

# ATTACHMENT B



## City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

### Staff Report Zoning Ordinance Text Amendment Z-TA-2-24-Y September 30, 2024

**Application No. Z-TA-2-24-Y:** Amend the Phoenix Zoning Ordinance Chapter 2, Section 202 (Definitions) to add new definitions and revise existing definitions regarding Accessory Dwelling Units and related residential terms; amend Chapter 6, Section 603 (Suburban S-1 District—Ranch or Farm Residence) and Section 604 (Suburban S-2 District—Ranch or Farm Commercial) to comply with HB 2720; amend Section 605 (Residential Estate RE-43 District—One-Family Residence), Section 606 (Residential Estate RE-24 District—One-Family Residence), and Section 607 (Residential R1-14 District—One-Family Residence) to comply with HB 2720 and increase permitted lot coverage; amend Section 608 (Residential Districts) to comply with HB 2720; amend Section 609 (RE-35 Single-Family Residence District) to increase permitted lot coverage; amend Chapter 7, Section 701.A.3 (Projections) to comply with HB 2720; amend Section 703.B (Landscaping and Open Areas In Multiple-Family Development) to differentiate the addition of ADUs from multi-family developments; and amend Section 706 (Accessory Uses and Structures) to clarify wordings and comply with HB 2720.

**Staff recommendation:** Staff recommends approval of Z-TA-2-24-Y as shown in the proposed text in Exhibit A.

#### **BACKGROUND AND PURPOSE**

This text amendment is a response to House Bill 2720, approved by the Fifty-Sixth Legislature, Second Session (2024) which modified the Arizona Revised Statutes to require municipalities to allow Accessory Dwelling Units (ADU) on single-family lots. The City of Phoenix currently complies with some of the provisions of HB 2720, but not all of them. This text amendment will bring City of Phoenix zoning regulations in compliance with the new State regulations regarding ADUs.

HB 2720 includes a clause which prohibits cities from regulating ADUs in any manner if regulations compliant with the bill are not adopted and effective by January 1, 2025.

## **PROPOSAL**

Staff recommend changes to existing sections of the zoning ordinance to comply with all provisions of HB 2720. Staff also recommend increasing the permitted lot coverage in certain zoning districts, since the new State regulations require a minimum of two ADUs be permitted per lot with a single-family home.

## **DESCRIPTION OF THE PROPOSED TEXT**

The proposed text amendment includes three main components: 1) new and revised definitions; 2) revision of existing City of Phoenix ADU regulations to comply with HB 2720, and 3) revision of lot coverage permissions for certain districts in order to comply with HB 2720.

### **1. New and Revised Definitions**

HB 2720 requires that the City allow a minimum of one attached and one detached Accessory Dwelling Unit per lot with a single-family home. Definitions for the following have been added:

- Accessory Dwelling Unit, Attached
- Accessory Dwelling Unit, Detached

The definition of “Accessory Dwelling Unit” has also been revised slightly to comply with HB 2720.

### **2. Revision of Existing ADU Development Standards**

The following regulations have been revised to comply with the requirements of HB 2720, as follows:

- The number of ADUs permitted is being increased from one to two ADUs per lot having a single-family home.
- A third ADU is also permitted per lot when the minimum lot size is one acre, and at least one of the ADUs is considered “Affordable Housing” (requiring a deed or other restrictions on the property).
- Design review of ADUs no longer require that an ADU match the exterior design, roof pitch or finishing materials of the single-family dwelling.
- Setbacks for both attached and detached ADUs have been reduced to 5 feet where adjacent to a side property line.

### **Short-Term Rentals in ADUs**

This text amendment proposes to remove the current City prohibition of using an ADU as a Short-Term Rental (STR). Arizona Revised Statutes §9-500.39.B provides a limited list of items related to STRs which municipalities are permitted to regulate, and prohibiting use of an ADU as an STR is not included. Perhaps more

importantly, HB 2720 includes a new item specifically regarding how a municipality may require an owner to reside on the property if more than one ADU on a property is licensed for use as an STR. This provision will be addressed separately as part of the licensing requirements outlined in City Code, Chapter 10, Article XVI – Short Term Vacation Rental to comply with HB 2720.

### **3. Increase of Lot Coverage Permissions in the RE-43, RE-24, R1-14, and RE-35 Zoning Districts**

In the City’s first amendment to allow ADUs in 2023 (Z-TA-5-23-Y), certain districts did not have lot coverage increases provided, since those districts had historically been allowed “guesthouses”. However, with the new requirement to allow two ADUs per lot (and possibly three), the lot coverage maximums in the RE-43, RE-24, R1-14, and RE-35 districts have been proposed to be increased by 10%. The one-story height limitation for all buildings on the lot, required to achieve increased lot coverage, remains in place. The revised lot coverage permissions are as follows:

- RE-43 lot coverage increases from 20%/30% if all structures one-story, to 20%/40% if all structures are one-story.
- RE-24 lot coverage increases from 25%/30% if all structures one-story, to 25%/40% if all structures are one-story.
- R1-14 lot coverage increases from 25%/30% if all structures one-story, to 25%/40% if all structures are one-story.
- RE-35 (Subdivision Option) lot coverage increases from 25%/30% if all structures one-story, to 25%/40% if all are structures one-story.

### **CONCLUSION**

The proposed amendment to the Zoning Ordinance, provided in Exhibit A, will bring the City into compliance with the requirements of HB 2720.

Staff recommends approval of the changes to the Zoning Ordinance as proposed in Exhibit A.

### **Writer**

C. DePerro

September 30, 2024

### **Exhibit**

A. Proposed Language

**Exhibit A**

Staff proposed language that may be modified during the public hearing process is as follows:

**Amend Chapter 2, Section 202 (Definitions) to add new definitions and revise existing definitions regarding Accessory Dwelling Units and related residential terms.**

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*Accessory Dwelling Unit (ADU):* A dwelling unit, as defined in this section, subordinate to the primary dwelling unit and situated on the same lot ~~and used for a residential accessory use~~. ADUs, where permitted, do not count towards calculations of gross density.

*ACCESSORY DWELLING UNIT, ATTACHED:* AN ADU WHICH IS CONSTRUCTED HAVING A COMMON WALL AND ATTACHED FOUNDATIONS WITH THE PRIMARY DWELLING UNIT. AN ADU CONNECTED TO THE PRIMARY DWELLING UNIT IN ANY OTHER MANNER SHALL NOT BE CONSIDERED AN ATTACHED ADU.

*ACCESSORY DWELLING UNIT, DETACHED:* AN ADU WHICH IS CONSTRUCTED WITH NO CONNECTION TO THE PRIMARY DWELLING UNIT, EXCEPT AS MAY BE EXPLICITLY PERMITTED WITHIN THE ZONING ORDINANCE. A DETACHED ADU MAY INCLUDE AN INTEGRATED GARAGE, CARPORT, OR PORCH. TWO ADUS ATTACHED TO EACH OTHER, BUT NOT TO THE PRIMARY DWELLING UNIT, SHALL EACH BE CONSIDERED AS A DETACHED ADU.

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*Multi-Family/Multiple-Family:* A lot or parcel where two or more dwelling units are provided, not including a permitted accessory dwelling unitS.

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**Amend Chapter 6, Section 603 (Suburban S-1 District—Ranch or Farm Residence) to read as follows:**

**Section 603. Suburban S-1 District—Ranch or Farm Residence.**

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**A. Permitted Uses.**

1. Dwelling Units. Each lot may have the following:

- a. One primary dwelling unit.
- b. ~~One~~ TWO accessory dwelling units, and
- c. For each additional 10 acres provided above the minimum lot size, one additional accessory dwelling unit for use by on-site laborers may be provided.
- d. IN ADDITION TO THE ABOVE, ONE ADDITIONAL ACCESSORY DWELLING UNIT (ADU) MAY BE PERMITTED ONLY WHEN AT LEAST ONE ADU QUALIFIES AS AFFORDABLE HOUSING.

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**B. Yard, Height and Area Requirements.**

1. Each lot shall have a net area of not less than one acre.
2. ~~For all dwelling units:~~ SETBACK REQUIREMENTS:
  - a. The minimum front setback is 40 feet.
  - b. The minimum side setback is 30 feet, EXCEPT THAT ADUS ARE SUBJECT TO THE SETBACK PROVISIONS OF SECTION 706.A.
  - c. The minimum rear setback is 30 feet, EXCEPT THAT ADUS ARE SUBJECT TO THE SETBACK PROVISIONS OF SECTION 706.A.

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6. Accessory dwelling units are subject to the additional ~~provisions~~ DEVELOPMENT REGULATIONS of Section 706.A.

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**Amend Chapter 6, Section 604 (Suburban S-2 District—Ranch or Farm Commercial) to read as follows:**

**Section 604. Suburban S-2 District—Ranch or Farm Commercial**

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**B. Yard, height and area requirements.**

1. Each lot shall have a net area of not less than three acres.

2. ~~For all dwelling units:~~ SETBACK REQUIREMENTS:
  - a. The minimum front setback is 40 feet.
  - b. The minimum side setback is 30 feet, EXCEPT THAT ADUS ARE SUBJECT TO THE SETBACK PROVISIONS OF SECTION 706.A.
  - c. The minimum rear setback is 30 feet, EXCEPT THAT ADUS ARE SUBJECT TO THE SETBACK PROVISIONS OF SECTION 706.A.

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6. Accessory dwelling units are subject to the additional ~~provisions~~ DEVELOPMENT REGULATIONS of Section 706.A.

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**Amend Chapter 6, Section 605 (Residential Estate RE-43 District—One-Family Residence) to read as follows:**

**Section 605. Residential Estate RE-43 District—One-Family Residence.**

The provisions of this section shall apply only to land zoned RE-43 prior to September 13, 1981.

The RE-43, One-Family Residence DISTRICT, is a district of single-family homes designed to maintain, protect and preserve a character of development on lots with a minimum area of 43,560 square feet, and with not more than one dwelling unit and customary accessory buildings upon one lot.

**A. Permitted Uses.**

1. Dwelling units. Each lot may have the following:
  - a. One primary dwelling unit.
  - b. ~~One~~ TWO accessory dwelling unitS. A THIRD ADU IS PERMITTED ONLY WHEN AT LEAST ONE ADU QUALIFIES AS AFFORDABLE HOUSING AND THE NET LOT SIZE IS A MINIMUM OF 43,560 SQUARE FEET.
  - c. Model homes are permitted subject to the provisions of Section 608.E.19.

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5. ~~RESERVED. Model homes and/or subdivision sales offices when located in model homes subject to approval of the Planning and Development Department, and subject to the following conditions:~~
- ~~a. Such model home and/or subdivision sales offices shall be located in a subdivision which is owned by or held in trust for the subdivision developer proposing to erect the model homes and/or proposing to operate the sales office.~~
  - ~~b. Subdivision sales offices and/or model homes shall be permitted for a period not to exceed 36 months from the date of approval for the sales offices and/or model homes.~~
  - ~~c. The time limit allowed in Section 605.A.5.b for an additional 36 months shall be extended only upon securing a use permit.~~
  - ~~d. The subdivision sales office shall be removed and the model homes shall be discontinued as model homes on or before the termination date set forth in Section 605.A.5.b or upon expiration of the extension granted by the Zoning Administrator pursuant to Section 605.A.5.c, or after six months following sale or occupancy of all lots in the subdivision other than the model homes, whichever occurs first. Notwithstanding these provisions, the model home complex shall, subject to obtaining a use permit in accordance with the provisions of Section 307, be able to be used as off-site models after sale of 75 percent of the lots in the subdivision; provided, that the model home complex is within four hundred feet of an arterial or collector street and that the use as off-site models shall not exceed, in combination with the use as on-site models, a total of 72 months.~~
  - ~~e. For the purposes of Sections 605.A.5.a and d, the term "subdivision" shall mean all the land included within the preliminary plat submitted to Planning and Development Department.~~
  - ~~f. Subdivision sales offices in buildings other than model homes may be permitted subject to the following standards to be reviewed and approved by the Planning and Development Department:
    - ~~(1) One trailer per subdivision;~~
    - ~~(2) Trailer shall be removed upon occupancy of first model home or within six months of approval (whichever occurs first);~~~~

- (3) ~~Signs shall not exceed six square feet;~~
- (4) ~~Subject to all provisions listed in Section 605.C.1.~~
- g. ~~More than one model home complex in a subdivision shall be permitted subject to the above standards and the following standards:~~
  - (1) ~~A maximum of either six percent of the lots in the development or two lots, whichever is greater, may be used for model homes.~~
  - (2) ~~The model home complexes shall be within four hundred feet of an arterial or collector street.~~
  - (3) ~~Temporary street closures and temporary fences over the public right-of-way shall be approved by the Street Transportation Department.~~
  - (4) ~~Off-street parking and circulation shall be dustproofed.~~
  - (5) ~~Lighting shall be limited to security lighting of the model home complex.~~

~~If these standards cannot be met, the additional model home complex shall be subject to obtaining a use permit in accordance with the provisions of Section 307.~~

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**B. Yard, height and area requirements.** Except as required by Section 710, the following yard, height, and area provisions shall be required for this district.

- 1. ~~There shall be a lot area of not less than 43,560 square feet. No lot shall hereafter be subdivided to provide less than 43,560 square feet of lot area, nor to have a width of less than 165 feet, nor to have a lot depth of less than 175 feet.~~
- 2. ~~There shall be a front yard having a depth not less than that established by an existing main building on the nearest lot within one hundred feet, provided, however, that on a lot between two lots each within one hundred feet, which lots have established [front yards, then the minimum front yard shall be that established] by a line joining the nearest front corner of the main building on one lot and the nearest front corner of the main building on the other lot. Nothing in this section shall require that a front yard be more than fifty feet in depth nor to permit a front yard of less than forty feet in~~



~~depth. On a lot that is not within one hundred feet of a lot with an established front yard, the front yard shall be not less than forty feet.~~

~~In a tract development, construction of which is substantially contemporaneous, the above rules shall not apply at the discretion of the builder providing he follow an approved plot plan of the tract development and providing the front yards of all lots be not less than forty feet.~~

- ~~3. There shall be two side yards each having a width of thirty feet.~~
- ~~4. There shall be a rear yard having a depth of not less than forty feet, which depth may be measured from the centerline of an existing sixteen-foot or wider rear alley where only a one-half or partial alley exists.~~
1. EACH LOT SHALL HAVE A NET AREA OF NOT LESS THAN 43,560 SQUARE FEET.
2. EACH LOT SHALL HAVE A MINIMUM WIDTH OF 165 FEET.
3. EACH LOT SHALL HAVE A MINIMUM DEPTH OF 175 FEET.
4. SETBACK REQUIREMENTS:
  - a. THE MINIMUM FRONT SETBACK IS 40 FEET.
  - b. THE MINIMUM SIDE SETBACK IS 30 FEET, EXCEPT THAT ADUS ARE SUBJECT TO THE SETBACK PROVISIONS OF SECTION 706.A.
  - c. THE MINIMUM REAR SETBACK IS 30 FEET, EXCEPT THAT ADUS ARE SUBJECT TO THE SETBACK PROVISIONS OF SECTION 706.A.
5. The main building and all accessory buildings on a lot shall not occupy more than 20 percent of the net lot area, except if all structures are less than 20 feet and one story in height then a maximum of 30-40 percent lot coverage is allowed.
6. No building shall exceed the height of two stories, not to exceed thirty feet, and no dwelling shall be erected to a height of less than one story.
7. ~~Yards for aAccessory dDwelling uUnits and other accessory structures shall be provided in accordance with the provisions~~ ARE SUBJECT TO THE ADDITIONAL DEVELOPMENT REGULATIONS of Section 706.

8. OPEN P~~ro~~jections into the required side yards, per the provisions of Section 701.a.3.a (1)(b), are not permitted.

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**Amend Chapter 6, Section 606 (Residential Estate RE-24 District—One-Family Residence) to read as follows:**

**Section 606. Residential Estate RE-24 District—One-Family Residence.**

The provisions of this section shall apply only to land zoned RE-24 prior to September 13, 1981.

The RE-24, One Family Residence District, is a district of single-family homes designed to maintain, protect and preserve a character of development on lots with a minimum area of 24,000 square feet and with not more than one dwelling unit and customary accessory buildings upon one lot.

**A. Permitted Uses.**

1. *Dwelling Units.* Each lot may have the following:
  - a. One primary dwelling unit.
  - b. ~~One~~ TWO accessory dwelling units. A THIRD ADU IS PERMITTED ONLY WHEN AT LEAST ONE ADU QUALIFIES AS AFFORDABLE HOUSING AND THE NET LOT SIZE IS A MINIMUM OF 43,560 SQUARE FEET.
  - c. Model homes are permitted subject to the provisions of Section 608.E.19.

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5. ~~RESERVED. Model homes and/or subdivision sales offices when located in model homes subject to approval of the Planning and Development Department, and subject to the following conditions:~~
  - a. ~~Such model home and/or subdivision sales offices shall be located in a subdivision which is owned by or held in trust for the subdivision developer proposing to erect the model homes and/or proposing to operate the sales office.~~

- b. ~~Subdivision sales offices and/or model homes shall be permitted for a period not to exceed 36 months from the date of approval for the sales offices and/or model homes.~~
- c. ~~The time limit allowed in Section 606.A.5.b for an additional 36 months shall be extended only upon securing a use permit.~~
- d. ~~The subdivision sales office shall be removed and the model homes shall be discontinued as model homes on or before the termination date set forth in Section 606.A.5.b or upon expiration of the extension granted by the Zoning Administrator pursuant to Section 606.A.5.c, or after six months following sale or occupancy of all lots in the subdivision other than the model homes, whichever occurs first. Notwithstanding these provisions, the model home complex shall, subject to obtaining a use permit in accordance with the provisions of Section 307, be able to be used as off-site models after sale of 75 percent of the lots in the subdivision; provided, that the model home complex is within four hundred feet of an arterial or collector street and that the use as off-site models shall not exceed, in combination with the use as on-site models, a total of 72 months.~~
- e. ~~For the purposes of Sections 606.A.5.a and d, the term "subdivision" shall mean all the land included within the preliminary plat submitted to Planning and Development Department.~~
- f. ~~Subdivision sales offices in buildings other than model homes may be permitted subject to the following standards to be reviewed and approved by the Planning and Development Department:~~
  - (1) ~~One trailer per subdivision;~~
  - (2) ~~Trailer shall be removed upon occupancy of first model home or within six months of approval (whichever occurs first);~~
  - (3) ~~Signs shall not exceed six square feet;~~
  - (4) ~~Subject to all provisions listed in Section 606.A.1.~~
- g. ~~More than one model home complex in a subdivision shall be permitted subject to the above standards and the following standards:~~
  - (1) ~~A maximum of either six percent of the lots in the development or two lots, whichever is greater, may be used for model homes.~~

- ~~(2) The model home complexes shall be within four hundred feet of an arterial or collector street.~~
- ~~(3) Temporary street closures and temporary fences over the public right-of-way shall be approved by the Street Transportation Department.~~
- ~~(4) Off-street parking and circulation shall be dustproofed.~~
- ~~(5) Lighting shall be limited to security lighting of the model home complex.~~

~~If these standards cannot be met, the additional model home complex shall be subject to obtaining a use permit in accordance with the provisions of Section 307.~~

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**B. Yard, height and area requirements.** Except as required by Section 710, the following yard, height, and area provisions shall be required for this district.

- ~~1. There shall be a lot area of not less than 24,000 square feet. No lot shall hereafter be subdivided to provide less than 24,000 thousand square feet of lot area nor to have a width of less than 130 feet nor a lot depth of less than 120 feet.~~
- ~~2. There shall be a front yard having a depth not less than that established by an existing main building on the nearest lot within one hundred feet, provided, however, that on a lot between two lots each within one hundred feet, which lots have established front yards, then the minimum front yard shall be that established by a line joining the nearest front corner of the main building on one lot and the nearest front corner of the main building on the other lot. Nothing in this section shall require that a front yard be more than forty feet in depth nor to permit a front yard of less than feet thirty in depth. On a lot that is not within one hundred feet of a lot with an established front yard, the front yard shall be not less than thirty feet.~~

~~In a tract development, construction of which is substantially contemporaneous, the above rules shall not apply at the discretion of the builder providing he follows an approved lot plan of the tract development and providing the front yards of all lots be not less than thirty feet.~~

- ~~3. There shall be two side yards which shall have the following minimum widths:~~

- ~~a. Fifteen feet on the street side of a corner lot.~~
  - ~~b. Ten feet on an interior side yard.~~
- ~~4. There shall be a rear yard having a depth of not less than thirty feet, which depth may be measured from the centerline of an existing sixteen-foot or wider rear alley or from what would be the centerline of a full sixteen-foot or wider rear alley where only a one-half or partial alley exists.~~
1. EACH LOT SHALL HAVE A NET AREA OF NOT LESS THAN 24,000 SQUARE FEET.
2. EACH LOT SHALL HAVE A MINIMUM WIDTH OF 130 FEET.
3. EACH LOT SHALL HAVE A MINIMUM DEPTH OF 120 FEET.
4. *SETBACK REQUIREMENTS:*
  - a. THE MINIMUM FRONT SETBACK IS 30 FEET.
  - b. THE MINIMUM STREET SIDE SETBACK IS 15 FEET, EXCEPT THAT ADUS ARE SUBJECT TO THE SETBACK PROVISIONS OF SECTION 706.A.
  - c. THE MINIMUM INTERIOR SIDE SETBACK IS 10 FEET, EXCEPT THAT ADUS ARE SUBJECT TO THE SETBACK PROVISIONS OF SECTION 706.A.
  - d. THE MINIMUM REAR SETBACK IS 20 FEET, EXCEPT THAT ADUS ARE SUBJECT TO THE SETBACK PROVISIONS OF SECTION 706.A.
5. The main building and all accessory buildings on a lot shall not occupy more than 25 percent of the net lot area, except if all structures are less than 20 feet and one story in height then a maximum of 30-40 percent lot coverage is allowed.
6. No building shall exceed the height of two stories, not to exceed thirty feet, and no dwelling structure shall be erected to a height of less than one story.
7. ~~Yards for a~~Accessory ~~d~~Dwelling ~~u~~Units and other accessory structures ~~shall be provided in accordance with the provisions~~ ARE SUBJECT TO THE ADDITIONAL DEVELOPMENT REGULATIONS of Section 706.

8. OPEN Pprojections into the required side yards, per the provisions of section 701.A.3.a(1)(b), are not permitted.

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**Amend Chapter 6, Section 607 (Residential R1-14 District—One-Family Residence) to read as follows:**

**Section 607. Residential R1-14 District—One-Family Residence.**

The provisions of this section shall apply only to land zoned R1-14 prior to September 13, 1981.

The R1-14, One-Family ~~Resident~~ RESIDENCE District, is a district of single-family homes designed to maintain, protect, and preserve a character of development on lots with minimum area of 14,000 square feet and with not more than one dwelling unit and customary accessory building upon one lot. Dwelling groups shall also be allowed in the districts on certain lots of excessive size, then developed consistent with the character of adjacent residential uses in the district.

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- B. **Yard, height and area requirements.** Except as required by Section 710, the following yard, height, and area provisions shall be required for this district.

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- ~~1. There shall be a lot area of not less than 14,000 square feet. No lot shall hereafter be subdivided to provide less than 14,000 thousand square feet of lot area nor to have a width of less than 110 feet nor a lot depth of less than 120 feet.~~
- ~~2. Front yard requirements shall be the same as for RE-24.~~
- ~~3. Side yard requirements shall be the same as for RE-24.~~
- ~~4. Rear yard requirements shall be the same as for RE-24.~~
1. EACH LOT SHALL HAVE A NET AREA OF NOT LESS THAN 14,000 SQUARE FEET.
2. EACH LOT SHALL HAVE A MINIMUM WIDTH OF 110 FEET.
3. EACH LOT SHALL HAVE A MINIMUM DEPTH OF 120 FEET.

4. SETBACK REQUIREMENTS:
  - a. THE MINIMUM FRONT SETBACK IS 30 FEET.
  - b. THE MINIMUM STREET SIDE SETBACK IS 15 FEET, EXCEPT THAT ADUS ARE SUBJECT TO THE SETBACK PROVISIONS OF SECTION 706.A.
  - c. THE MINIMUM INTERIOR SIDE SETBACK IS 10 FEET, EXCEPT THAT ADUS ARE SUBJECT TO THE SETBACK PROVISIONS OF SECTION 706.A.
  - d. THE MINIMUM REAR SETBACK IS 20 FEET, EXCEPT THAT ADUS ARE SUBJECT TO THE SETBACK PROVISIONS OF SECTION 706.A.
5. The main building and all accessory buildings on a lot shall not occupy more than 25 percent of the net lot area, except if all structures are less than 20 feet and one story in height then a maximum of 30-40 percent lot coverage is allowed.
6. No building shall exceed the height of two stories, not to exceed thirty feet, and no dwelling structure shall be erected to a height of less than one story.
7. ~~Yards for aAccessory dDwelling uUnits and other accessory structures shall be provided in accordance with the provisions~~ ARE SUBJECT TO THE ADDITIONAL DEVELOPMENT REGULATIONS of Section 706.
8. OPEN Pprojections into the required side yards, per the provisions of section 701.A.3.a(1)(b), are not permitted.

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**Amend Chapter 6, Section 608 (Residential Districts) to read as follows:**

**Section 608. Residential Districts.**

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**E. Land Use Conditions.**

1. **Single-Family Detached Dwelling Unit.** Each single-family lot is permitted one single-family detached primary dwelling unit and no additional dwelling units, unless otherwise permitted elsewhere in this section.

2. **Accessory Dwelling Unit (ADU).**

- a. ~~Each single-family detached lot is permitted one accessory dwelling unit in addition to the primary dwelling unit, except that lots having a duplex or triplex may not have an ADU.~~  
WHEN A LOT HAS NO MORE THAN ONE SINGLE-FAMILY DETACHED PRIMARY DWELLING, TWO ADUS ARE PERMITTED IN ADDITION TO THE PRIMARY DWELLING UNIT. A THIRD ADU MAY BE PERMITTED WHEN AT LEAST ONE OF THE ADUS QUALIFIES AS AFFORDABLE HOUSING, AND THE NET LOT SIZE IS A MINIMUM 43,560 SQUARE FEET. HOWEVER, LOTS HAVING A DUPLEX OR TRIPLEX, SINGLE-FAMILY ATTACHED UNITS, OR ANY MULTI-FAMILY DWELLING UNITS ARE NOT PERMITTED ANY ADUS.
- b. An ADU is subject to the development regulations of Section 706.A.

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**Amend Chapter 6, Section 609 (RE-35 Single-Family Residence District) to read as follows:**

**Section 609. RE-35 Single-Family Residence District**

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<b>TABLE 609.A RE-35 Development Options</b>			
<b>Standards</b>	<b>(a) Subdivision</b>	<b>(b) Average Lot</b>	<b>(c) Planned Residential Development</b>
***	***	***	***
Lot coverage	25%, except if all structures are less than 20' and 1 story in height then a maximum of 30 40% lot coverage is allowed.	30%, PLUS AN ADDITIONAL 10% FOR AN ADU AND/OR ATTACHED SHADE STRUCTURES. TOTAL: 40%	30%, PLUS AN ADDITIONAL 10% FOR AN ADU AND/OR ATTACHED SHADE STRUCTURES. TOTAL: 40%
***	***	***	***

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**Amend Chapter 7, Section 701.A.3 (Projections) to read as follows:**

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**A. Lots.**

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**3. Projections.**

a. The following provisions apply to development in Sections 604 through 607 and Section 619 and in the subdivision option of Sections 609 through 618:

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(2) Closed Projections.

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(d) The main building (which may include an attached ADU) may project into the required rear OR SIDE yard, SUBJECT TO THE FOLLOWING: ~~when no portion of the projection exceeds 15 feet in height; the projection is no closer to the rear property line than three feet, and the projection is no closer to a side property line than allowed by the district; unless a use permit is obtained in accordance with the provisions of Section 307.~~

(i) THE PROJECTION IS NO CLOSER TO A SIDE PROPERTY LINE THAN FIVE FEET;

(ii) THE PROJECTION IS NO CLOSER TO A REAR PROPERTY LINE THAN THREE FEET; AND

(iii) THE PROJECTION DOES NOT EXCEED 15 FEET IN HEIGHT, UNLESS GREATER HEIGHT IS PERMITTED BY OBTAINING A USE PERMIT PER SECTION 307.

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**Amend Chapter 7, Section 703.B (Landscaping and Open Areas In Multiple-Family Development) to read as follows:**

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B. 2. Landscaping and open space areas shall be provided as follows at the time of initial development and shall be maintained in a living condition on any lot subject to residential district standards with ~~four~~-FIVE or more dwelling units.

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**Amend Chapter 7, Section 706 (Accessory Uses and Structures) to revise language regarding Accessory Dwelling Units, as follows:**

**Section 706. Accessory Uses and Structures.**

A. **Accessory Dwelling Units (ADU)**

1. ~~In zoning districts where accessory dwelling units are a permitted use, one ADU is permitted per lot when a single-family detached primary dwelling unit is also provided, unless otherwise permitted by the zoning district.~~ THIS SECTION APPLIES TO ACCESSORY DWELLING UNITS WHEN A LOT HAVING NO MORE THAN ONE SINGLE-FAMILY DWELLING UNIT IS PERMITTED ONE OR MORE ADUS PER THE UNDERLYING ZONING DISTRICT.
2. ~~An ADU is not permitted on a lot with a single-family attached dwelling unit, a duplex, triplex, or multifamily dwelling units, unless otherwise permitted by the zoning district.~~ AN ADU MAY BE EITHER ATTACHED TO OR DETACHED FROM THE PRIMARY DWELLING UNIT, SUBJECT TO THE FOLLOWING:
  - a. A MAXIMUM OF ONE ATTACHED ADU MAY BE PROVIDED PER LOT.
  - b. A MAXIMUM OF ONE DETACHED ADU MAY BE CONNECTED TO THE PRIMARY DWELLING UNIT BY A PORCH, DECK, COVERED PATIO, CARPORT, BREEZEWAY, OR SIMILAR.
3. ~~An ADUS may be either attached to or detached from the primary dwelling unit,~~ ARE subject to the following design guidelines:
  - a. An attached ADU shall be integrated into the design of the primary dwelling unit so that it appears to be part of one single family home, rather than a duplex. This guideline does not prohibit the provision of separate entry features. (P)
  - b. A detached ADU, when visible from adjacent streets, ~~shall be constructed with similar and/or complementary materials, design, and color(s) as the primary dwelling unit,~~ SHOULD HAVE A RESIDENTIAL APPEARANCE IN NATURE AND DESIGN, or as may be approved by Historic Preservation for HP zoned or designated properties. (P)

*Rationale:* ADUs are intended be subordinate to the primary single-family home and should visually appear as such. ~~An ADU which looks like a second duplex unit, or a second detached primary dwelling unit, does not meet this intent.~~ MATERIALS MORE COMMONLY ASSOCIATED WITH COMMERCIAL STRUCTURES SHOULD BE AVOIDED. HOWEVER, THESE DESIGN GUIDELINES DO NOT REQUIRE THAT AN ADU MATCHES THE EXTERIOR DESIGN, ROOF PITCH, OR FINISHING MATERIALS OF THE PRIMARY DWELLING UNIT.

4. A detached ADU ~~may be located within the required rear yard,~~ IS subject to the following:
  - a. A DETACHED ADU MAY BE LOCATED WITHIN THE REQUIRED REAR OR SIDE YARD(S), AND/OR WITHIN A REQUIRED ON-LOT PERIMETER SETBACK WHICH IS NOT ALSO THE FRONT YARD.
  - a. b. Setbacks.
    - (1) Minimum ~~ten~~FIVE feet from a street side property line.
    - (2) Minimum three feet from an interior SIDE OR REAR property line.
    - (3) No setback is required adjacent to a fully dedicated alley.
    - (4) FRONT SETBACKS APPLY AS STATED FOR THE ZONING DISTRICT.
  - b. c. PERMITTED Height. ~~Maximum 15 feet unless use permit approval for a greater height is obtained per Section 307.~~
    - (1) WHEN LOCATED WITHIN THE REQUIRED REAR OR SIDE YARDS: MAXIMUM 15 FEET, UNLESS USE PERMIT APPROVAL FOR A GREATER HEIGHT IS OBTAINED PER SECTION 307.
    - (2) WHEN NOT LOCATED WITHIN ANY REQUIRED YARD: THE SAME HEIGHT AS PERMITTED FOR THE PRIMARY DWELLING UNIT.
5. ~~A detached ADU not located within the required rear yard and compliant with the same setbacks required for the primary dwelling unit is subject to the same height regulations as the primary dwelling unit.~~
- ~~6.~~ 5. WHEN IN COMPLIANCE WITH THE MINIMUM REQUIRED FRONT SETBACK, Aa detached ADU may not be located between the primary dwelling unit and the front property line unless use permit approval is obtained per Section 307.
- ~~7.~~ 6. An attached ADU shall comply with same height regulations and setbacks (including permitted projections per Section 701.A.3) required for the primary dwelling unit.

~~8-7.~~ AnY ADU shall comply with the lot coverage requirements applicable to the property.

~~9-8.~~ AnY ADU shall not have a gross floor area which exceeds 75% of the gross floor area of the primary dwelling unit, and:

a. For lots up to 10,000 square feet in net area: 1,000 square feet.

b. For lots over 10,000 square feet in net area: the lesser of 3,000 square feet or 10% of the net lot area.

For the purposes of these calculations, any garage, ATTACHED SHADE STRUCTURE, or attached carport constructed as part of a detached ADU shall NOT count toward the gross floor area of the ADU. ~~Any attached shade structures shall count towards lot coverage, but not gross floor area.~~

~~10.~~ ~~Notwithstanding any other provision, using the ADU for an activity requiring a permit under Chapter 10, Article XVI of the City Code is prohibited.~~

B. **Single-Family Residential Accessory Structures.** The following regulations apply to accessory structures which are not accessory dwelling units, and located on lots having only single-family residential uses:

1. Accessory structures are not permitted within the required front yard. Accessory structures located behind the required front setback but between the primary dwelling unit and the front property line are not permitted unless use permit approval is obtained per Section 307.

2. SETBACKS.

a. MINIMUM THREE FEET FROM A SIDE OR REAR PROPERTY LINE.

b. NO SETBACK IS REQUIRED ADJACENT TO A FULLY DEDICATED ALLEY, UNLESS NEEDED FOR REQUIRED VEHICULAR MANUEVERING.

~~2-3.~~ Permitted Heights.

a. WHEN LOCATED WITHIN A REQUIRED REAR OR SIDE YARD, A ~~M~~maximum height of eight feet IS PERMITTED when located ~~within ten~~ LESS THAN FIVE feet ~~of~~ FROM a street side property line, AND A MAXIMUM HEIGHT OF ~~or~~ 15 feet IS PERMITTED WHEN LOCATED FIVE FEET OR MORE FROM A STREET SIDE PROPERTY LINE. ~~elsewhere within the required rear or side yard.~~

- b. Heights in excess of 15 feet, when ~~not located within ten~~ FIVE feet of OR MORE FROM a street side property line, may be approved through a use permit obtained per Section 307.
  - c. An accessory structure not located within the required rear or side yard and compliant with the same setbacks required for the primary dwelling unit is subject to the same height regulations as the primary dwelling unit.
3. ~~Setbacks. Accessory structures shall maintain a minimum setback of three feet adjacent to a rear or side property line, except that no setback is required adjacent to a fully dedicated alley.~~

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