

ORDINANCE NO. O2019.08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE ZONING AND DEVELOPMENT CODE, PART 3 – LAND USE, SECTIONS 3-102, 3-401 AND 3-402, PERTAINING TO SPECIAL STANDARDS FOR ACCESSORY DWELLING UNITS, AND SECTION 3-411, GUEST QUARTERS.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

SECTION 1. That Section 3-102, Table 3-102 of the Zoning and Development Code, pertaining to the table row for accessory dwellings, is hereby amended to read as follows:

Table 3-102 – Permitted Land Uses (AG, SFR, MF, MH, RMH, TP)				
Uses	Status of Use in District			
	AG	SFR	MF	MH/RMH/TP
Accessory Dwellings [Section 3-402]	N	N	N <u>S</u>	N

SECTION 2. That Section 3-401 subsection (C)(1) of the Zoning and Development Code, pertaining to accessory buildings, is hereby amended to read as follows:

- C. Accessory Building. Buildings that exceed two hundred (200) s.f. in area or eight (8) feet in height are accessory buildings (e.g., freestanding garages, large sheds, workshops, etc.). Such buildings are permitted in the ON PROPERTIES WITH A single-family DWELLING residential districts, subject to the following:
1. Use. Accessory buildings ~~shall not~~ USED AS A DWELLING SHALL COMPLY WITH THE PROVISIONS IDENTIFIED FOR GUEST QUARTERS, PURSUANT TO SECTION 3-411, AND FOR ACCESSORY DWELLINGS, PURSUANT TO SECTION 3-402.

SECTION 3. That Section 3-402 of the Zoning and Development Code, pertaining to accessory dwellings, is hereby amended to read as follows:

Section 3-402 Accessory Dwellings. [reserved]

- A. PURPOSE. ACCESSORY DWELLINGS ARE DESIGNED TO ALLOW A SECONDARY DWELLING, THAT MAY BE RENTED OR LEASED INDEPENDENT FROM THE MAIN BUILDING. THIS PROVIDES A GREATER DIVERSITY OF HOUSING TYPE WHILE ENSURING THAT THE PROPERTY REMAINS COMPATIBLE WITH THE SCALE OF SINGLE-FAMILY RESIDENTIAL DEVELOPMENT.
- B. APPLICABILITY. ACCESSORY DWELLINGS ARE PERMITTED IN MULTI-FAMILY RESIDENTIAL DISTRICTS WHEN A PROPERTY CONTAINS AN EXISTING SINGLE-FAMILY DWELLING.
- C. STANDARDS. ACCESSORY DWELLINGS ARE SUBJECT TO THE FOLLOWING REQUIREMENTS:
 - 1. FLOOR AREA.
 - A. THE AREA OF AN ACCESSORY DWELLING SHALL NOT EXCEED EIGHT HUNDRED (800) SQUARE FEET OF LIVABLE FLOOR AREA. SAFETY STANDARDS AND MINIMUM FLOOR AREAS OF AN ACCESSORY DWELLING SHALL COMPLY WITH THE CITY OF TEMPE'S ADOPTED RESIDENTIAL BUILDING CODE AND AMENDMENTS.
 - B. EXPANSION OF AN ACCESSORY DWELLING THAT EXCEEDS THE MAXIMUM ALLOWABLE LIVABLE FLOOR AREA SHALL NO LONGER BE CONSIDERED AN ACCESSORY DWELLING. PROPERTY CONTAINING THE ADDITIONAL DWELLING SHALL BE SUBJECT TO THE CURRENT STANDARDS OF A MULTI-FAMILY DEVELOPMENT.
 - 2. DENSITY.
 - A. A MAXIMUM OF ONE (1) ACCESSORY DWELLING IS ALLOWED ON A LOT IN A MULTI-FAMILY DISTRICT CONTAINING AN EXISTING SINGLE-FAMILY DWELLING. AN ACCESSORY DWELLING IS NOT DEEMED A SECOND DWELLING, OR MULTI-FAMILY UNIT, WHEN DETERMINING MAXIMUM ALLOWABLE DENSITY.
 - B. AN ACCESSORY DWELLING WILL BE COUNTED TOWARD THE MAXIMUM ALLOWABLE DENSITY OF THE ZONING DISTRICT WHEN THE FOLLOWING OCCURS:
 - I. ANOTHER DWELLING UNIT IS PROPOSED IN ADDITION TO THE ACCESSORY DWELLING AND MAIN RESIDENCE DWELLING ON THE LOT; OR
 - II. THE ACCESSORY DWELLING EXPANDS BEYOND THE ALLOWABLE AREA OR STANDARDS DESCRIBED IN SECTION 3-402.
 - 3. DEVELOPMENT STANDARDS.
 - A. NO ADDITIONAL VEHICLE PARKING IS REQUIRED FOR AN ACCESSORY DWELLING.

- B. NO MORE THAN TWO BEDROOMS ARE ALLOWED WITHIN AN ACCESSORY DWELLING.
- C. WHEN ATTACHED TO THE MAIN BUILDING THE ACCESSORY DWELLING SHALL CONFORM WITH THE GENERAL DEVELOPMENT STANDARDS FOR SETBACK, BUILDING HEIGHT, AND LOT COVERAGE STANDARDS PURSUANT TO SECTION 4-202.
- D. WHEN DETACHED FROM THE MAIN RESIDENCE THE ACCESSORY DWELLINGS SHALL COMPLY WITH THE STANDARDS FOR ACCESSORY BUILDINGS, PURSUANT TO SECTION 3-401.
- E. A PROPERTY CONTAINING AN ACCESSORY DWELLING SHALL RETAIN ITS SINGLE-FAMILY USE STATUS. AS A RESULT, ACCESSORY DWELLINGS ARE EXCLUDED FROM THE MULTI-FAMILY USE REGULATIONS FOUND IN PART 4, CHAPTER 4, BUILDING DESIGN; CHAPTER 6, PARKING; CHAPTER 7, LANDSCAPE AND WALLS; CHAPTER 8, LIGHTING; AND SECTION 6-306, DEVELOPMENT PLAN REVIEW.

4. INFRASTRUCTURE.

- A. RESIDENTIAL CONNECTIONS TO SEWER, WATER AND/OR UTILITY SERVICES SHALL BE PROVIDED TO THE ACCESSORY DWELLING IN CONFORMANCE WITH CITY STANDARDS.
- B. THE ACCESSORY DWELLING SHALL PROVIDE A COMPLETE BATHROOM INCLUDING SHOWER/TUB, TOILET AND SINK, AND COOKING FACILITIES WITHIN THE UNIT.
- C. ACCESSORY DWELLINGS CONSTRUCTED ON TRAILERS ARE ALLOWED WHEN THE SUSPENSION/AXLE COMPONENTS HAVE BEEN REMOVED AND THE CHASSIS IS PERMANENTLY ATTACHED ON A FOUNDATION.

SECTION 4. That Section 3-411 of the Zoning and Development Code, pertaining to guest quarters, is hereby amended to read as follows:

Section 3-411 Guest Quarters.

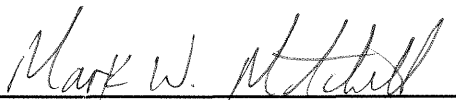
- A. Applicability. Guest quarters are permitted in single-family residential districts WHEN A PROPERTY CONTAINS A MINIMUM NET SITE AREA ~~having a minimum lot size of 45,000~~ 8,000 square feet, subject to the following standards:
 - 1. Only one guest quarters is permitted on a single lot;
 - 2. The gross floor area shall be no greater than fifty (50) percent of the main building's gross floor area at or above grade;
 - 3. ~~An~~ WHEN attached building TO THE MAIN BUILDING, GUEST QUARTERS shall CONFORM ~~comply~~ with the development standards set forth in Table 4-202A.

4. WHEN DETACHED FROM THE MAIN BUILDING, ~~Guest~~ GUEST quarters ~~detached from the main building~~ shall CONFORM ~~comply~~ with the ~~accessory building~~ standards set forth in Section 3-401.
5. There shall be no separate metering for utility services (UNLESS AUTHORIZED BY THE BUILDING OFFICIAL AND THE ZONING ADMINISTRATOR) and no separate mailing address; and
6. Prior to issuance of a building permit, a real covenant shall be recorded with the land restricting the use of the guest quarters from being rented or leased INDEPENDENT FROM THE MAIN BUILDING. ~~The City of Tempe shall be parties to~~ Such covenant and shall be binding to all subsequent owners.

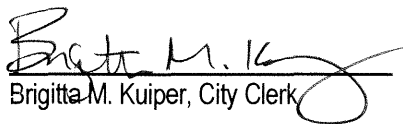
(Ord. No. 2009.15, 10-22-2009)

SECTION 5. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

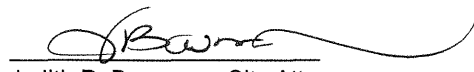
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this 11th day of April, 2019.


Mark W. Mitchell, Mayor

ATTEST:


Brigitte M. Kuiper, City Clerk

APPROVED AS TO FORM:


Judith R. Baumann, City Attorney