

ORDINANCE NO. 1556

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING APACHE JUNCTION CITY CODE, VOLUME II, LAND DEVELOPMENT CODE, CHAPTER 1: ZONING ORDINANCE, ARTICLE 1-6: SUPPLEMENTAL REGULATIONS BY AMENDING IN ITS ENTIRETY § 1-6-19: ACCESSORY DWELLING UNITS; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the Arizona State House of Representatives approved House Bill 2720, requiring Arizona municipalities to amend their zoning regulations relating to accessory dwelling units; and

WHEREAS, the planning and zoning commission also recommended to the city council on October 8, 2024, in a vote of 5:1, to approve a zoning amendment to comply with the state law; and

WHEREAS, pursuant to A.R.S. § 9-462.01(J), the city council, before adopting any zoning ordinance or text amendment of general applicability, shall consider the probable impact the proposed zoning ordinance or text amendment would have on the cost to construct housing for sale or rent. Being a mandate by the state legislature, the council finds this enactment has no such impact.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

SECTION I IN GENERAL

1. Existing Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: Supplemental Regulations, § 1-6-19 Accessory Dwelling Units, is amended in its entirety as follows:

§ 1-6-19 ACCESSORY DWELLING UNITS

(A) An accessory dwelling unit is an attached or detached residential dwelling unit that may provide complete independent living facilities for 1 or more persons, and which may include provisions for living, sleeping, eating, cooking, and sanitation on the same parcel where the primary single-family dwelling is situated. An accessory dwelling unit may also be known as a secondary dwelling unit, granny flat, property caretaker's dwelling or guest house. Accessory dwelling units should not be confused with "accessory structures", which are defined and regulated differently in Apache Junction City Code, Vol. II, § 1-6-5.

(B) Accessory dwelling units shall comply with the following regulations.

(1) *Permit required.* An administrative use permit ("AUP") shall be required prior to construction and use of an accessory dwelling unit.

(2) *Number allowed.* One accessory dwelling unit is permitted on a residential lot in all single-family detached residential zoning districts. This limitation does not include a personal caretaker's unit, which is separately described and regulated in Apache Junction City Code, Vol. II, § 1-6-20.

(3) Design.

(a) 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 complements or improves upon the main building's design.

(b) Property caretakers, however, working as ranch hands for approved commercial horse boarding facilities may use a motor home, travel trailer or 5th wheel RV unit for their accommodation. See Apache Junction City Code, Vol. II, § 1-6-7(D) (7).

(4) *Setbacks.* Accessory dwelling units shall comply with the main building's front setback requirements and shall have a minimum setback of 5 feet on the rear and sides.

(5) *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.

(6) *Height.* The maximum height of an accessory dwelling unit shall comply with the main building's maximum height restrictions.

(7) *Kitchen allowed.* An accessory dwelling unit shall be permitted to have a kitchen.

(8) *Rentals allowed.* An accessory dwelling unit is permitted to be operated as a separate long-term rental housing unit. Per A.R.S. § 9-461.18, "long-term rental" means rental use in which the tenant holds a lease of ninety days or longer or on a month-by-month basis.

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

(10) *Driveway access.* The main dwelling unit and the accessory dwelling unit shall both use the same driveway for access.

(11) *Conditional use permit modification option.* Modifications to the maximum size and height of an accessory dwelling unit may be allowed by approval of a CUP in accordance with Apache Junction City Code, Vol. II, § 1-16-12(D)(4).

SECTION II REPEALING ANY CONFLICTING PROVISIONS

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the codes adopted herein by reference are hereby repealed.

SECTION III PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion of this ordinance or any part of the codes or regulations adopted herein by reference 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.

SECTION IV PROVIDING FOR PENALTIES

Unless noted otherwise, any violation of any provisions adopted herein, shall be punishable as a class 1 misdemeanor consistent with Apache Junction City Code, Volume II, Chapter 1: Zoning Ordinance, Article 1-16: Administration, § 1-16-16 Violations, Penalties and Enforcement.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION THIS ____ DAY OF _____, 2024.

SIGNED AND ATTESTED TO THIS ____ DAY OF _____, 2024.

WALTER "CHIP" WILSON
Mayor

ATTEST:

JENNIFER PENA
City Clerk

APPROVED AS TO FORM:

RICHARD J. STERN
City Attorney