



City of Apache Junction

Development Services Department



Date: March 11, 2019

To: Honorable Mayor and City Council Members

Through: Bryant Powell, City Manager
Larry Kirch, Development Services Director
Rudy Esquivias, Senior Planner/Zoning Admin.

From: Julianna Pierre, Planning Intern

Subject: April 16, 2019, City Council Public Hearing Item:
PZ-2-19 (Ordinance No. 1470) City-Initiated Corrective
Rezoning of the "Smoketree-Warner Neighborhood"
bounded by N Warner Dr, W Smoketree St, N Desert View
Dr and W Foothill St.

Background

This is a city-initiated corrective rezoning for the "Smoketree-Warner Neighborhood". This request is to rezone the neighborhood from RS-20M (Medium Density Single-Family Detached Residential, Conventional and Manufactured Housing Permitted on 20,000 square foot minimum lots) to RS-7M (Medium/High Density Single-Family Detached Residential, Conventional and Manufactured Housing Permitted on 7,000 square foot minimum lots) for properties in the "Smoketree-Warner Neighborhood" that have been incorrectly zoned dating back to the adoption of a new zoning ordinance in 2014.

Planning and Zoning Commission Recommendation

The Planning and Zoning Commission public hearing is on April 9, 2019, one week prior to the Council Meeting (P&Z staff report and exhibits attached). The Commission's recommendation, along with an updated draft ordinance, will be presented to the Council at their meeting on April 16, 2019. The attached ordinance represents staff's recommended conditions as presented to the Commission.

Staff Recommendation

Staff recommends approval, subject to the conditions as recommended by the Planning and Zoning Commission.

Attachments:

- Draft Ordinance No. 1470
- PZ Staff Report from April 9, 2019, with all attachments.

ORDINANCE NO. 1470

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA, ZONING ORDINANCE, BY AMENDING THE ZONING DISTRICT MAP, CITY OF APACHE JUNCTION, ARIZONA, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PROPERTY DESCRIBED IN REZONING CASE PZ-2-19, A CITY-INITIATED REZONING, FROM MEDIUM DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL, CONVENTIONAL AND MANUFACTURED HOMES PERMITTED ("RS-20M") TO MEDIUM/HIGH DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL, CONVENTIONAL AND MANUFACTURED HOMES PERMITTED ("RS-7M"); REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Apache Junction was incorporated in November of 1978 and the zoning that was applied to the "Smoketree-Warner Neighborhood" was Trailer Home Site Zone ("TH"); and

WHEREAS, the area consisting of 41 parcels of residential lots and bounded by N. Warner Drive, W. Smoketree Street, N. Desert View Drive and W. Foothill Street (hereinafter the "Smoketree-Warner Neighborhood"), was created by numerous land divisions prior to the city adopting rules for land splits; and

WHEREAS, on May 6, 2014, pursuant to Ordinance No. 1402, the city adopted a new zoning ordinance and zoning district maps, and the subject properties were given a new zoning designation of Medium Density Single-Family Detached Residential, Conventional and Manufactured Homes Permitted ("RS-20M"); and

WHEREAS, staff has observed that a majority of the setbacks and lot sizes in this neighborhood have become nonconforming under the new RS-20M zoning which had, on occasion, made it more difficult for homeowners to improve their properties; and

WHEREAS, for the purpose of correcting and/or alleviating the nonconformities in the Smoketree-Warner Neighborhood, on February 12, 2019, as recommended by planning staff, the Apache

Junction City Planning and Zoning Commission directed staff to initiate a corrective rezoning for the Smoketree-Warner Neighborhood from RS-20M to RS-7M; and

WHEREAS, on April 9, 2019, the Planning and Zoning Commission, in a public hearing, voted to recommend approval of rezoning case PZ-2-19 by a vote of [] to []; and

WHEREAS, the Mayor and City Council finds that the proposed rezoning conforms to all of the applicable criteria as specified in the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, Section 1-5-1 Residential Use Regulations.

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

SECTION I IN GENERAL

The zoning district classification on the Zoning District Map, City of Apache Junction, Arizona, for the parcels of land legally described as:

The Northwest quarter of the Southeast quarter of the Northwest quarter of Section 18, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, AZ; also known as Pinal County assessor parcels 100-33-051D, 051A, 051B, 051C, 080A, 080B, 081, 082, 052C, 052B, 050D, 052D, 054D, 054E, 054C, 054A, 053B, 053C, 053D, 053E, 023D, 023F, 079, 078, 067, 068, 069A, 069B, 071, 072, 073B, 073A, 070, 075, 076, 077, 074A, 074C, 074B, 074E, and 074D;

be and hereby is amended from RS-20M to RS-7M, subject to the following conditions:

- 1) The bulk regulations for RS-7M found in Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, Section 1-5-2 Residential Bulk Regulations,

Table 5-2 Residential Bulk Regulations, shall apply to future development and redevelopment of the lots.

- 2) For any nonconforming lots or structures, Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-2: Types of Uses, Section 1-2-5 Nonconforming Uses, Structures and Lots, shall apply.
- 3) A nonconforming use structure cannot expand beyond the 50% rule, as found in Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-2: Types of Uses, Section 1-2-5 Nonconforming Uses, Structures and Lots.
- 4) All regulations from the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, and Chapter 2: Subdivision Regulations, shall apply to all lots in the neighborhood.
- 5) All applicable permits shall be applied for and plans shall be designed to current city codes for any structures over 120 square feet and new homes or remodels.
- 6) All of the current homeowners within the Smoketree-Warner Neighborhood shall receive formal notice related to this rezoning, with explanation that will help them understand what they can and cannot do relative to any nonconformity, and that there are some limitations to what they can do if they have a nonconformity.

SECTION II REPEALING ANY CONFLICTING ORDINANCES

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.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS _____ DAY OF _____, 2019.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2019.

JEFF SERDY
Mayor

ATTEST:

KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

RICHARD JOEL STERN
City Attorney



City of Apache Junction

Development Services Department



PLANNING AND ZONING COMMISSION PUBLIC HEARING STAFF REPORT

DATE: April 9, 2019

CASE NUMBER: PZ-2-19

OWNERS: "Smoketree-Warner Neighborhood" Property Owners and Residents

APPLICANTS: City-initiated

REQUEST: City-initiated rezoning from RS-20M (Medium Density Single-Family Detached Residential, Conventional and Manufactured Housing Permitted on 20,000 sq. ft. minimum lots) to RS-7M (Medium/High Density Single-Family Detached Residential, Conventional and Manufactured Housing Permitted on 7,000 sq. ft. minimum lots) for properties in the "Smoketree-Warner Neighborhood" that have been incorrectly zoned dating back to the adoption of a new zoning ordinance and zoning district maps in 2014.

LOCATION: The neighborhood at the north east corner area of W Smoketree St and N Warner Dr; bounded by N Warner Dr, W Smoketree St, N Desert View Dr and W Foothill St.

**GENERAL PLAN/
ZONING DESIGNATION:** Medium Density Residential (maximum of six dwelling units/acre); current zoning is RS-20M.

SURROUNDING USES: North: Residential (zoned RS-GR);
East: Residential (zoned RS-GR and MHP);
South: Residential (zoned RS-GR and RS-20M);
West: Residential (zoned RS-GR and RS-20M)

BACKGROUND

Since the adoption of the city's new zoning ordinance, it has come to staff's attention that the "Smoketree-Warner Neighborhood" has been given an inappropriate zoning designation. Before the new zoning ordinance was adopted in May of 2014, the neighborhood was zoned TH (Trailer Home Site Zone). When the neighborhood first evolved through a series of many land splits in the 1980s, the TH zoning district allowed a minimum lot size of 8,000 square feet. However, under the new zoning ordinance, the neighborhood was rezoned to RS-20M, a zoning designation for lots with a minimum lot size of 20,000 square feet. The subject lots now average 9,000 square feet; essentially making every lot a nonconforming lot. This has become problematic for owners wanting to do home additions and replacements because the lots are nonconforming and because of the inability to meet setbacks under the RS-20M zoning. Staff offered to process a City-initiated corrective rezoning and on February 12, 2019 the Planning and Zoning Commission gave direction to staff to proceed.

PROPOSAL

This is a City-initiated request to rezone the "Smoketree-Warner Neighborhood" from RS-20M to RS-7M. The RS-7M zoning district requires a minimum lot size of 7,000 square feet and lesser setbacks, a more suitable lot size requirement for the current lots in the neighborhood.

PLANNING STAFF ANALYSIS AND FINDINGS

Relationship to General Plan:

The General Plan designated the area as Medium Density Residential (maximum of six dwelling units/acre). The adjacent properties are all zoned residential. The rezoning is in compliance with the General Plan.

Zoning/Site Context:

The proposed RS-7M zoning is compatible with the subject properties in the neighborhood. Lots with multiple units, non-compliant unit types, parcels that are smaller than the proposed minimum lot sizes, and setback encroachments for main structures and accessory structures will need to be recognized and may be rectified by the rezoning. All structures that do not meet setbacks are considered nonconforming and are allowed to remain. Any new structures must meet the proposed new setbacks. The

purpose of correcting the zoning for this neighborhood is to encourage future redevelopment and make the permit process easier for owners and contractors.

Public Input:

City staff conducted a Neighborhood Meeting on March 6, 2019 informing property owners and residents of what the proposed rezoning attempts to accomplish. We had one property owner attend the meeting with questions of how the rezoning will affect current properties. Staff responded that the rezoning will not affect exiting structures, only future construction and recommended that any existing structures in the proposed new setbacks be moved, but that the city will not require it. The property owner who attended the neighborhood meeting did not express opposition to the rezoning.

Planning Division Recommendation

Planning Staff recommends approval of the proposed rezoning. The change in zoning will bring the neighborhood closer to conformance.

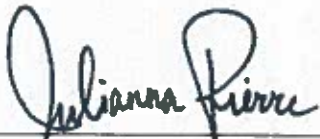
Planning Staff offers the following Recommended Motion, to correct the zoning of the "Smoketree-Warner Neighborhood" to better suit the needs of land owners and residents, should the Commission wish to forward a recommendation of approval to the City Council.

RECOMMENDED MOTION

I move that the Planning and Zoning Commission recommend to the City Council the (APPROVAL/DENIAL) of rezoning case PZ-2-19, a city-initiated corrective rezoning request, for the "Smoketree-Warner Neighborhood" bounded by N Warner Dr, W Smoketree St, N Desert View Dr and W Foothill St, from RS-20M (Medium Density Single-Family Detached Residential, Conventional and Manufacturing Housing Permitted) to RS-7M (Medium/High Density Single-Family Detached Residential, Conventional and Manufactured Housing Permitted), subject to the following conditions of approval:

- 1) The bulk regulations for RS-7M found in Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, Section 1-5-2 Residential Bulk Regulations, Table 5-2 Residential Bulk Regulations, shall apply to future development and redevelopment of the lots.

- 2) For any nonconforming lots or structures, Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-2: Types of Uses, Section 1-2-5 Nonconforming Uses, Structures and Lots shall apply.
- 3) A nonconforming use structure cannot expand beyond the 50% rule, as found in Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-2: Types of Uses, Section 1-2-5 Nonconforming Uses, Structures and Lots.
- 4) All regulations from the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, and Chapter 2: Subdivision Regulations shall apply to all lots in the neighborhood.
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- 6) All of the current homeowners within the "Smoketree-Warner Neighborhood" shall receive formal notice related to this rezoning, with explanation that will help them understand what they can and cannot do relative to any nonconformity, and that there are some limitations to what they can do if they have a nonconformity.



Prepared by Julianna Pierre
Planning Intern

Attachments:

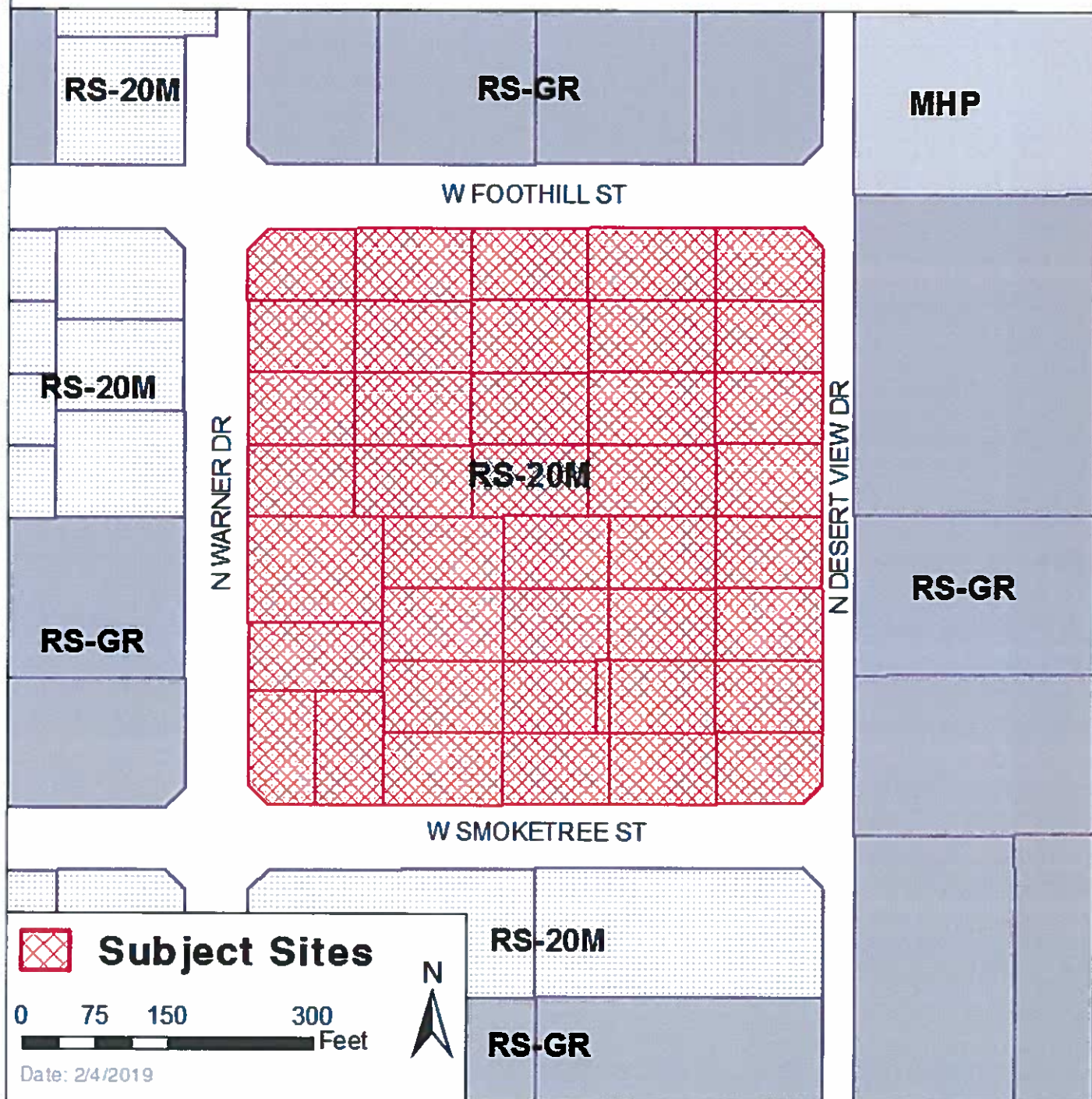
- Exhibit #1 - PZ-2-19 Vicinity Map
- Exhibit #2 - PZ-2-19 Aerial Map
- Exhibit #3 - Section 1-2-5 Nonconforming Uses, Structures and Lots
- Exhibit #4 - Sections 1-5-1 and 1-5-2 Residential Use and Bulk Regulations
- Exhibit #5 - RS-20M and RS-7M Bulk Regulations

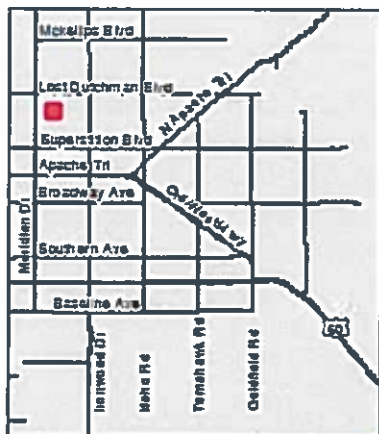


Vicinity Map

NE Corner of N Warner Dr
and W Smoketree St

CITY-INITIATED REZONING REQUEST FROM RS-20M
(MEDIUM DENSITY SINGLE FAMILY DETACHED
RESIDENTIAL) TO RS-7M (MEDIUM/HIGH DENSITY
SINGLE FAMILY DETACHED RESIDENTIAL)





City of Apache Junction

Aerial Map NE Corner of N Warner Dr and W Smoketree St

LEGEND

 Subject Site Parcel

DISCLAIMER: This exhibit was produced without benefit of a field survey and is not intended to represent a survey document of any kind. Distances shown hereon are approximate. Parcel lines shown hereon are approximate and may not reflect the exact position or alignment of parcel lines, roadway center lines, or easement lines.



February 04, 2019



0 75 150 300 Feet

1-2-5 NONCONFORMING USES, STRUCTURES AND LOTS

- A. Establishment and Applicability. Legal nonconforming uses, structures and lots are those uses, structures and lots that were legally in compliance before the adoption or amendment of this Ordinance or previously adopted City ordinances or annexations into the City, but which are prohibited, regulated, or restricted differently under the terms of this Ordinance or future amendments to the Ordinance or the Zoning Map.

Nonconforming status may result from any inconsistency with the requirements of this Ordinance including, but not limited to, land use, setbacks, lot size, location, density, floor area, height, usable open space, buffering, screening, landscaping, provision of parking, performance standards, or the lack of an approved use permit or other required authorization.

Any legally established use, structure or lot, or legal nonconforming use, structure or lot that is in existence on the effective date of this Ordinance, or any subsequent amendment, but does not comply with all of the standards and requirements of this Ordinance shall be considered legally nonconforming. Legally nonconforming uses, structures, and lots may only be continued subject to the following requirements of this Ordinance.

B. Legal Nonconforming Uses

1. Expansion of Legal Nonconforming Uses. A legal nonconforming use shall not expand within an existing structure and shall not expand into any other structure or lot that it did not previously occupy, or within a federal patented easement.
2. Abandonment of Legal Nonconforming Uses. No legal nonconforming use may be resumed, reestablished, or reopened after it has been abandoned, vacated or ceased to be used for a period of 12 or more continuous months, as determined by the Zoning Administrator. The owner/operator of the use may provide evidence of continual operation of the use, such as monthly business receipts or tax returns showing business activity during the time period in question. In cases of providing tax returns, the owner/operator shall waive all confidentiality rights set forth in Arizona law.
3. Termination of Legal Nonconforming Use. Failure of a nonconforming use to follow the regulations as prescribed in this Ordinance shall be prima facie evidence of termination of the legal nonconforming use.

C. Legal Nonconforming Structures

1. Expansion of Legal Nonconforming Structures. Nonconforming structures shall only be enlarged, expanded or extended in accordance with the terms of this Ordinance,

or if the Zoning Administrator determines it necessary to meet City or state requirements and/or to meet current requirements of the zone in which the structure is located.

2. Structural Alterations to Nonconforming Structures (50% Rule). Structural elements of nonconforming structures and buildings may be modified, altered, repaired or replaced subject to the cost not exceeding 50 percent of the value of said building or structure as determined by two competent Arizona certified/registered appraisers chosen by and at the expense of the owner/operator. Structural modifications, alterations, repairs or replacements shall not enlarge or expand the nonconforming structure or building. This paragraph does not include nonconforming signs which are separately regulated in Section 1-11-11.
3. Damaged or Partially Destroyed Structures (50% Rule). A legal nonconforming building or structure that is damaged or partially destroyed may be restored or rebuilt if the cost of repair or reconstruction does not exceed 50 percent of the current construction value, exclusive of the foundation, of the building or structure as determined by two independent competent Arizona certified/registered appraisers chosen by and at the expense of the owner/operator. Replacement or restoration of the damaged portions of the building shall not exceed the size, extent, and configuration that previously existed, and shall be subject to building code requirements.

If the cost of repair or reconstruction of a legal nonconforming building or structure exceeds 50 percent of the construction value, exclusive of the foundation, of the building or structure replacement, the land and building shall be subject to all of the requirements of this Ordinance.

- D. Legal Nonconforming Lots. Legal nonconforming lots shall be allowed to exist and continue but shall not be reduced in size.

E. Certificate of Legal Nonconformity

1. No permit or license shall be issued for a nonconforming use or structure until a Certificate of Legal Nonconformity ("Certificate") has been issued by the Zoning Administrator. It shall be the burden of the property owner to provide the following information and evidence to establish legal nonconformity:
 - a. Such non-conforming use or structure did legally exist on the adoption date of this Ordinance; and
 - b. Such use or structure was not used, operated or maintained in violation of any local, state or federal law; and

- c. Such use or structure is in compliance with applicable federal, state or local laws, regulations or the other requirements, and has not, as of the effective date of this Ordinance, been abandoned or vacated for a period of 12 or more continuous months.
2. The Zoning Administrator shall review and examine the information and evidence provided by the property owner in support of the Certificate. If the Zoning Administrator believes that any information set forth by the property owner is incorrect, does not contain substantial competent evidence that the non-conformity was legally established and lawfully maintained prior to the effective date of this Ordinance or any amendment thereto creating said non-conformities, the Zoning Administrator may deny the Certificate along with a statement of the reasons for such denial. In order that the exact nature and extent of such non-conforming use, structure or lot may be determined, the Zoning Administrator may require at the expense of the owner/operator a survey map prepared by an Arizona registered engineer or registered surveyor showing the location of structures, buildings and property lines. The surveyor or engineer may be chosen by the property owner.
3. Upon a showing of necessary and sufficient evidence, the Zoning Administrator shall issue a Certificate of Legal Nonconformity which shall be proof that the use, structure and/or lot described therein is lawful and may continue subject to the regulations of this Ordinance.
4. An appeal to the Board of Adjustment may be taken pursuant to § 1-16-5 by any person aggrieved by the decision of the Zoning Administrator.

1-5-1 RESIDENTIAL USE REGULATIONS. Table 5-1 illustrates the use regulations for all residential zoning districts:

TABLE 5-1: RESIDENTIAL USE REGULATIONS

USE/STRUCTURE TYPE	RS-GR	RS-54	RS-54 M	RS-20	RS-20 M	RS-10	RS-10 M	RS-7	RS-7 M	RS-5	RM-1	RM-2	RM-3	MHP	RVP
Single-Family Detached Conventional Housing	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	CUP	CUP	CUP	CUP	CUP
Single-Family Detached Manufactured Housing	YES	NO	YES	NO	YES	YES	YES	NO	YES	NO	NO	NO	NO	YES	CUP
Multi-Family Residential Housing	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	NO
HUD Certified Park Model Alternative	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	NO	NO	NO	YES	YES
Recreational Vehicle as Primary Residence ¹⁶	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES
Boarding House	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	CUP	CUP	CUP	NO	NO
Bed & Breakfast and Resorts	CUP	CUP	CUP	CUP	CUP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Child Care Homes ³	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	CUP	CUP	CUP	NO	NO
Airports and Heliports ²	CUP	CUP	CUP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Personal Caretaker Unit ³	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	NO	NO	NO	NO	NO
Property Caretaker / Ranch Hand Unit ⁴	AUP	AUP	AUP	AUP	AUP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Accessory Dwelling Unit ⁵	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	NO	NO	NO	NO	NO
Temp. Living Quarters During Construction ⁶	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO
Public/Private Schools K to 12 ¹⁵	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Religious Institutions	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Civic Uses and Structures	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP

TABLE 5-1: RESIDENTIAL USE REGULATIONS

USE/STRUCTURE TYPE	RS-GR	RS-54	RS-54 M	RS-20	RS-20 M	RS-10	RS-10 M	RS-7	RS-7 M	RS-5	RM-1	RM-2	RM-3	MHP	RVP
Above Ground Utilities	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP
Telecom Facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Lodges/Clubs	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	CUP	CUP
Model Homes ⁸	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP
Detached Garages ⁹	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Accessory Structures ³ (except cargo cont.)	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Equestrian Activities (private) ¹⁰	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO
Equestrian Activities (commercial) ¹⁰	CUP	CUP	CUP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Commercial Agriculture ¹¹	YES	CUP	CUP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Non-Commercial Agriculture ¹¹	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Produce Sales ¹¹	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Feed Lots ¹¹	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Recreational (indoor and outdoor)	CUP	CUP	CUP	NO	NO	NO	NO	NO	NO	NO	CUP	CUP	CUP	CUP	CUP
Solar Panels ¹²	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Alternate (non-solar) Energy Technologies ¹²	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Guest Ranch	CUP	CUP	CUP	CUP	CUP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Commercial Recycling Bins	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES
Animal Keeping	See 9 1-6-17														

TABLE 5-1: RESIDENTIAL USE REGULATIONS

USE/STRUCTURE TYPE	RS-GR	RS-54	RS-54M	RS-20	RS-20M	RS-10	RS-10M	RS-7	RS-5	RM-1	RM-2	RM-3	MHP	RVP
Temporary Uses And Structures					See §		1-6-23							
Home Occupations					See §		1-6-6							
Signs					See §		1-11							
Fences/Walls					See §		1-6-3							
Swimming Pools and Sports Courts					See §		1-6-11							
Cargo Containers					See §		1-6-8							
Outdoor Storage					See §		1-6-9							
Group Care Homes					See §		1-6-10							
Subdivision and HOA Activities					See		Footnote # 14							

"YES" = Permitted Use by Right. A "YES" indicates that the listed use is permitted by-right within the respective zoning district. Permitted uses are subject to all other applicable standards (see Article 1-6, Supplemental Regulations).

"CUP" = Conditional Use Permit. A "CUP" indicates that the listed use is permitted within the respective zoning district only after review and approval of a Conditional Use Permit, in accordance with the review and approval procedures of § 1-16-12 (D).

"AUP" = Administrative Use Permit. An "AUP" indicates that the use and/or structure is permitted within the respective zoning district following review and approval of an Administrative Permit by the Development Services Director or designee in accordance with § 1-16-12 (C).

"NO" = Prohibited Uses. A "NO" indicates that the listed use type is expressly not allowed within the respective zoning district.

Footnotes from Table 5-1:

1. This classification includes home based nursery schools, preschools, and day care facilities for children through the age of 12 licensed by the State of Arizona. The maximum amount of non-resident children allowed on-site is 6 or less.
2. See § 1-6-14 for airports and helipads regulations.
3. See § 1-6-20 for personal caretaker unit regulations.
4. See § 1-6-7 (D) (7) for property caretaker/ranch hand regulations.
5. See § 1-6-19 for accessory dwelling unit regulations.
6. A travel trailer, motor home or fifth wheel may be parked and used as a temporary living quarters, or an existing legal manufactured home located on the premises may be used as a temporary residence, for up to 8 months while a home is being constructed on a single-family residentially zoned property subject to compliance with the main building's setback requirements. The temporary quarters may be temporarily connected to utilities subject to proper permitting (See Table 6-3).
7. See § 1-6-21 regarding regulations for utility installations.
8. See § 1-17 regarding model home definition and restriction.
9. See § 1-6-5 for accessory structure regulations.
10. The keeping of horses for private use requires a minimum of 1.25 gross acres. See § 1-6-7 for further equestrian regulations.
11. See § 1-6-18 for agriculture use regulations.
12. See § 1-6-16 for alternate energy technologies regulations.
13. See § 1-6-21 for utility installation regulations.
14. Ancillary Retail Sales and Special Events/Activities Intended for Subdivision Residents Only. Homeowner's Associations shall apply for and obtain an AUP from the Zoning Administrator prior to conducting or allowing ancillary retail sales (e.g., market days, craft/art sales, fundraisers and temporary food vendors). If approved, the Zoning Administrator shall issue an AUP with written conditions of approval in accordance with the following:

- a. All proprietors and vendors shall possess valid business licenses and permits as required by the City Code, and comply with required sales tax administration and collection processes.
- b. The application for an administrative permit shall contain a description of the ancillary retail sales activity, maximum number and type of vendors, days and hours of operation and a site plan illustrating the location and parking associated with the retail sales.
- c. All signs that describe or relate to ancillary retail activities shall not be visible from beyond the boundaries of the subdivision.
- d. Ancillary retail sales shall be conducted indoors within the recreational/social center or outdoors within a common area.
- e. Parking for approved retail uses shall be accommodated within established and approved parking areas, or with on-street parking approved by the zoning administrator.
- f. Ancillary retail sales shall be directed to and be for the benefit of subdivision residents and their guests only.
- g. Ancillary retail sales shall not exceed more than 3 days per week and shall operate between the hours of 7:00 a.m. and 10:00 p.m.
- h. The administrative permit may be valid for multiple events.
- i. Failure to comply with the conditions of approval established in the administrative permit may result in the revocation of the permit, and prohibition on issuing future retail sales permits to the subdivision.

Ancillary Retail Sales and Special Events/Activities Intended for Subdivision Residents and Non-Subdivision Residents. Special events and/or activities hosted or sponsored by the subdivisions (e.g., concerts, fund raisers, lectures, seminars, workshops, educational classes, recreation, food/beverage sales, sporting events and meetings) or ancillary retail uses (e.g., restaurants, personal care services, specialty retail and professional offices) shall only be allowed subject to approval of a CUP or, if applicable, compliance with Chapter 8, Volume I of the City Code regarding special events.

¹⁵ Conditional use permit approval shall be required for public and private schools unless pre-empted by state law. Charter schools located on single-family zoned properties less than 1-acre in size shall be prohibited.

¹⁶ See § 1-9-3 for recreational vehicle and manufacture home park regulations.

1-5-2 RESIDENTIAL BULK REGULATIONS. Table 5-2 illustrates the bulk regulations for all residential zoning districts:

TABLE 5-2: RESIDENTIAL BULK REGULATIONS

USE TYPE	RS-GR	RS-54 & RS-54M	RS-20 & RS-20M	RS-10 & RS-10M	RS-7 & RS-7M	RS-5	RM-1	RM-2	RM-3	MHP	RV
Minimum Lot Area per Dwelling Unit ¹	1.25 acres	1.25 acres	20,000 sf.	10,000 sf.	7,000 sf.	5,000 sf.	3,350 sf.	1,980 sf.	1,089 sf.	3,111 sf.	2,178 sf.
Maximum Density (dwelling units per acre) ¹	0.80 units/ac	0.80 units/ac	2.18 units/ac	4.36 units/ac	6.22 units/ac	8.71 units/ac	13 units/ac	22 units/ac	40 units/ac	14 units/ac	20 units/ac
Minimum Development Area	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	7,000 sf.	7,000 sf.	7,000 sf.	10 acres	10 acres
Minimum Lot Width ²	100 ft.	100 ft.	80 ft.	70 ft.	60 ft.	50 ft.	60 ft.	60 ft.	60 ft.	50 ft./space	30 ft./space
Minimum Front Setback (main structure)	40 ft.	30 ft.	25 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	8 ft.	3 ft.
Minimum Front Setback (accessory structure) ⁴	40 ft.	30 ft. ⁹	25 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	8 ft.	3 ft.
Minimum Interior Side Setback ³ (main structure)	20 ft.	10 ft.	10 ft.	10 ft.	7 ft.	7 ft.	10 ft.	10 ft.	10 ft.	5 ft.	3 ft.
Minimum Street Side Setback ³ (all structures)	20 ft.	20 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	8 ft.	3 ft.
Minimum Side Setback (accessory structure > 120 sf.) ⁴	5 ft.	10 ft. ⁹	10 ft.	10 ft.	5 ft.	5 ft.	10 ft.	10 ft.	10 ft.	5 ft.	3 ft.
Minimum. Rear Setback (main structure)	40 ft.	30 ft.	20 ft.	20 ft.	20 ft.	15 ft.	20 ft.	20 ft.	20 ft.	10 ft.	5 ft.
Minimum. Rear Setback (accessory structure > 120 sf.) ⁴	5 ft.	10 ft. ⁹	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	3 ft.
Max. Lot Coverage ⁶	30%	20%	30%	40%	50%	60%	50%	50%	70%	NA	NA
Maximum Size for Accessory Structure ⁷	No limit	2,000 sf. ⁷	See #7 below	See #7 below	See #7 below	See #7 below	See #7 below	See #7 below	See #7 below	See #7 below	See #7 below
Maximum Height for Main Structure	35 ft.	35 ft.	35 ft.	30 ft.	30 ft.	30 ft.	35 ft.	40 ft.	60 ft.	15 ft.	15 ft.
Maximum Height for Accessory Structure > 120 sf.	20 ft.	20 ft. ⁸	20 ft.	20 ft.	20 ft.	15 ft.	15 ft.	15 ft.	15 ft.	20 ft.	20 ft.
Accessory Structure ≤ 120 sf. ¹⁰	See #10 below	See #10 below	See #10 below	See #10 below	See #10 below	See #10 below	See #10 below	See #10 below	See #10 below	See #10 below	See #10 below
Accessory Dwelling Units ¹¹	See #11 below	See #11 below	See #11 below	See #11 below	See #11 below	See #11 below	See #11 below	See #11 below	See #11 below	See #11 below	See #11 below

Footnotes from Table 5-2:

1. **Minimum Lot Area.** Minimum lot area shall be calculated as *net land area*, with the exception of the RS-GR, RS-54 and RS-54M zoning districts, which shall be calculated as *gross land area*.
 2. **Minimum Lot Width.** Minimum lot width is the distance between side lot lines measured perpendicular to the lot depth at the front setback line. Minimum lot width measurement for flag lots shall be interpreted by the Zoning Administrator. Lot width, as measured at the front setback line, shall not be less than 25% of the lot depth, unless waived by the Zoning Administrator due to unique environmental or geographic conditions.
 3. **Maximum Density Calculation.** Maximum density shall be calculated as the total number of dwelling units/*net land area*, with the exception of the RS-GR, RS-54 and RS-54M zoning districts, which shall be calculated as the total number of dwelling units/*gross land area*.
 4. **Setbacks for Accessory Structures Housing Livestock.** Accessory structures allowed to house large livestock (excluding equine) shall maintain a minimum side, rear and front setback of 50 feet. Accessory structures allowed to house small livestock and fowl shall maintain a minimum side and rear setback of 15 feet. Structures housing equine shall be subject to the standard accessory structure setback requirements in Table 5-2. See Section 1-6-5 of this Ordinance regarding detailed regulations for accessory buildings, and Section 1-6-17 of this Ordinance regarding additional regulations for housing of livestock. In no case shall an accessory structure (excluding equine horse shades) be located between the main building and the front lot line.
- Side and Rear Street Setbacks for Accessory Structures.** Side and rear setbacks for accessory structures located along a street shall comply with the side and rear setback requirements for the district in which the accessory structures are located.
5. **Setback Measurement.** Interior side setbacks are measured from an interior side lot line that is not abutting a public road right-of-way. Street side setbacks are measured from a street side lot line abutting a public road right-of-way.
 6. **Lot Coverage.** Lot coverage is the ratio of the total footprint area of all structures on a lot to the gross land area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, covered patios, and covered porches, shall be added together in order to calculate lot coverage.
 7. **Maximum Size for Accessory Structures in the RS-GR District.** There is no size limit on accessory structures in the RS-GR district.

Maximum Size for Accessory Structures in the RS-54 and RS-54M District. The maximum accessory structure size of 2,000 square feet for RS-54 and RS-54M zoned properties may be increased to 5,000 square feet if 100% of the property owners of adjacent properties and 50% of the property owners of those properties within 80 feet of the adjacent properties agree with the proposed increase through a petition that is drafted, signed and acknowledged in accordance with Development Services Department standards. Adjacent properties shall be defined as property

adjoining the subject property and/or property directly across the street, private road or road easement from the subject property (see Section 1-6-5).

Maximum Size for Accessory Structures in All Residential Districts Not Zoned RS-GR and RS-54 and RS-54M. Maximum size of individual accessory structures in all residential zoning districts, except RS-GR and RS-54, is limited to the floor area of the main building's first floor for zoning districts indicated in Table 5-2

8. Maximum Height for Accessory Structures in the RS-54 and RS-54M District. The maximum accessory structure height of 20 feet for RS-54 and RS-54M zoned properties may be increased to 25 feet if 100% of the property owners of adjacent properties and 50% of the property owners of those properties within 80 feet of the adjacent properties agree with the proposed increase(s) through a petition that is drafted, signed and acknowledged in accordance with Development Services Department standards. Adjacent properties shall be defined as property adjoining the subject property and/or property directly across the street, private road or road easement from the subject property (see Section 1-6-5).

9. Setbacks for Metal Sided Accessory Structures in RS-54 and RS-54M District. Accessory structures with metal siding located within the RS-54 and RS-54M zoning districts shall comply with the following unique setback limitations:

- Metal sidewalls up to 12 feet in height shall be allowed if the front, side and rear setbacks are at least 30 feet.
- Metal sidewalls up to 10 feet in height shall be allowed if the side and rear setbacks are at least 20 feet, and the front setback is at least 30 feet.
- Metal sidewalls up to 8 feet in height shall be allowed if the side and rear setbacks are at least 10 feet, and the front setback is at least 30 feet.

The metal sidewall height established above may be increased to 15 feet, with a minimum 10 foot side and/or rear setback, if 100% of the property owners of adjacent properties and 50% of the property owners of those properties within 80 feet of the adjacent properties agree with the proposed increase(s) through a petition that is drafted, signed and acknowledged in accordance with Development Services Department standards. Adjacent properties shall be defined as property adjoining the subject property and/or property directly across the street, private road or road easement from the subject property (see Section 1-6-5).

10. Accessory Structures < 120 Square Feet. Accessory structures less than 120 square feet in size shall not be located between the main structure (home) and the front property line, and shall have a minimum side and rear setback of 3 feet except that one accessory structure \leq 120 square feet may be located within the side or rear setback area in the MHP and RVP districts. See Section 1-6-5 of this Ordinance regarding additional regulations for accessory buildings.
11. See Section 1-6-19 of the Ordinance for regulations regarding accessory dwelling units.

RESIDENTIAL BULK REGULATIONS

USE TYPE	RS-20M	RS-7M (Proposed Zoning for NE Corner of N Warner Dr and W Smoketree St)
Minimum Lot Area per Dwelling Unit	20,000 sf.	7,000 sf.
Maximum Density (Dwelling Units per Acre)	2.18 units/ac	6.22 units/ac
Minimum Development Area	N/A	N/A
Minimum Lot Width	80 ft.	60 ft.
Minimum Front Setback (Main Structure)	25 ft.	20 ft.
Minimum Front Setback (Accessory Structure)	25 ft.	20 ft.
Minimum Interior Side Setback (Main Structure)	10 ft.	7 ft.
Minimum Street Side Setback (All Structures)	10 ft.	10 ft.
Minimum Side Setback (Accessory Structure > 120 sf.)	10 ft.	5 ft.
Minimum Rear Setback (Main Structure)	20 ft.	20 ft.
Minimum Rear Setback (Accessory Structure > 120 sf.)	5 ft.	5 ft.
Maximum Lot Coverage	30%	50%
Maximum Size for Accessory Structure	Limited to the floor area of the main building's first floor.	
Maximum Height for Main Structure	35 ft.	30 ft.
Maximum Height for Accessory Structure > 120 sf.	20 ft.	20 ft.