

CITY COUNCIL REPORT



Meeting Date: September 30, 2025
General Plan Element: *Land Use*
General Plan Goal: *Create a sense of community through land uses*

ACTION

Accessory Dwelling Unit (ADU) Text Amendment 4-TA-2024#2

Request to consider the following:

1. Adopt Ordinance No. 4687 for the purpose of amending the City of Scottsdale Zoning Ordinance (Ordinance no. 455), namely Article III., Section 3.100. (Definitions), and Article VII. Section 7.902. (Accessory Dwelling Units - Qualifications.), and associated sections for the purpose of addressing recent State of Arizona legislation of House Bill (HB) 2928 related to accessory dwelling units (ADU) as provided in Case No. 4-TA-2024#2.

Key Items for Consideration

- Conformance to City of Scottsdale General Plan 2035
- Implementation of House Bill 2928 (2025), which updates 2024 legislation to require cities to allow accessory dwelling units (ADUs) on lots or parcels that are located in the vicinity of a federal aviation administration commercially licensed airport or a general aviation airport or land that is in the territory in the vicinity of a public airport as defined in ARS Section 28-8486 provided the noise level is less than sixty-five decibels
- New provisions must be adopted by local municipalities no later than January 1, 2026
- Planning Commission heard this case 8/27/2025 and recommended approval with a vote of 7-0

Other Related Policies, References:

Scottsdale General Plan 2035, as amended
Zoning Ordinance
4-TA-2024 (related to HB2720, approved in 2024)
State of Arizona House Bill 2928, recently approved ADU legislation

STAFF CONTACTS

Brad Carr, AICP, LEED-AP, Planning & Development Area Manager, Current Planning Services
Adam Yaron, Planning & Development Area Manager, Long Range Planning Services

LOCATION

Citywide

BACKGROUND

Goal/Purpose of Request

In 2024, the Arizona State Legislature enacted HB2720 (Attachment 1), which required municipalities with populations over 75,000 to adopt zoning regulations permitting accessory dwelling units (ADUs) on residential lots, subject to certain criteria and requirements. In response, the City of Scottsdale amended its Zoning Ordinance to establish ADU standards that balanced compliance with State law while applying allowable limitations — including the exclusion of areas near airports where residential development could conflict with aviation operations, based on definitions provided within State Statutes. Scottsdale has portions of the community impacted by land in the vicinity of both Phoenix Sky Harbor, and Scottsdale Airports.

In 2025, the Arizona State Legislature passed HB2928 (Attachment 2), which further preempted local regulation of ADUs. A key provision of HB2928 eliminates the City’s ability to exclude areas for ADUs on lots or parcels located in the vicinity of FAA commercially licensed airports, general aviation airports, or public airports where noise levels do not exceed 65 decibels / day-night-level (DNL). This change directly impacts Scottsdale’s long-standing policies intended to ensure full public review and input regarding proposals for new residential density in noise-impacted airport areas, as defined by prior legislation.

The purpose of this text amendment to the City of Scottsdale Zoning Ordinance is to bring applicable provisions into alignment with the requirements of HB2928.

The proposed text amendment (Attachment 3, Exhibit A):

- Removes existing Zoning Ordinance provisions that prohibit ADUs in residentially zoned areas affected by airport noise contours below 65 DNL, as required by HB2928.
- Provides clear standards and guidance to property owners, residents, and the development community regarding the construction of ADUs in airport vicinity areas.

ANALYSIS & ASSESSMENT

Land Use

HB 2928 clarifies that the provisions of HB 2720 apply only to parcels near public airports where noise levels exceed 65 DNL. As a result, the new law significantly expands where Accessory Dwelling Units (ADUs) can be constructed, allowing them practically citywide. Scottsdale must update its Zoning Code to comply with HB 2928 by January 1, 2026. If the City does not act, state law mandates that *“accessory dwelling units shall be allowed on all lots or parcels zoned for residential use in the municipality without limits.”*

Historic Preservation (HP Districts)

When HB 2720 passed in 2024, many of Scottsdale's Historic Preservation (HP) districts were protected by exemptions, such as those for properties near airports where residential development conflicted with aviation operations.

HB 2928 removes the City's ability to exclude parcels near FAA-licensed or public airports where noise levels are below the 65 DNL, eliminating protections that had previously applied to HP properties. As a result, ADUs may now be developed on HP-designated properties without the traditional preservation review, significantly limiting the city's Historic Preservation Commission's authority and possibly changing the character and design in those neighborhoods.

Housing Cost

In conjunction with state law, staff have considered the scope of the zoning text amendment, as well as aspects which would affect the cost of construction of housing for sale or rent. Staff have not identified any factors that would substantially impact the cost to construct housing for sale or rent.

PUBLIC PARTICIPATION

Community Involvement

An informative video regarding Case No. 4-TA-2024#2 was created by the City and posted online. As of the drafting of this report, online viewership has been noteworthy at over 400 views. Further, City staff hosted two open house events to discuss proposed changes to the Zoning Ordinance on Monday, August 11, 2025, and Thursday, August 14, 2025. A total of 20 people attended the in-person sessions. Overall, attendees expressed opposition to the proposed amendment. Many noted that removing the Traffic Pattern Airspace exclusion would negatively affect their neighborhoods, particularly in areas without homeowners' associations. One attendee expressed interest in constructing an ADU. The full citizen involvement report can be found as Attachment 4. All other public input received can be found with Attachment 5.

OTHER BOARDS & COMMISSIONS

Planning Commission – Initiation

This effort to update the Zoning Ordinance in response to HB2928 was initiated by the [Planning Commission on July 9, 2025](#).

Historic Preservation Commission (HPC) – Information Only

Staff presented this text amendment to the [HPC on August 7, 2025](#), as an informational item. The Commission expressed concern about reduced preservation oversight in existing designated districts but recognized that the city must comply with state law.

Neighborhood Advisory Commission (NACC) – Information Only

Staff is scheduled to present this text amendment to the NAC on September 24, 2025, as an informational item.

Planning Commission – Recommendation

Planning Commission heard this case August 27, 2025 and recommended approval with a vote of 7-0.

Recommended Approach to Planning Commission

Staff recommended that the Planning Commission find that the proposed text amendment is consistent and conforms with the adopted General Plan and make a recommendation to City Council for approval.

STAFF RECOMMENDATION & NEXT STEPS

Recommended Approach:

Adopt Ordinance No. 4687 for the purpose of amending the City of Scottsdale Zoning Ordinance (Ordinance no. 455), namely Article III., Section 3.100. (Definitions), and Article VII. Section 7.902. (Accessory Dwelling Units - Qualifications.), and associated sections for the purpose of addressing recent State of Arizona legislation of House Bill (HB) 2928 related to accessory dwelling units (ADU) as provided in Case No. 4-TA-2024#2.

RESPONSIBLE DEPARTMENTS & STAFF CONTACTS

Community & Economic Development Division
Planning and Development Services Department
Current Planning Services & Long Range Planning Services

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APPROVED BY



Brad Carr, AICP, LEED-AP, Planning & Development Area Manager
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9/9/2025

Date



Adam Yaron, Planning & Development Area Manager
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9/9/2025

Date



Tim Curtis, AICP, Current Planning Director
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9/16/2025

Date



Erin Perreault, AICP, Planning & Development Senior Director
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9/15/2025

Date

ATTACHMENTS

1. [HB2720 Legislative Text](#)
2. [HB2928 Legislative Text](#)
3. Ordinance No. 4687
Exhibit A – Accessory Dwelling Unit Text Amendment 4-TA-2024#2
4. Citizen Involvement Report
5. Public Input Received
6. Planning Commission Draft Meeting Minutes of August 27, 2025

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)

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 COMMERCIALLY 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.

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

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.

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 ~~fines~~ 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.

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.

Senate Engrossed House Bill

accessory dwelling units; requirements

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

CHAPTER 217

HOUSE BILL 2928

AN ACT

AMENDING SECTIONS 9-461.18 AND 9-500.39, ARIZONA REVISED STATUTES;
AMENDING SECTION 9-500.49, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS
2025, CHAPTER 31, SECTION 1; AMENDING SECTION 11-269.17, ARIZONA REVISED
STATUTES; AMENDING TITLE 11, CHAPTER 6, ARTICLE 1, ARIZONA REVISED
STATUTES, BY ADDING SECTION 11-810.01; RELATING TO COUNTY PLANNING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-461.18, Arizona Revised Statutes, is amended
3 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:

21 1. Tribal land. ~~on~~

22 2. Land THAT IS in the territory in the vicinity of a military
23 airport or ancillary military facility as defined in section 28-8461. ~~on~~

24 3. Land THAT IS in the territory in the vicinity of a federal
25 aviation administration commercially licensed airport or a general
26 aviation airport or ~~on~~ land THAT IS in the territory in the vicinity of a
27 public airport as defined in section 28-8486 AND THAT HAS A NOISE LEVEL OF
28 GREATER THAN SIXTY-FIVE DECIBELS.

29 H. THIS SECTION APPLIES TO A MUNICIPALITY WITH A POPULATION OF MORE
30 THAN SEVENTY-FIVE THOUSAND PERSONS.

31 ~~H.~~ I. For the purposes of this section:

32 1. "Accessory dwelling unit" means a self-contained living unit
33 that is on the same lot or parcel as a single-family dwelling of greater
34 square footage than the accessory dwelling unit, that includes its own
35 sleeping and sanitation facilities and that may include its own kitchen
36 facilities.

37 2. "Gross floor area" means the interior habitable area of a
38 single-family dwelling or an accessory dwelling unit.

39 3. "Long-term rental" means rental use in which the tenant holds a
40 lease of ninety days or longer or on a month-by-month basis.

41 4. "Municipality" means a city or town that exercises zoning powers
42 under this title.

43 5. "Permitted use" means the ability for a development to be
44 approved without requiring a public hearing, variance, conditional use
45 permit, special permit or special exception, other than a discretionary

1 zoning action to ~~determination~~ DETERMINE that a site plan conforms with
2 applicable zoning regulations.

3 6. "Restricted-affordable dwelling unit" means a dwelling unit
4 that, either through a deed restriction or a development agreement with
5 the municipality, ~~shall be~~ IS rented to households earning up to eighty
6 percent of area median income.

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

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

13 A. A city or town may not prohibit vacation rentals or short-term
14 rentals.

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

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

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

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

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

1 5. To require the owner of a vacation rental or short-term rental
2 to obtain and maintain a local regulatory permit or license. As a
3 condition of issuance of a permit or license, the application for the
4 permit or license may require an applicant to provide only the following:

5 (a) The name, address, telephone number and email address for the
6 owner or owner's agent.

7 (b) The address of the vacation rental or short-term rental.

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

9 (d) Contact information required pursuant to paragraph 4 of this
10 subsection.

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

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

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

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

33 (b) The address of each property notified.

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

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

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

1 42-5042 on each advertisement for a vacation rental or short-term rental
2 that the owner or owner's designee maintains.

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

8 9. To require the owner of a vacation rental or short-term rental
9 to reside on the property if the property contains an accessory dwelling
10 unit ~~that was constructed on or after September 14, 2024 and that is being~~
11 ~~used as a vacation rental or short-term rental. Unless the time period~~
12 ~~specified in section 12-1134, subsection G has expired, this paragraph~~
13 ~~does not apply to a property owner who has the right to build an accessory~~
14 ~~dwelling unit on the property owner's property before September 14, 2024~~
15 ~~whether or not the accessory dwelling unit has been built AND IF A~~
16 ~~CERTIFICATE OF OCCUPANCY, CERTIFICATE OF COMPLETION OR SIMILAR FINAL~~
17 ~~APPROVAL FOR THE ACCESSORY DWELLING UNIT WAS ISSUED BY THE MUNICIPALITY ON~~
18 ~~OR AFTER SEPTEMBER 14, 2024. THIS PARAGRAPH DOES NOT APPLY TO AN OWNER OF~~
19 ~~A VACATION RENTAL OR SHORT-TERM RENTAL IF THE PROPERTY CONTAINS AN~~
20 ~~ACCESSORY DWELLING UNIT AND THE CERTIFICATE OF COMPLETION, THE CERTIFICATE~~
21 ~~OF OCCUPANCY OR A SIMILAR FINAL APPROVAL FOR THE ACCESSORY DWELLING UNIT~~
22 ~~WAS ISSUED ON OR BEFORE SEPTEMBER 13, 2024.~~

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

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

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

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

34 4. The applicant provides false information.

35 5. The owner or owner's designee of a vacation rental or short-term
36 rental is a registered sex offender or has been convicted of any felony
37 offense that resulted in death or serious physical injury or any felony
38 use of a deadly weapon within the past five years.

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

44 1. Three verified violations within a twelve-month period, not
45 including any verified violation based on an aesthetic, solid waste

1 disposal or vehicle parking violation that is not also a serious threat to
2 public health and safety.

3 2. One verified violation that results in or constitutes any of the
4 following:

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

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

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

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

22 3. Notwithstanding paragraphs 1 and 2 of this subsection, any
23 attempted or completed felony offense, arising from the occupancy or use
24 of a vacation rental or short-term rental, that results in a death, or
25 actual or attempted serious physical injury, shall be grounds for judicial
26 relief in the form of a suspension of the property's use as a vacation
27 rental or short-term rental for a period of time that shall not exceed
28 twelve months.

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

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

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

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

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

4 G. A vacation rental or short-term rental that fails to apply for a
5 local regulatory permit or license in accordance with subsection B,
6 paragraph 5 of this section, within thirty days of the local regulatory
7 permit or license application process being made available by the city or
8 town issuing such permits or licenses, must cease operations. In addition
9 to any civil penalties imposed pursuant to subsection F of this section, a
10 city or town may impose a civil penalty of up to \$1,000 per month against
11 the owner if the owner or owner's designee fails to apply for a regulatory
12 permit or license within thirty days after receiving written notice of the
13 failure to comply with subsection B, paragraph 5 of this section.

14 H. If multiple verified violations arise out of the same response
15 to an incident at a vacation rental or short-term rental, those verified
16 violations are considered one verified violation for the purpose of
17 assessing civil penalties or suspending the regulatory permit or license
18 of the owner pursuant to this section.

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

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

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

40 L. For the purposes of this section:

41 1. "Accessory dwelling unit" has the same meaning prescribed in
42 section 9-461.18.

43 2. "Online lodging marketplace" has the same meaning prescribed in
44 section 42-5076.

45 3. "Transient" has the same meaning prescribed in section 42-5070.

1 4. "Vacation rental" or "short-term rental":

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

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

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

15 Sec. 3. Section 9-500.49, Arizona Revised Statutes, as amended by
16 Laws 2025, chapter 31, section 1, is amended to read:

17 9-500.49. Administrative review and approval;
18 self-certification program; expedited approval;
19 applicability; definitions

20 A. Notwithstanding any other law, the legislative body of a city or
21 town shall by ordinance do the following:

22 1. Authorize administrative personnel to review and approve site
23 plans, development plans, land divisions, lot line adjustments, lot ties,
24 preliminary plats, final plats and plat amendments without a public
25 hearing.

26 2. Authorize administrative personnel to review and approve design
27 review plans based on objective standards without a public hearing.

28 3. Allow at-risk submittals for certain on-site preliminary grading
29 and drainage work or infrastructure.

30 4. Allow applicants with a history of compliance with building
31 codes and regulations to be eligible for expedited permit review.

32 B. Notwithstanding any other law, the legislative body of a city or
33 town may by ordinance adopt a self-certification program allowing
34 registered architects and professional engineers to certify and be
35 responsible for compliance with all applicable ordinances and construction
36 standards for projects that the ordinance identifies as being qualified
37 for self-certification.

38 C. Applications for a license pursuant to this section are subject
39 to chapter 7, article 4 of this title.

40 D. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

41 1. LAND IN AN AREA THAT IS DESIGNATED AS A DISTRICT OF HISTORICAL
42 SIGNIFICANCE PURSUANT TO SECTION 9-462.01, SUBSECTION A, PARAGRAPH 10.

43 2. LAND IN AN AREA THAT IS DESIGNATED AS HISTORIC ON THE NATIONAL
44 REGISTER OF HISTORIC PLACES.

1 3. LAND IN AN AREA THAT IS DESIGNATED HISTORIC BY A LOCAL
2 GOVERNMENT.

3 ~~D.~~ E. For the purposes of this section:

4 1. "License" has the same meaning prescribed in section 9-831.

5 2. "Objective" means not influenced by personal interpretation,
6 taste or feelings of a municipal employee and verifiable by reference to
7 an adopted benchmark, standard or criterion available and knowable by the
8 applicant or proponent.

9 Sec. 4. Section 11-269.17, Arizona Revised Statutes, is amended to
10 read:

11 11-269.17. Limits on regulation of vacation rentals and
12 short-term rentals; state preemption; civil
13 penalties; transaction privilege tax license
14 suspension; definitions

15 A. A county may not prohibit vacation rentals or short-term
16 rentals.

17 B. A county may not restrict the use of or regulate vacation
18 rentals or short-term rentals based on their classification, use or
19 occupancy except as provided in this section. A county may regulate
20 vacation rentals or short-term rentals within the unincorporated areas of
21 the county as follows:

22 1. To protect the public's health and safety, including rules and
23 regulations related to fire and building codes, health and sanitation,
24 transportation or traffic control and solid or hazardous waste and
25 pollution control, if the county demonstrates that the rule or regulation
26 is for the primary purpose of protecting the public's health and safety.

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

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

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

1 5. To require ~~an~~ THE owner of a vacation rental or short-term
2 rental to obtain and maintain a local regulatory permit or license. As a
3 condition of issuance of a permit or license, the application for the
4 permit or license may require an applicant to provide only the following:

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

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

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

9 (d) Contact information required pursuant to paragraph 4 of this
10 subsection.

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

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

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

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

32 (b) The address of each property notified.

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

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

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

1 each advertisement for a vacation rental or short-term rental that the
2 owner or owner's designee maintains.

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

8 9. TO REQUIRE THE OWNER OF A VACATION RENTAL OR SHORT-TERM RENTAL
9 TO RESIDE ON THE PROPERTY IF THE PROPERTY CONTAINS AN ACCESSORY DWELLING
10 UNIT AND IF A CERTIFICATE OF OCCUPANCY, CERTIFICATE OF COMPLETION OR
11 SIMILAR FINAL APPROVAL FOR THE ACCESSORY DWELLING UNIT WAS ISSUED BY THE
12 COUNTY ON OR AFTER SEPTEMBER 14, 2024. THIS PARAGRAPH DOES NOT APPLY TO
13 AN OWNER OF A VACATION RENTAL OR SHORT-TERM RENTAL IF THE PROPERTY
14 CONTAINS AN ACCESSORY DWELLING UNIT AND THE CERTIFICATE OF COMPLETION, THE
15 CERTIFICATE OF OCCUPANCY OR A SIMILAR FINAL APPROVAL FOR THE ACCESSORY
16 DWELLING UNIT WAS ISSUED ON OR BEFORE SEPTEMBER 13, 2024.

17 C. A county that requires a local regulatory permit or license
18 pursuant to this section shall issue or deny the permit or license within
19 seven business days of receipt of the information required by subsection
20 B, paragraph 5 of this section and otherwise in accordance with section
21 11-1602, except that a county may deny issuance of a permit or license
22 only for any of the following:

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

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

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

28 4. The applicant provides false information.

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

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

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

42 2. One verified violation that results in or constitutes any of the
43 following:

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

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

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

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

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

25 E. A county that requires sex offender background checks on a
26 vacation rental or short-term rental guest shall waive the requirement if
27 an online lodging marketplace performs a sex offender background check of
28 the booking guest.

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

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

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

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

43 G. A vacation rental or short-term rental that fails to apply for a
44 local regulatory permit or license in accordance with subsection B,
45 paragraph 5 of this section, within thirty days of the local regulatory

1 permit or license application process being made available by the county
2 issuing such permits or licenses, must cease operations. In addition to
3 any ~~fines~~ CIVIL PENALTIES imposed pursuant to subsection F of this
4 section, a county may impose a civil penalty of up to \$1,000 per month
5 against the owner if the owner or owner's designee fails to apply for a
6 regulatory permit or license within thirty days after receiving written
7 notice of the failure to comply with subsection B, paragraph 5 of this
8 section.

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

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

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

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

34 L. For the purposes of this section:

35 1. "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING PRESCRIBED IN
36 SECTION 11-810.01.

37 ~~1.~~ 2. "Online lodging marketplace" has the same meaning prescribed
38 in section 42-5076.

39 ~~2.~~ 3. "Transient" has the same meaning prescribed in section
40 42-5070.

41 ~~3.~~ 4. "Vacation rental" or "short-term rental":

42 (a) Means any individually or collectively owned single-family or
43 one-to-four-family house or dwelling unit or any unit or group of units in
44 a condominium or cooperative that is also a transient public lodging
45 establishment or owner-occupied residential home offered for transient use

1 if the accommodations are not classified for property taxation under
2 section 42-12001.

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

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

10 Sec. 5. Title 11, chapter 6, article 1, Arizona Revised Statutes,
11 is amended by adding section 11-810.01, to read:

12 11-810.01. Accessory dwelling units; regulation;
13 applicability; definitions

14 A. A COUNTY SHALL ADOPT REGULATIONS THAT ALLOW ON ANY LOT OR PARCEL
15 WHERE A SINGLE-FAMILY DWELLING IS ALLOWED BOTH OF THE FOLLOWING:

16 1. AT LEAST ONE ATTACHED AND ONE DETACHED ACCESSORY DWELLING UNIT
17 AS A PERMITTED USE.

18 2. A MINIMUM OF ONE ADDITIONAL DETACHED ACCESSORY DWELLING UNIT AS
19 A PERMITTED USE ON A LOT OR PARCEL THAT IS ONE ACRE OR MORE IN SIZE. THE
20 COUNTY MAY REQUIRE AT LEAST ONE ACCESSORY DWELLING UNIT ON THE LOT OR
21 PARCEL TO BE A RESTRICTED-AFFORDABLE DWELLING UNIT.

22 B. A COUNTY SHALL ALLOW EACH ACCESSORY DWELLING UNIT DEVELOPED
23 PURSUANT TO THIS SECTION TO BE AT LEAST SEVENTY-FIVE PERCENT OF THE GROSS
24 FLOOR AREA OF THE SINGLE-FAMILY DWELLING ON THE SAME LOT OR PARCEL OR ONE
25 THOUSAND SQUARE FEET, WHICHEVER IS LESS. THIS SUBSECTION DOES NOT
26 PROHIBIT A COUNTY FROM ALLOWING AN ACCESSORY DWELLING UNIT THAT IS LARGER
27 THAN THE SIZE OF AN ACCESSORY DWELLING UNIT THAT IS ALLOWED PURSUANT TO
28 THIS SUBSECTION.

29 C. A COUNTY MAY NOT DO ANY OF THE FOLLOWING:

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

33 2. REQUIRE A FAMILIAL, MARITAL, EMPLOYMENT OR OTHER PREEXISTING
34 RELATIONSHIP BETWEEN THE OWNER OR OCCUPANT OF A SINGLE-FAMILY DWELLING AND
35 THE OCCUPANT OF AN ACCESSORY DWELLING UNIT LOCATED ON THE SAME LOT OR
36 PARCEL.

37 3. REQUIRE THAT A LOT OR PARCEL HAVE ADDITIONAL PARKING TO
38 ACCOMMODATE AN ACCESSORY DWELLING UNIT OR REQUIRE PAYMENT OF FEES INSTEAD
39 OF ADDITIONAL PARKING.

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

43 5. SET RESTRICTIONS FOR ACCESSORY DWELLING UNITS THAT ARE MORE
44 RESTRICTIVE THAN THOSE FOR SINGLE-FAMILY DWELLINGS WITHIN THE SAME ZONING

1 AREA WITH REGARD TO HEIGHT, SETBACKS, LOT SIZE OR COVERAGE OR BUILDING
2 FRONTAGE.

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

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

9 8. EXCEPT AS PROVIDED IN SUBSECTION A, PARAGRAPH 2 OF THIS SECTION,
10 REQUIRE A RESTRICTIVE COVENANT CONCERNING AN ACCESSORY DWELLING UNIT ON A
11 LOT OR PARCEL ZONED FOR RESIDENTIAL USE BY A SINGLE-FAMILY DWELLING.

12 D. THIS SECTION DOES NOT PROHIBIT RESTRICTIVE COVENANTS OR SHARED
13 WELL AGREEMENTS AS PROVIDED BY STATE LAW CONCERNING ACCESSORY DWELLING
14 UNITS ENTERED INTO BETWEEN PRIVATE PARTIES. THE COUNTY MAY NOT CONDITION
15 A PERMIT OR LICENSE OR THE USE OF AN ACCESSORY DWELLING UNIT ON ADOPTING
16 OR IMPLEMENTING A RESTRICTIVE COVENANT BETWEEN PRIVATE PARTIES.

17 E. THIS SECTION DOES NOT SUPERSEDE APPLICABLE BUILDING CODES, FIRE
18 CODES, SENSITIVE ENVIRONMENTAL AREA REGULATIONS, WILDFIRE PREVENTION
19 REGULATIONS, EMERGENCY VEHICLE ACCESS REGULATIONS, DRAINAGE AND FLOOD
20 CONTROL REGULATIONS OR PUBLIC HEALTH AND SAFETY REGULATIONS, EXCEPT THAT A
21 COUNTY MAY NOT REQUIRE AN ACCESSORY DWELLING UNIT TO COMPLY WITH A
22 COMMERCIAL BUILDING CODE OR CONTAIN A FIRE SPRINKLER.

23 F. AN ACCESSORY DWELLING UNIT MAY NOT BE BUILT ON TOP OF A CURRENT
24 OR PLANNED PUBLIC UTILITY EASEMENT UNLESS THE PROPERTY OWNER RECEIVES
25 WRITTEN CONSENT FROM ANY UTILITY THAT IS CURRENTLY USING THE PUBLIC
26 UTILITY EASEMENT OR THAT MAY USE THE PUBLIC UTILITY EASEMENT IN THE
27 FUTURE.

28 G. IF A COUNTY FAILS TO ADOPT DEVELOPMENT REGULATIONS AS REQUIRED
29 BY THIS SECTION ON OR BEFORE JANUARY 1, 2026, ACCESSORY DWELLING UNITS
30 SHALL BE ALLOWED ON ALL LOTS OR PARCELS ZONED FOR RESIDENTIAL USE IN THE
31 COUNTY WITHOUT LIMITS.

32 H. THIS SECTION DOES NOT APPLY TO LOTS OR PARCELS THAT ARE LOCATED
33 ON:

34 1. TRIBAL LAND.

35 2. LAND THAT IS IN THE TERRITORY IN THE VICINITY OF A MILITARY
36 AIRPORT OR ANCILLARY MILITARY FACILITY OR PROPERTY THAT IS IN A HIGH NOISE
37 OR ACCIDENT POTENTIAL ZONE AS DEFINED IN SECTION 28-8461.

38 3. LAND THAT IS IN THE TERRITORY IN THE VICINITY OF A FEDERAL
39 AVIATION ADMINISTRATION COMMERCIALY LICENSED AIRPORT OR A GENERAL
40 AVIATION AIRPORT OR LAND THAT IS IN THE TERRITORY IN THE VICINITY OF A
41 PUBLIC AIRPORT AS DEFINED IN SECTION 28-8486 AND THAT HAS A NOISE LEVEL OF
42 GREATER THAN SIXTY-FIVE DECIBELS.

43 I. IF A NEW ACCESSORY DWELLING UNIT WILL NOT BE CONNECTED TO A
44 SEWER SYSTEM OR IF THE SEWER SYSTEM LACKS CAPACITY TO SERVE THE NEW
45 ACCESSORY DWELLING UNIT, A COUNTY MAY REQUIRE THAT ANY SEPTIC SYSTEM THAT

1 WILL BE USED TO SERVE THE ACCESSORY DWELLING UNIT BE ADEQUATELY SIZED
2 BEFORE THE CONSTRUCTION OF THE ACCESSORY DWELLING UNIT.

3 J. FOR THE PURPOSES OF THIS SECTION:

4 1. "ACCESSORY DWELLING UNIT" MEANS A SELF-CONTAINED LIVING UNIT
5 THAT IS ON THE SAME LOT OR PARCEL AS A SINGLE-FAMILY DWELLING OF GREATER
6 SQUARE FOOTAGE THAN THE ACCESSORY DWELLING UNIT, THAT INCLUDES ITS OWN
7 SLEEPING AND SANITATION FACILITIES AND THAT MAY INCLUDE ITS OWN KITCHEN
8 FACILITIES.

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

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

13 4. "PERMITTED USE" MEANS THE ABILITY FOR A DEVELOPMENT TO BE
14 APPROVED WITHOUT REQUIRING A PUBLIC HEARING, VARIANCE, CONDITIONAL USE
15 PERMIT, SPECIAL PERMIT OR SPECIAL EXCEPTION, OTHER THAN A DISCRETIONARY
16 ZONING ACTION TO DETERMINE THAT A SITE PLAN CONFORMS WITH APPLICABLE
17 ZONING REGULATIONS.

18 5. "RESTRICTED-AFFORDABLE DWELLING UNIT" MEANS A DWELLING UNIT
19 THAT, EITHER THROUGH A DEED RESTRICTION OR A DEVELOPMENT AGREEMENT WITH
20 THE COUNTY, IS RENTED TO HOUSEHOLDS EARNING UP TO EIGHTY PERCENT OF THE
21 AREA MEDIAN INCOME.

22 Sec. 6. Effective Date

23 Section 9-500.49, Arizona Revised Statutes, as amended by Laws 2025,
24 chapter 31, section 1 and this act, is effective from and after December
25 31, 2025.

APPROVED BY THE GOVERNOR MAY 23, 2025.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 23, 2025.

ORDINANCE NO. 4687

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, FOR THE PURPOSE OF AMENDING THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE (ORDINANCE NO. 455), NAMELY ARTICLE III, SECTION 3.100 (DEFINITIONS); ARTICLE VII, SECTION 7.902 (ACCESSORY DWELLING UNITS - QUALIFICATIONS); AND ANY ASSOCIATED SECTIONS, TO ADDRESS RECENT STATE OF ARIZONA LEGISLATION RELATED TO ACCESSORY DWELLING UNITS (HB2928) AS PROVIDED IN CASE NO. 4-TA-2024#2.

WHEREAS, the City wishes to amend certain provisions of the Zoning Ordinance of the City of Scottsdale, Ordinance No. 455, namely Article III, Section 3.100 (Definitions); Article VII, Section 7.902 (Accessory Dwelling Units - Qualifications); and any associated sections, to address recent State of Arizona legislation, namely House Bill (HB) 2928 related to accessory dwelling units (ADU); and

WHEREAS, the Arizona State Legislature adopted HB2928, which amended certain statutory provisions, including Arizona Revised Statutes (A.R.S.) § 9-461.18, which provides various requirements, exceptions, and limitations related to ADUs; and

WHEREAS, HB2928 amended certain other statutory provisions, including A.R.S. § 9-500.39, which provides various requirements, exceptions, and limitations related to short-term rentals; and

WHEREAS, this Ordinance is being adopted by the City to comply with the new statutory requirements and regulations established pursuant to HB2928; 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 August 27, 2025 and considered a proposed text amendment to the Zoning Ordinance of the City of Scottsdale in Case No. 4-TA-2024#2; and

WHEREAS, the City Council has determined that the proposed amendment to the Zoning Ordinance of the City of Scottsdale 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, Ordinance No. 455, is hereby amended as specified in that certain document entitled "Accessory Dwelling Unit (ADU) Text Amendment", attached as Exhibit A, and hereby referred to, adopted, and made a part hereof as if fully set out in this Ordinance. In said Exhibit A, new text is represented by grey shading and deleted text represented by strikethrough.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or any part of the Scottsdale Revised 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 _____, 2025.

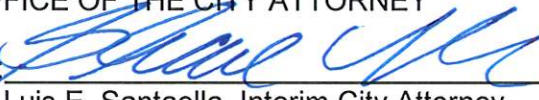
ATTEST:

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By: _____
Ben Lane
City Clerk

By: _____
Lisa Borowsky
Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 
Luis E. Santaella, Interim City Attorney
By: Shane C. Morrison, Assistant City Attorney

ACCESSORY DWELLING UNIT (ADU) TEXT AMENDMENT

Section 1. 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 Dwelling Unit (Restricted-Affordable Detached) shall mean a Detached Accessory Dwelling Unit that, through a private deed restriction, ~~shall only be~~ **is only** rented to households earning up to eighty percent (80%) of area median income.

Section 2. That the Zoning Ordinance of the City of Scottsdale, ARTICLE VII. – GENERAL PROVISIONS, Section 7.902. is amended as follows with all new language depicted in grey shading and deleted language in strike-through:

Sec. 7.900. 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 **that is** 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 **that is** in the territory in the vicinity of a federal aviation administration commercially licensed airport or a general aviation **airport** or **land that is in the**

territory in the vicinity of a public airport as defined in A.R.S. § 28-8486 and that has a noise level of greater than sixty-five decibels.

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.

4-TA-2024#2 – ADU

Citizen Involvement Report

Introduction

In response to new Arizona Laws passed by the state legislature in the Spring of 2025, Scottsdale Planning Commission initiated the following text amendment at their regular meeting on July 9, 2025, in order to comply with State Law:

- 4-TA-2024#2, 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 HB2928.

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 the 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, which includes:

- An informative video about the City's efforts
- Review of the Chaptered Version of the State Law
- The city's draft Zoning Code amendment
- An option to submit public comments
- Planning Commission and City Council hearing schedules

The first open house took place on Monday, August 11, 2025, at One Civic Center – Community Design Conference Rooms 1 & 2 from 11:00 am – 12:30 pm, and the second on Thursday, August 14, 2025, at McCormick Ranch Park Community Center from 5:00 pm – 6:30 pm. A total of 20 people attended (1-twice) the in-person sessions. As of the writing of this report, online viewership of the informative video has had 385 views.

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

- Requirements of the new State bill,
- How the proposed Zoning Code amendment addresses the changes, and

- Efforts by the City of Scottsdale to mitigate any potential adverse impacts

Overall, attendees expressed opposition to the proposed amendment. Many noted that removing the Traffic Pattern Airspace exclusion would negatively affect their neighborhoods, particularly in areas without homeowners' associations. One attendee expressed interest in constructing an ADU. No written comments were received.

Enclosures:

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



Accessory Dwelling Units (ADU) Zoning Code Amendment

State Law Requirements & City Compliance

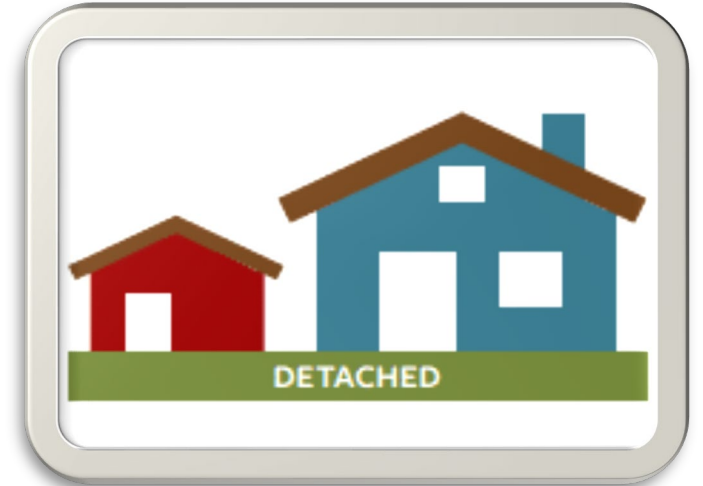
HB2928 | 4-TA-2024#2

What is an Accessory Dwelling Unit (ADU)?



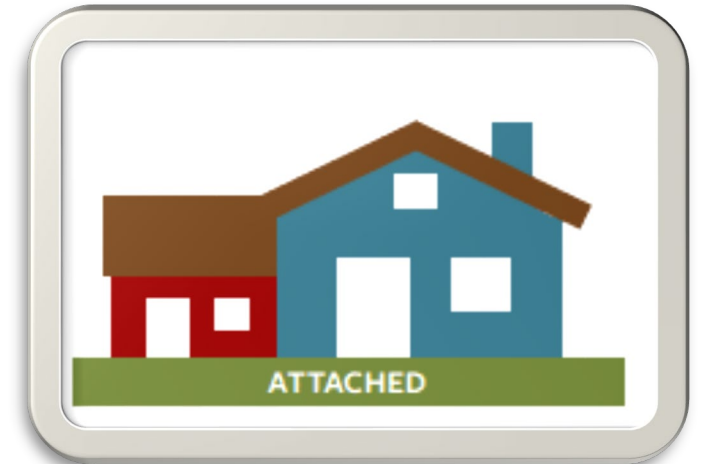
An ADU:

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

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.)
- **Must** contain kitchen facilities
- **Can** be rented separately from the main house

Guest House in Scottsdale



- **Maximum can be ½ 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



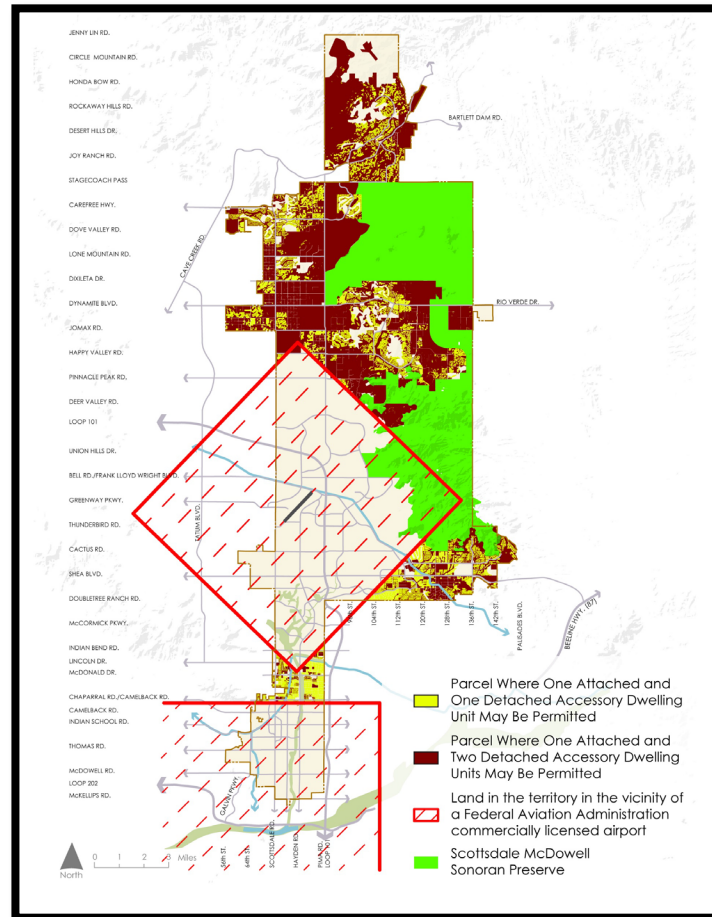
Background

- State of Arizona grants cities and towns with local authority the ability to set zoning/land use regulations subject to State Law
- HB2720 (2024) was passed by the State Legislature to allow for the development of accessory dwelling units on single family properties with certain exclusions, such as “Land that is in the territory in the vicinity of a federal aviation administration commercially licensed airport”
- HB2928 (2025) was passed by the State Legislature to clarify certain exclusions, specifically, those related to airports are limited to areas with specific noise impact
- The City must comply with State Law

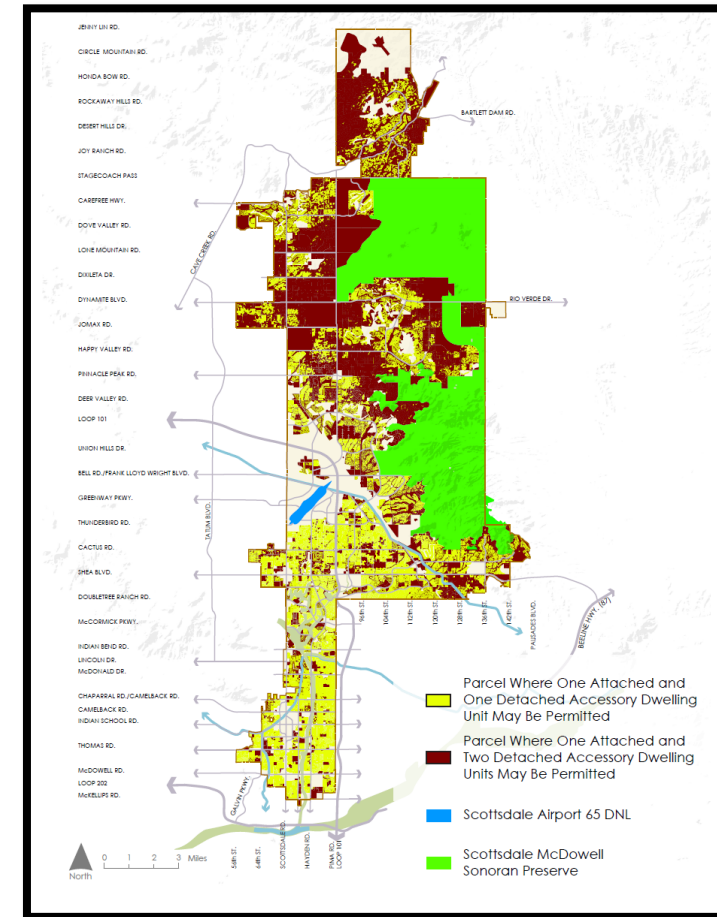


How does this differ from 2024?

HB 2720 (2024)



HB 2928 (2025)





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:

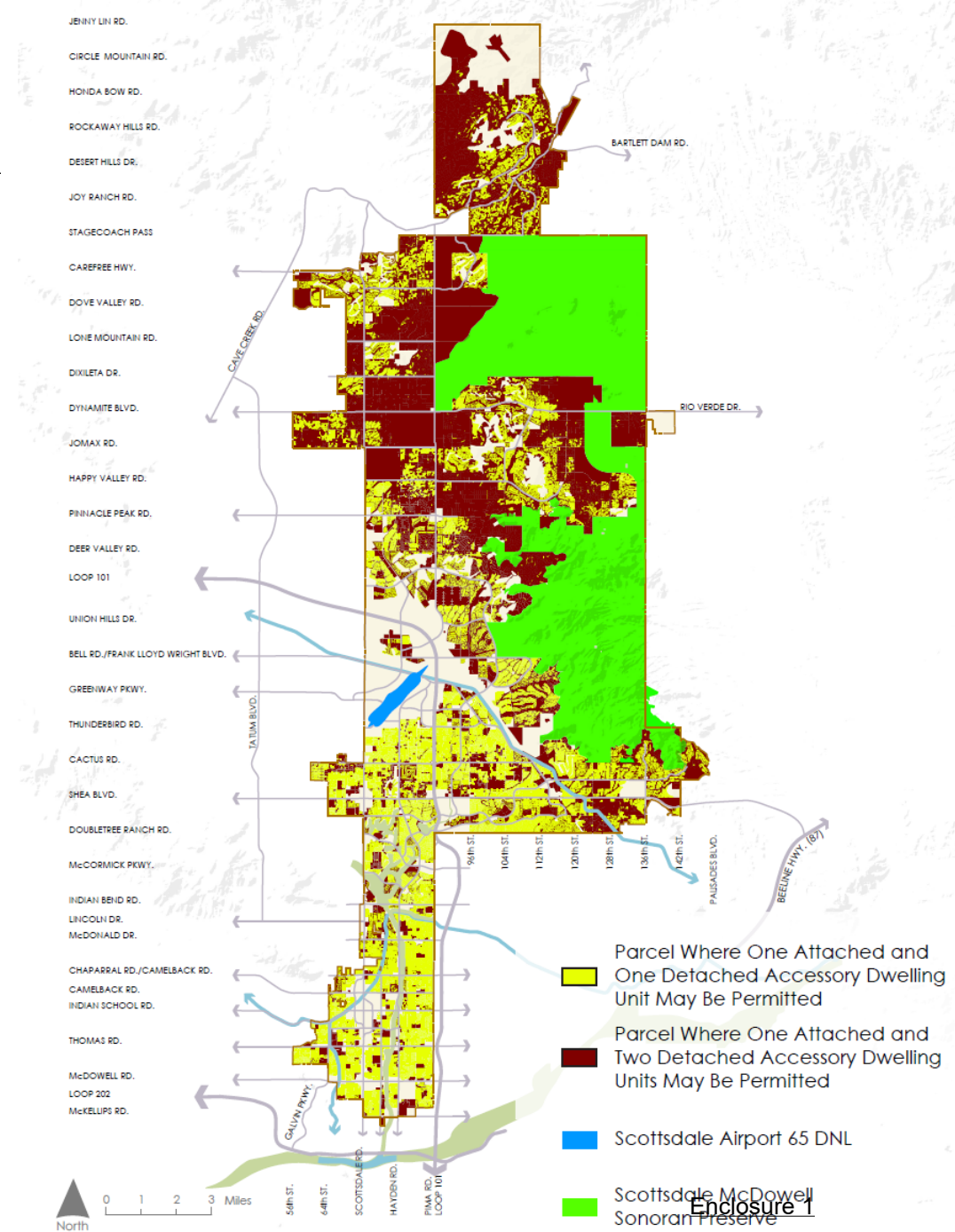
- Prohibit the short- or long-term lease of an ADU
- Require familial relationship between the owner of the main home & ADU occupant(s)
- Require on site parking for an ADU (or fees in lieu of parking)
- Require an ADU to have an exterior design like that of the single-family home
- Require more than 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

What is the City Proposing?

- 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



Scan, snap, save, and share





Next Steps | 4-TA-2024#2: Accessory Dwelling Unit

Public outreach and open houses

When: Monday, August 11, 2025
Time: 11:00 AM to 12:30 PM
Location: One Civic Center
Community Dev. Conf. Rooms 1 & 2
7447 East Indian School Road STE 105
Scottsdale, AZ 85251

When: Thursday, August 14, 2025
Time: 5:00 PM to 6:30 PM
Location: Mountain View Community Center
8625 E. Mountain View Road
Scottsdale, AZ 85258

Planning Commission

- Recommendation hearing (August 27, 2025)

City Council

- Action Hearing (Tentatively October 7, 2025)

New provisions must be adopted no later than December 31, 2025

Want more information?

Follow the QR Codes to:

- *Review the full versions of the State law and the city's proposed draft Zoning Code amendment*
 - *HB2928 = 4-TA-2024#2*
- *Provide public comment*
- *Stay up-to-date on the public hearing schedule for Planning Commission and City Council*

Accessory Dwelling Units



Scan, snap, save, and share



Attachment 4

ADU Text Amendment 4-TA-2024#2

Open House Sign-In Sheets for August 11th, 2025

Name	Warren Pfeffer	Address	
Phone	609-233-9299	E-mail	
Name	Karen McDevine	Address	
Phone	(402) 618-9660	E-mail	
Name	Mariann McAller	Address	City of Scottsdale
Phone	480-266-3296	E-mail	
Name	Lisa Collins	Address	7844 E. Sandalwood Dr. 85250
Phone	480-231-8791	E-mail	lcollins3@cox.net
Name	Mike Bergfeldt	Address	
Phone	Bob Intemann	E-mail	rintemann@centurylink.net
Name		Address	
Phone		E-mail	
Name		Address	
Phone		E-mail	

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.

Enclosure 2



Attachment 4

ADU Text Amendment 4-TA-2024#2

Open House Sign-In Sheets for August 11th, 2025

Name	Jeffrey	Address
Phone	480 406-3616	E-mail jeffreysadow14@gmail.com
Name	James	Address
Phone	480-276-5203	E-mail
Name	JOE MCGUIRE	Address
Phone	(402) 669-7160	E-mail
Name	Kathy Littlefield	Address
Phone	602-568-5248	E-mail
Name		Address
Phone		E-mail
Name		Address
Phone		E-mail
Name		Address
Phone		E-mail

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Enclosure 2



Attachment 4

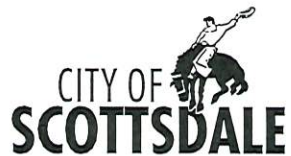
ADU Text Amendment 4-TA-2024#2

Open House Sign-In Sheets for August 14, 2025

Name	GORDANA KOVAC DJORDJEVIC	Address	
Phone	508-284-2521	E-mail	gordana.kovac2009@yahoo.com
Name	LINDA RIZZO	Address	9324 E. WOOD DE SCOTTSDALE 85268
Phone	480-766-6606	E-mail	LRIZZOMAIL@AOL.COM
Name	Warren Pletfer	Address	
Phone	609-233-9299	E-mail	
Name	Rose Smith	Address	8708 E. San Victor
Phone	480-283-7161	E-mail	RosefinoSmith@gmail
Name	Harley Weitenhagen	Address	15076 E. Terra Dr Scottsdale 85258
Phone	515-988-8761	E-mail	deane.fleetwood.cres.com.
Name	Lummi Kelly	Address	on record
Phone	602 717 3886	E-mail	COGS
Name	Berry Graham	Address	ON FILE
Phone	ON FILE	E-mail	ON FILE

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Enclosure 2



Attachment 4

ADU Text Amendment 4-TA-2024#2

Open House Sign-In Sheets for August 14, 2025

Name	KEITH DAHL	Address	10368 E SAHUARO DR SCOTTSDALE
Phone	310 283 4208	E-mail	Keithwdahl@gmail.com
Name	Susan + Chuck Wood	Address	
Phone	480 540-4648	E-mail	samw1222@aol.com
Name		Address	
Phone		E-mail	
Name		Address	
Phone		E-mail	
Name		Address	
Phone		E-mail	
Name		Address	
Phone		E-mail	
Name		Address	
Phone		E-mail	

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Enclosure 2



Attachment 4

ADU Text Amendment 4-TA-2024#2

Open House Sign-In Sheets for August 14, 2025

Name <u>Barney Gonzalez</u>	Address
Phone	E-mail <u>706eying@gmail.com</u>
Name	Address
Phone	E-mail
Name	Address
Phone	E-mail
Name	Address
Phone	E-mail
Name	Address
Phone	E-mail
Name	Address
Phone	E-mail
Name	Address
Phone	E-mail

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.

Enclosure 2

From: [Lee Cooley](#)
To: [Carr, Brad](#)
Subject: Open Houses for ACCESSORY DWELLING UNIT (ADU) TEXT AMENDMENT
Date: Friday, August 8, 2025 6:19:43 AM

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

Brad,

I will be traveling August 11-14 and unable to attend either open house about ADUs.

However, I would like to voice a concern that I have about the impact HB2720/2928 can have on Scottsdale's reputation when it comes to fire safety.

The bill/s' suggestion that "a municipality may not require an accessory dwelling unit to comply with a commercial building code or contain a fire sprinkler" is irresponsible.

SFD Chief Shannon may have more recent statistics, but the [Home Fire Sprinkler Coalition \(HFSC\) Scottsdale report](#) shows that during the first 15 years of our city's sprinkler ordinance, there were 598 house fires — 49 in single-family homes with fire sprinkler systems and:

- > There were NO deaths reported in the sprinklered homes,
- > The average fire loss per 'sprinklered' incident was more than 20 times less expensive (\$2.2K vs \$45K), and
- > Sprinklers discharged 12% less water per fire than firefighter hoses resulting in significantly less water damage.

Anyone who thinks sprinklers are too expensive should know that the HFSC reports "on a national average, (sprinklers) add only \$1.35 per fire sprinklered square foot ... in Scottsdale, the average cost is less that \$0.80 per square foot."

If an ADU measures 800 square feet, it would only add \$640 to include sprinklers, which can be plumbed off of any shower system. This is a small price to pay to save one life or home, if not more.

Below is a YouTube link. The video compares sprinklered and un-sprinklered house fire demos <https://youtu.be/JGIiCiX2CNI>.

Perhaps a representative from the city could share this information with legislators.

Thank you,

Lee Cooley
10142 E Floriade Dr
Scottsdale AZ 85260



**SCOTTSDALE PLANNING COMMISSION
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA**

WEDNESDAY, AUGUST 27, 2025

***DRAFT SUMMARIZED MEETING MINUTES ***

PRESENT: William Scarbrough, Chair
Joe Young, Vice Chair
George Ertel, Commissioner
Michal Ann Joyner, Commissioner
Barney Gonzales, Commissioner
Doug Drake, Commissioner
David Reid, Commissioner

ABSENT: **None**

STAFF: Tim Curtis
Shane Morrison
Becca Cox
Jeff Barnes
Brad Carr
Chris Zimmer
Jason Katz
Clayton Hults
Jack Kelly

CALL TO ORDER

Chair Scarbrough called the regular session of the Scottsdale Planning Commission to order at 5:00 p.m.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

MINUTES REVIEW AND APPROVAL

1. Approval of July 23, 2025 Regular Meeting Minutes.

Vice Chair Young made a motion to approve the July 23, 2025 Regular Meeting Minutes. Second by Commissioner Gonzales, the motion passed unanimously by a vote of seven (7) to zero (0).

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

CONSENT AGENDA

2. [1-AB-2025 \(Kunkel GLO Abandonment - 78th Street\)](#)
Request by owner to abandon the General Land Office Patent Easements (GLOPE) consisting of the west 8-feet of the eastern 33-foot GLOPE and the entire 33-foot GLOPE along the southern property boundary located at 26800 N. 78th Street with existing Single Family Residential Environmentally Sensitive Lands Foothills Overlay (R1-70 ESL FO) zoning. Owner to dedicate property interests, if required, to the City of Scottsdale. Staff contact person is Jason Katz, 480-312-2542. **Applicant contact person is Jeff Kunkel, 602-214-5362.**
3. [9-AB-2024 \(The Arden Scottsdale - ROW Abandonment\)](#)
Request by owner for City to abandon the southern 25-foot street right-of-way of E. Polk Street, located along the northern boundary of APNs 131-15-001S, 131-15-001F, and 131-15-001N with existing Multiple-Family (R-5) zoning. Owner to dedicate property interests, if required, to the City of Scottsdale. Staff contact person is Chris Zimmer, 480-312-2347. **Applicant contact person is Taylor C. Earl, 602-265-0094.**
4. [4-TA-2024#2 \(Accessory Dwelling Unit \(ADU\) Text Amendment\)](#)
Request by the City of Scottsdale to amend the Zoning Ordinance (Ord. No. 455), Article III., Section 3.100. (Definitions), and Article VII. Section 7.902. (Accessory Dwelling Units - Qualifications.), and any associated sections for the purpose of addressing recent State of Arizona legislation of HB2928 related to accessory dwelling units (ADU). Staff contact person is Brad Carr, AICP, 480-312-7713. **Applicant contact person is Brad Carr, AICP, 480-312-7713.**

Item No. 2 & 4; Commissioner Joyner made a motion for recommendation of approval to City Council for case 1-AB-2025 per the staff recommended stipulations after finding that the proposed abandonment is consistent and conforms with the adopted General Plan, and for case 4-TA-2024#2 after finding that the proposed Text Amendment is consistent and conforms with the adopted General Plan. Second by Commissioner Reid, the motion carried unanimously by a vote of seven (7) to zero (0).

Item No. 3; Moved to Regular Agenda. Commissioner Ertel made a motion for recommendation of approval to City Council for case 9-AB-2024 per the staff recommended stipulations after finding that the proposed abandonment is consistent and conforms with the adopted General Plan. Second by Commissioner Drake, the motion carried by a vote of six (6) to one (1) with Commissioner Gozales dissenting.

REGULAR AGENDA

5. [8-ZN-2024 \(Ranch Gate 40\)](#)
Request by owner for a Zoning District Map Amendment from Single-family Residential District, Environmentally Sensitive Lands (R1-130 ESL) to Single-family Residential District, Environmentally Sensitive Lands (R1-35 ESL) designation, on a +/- 40-acre site, consisting of two parcels (217-01-007B and 217-01-007H) for a 32-lot subdivision, located at the southeastern corner of E. Ranch Gate Road and N. 128th Street. Staff contact

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

person is Jesus Murillo, 480-312-7849. **Applicant contact person is Keith Nichter, 602-313-7206.**

Item No. 5; Commissioner Drake made a motion for recommendation of approval to City Council for case 8-ZN-2024 per the staff recommended stipulations after finding that the proposed Zoning District Map Amendment is consistent and conforms with the adopted General Plan. Second by Commissioner Ertel, the motion carried unanimously by a vote of seven (7) to zero (0).

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 6:18 p.m.