

ORDINANCE NO. 4652

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 I, SECTION 1.206 (PROCESSING OF DEVELOPMENT APPLICATIONS) AND SECTION 1.1304 (ENLARGEMENT, EXTENSION, RECONSTRUCTION OR STRUCTURAL ALTERATION OF NONCONFORMING USE); ARTICLE III, SECTION 3.100 (DEFINITIONS); ARTICLE V, SECTIONS 5.010 THROUGH 5.556 (SINGLE-FAMILY RESIDENTIAL), SECTIONS 5.600 THROUGH 5.606 (TWO-FAMILY RESIDENTIAL), SECTIONS 5.700 THROUGH 5.707 (MEDIUM DENSITY RESIDENTIAL), SECTIONS 5.800 THROUGH 5.807 (TOWNHOUSE RESIDENTIAL), SECTIONS 5.900 THROUGH 5.907 (RESORT/TOWNHOUSE RESIDENTIAL), SECTIONS 5.1000 THROUGH 5.1007 (MULTIPLE-FAMILY RESIDENTIAL), SECTIONS 5.1100 THROUGH 5.1107 (SERVICE RESIDENTIAL), AND SECTIONS 5.2000 THROUGH 5.2008 (MANUFACTURED HOME); ARTICLE VI, SECTION 6.1004 (PROPERTY DEVELOPMENT STANDARDS); ARTICLE VII, SECTIONS 7.200(A) THROUGH 7.200(G) (ADDITIONAL AREA REGULATIONS), SECTION 7.203 (VACATION RENTALS OR SHORT-TERM RENTALS.), SECTION 7.900 (ACCESSORY DWELLING UNITS), SECTION 7.901 (PURPOSE), SECTION 7.902 (QUALIFICATIONS), SECTION 7.903 (APPLICATION REQUIREMENTS), AND SECTION 7.904 (PROPERTY DEVELOPMENT STANDARDS); ARTICLE XI (LAND USE TABLES); AND ANY ASSOCIATED SECTIONS, FOR THE PURPOSE OF ADDRESSING RECENT STATE OF ARIZONA LEGISLATION RELATING TO ACCESSORY DWELLING UNITS (HB2720) AND BACKYARD FOWL (HB2325) AS PROVIDED IN CASE NO. 4-TA-2024.

WHEREAS, the City wishes to amend the Zoning Ordinance of the City of Scottsdale, Ordinance No. 455, regarding certain provisions of Article I, Section 1.206 (Processing of development applications) and Section 1.1304 (Enlargement, extension, reconstruction or structural alteration of nonconforming structure; enlargement of nonconforming use); Article III, Section 3.100 (Definitions); Article V, Sections 5.010 through 5.556 (Single-family Residential), Sections 5.600 through 5.606 (Two-family Residential), Sections 5.700 through 5.707 (Medium Density Residential), Sections 5.800 through 5.807 (Townhouse Residential), Sections 5.900 through 5.907 (Resort/Townhouse Residential), Sections 5.1000 through 5.1007 (Multiple-family Residential), Sections 5.1100 through 5.1107 (Service Residential), and Sections 5.2000 through 5.2008 (Manufactured Home); Article VI, Section 6.1004 (Property development standards); Article VII, Sections 7.200(A) through 7.200(G) (Additional Area Regulations), Section 7.203 (Vacation rentals or Short-term rentals), Section 7.900 (Accessory Dwelling Units), Section 7.901 (Purpose), Section 7.902 (Qualifications), Section 7.903 (Application requirements), and Section 7.904 (Property Development Standards); Article XI (Land Use Tables); and any associated sections, for the purpose of addressing State of Arizona legislation relating to accessory dwelling units (HB2720) and regarding backyard fowl (HB2325); and

WHEREAS, the Arizona State Legislature adopted House Bill (HB) 2720, which codified certain statutory provisions, including Arizona Revised Statutes (A.R.S.) § 9-461.18, which

provides, in part, that a municipality with a population of more than 75,000 must adopt, on or before January 1, 2025, certain regulations relating to accessory dwelling units; and

WHEREAS, subject to limitations, A.R.S. § 9-461.18 provides that certain accessory dwelling units must be allowed on any lot or parcel where a single-family dwelling is allowed; and

WHEREAS, subject to limitations, A.R.S. § 9-461.18 requires the City to adopt regulations allowing for at least one attached and one detached accessory dwelling unit on a lot or parcel where a single-family dwelling is allowed; and

WHEREAS, subject to limitations, A.R.S. § 9-461.18 requires the City to adopt regulations allowing for at least one additional detached accessory dwelling unit on a lot or parcel where a single-family dwelling is allowed if the lot or parcel is one acre or more in size and at least one accessory dwelling unit on the lot or parcel is a restricted-affordable dwelling unit; and

WHEREAS, subject to limitations, A.R.S. § 9-461.18 requires the City to adopt regulations allowing for an accessory dwelling unit that is a cumulative seventy-five percent (75%) of the gross floor area of the single-family dwelling unit on the same lot or parcel or 1,000 square feet, whichever is smaller; and

WHEREAS, HB2720 codified certain other statutory provisions, including A.R.S. § 9-500.39(B)(9), which provides, in part, that the City may require the owner of a short-term rental to reside on the property if an accessory dwelling unit on the same lot or parcel that was constructed on or after the general effective date of HB2720 is being used as a short-term rental, subject to limitations in the statute; and

WHEREAS, HB2720 codified certain other statutory provisions, including A.R.S. §§ 9-461.18(C) through 9-461.18(G) and associated subsections, which provides, in part, various requirements, exceptions, and limitations relating to accessory dwelling units; and

WHEREAS, the Legislature adopted HB2325, which codified certain statutory provisions, including A.R.S. §§ 9-462.10 (renumbered as A.R.S. § 9-462.12) and 11-820.04 relating to backyard fowl; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 23, 2024 and considered a proposed text amendment to the Zoning Ordinance of the City of Scottsdale in Case No. 4-TA-2024; 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 – 4-TA-2024," declared to be a public record by Resolution No. 13255 of the City of Scottsdale and hereby referred to, adopted, and made a part hereof as if fully set out in this Ordinance.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or any part of the 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 25 day of November, 2024.

ATTEST:

By: Ben Lane  
Ben Lane  
City Clerk

CITY OF SCOTTSDALE, an Arizona  
municipal corporation

By: David D. Ortega  
David D. Ortega  
Mayor

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By: Sherry R. Scott  
Sherry R. Scott, City Attorney  
By: Shane C. Morrison, Assistant City Attorney