

MARANA ORDINANCE NO. 2024.028

RELATING TO DEVELOPMENT; AMENDING MARANA TOWN CODE TITLE 17 (LAND DEVELOPMENT), AMENDING CHAPTER 17-6 (GENERAL AND MISCELLANEOUS DEVELOPMENT REGULATIONS) BY ADDING NEW SECTION 17-6-14 ENTITLED ACCESSORY DWELLING UNITS; AMENDING CHAPTER 17-4 (ZONING) BY MAKING CONFORMING AMENDMENTS TO SECTIONS 17-4-2 (USE MATRIX) AND 17-4-3 (USE CONDITIONS MATRIX); APPROVING THE HOUSING IMPACT STATEMENT PERTAINING TO THIS ORDINANCE; AND DECLARING AN EMERGENCY

WHEREAS the Arizona Legislature adopted Laws 2024, Chapter 196 (House Bill 2720), signed by Governor Katie Hobbs on May 21, 2024, and effective on September 14, 2024, requiring all Arizona municipalities with a population of more than 75,000 persons to adopt regulations allowing accessory dwelling units on any lot or parcel where a single-family dwelling is allowed; and

WHEREAS House Bill 2720 is now codified in the Arizona Revised Statutes at A.R.S. § 9-461.18; and

WHEREAS A.R.S. § 9-461.18 paragraph F provides: “If a municipality fails to adopt development regulations as required by this section on or before January 1, 2025, accessory dwelling units shall be allowed on all lots or parcels zoned for residential use in the municipality without limits;” and

WHEREAS the population of the Town of Marana is less than 75,000 persons, but the Town desires to adopt accessory dwelling unit regulations conforming to A.R.S. § 9-461.18 that will automatically become effective when the population of the Town of Marana reaches 75,000 persons; and

WHEREAS A.R.S. § 9-462.01 paragraph J requires the Town to consider a housing impact statement regarding the impact of the zoning ordinance or zoning ordinance text amendment; and

WHEREAS the housing impact statement for this ordinance is on file with the Marana Town Clerk and in the Council’s agenda backup materials accompanying this ordinance, and has been considered as part of the record of this ordinance; and

WHEREAS the Town Council finds this ordinance to be in the best interests of the Town and its citizens.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Marana, Arizona, as follows:

SECTION 1. Marana Town Code Title 17 (Land Development), Chapter 17-6 (General and Miscellaneous Development Regulations), is hereby amended by adding new Section 17-6-14, accessory dwelling units, as follows:

17-6-14 Accessory dwelling units

A. Purpose. This section is adopted to comply with state law requiring municipalities with a population over 75,000 to allow accessory dwelling units on a lot or parcel with zoning that allows a single-family dwelling.

1. These regulations are in addition to the town's residential building codes, fire codes, public health and safety regulations, and other regulations of general applicability.
2. To the extent any provision in this section conflicts with state law, state law shall control.

B. Definitions. The following definitions apply to this section:

1. "Accessory dwelling unit" means a self-contained living unit that is on the same lot or parcel as a single-family dwelling of greater square footage than the accessory dwelling unit, that includes its own sleeping and sanitation facilities, and that may include its own kitchen facilities.
2. "Gross floor area" means the interior habitable area of a single-family dwelling or an accessory dwelling unit.
3. "Permitted use" means approved without requiring a public hearing, variance, conditional use permit, special permit, or special exception, other than a determination that a site plan conforms with applicable zoning regulations.
4. "Restricted-affordable dwelling unit" means a dwelling unit that, either through a deed restriction or a development agreement with the town, shall be rented to households earning up to 80% of area median income.
5. "Short-term rental" means rental use in which the tenant holds a lease of less than ninety days or that meets the definition of "vacation rental" or "short-term-rental" in A.R.S. § 9-500.39.

C. Accessory dwelling unit as a permitted use. If the town determines that adequate public utility services are available and the application complies with this title and the town's building codes, fire codes, and public health and safety regulations, the following are permitted uses on any single-family lot or parcel that contains a primary dwelling:

1. One attached accessory dwelling unit and one detached accessory dwelling unit.
2. One additional detached accessory dwelling unit on a lot or parcel that is one acre or more in size if at least one accessory dwelling unit on the lot or parcel is a restricted-affordable dwelling unit.

D. Development standards and requirements.

1. Size. An accessory dwelling unit shall not exceed the lesser of 75% of the gross floor area of the existing single-family dwelling on the same parcel or 1,000 square feet.
2. Setbacks. An accessory dwelling unit shall meet the setbacks for accessory buildings in the applicable zoning district, except that the rear and side setbacks for an accessory dwelling unit shall be a minimum of five feet.
3. Heights. An accessory dwelling unit shall meet the height limit for a single-family dwelling within the applicable zoning district.
4. Lot coverage. Lots with one or more accessory dwelling units must meet the lot coverage requirements of the applicable zoning district.
5. Short-term rental. An accessory dwelling unit may be used for short-term rental only if and while the owner resides on the property that contains the accessory dwelling unit.
6. Easements. An accessory dwelling unit may not be built on a current or planned public utility easement unless the property owner receives written consent from any utility that is currently using the public utility easement or that may use the public utility easement in the future.

E. Exceptions. The provisions of this section do not apply to any single-family lot or parcel located on any of the following:

1. Tribal land.
2. Land in the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461.

3. Land in the vicinity of a federal aviation administration commercially licensed airport.

4. Land in the vicinity of a general aviation airport.

5. Land in the vicinity of a public airport as defined in A.R.S. § 28-8486.

F. Appeals. If an application for a proposed accessory dwelling unit is denied or deemed not to be a permitted use, the applicant may appeal the town’s decision to the board of adjustment.

G. Effective date. This section becomes effective when the town’s population reaches 75,000 persons as determined by the United States census bureau or by official acknowledgment by the town council or any other governmental body with jurisdiction to determine the town’s population.

SECTION 2. Marana Town Code Title 17 (Land Development), Chapter 17-4 (Zoning), section 17-4-2 (Use matrix), Table 2 (Use matrix) is hereby amended by adding a new table row and footnote as follows, with all other existing table rows remaining unchanged (added language is double underlined):

Table 2. Use matrix											
Uses	AG	RA	ER	NR	GR	MR	RR	NC	VC	LI	HI
Residential											
<u>Accessory dwelling unit*</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>X</u>	<u>X</u>

* Accessory dwelling units are allowed upon meeting the conditions set forth in table 3 below only upon the effective date of section 17-6-14 as set forth in section 17-6-14(G).

SECTION 3. Marana Town Code Title 17 (Land Development), Chapter 17-4 (Zoning), section 17-4-3 (Use conditions matrix), Table 3 (Conditions per use) is hereby amended by adding a new table row as follows, with all other existing table rows remaining unchanged (added language is double underlined):

Table 3. Conditions per use		
USE	ZONE(S)	CONDITION(S)
Residential		
<u>Accessory dwelling unit</u>	<u>AG, RA, ER, NR, GR, MR, RR, NC, VC</u>	<u>Must comply with all development standards for accessory dwelling units, as set forth in section 17-6-14</u>

SECTION 4. Since it is necessary for the preservation of the peace, health and safety of the Town of Marana that this ordinance become immediately effective, an emergency is hereby declared to exist, and this ordinance shall be effective immediately upon its passage and adoption, but the rights associated with new Section 17-6-14 become

effective when the population of the Town of Marana reaches 75,000 persons as determined by the official United States Census Bureau or by official acknowledgment by the Town Council of the Town of Marana or any other governmental body with jurisdiction to determine the Town's population.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 17th day of December, 2024.

Vice Mayor Jon Post

ATTEST:

APPROVED AS TO FORM:

David L. Udall, Town Clerk

Jane Fairall, Town Attorney