

P-24-83-AM
Text Amendment to Article
§ 1-6-19 Accessory Dwelling Units
per House Bill 2720

City of Apache Junction
City Council Work Session
November 19, 2024



Background

- **House Bill 2720**
 - Arizona HB2720 passed May 21, 2024, (Arizona's response to the growing demand for ADU's)
 - The bill places restrictions on how municipalities can regulate ADU's
 - 1-6-19 Accessory Dwelling Units must be amended by **January 1, 2025**, to comply with state law
- **October 8, 2024:** Planning and Zoning Public Hearing: voted 5 to 1 (one being absent)
- **November 4, 2024:** City Council Work Session



Modifications

House Bill 2720

- Can no longer prohibit the use or advertisement of long-term ADU rental
- Can no longer require a pre-existing relationship between an owner and occupant
- Can no longer require the design/finish of ADU to match main structure
- Prohibits implementing regulations for ADU's that are stricter than SFR zoning
- Side and Rear setbacks cannot exceed 5 feet



Changes to our code

Current:

(A) Purpose and definition Accessory dwelling units may be detached, attached, or directly accessible from the primary dwelling unit. An accessory dwelling unit shall be constructed as a conventional (i.e., site-built) structure ~~that compliments and is consistent with or improves upon the main building's design and building materials, as determined by the Director or designee.~~

Proposed:

(A) Purpose and definition Accessory dwelling units may be detached, attached, or directly accessible from the primary dwelling unit. An accessory dwelling unit shall be constructed as a conventional (i.e., site-built) structure. **It is recommended that the design of the building compliments and is consistent with or improves upon the main buildings design and building materials.**



Changes to our code

Current:

~~(5) Use. An accessory dwelling unit may be used to accommodate family, friends, guests, personal caretaker and/or property caretaker~~

Proposed:

Remove (5) Per HB2720 We cannot require preexisting relationships

Current:

Height. The maximum height shall ~~not exceed 25 feet.~~

Proposed:

Height. The maximum height shall comply with the main building's maximum height



Changes to our code

Current:

~~No rentals allowed. An accessory dwelling unit shall not be operated as a separate rental unit; if the entire property is a rental property, the owner or lessee thereof shall not sublet the accessory dwelling unit.~~

Proposed:

Rentals allowed. An accessory dwelling unit shall be permitted to be operated as a separate rental unit for long-term housing.



Changes to our code

Current:

Size. An accessory dwelling unit shall not be larger than ~~50%~~ of the main building's square footage

Proposed:

Size. An accessory dwelling unit shall not be larger than 75% of the main building's square footage or 1,000 square feet, whichever is less.



Changes to our code

Current:

Addressing. An accessory dwelling unit ~~is not~~ permitted to have a separate address ~~or separate~~ utility services/meters, ~~or~~ sewer/septic system from the main dwelling unit (unless an additional septic tank is allowed by the Pinal County Health Department).

Proposed:

Addressing **and utilities**. An accessory dwelling unit **may be** permitted to have a separate address **unit identifier**, utility services/meters, **and** sewer/septic system from the main dwelling unit.



Recommendation

Staff and the Planning and Zoning Commission recommend the approval of text amendment case P-24-83-AM, an amendment to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: Supplemental Regulations, Section 1-6-19 Accessory Dwelling Units.



Questions?

