 multiplied by the net lot area.
 - ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.
 - iii. NAOS may be included in the required open space.
- e. Parking:
 - i. Parking shall observe the minimum front yard setbacks of the underlying District for all frontages. On streets classified in the Transportation Master Plan as major arterial or greater, parking may be located between the established front building line and the front yard setback. On all other street classifications, parking shall be located behind the established front building lines.
 - ii. A minimum of fifteen (15) percent of all parking areas shall be landscaped.
 - iii. A ten-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
- f. Lighting:
 - i. All pole-mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height.
 - ii. All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., shall be set back a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be shut off by 10:00 p.m.
 - iii. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.
- g. Screening:
 - i. There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines that are adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
 - ii. There shall be a three-foot high landscaped berm along all street frontages where parking occurs.
- h. Access:

- i. All places of worship must have primary access to a street classified in the Transportation Master Plan as a minor collector or greater.
 - ii. Access to a local or local collector residential street is prohibited when the primary worship center, auditorium, or other major gathering place exceeds three thousand (3,000) square feet.
 - i. Operations: No outdoor activities shall be permitted after 10:00 p.m.
 - j. Noise: Outdoor speakers or paging systems are not allowed.
- (9) Subject to the requirements of Sections 1.904., 3.100., and 7.200.
- (10) Subject to the requirements of Sections 1.400., 3.100., and 7.200.
- (11) Accessory buildings and structures subject to the requirements of Section 7.200.A.
- (12) Accessory Dwelling Unit subject to the requirements of Section 7.900.
- (13) Swimming pools subject to the requirements of Section 7.200.G.4.
- (14) Residential Recreation Area subject to the requirements of Section 7.200.G.1.

Sec. 5.013. Reserved.

Sec. 5.014. Property development standards.

The following property development standards shall apply to all land and buildings in the R1-190 District:

A. *Lot area.*

- 1. Each lot shall have a minimum lot area of not less than one hundred ninety thousand (190,000) square feet.
- 2. If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the passage of this ordinance, such lot may be used for any purpose permitted in this section.

B. *Lot dimensions.*

Width. All lots shall have a minimum width of three hundred (300) feet.

C. *Density.* There shall be not more than one (1) single-family dwelling unit on any one (1) lot.

D. *Building height.* No building shall exceed thirty (30) feet in height, except as otherwise provided in article VII.

E. *Yards.*

1. Front Yard.

- a. There shall be a front yard having a depth of not less than sixty (60) feet.
- b. Where lots have a double frontage on two (2) streets, the required front yard of sixty (60) feet shall be provided on both streets.

- c. On a corner lot, the required front yard of sixty (60) feet shall be provided on each street. No accessory ~~buildings~~ building or structure shall be constructed in ~~at the~~ front yard of a corner lot's shortest street frontage. ~~Exception: On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street.~~ An accessory building or structure may be constructed in the front yard of a corner lot's longer street frontage subject to the requirements of Sec. 7.200.A.
 - 2. Side Yard. There shall be a side yard of not less than thirty (30) feet on each side of a building.
 - 3. Rear Yard. There shall be a rear yard having a depth of not less than sixty (60) feet.
 - 4. Other requirements and exceptions as specified in article VII.
- F. *Distance between buildings.*
- 1. There shall be not less than ten (10) feet between an accessory building ~~or structure~~ and the main building.
 - 2. The minimum distance between main buildings on adjacent lots shall be not less than sixty (60) feet.
- G. *Walls, fences and landscaping.* Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side and rear yard. Walls, fences and hedges up to twelve (12) feet in height are allowed subject to a sixty-foot setback from the side and rear property line. Walls, fences and hedges up to three (3) feet in height are allowed on the front property line or within the required front yard, except as provided in Article VII. The height of the wall or fence is measured from within the enclosure. Exception: Where a corner lot does not abut a key lot or an alley adjacent to a key lot, the height of walls, fences and hedges in the yard of the longer street frontage need only conform to the side yard requirements.
- H. *Access.* All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.
- I. *Corral.* Corral not to exceed six (6) feet in height shall be permitted on the property line or within the required front, side or rear yard.

Sec. 5.015. Off-street parking.

The provisions of article IX shall apply.

Sec. 5.016. Signs.

The provisions of article VIII shall apply.

[Secs. 5.017—5.019. Reserved.]

Sec. 5.020. Single-family Residential (R1-130).

Sec. 5.021. Purpose.

This district is intended to promote and preserve residential development. Large lots are required to maintain a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities.

Sec. 5.022. Use regulations.

- A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:
 - 1. Any use shown as permitted in Table 5.012., subject to the use limitations as listed.
- B. *Uses permitted by conditional use permit.*
 - 1. Any use shown as permitted by conditional use permit in Table 5.012., subject to the use limitations as listed, and any additional conditional use permit criteria.

Sec. 5.023. Reserved.

Sec. 5.024. Property development standards.

The following property development standards shall apply to all land and buildings in the R1-130 District:

- A. *Lot area.*
 - 1. Each lot shall have a minimum lot area of not less than one hundred thirty thousand (130,000) square feet.
 - 2. If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the passage of this ordinance, such lot may be used for any purpose permitted in this section.
- B. *Lot dimensions.*
 - Width. All lots shall have a minimum width of two hundred (200) feet.
- C. *Density.* There shall be not more than one (1) single-family dwelling unit on any one (1) lot.
- D. *Building height.* No building shall exceed thirty (30) feet in height, except as otherwise provided in article VII.
- E. *Yards.*
 - 1. Front Yard.
 - a. There shall be a front yard having a depth of not less than sixty (60) feet.
 - b. Where lots have a double frontage on two (2) streets, the required front yard of sixty (60) feet shall be provided on both streets.
 - c. On a corner lot, the required front yard of sixty (60) feet shall be provided on each street. No accessory buildings or structure shall be constructed in the front yard of a corner lot's shortest street frontage. ~~Exception: On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings or~~

~~structures may be constructed in the yard facing the side street.~~ An accessory building or structure may be constructed in the front yard of a corner lot's longer street frontage subject to the requirements of Sec. 7.200.A.

- 2. Side Yard. There shall be a side yard of not less than thirty (30) feet on each side of a building.
- 3. Rear Yard. There shall be a rear yard having a depth of not less than sixty (60) feet.
- 4. Other requirements and exceptions as specified in article VII.

F. *Distance between buildings.*

- 1. There shall be not less than ten (10) feet between an accessory building or structure and the main building.
- 2. The minimum distance between main buildings on adjacent lots shall be not less than sixty (60) feet.

G. *Walls, fences and landscaping.* Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side and rear yard. Walls, fences and hedges up to twelve (12) feet in height are allowed subject to a sixty-foot setback from the side and rear property line. Walls, fences and hedges up to three (3) feet in height are allowed on the front property line or within the required front yard, except as provided in Article VII. The height of the wall or fence is measured from within the enclosure. Exception: Where a corner lot does not abut a key lot or an alley adjacent to a key lot, the height of walls, fences and hedges in the yard of the longer street frontage need only conform to the side yard requirements.

H. *Access.* All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

I. *Corral.* Corral not to exceed six (6) feet in height shall be permitted on the property line or within the required front, side or rear yard.

Sec. 5.025. Off-street parking.

The provisions of article IX shall apply.

Sec. 5.026. Signs.

The provisions of article VIII shall apply.

[Secs. 5.027—5.029. Reserved.]

Sec. 5.030. Single-family Residential (R1-70).

Sec. 5.031. Purpose.

This district is intended to promote and preserve residential development. Large lots are required to maintain low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities.

Sec. 5.032. Use regulations.

- A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:
1. Any use shown as permitted in Table 5.012., subject to the use limitations as listed.
- B. *Uses permitted by conditional use permit.*
1. Any use shown as permitted by conditional use permit in Table 5.012., subject to the use limitations as listed, and any additional conditional use permit criteria.
 2. Specialized Residential Health Care Facility. Where there is a conflict with the modified standards specified for this use, the more restrictive standards shall take precedence.)
 - a. A Specialized Residential Health Care Facility must have no more than sixteen (16) beds per gross acre of land and shall comply with the following:
 - i. *Location:* all Residential Health Care Facilities shall have frontage on a street classified by the Scottsdale General Plan (Transportation Master Plan) as a minor arterial or greater.
 - ii. *Location:* all Residential Health Care Facilities shall be located within one thousand three hundred twenty (1,320) feet of the property line of commercially zoned property.
 - iii. *Parking:* the site plan shall be designed so that on-site parking is oriented to the building(s) in a manner that will provide convenient pedestrian access for residents, guests, and visitors. All parking areas shall be screened from the street and from neighboring properties by a minimum three-foot high undulating wall and/or landscaping. A minimum of fifteen (15) percent of all parking areas shall be landscaped. A minimum twenty-foot landscape setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
 - iv. *Buffer minimum:* Twenty-foot landscape area adjacent to all residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
 - b. *Compatibility:* All site improvements, including but not limited to, the buildings, parking areas, and other areas, should be designed to be consistent with homes allowed in the surrounding or adjacent neighborhood. Building materials and form should be responsive to the Sonoran Desert climate. To promote design compatibility, the Development Review Board application shall emphasize the following:
 - i. Design elements such as varied building forms, variety of window sizes and placements, covered patios, sloped roofs and other such elements associated with large custom designed single-family dwellings.

- ii. Building materials that reflect the character of the Sonoran Desert including materials that are unpolished and have substantial texture with no exterior painted surfaces.
- iii. Limiting the use of non-native plant materials to a maximum of five (5) percent of the total lot area and that such materials will be placed in courtyards surrounded by buildings and walls at least six (6) feet in height.
- iv. Building and site design using passive solar control techniques such as, but not limited to, overhangs, recessed doors and windows, architectural screens in front of areas of glass, and earth mounded against the base of the building walls.
- v. Site design that minimizes exterior heat gain through the elimination of asphaltic paving materials and the shading of at least fifty (50) percent of all parking, walkway and patio surfaces by mature trees and/or shade structures.
- vi. Exterior water conservation measures including but not limited to water harvesting.

Sec. 5.033. Reserved.

Sec. 5.034. Property development standards.

The following property development standards shall apply to all land and buildings in the R1-70 District:

A. Lot area.

1. Each lot shall have a minimum lot area of not less than seventy thousand (70,000) square feet.
2. If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the passage of this ordinance, such lot may be used for any purpose permitted in this section.
3. Specialized Residential Health Care Facility: the minimum lot area shall be five (5) gross acres.

B. Lot dimensions.

Width. All lots shall have a minimum width of two hundred fifty (250) feet.

C. Density. There shall be not more than one (1) single-family dwelling unit on any one (1) lot.

D. Building height. No building shall exceed thirty (30) feet in height, except as otherwise provided in article VII.

E. Yards.

1. Front Yard.
 - a. There shall be a front yard having a depth of not less than sixty (60) feet.

- b. Where lots have a double frontage on two (2) streets, the required front yard of sixty (60) feet shall be provided on both streets.
 - c. On a corner lot, the required front yard of sixty (60) feet shall be provided on each street. No accessory buildings, building or structure shall be constructed in the front yard of a corner lot's shortest street frontage. ~~Exception: On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street.~~ An accessory building or structure may be constructed in the front yard of a corner lot's longer street frontage subject to the requirements of Sec. 7.200.A.
- 2. Side Yard. There shall be a side yard of not less than thirty (30) feet on each side of a building.
 - 3. Rear Yard. There shall be a rear yard having a depth of not less than sixty (60) feet.
 - 4. Other requirements and exceptions as specified in article VII.
- F. *Distance between buildings.*
- 1. There shall be not less than ten (10) feet between an accessory building or structure and the main building.
 - 2. The minimum distance between main buildings on adjacent lots shall be not less than sixty (60) feet.
- G. *Walls, fences and landscaping.* Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side and rear yard. Walls, fences and hedges up to twelve (12) feet in height are allowed subject to a twenty-foot setback from the side and rear property line. Walls, fences and hedges up to three (3) feet in height are allowed on the front property line or within the required front yard, except as provided in Article VII. The height of the wall or fence is measured from within the enclosure. Exception: Where a corner lot does not abut a key lot or an alley adjacent to a key lot, the height of walls, fences and hedges in the yard of the longer street frontage need only conform to the side yard requirements.
- H. *Access.* All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision. Access for Specialized Residential Health Care Facilities shall be provided in the following manner:
- 1. All Specialized Residential Health Care Facilities shall have access to a street classified by the Scottsdale General Plan (Transportation Master Plan) as a minor collector or greater.
- I. *Corral.* Corral not to exceed six (6) feet in height shall be permitted on the property line or within the required front, side or rear yard.

Sec. 5.035. Off-street parking.

The provisions of article IX shall apply.

Sec. 5.036. Signs.

The provisions of article VIII shall apply.

[Secs. 5.037—5.099. Reserved.]

Sec. 5.100. Single-family Residential (R1-43).

Sec. 5.101. Purpose.

This district is intended to promote and preserve residential development. Large lots are required to maintain a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities.

Sec. 5.102. Use regulations.

- A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:
 - 1. Any use shown as permitted in Table 5.102., subject to the use limitations as listed.
- B. *Uses permitted by conditional use permit.*
 - 1. Any use shown as permitted by conditional use permit in Table 5.102., subject to the use limitations as listed, and any additional conditional use permit criteria.

Table 5.102. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Accessory buildings and structures including private garages, swimming pools, and recreation buildings and courts	P (11)
2. Accessory Dwelling Unit	P (12)
2.3. Accessory uses including home occupation and swimming pools	P (1) (13)
3.4. Care home	P (2)
4.5. Cemetery (see Section 1.403. for criteria)	CU
5.6. Community buildings and recreational facilities not publicly owned, such as: athletic fields, boys' clubs, commercial stables, ranches, and tennis clubs (see Section 1.403. for criteria)	CU
6.7. Day care home	P
7.8. Day care group home	P
8.9. Dwelling unit, single-family, including Vacation rental or Short-term rental	P (3)
9.10. Farm	CU
10.11. Educational service, elementary and secondary school (see Section 1.403. for criteria)	CU (4) (5)
11.12. Educational service, other than elementary and secondary school, colleges and universities only (see Section 1.403. for criteria)	CU (4)

42. 13. Golf course (except miniature golf course or commercial driving range)	CU
43. 14. Guest house, as an accessory use	P (6)
44. 15. Ham transmitting or receiving radio antennas in excess of seventy (70) feet	CU
45. 16. Model home, temporary sales office/buildings	P (7)
46. 17. Municipal uses	P
47. 18. Place of worship	P (8)
48. 19. Public utility buildings, structures or appurtenances thereto for public service uses	CU
20. Residential Recreation Area	P (14)
49. 21. Wireless communication facility, Type 1, 2 and 3	P (9)
20. 22. Wireless communication facility, Type 4	CU (10)

Use Limitations:

- (1) The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.
- (2) Care home is subject to the following criteria:
 - a. *Floor area ratio:* Is limited to thirty-five hundredths (0.35) of the net lot area.
 - b. *Capacity:* The maximum number of residents, including up to ten (10) disabled persons, the manager/supervisor, property owner, and residential staff at the home is twelve (12) per residential lot.
 - c. *Location:* A care home shall not be located within twelve hundred (1200) feet, measured from lot line to lot line, of another care home.
 - d. *Compatibility:* The 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.
 - e. *Criteria:* Care homes must be licensed by the State of Arizona and must provide proof of such licensing by the State of Arizona as a health care institution to the Director of Planning prior to the commencement of operations. All care homes must pass an initial and annual fire inspection administered by the Scottsdale Fire Department. Proof of such inspection and of correction of any noted deficiencies must be available at the care home at all times.
 - f. *Accommodation:* A disabled person may request a disability accommodation from the above criteria or a development standard pursuant to Section 1.806. of this Zoning Ordinance.
- (3) Limited to one main dwelling unit per lot.
- (4) Conditional use permit is not required for public or charter educational services.
- (5) Educational service, charter school: minimum lot size is forty-three thousand (43,000) square feet.

- (6) Guest house, as an accessory use and accessory building subject to the following criteria:
- a. The cumulative square footage gross floor area of the guest house(s) shall be no greater than one-half (1/2) the livable square footage gross floor area of the main single-family residential dwelling on the same lot.
 - b. Any guest house shall be connected to the existing water meter utilities (electrical, gas, water, and sanitary sewer) connections for the main single-family residential dwelling on the same lot. It shall not be separately metered.
 - c. The guest house shall not be sold, rented, or offered for rent independent of the main single-family residential dwelling on the same lot. The property owner shall record a private deed restriction acknowledging that the guest house will never be sold, rented, or offered for rent independent of the main single-family residential dwelling on the same lot, in a form satisfactory to the City.
 - d. The guest house shall be subject to the requirements of Section 7.200.A.
- (7) For uses incidental to construction work and/or home sales, to be removed upon completion or abandonment of construction work and/or home sales.
- (8) Place of worship subject to compliance with the following standards, as well as those otherwise required in the underlying District:
- a. *Lot area:* The minimum lot area shall be equal to that required for the district, except that no lot shall be less than twenty thousand (20,000) square feet (net).
 - b. *Floor area ratio:* In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.
 - c. *Building height:* Development Review Board may allow building heights, including towers, spires, and mechanical equipment (such equipment must be screened) limited to thirty (30) feet in height, and may allow a maximum of ten (10) percent of the roof area to exceed the height limit by fifteen (15) feet. Height and location are subject to the Development Review Board review and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods. (This provision supersedes Section 7.100. through 7.102., exceptions to height restrictions, which shall not apply to churches within the underlying District.)
 - d. *Required open space:*
 - i. Minimum: 0.24 multiplied by the net lot area.
 - ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.
 - iii. NAOS may be included in the required open space.
 - e. *Parking:*
 - i. Parking shall observe the minimum front yard setbacks of the underlying District for all frontages. On streets classified in the Transportation Master Plan as major arterial or greater, parking may be located between the established front building

line and the front yard setback. On all other street classifications, parking shall be located behind the established front building lines.

- ii. A minimum of fifteen (15) percent of all parking areas shall be landscaped.
 - iii. A ten-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
- f. *Lighting:*
- i. All pole-mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height.
 - ii. All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., shall be set back a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be shut off by 10:00 p.m.
 - iii. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.
- g. *Screening:*
- i. There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines that are adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
 - ii. There shall be a three-foot high landscaped berm along all street frontages where parking occurs.
- h. *Access:*
- i. All places of worship must have primary access to a street classified in the Transportation Master Plan as a minor collector or greater.
 - ii. Access to a local or local collector residential street is prohibited when the primary worship center, auditorium, or other major gathering place exceeds three thousand (3,000) square feet.
- i. *Operations:* No outdoor activities shall be permitted after 10:00 p.m.
- j. *Noise:* Outdoor speakers or paging systems are not allowed.
- (9) Subject to the requirements of Sections 1.904., 3.100., and 7.200.
- (10) Subject to the requirements of Sections 1.400., 3.100., and 7.200.
- (11) Accessory buildings and structures subject to the requirements of Section 7.200.A.

(12) Accessory Dwelling Unit subject to the requirements of Section 7.900.

(13) Swimming pools subject to the requirements of Section 7.200.G.4.

(14) Residential Recreation Area subject to the requirements of Section 7.200.G.1.

Sec. 5.103. Reserved.

Sec. 5.104. Property development standards.

The following property development standards shall apply to all land and buildings in the R1-43 District:

A. Lot area.

1. Each lot shall have a minimum lot area of not less than forty-three thousand (43,000) square feet.
2. If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the passage of this ordinance, such lot may be used for any purpose permitted in this section.

B. Lot dimensions.

Width. All lots shall have a minimum lot width of one hundred fifty (150) feet.

C. Density. There shall be not more than one (1) single-family dwelling unit on any one (1) lot.

D. Building height. No building shall exceed thirty (30) feet in height, except as otherwise provided in article VII.

E. Yards.

1. Front Yard.

- a. There shall be a front yard having a depth of not less than forty (40) feet.
- b. Where lots have a double frontage on two (2) streets, the required front yard of forty (40) feet shall be provided on both streets.
- c. On a corner lot, the required front yard of forty (40) feet shall be provided on each street. ~~No accessory buildings or structure shall be constructed in the front yard of a corner lot's shortest street frontage.~~ ~~Exception: On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street.~~ ~~An accessory building or structure may be constructed in the front yard of a corner lot's longer street frontage subject to the requirements of Sec. 7.200.A.~~

2. Side Yard. There shall be a side yard of not less than twenty (20) feet on each side of a building.

3. Rear Yard. There shall be a rear yard having a depth of not less than thirty-five (35) feet.

4. Other requirements and exceptions as specified in article VII.

- F. *Distance between buildings.*
1. There shall be not less than ten (10) feet between an accessory building or structure and the main building.
 2. The minimum distance between main buildings on adjacent lots shall be not less than forty (40) feet.
- G. *Walls, fences and landscaping.* Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side and rear yard. Walls, fences and hedges up to twelve (12) feet in height are allowed subject to a twenty-foot setback from the side and rear property line. Walls, fences and hedges up to three (3) feet in height are allowed on the front property line or within the required front yard, except as provided in Article VII. The height of the wall or fence is measured from within the enclosure. Exception: Where a corner lot does not abut a key lot or an alley adjacent to a key lot, the height of walls, fences and hedges in the yard of the longer street frontage need only conform to the side yard requirements.
- H. *Access.* All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.
- I. *Corral.* Corral not to exceed six (6) feet in height shall be permitted on the property line or within the required front, side or rear yard.

Sec. 5.105. Off-street parking.

The provisions of article IX shall apply.

Sec. 5.106. Signs.

The provisions of article VIII shall apply.

Sec. 5.200. Single-family Residential (R1-35).

Sec. 5.201. Purpose.

This district is intended to promote and preserve residential development. The minimum lot size, although less than one (1) acre, still results in a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto, together with required recreational, religious and educational facilities.

Sec. 5.202. Use regulations.

- A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:
1. Any use shown as permitted in Table 5.102., subject to the use limitations as listed.
- B. *Uses permitted by conditional use permit.*
1. Any use shown as permitted by conditional use permit in Table 5.102., subject to the use limitations as listed, and any additional conditional use permit criteria.

Sec. 5.203. Reserved.**Sec. 5.204. Property development standards.**

The following property development standards shall apply to all land and buildings in the R1-35 District:

A. Lot area.

1. Each lot shall have a minimum lot area of not less than thirty-five thousand (35,000) square feet.
2. If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the passage of this ordinance, such lot may be used for any purpose permitted in this section.

B. Lot dimension.

1. Width. All lots shall have a minimum width of one hundred thirty-five (135) feet.

C. Density. There shall not be more than one (1) single-family dwelling unit on any one (1) lot.**D. Building height.** No building shall exceed thirty (30) feet in height, except as provided in article VII.**E. Yards.**

1. Front Yard.

- a. There shall be a front yard having a depth of not less than forty (40) feet.
- b. Where lots have a double frontage on two (2) streets, the required front yard of forty (40) feet shall be provided on both streets.
- c. On a corner lot, the required front yard of forty (40) feet shall be provided on each street. No accessory building or structure shall be constructed in the front yard of a corner lot's shortest street frontage. ~~Exception: On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street.~~ An accessory building or structure may be constructed in the front yard of a corner lot's longer street frontage subject to the requirements of Sec. 7.200.A.

2. Side Yard. There shall be side yards of not less than fifteen (15) feet on each side of a building.

3. Rear Yard. There shall be a rear yard having a depth of not less than thirty-five (35) feet.

4. Other requirements and exceptions as specified in article VII.

F. Distance between buildings.

1. There shall not be less than ten (10) feet between an accessory building or structure and the main building.

- 2. The minimum distance between main buildings on adjacent lots shall be not less than thirty (30) feet.
- G. *Walls, fences and landscaping.* Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side or rear yard. Walls, fences and hedges up to three (3) feet in height are allowed on the front property line or within the required front yard, except as provided in Article VII. The height of the wall or fence is measured from within the enclosure. Exception: Where a corner lot does not abut a key lot or an alley adjacent to a key lot, the height of walls, fences and hedges in the yard facing the longer street frontage need only conform to the side yard requirements.
- H. *Access.* All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.
- I. *Corral.* Corral not to exceed six (6) feet in height shall be permitted on the property line or within the required front, side or rear yard.

Sec. 5.205. Off-street parking.

The provisions of article IX shall apply.

~~Sec. 5.207.~~ **Sec. 5.206. Signs.**

The provisions of article VIII shall apply.

Sec. 5.300. Single-family Residential (R1-18).

Sec. 5.301. Purpose.

This district is intended to promote and preserve residential development. Lot size is such that a low density of population is still maintained. Land use is composed chiefly of individual homes, together with required recreation, religious and educational facilities as the basic elements of a balanced neighborhood.

Sec. 5.302. Use regulations.

- A. *Permitted uses.* Buildings, structures or premises shall be used and building and structures shall hereafter be erected, altered or enlarged only for the following uses:
 - 1. Any use shown as permitted in Table 5.102., subject to the use limitations as listed.
- B. *Uses permitted by conditional use permit.*
 - 1. Any use shown as permitted by conditional use permit in Table 5.102., subject to the use limitations as listed, and any additional conditional use permit criteria.

Sec. 5.303. Reserved.

Sec. 5.304. Property development standards.

The following property development standards shall apply to all land and buildings in the R1-18 district:

- A. *Lot area.*
1. Each lot shall have a minimum area of not less than eighteen thousand (18,000) square feet.
 2. If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the passage of this ordinance, such lot may be used for any purpose permitted in this section.
- B. *Lot dimensions.*
1. Width. All lots shall have a minimum width of one hundred twenty (120) feet.
- C. *Density.* There shall not be more than one (1) single-family dwelling unit on any one (1) lot.
- D. *Building height.* No building shall exceed thirty (30) feet in height, except as otherwise provided in article VII.
- E. *Yards.*
1. Front Yard.
 - a. There shall be a front yard having a depth of not less than thirty-five (35) feet.
 - b. Where lots have a double frontage on two (2) streets, the required front yard of thirty-five (35) feet shall be provided on both streets.
 - c. On a corner lot, the required front yard of thirty-five (35) feet shall be provided on each street. ~~Exception: On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street.~~ No accessory building or structure shall be constructed in the front yard of a corner lot's shortest street frontage. An accessory building or structure may be constructed in the front yard of a corner lot's longer street frontage subject to the requirements of Sec. 7.200.A.
 2. Side Yard. There shall be a side yard on each side of a building having a width of not less than ten (10) feet.
 3. Rear Yard. There shall be a rear yard having a depth of not less than thirty (30) feet.
 4. Other requirements and exceptions as specified in article VII.
- F. *Distance between buildings.*
1. There shall be not less than ten (10) feet between an accessory building or structure and the main building.
 2. The minimum distance between main buildings on adjacent lots shall not be less than twenty (20) feet.
- G. *Walls, fences and landscaping.* Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side or rear yard. Walls, fences and hedges up to three (3) feet in height are allowed on the front property line or within the required front yard, except as provided in Article VII. The height of the wall or fence is measured from within the enclosure. Exception: Where a corner lot does not abut a key lot or an alley adjacent to

a key lot, the height of walls, fences and hedges in the yard facing the longer street frontage need only conform to the side yard requirements.

- H. *Access.* All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

Sec. 5.305. Off-street parking.

The provisions of article IX shall apply.

Sec. 5.306. Signs.

The provisions of article VIII shall apply.

Sec. 5.400. Single-family Residential (R1-10).

Sec. 5.401. Purpose.

This district is intended to promote and preserve residential development. Lot size permits a higher density of population. Land use is composed chiefly of individual homes, together with required recreational, religious and educational facilities as the basic elements of a balanced neighborhood.

Sec. 5.402. Use regulations.

- A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:
 - 1. Any use shown as permitted in Table 5.102., subject to the use limitations as listed.
- B. *Uses permitted by conditional use permit.*
 - 1. Any use shown as permitted by conditional use permit in Table 5.102., subject to the use limitations as listed, and any additional conditional use permit criteria.

Sec. 5.403. Reserved.

Sec. 5.404. Property development standards.

The following property development standards shall apply to all land and buildings in the R1-10 district:

- A. *Lot area.*
 - 1. Each lot shall have a minimum area of not less than ten thousand (10,000) square feet.
 - 2. If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the passage of this ordinance, such lot may be used for any purpose permitted in this section.
- B. *Lot dimension.*
 - 1. *Width.* All lots shall have a minimum width of eighty (80) feet.

- C. *Density*. There shall not be more than one (1) single-family dwelling unit on any one (1) lot.
- D. *Building Height*. No building shall exceed thirty (30) feet in height, except as otherwise provided in article VII.
- E. *Yards*.
1. Front Yard.
 - a. There shall be a front yard having a depth of not less than thirty (30) feet.
 - b. Where lots have a double frontage on two (2) streets, the required front yard of thirty (30) feet shall be provided on both streets.
 - c. ~~Where a lot is located at the intersection of two (2) or more streets,~~ On a corner lot, there shall be a yard conforming to the front yard requirements on the street with the narrowest shortest frontage and a yard of not less than fifteen (15) feet on the intersecting street longer street frontage. ~~Exception: On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street.~~ An attached private garage or carport that has direct access from a street along the longer street frontage of a corner lot shall not be located closer than twenty (20) feet to the back of ultimate street improvements. No accessory building or structure shall be constructed in the front yard of a corner lot's shortest street frontage. An accessory building or structure may be constructed in the front yard of a corner lot's longer street frontage subject to the requirements of Sec. 7.200.A.
 2. Side Yard. There shall be a side yard on each side of a building having a an aggregate width of not less than seven (7) feet.
 3. Rear Yard. There shall be a rear yard having a depth of not less than twenty-five (25) feet.
 - a. The main building or additions to the main building may extend into the required rear yard subject to the following requirements:
 - (1) The main building or additions to the main building shall be set back fifteen (15) feet from the rear property line.
 - (2) The main building or addition to the main building shall not occupy more than thirty (30) percent of the area between the rear setback line and the rear property line.
 4. Other requirements and exceptions as specified in article VII.
- F. *Distance between buildings*.
1. There shall not be less than ten (10) feet between an accessory building or structure and the main building.
 2. The minimum distance between main buildings on adjacent lots shall not be less than fourteen (14) feet.
- G. *Walls, fences and landscaping*. Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side or rear yard. Walls, fences and hedges

up to three (3) feet in height are allowed on the front property line or within the required front yard, except as provided in Article VII. The height of the wall or fence is measured from within the enclosure. Exception: Where a corner lot does not abut a key lot or an alley adjacent to a key lot, the height of walls, fences and hedges in the yard facing the longer street frontage need only conform to the side yard requirements.

- H. *Access.* All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

Sec. 5.405. Off-street parking.

The provisions of article IX shall apply.

Sec. 5.406. Signs.

The provisions of article VIII shall apply.

Sec. 5.500. Single-family Residential (R1-7).

Sec. 5.501. Purpose.

This district is intended to promote and preserve urban single-family residential development. Lot size permits the highest density of population attainable in a single-family residential district. The principal land use is a single-family dwelling. Uses incidental or accessory to dwellings, recreations, religious and educational facilities are included.

Sec. 5.502. Use regulations.

- A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:
 - 1. Any use shown as permitted in Table 5.102., subject to the use limitations as listed.
- B. *Uses permitted by conditional use permit.*
 - 1. Any use shown as permitted by conditional use permit in Table 5.102., subject to the use limitations as listed, and any additional conditional use permit criteria.

Sec. 5.503. Reserved.

Sec. 5.504. Property development standards.

The following property development standards shall apply to all land and buildings in the R1-7 district:

- A. *Lot area.*
 - 1. Each lot shall have a minimum area of not less than seven thousand (7,000) square feet.
 - 2. If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the

passage of this ordinance, such lot may be used for any purpose permitted in this section.

- B. *Lot dimensions.* Width. All lots shall have a minimum width of seventy (70) feet.
- C. *Density.* There shall not be more than one (1) single-family dwelling unit on any one (1) lot.
- D. *Building height.* No building shall exceed thirty (30) feet in height, except as otherwise provided in Article VII.
- E. *Yards.* Except as otherwise provided in this Section 5.504:
1. Front yard. Each lot shall have a front yard with a minimum depth of twenty (20) feet.
 2. Side yard. Each lot shall have two (2) side yards with a minimum depth of five (5) feet.
 3. Rear yard. Each lot shall have a rear yard with a minimum depth of twenty-five (25) feet or twenty-two (22) feet where the property owner has dedicated a minimum of eight (8) feet for alley purposes.
 4. Double frontage lot yards. A double frontage lot shall have a front yard with a minimum depth of twenty (20) feet, and a rear yard with a minimum depth of twenty-five (25) feet. The Zoning Administrator shall determine which yard is the front yard of a double frontage lot.
 5. Corner lot yards. A corner lot shall have a front yard with a minimum depth of twenty (20) feet on the shorter street frontage, and a yard with a minimum depth of five (5) feet on the longer street frontage. However, if a corner lot abuts a key lot or an alley adjacent to a key lot, the yard on the longer street frontage shall have a minimum depth of ten (10) feet. An attached private garage or carport that has direct access from a street along the longer street frontage of a corner lot shall not be located closer than twenty (20) feet to the back of ultimate street improvements. No accessory building or structure shall be constructed in the front yard of a corner lot's shortest street frontage. An accessory building or structure may be constructed in the front yard of a corner lot's longer street frontage subject to the requirements of Sec. 7.200.A.
 6. All yards shall conform to Article VII.
- F. *Distance between buildings.* There shall not be less than five (5) feet between an accessory building or structure and any main building.
- G. *Walls, fences and hedges.*
1. Front yards. Walls, fences and hedges with a maximum height of three (3) feet are allowed on the front property line or in the front yard. However, walls, fences and hedges with a maximum height of six (6) feet are allowed in the front yard if:
 - a. Not more than forty (40) percent of the front yard set forth in E. above is enclosed, and
 - b. A minimum setback of three (3) feet from the front property line is provided.
 2. Side and rear yards. Walls, fences and hedges with a maximum height of eight (8) feet are allowed on the side or rear property line or in the side or rear yard.
 3. Corner lot yards. Except as provided in Article VII, walls, fences and hedges:

- a. With a maximum height of three (3) feet are allowed in the front yard of a corner lot on the shorter street frontage.
 - b. With a maximum height of six (6) feet are allowed in the front yard of a corner lot on the shorter street frontage if:
 - i. Not more than forty (40) percent of the front yard set forth in E. above is enclosed, and
 - ii. A minimum setback of three (3) feet from the front property line is provided.
 - c. With a maximum height of six (6) feet are allowed:
 - i. In the yard on the longer street frontage between the setback of the main building and the rear property line, or
 - ii. On the property line on the longer street frontage between the setback of the main building and the rear property line.
4. The height of any wall, fence or hedge is measured from within the enclosure.
- H. *Main buildings and additions to main buildings.*
1. The main building and an addition to the main building may extend into the rear yard if:
 - a. It is set back a minimum of fifteen (15) feet from the rear property line or twelve (12) feet where the property owner has dedicated a minimum of eight (8) feet for alley purposes, and
 - b. It does not occupy more than thirty (30) percent of the area of the rear yard as set forth in E. above.
 2. A patio cover and/or covered porch is allowed in the front yard if:
 - a. It is structurally integrated with compatible building materials to, and not taller than, the main building's roof;
 - b. It is set back a minimum of ten (10) feet from the front property line; and
 - c. The combined area of the patio cover and covered porch does not encompass more than twenty-two (22) percent of the front yard set forth in E. above.
 3. A carport attached to the main building is allowed in the front yard if:
 - a. It is structurally integrated with compatible building materials to the main building's roof,
 - b. It is set back a minimum of ten (10) feet from the front property line,
 - c. It does not encompass more than twenty (20) percent of the front yard set forth in E. above,
 - d. The entrance to the carport is perpendicular to the street, and
 - e. It is constructed so that a minimum of twenty-five (25) percent of the front side shall remain open.

4. Regardless of the distance between buildings set forth in F. above, a carport attached to the main building is allowed in the side yard and on the side property line if:
 - a. It is structurally integrated with compatible building materials to the main building's roof;
 - b. It does not abut a carport, garage or similar structure on the adjacent lot; and
 - c. The property owner adjacent to the proposed carport grants to the City a five-foot wide nonbuildable easement, on a City form, recorded with the Maricopa County Recorder's Office and filed with the City.

~~I. Accessory buildings and structures.~~

~~1. On any lot:~~

- ~~a. No accessory building shall be located in the front yard.~~
- ~~b. No accessory building shall be located in the side yard between the front and rear building planes of the main building.~~
- ~~c. No accessory building shall be constructed closer than two (2) feet to any side or rear lot line. However, an accessory building used as a garage or carport may be constructed on the rear lot line with the entrance to the garage or carport perpendicular to the alley.~~
- ~~d. Any accessory building within a side yard or required rear yard, or accessory building used as a garage or carport with the entrance to the garage or carport perpendicular to the alley, which is more than twelve (12) feet in height shall be set back one (1) additional foot for each foot of building height above twelve (12) feet.~~
- ~~e. An electric or gas fire place is allowed in the front yard if:

 - ~~i. It does not exceed six (6) feet in height;~~
 - ~~ii. It is within the area enclosed by a wall;~~
 - ~~iii. The wall encloses not more than forty (40) percent of the front yard as set forth in E. above, and is setback a minimum of three (3) feet from the property line.~~~~

~~2. On a corner lot:~~

- ~~a. No accessory building shall be located in the front yard or in the yard on the longer street frontage.~~
- ~~b. A private garage, whether attached or detached, with perpendicular access through the yard on the longer street frontage, shall be located a minimum of twenty (20) feet from the right-of-way line.~~

J.I. Access. All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

Sec. 5.505. Off-street parking.

The provisions of article IX shall apply.

Sec. 5.506. Signs.

The provisions of article VIII shall apply.

Sec. 5.550. Single-family Residential (R1-5).

Sec. 5.551. Purpose.

This district is intended to provide an urban single-family residential development. This district is the most intense single-family district and provides a patio home style of development. It should provide a transition between attached and multi-family residential areas and modest density single-family areas. Uses incidental or accessory to dwellings, recreational, religious and educational facilities are included.

Sec. 5.552. Use regulations.

- A. *Permitted uses.* Buildings, structures or premises shall be used and buildings, structures and premises shall hereafter be erected, altered or enlarged only for the following uses:
 - 1. Any use shown as permitted in Table 5.102., subject to the use limitations as listed.
- B. *Uses permitted by conditional use permit.*
 - 1. Any use shown as permitted by conditional use permit in Table 5.102., subject to the use limitations as listed, and any additional conditional use permit criteria.

Sec. 5.553. Reserved.

Sec. 5.554. Property development standards.

The following property development standards shall apply to all land and buildings in the R1-5 District:

- A. *Lot area.*
 - 1. Each lot shall have a minimum area of not less than four thousand seven hundred (4,700) square feet.
- B. *Lot dimensions.*
 - 1. ~~Low~~Lot width. All lots shall have a minimum width of forty-five (45) feet. All corner lots at the intersection of two (2) streets shall have a minimum width of fifty-five (55) feet.
 - 2. Lot depth. All lots shall have a minimum depth of eight-five (85) feet.
- C. *Density.* There shall not be more than one (1) single-family dwelling unit on any one (1) lot.
- D. *Building height.* No building shall exceed thirty (30) feet in height, except as otherwise provided in article VII.
- E. *Yards.*
 - 1. Front Yard.
 - a. There shall be a front yard ~~which provides the following setbacks:~~ having a minimum depth of fifteen (15) feet.

- ~~i. Fifteen (15) feet from the property line to the main building.~~
- b. Where lots have double frontage on two (2) streets the required yard where access is not provided shall be:
 - i. Fifteen (15) feet from the property line where the street is a local residential street; or
 - ii. Twenty-five (25) feet from the property line where the street is a collector, arterial, parkway, expressway or freeway classification.

These requirements do not apply to fences and walls, pools and accessory buildings.

- c. ~~Where the lot is located at the intersection of two (2) or more streets~~ On a corner lot, there shall be a yard conforming to the front yard requirements on the street with the narrowest shortest frontage and a yard of not less than ten (10) feet in depth from property line to the main building on the longer street frontage. An attached private garage or carport that has direct access from a street along the longer street frontage of a corner lot shall not be located closer than twenty (20) feet to the back of ultimate street improvements. No accessory building or structure shall be constructed in the front yard of a corner lot's shortest street frontage. An accessory building or structure may be constructed in the front yard of a corner lot's longer street frontage subject to the requirements of Sec. 7.200.A.
2. Side Yards.
- a. There shall be a side yard on each side of a building of zero feet or five (5) feet or more.
 - b. There shall be an aggregate side yard width of ten (10) feet.
 - c. If there is to be a side yard setback of zero feet, all side yards for lots within the residential block where the zero side yards occur shall be clearly identified on the recorded subdivision plat.
3. Rear Yard. There shall be a rear yard of:
- a. Fifteen (15) feet where the rear yard abuts the following districts: Single-family Residential R1-5, Medium Density Residential R-3, Townhouse Residential R-4, Resort/Townhouse Residential R-4R, Multiple-family Residential R-5, Service Residential S-R, Regional Shopping Center C-S, Neighborhood Commercial C-1, Central Business C-2, Highway Commercial C-3, General Commercial C-4, Support Services SS, Commercial Office C-O, Planned Convenience Center PCoC, Planned Neighborhood Center PNC, Planned Community Center PCC, Planned Regional Center PRC, Downtown D, Light Employment I-G, Industrial Park I-1, Conservation Open Space COS, Open Space OS, Environmentally Sensitive Lands ESL; or
 - b. Twenty-five (25) feet where the rear year abuts other single-family residential districts, as shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development

PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A.

- 4. Other requirements and exceptions as specified in Article VII.

F. *Garage setbacks.*

- 1. The garage or carport shall be set back from the back of street improvements according to the following table:

Angle of the face of the garage from parallel to the street	Minimum setback
0° (parallel) to 29°	20'
30° to 44°	17'
45° to 59°	14'
60° +	10'

In no case shall the garage or carport face be closer to the property line than ten (10) feet.

- 2. The sides and rear walls of a garage or carport shall conform to the standard main building yard requirements.

G. *Distance between buildings.*

- 1. There shall not be less than eight (8) feet between an accessory building or structure and main building.
- 2. The minimum distance between main buildings on adjacent lots shall not be less than ten (10) feet.

H. *Buildings, walls, fences and landscaping.*

- 1. Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side or rear yard. Walls, fences and hedges up to three (3) feet in height are allowed on the front property line or within the required front yard except as provided in Article VII, subsection E.1.b. above and subsection 2. below. The height of the wall or fence is measured from within the enclosure.
- 2. In the front yard walls and fences a maximum of six (6) feet in height are allowed provided:
 - a. The yard enclosed by such wall or fence shall not include more than thirty-three (33) percent of the area between the front property line and the front setback line.
 - b. The wall or fence shall be set back three (3) feet from the front property line.
 - c. The provisions of Section 7.104 shall apply on corner lots.
- 3. In the required front yard patio covers are allowed when in conjunction with the enclosure of the front yard (as provided in Section 5.554.H.2) subject to the following requirements:
 - a. The area encompassed by the patio cover shall not include more than twenty (20) percent of the area between the front property line and the front setback line.

- b. The patio cover shall be set back a minimum of ten (10) feet from the front property line.
 - c. The patio cover shall be structurally integrated with similar or compatible building materials to the roof system of the main building.
 - d. The patio cover shall be constructed so that a minimum of fifty (50) percent of the roof structure is open and unobstructed to the sky.
- I. Access. All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

Sec. 5.555. Off-street parking.

The provisions of article IX shall apply.

Sec. 5.556. Signs.

The provisions of article VIII shall apply.

Sec. 5.600. Two-family Residential (R-2).

Sec. 5.601. Purpose.

This district is intended to permit two-family dwellings; use incidental or accessory to dwellings; recreational, religious, educational facilities are included.

Sec. 5.602. Reserved.

Sec. 5.603. Use regulations.

- A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered, or enlarged only for the following uses:
- 1. Any use shown as permitted in Table 5.102., subject to the use limitations as listed.
 - 2. Dwellings, two-family.
- B. *Uses permitted by conditional use permit.*
- 1. Any use shown as permitted by conditional use permit in Table 5.102., subject to the use limitations as listed, and any additional conditional use permit criteria.

Sec. 5.604. Property development standards.

The following property development standards shall apply to all land and buildings in the R-2 district:

- A. *Lot area.*
- 1. Each lot used for single-family or two-family residential purposes shall have a minimum lot area of eight thousand (8,000) square feet.
 - 2. If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the

passage of this ordinance, such lots may be used for any purpose permitted in this section.

- B. *Lot dimension.* Each lot used for single-family or two-family residential purposes shall have a width of not less than seventy (70) feet.
- C. *Density.* There shall not be more than one (1) single-family dwelling unit or one (1) two-family dwelling unit on any one (1) lot.
- D. *Building height.* No building shall exceed thirty (30) feet in height, except as otherwise provided in article VII.
- E. *Yards.*
1. Front Yard.
 - a. There shall be a front yard having a depth of not less than twenty (20) feet.
 - b. Where lots have a double frontage, the required front yard shall be provided on both streets.
 - c. ~~Where a lot is located at the intersection of two (2) or more streets,~~ On a corner lot, there shall be one (1) yard ~~shall that~~ conforms to the front yard requirements and one (1) yard ~~shall have~~ that has a depth of not less than ten (10) feet; provided, however, the buildable width of a lot of record at the time of passage of this ordinance need not be reduced to less than thirty (30) feet. An attached private garage or carport that has direct access from a street along the longer street frontage of a corner lot shall not be located closer than twenty (20) feet to the back of ultimate street improvements.
 - d. No accessory building or structure shall project into yards required to conform with the front yard requirements.
 2. Side Yard. There shall be side yards on each side of a building having an aggregate width of not less than fourteen (14) feet; provided, however, the minimum side yard shall not be less than five (5) feet in width.
 3. Rear Yard. There shall be a rear yard having a depth of not less than thirty (30) feet.
 4. Other requirements and exceptions as specified in article VII.
- F. *Distance between buildings.*
1. There shall not be less than ten (10) feet between a main building and an accessory building or structure.
 2. The minimum distance between main buildings on adjacent lots shall be fourteen (14) feet.
- G. *Buildings, walls, fences and landscaping.* Walls, fences and hedges not to exceed six (6) feet in height shall be permitted on the property line or within the required side or rear yard. Walls, fences and hedges shall not exceed three (3) feet in height on the required front property line or within the required front yard except as provided in article VII.
- H. *Access.* All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

Sec. 5.605. Off-street parking.

The provisions of article IX shall apply.

Sec. 5.606. Signs.

The provisions of article VIII shall apply.

Sec. 5.700. Medium Density Residential (R-3).

Sec. 5.701. Purpose.

This district is intended to fulfill the need for medium density residential development. The property development standards are designed to allow maximum flexibility while maintaining an environment compatible with single-family neighborhoods. This district will generally serve as an integral part of the neighborhood, allowing for a variety of housing types.

Sec. 5.702. Reserved.

Sec. 5.703. Use regulations.

- A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:
 - 1. Any use shown as permitted in Table 5.703., subject to the use limitations as listed.
- B. *Uses permitted by conditional use permit.*
 - 1. Any use shown as permitted by conditional use permit in Table 5.703., subject to the use limitations as listed, and any additional conditional use permit criteria.

Table 5.703. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Accessory buildings and structures including private garages, swimming pools, and recreation buildings and courts	P (8)
2. Accessory Dwelling Unit	P (9)
2.3. Accessory uses including home occupation and swimming pools	P (1) (10)
3.4. Community buildings and recreational facilities not publicly owned, such as: athletic fields, boys' clubs, commercial stables, ranches, and tennis clubs (see Section 1.403. for criteria)	CU
4.5. Day care home	P
6. Dwelling, multiple	P
5.7. Dwelling unit(s), single-family, including Vacation rental or Short-term rental	P
6.8. Educational service, elementary and secondary school (see Section 1.403. for criteria)	CU (2) (3)

7.9. Educational service, other than elementary and secondary school, colleges and universities only (see Section 1.403. for criteria)	CU (2)
8.10. Group home	P
9.11. Model home, temporary sales office/buildings	P (4)
10.12. Municipal uses	P
11.13. Place of worship	P (5)
12.14. Residential health care facility (see Section 1.403. for criteria, except as modified in Section 5.704.C.)	CU
15. Residential Recreation Area	P (11)
13.16. Wireless communication facility, Type 1, 2 and 3	P (6)
14.17. Wireless communication facility, Type 4	CU (7)

Use Limitations:

- (1) The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.
- (2) Conditional use permit is not required for public or charter educational services.
- (3) Educational service, charter school: minimum lot size is forty-three thousand (43,000) square feet.
- (4) For uses incidental to construction work and/or home sales, to be removed upon completion or abandonment of construction work and/or home sales.
- (5) Place of worship subject to compliance with the following standards, as well as those otherwise required in the underlying District:
 - a. *Lot area:* The minimum lot area shall be equal to that required for the district, except that no lot shall be less than twenty thousand (20,000) square feet (net).
 - b. *Floor area ratio:* In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.
 - c. *Building height:* Development Review Board may allow building heights, including towers, spires, and mechanical equipment (such equipment must be screened) limited to thirty (30) feet in height, and may allow a maximum of ten (10) percent of the roof area to exceed the height limit by fifteen (15) feet. Height and location are subject to the Development Review Board review and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods. (This provision supersedes Section 7.100. through 7.102., exceptions to height restrictions, which shall not apply to churches within the underlying District.)
 - d. *Required open space:*
 - i. Minimum: 0.24 multiplied by the net lot area.
 - ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.

- iii. NAOS may be included in the required open space.
- e. *Parking:*
- i. Parking shall observe the minimum front yard setbacks of the underlying District for all frontages. On streets classified in the Transportation Master Plan as major arterial or greater, parking may be located between the established front building line and the front yard setback. On all other street classifications, parking shall be located behind the established front building lines.
 - ii. A minimum of fifteen (15) percent of all parking areas shall be landscaped.
 - iii. A ten-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
- f. *Lighting:*
- i. All pole-mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height.
 - ii. All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., shall be set back a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be shut off by 10:00 p.m.
 - iii. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.
- g. *Screening:*
- i. There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines that are adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
 - ii. There shall be a three-foot high landscaped berm along all street frontages where parking occurs.
- h. *Access:*
- i. All places of worship must have primary access to a street classified in the Transportation Master Plan as a minor collector or greater.
 - ii. Access to a local or local collector residential street is prohibited when the primary worship center, auditorium, or other major gathering place exceeds three thousand (3,000) square feet.
- i. *Operations:* No outdoor activities shall be permitted after 10:00 p.m.

- j. *Noise*: Outdoor speakers or paging systems are not allowed.
- (6) Subject to the requirements of Sections 1.904., 3.100., and 7.200.
- (7) Subject to the requirements of Sections 1.400., 3.100., and 7.200.
- (8) Accessory buildings and structures subject to the property development standards of the R-3 zoning district.
- (9) Accessory Dwelling Unit subject to the requirements of Section 7.900.
- (10) Swimming pools subject to the requirements of Section 7.200.G.4.
- (11) Residential Recreation Area subject to the requirements of Section 7.200.G.1.

Sec. 5.704. Property development standards.

The following property development standards shall apply to all land and buildings in the R-3 District:

A. *Required open space.*

1. Minimum open space: 0.36 multiplied by the net lot area distributed as follows.
 - a. Frontage open space minimum: 0.12 multiplied by the net lot area, except as follows:
 - i. Minimum: Twenty (20) square feet per one (1) linear foot of public street frontage.
 - ii. Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage.
 - b. The remainder of the minimum open space, less the frontage open space, shall be common open space.
2. Private outdoor living space.
 - a. First story dwelling units, minimum: 0.10 multiplied by the gross floor area of the unit.
 - b. Dwelling units above the first story, minimum: 0.05 multiplied by the gross floor area of the unit.
 - c. The private outdoor living space shall be located beside the dwelling unit which it serves and shall be for the exclusive use of the unit occupant(s), but is not part of the unit's gross floor area.
3. Parking areas and parking lot landscaping are not included in the required open space.

B. *Building height.*

1. No building shall exceed thirty (30) feet in height except as otherwise provided in article VII.
2. If the R-3 development abuts a single-family residential district or an alley abutting a single-family residential district, the building height may be limited to one (1) story as determined by Development Review Board approval.

C. *Density.*

1. The minimum gross land area per dwelling unit shall be three thousand three hundred seventy (3,370) square feet.
2. Specialized residential health care facility: the number of beds shall not exceed forty-three (43) beds per gross acre of land.
3. Minimal residential health care facility: the number of dwelling units shall not exceed twenty-two (22) dwelling units per gross acre of land.

D. *Building setback.*

1. Wherever an R-3 development abuts an R-1, R-4, R-4R or M-H district or an alley abutting any of those districts, a yard of not less than fifteen (15) feet shall be maintained, except that accessory buildings for purpose of storage or carports may be constructed to within fifteen (15) feet of the adjacent district boundary line.
2. Whenever an R-3 development abuts any district other than R-1, R-2, R-4, R-4R or M-H or abuts an alley adjacent to such other district, a building may be constructed on the property line. However, if any yard is to be maintained, it shall be not less than ten (10) feet in depth. Larger yards may be required by the Development Review [Board] or City Council if the existing or future development of the area around the site warrants such larger yards.

E. *Distance between buildings.* There shall be not less than ten (10) feet between an accessory building or structure and the main building or between two (2) main buildings, except that an accessory building or structure with two (2) or more open sides, one (1) of which is adjacent to the main building, may be built to within six (6) feet of the main building.

F. *Walls, fences and required screening.*

1. Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required yard areas, except within the required frontage open space, within which they may not exceed three (3) feet in height, or except as otherwise provided in article VII.
2. All parking areas shall be screened from view from all public streets.
3. All mechanical structures and appurtenances shall be screened as approved by the Development Review Board.
4. All storage and refuse areas shall be screened as determined by the Development Review Board.

G. *Access.* All lots shall have frontage on and have vehicular access from a dedicated street, unless a secondary means of permanent vehicle access has been approved by the Development Review Board.

Sec. 5.705. Off-street parking.

The provisions of article IX shall apply.

Sec. 5.706. Signs.

The provisions of article VIII shall apply.

Sec. 5.707. Landscaping.

Unless otherwise provided, the provisions of Article X. apply.

Sec. 5.800. Townhouse Residential (R-4).

Sec. 5.801. Purpose.

This district is intended to provide for relatively low density development having individual ownership and built-in privacy either in the form of party wall construction or enclosed yards and courts.

Sec. 5.802. Development plan.

A. Development Plan at time of rezoning.

1. The Planning Commission or City Council may require any application for rezoning to the R-4 District to be accompanied by Development Plan which shall show the following:
 - a. Topography.
 - b. Proposed street system.
 - c. Proposed block layouts.
 - d. Proposed reservation for parks, parkways, playgrounds, recreation areas and other open spaces.
 - e. Off-street parking space.
 - f. Types of dwelling and portions of the area proposed therefor.
 - g. Locations of dwellings, garages and/or parking spaces.
 - h. A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed dwelling types.
 - i. A tabulation of overall density per gross acres.
 - j. Preliminary plans and elevations of the several dwelling types.

Sec. 5.803. Use regulations.

A. Permitted uses. Building, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Any use shown as permitted in Table 5.803., subject to the use limitations as listed.

B. Uses permitted by conditional use permit.

1. Any use shown as permitted by conditional use permit in Table 5.803., subject to the use limitations as listed, and any additional conditional use permit criteria.

Table 5.803. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Accessory buildings and structures including private garages, swimming pools, and recreation buildings and courts	P (7)
2. Accessory Dwelling Unit	P (8)
2.3. Accessory uses including home occupation and swimming pools	P (1) (9)
3.4. Community buildings and recreational facilities not publicly owned, such as: athletic fields, boys' clubs, commercial stables, ranches, and tennis clubs (see Section 1.403. for criteria)	CU
4.5. Day care home	P
6. Dwelling, multiple	P
7. Dwelling unit, single-family, having either party walls or walled courtyards, including Vacation rental or Short-term rental	P
5.8. Educational service, elementary and secondary school (see Section 1.403. for criteria)	CU (2) (3)
6.9. Educational service, other than elementary and secondary school, colleges and universities only (see Section 1.403. for criteria)	CU (2)
7.10. Group home	P
8.11. Model home, temporary sales office/buildings	P (4)
9.12. Municipal uses	P
10.13. Place of worship	P
11.14. Residential health care facility (see Section 1.403. for criteria, except as modified in Section 5.804.D.)	CU
12.15. Single family dwelling having either party walls or walled courtyards, including Vacation rental or Short term rental Residential Recreation Area	P (10)
13.16. Wireless communication facility, Type 1, 2 and 3	P (5)
14.17. Wireless communication facility, Type 4	CU (6)

Use Limitations:

- (1) The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.
- (2) Conditional use permit is not required for public or charter educational services.
- (3) Educational service, charter school: minimum lot size is forty-three thousand (43,000) square feet.
- (4) For uses incidental to construction work and/or home sales, to be removed upon completion or abandonment of construction work and/or home sales.
- (5) Subject to the requirements of Sections 1.904., 3.100., and 7.200.
- (6) Subject to the requirements of Sections 1.400., 3.100., and 7.200.

- (7) Accessory buildings and structures subject to the property development standards of the R-4 zoning district.
- (8) Accessory Dwelling Unit subject to the requirements of Section 7.900.
- (9) Swimming pools subject to the requirements of Section 7.200.G.4.
- (10) Residential Recreation Area subject to the requirements of Section 7.200.G.1.

Sec. 5.804. Property development standards.

The following property standards shall apply to all land and buildings in the R-4 district:

A. *Minimum property size.*

- 1. Any property for which R-4 zoning is requested shall contain a minimum of eight thousand (8,000) square feet.

B. *Required common open space.*

- 1. Minimum: 0.10 multiplied by the total gross land area of the development, including landscape areas and recreation areas.
- 2. Accessory buildings for recreation may occupy up to 0.15 multiplied by the minimum required common open space.
- 3. This common open space is not required for developments with densities of less than five (5) units per acre.
- 4. The City Council may waive this common open space requirement based on the development's relationship with an existing public park or recreation area.

C. *Building height.*

- 1. The building height shall be as determined by Development Review Board except that no building shall exceed thirty (30) feet in height and except as otherwise provided in article VII.
- 2. If the R-4 development abuts a single-family residential district or an alley abutting a single-family residential district, the City Council may limit the building height to one (1) story as determined by Development Review Board.

D. *Density.*

- 1. The overall density shall not exceed one (1) dwelling unit per five thousand two hundred forty (5,240) square feet of gross land area.
- 2. Specialized residential health care facility: the number of beds shall not exceed twenty-eight (28) beds per gross acre of land.
- 3. Minimal residential health care facility: the number of units shall not exceed fourteen (14) dwelling units per gross acre of land.

E. *Building setback.*

- 1. Wherever an R-4 development abuts an R-1, R-4R or M-H district or an alley abutting any of those districts, the following shall apply:

- a. A yard of not less than fifteen (15) feet shall be maintained for the single story structures.
 - b. An additional depth of ten (10) feet shall be provided for each additional story.
2. Within an R-4 development or wherever an R-4 development abuts any district other than R-1, R-4R or M-H, or abuts an alley adjacent to such other district, a building may be constructed on the property line. However, if any yard is to be maintained, it shall be not less than ten (10) feet in depth. Larger yards may be required by the Development Review [Board] or City Council if the existing or future development of the area around the site warrants such larger yards.
 3. No building or part thereof shall be erected or altered in this district that is nearer a dedicated street than fifteen (15) feet except that the average setback from any dedicated street shall be twenty (20) feet.

Exception:

- a. Where a lot is located at the intersection of two (2) or more streets the setback on one (1) street shall be not less than ten (10) feet.
4. No more than thirty (30) percent of the frontage dwelling units shall have living space above one (1) story in height that is located within fifty (50) feet of any dedicated street.

F. *Distance between buildings.*

1. There shall not be less than ten (10) feet between an accessory building or structure and a main building or between two (2) main buildings, except that an accessory building or structure with two (2) or more open sides, one (1) of which is adjacent to the main building, may be built to within six (6) feet of the main building.

G. *Walls, fences and required screening.*

1. Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required yard areas, except within the required frontage open space, within which they may not exceed three (3) feet in height, or except as otherwise provided in Article VII.
2. All parking areas shall be screened to a height of three (3) feet above the parking surface.
3. Storage and refuse areas shall be screened as determined by Development Review Board.

H. *Access.* Access shall be as determined by Development Review Board.

Sec. 5.805. Off-street parking.

The provisions of article IX shall apply.

Sec. 5.806. Signs.

The provisions of article VIII shall apply.

Sec. 5.807. Landscaping.

Unless otherwise provided, the provisions of Article X. apply.

Sec. 5.900. Resort/Townhouse Residential (R-4R).

Sec. 5.901. Purpose.

This district is intended primarily for self-contained accommodations which include recreational amenities and services customarily furnished at hotels, including the service of meals. Additionally, the district provides for residential development having either party walls or walled courtyards.

Sec. 5.902. Development plan.

A. *Development Plan at time of rezoning.*

1. The Planning Commission or City Council may require any application for rezoning to the R-4R District to be accompanied by a Development Plan which shall show the following:
 - a. Topography.
 - b. Proposed street system.
 - c. Proposed block layouts.
 - d. Proposed reservation for parks, parkways, playgrounds, recreation areas and other open spaces.
 - e. Off-street parking space.
 - f. Types of buildings and portions of the area proposed therefor.
 - g. Locations of buildings, garages and/or parking spaces.
 - h. A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed building types.
 - i. A tabulation of overall density per gross acres.
 - j. Preliminary plans and elevations of proposed major buildings and any proposed dwelling types.

Sec. 5.903. Use regulations.

A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Any use shown as permitted in Table 5.903., subject to the use limitations as listed.

B. *Uses permitted by conditional use permit.*

1. Any use shown as permitted by conditional use permit in Table 5.903., subject to the use limitations as listed, and any additional conditional use permit criteria.

Table 5.903. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Accessory buildings and structures including private garages, swimming pools, recreation buildings and courts, and walled driveway entrances	P (7)
2. Accessory Dwelling Unit	P (8)
2.3. Accessory uses including home occupation and swimming pools	P (1) (9)
3.4. Community buildings and recreational facilities not publicly owned, such as: athletic fields, boys' clubs, commercial stables, ranches, and tennis clubs (see Section 1.403. for criteria)	CU
4.5. Day care home	P
6. Dwelling, multiple	P
5.7. Dwelling unit(s), single-family, having party walls or walled courtyards, including Vacation rental or Short-term rental	P
6.8. Educational service, elementary and secondary school (see Section 1.403. for criteria)	CU (2) (3)
7.9. Educational service, other than elementary and secondary school, colleges and universities only (see Section 1.403. for criteria)	CU (2)
8.10. Golf course	CU
9.11. Group home	P
10.12. Model home, temporary sales office/buildings	P (4)
11.13. Municipal uses	P
12.14. Place of worship	P
15. Residential Recreation Area	P (10)
13.16. Travel accommodation	P
14.17. Wireless communication facility, Type 1, 2 and 3	P (5)
15.18. Wireless communication facility, Type 4	CU (6)

Use Limitations:

- (1) The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.
- (2) Conditional use permit is not required for public or charter educational services.
- (3) Educational service, charter school: minimum lot size is forty-three thousand (43,000) square feet.
- (4) For uses incidental to construction work and/or home sales, to be removed upon completion or abandonment of construction work and/or home sales.
- (5) Subject to the requirements of Sections 1.904., 3.100., and 7.200.
- (6) Subject to the requirements of Sections 1.400., 3.100., and 7.200.
- (7) Accessory buildings and structures subject to the requirements of Section 7.200.A.
- (8) Accessory Dwelling Unit subject to the requirements of Section 7.900.

(9) Swimming pools subject to the requirements of Section 7.200.G.4.

(10) Residential Recreation Area subject to the requirements of Section 7.200.G.1.

Sec. 5.904. Property development standards.

The following property development standards shall apply to all land and buildings in the R-4R District:

- A. *Lot area.* The overall site shall contain a minimum of seven and one-half (7½) acres prior to street dedications.
- B. *Lot dimensions.*
 - 1. Width. The overall site shall have a minimum width of three hundred (300) feet.
- C. *Density.*
 - 1. The minimum gross land area per guest room shall be four thousand one hundred (4,100) square feet.
 - 2. The minimum gross land area per dwelling unit having either party walls or walled courtyards made available for rent, lease or sale shall be five thousand seven hundred seventy (5,770) square feet.
 - 3. Buildings may cover an aggregate area of twenty-five (25) percent excluding parking areas.
 - 4. The City Council may regulate concentrations of density by site plan approval.
- D. *Building height.*
 - 1. No building shall exceed thirty-five (35) feet in height.
- E. *Overall side yard requirements.*
 - 1. There shall be a yard a minimum of thirty (30) feet in depth adjacent to all perimeter property lines, including property lines abutting perimeter streets, except that the minimum yard shall be only twenty (20) feet adjacent to those perimeter property lines that abut districts other than a single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A.
 - 2. Within one hundred (100) feet of any perimeter street or any single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A., all buildings shall be:
 - a. Used only for guest rooms that are detached from central hotel facilities or for dwelling units.
 - b. A maximum of one (1) story in height.

- 3. There shall be a yard a minimum of one hundred (100) feet in depth adjacent to all perimeter streets, maintained as open space except for vehicular access ways, unless buildings as allowed in 2. above are constructed.
- 4. Within fifty (50) feet of any district boundary line other than a single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A., or any property line abutting additional Resort/Townhouse Residential R-4R zoning, all buildings shall be:
 - a. Used only for guest rooms that are detached from central hotel facilities or for dwelling units.
 - b. A maximum of one (1) story in height.
- F. *Walls, fences and landscaping.* Walls, fences and hedges up to eight (8) feet in height and walled driveway entrances up to six (6) feet in height are permitted, except that walls, fences and hedges up to three (3) feet in height in the required one hundred-foot yard along street frontages and in the ten (10) feet adjacent to the street where a thirty-foot setback is allowed along street frontages. Those yards must be maintained as landscape areas and may be penetrated by pedestrian and vehicular access ways only. Walled driveway entrances up to six (6) feet in height are permitted within the setback requirements if such entrance is compatible with the surrounding development.
- G. Other requirements and exceptions as specified in article VII.

Sec. 5.905. Parking.

The provisions of article IX shall apply.

Sec. 5.906. Signs.

The provisions of article VIII shall apply.

Sec. 5.907. Landscaping.

Unless otherwise provided, the provisions of Article X. apply.

Sec. 5.1000. Multiple-family Residential (R-5).

Sec. 5.1001. Purpose.

This district is intended to provide for development of multiple-family residential and allows a high density of population with a proportional increase in amenities as the density rises. The district is basically residential in character and promotes a high quality environment through aesthetically oriented property development standards.

Sec. 5.1002. Reserved.

Sec. 5.1003. Use regulations.

- A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:
 - 1. Any use shown as permitted in Table 5.1003., subject to the use limitations as listed.
- B. *Uses permitted by conditional use permit.*
 - 1. Any use shown as permitted by conditional use permit in Table 5.1003., subject to the use limitations as listed, and any additional conditional use permit criteria.

Table 5.1003. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Accessory buildings and structures including private garages, swimming pools, and recreation buildings and courts	P (6)
2. Accessory Dwelling Unit	P (7)
2-3. Accessory uses including home occupation and swimming pools	P (1) (8)
3-4. Commercial and/or ham transmitting or receiving radio and television antennas in excess of seventy (70) feet	CU
4-5. Community buildings and recreational facilities not publicly owned, such as: athletic fields, boys' clubs, commercial stables, private lake, ranches, semi-private lake, and tennis clubs (see Section 1.403. for criteria)	CU
5-6. Day care home	P
6-7. Day care center	CU
7-8. Dwelling unit, single-family detached or attached, including Vacation rental or Short-term rental	P
8-9. Dwelling, multi-family/multiple	P
9-10. Educational service, elementary and secondary school (see Section 1.403. for criteria)	CU (2)
10-11. Educational service, other than elementary and secondary school, colleges and universities only (see Section 1.403. for criteria)	CU (2)
11-12. Golf course, regulation or par-three, that is incidental to and located within the development	CU
12-13. Group home	P
13-14. Model home, temporary sales office/buildings	P (3)
14-15. Municipal uses	P
15-16. Place of worship	P
16-17. Plant nursery (see Section 1.403. for criteria)	CU
17-18. Private club	CU
18-19. Public buildings other than hospitals	CU
19-20. Public utility buildings, structures or appurtenances thereto for public service uses	CU
20-21. Residential health care facility (see Section 1.403. for criteria)	CU

22. Residential Recreation Area	P (9)
21.23. Travel accommodation	CU
22.24. Wireless communication facility, Type 1, 2 and 3	P (4)
23.25. Wireless communication facility, Type 4	CU (5)

Use Limitations:

- (1) The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.
- (2) Conditional use permit is not required for public or charter educational services.
- (3) For uses incidental to construction work and/or home sales, to be removed upon completion or abandonment of construction work and/or home sales.
- (4) Subject to the requirements of Sections 1.904., 3.100., and 7.200.
- (5) Subject to the requirements of Sections 1.400., 3.100., and 7.200.
- (6) Accessory buildings and structures subject to the property development standards of the R-5 zoning district.
- (7) Accessory Dwelling Unit subject to the requirements of Section 7.900.
- (8) Swimming pools subject to the requirements of Section 7.200.G.4.
- (9) Residential Recreation Area subject to the requirements of Section 7.200.G.1.

Sec. 5.1004. Property development standards.

The following property development standards shall apply to all land and buildings in the R-5 District.

A. *Minimum property size.*

1. Each parcel or lot within a development shall be a minimum net lot size of thirty-five thousand (35,000) square feet.
2. If an R-5 zoned parcel of land or a lot of record in separate ownership has an area of less than thirty-five thousand (35,000) square feet and has been lawfully established and re-corded prior to the adoption of this requirement on October 2, 1979, such lot may be used for any purpose permitted in this section, subject to all other requirements of this ordinance.

B. *Required open space.*

1. Density based uses.
 - a. Minimum open space per Section 5.1004.D., distributed as follows:
 - i. Frontage open space minimum: 0.50 multiplied by the minimum open space per Section 5.1004.D., except as follows:
 - (1) Minimum: Twenty (20) square feet per one (1) linear foot of public street frontage.

- (2) Not required to exceed more than fifty (50) square feet per one (1) linear foot of public street frontage.
 - ii. The remainder of the density based uses minimum open space per Section 5.1004.D., less the frontage open space, shall be common open space.
 - b. Private outdoor living space.
 - i. First story dwelling units, minimum: 0.10 multiplied by the gross floor area of the unit.
 - ii. Dwelling units above the first story, minimum: 0.05 multiplied by the gross floor area of the unit.
 - iii. The private outdoor living space shall be located beside the dwelling unit which it serves and shall be for the exclusive use of the unit occupant(s), but is not part of the unit's gross floor area.
 - 2. Non-density based uses.
 - a. Minimum open space: 0.24 multiplied by the net lot area distributed as follows.
 - i. Frontage open space minimum: 0.50 multiplied by the minimum open space.
 - ii. The remainder of the non-density based uses minimum open space, less the frontage open space, shall be provided as common open space.
 - 3. Parking areas and parking lot landscaping are not included in the required open space.
- C. *Building height.*
- 1. No building shall exceed thirty-six (36) feet in height except as otherwise provided in article VII.
 - 2. Building height shall not exceed one (1) story within fifty (50) feet of any R-1, R-2, R-3, R-4, R-4R or M-H district boundary line.
- D. *Density requirements.* Compliance with the standards under columns 3 and 4 determine allowable density for dwelling and guest units.

ALLOWABLE DENSITY		STANDARDS	
1	2	3	4
Dwelling Units Per Acre (and corresponding gross land area per unit requirement)	Timeshare or Guest Units Per Acre (and corresponding gross land area per unit requirement)	Minimum Percentage of Net Lot Area to be maintained in Open Space	Minimum Percentage of the Tree Requirement to be provided in Mature Trees
17 (2562) or less	24 (1816) or less	22	40
18 (2422)	25.5 (1708)	25	50
19 (2292)	27 (1613)	28	60
20 (2180)	28.5 (1528)	31	70
21 (2074)	30 (1452)	34	80
22 (1980)	31.5 (1382)	37	90
23 (1890)	33 (1320)	40	100

E. *Building setback.*

1. Wherever an R-5 development abuts an R-1, R-2, R-3, R-4, R-4R or M-H district or an alley abutting any of those districts, a yard of not less than fifteen (15) feet shall be maintained.
2. Wherever an R-5 development abuts any district other than R-1, R-2, R-3, R-4, R-4R or M-H, or abuts an alley adjacent to such other district, a building may be constructed on the property line. However, if any yard is to be maintained, it shall be not less than ten (10) feet in depth. Larger yards may be required by the Development Review Board or City Council if the existing or future development of the area around the site warrants such larger yards.

F. *Distance between buildings.*

1. There shall not be less than ten (10) feet between an accessory building or structure and a main building or between two (2) main buildings, except that an accessory building or structure with two (2) or more open sides, one (1) of which is adjacent to the main building, may be built to within six (6) feet of the main building.

G. *Walls, fences and required screening.*

1. Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required yard areas, except within the required frontage open spaces, within which they may not exceed three (3) feet in height, or except as otherwise provided in article VII.
2. All parking areas adjacent to a public street shall be screened with a wall to a height of three (3) feet above the parking surface.
3. All mechanical structures and appurtenances shall be screened as approved by the Development Review Board.
4. All storage and refuse areas shall be screened as determined by Development Review [Board].

H. *Access.* All lots shall have frontage on and have vehicular access from a dedicated street, unless a secondary means of permanent vehicle access has been approved by the Development Review Board.

Sec. 5.1005. Off-street parking.

The provisions of article IX shall apply.

Sec. 5.1006. Signs.

The provisions of article VIII shall apply.

Sec. 5.1007. Landscaping.

Unless otherwise provided, the provisions of Article X. apply.

Sec. 5.1100. Service Residential (S-R).

Sec. 5.1101. Purpose.

This district is transitional, intended primarily to provide offices of a residential scale and character, to serve nearby neighborhoods; and secondarily, to offer medium density residential land uses. Strict property development standards lessen the impact of more intense land uses on adjacent single-family residential districts, while encouraging sensitive design.

Sec. 5.1102. Use regulations.

- A. *Permitted uses.* Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered, or enlarged only for the following uses:
 - 1. Any use shown as permitted in Table 11.201.A., subject to the limitations as listed.
- B. *Uses permitted by conditional use permit.*
 - 1. Any use shown as permitted by conditional use permit in Table 11.201.A., subject to the limitations as listed, and any additional conditional use permit criteria.

Sec. 5.1103. Property development standards.

The following property development standards shall apply to all land and buildings in the S-R District.

- A. *Density.*
 - 1. Maximum: 12 dwelling units per acre of gross lot area.
- B. *Building height (excluding rooftop appurtenances).* Maximum: 18 feet.
- C. *Required open space.*
 - 1. Density based uses. Minimum open space: 0.36 multiplied by the net lot area.
 - 2. Non-density based uses. Minimum open space: 0.24 multiplied by the net lot area.
 - 3. Minimum open space is distributed as follows:
 - a. Frontage open space minimum: 0.12 multiplied by the net lot area, except as follows:
 - i. Lots with one (1) street frontage. Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage excluding driveways.
 - ii. Lots with two (2) or more street frontages.
 - (1) Minimum: Twenty (20) square feet per one (1) linear foot of public street frontage excluding driveways, for one (1) street.
 - (2) Minimum: Ten (10) square feet per one (1) linear foot of public street frontage excluding driveways, for all other streets.
 - b. The remainder of the minimum open space, less the frontage open space, shall be common open space.
 - 4. Private outdoor living space.

- a. Ground floor dwelling units, minimum: 0.10 multiplied by the gross floor area of the unit.
 - b. Above the ground floor dwelling units, minimum: 0.05 multiplied by the gross floor area of the unit.
 - c. The private outdoor living space shall be located beside the dwelling unit which it serves and shall be for the exclusive use of the unit occupant(s), but is not part of the unit's gross floor area.
- 5. Parking areas and parking lot landscaping are not included in the required open space.
 - 6. NAOS may be included in the required open space.
- D. *Distance between buildings.*
- 1. Minimum: 10 feet between all buildings.
 - 2. However an accessory building or structure with two or more open sides, one which is adjacent to the main building, minimum: 6 feet to the main building.
- E. *Walls and fences.*
- 1. On side and rear property lines, walls and fences are permitted. Maximum height: eight feet.
 - 2. Within frontage open space: Maximum height: three feet.
- F. *Screening.*
- 1. All operations shall be conducted within a completely enclosed building or within an area contained by a wall or fence as determined by Development Review Board approval.

Sec. 5.1104. General provisions.

Unless otherwise provided, the provisions of Article VII. shall apply.

Sec. 5.1105. Signs.

The provisions of Article VIII shall apply.

Sec. 5.1106. Off-street parking.

The provisions of Article IX shall apply.

Sec. 5.1107. Landscaping.

Unless otherwise provided, the provisions of Article X. shall apply.

Section 4. That the Zoning Ordinance of the City of Scottsdale, ARTICLE V. – DISTRICT REGULATIONS, Sections 5.2000. through 5.2008. are amended as follows with all new language depicted in grey shading and deleted language in strike-through:

Sec. 5.2000. Manufactured Home (M-H).

Sec. 5.2001. Purpose.

This district is intended to provide for the development of manufactured home parks at standards consistent with the health, safety and welfare of the community. Further, it is intended that, by the criteria set forth in this section said development will better the existing environment.

Sec. 5.2002. Reserved.

Sec. 5.2003. Use regulations.

- A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:
 - 1. Any use shown as permitted in Table 5.2003., subject to the use limitations as listed.
- B. *Uses permitted by conditional use permit.*
 - 1. Any use shown as permitted by conditional use permit in Table 5.2003., subject to the use limitations as listed, and any additional conditional use permit criteria.

Table 5.2003. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Accessory buildings and structures including private garages, swimming pools, and recreation buildings and courts	P (7)
2. Accessory Dwelling Unit	P (8)
2.3. Accessory uses including home occupation and swimming pools	P (1) (9)
3.4. Community buildings and recreational facilities not publicly owned, such as: athletic fields, boys' clubs, commercial stables, ranches, and tennis clubs (see Section 1.403. for criteria)	CU
4.5. Day care group home	P
5.6. Day care home	P
7. Dwelling, single-family	P
6.8. Educational service, elementary and secondary school (see Section 1.403. for criteria)	CU (2)
7.9. Educational service, other than elementary and secondary school, colleges and universities only (see Section 1.403. for criteria)	CU (2)
8.10. Installation of residential trailers and manufactured homes	P
9.11. Model home, temporary sales office/buildings	P (3)
10.12. Municipal uses	P
11.13. Place of worship	P (4)
12.14. Public utility buildings, structures or appurtenances thereto for public uses	CU

13. 15. Single family dwelling units Residential Recreation Area	P (10)
14. 16. Wireless communication facility, Type 1, 2 and 3	P (5)
15. 17. Wireless communication facility, Type 4	CU (6)

Use Limitations:

- (1) The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.
- (2) Conditional use permit is not required for public or charter educational services.
- (3) For uses incidental to construction work and/or home sales, to be removed upon completion or abandonment of construction work and/or home sales.
- (4) Place of worship subject to compliance with the following standards, as well as those otherwise required in the underlying District:
 - a. *Lot area:* The minimum lot area shall be equal to that required for the district, except that no lot shall be less than twenty thousand (20,000) square feet (net).
 - b. *Floor area ratio:* In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.
 - c. *Building height:* Development Review Board may allow building heights, including towers, spires, and mechanical equipment (such equipment must be screened) limited to thirty (30) feet in height, and may allow a maximum of ten (10) percent of the roof area to exceed the height limit by fifteen (15) feet. Height and location are subject to the Development Review Board review and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods. (This provision supersedes Section 7.100. through 7.102., exceptions to height restrictions, which shall not apply to churches within the underlying District.)
 - d. *Required open space:*
 - i. Minimum: 0.24 multiplied by the net lot area.
 - ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.
 - iii. NAOS may be included in the required open space.
 - e. *Parking:*
 - i. Parking shall observe the minimum front yard setbacks of the underlying District for all frontages. On streets classified in the Transportation Master Plan as major arterial or greater, parking may be located between the established front building line and the front yard setback. On all other street classifications, parking shall be located behind the established front building lines.
 - ii. A minimum of fifteen (15) percent of all parking areas shall be landscaped.
 - iii. A ten-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion

of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

- f. *Lighting:*
- i. All pole-mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height.
 - ii. All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., shall be set back a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be shut off by 10:00 p.m.
 - iii. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.
- g. *Screening:*
- i. There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines that are adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
 - ii. There shall be a three-foot high landscaped berm along all street frontages where parking occurs.
- h. *Access:*
- i. All places of worship must have primary access to a street classified in the Transportation Master Plan as a minor collector or greater.
 - ii. Access to a local or local collector residential street is prohibited when the primary worship center, auditorium, or other major gathering place exceeds three thousand (3,000) square feet.
- i. *Operations:* No outdoor activities shall be permitted after 10:00 p.m.
- j. *Noise:* Outdoor speakers or paging systems are not allowed.
- (5) Subject to the requirements of Sections 1.904., 3.100., and 7.200.
- (6) Subject to the requirements of Sections 1.400., 3.100., and 7.200.
- (7) Accessory buildings and structures subject to the requirements of Section 7.200.A.
- (8) Accessory Dwelling Unit subject to the requirements of Section 7.900.
- (9) Swimming pools subject to the requirements of Section 7.200.G.4.
- (10) Residential Recreation Area subject to the requirements of Section 7.200.G.1.

Sec. 5.2004. Property development standards.

The following property development standards shall apply to all land, buildings and manufactured homes in the M-H district.

A. Area.

1. Each parcel of land used for a manufactured home park shall have a minimum area of ten (10) acres.
2. There shall be a minimum of seven thousand (7,000) square feet of gross land area within a manufactured home park per manufactured home.

B. Dimensions.

1. Width. Each manufactured home space **or lot** shall have a minimum width of fifty (50) feet.
2. Depth. Each manufactured home space **or lot** shall have a minimum depth of eighty (80) feet.

C. Density. ~~There shall be not more than one (1) manufactured home per each manufactured home space.~~

1. ~~There shall be not more than one (1) manufactured home per each manufactured home space.~~
2. ~~There shall not be more than one (1) single-family dwelling unit on any one (1) lot.~~

D. Building height. No building shall exceed thirty (30) feet in height except as otherwise provided in article VII.**E. Yards.**

1. Front Yard.
 - a. There shall be a front yard having a depth of not less than sixteen (16) feet.
 - b. Where spaces have frontage on more than one (1) street the required front yard shall be ten (10) feet on street frontages other than the narrowest frontage.
 - c. There shall be a setback of twenty (20) feet from the property line, **or street improvements where property lines are not present**, to any garage door or to a carport, ~~cover from the property line to the carport.~~
2. Side Yard.
 - a. There shall be side yards on each side of a **main** building or manufactured home.
 - b. The aggregate width of side yards on a manufactured home space **or lot** shall not be less than ten (10) feet.
 - c. The minimum side yard shall not be less than five (5) feet in width for **enclosed any main buildings, manufactured homes,** or garages and three (3) feet in width for carports open on at least two (2) sides.
3. Rear Yard. There shall be a rear yard having a minimum depth of ten (10) feet.

4. Perimeter setbacks. All main buildings, manufactured homes, ~~or~~ and attached garages or carports shall be setback a minimum of twenty (20) feet from the perimeter property line of the manufactured home park.

F. *Distance between buildings.*

1. Accessory buildings or structures may be attached to the main building or manufactured home or if separate shall be not less than ten (10) feet away from the main building or manufactured home.
2. The distance between main buildings or manufactured homes ~~along with~~, including any attached garages or carports, and main buildings or manufactured homes, including any attached garages or carports, on adjacent lots shall be not less than ten (10) feet.

G. *Buildings, walls, fences and landscaping.*

1. Walls, fences and hedges not to exceed six (6) feet in height shall be permitted on the property line or within the side or rear yard. Walls, fences and hedges not to exceed three (3) feet in height shall be permitted within the front yard except as otherwise provided in article VII.
2. All manufactured home parks shall have decorative masonry walls as approved by the Development Review Board.
3. Landscaping shall be provided as required by the Development Review Board, with a minimum of five (5) percent of all common parking and driveway areas to be landscaped.

H. *Access.*

1. Manufactured home parks shall have vehicular access from a street classified as a collector or greater.
2. Access roads within the manufactured home park shall be paved to a minimum width of not less than twenty-eight (28) feet with concrete curbs or edging.

Sec. 5.2005. Off-street parking.

The provisions of article IX shall apply.

Sec. 5.2006. Signs.

The provisions of article VIII shall apply.

Sec. 5.2007. Other requirements.

- A. Maximum coverage including buildings, manufactured homes and paved areas shall be sixty (60) percent.
- B. Manufactured homes shall be equipped with toilet and bath facilities and shall be connected to the sanitary sewer line. Water, telephone and electric service shall be provided and all utilities shall be underground.

- C. One (1) or more community recreation areas, each having not less than three thousand (3,000) square feet in area, shall be set aside within the manufactured home parks. The total area set aside for recreation shall be not less than ten (10) percent of the gross manufactured home park area.
- D. Residential trailers or manufactured homes shall be installed with the bottom flush with the ground or with a skirt matching the building or mound that shields from view the bottom space under the unit.

Sec. 5.2008. Reserved.

Section 5. That the Zoning Ordinance of the City of Scottsdale, ARTICLE VI. – SUPPLEMENTARY DISTRICTS, Section 6.1004. is amended as follows with all new language depicted in grey shading and deleted language in strike-through:

Sec. 6.1004. Property development standards.

The property development standards of the underlying district shall apply except as modified below.

A. Building height:

- 1. Buildings in general: No building shall exceed twenty-four (24) feet in height, except as otherwise provided in this section.
- 2. Institutional buildings: Public, semipublic or public service buildings, institutions, or schools, when permitted in a district, may be erected to a height not exceeding forty (40) feet, provided that the buildings are set back from each property line at least twenty-five (25) feet for each one (1) foot of additional building height above twenty-four (24) feet and provided that the building meets all yards and setbacks provided herein and within the underlying district. If the parcel of such a use or building is less than ten (10) gross acres in size the maximum building height shall be twenty-four (24) feet.

B. Walls, fences and hedges:

- 1. Walls, fences, or hedges up to six (6) feet in height are allowed on the property line and within the parcel except within a required front yard. The use of undulating walls that follow the land form are highly encouraged.
- 2. Walls, fences or hedges taller than three (3) feet in height shall not be placed within a required front yard.
- 3. The maximum portion of a parcel that may be enclosed by walls, fences and hedges taller than three (3) feet in height but not taller than six (6) feet in height, except as provided in section 6.1004b, in which case walls of up to eight (8) feet in height may be built, shall be as follows:

Parcel size: Maximum enclosure area by walls and building (including the area of any accessory building).

Parcel size:	Maximum Permitted Percent of Enclosure of the Net Lot Area:
32,000 to 69,999 sq. ft.	60% of net lot area
70,000 to 189,999 sq. ft.	55% of net lot area
190,000 sq. ft. or more	45% of net lot area

4. Exceptions:

- a. No wall, fence or hedge may be placed in a location that separates a Natural Area Open Space (NAOS) from an abutting street right-of-way or road/access easement or an abutting Natural Area Open Space (NAOS).
- b. Walls, fences or hedges up to eight (8) feet tall may be placed within a required rear or side yard along collector or larger street as classified in the Transportation Master Plan, provided that the wall is set back a minimum of fifty (50) feet and a maximum of one hundred (100) feet from the right-of-way. If a street is designated in the General Plan as a scenic corridor, the walls, fences or hedges shall be set back a minimum of one hundred twenty-five (125) feet and a maximum of one hundred seventy-five (175) feet from the right-of-way.
- c. A corral fence not exceeding six (6) feet in height shall be permitted on the property line or within any yard, except that no corral fence may be placed within ten (10) feet of a street right-of-way or a dedicated public trail easement or pathway easement. Areas enclosed by a corral fence are not subject to the provisions of Section 6.1004.B.3.

C. Accessory buildings and structures:

- 1. The minimum setback for an accessory buildings or structure from the rear or side property line shall be:

Lot Size:	Setback:
32,000—69,000 square feet	5 feet
70,000—189,999 square feet	10 feet
190,000 square feet or more	15 feet

Exception: This provision shall not apply to an Accessory Dwelling Unit.

- 2. The minimum distance between an accessory building or structure and the main residence or guest house on an abutting lot shall be:

Lot Size:	Minimum Distance:
32,000—69,000 square feet	40 feet
70,000—189,999 square feet	60 feet
190,000 square feet or more	60 feet

Exception: This provision shall not apply to an Accessory Dwelling Unit.

- 3. The minimum distance between an accessory building or structure and any other building on the same parcel when the accessory building or structure is located within the required rear yard or within twenty (20) feet of a side property line in the R1-43 district or within thirty (30) feet of a side property line in the R1-70, R1-130 or R1-190 districts shall be:

Lot Size:	Minimum Distance:
32,000—69,999 square feet	10 feet
70,000—189,999 square feet	15 feet
190,000 square feet or more	20 feet

Note: This provision shall also apply to an Accessory Dwelling Unit.

- 4. The minimum distance between accessory buildings or structures on the same parcel that are located within the portion of the property excluding the required front, required side or required rear yards or between more than one (1) main building on the same parcel shall be:

Lot Size:	Minimum Distance:
32,000—69,999 square feet	5 feet
70,000—189,999 square feet	10 feet
190,000 square feet or more	10 feet

Note: This provision shall also apply to an Accessory Dwelling Unit.

- 5. No accessory building or structure may be placed closer to the front property line than the main building if the main building is located at or within the following distance of the property line:

Lot Size:	Distance from Main Building to Front Property Line:
32,000—69,999 square feet	60 feet
70,000—189,999 square feet	80 feet
190,000 square feet or more	100 feet

Note: This provision shall also apply to an Accessory Dwelling Unit.

Note: The provisions of Sec. 6.1004.C.5. only apply to the shorter street frontage of corner lots or lots with multiple street frontages.

- 6. The total maximum area under roof of all accessory buildings or structures on any one (1) parcel shall be:

Lot Size	Maximum Area (Accessory Building Only)
45,000 sq. ft. or less	30% of rear yard (excluding any dedicated NAOS)
45,001—70,000 sq. ft.	8,000 sq. ft.

70,001—130,000 sq. ft.	14,000 sq. ft.
130,001—240,000 sq. ft.	25,000 sq. ft.
Greater than 240,000 sq. ft.	40,000 sq. ft.

Exception: This provision shall not apply to an Accessory Dwelling Unit.

7. The maximum size of any single accessory building or structure shall be:

Lot Size:	Maximum Size:
32,000—69,999 square feet	6,000 square feet
70,000—189,999 square feet	12,000 square feet
190,000 square feet or more	35,000 square feet

Exception: This provision shall not apply to an Accessory Dwelling Unit.

8. Large building setbacks: The minimum setback from the property line for any accessory building or structure of six thousand (6,000) square feet (under roof) or more shall be:

Setback by Building Size/Lot Size

Building Size:	32,000—69,000 sq. ft.	70,000—189,999 sq. ft.	190,000 sq. ft. or more
6,000—8,000 sq. ft.	50 feet	70 feet	75 feet
8,001—12,000 sq. ft.	N/A*	75 feet	75 feet
Greater than 12,000 sq. ft.	N/A*	N/A*	90 feet

* NA: This size building is not physically possible or allowed (see section 7 above).

Exception: This provision shall not apply to a Accessory Dwelling Unit.

D. *Outdoor lighting:*

1. All outdoor lighting below three (3) feet in height shall be shielded. All outdoor lighting above three (3) feet in height shall be full cutoff fixtures and directed downward.
2. Outdoor lighting height maximum: sixteen (16) feet.
3. Exemption: Security lights that do not stay on more than fifteen (15) minutes do not require shields or full cutoff fixtures.

E. *Sensitive building design and integration:*

1. Reflective building materials are prohibited.
2. No paint colors shall be used which have a light reflective value (LRV) greater than forty (40) percent.
3. Exterior paint and material colors shall not exceed a value of six (6) as indicated in the Munsell Book of Color.

4. Plant materials that are not indigenous to the area shall not exceed twenty (20) feet in height and shall be limited to yards enclosed by walls or solid fences that are a minimum of three (3) feet in height. A list of indigenous plants is available from the City. Outdoor community recreation facilities shall be allowed turf as specified in Section 6.1004.E.5.
 5. Turf shall be limited to enclosed areas not visible off-site from lower elevations. Outdoor recreation facilities, including parks and golf courses, shall be exempt from this standard.
 6. Any parking or staging areas located on any parcel shall be screened from the street and from neighboring properties by low undulating walls and/or berms.
- F. *Special exceptions for unique conditions.* Where there are substantial existing improvements to a property at the time the foothills overlay (FO) is applied to the property and/or there are significant areas of natural features occurring on the property, the property owner may seek relief from the standards contained within the foothills overlay (FO) using the following procedures and standards:
1. Substantial existing improvements shall include a main residence in combination with other structures and improvements such as guest houses, detached garages, barns, studios, tennis courts, hotwalkers, arenas, etc., that occupy at least thirty-five (35) percent of the net lot of the property at the time that the foothills overlay (FO) is applied to the property.
 2. Significant areas of natural features may include large boulders or boulder clusters; ridges, small hills and mountains with slopes generally exceeding fifteen (15) percent and with a vertical dimension of at least fifteen (15) feet; or large washes with a unobstructed bottom width of at least ten (10) feet or a calculated 100-year storm flow of at least two hundred fifty (250) cubic feet-per-second (C.F.S.) that in aggregate occupy at least twenty-five (25) percent of the net lot area of the property or occupy a location on the property that interferes with the application of the standards contained within the foothills overlay (FO).
 3. It shall be the responsibility of the applicant to demonstrate that either or both of the conditions described above apply to the property.
 4. Development review process: The Development Review Board may approve a reduction in the standards contained in the foothills overlay (FO) ordinance of up to but not exceeding twenty-five (25) percent of the standard and not exceeding the standards contained in the applicable underlying zoning district. The Development Review Board may approve such reductions if it has determined that the applicant has demonstrated that the results of the proposal meet the stated purposes of the foothills overlay (FO) and the environmentally sensitive lands overlay (ESLO) and that such reductions are consistent with the character and structure of uses that occur on adjacent properties.
 5. Public hearing process: The city council may approve a reduction of the standards contained in the Foothills Overlay (FO) exceeding twenty-five (25) percent if it has determined that the applicant has demonstrated that the proposal meets the stated purposes of the Foothills Overlay (FO) and the Environmentally Sensitive Lands Overlay (ESLO) and that the results of the proposed reductions are consistent in

character and structure with uses on properties within one thousand (1,000) feet of the property.

Section 6. That the Zoning Ordinance of the City of Scottsdale, ARTICLE VII. – GENERAL PROVISIONS, Section 7.200.A., Section 7.200.G. and Section 7.203. are amended as follows with all new language depicted in grey shading and deleted language in strike-through:

Sec. 7.200. Additional Area Regulations.

~~A. *Accessory buildings.* This section shall apply only to residential districts.~~

- ~~1. No accessory building shall be constructed upon a lot unless the construction of the main building has been actually commenced.~~
- ~~2. No accessory building shall be permitted in a required front or side yard.~~
- ~~3. Accessory buildings may be constructed in a rear yard, but such accessory buildings shall not occupy more than thirty (30) percent of a rear yard, except in R-5 multiple-family residential districts where the lot is used for multiple family units, accessory buildings may occupy seventy-five (75) percent of the rear yard.~~
- ~~4. Except as otherwise provided:

 - ~~a. Accessory buildings shall not be constructed closer than two (2) feet to any side or rear lot line, and~~
 - ~~b. Accessory buildings within a required side or rear yard, which are more than ten (10) feet in height, shall be set back an additional one (1) foot for each foot of building height above ten (10) feet.~~~~
- ~~5. Except as otherwise provided:

 - ~~a. Accessory buildings used as a garage or carport, having access from an alley, shall not be located closer than fifteen (15) feet to the centerline of said alley, and~~
 - ~~b. One (1) additional foot of setback shall be provided for each foot of building height above twelve (12) feet.~~~~
- ~~6. Accessory buildings used as a garage or carport, having direct access from a street, shall not be located closer than twenty (20) feet to the back of ultimate improvements, and one (1) additional foot of setback shall be provided for each foot of building height above twelve (12) feet.~~

A. *Accessory buildings and structures.* This section shall apply only to residential districts. This section shall not apply to an Accessory Dwelling Unit.

- 1. No accessory building or structure shall be constructed upon a lot unless the construction of the main single-family residential dwelling on the same lot has commenced. No accessory building or structure shall be issued a Certificate of Occupancy unless a Certificate of Occupancy has been issued for the main single-family residential dwelling on the same lot.**

2. Lot Coverage. Accessory buildings or structures may be constructed in a rear yard, but the cumulative lot coverage of such accessory buildings or structures shall not occupy more than thirty percent (30%) of a rear yard. Exception: In the Multiple-family Residential (R-5) zoning district where the lot is used for multiple-family dwelling units, the cumulative lot coverage of accessory buildings or structures may occupy up to seventy-five percent (75%) of the rear yard.
3. Single-family Residential (R1-7) location requirements. An accessory building or structure located in the Single-family Residential (R1-7) zoning district shall meet the following location requirements:
 - a. No accessory building or structure shall be permitted in a required front yard.
 - b. No accessory building or structure shall be permitted in a required side yard.
 - c. When an accessory building or structure is located in a rear yard and behind the rear plane of the main single-family residential dwelling, the minimum setback shall be two (2) feet to any side or rear lot line.
 - d. An accessory building or structure used as a private garage or carport and having direct access from an alley shall not be located closer than fifteen (15) feet to the centerline of said alley. Exception: An accessory building or structure used as a private garage or carport that is located in the rear yard may be constructed on the rear lot line if the face of the vehicle entrance into the private garage or carport is located at an angle of ninety (90) degrees or greater from parallel to the alley.
 - e. An accessory building or structure, including any accessory building or structure used as a private garage or carport, that is located in a rear yard and closer to the property line than the equivalent distance of a side or rear setback of the lot, and which is more than twelve (12) feet in height, shall be set back an additional one (1) foot for each one (1) foot of building height above twelve (12) feet.
 - f. An electric or gas fireplace is allowed in the front yard if:
 - i. It does not exceed six (6) feet in height; and
 - ii. It is within the area enclosed by a wall; and
 - iii. The wall encloses forty percent (40%) or less of the front yard as set forth in Sec. 5.504. and is set back a minimum of three (3) feet from the property line.
4. All other residential zoning districts location requirements. An accessory building or structure located in a residential zoning district that is not the Single-family Residential (R1-7) zoning district shall meet the following location requirements:
 - a. No accessory building or structure shall be permitted in a required front yard, including the front yard of the shortest street frontage of a corner lot. Exception: An accessory building or structure may be constructed in the front yard of the longer street frontage of a corner lot, subject to the requirements of this section.
 - b. An accessory building or structure may be constructed in the front yard of the longer street frontage of a corner lot, subject to the following requirements:

- i. The accessory building or structure must be located between the rear plane of the main single-family residential dwelling and rear lot line, and
 - ii. The accessory building or structure must have a minimum setback from the lot line along the longer street frontage equal to the side yard setback requirement of the zoning district for which the lot is located within, unless the lot is adjacent to a key lot in which case the accessory building or structure must meet the minimum front yard setback requirement of the zoning district for which the lot is located within from the lot line along the longer street frontage.
 - c. No accessory building or structure shall be permitted in a required side yard.
 - d. When an accessory building or structure is located in a rear yard and behind the rear plane of the main single-family residential dwelling, the minimum setback shall be two (2) feet to any side or rear lot line.
 - e. An accessory building or structure used as a private garage or carport and having direct access from an alley shall not be located closer than fifteen (15) feet to the centerline of said alley. Exception: An accessory building or structure used as a private garage or carport that is located in the rear yard may be constructed to within two (2) feet of the rear lot line if the face of the vehicle entrance into the private garage or carport is located at an angle of ninety (90) degrees or greater from parallel to the alley.
 - f. An accessory building or structure, including any accessory building or structure used as a private garage or carport, that is located in a rear yard and closer to the property line than the equivalent distance of a side or rear setback of the lot, and which is more than ten (10) feet in height, shall be set back an additional one (1) foot for each one (1) foot of building height above ten (10) feet.
5. An accessory building or structure used as a private garage or carport and having direct access from a street, including direct access from a street along the longer street frontage of a corner lot, shall not be located closer than twenty (20) feet to the back of ultimate street improvements, and one (1) additional foot of setback shall be provided for each one (1) foot of building height above twelve (12) feet.
- B. *Projections into required yards of residential buildings.* This section shall apply only to residential districts. Yards shall be open and unobstructed from the ground to the sky except for the following:
1. Front Yards.
 - a. Sills, belt courses, cornices, eaves, and ornamental features may project two (2) feet into the required yard.
 - b. Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three (3) feet above the adjacent natural ground level may project into the required yard provided these projections be distant at least two (2) feet from the adjacent side lot line.
 - c. Balconies, stairs, covered porches may project four (4) feet into the required yard.

- d. Canopies and awnings projecting over windows may extend into the required yard three (3) feet; however, a canopy extending from the main entrance to the sidewalk and not wider than the entrance may project to the front property line.
 - a. Chimneys may project two (2) feet into the required yard.
2. Side Yards.
- a. Sills, belt courses, cornices, eaves, and ornamental features may project two (2) feet into the required yard.
 - b. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the adjacent natural ground level may project into the required yard provided these projections be distant at least two (2) feet from the adjacent side lot line.
 - c. Balconies and stairs may project two (2) feet into the required yard, but not nearer than two (2) feet to the adjacent side property line.
 - d. Canopies and awnings projecting over windows may extend into the required yard three (3) feet.
 - e. Chimneys may project two (2) feet into the required yard.
 - f. Mechanical equipment such as air conditioners may be constructed in the side yard provided the blower system is not directed toward the adjacent property, and provided said mechanical equipment shall not be closer than ten (10) feet to any opening to an indoor living area on an adjacent lot.
3. Rear Yards.
- a. Sills, belt courses, cornices, eaves and ornamental features may project two (2) feet into the required yard
 - b. Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three (3) feet above the adjacent natural ground level may project into the required yard provided these projections be distant at least two (2) feet from the adjacent side lot line.
 - c. Balconies and stairs may project four (4) feet into the required yard.
 - d. Covered porches may project into the required yard provided they are not nearer than ten (10) feet to the rear property line.
 - e. Canopies and awnings projecting over windows may extend into the required yard three (3) feet.
 - f. Chimneys may project two (2) feet into the required yard.
 - g. Mechanical equipment such as air conditioners may be constructed in the rear yard provided the blower system is not directed toward the adjacent property, and provided said mechanical equipment shall not be closer than ten (10) feet to any opening to an indoor living area on an adjacent lot.
- C. *Basement or cellar occupancies.* This section shall apply only to residential districts. No basement or cellar shall be occupied for residential purposes until the remainder of the

building has been substantially completed, and in no event shall the basement or cellar be occupied for longer than two (2) years from the time of completion of the basement or cellar.

- D. *Temporary buildings.* Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but such temporary buildings shall be removed upon completion or abandonment of the construction work.
- E. ~~*Swimming pool.*~~ *Reserved.*
1. ~~No swimming pool shall be located closer than two (2) feet to any property line. Any portion of a pool wall constructed with a distance from a property line less than the depth of the pool, may be subject to special structural requirements.~~
- F. *Satellite receiving earth stations.* Satellite receiving earth stations may be located in rear and side yards provided that the installation is screened to the height of the installation from off-property views by means of buildings, solid walls, and/or solid fences. The height of screening shall comply with the requirements of the zoning district. The method of screening for installations below six (6) feet in height shall be approved by the planning staff. Appeals of staff decisions shall be made to the Development Review Board. Installations for a single-family residential use shall be limited to six (6) feet in height measured from grade level. Installations above six (6) feet in height of non-single residential family use shall be approved by the Development Review Board.
- G. *Accessory uses.*
1. **Residential Recreation Areas.** This section shall apply only to residential districts.
- a. ~~Tennis courts.~~ **Residential Recreation Areas** are a permitted accessory use to a single-family residential dwelling on the same lot. ~~Tennis courts~~ **Residential Recreation Areas**, including the enclosure and lighting thereof, may be built on a single-family residential lot as follows:
- i. **No Residential Recreation Area shall be constructed upon a lot unless the construction of the main single-family residential dwelling on the same lot has commenced.**
 - ii. ~~Tennis courts~~ **Residential Recreation Areas** shall not be permitted in a required front yard.
 - iii. ~~Tennis courts without lighting~~ **Residential Recreation Areas** shall be setback a minimum of five (5) feet from all side and rear lot lines (measure from the edge of the playing surface).
 - iv. ~~Tennis courts with lighting shall be setback twenty (20) feet from all side and rear lot lines (measured from the edge of the playing surface and base of the lighting standard).~~ **Residential Recreation Areas** shall not exceed a height of thirty (30) inches above the adjacent grade unless otherwise required to meet stormwater requirements.
 - v. **Outdoor lights that direct illumination towards a side or rear property line shall have a minimum setback of twenty (20) feet (measured from the base of the lighting standard). Outdoor lights shall be shielded to obscure the light source**

from adjacent properties, comply with Section 7.600 of this Article, and shall not be operated between 10:00 p.m. and sunrise. Residential Recreation Areas that include outdoor lights shall submit plans and specifications of said lighting along with details of the residential recreation area for review and determination of zoning compliance in accordance with the requirements of Sec. 1.300. and Sec. 1.908.

v.vi. ~~Tennis courts~~ Residential Recreation Areas shall be fenced or otherwise enclosed to prevent tennis balls and other flying objects from landing on adjacent properties. The maximum wall and/or fence height shall comply with the standards of the zoning district for the lot.

vi.vii. Plans for the construction of a ~~tennis court~~ Residential Recreation Area shall be submitted in accordance with Sec. 1.1100. ~~to the development services manager for a determination of zoning compliance. Tennis court plans~~ Plans for the construction of a Residential Recreation Area shall include setback dimensions from all property lines and the location and height of any walls, fences, or lighting related to the ~~tennis court~~ Residential Recreation Area.

2. Medical marijuana qualifying patient cardholder cultivation. This section applies only to dwelling units.

- a. Medical marijuana qualifying patient cardholder may cultivate medical marijuana if:
 - (i) Permitted by the Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, as amended.
 - (ii) The cultivation takes place in an "enclosed, locked facility" as that term is defined in the Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, as amended.
 - (iii) The medical marijuana is cultivated by the medical marijuana qualifying patient cardholder only: on the property where the cardholder resides if the cardholder resides in a single-family dwelling or two-family dwelling; or in the dwelling where the cardholder resides if the cardholder resides in an apartment, condominium or other communal living arrangement.
 - (iv) The medical marijuana is used only by the medical marijuana qualifying patient cardholder who resides in the dwelling unit.

3. Backyard fowl. This section applies only to single-family residential lots.

- a. The keeping of fowl in the rear yard is a permitted accessory use to a main single-family dwelling. The keeping of backyard fowl is subject to the requirements of SRC Chapter 4, Article II., and the following requirements:
 - i. The keeping of fowl shall not be permitted in a required front or side yard.
 - ii. Fowl shall be kept in an enclosure located in the rear yard of the property. The enclosure shall be set back at least twenty (20) feet from a property line. The enclosure shall be limited to a maximum size of two hundred (200) square feet. The enclosure shall be limited to a maximum height of eight (8) feet, or

the maximum wall or fence height allowed in the zoning district where the property is located, whichever is less. These enclosure requirements shall not apply to an enclosure constructed prior to December 31, 2024.

4. Swimming pools.

- a. No swimming pool shall be located closer than two (2) feet to any property line. Any portion of a pool wall constructed with a distance from a property line less than the depth of the pool, may be subject to special structural requirements.

* * *

Sec. 7.203. Vacation rentals or Short-term rentals.

A. Any legally authorized vacation rental or short-term rental is subject to the following:

- 1. The owner of a vacation rental shall provide to the City of Scottsdale the name and contact information of a person designated as an emergency contact.
- 2. The vacation rental must at all times comply with all federal, state, and local laws, rules and regulations related to public health, safety, sanitation, solid waste, hazardous waste, traffic control, pollution control, noise, property maintenance, and nuisance abatement. The owner of the vacation rental shall be deemed responsible for any violation of such laws, rules, and regulations occurring on the vacation rental property.
- 3. No vacation rental may be used for the purpose of any of the following:
 - a. Any commercial, industrial, manufacturing, or other non-residential purpose,
 - b. Operating a retail business, restaurant, event or banquet center,
 - c. Housing sex offenders,
 - d. Operating or maintaining a structured sober living home,
 - e. Selling controlled substances or pornography,
 - f. Operating any adult-oriented business.
- 4. An Accessory Dwelling Unit that is issued a certificate of occupancy on or after September 14, 2024, shall not be used as a vacation rental or short-term rental unless the property owner resides on the same property as the property owner's primary residence.

Section 7. That the Zoning Ordinance of the City of Scottsdale, ARTICLE VII. – GENERAL PROVISIONS, Section 7.900. is amended as follows with all new language depicted in grey shading and deleted language in strike-through:

Sec. 7.900. ~~Reserved.~~ Accessory Dwelling Units.

Sec. 7.901. Purpose.

- A. These provisions describe the qualifications, application requirements, and property development standards for the development of an Accessory Dwelling Unit to ensure that an Accessory Dwelling Unit is consistent with the character of single-family residential neighborhoods, and to minimize impacts of the development. The qualifications, requirements, and regulations in these provisions are in addition to the other codes and requirements of the City of Scottsdale.

Sec. 7.902. Qualifications.

- A. An Accessory Dwelling Unit shall only be established upon demonstration of all of the following requirements:

1. Location.

- a. An Accessory Dwelling Unit shall only be permitted on a single-family residential lot as permitted by the underlying zoning district. No Accessory Dwelling Unit shall be constructed upon a single-family residential lot unless the main single-family residential dwelling has been constructed and received a Certificate of Occupancy on the same lot. No Accessory Dwelling Unit shall be issued a Certificate of Occupancy unless a Certificate of Occupancy has been issued for the main single-family residential dwelling on the same lot.
- b. An Accessory Dwelling Unit shall not be located in any of the following areas:
- i. Land in the territory in the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461, or
- ii. Land in the territory in the vicinity of a federal aviation administration commercially licensed airport or a general aviation or public airport as defined in A.R.S. § 28-8486.

2. Utility services.

- a. The property owner shall provide separately metered utilities (electrical, gas, water, and sanitary sewer) connections to the Accessory Dwelling Unit, unless otherwise determined by the utility provider.
- b. The property owner shall be responsible to repair any public street or other public property that is disturbed as a result of the construction of an Accessory Dwelling Unit to the requirements and standards of the City.

3. Ownership, renting, and subdivision.

- a. Any Accessory Dwelling Unit on a single-family residential lot shall not be sold separately from the main single-family residential dwelling on the same lot.
- b. Any Accessory Dwelling Unit that is rented, leased, offered for rent or lease, or occupied as a Vacation Rental or Short-term Rental shall be subject to the requirements of Sec. 7.203.
- c. A Restricted-Affordable Detached Accessory Dwelling Unit shall only be rented to households earning up to eighty percent (80%) of area median income and shall

not be offered as a Vacation Rental or Short-term Rental. Rent shall be established based on the household size and income in accordance with the rent and income limits published by the Arizona Department of Housing at the time of the lease agreement. Prior to issuance of any permit for a Restricted-Affordable Detached Accessory Dwelling Unit, the property owner shall enter into a private deed restriction to meet the requirements of this section, to the satisfaction of the City.

- d. A lot or parcel shall not be subdivided, including through a condominium plat, in a manner that would create a separate lot, parcel, or ownership boundaries exclusively for the main single-family residential dwelling or for an Accessory Dwelling Unit.

Sec. 7.903. Application requirements.

- A. Prior to issuance of any permit for an Accessory Dwelling Unit, the property owner shall submit a development application for review, subject to the requirements of Sec. 1.300. The Zoning Administrator or designee shall review a development application for an Accessory Dwelling Unit. The Zoning Administrator or designee shall have the authority to approve, approve with stipulations, or deny a development application for an Accessory Dwelling Unit and that decision shall not be appealable. The property owner must receive approval of the development application before any permit for an Accessory Dwelling Unit will be issued.
- B. In addition to the standard requirements of a development application, any development application for an Accessory Dwelling Unit shall demonstrate the following application requirements, to the satisfaction of the Zoning Administrator or designee:
 1. A site plan in conformance with City of Scottsdale rules, regulations, and guidelines for development. The site plan shall also demonstrate, amongst other requirements, that the proposed Accessory Dwelling Unit is located on a single-family residential lot with an existing main single-family residential dwelling on the same lot and demonstrate compliance with the requirements Sec. 7.904.
 2. The gross floor area of the existing main single-family residential dwelling on the same lot, and plans of the proposed Accessory Dwelling Unit that are in compliance with the requirements of this section.
 3. Separately metered utilities (electrical, gas, water, and sanitary sewer) and connections to the Accessory Dwelling Unit, unless otherwise determined by the utility provider.
 4. Compliance with all applicable building code and fire code requirements, as adopted by the City of Scottsdale, unless otherwise exempted by state statutes.
 5. That, prior to the issuance of any permit for the Restricted-Affordable Detached Accessory Dwelling Unit, the property owner has recorded a private deed restriction acknowledging that the Restricted-Affordable Detached Accessory Dwelling Unit will only be rented to households earning up to eighty percent (80%) of the area median income and will not be offered as a Vacation Rental or Short-term Rental, in a form satisfactory to the City.
- C. Conversion of existing building to an Accessory Dwelling Unit.

1. In order to convert an existing building, or portion of an existing building, to an Accessory Dwelling Unit, the property owner shall comply with the requirements of Sec. 7.900., including but not limited to, provision of sleeping facilities, kitchen facilities, and sanitary facilities, and compliance with all applicable building code and fire code requirements.

Sec. 7.904. Property Development Standards.

- A. An Accessory Dwelling Unit shall be subject to the property development standards of the zoning district for which the proposed Accessory Dwelling Unit is located within, except as modified by this section. If there is a conflict between the property development standards of the underlying zoning district and the property development standards outlined in this section, the property development standards of this section shall control.

1. *Density.*

- a. Attached Accessory Dwelling Unit.

- i. There shall be no more than one (1) Attached Accessory Dwelling Unit on any one (1) single-family residential lot.

- b. Detached Accessory Dwelling Unit.

- i. There shall be no more than one (1) Detached Accessory Dwelling Unit on any one (1) single-family residential lot.

- c. Restricted-Affordable Detached Accessory Dwelling Unit.

- i. Single-family residential lots that are one (1) acre or larger in size are permitted one (1) Restricted-Affordable Detached Accessory Dwelling Unit on any one (1) single-family residential lot in addition to any existing Accessory Dwelling Unit(s) constructed on the lot.

- d. For any single-family residential lot less than one (1) acre in size, there shall be no more than two (2) total Accessory Dwelling Units on any one (1) lot. For any single-family residential lot that is one (1) acre or larger in size, there shall be no more than three (3) total Accessory Dwelling Units on any one (1) lot, one of which must be a Restricted-Affordable Detached Accessory Dwelling Unit.

2. *Size.*

- a. Only one Accessory Dwelling Unit constructed on a single-family residential lot shall be allowed to have a gross floor area that is up seventy-five percent (75%) gross floor area of the main single-family residential dwelling on the same lot, or one thousand (1,000) gross square feet, whichever is less. All other Accessory Dwelling Units constructed on the same lot shall be five hundred (500) gross square feet or less in size.

3. *Occupancy.*

- a. The cumulative occupancy of the main single-family residential dwelling in combination with any Accessory Dwelling Units on the same single-family residential lot shall not exceed six (6) adults. A familial, marital, employment, or other preexisting relationship between the owner or occupant of the main single-

family residential dwelling and the occupant of an Accessory Dwelling Unit located on the same lot is not required.

4. *Building height.*

- a. No Accessory Dwelling Unit shall exceed the building height permitted in the zoning district for which the Accessory Dwelling Unit is located.

5. *Building setbacks.*

a. Attached Accessory Dwelling Unit.

- i. The building setbacks for an Attached Accessory Dwelling Unit shall be that which apply to a main single-family residential dwelling of the zoning district for which the Attached Accessory Dwelling Unit is located.

b. Detached Accessory Dwelling Unit or Restricted-Affordable Detached Accessory Dwelling Unit.

- i. A Detached Accessory Dwelling Unit or Restricted-Affordable Detached Accessory Dwelling Unit shall not be permitted in a required front yard, including the front yard on the longer street frontage of a corner lot.
- ii. A Detached Accessory Dwelling Unit or Restricted-Affordable Detached Accessory Dwelling Unit shall not be permitted in a required side yard.
- iii. A Detached Accessory Dwelling Unit or Restricted-Affordable Detached Accessory Dwelling Unit that is located within a rear yard may be constructed five (5) feet from a side or rear property line.

6. *Distance between buildings.*

- a. There shall not be less than ten (10) feet between an Accessory Dwelling Unit and the main single-family residential dwelling on the same lot, or between an Accessory Dwelling Unit and another Accessory Dwelling Unit on the same lot.

7. *Private outdoor living space.*

- a. Each Accessory Dwelling Unit shall provide private outdoor living space located adjacent to the Accessory Dwelling Unit.
- b. Each private outdoor living space shall be at least five (5) feet deep and fifty (50) square feet in area.

8. *Parking.*

- a. The addition of an Accessory Dwelling Unit to a single-family residential lot shall not reduce or eliminate any required parking for the main single-family residential dwelling on the lot. The minimum parking requirements for the main single-family residential dwelling on the lot shall be provided at all times. If an Accessory Dwelling Unit removes or modifies existing required vehicle parking spaces for the main single-family residential dwelling on the lot, the minimum required parking spaces for the main single-family residential dwelling on the lot shall be replaced on the same lot in a location approved by the Zoning Administrator or designee.

9. *Access.*

- a. Each Accessory Dwelling Unit shall provide a separate exterior entrance from that serving the main single-family residential dwelling on the same lot.
- b. The path of ingress and egress travel from an Accessory Dwelling Unit to the main street frontage of the lot, or to a yard that opens to the main street frontage of the lot, shall be independent of, and not pass through, the main single-family residential dwelling.

10. Addressing.

- a. Each Accessory Dwelling Unit shall provide a unique address that follows the City's addressing requirements, policies, and assignment process. The address of an Accessory Dwelling Unit shall be placed near the primary entrance of the Accessory Dwelling Unit, clearly visible from the main street frontage of the lot, and meet the requirements of Sec. 8.401.

Section 8. That the Zoning Ordinance of the City of Scottsdale, ARTICLE XI. – LAND USE TABLES is amended as follows with all new language depicted in grey shading and deleted language in strike-through:

ARTICLE XI. LAND USE TABLES

Sec. 11.100. Reserved.

Sec. 11.200. Commercial, Industrial, and Parking Land Uses Table

Sec. 11.201. Use regulations.

- A. *Permitted uses.* The uses allowed in certain zoning districts are shown in Table 11.201.A., subject to the limitations as listed. Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered, or enlarged only for uses noted.
- B. *Uses permitted by conditional use permit.* The uses allowed by conditional use permit in certain zoning districts are shown in Table 11.201.A., subject to the limitations as listed, and any additional conditional use permit criteria.
- C. Drive-through and drive-in services are not permitted in the Downtown Area.
- D. Drive-through and drive-in services are not permitted in the Service Residential (S-R) zoning district.

Table 11.201.A. Land Use Table

(Note – Land Use Table begins on next page)

LAND USES	ZONING DISTRICTS - Permitted (P) or Conditional Use (CU)														
	S-R	C-S	C-1	C-2	C-3	C-4	S-S	C-O	PNC	PCC	PCoC	I-1	I-G	P-1	P-2
Accessory Dwelling Unit	P ^{1,17}														
Adult uses				CU	CU										
Aeronautical use, except off-airport heliport or helipad												P ¹³			
Amusement and theme parks					CU										
Animal and veterinary hospital							P ⁴								
Appliance sales						P									
Arts and craft production						P							P		
Auction sales					P							CU			
Bar		CU		CU	CU				CU						
Big box		P/CU ⁵		P/CU ⁵	P/CU ⁵	P/CU ⁵			P/CU ⁵						
Bowling alley		P		P	P										
Building material and garden sales						P ¹²	P ¹²								
Bus station, excluding overnight parking and storage of buses				CU	CU										
Carports															P
Carwash		CU	CU	CU	CU	CU		CU	CU	CU					
Civic and social organization				P ¹	P ¹				P ¹						
Community buildings and recreational facilities not publicly owned			CU		CU				CU	CU					
Courier and messenger			P	P	P			P	P	P	P	P	P		
Cultural institution				P ¹	P ¹				P ¹						
Data processing, hosting and related service												P	P		
Day care center with drop off or outdoor play area farther than 100 feet from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.															
Day care center with drop off or outdoor play area within 100 feet of a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	
Day care center with drop off or outdoor play area within 100 feet of a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.	CU ¹	CU ¹	CU ¹	CU ¹	CU ¹	CU ¹	CU ¹	CU ¹	CU ¹	CU ¹	CU ¹	CU ¹	CU ¹	CU ¹	

LAND USES	ZONING DISTRICTS - Permitted (P) or Conditional Use (CU)														
	S-R	C-S	C-1	C-2	C-3	C-4	S-S	C-O	PNC	PCC	PCoC	I-1	I-G	P-1	P-2
Dwelling	P ^{1.18}		P ^{1.10}	P ^{1.10}					P ^{1.10}	P ^{1.10}	P ^{1.10}				
Educational service, elementary and secondary school	P ^{1.2}	P ^{1.2}	P ^{1.2}	P ^{1.2}	P ^{1.2}	P ^{1.2}		P ^{1.2}	P ^{1.2}	P ^{1.2}		CU ^{1,2}	CU ^{1,2}		
Educational service, other than elementary and secondary school	P		P	P	P	P		P	P	P		P	P		
Electronic shopping and mail-order service														P	
Equipment storage														P	
Equipment sales, rental, and storage					CU	P	P								
Farm supply sales						P									
Financial institution	P	P	P	P	P	P		P	P	P		P/CU ^{6,14}			
Funeral home and funeral services				CU	CU			CU							
Furniture and home furnishing sales			P	P	P	P			P	P		P			
Game center		CU		CU	CU				CU						
Gas station		CU	CU	CU	CU	CU			CU	CU					
General and specialty trade contractors						P									
Gun shop				P	P										
Health and fitness studio			P	P	P			P	P	P		P	P		
Hospital							CU ¹								
Industrial launderer															
Internalized community storage			P	P	P	P			P	P		P			
Light manufacturing						P						P	P		
Live entertainment		CU	CU	CU	CU				CU	CU					
Medical and diagnostics laboratory	P	P		P	P			P		P		P	P		
Medical marijuana caregiver cultivation												CU			
Medical marijuana use												CU			
Medical marijuana use, excluding medical marijuana cultivation								CU							
Miniature golf course					CU										
Multifamily Conversion	P ^{1.16}	P ^{1.16}	P ^{1.16}	P ^{1.16}	P ^{1.16}	P ^{1.16}	P ^{1.16}	P ^{1.16}	P ^{1.16}	P ^{1.16}	P ^{1.16}				
Multimedia production with communication tower equal to or less than 100 feet in height						P							P		
Multimedia production with communication tower over 100 feet in height							CU						CU		
Multimedia production without communication tower			P	P	P	P	P	P	P	P		P	P		
Municipal use	P	P	P	P	P	P	P	P	P	P		P	P		

LAND USES	ZONING DISTRICTS - Permitted (P) or Conditional Use (CU)														
	S-R	C-S	C-1	C-2	C-3	C-4	S-S	C-O	PNC	PCC	PCoC	I-1	I-G	P-1	P-2
Off-airport heliport or helipad												CU			
Office	P	P	P	P	P			P	P	P	P	P	P		
Outdoor sales display area					CU	CU									P
Parking structures															
Pawnshop				P	P										
Permitted uses of Downtown Overlay (DO), Central Business (C-2), or Highway Commercial (C-3) zoning districts, in a building above ground-level parking															P
Personal care service		P	P	P	P			P	P	P	P	P ¹⁴			
Place of worship	P ^{1,3}	P ¹	P ¹	P ¹	P ¹			P ¹	P ¹	P ¹		P ¹	P ¹		
Plant nursery		P	P	P	P										
Pool hall				CU	CU										
Public utility buildings, structures or appurtenances, thereto for public service uses			CU						CU						
Recyclable material collection center						P								CU	
Refuse enclosures															P
Repair and maintenance						P									
Residential health care facility			P ^{1,9}	P ^{1,9}	P ^{1,9}										
Restaurant, excluding drive-through restaurant and excluding drive-in restaurant		P	P	P	P				P	P	P	P			
Restaurant, including drive-through restaurant but excluding drive-in restaurant		P	P	P					P	P					
Restaurant, including drive-through restaurant and including drive-in restaurant		CU			P							CU ¹⁴			
Restoration service															
Retail		P	P	P	P			P	P	P	P				
Scenic and sightseeing transportation															
Scientific research and development								CU							
Seasonal art festival						P							P	P	
Sports arena				CU	CU	CU				CU					
Storage buildings					CU ¹										
Surface parking lots														P	P

LAND USES	ZONING DISTRICTS - Permitted (P) or Conditional Use (CU)														
	S-R	C-S	C-1	C-2	C-3	C-4	S-S	C-O	PNC	PCC	PCoC	I-1	I-G	P-1	P-2
Swimming pool sales, including display pools only and including construction equipment storage yard						P									
Swimming pool sales, including display pools only, but excluding construction equipment storage yard				P											
Taxi and limousine service												P			
Teen dance center				CU	CU										
Theater		P ¹		P ¹	P ¹				P ¹	P ¹					
Towing service						CU	CU								
Travel accommodation				P ¹	P ¹					P ¹					
Utility service yard						P	P					CU			
Vehicle emissions testing facility						P									
Vehicle leasing, rental or sales with indoor or outdoor vehicle display and storage				CU		P					CU				
Vehicle leasing, rental or sales with indoor vehicle display and storage located in an enclosed building		P ⁷			P ⁷	P ⁷					CU ⁷				
Vehicle leasing, rental or sales with outdoor vehicle display and storage located more than 150 feet from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits															
Vehicle leasing, rental or sales with outdoor vehicle display and storage located 150 feet or less from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits		CU			CU										
Vehicle repair				CU											CU

LAND USES	ZONING DISTRICTS - Permitted (P) or Conditional Use (CU)														
	S-R	C-S	C-1	C-2	C-3	C-4	S-S	C-O	PNC	PCC	PCoC	I-1	I-G	P-1	P-2
Vehicle repair, located more than 150 feet from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits		P ⁸			P ⁸										
Vehicle repair, located 150 feet or less from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits		CU			CU										
Vehicle storage adjacent to residential districts					CU ¹¹	P ¹¹						CU ¹¹			
Vehicle storage not adjacent to residential districts					CU ¹¹	P ¹¹						P ¹¹			
Veterinary and pet care service	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴			P ⁴	P ⁴	P ⁴				
Wholesale, warehouse and distribution					P	P						P	P		
Wireless communications facility, Type 1, 2, and 3	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Wireless communications facility, Type 4	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	

Use Limitations:

- (1) Uses are allowed except in the AC-3 area as described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended.
- (2) Educational services, elementary and secondary school, are subject to the following standards:
 - a. The facility shall be located not less than five hundred (500) feet from any adult use, except for a facility located within the S-R zoning district, which shall be located not less than 1,320 feet from any adult use.
 - b. Net lot area. Minimum: 43,000 square feet.
 - c. The facility shall not have outdoor speaker systems or bells.
 - d. Outdoor playgrounds and recreation areas shall be:
 - i. Located not less than 50 feet from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A;
 - ii. Located within the rear or side yard; and
 - iii. Enclosed and screened by a six-foot wall or fence.
 - e. All lighting adjacent to residential districts shall be set back a minimum of thirty (30) feet from the property line.
 - f. A minimum twenty-four (24) foot setback shall be provided and maintained where parking is adjacent to a residential district.
 - g. A drop-off area accommodating a minimum of five (5) vehicles shall be located along a sidewalk or landing area connected to the main entrance to the facility. This area shall not include internal site traffic aisles, parking spaces, or fire lanes.
 - h. Public trails or pedestrian connections shall link to the front door of the main building, subject to Development Review Board approval.
 - i. The circulation plan shall show minimal conflicts among the student drop-off area, any vehicle drop-off area, parking, access driveways, pedestrian and bicycle paths on site.
 - j. Facilities located in the AC-2 area, described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended, shall be constructed with sound transmission requirements of the International Building Code (IBC). In the I-1 and I-G zoning districts, facilities shall be constructed with sound attenuation measures to reduce outdoor to indoor noise by a minimum of twenty-five (25) decibels. Compliance with the noise attenuation measures set forth in Appendix F to FAA Part 150 Noise Compatibility Study Section 4.00 is deemed compliance with this requirement.
- (3) Places of worship are subject to the following standards:
 - a. Net lot area. Minimum: 20,000 square feet.
 - b. Floor area ratio. Maximum: 0.2.
 - c. Building and structure height.
 - i. Building height including mechanical equipment (such equipment shall be screened). Maximum: 30 feet. However:
 - (1) Non-habitable steeples, towers and spires that cover a maximum of ten (10) percent of the roof area, maximum: 45 feet.
 - (2) Non-habitable freestanding steeples, towers and spires. Maximum: 45 feet.
 - ii. Building height exceptions contained in Article VII shall not apply.

- d. Required open space.
 - i. Minimum: 0.24 multiplied by the net lot area.
 - ii. Building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.
 - iii. NAOS may be included in the required open space.
 - e. Lighting.
 - i. All pole mounted lighting shall be shielded, directed downward and a maximum of sixteen (16) feet in height.
 - ii. All lighting adjacent to residential districts shall be set back a minimum of thirty (30) feet from the property line.
 - iii. All lighting, other than security lighting, shall not be operated between 10:00 p.m. and 6:00 a.m.
 - f. Screening. Screening shall be as approved by the Development Review Board.
 - g. Access. All places of worship must have primary access to a street classified in the Transportation Master Plan as a minor collector or greater.
 - h. Operations.
 - i. No outdoor activities shall be permitted after 10:00 p.m.
 - ii. The use shall not have outdoor speakers.
- (4) Veterinary and pet care services are permitted if all facilities are within a soundproof building. However, outdoor activities are permitted if:
- a. An employee or pet owner shall accompany an animal at all times when the animal is outside the building.
 - b. The property owner and operator maintain all outdoor areas in a clean and sanitary condition, including immediate and proper disposal of animal waste.
 - c. The outdoor areas are set back at least 100 feet from any lot line abutting a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits.
 - d. There is no outdoor kennel boarding, except within the C-4 zoning district.
- (5) Big box retail sales are not allowed in the Environmentally Sensitive Lands Overlay District and are subject to a conditional use permit if:
- a. Primary access is from a local residential street, or
 - b. Residential property is located within 1,300 feet of the big box property line, except where the residential property is developed with nonresidential uses or separated from the big box by the Loop 101 Pima Freeway.
- (6) Drive-through and drive-in service subject to Conditional Use Permit in I-1 zoning district.
- (7) Vehicle leasing, rental or sales with indoor vehicle display and storage located in an enclosed building is subject to the following standards:
- a. Required parking shall not be used for vehicle storage or display.
 - b. None of the above criteria shall prohibit the Development Review Board from considering an application to reconstruct or remodel an existing vehicle leasing, rental or sales with indoor vehicle display and storage located in an enclosed building facility.
- (8) The vehicle repair use is subject to the following standards:
- a. All repairs shall be performed within an enclosed building, except vehicle repair facilities located in the C-4 zoning district.

- b. Vehicles may only enter the rear of the building, except vehicles may enter the side of the building if the lot is:
 - i. A corner lot,
 - ii. A lot abutting a residential district shown on Table 4.100.A.,
 - iii. A lot abutting the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., or
 - iv. Separated by an alley from one (1) of the districts set forth in subsection b.ii. or b.iii. above.
 - c. If the lots meets any requirement of subsection b. above, and side entry bays are proposed, the side entry repair bays shall be screened from street views by solid masonry walls, and the landscape plan shall demonstrate to the Development Review Board's satisfaction, that the proposed screening does not impact the streetscape by exposing repair bays, unassembled vehicles, vehicle repair activities, or vehicle parts.
 - d. All vehicles awaiting repair shall be screened from view by a masonry wall or landscape screen.
 - e. Required parking shall not be used for vehicle storage.
 - f. None of the above criteria shall prohibit the Development Review Board from considering an application to reconstruct or remodel an existing vehicle repair facility.
- (9) Residential health care facilities are permitted subject to the following:
- a. Within the PNC zoning district: site size shall not exceed forty (40) percent of the Development Plan.
 - b. Within the PCC zoning district: site size shall not exceed thirty-five (35) percent of the Development Plan.
 - c. Specialized residential health care facilities.
 - i. The number of beds shall not exceed eighty (80) per acre of gross lot area.
 - d. Minimal residential health care facilities.
 - i. The gross lot area shall not be less than one (1) acre.
 - ii. The number of units shall not exceed forty (40) dwelling units per acre of gross lot area.
 - e. Required open space.
 - i. Minimum open space: 0.24 multiplied by the net lot area distributed as follows.
 - (1) Frontage open space minimum: 0.50 multiplied by the total open space, except as follows:
 - (a) Minimum: Twenty (20) square feet per one (1) linear foot of public street frontage.
 - (b) Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage.
 - (2) The remainder of the minimum open space, less the frontage open space, shall be provided as common open space.
 - f. The site shall be designed, to the maximum extent feasible, so that on-site parking is oriented to the building(s) to provide convenient pedestrian access for residents, guests, and visitors.
- (10) Dwelling units permitted subject to the following:
- a. Dwelling units shall be physically integrated with commercial establishments.

- b. Limited to one (1) dwelling unit per each business establishment. The dwelling unit limitation of one (1) dwelling unit per each business establishment does not apply to property in the PNC zoning district, the PCC zoning district, or the Downtown Area.
- (11) Vehicle storage facilities may include an apartment/office for on-site supervision but no vehicle shall be used as a dwelling, even temporarily.
- (12) Excludes concrete mixing/manufacturing.
- (13) Aeronautical uses are subject to Chapter 5 of the Scottsdale Revised Code.
- (14) Uses that are not accessory uses shall front on a major collector or higher street classification.
- (15) Subject to Zoning Administrator's approval and if the storage building meets the following requirements:
 - a. Is smaller than five hundred (500) square feet, and
 - b. Occupies an area unusable as a parking space.
- (16) Multifamily Conversion permitted subject to the requirements of Section 7.1300.
- (17) Accessory Dwelling Unit subject to the requirements of Section 7.900.
- (18) Accessory buildings and structures permitted on single-family residential lots subject to the requirements of Section 7.200.A.

3-TA-2024 & 4-TA-2024

Citizen Involvement Report

Introduction

In response to new Arizona Laws passed by the state legislature in the Spring of 2024, Scottsdale Planning Commission initiated the following text amendments at their regular meeting on July 10, 2024, in order to comply with State Law:

- 3-TA-2024, Adaptive Reuse & Development Application Determination Text Amendment. Request by City of Scottsdale to amend the City of Scottsdale Zoning Ordinance (Ordinance No. 455) for the purpose of addressing HB2297 and SB1162.
- 4-TA-2024, Accessory Dwelling Unit (ADU) Text Amendment, Request by City of Scottsdale to amend the City of Scottsdale Zoning Ordinance (Ordinance No. 455) for the purpose of addressing HB2720 and HB2325.

Consequently, as required by the city's Zoning Code, staff conducted two open houses where the public was invited to review, and provide public comment on, these amendments.

Summary of Open Houses

Two open house events were held to discuss proposed changes to the Zoning Code. Both events were advertised through an 1/8-page ad in the *Arizona Republic* newspaper, the *Scottsdale P & Z Link* e-newsletter, and postcards sent to the City's interested parties list.

Residents and stakeholders were encouraged to review case information online prior to the meeting, which included:

- An informative video about the City's efforts
- Full versions of all relevant State Laws
- The City's draft Zoning Code amendments
- An option to submit public comments
- Planning Commission and City Council hearing schedules

The first open house took place on Thursday, September 19, 2024, at McCormick Ranch Park Community Center from 5–7 pm, and the second on Friday, September 20, 2024, at the City's Community Design Studio from 11 am–1 pm. A total of 20 people attended the in-person sessions. As of the drafting of this report, online viewership has been significant, with 293 views for the video on the Adaptive Reuse & Development Application Determination Text Amendment (3-TA-2024), and 507 views for the video on the ADU Text Amendment (4-TA-2024).

The same material was presented at both sessions (Attachment 1), covering:

- Requirements of the new State bills,
- How the proposed Zoning Code amendments address the changes, and
- Efforts by the City of Scottsdale to mitigate any potential adverse impacts

Overall, attendees responded positively to the proposed amendments, with many attendees expressing support that their properties would not be as affected by the new State bills due to exclusions for Traffic Pattern Airspace and airport vicinity areas. Some attendees expressed a desire for further restrictions on Short-Term Rentals (STRs). No written comments were submitted.

Enclosures:

1. 3-TA-2024 and 4-TA-2024 Information Boards Presented at Open House
2. Open House Sign-in Sheets

Adaptive Reuse & Development Application Determination Zoning Code Amendment

State Law Requirements & City Compliance

HB2297 + SB1162 | 3-TA-2024





Background

- State of Arizona grants cities and towns with local authority the ability to set zoning/land use regulations subject to State Law
- HB2297 was introduced/passed by the State Legislature and signed by the Governor in April 2024 to allow adaptive reuse of existing commercial, office and mixed-use buildings to be repurposed as multi-family housing
- The City must comply with State Law
 - With compliance the City also intends to minimize the negative impacts of this law on the community

What Buildings Are Included?

New State law enables the adaptive reuse of:

- ✓ Existing commercial/office/mixed-use buildings
- ✓ Situated on land between 1 and 20 acres in size
- ✓ Buildings that are in a state of disrepair or have at least a 50% vacancy

The total allowed adaptive reuse may not exceed 10% of the existing buildings/floor area in the City.



What Does State Law Dictate to the City?

The City CANNOT:

- Require a public hearing for adaptive reuse proposals – including rezoning, conditional use permits or Development Review Board action
- Establish setback, density, parking & building height that is any greater than the requirements set forth in State Law

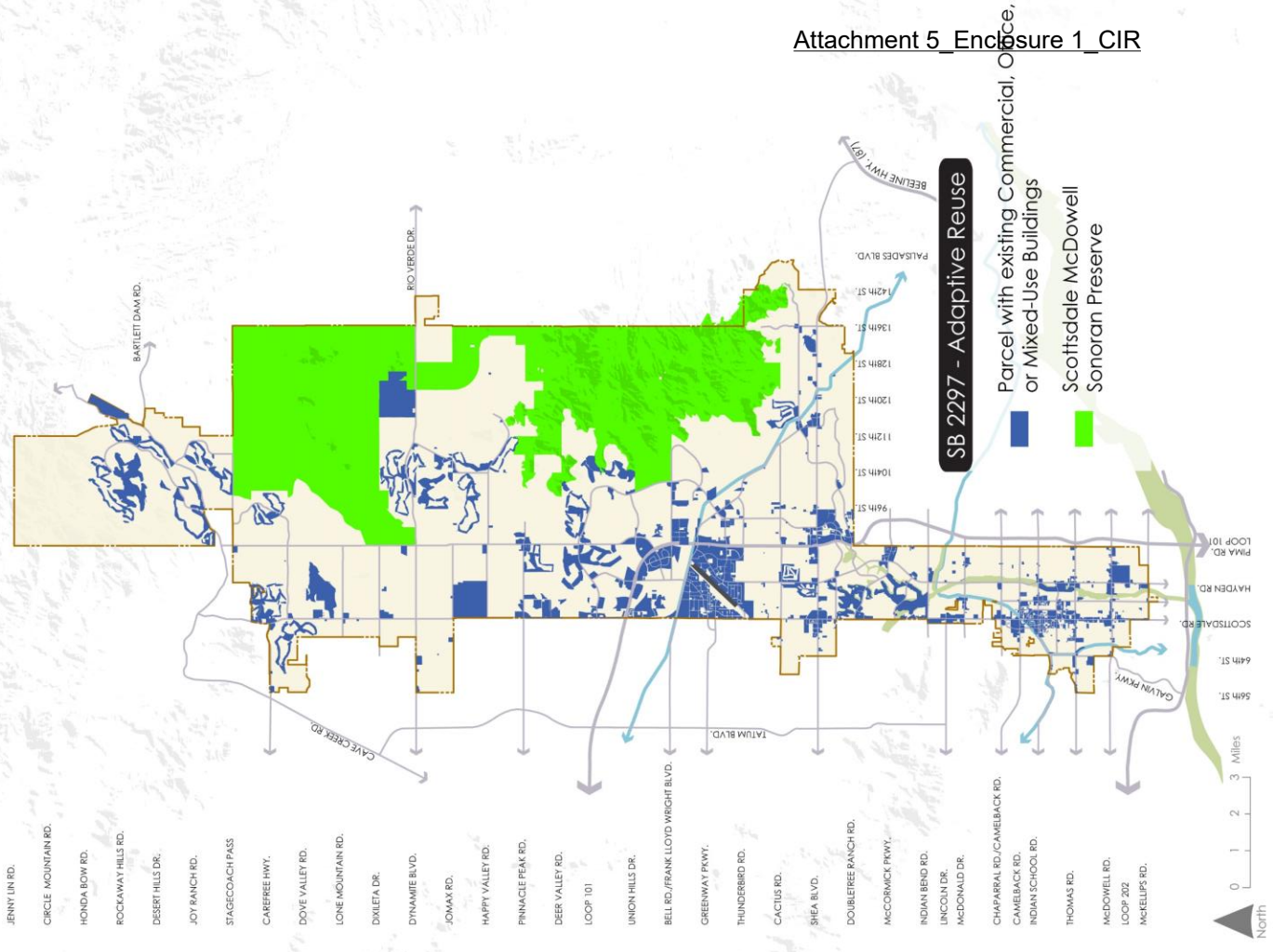
The City CAN REQUIRE:

- Site plan review and approval process
- Compliance with building/fire codes
- Adequate public sewer and water service
- Public utility review
- Existing buildings be economically or functionally obsolete
- A minimum of 10% of the total new multi-family units be set aside for either moderate-income, or low-income housing for at least 20 years
- Buildings within the vicinity of an airport, up to 10% of existing buildings, and historic properties can be excluded



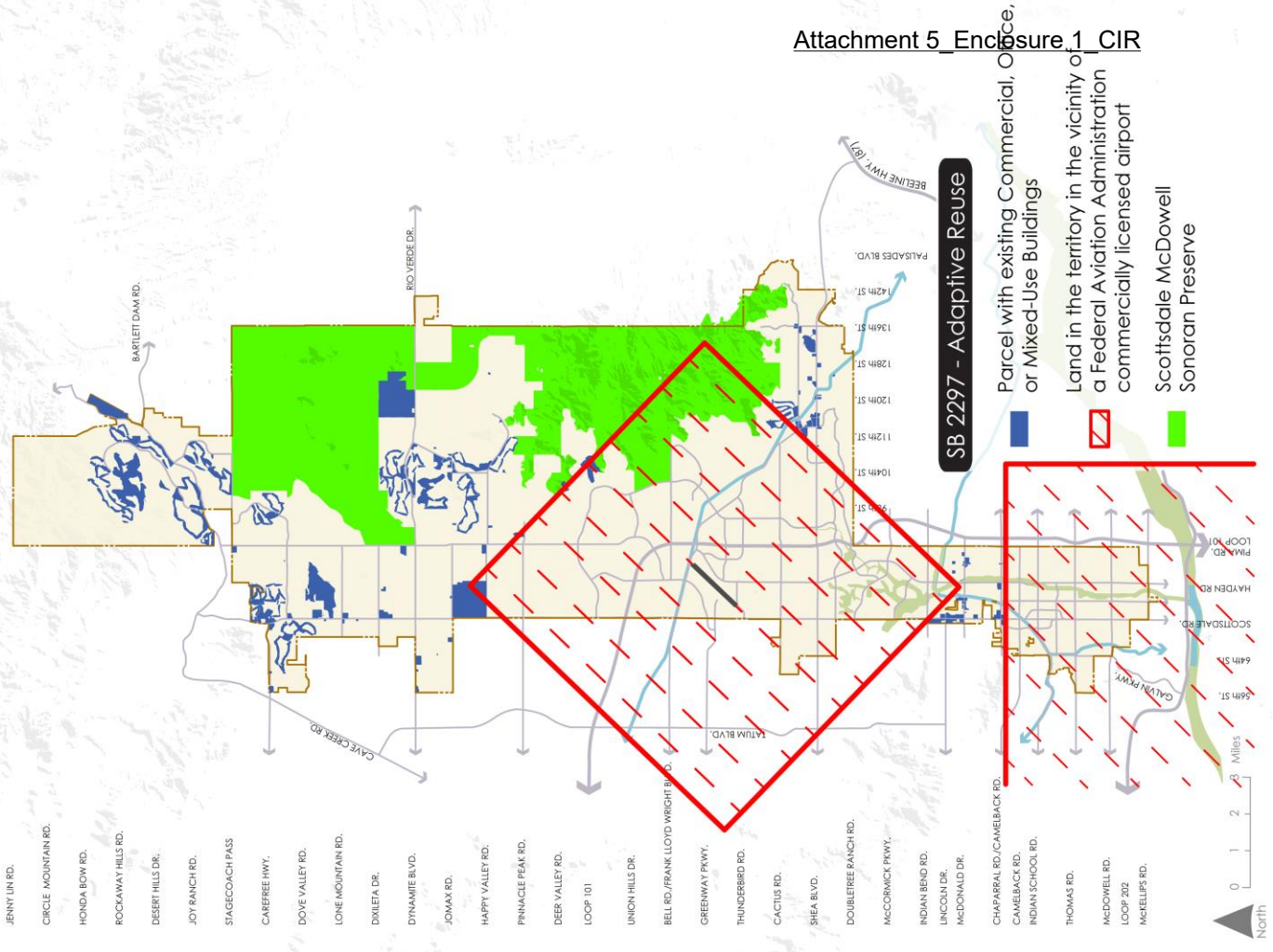
Building Locations Identified Before Exclusions Applied

- Existing commercial, office & mixed-use buildings



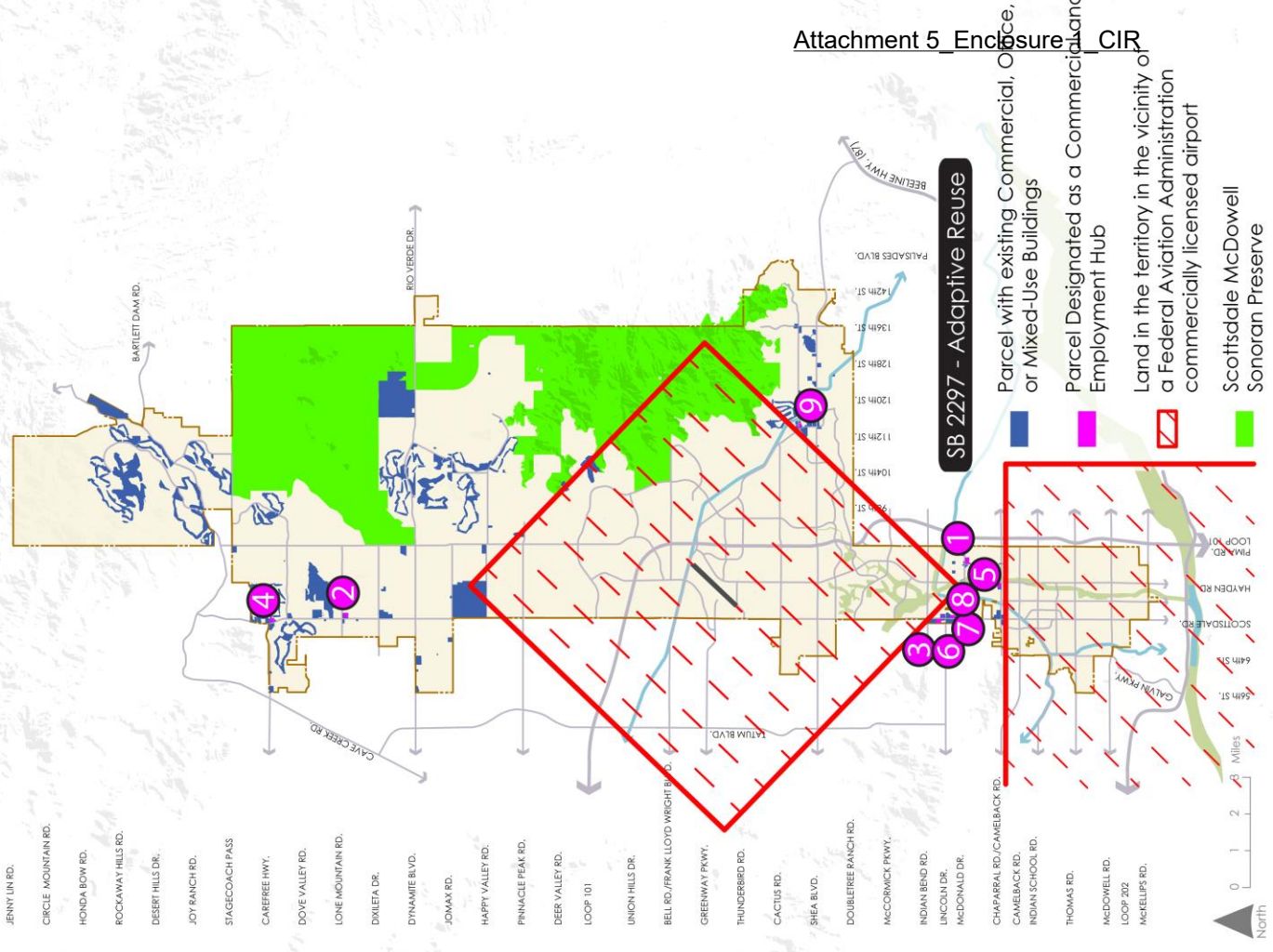
Airport Exclusions:

- Exclude buildings in an airport vicinity
- Scottsdale has airport vicinity in two locations
 - Sky Harbor Airport Vicinity
 - Scottsdale Airport Vicinity
- Commercial, office & mixed-use buildings located within the red airport vicinity boundaries are excluded



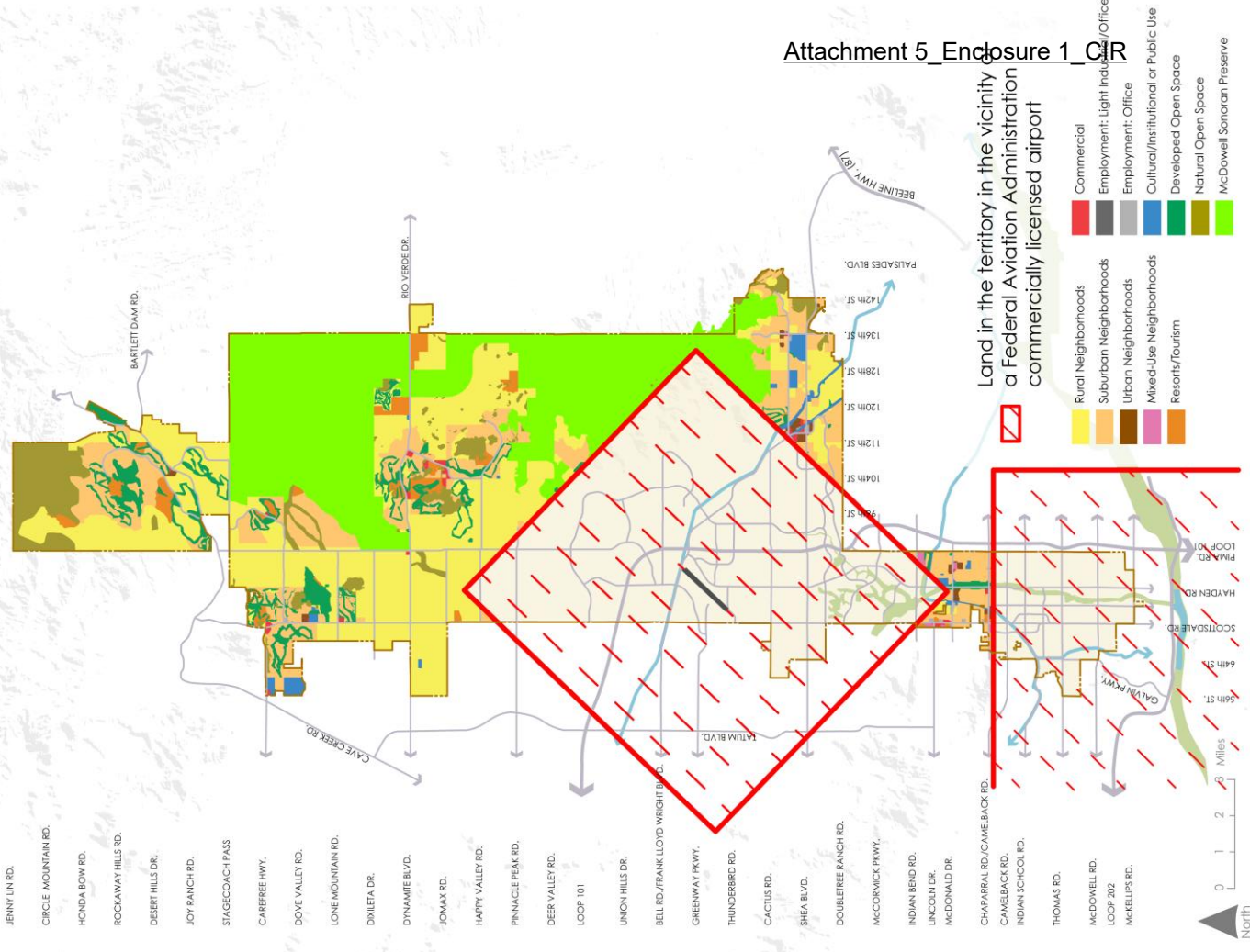
Up to 10% of Commercial/ Employment Hub Exclusions

- City can exclude 10% of existing buildings by designating them as commercial/employment hubs
- The City is designating 9 sites equating to 1.2 million square feet of existing commercial, office, and mixed-use buildings.



Not More Than 10% Eligibility

- State law requires **not more than 10%** of the city's commercial/office/mixed-use buildings to be eligible for multi-family adaptive reuse
- Scottsdale is proposing to **allow 1%** to be eligible for adaptive reuse
- Why 1%? – It aligns with the existing proportion of commercial, office, and mixed-use in areas located outside of the vicinity of an airport



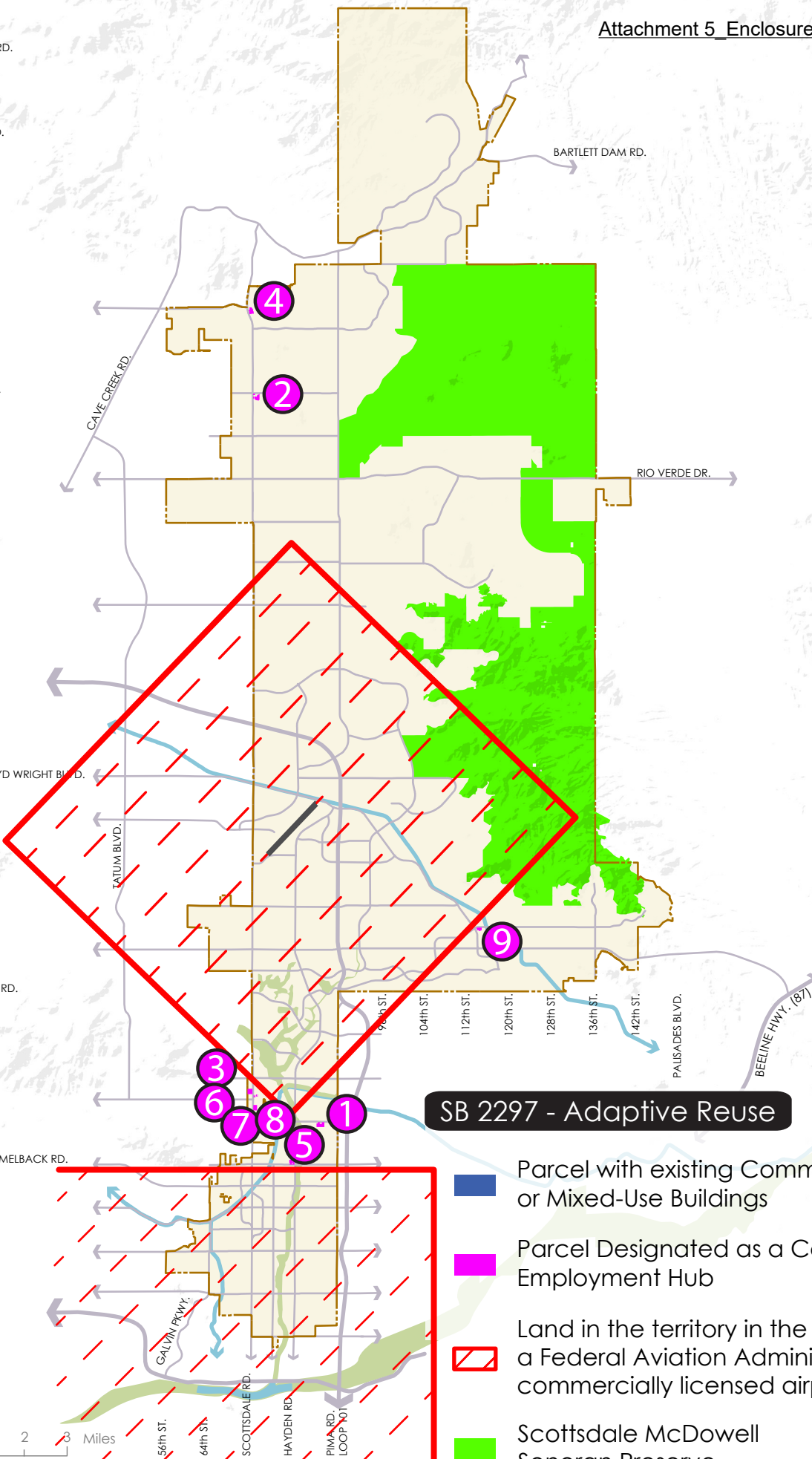
Exclusions, Impacts & What Remains:



Scotts Valley, CA

-
- ✓ Excludes buildings in an airport vicinity
 - ✓ Excludes commercial/employment hubs (not to exceed 10% of existing buildings)
 - ✓ Excludes historic properties (none of which have existing commercial, office, or mixed-use buildings)
-
- ✓ For Scottsdale, 1% of existing buildings may be eligible for adaptive reuse to multi-family
 - ✓ Approximately 120,000 square feet of multi-family housing building space could be realized

- JENNY LIN RD.
- CIRCLE MOUNTAIN RD.
- HONDA BOW RD.
- ROCKAWAY HILLS RD.
- DESERT HILLS DR.
- JOY RANCH RD.
- STAGECOACH PASS
- CAREFREE HWY.
- DOVE VALLEY RD.
- LONE MOUNTAIN RD.
- DIXILETA DR.
- DYNAMITE BLVD.
- JOMAX RD.
- HAPPY VALLEY RD.
- PINNACLE PEAK RD.
- DEER VALLEY RD.
- LOOP 101
- UNION HILLS DR.
- BELL RD./FRANK LLOYD WRIGHT BLVD.
- GREENWAY PKWY.
- THUNDERBIRD RD.
- CACTUS RD.
- SHEA BLVD.
- DOUBLETREE RANCH RD.
- MCCORMICK PKWY.
- INDIAN BEND RD.
- LINCOLN DR.
- MCDONALD DR.
- CHAPARRAL RD./CAMELBACK RD.
- CAMELBACK RD.
- INDIAN SCHOOL RD.
- THOMAS RD.
- MCDOWELL RD.
- LOOP 202
- MCKELLIPS RD.



SB 2297 - Adaptive Reuse

- Parcel with existing Commercial, Office, or Mixed-Use Buildings
- Parcel Designated as a Commercial and Employment Hub
- Land in the territory in the vicinity of a Federal Aviation Administration commercially licensed airport
- Scottsdale McDowell Sonoran Preserve



SB 1162 - Additional Amendment Language

SB1162 – relating to processing of Zoning Map Amendment cases, requires that the City must adopt an ordinance to:

- Determine whether a zoning application is administratively complete within 30 days after receiving the application
- Approve or deny a zoning application within 180 days after the application has been determined to be administratively complete

The City can:

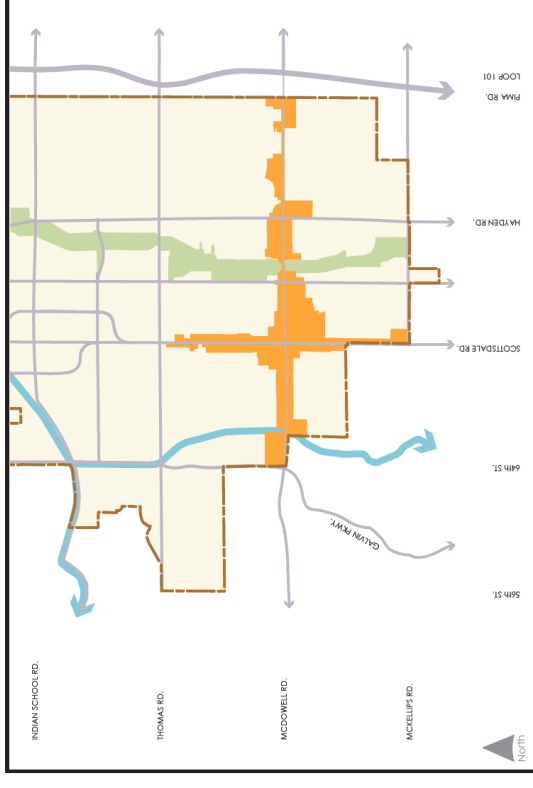
- Grant a one-time extension of not more than 30 days for extenuating circumstances
- Grant 30-day extension(s) for each applicant-initiated extension request

Planned Community District

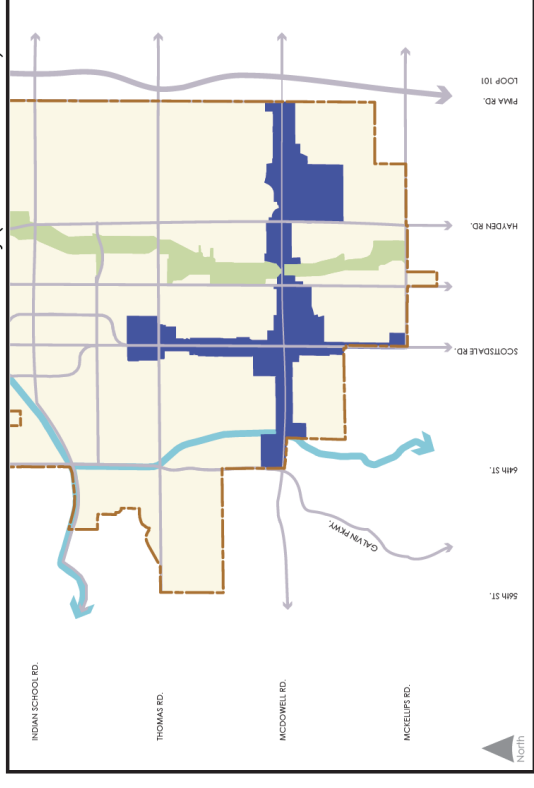
On September 10, 2024, City Council adopted Resolution No. 13232:

- Repealing Resolution No. 8356, terminating the McDowell & Scottsdale Corridor Single Central Business District designation
- Initiate a text amendment to the City of Scottsdale Zoning Ordinance (No. 455) for the purposes of updating the Planned Community (P-C) District size requirements

Single Central Business District Boundary (Resolution No. 8356)



McDowell Road / Scottsdale Road Growth Area Boundary (General Plan 2035)



Sec. 5.2100. Planned Community (P-C).

Sec. 5.2102. General provisions.

- Qualifications.* P-C districts may be established on parcels of land which, because of their unified ownership or control, size, topography, proximity to large public facilities, or exceptional or unusual locational advantages, are suitable for planned development in a manner consistent with the purposes of this section.
- Minimum district size.*
 - Minimum parcel size for any P-C District established within the boundaries of the McDowell Road/Scottsdale Road Growth Area single-Central-Business-District as designated by the Scottsdale General Plan: City Council in Resolution No. 8356: ten (10) acres of gross lot area of all lots shown on the Development Plan.
 - Minimum parcel size for any P-C District established outside the boundaries of the McDowell Road/Scottsdale Road Growth Area single-Central-Business-District as designated by the Scottsdale General Plan: City Council in Resolution No. 8356: one hundred sixty (160) acres of gross lot area of all lots shown on the Development Plan.

Accessory Dwelling Units (ADU) Zoning Code Amendment

State Law Requirements & City Compliance

HB2720 + HB2325 | 4-TA-2024





Background

- State of Arizona grants cities and towns with local authority the ability to set zoning/land use regulations subject to State Law
- HB2720 was introduced/passed by the State Legislature and signed by the Governor in April 2024 to allow for the development of accessory dwelling units on single family properties
- The City must comply with State Law
 - With compliance the City also intends to minimize the negative impacts of this law on the community
 - **If the city does not comply by January 1, 2025, HB 2720 outlines that “accessory dwelling units shall be allowed on all lots or parcels zoned for residential use in the municipality without limits.”**

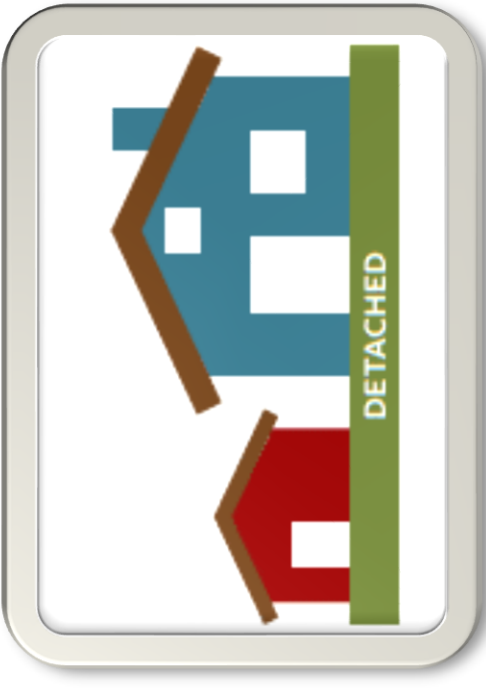
What is an Accessory Dwelling Unit (ADU)?



Scan, copy, save, and share

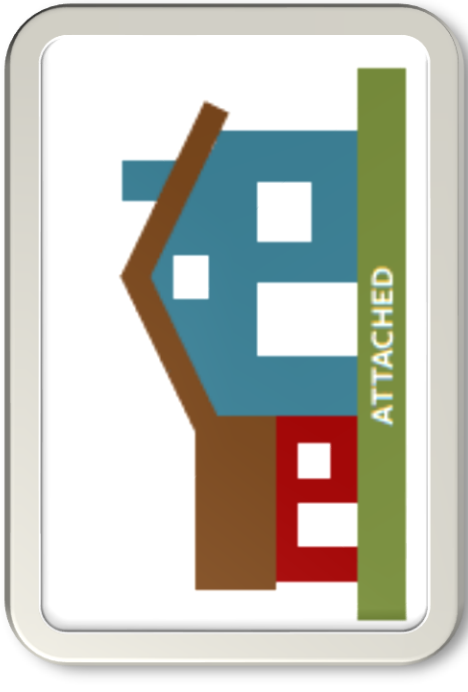
An ADU:

- Is a subordinate, self-contained dwelling unit that is on the same lot as a main single-family residential dwelling
- Is designed for living purposes, and includes its own sleeping facilities, kitchen facilities, and sanitary facilities
- Can be attached or detached from the single-family dwelling



ADUs come in many shapes/styles – most common:

- A self-contained living unit built as a detached structure, separate from the single-family home
- A self-contained living unit built as an attached extension off the single-family home (ex. either on the ground floor or 2nd level addition)



What Does State Law Dictate to the City?

The City MUST:

- Allow **one attached** and **one detached** ADU per single-family property
- Allow a **third detached** ADU for parcels that are 1 acre in size or greater, if at least 1 of the ADUs is an affordable housing unit
- Allow the size of an ADU to be 75% of the gross floor area of the single-family home or up to a maximum 1,000 sq. ft. - whichever is less

The City CANNOT:

- Prohibit the short- or long-term lease of an ADU
- Require familial relationship between the owner of the main home & ADU occupant(s)
- Require on site parking for an ADU (or fees in lieu of parking)
- Require an ADU to have an exterior design like that of the single-family home
- Require more than 5 feet of distance from the rear or side of the ADU to the property line
- Require improvements to the public street as a condition of allowing the ADU
- Require permits, licenses or conditions between private parties for use of the ADU
- Require an ADU to contain a fire sprinkler system



Does Scottsdale Allow ADUs Now?



Scottsdale currently allows Guest Houses on single-family properties



A Guest House is an accessory building used to accommodate guests of the occupants of the main building/house

- Must be ½ the size or less of the main building/house
- Guest house connected to water meter of main dwelling
- Not rented separately from main building/house

What is the Difference Between a Guest House & ADU in Scottsdale?



Scan, copy, save, and share

Guest House in Scottsdale

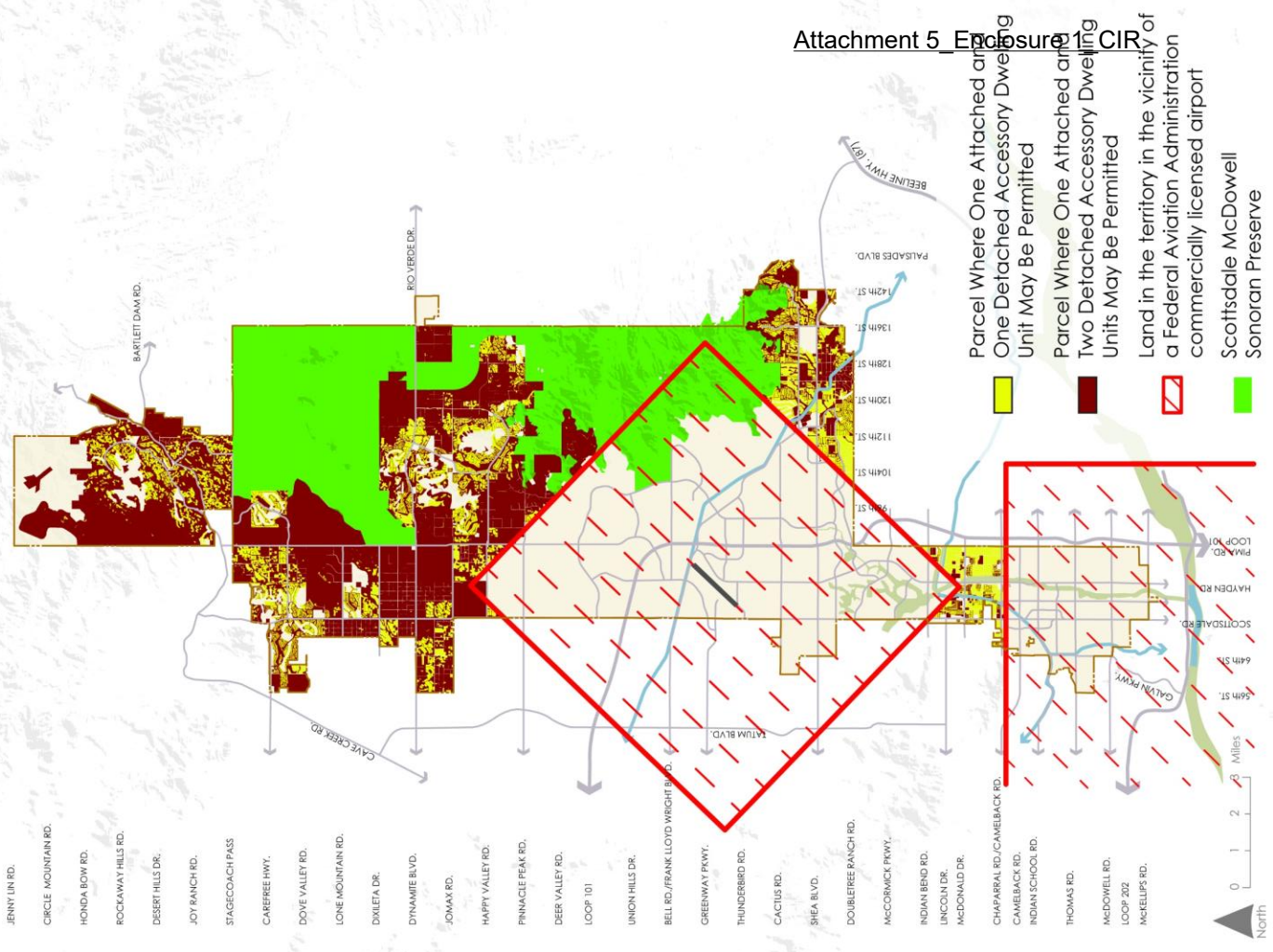
- **Maximum can be 1/2 size of main house**
- **Example:** a 3,000 square foot home may have a guest house that is 1,500 sq.ft. maximum
- **Cannot** be rented separately from main house

ADU in Scottsdale

- **Maximum can be 75% of the size of main house or max of 1,000 square feet, whichever is less.**
- **Example:** an 1,800 square foot home may have an ADU that is 1,000 sq.ft. maximum (75% = 1,350 sq.ft.)
- **Can** be rented separately from the main house

What is the City Proposing?

- **Exclude** areas as permitted by State Law
 - In the vicinity of an airport
 - HOA neighborhoods can privately restrict
- Require an owner of an ADU that is used as vacation or short-term rental after September 14, 2024 to reside on property
- Restrict size of multiple ADUs
- Ensure sufficient water supply and sewer capacity



JENNY LIN RD.

CIRCLE MOUNTAIN RD.

HONDA BOW RD.

ROCKAWAY HILLS RD.

DESERT HILLS DR.

JOY RANCH RD.

STAGECOACH PASS

CAREFREE HWY.

DOVE VALLEY RD.

LONE MOUNTAIN RD.

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LOOP 101

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GREENWAY PKWY.

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CACTUS RD.

SHEA BLVD.

DOUBLETREE RANCH RD.

MCCORMICK PKWY.

INDIAN BEND RD.

LINCOLN DR.

MCDONALD DR.

CHAPARRAL RD./CAMELBACK RD.

CAMELBACK RD.

INDIAN SCHOOL RD.

THOMAS RD.

MCDOWELL RD.

LOOP 202

McKELLIPS RD.



BARTLETT DAM RD.

CAVE CREEK RD.

RIO VERDE DR.

TATUM BLVD.

98th ST.

104th ST.

112th ST.

120th ST.

128th ST.

136th ST.

142th ST.

PALISADES BLVD.

BEELINE HWY. (87)

56th ST.

64th ST.





SCOTSDALE RD.

HAYDEN RD.

PIMA RD.

LOOP 101

GALVIN PKWY.

-  Parcel Where One Attached and One Detached Accessory Dwelling Unit May Be Permitted
-  Parcel Where One Attached and Two Detached Accessory Dwelling Units May Be Permitted
-  Land in the territory in the vicinity of a Federal Aviation Administration commercially licensed airport
-  Scottsdale McDowell Sonoran Preserve



HB2325 – Backyard Fowl

Arizona legislation now requires fowl to be kept in an enclosure located in the rear or side yard of the property at least twenty feet from a neighboring property and restrict the size of the enclosure to a maximum of two hundred square feet with a maximum height of eight feet.

3. Backyard fowl. This section applies only to single-family residential lots.

a. The keeping of fowl in the rear yard is a permitted accessory use to a main single-family dwelling. The keeping of backyard fowl is subject to the requirements of SRC Chapter 4, Article II., and the following requirements:

i. The keeping of fowl shall not be permitted in a required front or side yard.

ii. Fowl shall be kept in an enclosure located in the rear yard of the property. The enclosure shall be set back at least twenty (20) feet from a property line. The enclosure shall be limited to a maximum size of two hundred (200) square feet. The enclosure shall be limited to a maximum height of eight (8) feet, or

the maximum wall or fence height allowed in the zoning district where the property is located, whichever is less. These enclosure requirements shall not apply to an enclosure constructed prior to December 31, 2024.

Next Steps

3-TA-2024: Adaptive Reuse

4-TA-2024: ADU



Public outreach and open houses

When: Thursday, September 19, 2024
Time: 5:00 PM to 7:00 PM
Location: Mountain View Community Center
8625 E. Mountain View Road
Scottsdale, AZ 85258

When: Friday, September 20, 2024
Time: 11:00 AM to 1:00 PM
Location: Community Design Studio
7506 E. Indian School Road
Scottsdale, AZ 85251

Planning Commission

- Non-Action Discussion Item (October 9, 2024)
- Recommendation hearing (October 23, 2024)

City Council

- Action Hearing (Tentatively November 19, 2024)

New provisions must be adopted by local municipalities no later than January 1, 2025

Want more information?

Follow the QR Codes to:

- *Review the full versions of State laws and the city's proposed draft Zoning Code amendments*
 - *HB2297 + SB1162 = 3-TA-2024*
 - *HB2720 + HB2325 = 4-TA-2024*
- *Provide public comment*
- *Stay up-to-date on the public hearing schedule for Planning Commission and City Council*

Adaptive Reuse +
Application Determination



Scan, snap, save, and share

Accessory Dwelling Units (ADU)



Scan, snap, save, and share



Adaptive Reuse & Development Application Determination And Accessory Dwelling Unit (ADU) Text Amendments Open House (3-TA-2024 & 4-TA-2024)

September 19, 2024

Name		Business or Property Address	
Mailing Address & Zip		Phone	E-mail
27483 N 103 RD WAVE 85262		480-299-1815	deuss@windz1965@hbs.edu
Name		Business or Property Address	
JESSE GRONNER		SAME	
Mailing Address & Zip		Phone	E-mail
12474 N 81st St		503-475-8004	JSGRONNER@GMAIL.COM
Name		Business or Property Address	
Susan + Chuck Wood			
Mailing Address & Zip		Phone	E-mail
9630 E Yucca St		480 540 9648	Samw122@aol.com
Name		Business or Property Address	
Mailing Address & Zip		Phone	E-mail
Name		Business or Property Address	
Sonnie Kathy			
Mailing Address & Zip		Phone	E-mail
ON RECORD			2065A2@gmail.com
Name		Business or Property Address	
Mailing Address & Zip		Phone	E-mail

FRI

Please note that the city of Scottsdale receives requests from citizens to review comment cards and sign-in sheets and the city is obligated to release any information on the cards/sheets that is considered a public record.



Adaptive Reuse & Development Application Determination And Accessory Dwelling Unit (ADU) Text Amendments Open House (3-TA-2024 & 4-TA-2024)

September 19, 2024

Name	Robert Tutemann	Business or Property Address	7901 E. Wilshire Dr
Mailing Address & Zip	Same	Phone	480-280-6372
Name	JABES BLANDON	Business or Property Address	
Mailing Address & Zip		Phone	
Name	Rob Borucki	Business or Property Address	
Mailing Address & Zip	8231 E. DANENBURG SCOTTSDALE 85260	Phone	
Name	Copper Phillips	Business or Property Address	
Mailing Address & Zip	7451 E. Via Dena Rd	Phone	602-509-1174
Name	STANLEY MORGANSTEIN	Business or Property Address	
Mailing Address & Zip	28782 N. 37TH ST 85266	Phone	28482-277 ST SCOTTSDALE 85266
Name	Sharon Robinson	Business or Property Address	
Mailing Address & Zip	16420 N. Thompson Peak Pkwy	Phone	480-860-4626
		E-mail	vin@vintemau.com
		E-mail	UNFORGETD@YAHOO.COM
		E-mail	CopperPhillips@cox.net
		E-mail	SMRAGAN153@aol.com

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Adaptive Reuse & Development Application Determination And Accessory Dwelling Unit (ADU) Text Amendments Open House (3-TA-2024 & 4-TA-2024)

September 20, 2024

Name	Maryann McAllen			Business or Property Address	Both		
Mailing Address & Zip	6302 N. 90th St.			Phone	480-266-8296	E-mail	MaryannM9411en@gmail.com
Name	Lisa Proszky			Business or Property Address			
Mailing Address & Zip	7902 E Doubletree Ranch			Phone	# 852558	E-mail	lisa@lisaformayor.ca
Name				Business or Property Address			
Mailing Address & Zip				Phone		E-mail	
Name				Business or Property Address			
Mailing Address & Zip				Phone		E-mail	
Name				Business or Property Address			
Mailing Address & Zip				Phone		E-mail	

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**Adaptive Reuse & Development Application Determination
And Accessory Dwelling Unit (ADU)
Text Amendments Open House
(3-TA-2024 & 4-TA-2024)**

September 20, 2024

Name Michael Brady	Business or Property Address 5890 W. 74th P)	
Mailing Address & Zip 85250	Phone —	E-mail mkeyfin@gmail.com
Name James Sherrin	Business or Property Address 2830 N Flint St	
Mailing Address & Zip 2830 N 81st 85257	Phone 703 608 8946	E-mail james.sherrin@outlook.com
Name French Thompson	Business or Property Address French Designer Jeweler	
Mailing Address & Zip 6322 Eveman Ave	Phone 480-994-4717	E-mail French@Frenchonmain.com
Name	Business or Property Address	
Mailing Address & Zip	Phone	E-mail
Name	Business or Property Address	
Mailing Address & Zip	Phone	E-mail
Name	Business or Property Address	
Mailing Address & Zip	Phone	E-mail

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Adaptive Reuse & Development Application Determination And Accessory Dwelling Unit (ADU) Text Amendments Open House (3-TA-2024 & 4-TA-2024)

September 20, 2024

Name Micheal Coyner	Business or Property Address
Mailing Address & Zip 11210 E Dale Lane	Phone 480-695-5803
Name Michael Messenger	E-mail MICHALCOYNER@gmail.com
Mailing Address & Zip 7495 E Montebello Ave.	Phone 480-5602171
Name Kam: B. Sherrin	Business or Property Address 2930 N 82ND ST
Mailing Address & Zip same	Phone 480 721 6145
Name Barney Gonzalez	Business or Property Address Cattle
Mailing Address & Zip	Phone Track Rd. gobeejay@gmail.com
Name	Business or Property Address
Mailing Address & Zip	Phone
Name	Business or Property Address
Mailing Address & Zip	Phone

Attachment 5 - Enclosure 2 - CIR

Please note that the city of Scottsdale receives requests from citizens to review comment cards and sign-in sheets and the city is obligated to release any information on the cards/sheets that is considered a public record.

Carr, Brad

From: Tom Scanlon <tscanlon@timeslocalmedia.com>
Sent: Monday, September 9, 2024 6:13 AM
To: Corsette, Kelly; Carr, Brad
Subject: Happy monday...explainer?

⚠ External Email: Please use caution if opening links or attachments!

Good morning Kelly and Brad.

Brad, hoping you can translate what this means...

Is this a follow up to the recent planning commission meeting?

Will you basically be explaining the new state laws and getting feedback before taking it to city council?

ACCESSORY DWELLING UNIT (ADU) TEXT AMENDMENT - CASE 4-TA-2024

Request by the City of Scottsdale to amend the Zoning Ordinance (Ord. No. 455), Article I., Section 1.1304. (Enlargement, extension, reconstruction or structural alteration of nonconforming structure; enlargement of nonconforming use.), Article III., Section 3.100. (Definitions), Article V., Sections 5.010. through 5.556. (Single-family Residential), Sections 5.600. through 5.606. (Two-family Residential), Sections 5.700. through 5.707. (Medium Density Residential), Sections 5.800. through 5.807. (Townhouse Residential), Sections 5.900. through 5.907. (Resort/Townhouse Residential), Sections 5.1000. through 5.1007. (Multiple-family Residential), Sections 5.1100. through 5.1107. (Service Residential), and Sections 5.2000. through 5.2008. (Manufactured Home), Article VI., Section 6.1004. (Property development standards.), Article VII., Sections 7.200.A. through 7.200.G. (Additional Area Regulations.), Section 7.203. (Vacation rentals or Short-term rentals.), and Section 7.900., Article XI. – Land Use Tables, and any associated sections for the purposes of addressing recent State of Arizona legislation of HB2720 regarding accessory dwelling units and HB2325 regarding backyard fowl.

5 p.m. Thursday, Sept. 19

Mountain View Community Center

8625 E. Mountain View Road

Scottsdale, AZ 85258

11 a.m. Friday, Sept. 20

Community Design Studio

7506 E. Indian School Road

Scottsdale, AZ 85251

For more information, please contact:

Brad Carr

480-312-7713

bcarr@ScottsdaleAZ.gov

Carr, Brad

From: ROBERT INTEMANN Owner <rintemann@centurylink.net>
Sent: Thursday, September 19, 2024 3:14 PM
To: Carr, Brad
Subject: RE: Casitas change

⚠ External Email: Please use caution if opening links or attachments!

Hi Brad. I just don't see this wording " city may not restrict an ADU from being a short term rental." 9.500.39 B says city may not restrict the use of or regulate vacation rentals or STR based on their classification use or occupancy except as provided in this section. Maybe you can explain this to me at the meet today. Bob Intemann

On Thu, 19 Sep, 2024 at 10:07 AM, Carr, Brad <bcarr@scottsdaleaz.gov> wrote:

To: robert intemann owner

Hello Bob,

Per [Sec. 9.500.39.B.](#) of the Arizona Revised Statutes, the City may not restrict an ADU from being a short-term rental.

The [draft text](#) of the updates to the Zoning Ordinance proposes requirements for new ADUs that contemplate the addressing of new units and how utilities for the new units will be handled. Unfortunately, the state law preempts the City's ability to require additional parking for an ADU, but the draft text presented by the City ensures that sufficient parking is provided on-site for the existing main single-family residence when an ADU is built on a property.

The draft text also requires a property owner to reside on the property if an ADU is rented as a short-term rental.

Brad

From: ROBERT INTEMANN Owner <rintemann@centurylink.net>
Sent: Tuesday, September 17, 2024 6:35 AM
To: Carr, Brad <bcarr@scottsdaleaz.gov>
Subject: RE: Casitas change

Hi Brad, I will be attending the meeting on Thursday. These are some of the questions a have. Does the city have any idea how many Casita's we now have and when the new law is in effect, how many new short term rentals we will have on the books.

How will the city handle address issues / parking in the front yard issues / water line and sewer line issues for all the newly added units.

My guess is most owners will elect to rent on these short term rental sites and how will the city require proof that the property is owner occupied. Thanks Bob Intemann

On Mon, 9 Sep, 2024 at 3:54 PM, Carr, Brad <bcarr@scottsdaleaz.gov> wrote:

To: robert intemann owner

Bill,

You do not need to register ahead of time to speak at the open house event. The format of the open house event is to have staff available for any questions that attendees may have, but staff will not make a formal presentation. Please keep in mind that this legislation has already been passed by the state legislature and the City of Scottsdale must now implement these new requirements, including the leasing of new ADUs, per the rules outlined in the state legislation.

Brad

From: ROBERT INTEMANN Owner <rintemann@centurylink.net>

Sent: Monday, September 9, 2024 3:49 PM

To: Carr, Brad <bcarr@scottsdaleaz.gov>

Subject: RE: Casitas change

ok i read the house bill 2720 page 1 line 18 B 1.A municipality may not do any of the following.

prohibit the use or advertisement of either the single family dwelling or any accessory dwelling unit located on the same lot or parcel as " separately leased long -term rental housing ",

It looks to me this bill was to add more long term rental housing options not more short term vacation rentals . My thinking is most owners who now have an ADE or those that might build one will elect to just add to the growing list of short term rentals in are city. Many city`s are now banning all short term rents and more are adding a growing list of requirements.

It looks like now we will see a growing number of newly listed ADU`s listed as short term rentals.

I thought our council and mayor wanted to control the number of STR not add to the list.

My thinking this State Bill 2720 was created to add long term rental in are state not add more vacation rentals.

Say goodbye to Single Family Zoning in are City. And say Hi to any thing goes. I will be at the meeting at the Design Studio on friday Sepi hope there will be a question and answer time. Do i have to register to speak. I thank you Bob Intemann

On Mon, 9 Sep, 2024 at 3:12 PM, Carr, Brad <bcarr@scottsdaleaz.gov> wrote:

To: robert intemann owner

Bob,

An ADU will be considered something entirely different than a guest house/casita for purposes of regulations. The ability to have an unrented guest house/casita will continue, but the City will be introducing new regulations for ADUs (essentially those guest house that will be rented). If the rental of an ADU occurs as a long-term rental, the property owner is not required to live on-site. If the rental of an ADU occurs as a vacation or short-term rental, then the property owner is required to live on-site.

Brad

From: ROBERT INTEMANN Owner <rintemann@centurylink.net>

Sent: Monday, September 9, 2024 2:39 PM

To: Carr, Brad <bcarr@scottsdaleaz.gov>

Subject: RE: Casitas change

Ok I am still confused. You say that the old rule will remain. The entire property needs to be rented and then you say that short term rental of an ADU will require owner to reside there

On Mon, 9 Sep, 2024 at 8:27 AM, Carr, Brad <bcarr@scottsdaleaz.gov> wrote:

To: robert intemann owner

Hello Bob,

You are correct. The City has allowed guest houses/casitas on individual single-family residential properties. As you noted, the current requirement for guest houses is that if they are rented, they must be rented jointly with the main single-family residence on the property. This will not change moving forward. The recent changes to the Arizona State Statutes requires municipalities to allow accessory dwelling units (ADU) on single-family residential properties, subject to certain restrictions. In addition, the new state statutes allow the long-term rental of these new ADUs separately of the main single-family residence. To comply with the new state statutes, the City will be creating a separate land use for ADUs from that of the current guest house allowance. Short-term rental of an ADU will require the property owner to reside on the premise, per the new state statute requirements. These topics, as well as others, will be discussed at the two open house meetings that will be held late next week.

Regards,

Brad Carr, AICP LEED-AP

Planning & Development Area Manager / DRB Liaison

City of Scottsdale | Current Planning Services

7447 E. Indian School Rd., Ste 105 | Scottsdale, AZ 85251

480.312.7713 phone

From: ROBERT INTEMANN Owner <rintemann@centurylink.net>

Sent: Monday, September 9, 2024 6:52 AM

To: Carr, Brad <bcarr@scottsdaleaz.gov>

Subject: Casitas change

Hi Brad . thinking of coming to the city open house meeting on sept 20 Our city have always allowed a Casita ie Guest House to be built on the single family zoning areas. my guess is we have many of these My understanding is that in order to be rented short or long term the entire property needs to be rented not just the Casita. Will this be changed ? I read the state Casita bill and it has wording regarding long term renting allowed not short term. Will you address this issue at the meeting. Thanks Bob Intemann



Brad Carr

Personal Info

First Name: Brad

Carr, Brad

From: Mark Lewis <marklewisaz@gmail.com>
Sent: Thursday, September 19, 2024 8:52 AM
To: Carr, Brad
Cc: Mark Lewis
Subject: 4-TA-2024 ADU remove seperate utilities

⚠ External Email: Please use caution if opening links or attachments!

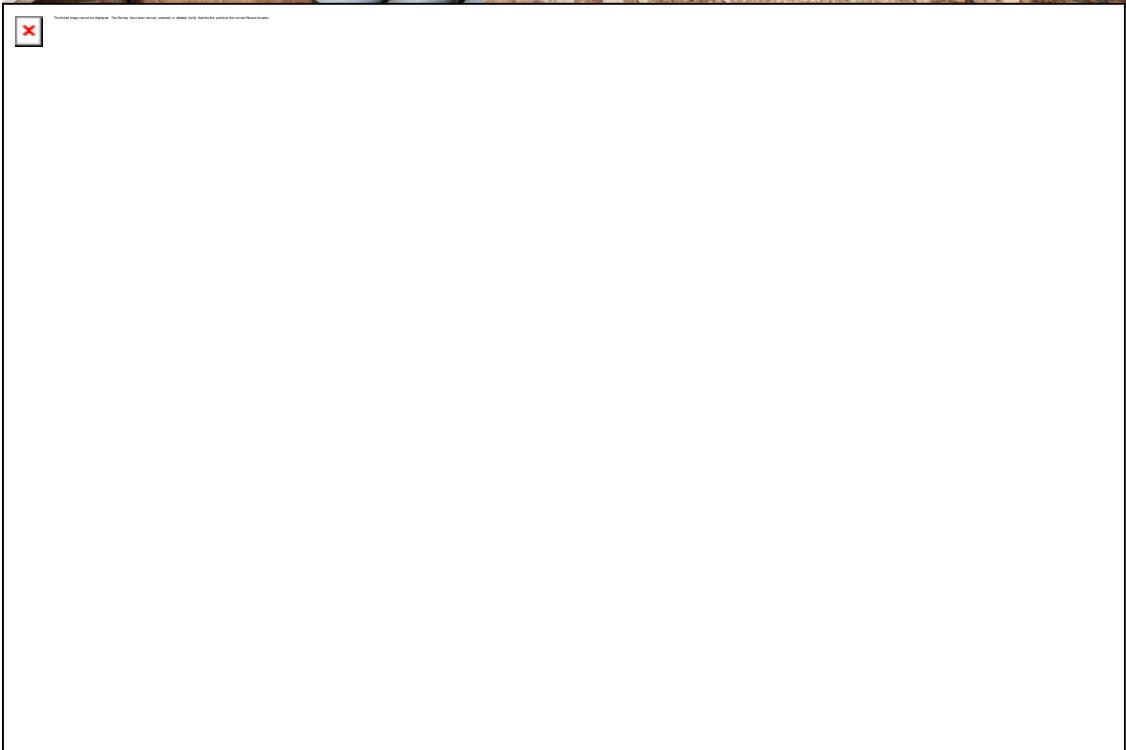
Brad,

I'm writing in support of a change to 4-TA-2024 ADU ordinance.

There is a separate requirement for ADU to have their own utilities compared to guest house requirements.

I would propose that you remove this provision because it creates a massive underground construction project in existing neighborhoods that are not necessary.

Here is a water and sewer line example that shows the disruption of the construction.



Please remove the separate utility service provision, so I can avoid street blockages in my neighborhood when neighbors build new units.

I propose using the same requirements for guest house for ADU units in the TA.

Avoid construction in existing neighborhoods if you can.

Thanks

Sincerely,

[Mark Lewis](#)

Mark Lewis,

8485 E. McDonald Dr. Ste 55

Scottsdale, AZ 85250

602-499-3095

Member



Society of



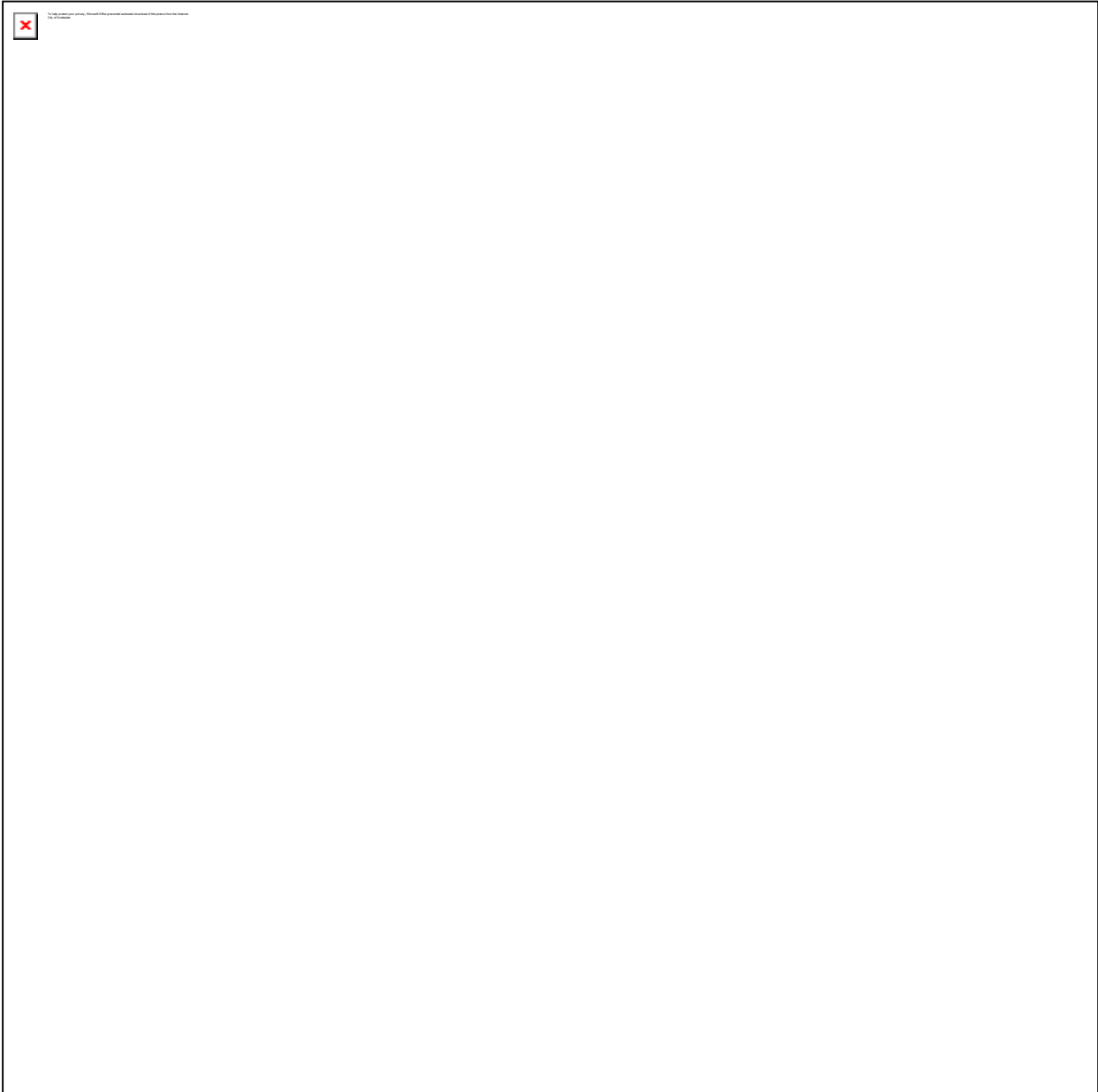
Reply to MarkLewisAZ@Gmail.com

Carr, Brad

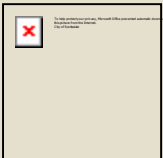
From: Castro, Lorraine
Sent: Friday, September 20, 2024 10:21 AM
To: Carr, Brad; Yaron, Adam
Subject: FW: ADU public feedback workshops

ruthann.showalter@gmail.com

From: NoReply <noreply@scottsdaleaz.gov>
Sent: Friday, September 20, 2024 9:00 AM
To: Projectinput <Projectinput@scottsdaleaz.gov>
Subject: ADU public feedback workshops



Hello - I hope to direct my comment back to the City, as I am unable to attend today's workshop/presentation at the Design Center on Indian School Rd. Unfortunately, I am offering my feedback without the benefit of knowing what the City will be presenting as their ideas for regulating the new statewide ADU laws, so I hope that my feedback ends up making sense? I do not support the new ADU legislation. I appreciate that COS is trying to do something to at least mitigate the certain negative impacts of this ADU free-for-all law. I would be behind not allowing ADUs to be built anywhere in the R17 zone, if at all possible. (I live in Old/South Scottsdale where most single family detached homes are R17) Once an ADU is built, it will be impossible for the City to enforce the laughable "rule" that the homeowner must reside in the main home. As it is, SPD and the City have been unsuccessful in adequately enforcing STR codes...ADUs will complicate those efforts and the resources required furth -- sent by Ruth Ann Showalter (case# 3-TA-2024)



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McWilliams, Jason

From: WebServices
Sent: Sunday, September 22, 2024 12:12 PM
To: Planning Commission
Subject: Planning Commission Public Comment

Importance: High

Name: Barbara Carpenter
Address: 9286 E Windrose Dr, Scottsdale, AZ 85260
Email: barbara.carpenter12@gmail.com
Phone: (602) 478-7308

Comment:

Dear Planning Board Members – I am writing to express my dismay at the proposed attempts by the City to drastically limit the building of casitas, ADU’s and multi-family housing in the majority of our city. I was unable to attend the two public hearings this past week, hence this comment. We have a housing crisis in Scottsdale, across the Valley and the whole state. The inflated price of existing homes is great for those of us who already own a home, but is prohibitive for those wanting to buy their first home or condo. To block the majority of our city’s core developed areas – both commercial and residential – from any ability to add housing is irrational, discriminatory and lacking foresight. We need a diverse population in our city to keep it vibrant and growing. We need housing that is in easy driving distance to services, retail, and employment. Ideally, we would also have a strong alternative transportation system to meet these access needs, but that is another discussion. The proposed exclusion of miles of area around our two airports (Sky Harbor and Scottsdale) is exactly the area where such extra housing units would be the most desirable and beneficial. They would have the best offer of a successful return on investment for those who build them. To limit the possibility of this extra housing stock to the far north of our city is unreasonable and unlikely to succeed. If built in that region, it would only add to our current traffic problems, as occupants would have to drive more miles to access all the needed services of daily life. I am firmly against this proposal and will also be writing to the City Council and Mayor about my objection. Regards, Barbara Carpenter 34 year Scottsdale resident and 32 year Scottsdale homeowner