

Planning and Zoning Commission Regular Meeting

October 16, 2024 | 5:30 p.m.
Chandler City Council Chambers
88 E. Chicago Street, Chandler AZ



Commission Members

Chair Rick Heumann
Vice Chair Sherri Koshiol
Commissioner Mike Quinn
Commissioner Kyle Barichello
Commissioner Rene Lopez
Commissioner Charlotte Golla
Commissioner Ryan Schwarzer

Pursuant to Resolution No. 4464 of the City of Chandler and to A.R.S. § 38-431.02, notice is hereby given to the members of the Planning and Zoning Commission and to the general public that the Planning and Zoning Commission will hold a REGULAR MEETING open to the public on Wednesday, October 16, 2024, at 5:30 p.m., at City Council Chambers, 88 E. Chicago Street, Chandler, AZ. One or more members of the Commission may attend this meeting by telephone.

Persons with disabilities may request a reasonable modification or communication aids and services by contacting the City Clerk's office at 480-782-2181 (711 via AZRS). Please make requests in advance as it affords the City time to accommodate the request.

Agendas are available in the Office of the City Clerk, 175 S. Arizona Avenue.

Planning and Zoning Commission

Regular Meeting Agenda - October 16, 2024

Call to Order/Roll Call

Pledge of Allegiance

Unscheduled Public Appearances

Members of the audience may address any item not on the agenda. State Statute prohibits the Board or Commission from discussing an item that is not on the agenda, but the Board or Commission does listen to your concerns and has staff follow up on any questions you raise.

Consent Agenda

Items listed on the Consent Agenda may be enacted by one motion and one vote. If a discussion is required by members of the Board or Commission, the item will be removed from the Consent Agenda for discussion and determination will be made if the item will be considered separately.

- 1. September 18, 2024, Planning and Zoning Commission Meeting Minutes**
Move Planning and Zoning Commission approve Planning and Zoning Commission meeting minutes of the Study Session of September 18, 2024 and Regular Meeting of September 18, 2024.
- 2. Zoning Code Amendments, PLH24-0025 City Code Amendments-State Housing Mandates, amending Chapter 35 Land Use and Zoning pertaining to state bills signed within the 2024 legislative session**
Move Planning and Zoning Commission recommend approval of proposed text amendments to backyard chickens, accessory dwelling units, final plats, and establishing review timelines for residential zoning applications, as recommended by Planning staff.
- 3. PLH24-0036 Commercial Building Adaptive Reuse Policy, state mandate pertaining to House Bill 2297 adopted during the 2024 legislative session, establishing objective standards to allow multi-family residential development or adaptive reuse of existing commercial, office, or mixed-use buildings**
Move Planning and Zoning Commission recommend approval of city policy establishing objective standards to allow multi-family residential development or adaptive reuse of existing commercial, office, or mixed-use buildings on parcels at least one (1) acre in size but not larger than twenty (20) acres without requiring a public hearing, if the developer provides ten (10) percent of the total dwelling units for either moderate-income or low-income housing for at least twenty (20) years, as recommended by Planning staff.

4. **Use Permit and Entertainment Use Permit, PLH24-0031 Sneakerheadz Restaurant and Lounge, located at 3002 N Arizona Avenue, Suites 18 and 19, generally located at the northwest corner of Arizona Avenue and Elliot Road**
Move Planning and Zoning Commission recommend approval of Use Permit and Entertainment Use Permit PLH24-0031 Sneakerheadz Restaurant and Lounge, subject to the conditions as recommended by Planning staff.

5. **Notice of Cancellation of the November 6, 2024, Planning and Zoning Commission Hearing**
Move Planning and Zoning Commission cancel the November 6, 2024, Planning and Zoning Commission Hearing.

Discussion

Member Comments/Announcements

Calendar

6. The next Regular Meeting will be held on Wednesday, November 20, 2024, in the Chandler City Council Chambers, 88 E. Chicago Street, Chandler Arizona.

Adjourn



**Planning & Zoning Commission
24-060**

Development Services Memo No. PZ

Date: October 16, 2024
To: Planning and Zoning Commission
Thru: Kevin Mayo, Planning Administrator
From: Julie San Miguel, Senior Administrative Assistant
Subject: September 18, 2024, Planning and Zoning Commission Meeting Minutes

Proposed Motion:

Move Planning and Zoning Commission approve Planning and Zoning Commission meeting minutes of the Study Session of September 18, 2024 and Regular Meeting of September 18, 2024.

Attachments

September 18, 2024 Study Session Minutes
September 18, 2024 Regular Meeting Minutes

Meeting Minutes

Planning and Zoning Commission

Study Session

September 18, 2024 | 5:00 p.m.
Chandler City Council Chambers
88 E. Chicago Street, Chandler, AZ



Call to Order

The meeting was called to order by Chair Heumann at 5:05 p.m.

Roll Call

Commission Attendance

Chair Rick Heumann
Vice Chair Sherri Koshiol
Commissioner Michael Quinn
Commissioner Kyle Barichello
Commissioner Charlotte Golla
Commissioner Ryan Schwarzer

Staff Attendance

Kevin Snyder, Director of Development Services
Kevin Mayo, Planning Administrator
David de la Torre, Planning Manager
Lauren Schumann, Principal Planner
Alisa Petterson, Senior Planner
Ben Cereceres, City Planner
Mika Liburd, Associate Planner
Alyssa Siebers, Associate Planner
Thomas Allen, Assistant City Attorney
Julie San Miguel, Clerk

Absent

Commissioner Rene Lopez - Excused

Scheduled/Unscheduled Public Appearances

Members of the audience may address any item not on the agenda. State Statute prohibits the Board or Commission from discussing an item that is not on the agenda, but the Board or Commission does listen to your concerns and has staff follow up on any questions you raise.

Consent Agenda and Discussion

1. August 21, 2024 Planning and Zoning Commission Meeting Minutes

Move Planning and Zoning Commission approve Planning and Zoning Commission meeting minutes of the Study Session of August 21, 2024, and Regular Meeting of August 21, 2024.

CHAIR HEUMANN confirmed there were no questions or comments from the Commission Members.

3. PLH24-0001/PLT24-0001 TOLL BROTHERS UPTOWN

BEN CERECERES, CITY PLANNER presented details regarding the request for rezoning from Regional Commercial District (C-3) to Planned Area Development (PAD) for multi-family residential, with Preliminary Development Plan approval for site layout and building architecture, and Preliminary Plat approval on approximately 14.1 acres located approximately ¼ mile north of the northeast corner of Arizona Avenue and Warner Road.

An Addendum Memo was presented relaying to the Commission a letter of support that Planning staff received from the Chandler Chamber of Commerce after the staff memo was distributed.

CHAIR HEUMANN thanked staff for the presentation and asked the reason the dealership was leaving.

BEN CERECERES, CITY PLANNER was not aware of the reason and would like to defer the question to the Applicant.

CHAIR HEUMANN stated that he will follow up with the Applicant and confirmed there were no further questions or comments from the Commission.

4. PLH24-0018 PECOS & MCQUEEN STORAGE

MIKA LIBURD, ASSOCIATE PLANNER presented details regarding the request for Request Use Permit approval to allow a self-storage facility on a property zoned Community Commercial District (C-2) located at the southeast corner of Pecos and McQueen roads.

CHAIR HEUMANN expressed concerns about the proposed self-storage facility's location on a major arterial street and that it will not create jobs. He highlighted the length of the structure and suggested incorporating more design elements to break it up. He asked if more landscaping could be added to soften its appearance. He stated that he understands the appeal to the neighbors who do not wish this area to turn into a gas station, but he had hoped that something better for this space on an arterial street.

MIKA LIBURD, ASSOCIATE PLANNER suggested an additional stipulation of 50% of the trees planted along the arterial that they can be a minimum of 36-inch box and a minimum of 12-feet in height at the time of planting.

CHAIR HEUMANN clarified that this should be a standard stipulation and asked for the thoughts of the other Commission Members. He asked how many feet long was on the Pecos Road frontage.

MIKA LIBURD, ASSOCIATE PLANNER stated she will look into this and provide the information.

CHAIR HEUMANN is concerned with the length showing on Pecos Road, a major arterial street. He would like the design to be elevated due to the length of the windowless building. He stated this building will be in place for a long time and it should be more visually appealing. He asked staff and the Applicant to discuss during the break possible improvements to enhance the proposed.

DAVID DE LA TORRE, PLANNING MANAGER sought clarification asking if the landscape stipulation mentioned by staff earlier would this address the Commission's concerns.

CHAIR HEUMANN mentioned more height, or the addition of fake windows could help the structure not appear so institutionalized. He asked if staff could work with the Applicant during the break to see if improvements could be stipulated as this is a major corner.

COMMISSIONER BARICHELLO stated that additional landscaping could improve the elevation from the street.

COMMISSIONER QUINN pointed out that the fire lane wraps around behind, therefore the proposed is nearly entirely landscape on the side with the arterial street.

CHAIR HEUMANN asked staff to present the site plan.

COMMISSIONER BARICHELLO pointed out access, size, and setbacks required by commercial use really limits the viability of the development of this site, especially when parking is added. He stated that in his opinion, the design of the self-storage is high quality on the arterial street side and appropriately backed to residential properties.

COMMISSIONER QUINN agreed with Commissioner Barichello's statements.

DAVID DE LA TORRE, PLANNING MANAGER asked if the Commission wished for further stipulations in addition to the landscaping stipulation mentioned earlier.

CHAIR HEUMANN clarified the landscaping 36-inch box stipulation is needed and confirmed there were no additional comments or questions from the Commission Members.

5. PLH24-0022 THE MEXICANO

MIKA LIBURD, ASSOCIATE PLANNER presented details regarding the request Entertainment Use Permit approval for live indoor and outdoor entertainment, speakers and tv screens at 3095 W Chandler Blvd, generally located at the southwest corner of Chandler Boulevard and Price Road.

CHAIR HEUMANN confirmed there were no questions or comments from the Commission Members and asked if staff happened to know when this would be opening.

MIKA LIBURD, ASSOCIATE PLANNER stated the Applicant is present and able to answer questions regarding the restaurant.

6. PLH22-0024 CORNERSTONE RANCH

BEN CERECERES, CITY PLANNER presented details regarding the request Preliminary Development Plan approval for modification to existing signage. The property is located at 3999 S. Dobson Road, located at the northeast corner of Dobson Road and Ocotillo Road.

CHAIR HEUMANN confirmed there were no questions or comments from the Commission Members.

7. Notice of Cancellation of the October 2, 2024, Planning and Zoning Commission Hearing

Move Planning and Zoning Commission cancel the October 2, 2024 Planning and Zoning Commission Hearing.

Action Agenda Item 2

2. PLH24-0023 THE DISTRICT DOWNTOWN

Request Rezoning from Planned Area Development (PAD) for mixed uses including multi-family, office, and commercial uses permitted under the Community Commercial District (C-2) to PAD for mixed uses including multi-family, office, commercial uses permitted under the Community Commercial District (C-2) and automobile and truck sales with a Mid-Rise Overlay allowing for heights up to 120 feet, as well as Preliminary Development Plan (PDP) approval for site layout and conceptual building architecture for approximately 44.7 acres located at the northwest corner of Arizona Avenue and the SanTan 202 Freeway.

CHAIR HEUMANN announced that Item No. 2 PLH24-0023 The District Downtown, has been pulled to action and there will be a full presentation at the Regular Meeting following the Study Session this date.

Calendar

The next Study Session will be held before the Regular Meeting on Wednesday, October 18, 2024, in the Chandler City Council Chambers, 88 E. Chicago Street, Chandler, Arizona.

Adjourn

The meeting was adjourned at 5:30 p.m.

Handwritten signature of Kevin Mayo, written in black ink. The signature is stylized and includes the initials "KM" at the end.

Kevin Mayo, Secretary

Rick Heumann, Chair

Meeting Minutes

Planning and Zoning Commission

Regular Meeting

September 18, 2024 | 5:30 p.m.
Chandler City Council Chambers
88 E. Chicago Street, Chandler, AZ



Call to Order

The meeting was called to order by Chairman Heumann at 5:42 p.m.

Roll Call

Commission Attendance

Chair Rick Heumann
Vice Chair Sherri Koshiol
Commissioner Michael Quinn
Commissioner Kyle Barichello
Commissioner Charlotte Golla
Commissioner Ryan Schwarzer

Staff Attendance

Kevin Snyder, Director of Development Services
Kevin Mayo, Planning Administrator
David de la Torre, Planning Manager
Lauren Schumann, Principal Planner
Alisa Petterson, Senior Planner
Ben Cereceres, City Planner
Mika Liburd, Associate Planner
Alyssa Siebers, Associate Planner
Thomas Allen, Assistant City Attorney
Julie San Miguel, Clerk

Absent

Commissioner Rene Lopez - Excused

Scheduled and Unscheduled Public Appearances

Members of the audience may address any item not on the agenda. State Statute prohibits the Board or Commission from discussing an item that is not on the agenda, but the Board or Commission does listen to your concerns and has staff follow up on any questions you raise.

Consent Agenda and Discussion

1. August 21, 2024 Planning and Zoning Commission Meeting Minutes

Move Planning and Zoning Commission approve Planning and Zoning Commission meeting minutes of the Study Session of August 21, 2024, and Regular Meeting of August 21, 2024.

CHAIR HEUMANN confirmed there were no questions or comments from the Commission Members.

3. PLH24-0001/PLT24-0001 TOLL BROTHERS UPTOWN

Request Rezoning from Regional Commercial District (C-3) to Planned Area Development (PAD) for multi-family residential, with Preliminary Development Plan approval for site layout and building architecture, and Preliminary Plat approval on approximately 14.1 acres located approximately ¼ mile north of the northeast corner of Arizona Avenue and Warner Road.

An Addendum Memo was presented relaying to the Commission a letter of support that Planning staff received from the Chandler Chamber of Commerce after the staff memo was distributed.

Rezoning

Move Planning and Zoning Commission recommend approval of Rezoning PLH24-0001 Toll Brothers Uptown from Regional Commercial (C-3) to Planned Area Development (PAD) for multi-family residential, subject to the conditions as recommended by Planning staff.

Preliminary Development Plan

Move Planning and Zoning Commission recommend approval of Preliminary Development Plan PLH24-0001 Toll Brothers Uptown for site layout and building architecture, subject to the conditions as recommended by Planning staff.

Preliminary Plat

Move Planning and Zoning Commission recommend approval of Preliminary Plat, PLT24-0001 Toll Brothers Uptown, subject to the condition as recommended by Planning staff.

Recommended Conditions of Approval:

Rezoning

Planning staff recommends Planning and Zoning Commission move to recommend approval of Rezoning from Regional Commercial District (C-3) to Planned Area Development (PAD) for multi-family residential, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Toll Brothers Uptown" and kept on file in the City of Chandler Planning Division, in File No. PLH24-0001, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by Chandler City Council.
2. Multiple-family residential shall be permitted at a maximum density of thirty five (35) dwelling units per acre.

3. Building height shall be limited to a maximum of fifty-five (55) feet in height.
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements, and street lighting to achieve conformance with City codes, standard details, and design manuals.
5. The landscaping in all open-spaces shall be maintained by the property owner or property owners' association, and shall be maintained at a level consistent with or better than at the time of planting.
6. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association.
7. Minimum building setbacks shall be as follows:

Property Line Location	Minimum Building Setback
Arizona Avenue	20'
North	10'
South	10'
East	20'

Preliminary Development Plan

Planning staff recommends Planning and Zoning Commission move to recommend approval of the Preliminary Development Plan, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Toll Brothers Uptown" and kept on file in the City of Chandler Planning Division, in File No. PLH24-0001, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by Chandler City Council.
2. Landscaping plans (including for open spaces, retention, rights-of-way, and street medians) shall be approved by the Planning Administrator.
3. Fifty percent of the trees planted along the arterial streets shall be a minimum of 36-inch box and be a minimum of 12-feet in height at the time of planting.
4. The site shall be maintained in a clear and orderly manner.
5. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.

6. All mechanical equipment, including HVAC, utility meters, etc. shall be screened from view by material(s) that are architecturally integrated and consistent with the proposed buildings.
7. Sign packages, including free-standing signs as well as wall-mounted signs shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
8. A minimum of three (3) electric vehicle charging stations shall be installed per building.

Preliminary Plat

Planning staff recommends the Planning and Zoning Commission move to recommend approval of the Preliminary Plat subject to the following condition:

1. Approval by the City Engineer and Planning Administrator with regard to the details of all submittals required by code or condition.

4. PLH24-0018 PECOS & MCQUEEN STORAGE

Request Use Permit approval to allow a self-storage facility on a property zoned Community Commercial District (C-2) located at the southeast corner of Pecos and McQueen roads

Move Planning and Zoning Commission recommend approval of Use Permit PLH24-0018 Pecos & McQueen Storage to allow a self-storage facility on a property zoned Community Commercial District (C-2), subject to the conditions as recommended by Planning staff.

Planning staff recommends Planning and Zoning Commission move to recommend approval of the Use Permit, subject to the following conditions:

1. Development shall be in substantial conformance with exhibits entitled "PLH24-0018 Pecos & McQueen Exhibits" kept on file in the City of Chandler's Planning Division, modified by such conditions included at the time the exhibits were approved by the City Council and/or as thereafter amended, modified or supplemented by the City Council.
2. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit apply.
3. All mechanical equipment shall be screened from view by material(s) that are architecturally integrated and consistent with the proposed buildings.
4. The site shall be maintained in a clean and orderly manner.

5. The landscaping shall be in compliance with current Commercial Development Standards.
6. The applicant shall provide a contact phone number for a responsible person to any interested neighbors or property owners to resolve any disturbances that may occur quickly and directly.

Note: Stipulation #7 was added as a result of the Planning and Zoning’s discussion during the study session:

7. Fifty percent of the trees planted along the arterial streets shall be a minimum of 36-inch box and be a minimum of 12-feet in height at the time of planting.

5. PLH24-0022 THE MEXICANO

Request Entertainment Use Permit approval for live indoor and outdoor entertainment, speakers and tv screens at 3095 W Chandler Blvd, generally located at the southwest corner of Chandler Boulevard and Price Road.

Move Planning and Zoning Commission recommend approval of Entertainment Use Permit PLH24-0022 The Mexicano to allow live indoor and outdoor entertainment, speakers and tv screens, subject to the conditions as recommended by Planning staff.

Recommended Conditions of Approval

Planning staff recommends Planning and Zoning Commission move to recommend approval of the Entertainment Use Permit, subject to the following conditions:

1. Substantial expansion or modification beyond the approved exhibits (PLH24-0022 The Mexicano Exhibits) shall void the Entertainment Use Permit and require new Entertainment Use Permit application and approval.
2. The Entertainment Use Permit is not-transferable to any other location.
3. The site shall be maintained in a clean and orderly manner.
4. The hours of outdoor live entertainment shall be limited to the following days and times:

Hours of Entertainment (outdoor)	Sunday to Saturday 10:00 a.m. - 11:00 a.m.
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5. Entertainment uses shall be controlled so as to not unreasonably disturb area residents.
6. The establishment will provide a contact phone number for a responsible person (i.e restaurant owner and/or manager) to any interested neighbors or property owners to resolve noise complaints quickly and directly.

7. The Entertainment Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Entertainment Use Permit beyond the expiration date shall require reapplication and approval by the City of Chandler.

6. PLH22-0024 CORNERSTONE RANCH

Request Preliminary Development Plan approval for modification to existing signage. The property is located at 3999 S. Dobson Road, located at the northeast corner of Dobson Road and Ocotillo Road

Move Planning and Zoning Commission recommend approval of Preliminary Development Plan PLH22-0024 Cornerstone Ranch for modifications to existing signage, subject to the conditions as recommended by Planning staff.

Recommended Conditions of Approval

Planning staff recommends Planning and Zoning Commission move to recommend approval of the Preliminary Development Plan, subject to the following conditions:

1. Signage shall be in substantial conformance with the Comprehensive Sign Plan kept on file in the City of Chandler Planning Division, File No. PLH22-0024, modified by such conditions included at the time the exhibit was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Signs shall be designated in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

7. Notice of Cancellation of the October 2, 2024, Planning and Zoning Commission Hearing

Move Planning and Zoning Commission cancel the October 2, 2024 Planning and Zoning Commission Hearing.

Consent Agenda Motion and Vote

COMMISSIONER BARICHELLO moved to approve the Consent Agenda of the September 18, 2024, Regular Planning and Zoning Commission Meeting with stipulations presented by staff and added Stipulation No. 7 on Item no. 4; Seconded by VICE CHAIR KOSHIOL.

CHAIR HEUMANN explained he will be dissenting on Item No. 4 due to concerns with land use, stating this is not a good use for a major corner. He confirmed there were no further comments or questions from the Commission Members.

Motion carried unanimously (6-0) on Items 1, 3, 5, 6, 7.

Motion carried (5-1) as to Item No. 4, Chair Heumann dissenting.

Action Agenda Item 2 and Discussion

2. PLH24-0023 THE DISTRICT DOWNTOWN

LAUREN SCHUMANN, PRINCIPAL PLANNER, presented details regarding the request for Rezoning from Planned Area Development (PAD) for mixed uses including multi-family, office, and commercial uses permitted under the Community Commercial District (C-2) to PAD for mixed uses including multi-family, office, commercial uses permitted under the Community Commercial District (C-2) and automobile and truck sales with a Mid-Rise Overlay allowing for heights up to 120 feet, as well as Preliminary Development Plan (PDP) approval for site layout and conceptual building architecture for approximately 44.7 acres located at the northwest corner of Arizona Avenue and the SanTan 202 Freeway.

CHAIR HEUMANN thanked staff for the presentation and asked if the plan approved in 2022 had stipulations regarding the timing, where both retail and multifamily would be built in the first phase to avoid a scenario where only the multifamily was constructed while the rest remained incomplete. He asked, if under the new plan, said stipulation was removed, allowing the multifamily to be built without anything else being developed.

LAUREN SCHUMANN, PRINCIPAL PLANNER explained in the development booklet, when the multifamily portion pulls a permit, it is anticipated that a portion of the commercial development and a hotel would also be constructed at the same time.

CHAIR HEUMANN sought clarification asking at time of construction or when the permit could be pulled. He expressed concerns of the retail portion might not get built while the multifamily development could proceed and stated the last time this came through, it was all stacked. He asked if the new proposal changes this.

LAUREN SCHUMANN, PRINCIPAL PLANNER stated this question would best be directed to the Applicant who is present and can explain the phasing plan.

CHAIR HEUMANN asked staff based on the new proposal compared to the one approved two years prior, if the phases would still be in sync in terms of permits, building, and certificates of occupancy (CFO).

KEVIN MAYO, PLANNING ADMINISTRATOR explained that historically, phasing plans had been part of Planned Development Plans (PDP). He further explained, Phase 1 indicated both an office building and a multifamily building, they ensured that a building permit for the multifamily development could not be issued until a permit for the office was granted; however, the city has never enforced the synchronization of inspections or certificates of occupancy, as these phases typically followed different construction timelines. He stated the current stipulations, which

required parallel submissions, approval, and inspections, were challenging because one phase could not be linked to the other. He further stated the city has never implemented stipulations this specific to a project.

CHAIR HEUMANN sought clarification stating this came through Planning and Zoning Commission, then City Council reviewed the project and changed and added stipulations.

KEVIN MAYO, PLANNING ADMINISTRATOR confirmed this was corrected and stated the concern was that permits could be submitted and pulled, but no actual construction would occur. He mentioned staff does not actively monitor the construction process after permits were pulled.

CHAIR HEUMANN sought further clarification, asking if the new proposal would remove these stipulations.

KEVIN MAYO, PLANNING ADMINISTRATOR agreed and clarified the proposed plan would return what has been done historically to implementing phasing plans.

COMMISSIONER BARICHELLO asked for further details about Phase 2 of the phasing plan. He asked how staff determined the order of development, specifically whether multifamily could be completed before the hotels in Phase 2. He wanted to understand how the phasing would be applied in practice.

KEVIN MAYO, PLANNING ADMINISTRATOR explained if they were to go back to 2018, before the current stipulations, they would expect a permit to be submitted for the entire area identified in Phase 2, including permits for the individual buildings, which might have different owners or franchisees. He further stated it would anticipate receiving larger site permits as well as individual building permits, applying the same approach to the hotels and multifamily components. He explained that phasing plans like this had been historically implemented over the years.

CHAIR HEUMANN sought clarification on the second multifamily development, which was not listed as a specific phase. He wondered if, based on the current plan, the multifamily portion to the west could be built before the middle portion, or if other elements would need to be completed first. He expressed curiosity about the phasing approach since it did not note which phase.

KEVIN MAYO, THE PLANNING ADMINISTRATOR explained the development would be subject to its own Planned Development Plan (PDP), which would establish its own phasing plan once approved. He clarified that it was not tied by phase to the current plan, as it did not yet have an approved PDP. He further stated the development would still need to go through architectural and site design.

CHAIR HEUMANN stated if the portion to the west was built first, the developers could return with a plan, saying they had a user and a PDP.

KEVIN MAYO, THE PLANNING ADMINISTRATOR agreed, adding the Commission and Council could decide the phasing plan, currently they cannot do anything because it does not have a PDP.

COMMISSIONER QUINN pointed out one of the two hotels was planned for Phase 2, and asked whether the second hotel would come later as part of a future phase based on market demand, despite the entire site being highlighted as Phase 2. He further asked if all of the multifamily development on the west side was part of Phase 2.

LAUREN SCHUMANN, PRINCIPAL PLANNER confirmed that one of the two hotels would indeed be built during Phase 2.

COMMISSIONER QUINN presented concerns that the diagram does not fully support what is being discussed.

LAUREN SCHUMANN, PRINCIPAL PLANNER responded that the Applicant can provide a better explanation of their phasing plan.

CHAIR HEUMANN stated the Applicant will provide a presentation and will be available to answer questions about the phasing plan. He confirmed there were no further comments or questions from staff. He asked the Applicant to come forward to present to and confirmed he would be available to answer questions from the Commission regarding the

BRENNAN RAY, APPLICANT introduced himself and presented a conceptual site plan, expressing gratitude for staff and mentioning numerous discussions about the property. He stated the challenges with design, layout, and integrating automotive uses into a mixed-use development. He further stated staff was pleased with the layout and satisfied with the product and this was the reason for their recommendation of approval. The Applicant explained that the land uses remained the same as previously approved, and staff has done a great job explaining the changes. He emphasized the importance of considering how the development would look and feel as people walked and moved through it, rather than just from a high-level view. He highlighted the landscape, open space elements, and monument sign, which aligned with the architectural theme previously discussed and approved. He noted the administrative and design guidelines and the stipulations from 2022, were similar under the new proposal. He reminded the Commission, if staff felt the development was inconsistent with what was represented in the development booklet, staff would have to return for further approvals. He pointed out that the main concern of the Commission is the phasing plan. He acknowledged the concerns expressed by the Commission, particularly the fear that only the multifamily portion would be built while the rest of the site remained vacant. He explained the site plan locked in the specific locations

for multifamily, commercial, and hotel uses. He further explained stipulations required substantial conformance with the development booklet, meaning any deviations would require a new application and additional approvals from the City Council. The Applicant addressed further concerns about the automotive dealerships and clarified there were no restrictions preventing new dealerships from locating on the site, despite rumors to the contrary. He shared that an expert familiar with the automotive industry and state regulations was consulted and confirmed that several new dealerships could potentially be located on the site. He continued to explain the development phasing and described how Phase 1 would focus on horizontal improvements, including work along Arizona Avenue, Pecos Road, and the internal Loop Road. Additional infrastructure would also be included in Phase 1, as requested by a Commissioner who was not present. He stressed that horizontal improvements had to be completed before any vertical construction could begin. He explained that Phase 2 would include both horizontal and vertical improvements, such as commercial development along Arizona Avenue, multifamily development on the west side, and hotels to the south. He noted that while one of the hotels would go vertical during Phase 2, the second hotel would remain a finished pad, ready for future construction. He emphasized the importance of checks and balances throughout the development process and that council would retain oversight to ensure non-residential development proceeded as planned. He further stated the multifamily parcel to the west was already under contract, with interested parties ready to move forward once lending requirements were met. He also pointed out that significant changes had been made to the phasing plan since the last approval, resulting in an increase in non-residential development in the same phase as the multifamily construction. He reiterated the balance between government regulation and market forces, explaining that while they understood the concerns, they had worked hard to address them. He reminded the Commission of the stipulations and checks in place to prevent uncontrolled multifamily expansion and ensure phased development. He stressed that there was no desire for a vacant site, and the proposed plan would facilitate development while allowing for necessary oversight. He thanked the Commission and requested the recommendation for approval in accordance with staff's recommendation.

CHAIR HEUMANN presented statements regarding the relationship between government regulation versus market and how he has observed many areas undeveloped, and he wanted to ensure that things were done correctly. He has heard that Volkswagen is pulling out of Baseline and Arizona Avenue and tonight the Toll Brothers project is taking over the location of the Earnhardt Dealership and pointed out that most major dealerships are in clustering along the I-10, 101, Scottsdale, and the 202 on both sides of Gilbert Road. He pointed out the proposed is for one or two dealerships on a corner and asked why do the Applicants believe these dealerships would be successful.

BRENNAN RAY, APPLICANT stated the proposed site has strong freeway visibility and the location is situated between other dealership clusters in Chandler, Gilbert, and along I-10. He further stated there are dealerships that are unrepresented in these corridors and the

Applicants understand the location and demographics of the area and see this as a viable location for dealerships to be.

CHAIR HEUMANN asked what would happen if the dealerships never come to fruition due to market conditions or other reasons. He asked if the Applicant is prepared to come back before the Commission and propose another use and go through this process again.

BRENNAN RAY, APPLICANT confirmed if dealerships did not materialize that his client was prepared to return to the Commission, as per the stipulations.

CHAIR HEUMANN sought clarification on the phasing of the development. He asked with the multifamily, what would happen if phase 2 was completed with the multifamily units, but the hotel and retail components were not developed, leaving parts of the site unfinished. He presented concerns about the site being the last remaining site as the gateway to downtown. He is very concerned of the possibility of ending up with only multifamily housing and vacant land.

BRENNAN RAY, APPLICANT emphasized the high value of multifamily-zoned properties in Chandler and explained that such sites are few and far between. He mentioned speaking with several multifamily developers, all of whom expressed a desire to develop and this is why the Applicant has agreed to the Preliminary Development Plan (PDP) with included stipulations. He stated that he cannot make guarantees and presented statements regarding the housing shortage and mentioned the recent presentation to City Council, which highlighted the city's efforts in building housing units. He stated the Applicants have agreed to the PDP to ensure there was a system of checks and balances and offered to modify Stipulation no. 2. He stated the Applicant is willing to add sentence that says, "the PDP Application for parcel 4 cannot be filed until 75% of the non-residential uses in phase 2 have received a certificate of completion." He explained that addition not only requires a PDP, it puts a restriction on when the Applicant can file the PDP to begin.

CHAIR HEUMANN acknowledged the need for multifamily housing is widely recognized and that developers are ready to build. He then raised concerns about the 75% completion requirement, specifically referencing the hotel and some retail in the area. They questioned whether the project as a whole was being driven primarily by the multifamily component, asking for confirmation that this was the case for the entire parcel

BRENNAN RAY, APPLICANT confirmed that the project's demand is heavily influenced by the multifamily component as retailers are interested in the site due to the 800 units already entitled. He further stated they have been hesitant to move forward until the multifamily component is confirmed.

COMMISSIONER BARICHELLO pointed out that even if the multifamily component was in phase 4, there would be no guarantee that the commercial development would progress quickly, and it

could remain vacant for years. He emphasized that rooftops attract commercial development, referencing Chandler's growth pattern where multifamily residential projects have driven surrounding commercial accumulation. He mentioned if the multifamily portion did not move forward, there was no certainty that the commercial development would not be delayed for five or six years, and its progress was not necessarily contingent on the multifamily component.

VICE CHAIR KOSHIOL sought clarification regarding the two multifamily components in the latest proposal, noting the one on the west was for 400 units and asked if the maximum allowed on parcel 4, which would go through the PDP process, was also 400 units.

BRENNAN RAY, APPLICANT confirmed that both parcels were approved for a maximum of 400 units each. He stated there were 400 units on a max of 400 units on parcel 5, and a max of 400 units on parcel 4.

VICE CHAIR KOSHIOL asked which is the current approval under mixed-use and with the new proposed 75% of phase 2 non-residential, does the Applicant see that as being the commercial uses, or would that also include the hotel and is the 75% based on square footage of buildings.

BRENNAN RAY, APPLICANT confirmed the 75% would be calculated based on square footage. He suggested there is a strong incentive for the hotel to move forward, as the property owner's daughters are planning to build and operate the hotel and there are incentives for women-owned businesses and women-owned hotels. He mentioned there has been considerable interest in the retail component, with the design of the building already 60% complete. He further explained with the proposed horizontal improvements in phase 1, the multifamily development in phase 2, and the strong financial incentives for the hotel, the pieces are in place for the project to succeed. He mentioned Arizona Avenue as a road of regional significance, with heavy traffic, which is a critical factor in supporting commercial development.

CHAIR HEUMANN sought clarification on the size of the hotel and the retail space at the corner, particularly in terms of the 75% being measured by square footage. He asked what this percentage actually represents and understanding what constitutes 75% of the project would be helpful.

BRENNAN RAY, APPLICANT stated the hotel was approximately 60,000 square feet, the commercial space is slightly over 15,000 square feet, totaling 75,000 square feet and 75% of that total would be roughly 56,000 square feet.

CHAIR HEUMANN asked if this meant that the hotel could be built without the retail using the 75% calculation. He pointed out there would be no assurance on the retail being developed within the next two or three years due to market conditions.

BRENNAN RAY, APPLICANT confirmed under the proposed stipulation, the hotel could indeed be built first, with no immediate guarantee that retail development would follow. He stated if the Commission had suggestions he can discuss options with the Applicant.

COMMISSIONER SCHWARZER pointed out the text on the site indicated that there was 60% for retail sites with CDs completed, he asked which one of those paths on those retail sites are currently going through construction documentation.

BRENNAN RAY, APPLICANT presented an image and pointed out the detailed buildings identified in green labeled as buildings 2B, 2C, 2D, and 2E.

VICE CHAIR KOSHIOL asked if the Applicant would consider committing to 75% of the commercial retail, since it has already been established that one of the two hotels will be constructed in phase 2 as part of this proposal.

BRENNAN RAY, APPLICANT sought clarification asking if the Commission was suggesting 75% of the four buildings and stated that would be acceptable. He further stated the Applicant would suggest adding this at the end of Stipulation no. 2. He stated the revised Stipulation would indicate that a new PDP application for parcel 4 could not be filed until 75% of the Arizona Avenue commercial development is completed and add a requirement that one of the hotels, along with 75% of the commercial area, must be completed before any application can be submitted for the second multifamily phase. He stated the Applicant will work with staff, to refine the wording.

VICE CHAIR KOSHOL thanked the Applicant stating that she believes strongly that it is important to keep in mind the ultimate goals of this development while considering market conditions. She acknowledged that there could be market changes beyond the Applicant's control, but the residential and hotel components will be strong drivers for the retail development and hopefully, this will translate into success for future retail phases as well. She thanked the Applicant for their cooperation.

BRENNAN RAY, APPLICANT thanked the Vice Chair and Commission.

CHAIR HEUMANN thanked the Applicant and Confirmed there were no further questions or comments from the Commission.

Action Agenda Item No. 2 Motion and Vote

Rezoning

Move Planning and Zoning Commission recommend approval of Rezoning PLH24-0023 The District Downtown, Rezoning from Planned Area Development (PAD) for mixed used development including multi-family, office, and commercial uses as permitted under Community

Commercial (C-2) to PAD for mixed uses including multi-family, office, commercial uses permitted under the Community Commercial District (C-2) and automobile and truck sales with a Mid-Rise Overlay allowing for heights up to 120 feet, subject to the conditions as recommended by Planning staff.

Preliminary Development Plan

Move Planning and Zoning Commission recommend approval of Preliminary Development Plan PLH24-0023 The District Downtown for site layout and conceptual building architecture, subject to the conditions as recommended by Planning staff.

A separate Preliminary Development Plan application shall be required for the proposed multi-family on Parcel 4. The PDP application for Parcel 4 cannot be filed until one hotel and 75% of the commercial building (2-B, 2-C, 2-D, and 2-E along Arizona Avenue) in Phase 2 have received a Certificate of Completion.

Recommended Conditions of Approval:

Rezoning

Planning staff recommends Planning and Zoning Commission move to recommend approval of Rezoning from PAD for mixed used development including multi-family, office, and commercial uses permitted under Community Commercial (C-2) to PAD for mixed uses including multi-family, office, commercial uses permitted under the Community Commercial District (C-2) and automobile and truck sales with a Mid-Rise Overlay allowing for heights up to 120 feet, subject to the following conditions:

1. Development shall be in substantial conformance with the conceptual plans included in the Development Booklet, entitled, "The District Downtown" and kept on file in the City of Chandler Planning Division, in File No. PLH24-0023, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified, or supplemented by Chandler City Council.
2. Building heights shall not exceed 120 (one hundred and twenty) feet in height as measured to the top of parapet of the building façade.
3. Residential density shall be permitted up to a maximum density of forty (40) dwelling units per acre for Parcel 5 and seventy (70) dwelling units per acre for Parcel 4.
4. Uses permitted within the office buildings include general office and medical office. Medical office shall be contingent upon compliance with minimum parking requirements per Zoning Code section 35-1804 Parking Schedule.
5. Users for the automobile and truck sales shall be limited to franchise dealerships only. Franchise dealerships are those dealerships that (a) meet the definition of a "franchisee"

under A.R.S. 28-4301, (b) have received a New Motor Vehicle Dealer license from the Arizona Motor Vehicle Division to sell new vehicles, and (c) have the legal right to sell new vehicles to the public for a specific manufacturer or brand.

6. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting, to achieve conformance with City codes, standard details, and design manuals.
7. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
8. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s) the developer shall be required to upgrade such landscaping to meet current City Standards.
9. The landscaping and all other improvements in all open-spaces shall be maintained by the property owner or property owners' association and shall be maintained at a level consistent with or better than at the time of planting.
10. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association.
11. Minimum building setbacks shall be as follows:

Property Line Location	Minimum Building Setback
Arizona Avenue	30 feet
Pecos Road	30 feet
West	20 feet
South	10 feet

Preliminary Development Plan

Planning staff recommends Planning and Zoning Commission move to recommend approval of the Preliminary Development Plan, subject to the following conditions:

1. Development shall be in substantial conformance with the conceptual plans included in the Development Booklet, entitled, "The District Downtown" and kept on file in the City of Chandler Planning Division, in File No. PLH24-0023, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified, or supplemented by Chandler City Council.

Note: PDP Stipulation #2 was amended as a result of the Planning and Zoning's discussion during the regular meeting:

2. A separate Preliminary Development Plan application shall be required for the proposed multi-family on Parcel 4. The PDP application for Parcel 4 cannot be filed until one hotel and 75% of the commercial building (2-B, 2-C, 2-D, and 2-E along Arizona Avenue) in Phase 2 have received a Certificate of Completion.
3. In the event that a different use, other than automobile and truck sales, proposes to develop on Parcel 1, a separate Preliminary Development Plan application will be required.
4. As part of the Administrative Design Review process, where staff determines the proposed site improvements do not achieve a high-quality interconnected mixed-use development, the request may be reverted to Council for approval of a revised Preliminary Development Plan.
5. As part of the Administrative Design Review process, where staff determines that the proposed building design does not achieve a high-quality architectural design as rendered in exhibits within the Development Booklet, the request may be reverted to Council for approval of a revised Preliminary Development Plan.
6. Phase 1 shall include all off-site improvements, landscaping along Arizona Avenue and Pecos Road, and internal drive through the site, as depicted in the Phasing exhibit.
7. The development shall be in compliance with current Commercial Design Standards and Parking Schedule, unless indicated within the "The District Downtown" development booklet.
8. Tree-lined sidewalks connecting all uses within the development shall be provided.
9. A minimum of one passenger loading area shall be provided for each multi-family parcel, office, and one for each commercial parcel.
10. Electric vehicle charging stations shall be provided in each commercial parcel and a minimum of two electric vehicle charging stations shall be provided per residential building.
11. All roof-mounted mechanical equipment shall be fully screened on all sides by top of parapet. Said screening shall be architecturally integrated with the building.

12. The developer shall provide a porte cochère at the entrance of each hotel.
13. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.
14. Landscaping plans (including for open spaces, rights-of-way, and street medians) and perimeter walls shall be approved by the Planning Administrator.
15. Fifty percent of the trees planted along Arizona Avenue and Pecos Road shall be a minimum of 36-inch box and 12-feet in height at the time of planting.
16. The mesquite tree species shall be replaced with another species from the City approved low-water use plant list.
17. Except as shown in the Development Booklet, all signs shall comply with Chapter 39, Sign Code, of the Chandler City Code.
18. The proposed digital monument sign shall only be utilized by the permitted automobile and truck dealerships on Parcel 1.
19. Signage shall be designed in coordination with landscape plans, planting materials, storm water basins, site contours, utility pedestals, and other site appurtenances or features so as not to create problems with sign visibility or prompt the removal of required or proposed landscaping. Building signage shall be architecturally coordinated with the respective façade.
20. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
21. The site shall be maintained in a clean and orderly manner.

VICE CHAIR KOSHIOL moved to approve Action Agenda Item no. 2 of the September 18, 2024, Regular Planning and Zoning Commission Meeting with stipulations presented by staff, including modified PDP Stipulation No. 2; Seconded by COMMISSIONER GOLLA.

CHAIR HEUMANN confirmed there were no further questions or comments from the Commission and stated that he would be voting no on the project. He explained that he has been involved with the city for a long time and has seen this project returned in many different variations and he did not think that auto dealerships are an appropriate land use at this location being the gateway to downtown.

Motion carried (5-1), Chair Heumann dissenting.

CHAIR HEUMANN asked staff when this item would be go before the City Council.

LAUREN SCHUMANN, PRINCIPAL PLANNER stated that this item is due to go before City Council on October 17, 2024.

Member Comments/Announcements

DAVID DE LA TORRE, PLANNING MANAGER expressed gratitude to Ben Cereceres for his service to the City of Chandler. He announced that Ben was leaving the city and heading to San Diego. He also introduced Alyssa Siebers, a new associate planner to the Commission, he stated that Alyssa had previously interned with Maricopa Association of Governments.

CHAIR HEUMANN wished Ben Cereceres best of luck in San Diego and welcomed new associate planner, Alyssa Siebers, to the team.

Calendar

The next regular meeting will be held on Wednesday, October 16, 2024, in the Chandler City Council Chambers, 88 E. Chicago Street, Chandler, Arizona.

Adjourn

The meeting was adjourned at 5:50 p.m.



Kevin Mayo, Secretary

Rick Heumann, Chair



Planning & Zoning Commission Development Services Memo No. 24-058

Date: October 16, 2024
To: Planning and Zoning Commission
Thru: Kevin Mayo, Planning Administrator
 David de la Torre, Planning Manager
From: Lauren Schumann, Planning Senior Program Manager
Subject: PLH24-0025 City Code Amendments-State Housing Mandates

Proposed Motion:

Move Planning and Zoning Commission recommend approval of proposed text amendments to backyard chickens, accessory dwelling units, final plats, and establishing review timelines for residential zoning applications, as recommended by Planning staff.

Background/Discussion

- In May 2024, Governor Hobbs signed a series of house and state bills with hopes to "expand housing options and help mitigate the effects of rising costs to make life more affordable for everyday Arizonans"
- The bills are mandated for municipalities with populations exceeding 75,000 and municipalities must adopt by January 1, 2025
- On September 9th, the City Council reviewed the adopted bills in a work session and provided direction to staff to move forward with the proposed amendments listed below.

HB 2720 Accessory Dwelling Units (ADUs)

	Current Code- Adopted March 2024	Proposed Code Amendment - State Mandate
	1 on each single-family lot;	1 detached ADU and 1 ADU attached to the main house for a potential total of 2 ADUs on each single-family lot. *A 3rd ADU can be added if the lot is larger

<p># of ADUs Permitted</p>	<p>may be detached or attached to the main house.</p> <p>1 accessory structure is permitted for each lot. ADUs are classified as the property's one permitted accessory structure (additional accessory structures such as a detached garage or workshop are not allowed).</p>	<p>than 1 acre and it is rented as a "restricted-affordable dwelling unit" (deed restriction required)</p> <p>In order to comply with state mandates, ADUs will be removed from the accessory structure classification in the Zoning Code and re-classified as it's own category, thus allowing a detached garage or workshop on the same lot as an ADU providing that setbacks and other standards are met. In order to be classified as an ADU, it must contain all the following: sanitation facilities, kitchen facilities, and provide a separate, independent entrance from the primary residence.</p>
<p>Max. Size</p>	<p>Cannot occupy more than 30% of rear yard</p>	<p>Limited to 75% gross floor area of the main house or 1,000 square feet interior habitable area, whichever is less</p>
<p>Setbacks</p>	<p>Same as main dwelling unit & cannot be located anterior to the main house</p>	<p>Rear & side yards reduced to 5 feet. Can be located anterior to the main home if front yard setbacks (same that apply to the main home) are met.</p> <p>Any uninhabitable space (i.e., a garage attached to an ADU) shall comply with the property's setbacks for the main dwelling.</p>
<p>Max. Height</p>	<p>15 feet to top of structure or the mid-point of pitched/sloped roof</p>	<p>Same as max. height permitted of main house (i.e. if zoning allows for 2-story house, then an ADU can also be 2-stories)</p>
<p>Design</p>	<p>Must architecturally match the main house in style, materials and colors.</p>	<p>Cannot be required to match house, therefore, the proposal is to allow an ADU to comply with 1 of 2 options; (1) comply with minimum objective design standards (i.e., stucco, tile roof with a 4 to 12 slope), or (2) match the main house.</p>
<p>Parking</p>	<p>1 space required (either uncovered or covered) on the property (can't count street parking) in addition to the 2 covered parking spaces required for the main home.</p>	<p>No additional space required (state law prohibits cities from requiring additional parking for ADUs)</p>
<p>Short-term Rental Restrictions</p>	<p>Prohibited</p>	<p>Cannot prohibit short-term rentals</p>

HB 2325 Backyard Fowl

	Current Code- Adopted January 2023	Proposed Code Amendment - State Mandate
# of Chickens Permitted	5 hens, no roosters	6 hens, no roosters
Coop Size	120 square feet, limited to height of property's perimeter fence, setback five (5) feet from side and rear yards.	No Change

SB 1162 Zoning Shot Clock-Housing Assessment

- Establishes timelines for residential rezoning cases
- City currently has policies in place regarding review timelines; 20 business days to deem if all documents have been submitted for initial review
- The mandate will codify review timelines for all residential rezonings
 - Determine if application is complete within 30 days of submittal
 - Next the City has a 180-day deadline to get to City Council for the ultimate vote
 - The applicant can request one 30-day extension
- Bill also requires cities to conduct a housing needs study and publish every five years; a study will be conducted by the General Plan consultant for publication Summer 2025

SB 1103 Administrative review; approvals; developments

- Authorizing administrative personnel to review and approve plats without public hearing, in order to speed up the development process
- Since Preliminary Plats, which establishes lot lines, easements, and tracts, typically are accompanied to rezoning cases, staff proposes to only remove Final Plats from the public hearing process, thus allowing them to be reviewed and approved administratively by the City Engineer.
- The Planning & Zoning Commission and the City Council will continue to review and vote on Preliminary Plats
- While the Planning and Zoning Commission's purview is limited to Chapter 35 Land Use and Zoning, staff is relaying the proposed code amendments to Chapter 48 Subdivisions relating to Final Plats, as a courtesy

Public Outreach

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- Staff has received multiple phone calls from supportive residents inquiring

when the new ADU's rules will be in place.

- Staff has also received input from residents concerned about the governor's reduction in building setbacks for ADU's.

Attachments

Draft Zoning Code Amendment

HB 2720 Accessory Dwelling Units

HB 2325 Backyard Fowl

SB 1162 Shot Clock- Housing Assessment

SB 1103 Administrative review; approvals; developments

“2024 Amendments to Chandler City Code Chapters 14, 35, and 48”

The Chandler City Code is hereby amended to read as follows (additions in **ALL CAPS**, deletions in ~~strikethrough~~, omitted text indicated by ellipses as “. . .”):

35-200 DEFINITIONS

. . .

Accessory building: One (1) detached building which is subordinate and customarily incidental to and on the same lot with a main building, accessory buildings may include structures such as but not limited to a private garage, workshop, ~~accessory dwelling unit~~, or guest quarter. Greenhouses and/or hydroponic houses for hobby purposes shall be excluded for this definition.

Accessory dwelling unit: ~~A secondary dwelling unit sharing the lot of a larger, primary single-family home.~~ **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, SANITATION, AND KITCHEN FACILITIES.**

. . .

Guest quarters: A detached building **THAT IS ON THE SAME LOT OR PARCEL AS A SINGLE-FAMILY DWELLING OF GREATER SQUARE FOOTAGE THAN THE GUEST QUARTERS** ~~used to house non-paying persons~~, **WHICH MAY INCLUDE ITS OWN SLEEPING AND SANITATION FACILITIES.**

. . .

ARTICLE IV. AG-1—AGRICULTURAL DISTRICT

. . .

35-401. Uses permitted.

[The following are uses permitted in this district:]

- (1) Single-family dwellings.
- (2) Field crops such as cotton, grain, vegetables, fruit trees, flowers.
- (3) Raising and marketing of poultry, rabbits and other small domesticated animals provided they are contained within a fence or cage. No slaughtering of animals for commercial purposes.
- (4) Agrarian subdivisions, subject to:

-
- (a) Livestock raising and grazing is permitted for a maximum of one (1) livestock animal per seven thousand (7,000) square feet of lot area.
 - (b) No more than one (1) hog, weighing more than fifty (50) pounds, may be kept per thirty-five thousand (35,000) square feet of lot area.
 - (c) All animals must be contained in a stock-tight fence and/or corral. Such fence or corral shall not be permitted closer than one hundred (100) feet to the front property line. For corner lots, no such fence or corral shall be located closer to the side right-of-way line than the principal building.
 - (d) Accessory buildings used specifically for animals and fowl, provided they are located within the area fenced for animals and maintain the same front yard requirements as provided for the principal building.

(5) Farm roadside stand.

(6) Riding stables (minimum area, ten (10) acres).

(7) Home occupations, in accordance with Article XXII, section 35-2215 of this Code.

(8) Fences, walls, landscape screens not exceeding seven (7) feet in height adjacent to rear and side property lines and not to exceed three (3) feet in height adjacent to front yard.

(9) Swimming pools, private, in accordance with Article XXII, section 35-2205 of this Code.

(10) One (1) accessory building, In accordance with Article XXII, section 35-2202 of this Code.

(11) Signs are permitted in accordance with the Chandler Sign Code [Chapter 39].

(12) Storage shed, In accordance with Article XXII, section 35-2203 of this Code.

(13) ACCESSORY DWELLING UNITS, IN ACCORDANCE WITH ARTICLE XXII, SECTION 35-2202.2 OF THIS CODE.

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 4931, § 2(Exh.), 8-13-20; Ord. No. 5075, § 2(Exh.), 2-22-24). . .

ARTICLE V. SF-33—SINGLE-FAMILY DISTRICT

...

35-501. Uses permitted.

[The following uses are permitted in this district:]

- (1) Single-family dwellings.
- (2) One (1) accessory building, in accordance with Article XXII, section 35-2202 of this Code.
- (3) Home occupations, in accordance with Article XXII, section 35-2215 of this Code.
- (4) Storage shed, in accordance with Article XXII, section 35-2203 of this Code.
- (5) Signs in accordance with the Chandler Sign Code [Chapter 39].
- (6) Fences, walls, landscape screens not exceeding seven (7) feet in height adjacent to rear and side property lines and not to exceed three (3) feet in height adjacent to front yard.
- (7) Swimming pools, private, in accordance with Article XXII, section 35-2205 of this Code.
- (8) Agrarian subdivisions, subject to:
 - (a) Livestock raising and grazing, excluding hogs, pigs, burros, donkeys or roosters, is permitted for a maximum of one (1) animal per ten thousand (10,000) square feet of lot area.
 - (b) Excluding household pets, the raising of poultry, rabbits and other small domesticated animals provided they are contained within a fence or cage.
 - (c) All animals must be contained in a stock-tight fence and/or corral. Such fence or corral shall not be permitted closer than one hundred (100) feet to the front property line. For corner lots, no such fence or corral shall be located closer to the side right-of-way line than the principal building.
 - (d) Field crops, including vegetables and fruit trees.
 - (e) Accessory buildings used specifically for animals and fowl authorized under paragraphs a. and b. above, provided they are located within the area fenced for animals and maintain the same front, side and rear yard requirements as provided for the principal building.

(9) ACCESSORY DWELLING UNITS, IN ACCORDANCE WITH ARTICLE XXII, SECTION 35-2202.2 OF THIS CODE.

(Ord. No. 955, § 1, 5-28-81; Ord. No. 3063, § 3, 11-18-99; Ord. No. 4931, § 2(Exh.), 8-13-20; Ord. No. 5075, § 2(Exh.), 2-22-24)

...

ARTICLE VI. SF-18—SINGLE-FAMILY DISTRICT

...

35-601. Uses permitted.

[The following uses are permitted in this district:]

- (1) Single-family dwellings.
- (2) One (1) accessory building, in accordance with Article XXII, section 35-2202 of this Code.
- (3) Home occupations in accordance with Article XXII, section 35-2215 of this Code.
- (4) Storage shed, in accordance with Article XXII, section 35-2203 of this Code.
- (5) Signs in accordance with Chandler Sign Code [Chapter 39].
- (6) Fences, walls and landscape screens not exceeding seven (7) feet in height adjacent or contiguous to rear and side yard lines and not to exceed three (3) feet in height adjacent or contiguous to the front yard lines.
- (7) Swimming pools, private, in accordance with Article XXII, section 35-2205 of this Code.
- (8) [ACCESSORY DWELLING UNITS, IN ACCORDANCE WITH ARTICLE XXII, SECTION 35-2202.2 OF THIS CODE.](#)

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 4931, § 2(Exh.), 8-13-20; Ord. No. 5075, § 2(Exh.), 2-22-24)

...

ARTICLE VI.1. SF-10—SINGLE-FAMILY DISTRICT

...

35-601.1. Uses permitted.

[The following uses are permitted in this district:]

- (1) Single-family dwellings.
- (2) One (1) accessory building, in accordance with Article XXII, section 35-2202 of this Code.
- (3) Home occupations as defined in accordance with Article XXII, section 35-2215 of this Code.
- (4) Storage shed, in accordance with Article XXII, section 35-2203 of this Code.
- (5) Signs in accordance with the Chandler Sign Code [Chapter 39].
- (6) Fences, walls and landscape screens not exceeding seven (7) feet in height adjacent or contiguous to rear and side yard lines and not to exceed three (3) feet in height adjacent or contiguous to the front yard lines.

(7) Swimming pools, private, in accordance with Article XXII, section 35-2205 of this Code.

(8) ACCESSORY DWELLING UNITS, IN ACCORDANCE WITH ARTICLE XXII, SECTION 35-2202.2 OF THIS CODE.

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 4931, § 2(Exh.), 8-13-20; Ord. No. 5075, § 2(Exh.), 2-22-24)

...

ARTICLE VIII. MF-1—MEDIUM-DENSITY RESIDENTIAL DISTRICT

...

35-801. Uses permitted.

All buildings are subject to approval of site development plan in accordance with Article XIX of this Code.

- (1) Two-family dwellings.
- (2) Multi-family dwellings (subject to site development plan).
- (3) Home occupations, in accordance with Article XXII, section 35-2215 of this Code.
- (4) Signs in accordance with the Chandler Sign Code [Chapter 39].
- (5) Storage shed, in accordance with Article XXII, section 35-2203 of this Code.
- (6) One (1) accessory building, in accordance with Article XXII, section 35-2202 of this Code, excluding accessory dwelling unit.
- (7) Fences, walls and landscape screens not exceeding seven (7) feet in height adjacent or contiguous to side or rear yard lines and not [more than] three (3) feet in height adjacent or contiguous to front yard lines.
- (8) Swimming pools, private, in accordance with Article XXII [section 35-2205] of this Code.
- (9) Single-family dwelling on existing lots that are less than twelve thousand (12,000) square feet as of February 8, 2024. Lots less than twelve thousand (12,000) square feet that were first subdivided on or after February 8, 2024 are not eligible for a single-family dwelling unless a use permit is granted pursuant to this chapter. **ACCESSORY DWELLING UNITS SHALL BE PERMITTED IF THE PRINCIPAL USE IS A SINGLE-FAMILY RESIDENTIAL HOME, IN ACCORDANCE WITH ARTICLE XXII, SECTION 35-2202.2 OF THIS CODE.**

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 4931, § 2(Exh.), 8-13-20; Ord. No. 5075, § 2(Exh.), 2-22-24)

...

ARTICLE IX. MF-2—MULTIPLE-FAMILY RESIDENTIAL DISTRICT

...

35-901. Uses permitted.

All buildings are subject to approval of site development plan in accordance with Article XIX of this Code.

- (1) Multiple-family dwellings.
- (2) Home occupations, in accordance with Article XXII, section 35-2215 of this Code.
- (3) Signs in accordance with the Chandler Sign Code [Chapter 39].
- (4) Storage shed, in accordance with Article XXII, section 35-2203 of this Code.
- (5) Fences, walls and landscape screens not exceeding seven (7) feet in height adjacent or contiguous to side or rear yard lines and not exceeding three (3) feet in height adjacent or contiguous to front yard lines.
- (6) Swimming pools, private, in accordance with Article XXII [section 35-2205] of this Code.
- (7) One (1) accessory building, in accordance with Article XXII, section 35-2202 of this Code, excluding accessory dwelling unit.
- (8) Churches, schools, public buildings and facilities.
- (9) Single-family dwelling on existing lots that are less than twelve thousand (12,000) square feet as of February 8, 2024. Lots less than twelve thousand (12,000) square feet that were first subdivided on or after February 8, 2024 are not eligible for a single-family dwelling unless a use permit is granted pursuant to this chapter. **ACCESSORY DWELLING UNITS SHALL BE PERMITTED IF THE PRINCIPAL USE IS A SINGLE-FAMILY RESIDENTIAL HOME, IN ACCORDANCE WITH ARTICLE XXII, SECTION 35-2202.2 OF THIS CODE.**

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 3320, § 1, 12-10-01; Ord. No. 4931, § 2(Exh.), 8-13-20; Ord. No. 5075, § 2(Exh.), 2-22-24)

...

ARTICLE X. MF-3—HIGH-DENSITY RESIDENTIAL DISTRICT

...

35-1001. Uses permitted.

All buildings are subject to an approved site development plan in accordance with Article XIX of this Code.

- (1) Multiple-family buildings.
- (2) Elevator multiple-family buildings, including accessory business uses which are primarily for the convenience of the tenants.
- (3) Churches, schools, public buildings and facilities.

-
- (4) Offices and office buildings.
 - (5) Home occupations, in accordance with Article XXII, section 35-2215 of this Code.
 - (6) Signs in accordance with the Chandler Sign Code [Chapter 39].
 - (7) Fences, walls and landscape screens not exceeding seven (7) feet in height when adjacent or contiguous to side or rear lot lines and not more than three (3) feet in height when adjacent or contiguous to front yard lines.
 - (8) Swimming pools, private, in accordance with Article XXII [section 35-2205] of this Code.
 - (9) One (1) accessory building, in accordance with Article XXII, section 35-2202 of this Code.
 - (10) Storage shed in accordance with Article XXII, section 35-2203 of this Code.
 - (11) Single-family dwelling on existing lots that are less than twelve thousand (12,000) square feet as of February 8, 2024. Lots less than twelve thousand (12,000) square feet that were first subdivided on or after February 8, 2024 are not eligible for a single-family dwelling unless a use permit is granted pursuant to this chapter. **ACCESSORY DWELLING UNITS SHALL BE PERMITTED IF THE PRINCIPAL USE IS A SINGLE-FAMILY RESIDENTIAL HOME, IN ACCORDANCE WITH ARTICLE XXII, SECTION 35-2202.2 OF THIS CODE.**

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 4931, § 2(Exh.), 8-13-20; Ord. No. 5075, § 2(Exh.), 2-22-24)

...

35-1707. - Final development plan approval.

- (1) It is the intent of this section that subdivision review under the City Subdivision Regulations, Chapter 48, be carried out simultaneously as an integral part of the PAD review. The plans required under this section must be submitted in a form which substantially satisfies the requirements of the Subdivision Regulations for **final** plat approval.

...

35-2202. Accessory buildings.

THE FOLLOWING STANDARDS SHALL APPLY TO ALL ACCESSORY BUILDINGS EXCEPT FOR ACCESSORY DWELLING UNITS.

- (1) Accessory buildings such as but not limited to ~~accessory dwelling units~~ guest quarters, garages, and workshops shall be located behind the front wall plane of the home and in the side yard or in the rear yard of the ~~principal building~~ **PRIMARY RESIDENCE** and shall not occupy more than thirty (30) percent of the rear area.

(2) Accessory buildings shall meet the minimum side and rear yard setbacks for the district in which it is located. Any accessory buildings within a Planned Area Development (PAD) zoning designation shall be subject to the applicable provisions of the adopted preliminary development plan.

(3) Accessory buildings shall not exceed fifteen (15) feet in height.

(4) No carport or garage entered from an alley shall be located closer than ten (10) feet to a rear lot line.

(5) No accessory building shall be constructed prior to the construction of a principal building.

(6) Guest quarters are permitted subject to the following:

(a) Guest quarters shall utilize the same utility services provided to the principal building (i.e. separate utility meters directly serving the guest quarters shall not be permitted).

(b) No ovens, ranges, or built-in cooking facilities shall be permitted.

~~(c) Notwithstanding any other provision, using the guest quarters for an activity requiring a license under Chapter 22 (short-term rentals) of the City Code shall be prohibited, except for short-term rentals registered prior to February 8, 2024.~~

(7) A maximum of one accessory building (e.g. ~~accessory dwelling unit~~, guest quarters, garage, workshop) is permitted on a lot.

(8) The exterior design of any accessory building shall be commensurate with the exterior design of the ~~principal building~~ PRIMARY RESIDENCE AND CONSISTENT in materials, colors and architectural style OR SHALL COMPLY WITH THE FOLLOWING STANDARDS:

a) EXTERIOR WALL CLADDING CONSTRUCTED OF STUCCO OR EXTERIOR INSULATION AND FINISH SYSTEM (EIFS).

b) CONCRETE TILE ROOF WITH A 4:12 SLOPE.

c) ADDITIONAL ACCENT MATERIAL MAY BE ADDED IF THE MATERIALS ARE CONSISTENT WITH THE ARCHITECTURAL STYLE OF THE PRIMARY RESIDENCE.

~~(9) Accessory dwelling units are permitted subject to the following:~~

~~(a) An accessory dwelling unit shall only be permitted in a residential district, the principal use of which is a single-family residential home.~~

~~(b) Accessory dwelling units shall utilize the same utility services provided to the principal building (i.e., separate utility meters directly serving the accessory dwelling unit shall not be permitted).~~

~~(c) One (1) uncovered or covered off-street parking space shall be required in addition to the covered parking spaces required for the principal use. Said additional parking space shall not obstruct any required off-street parking (i.e., it is prohibited to utilize the driveway leading to the~~

~~required off-street parking spaces for the principal use as parking for the accessory dwelling unit);~~

~~(d) Notwithstanding any other provision, using the accessory dwelling unit for an activity requiring a license under Chapter 22 (short term rentals) of the City Code shall be prohibited.~~

...

35-2202.2 ACCESSORY DWELLING UNITS

(1) ACCESSORY DWELLING UNITS ARE PERMITTED ON ANY LOT OR PARCEL WHERE A SINGLE-FAMILY DWELLING IS THE PRINCIPAL USE, SUBJECT TO THE FOLLOWING:

(A) A MAXIMUM OF ONE ATTACHED AND ONE DETACHED ACCESSORY DWELLING UNIT SHALL BE PERMITTED. AN ACCESSORY DWELLING UNIT SHALL NOT EXCEED SEVENTY-FIVE (75) PERCENT OF THE GROSS FLOOR AREA OF THE EXISTING SINGLE-FAMILY DWELLING OR ONE THOUSAND (1,000) SQUARE FEET, WHICHEVER IS LESS. FOR THE PURPOSES OF THIS SUBSECTION, GROSS FLOOR AREA MEANS THE INTERIOR HABITABLE AREA OF THE SINGLE-FAMILY DWELLING.

(B) ONE ADDITIONAL DETACHED ACCESSORY DWELLING UNIT SHALL BE PERMITTED 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. FOR PURPOSES OF THIS SECTION, A RESTRICTED-AFFORDABLE DWELLING UNIT MEANS A DWELLING UNIT THAT MAY ONLY BE RENTED TO HOUSEHOLDS EARNING EIGHTY (80) PERCENT OR LESS OF AREA MEDIAN INCOME, WHICH LIMITATION HAS BEEN ESTABLISHED THROUGH A RECORDED DEED RESTRICTION OR DEVELOPMENT AGREEMENT GIVING THE CITY THE AUTHORITY TO ENFORCE THE LIMITATION.

(C) AN ACCESSORY DWELLING UNIT SHALL COMPLY WITH ALL LIMITATIONS ON BUILDING HEIGHT, INTENSITY OF LOT USE, AND FRONT YARD SETBACKS FOR THE ZONING DISTRICT IN WHICH IT IS LOCATED; EXCEPT REAR AND SIDE YARD SETBACKS SHALL BE NO LESS THAN FIVE (5) FEET.

(D) ANY UNINHABITABLE SPACE (E.G., A GARAGE) ATTACHED TO AN ACCESSORY DWELLING UNIT SHALL COMPLY WITH THE MINIMUM SIDE AND REAR YARD SETBACKS FOR THE DISTRICT IN WHICH IT IS LOCATED.

(E) ACCESSORY DWELLING UNITS SHALL BE SERVED BY THE SAME WATER, SEWER, AND ELECTRIC-UTILITY PROVIDERS AND METERS AS THE PRIMARY RESIDENCE.

(F) THE EXTERIOR DESIGN OF AN ACCESSORY DWELLING UNIT MUST COMPLY WITH THE FOLLOWING STANDARDS:

-
- (1) EXTERIOR WALL CLADDING CONSTRUCTED OF STUCCO OR EXTERIOR INSULATION AND FINISH SYSTEM (EIFS).
 - (2) CONCRETE TILE ROOF WITH A 4:12 SLOPE.
 - (3) ADDITIONAL ACCENT MATERIAL MAY BE ADDED IF THE MATERIALS ARE CONSISTENT WITH THE ARCHITECTURAL STYLE OF THE PRIMARY RESIDENCE.

ALTERNATIVELY, AT THE ELECTION OF THE PROPERTY OWNER, THE EXTERIOR DESIGN MAY BE COMMENSURATE WITH THE EXTERIOR DESIGN OF THE PRIMARY RESIDENCE AND CONSISTENT IN MATERIALS, COLORS AND ARCHITECTURAL STYLE.

(G) AN ACCESSORY DWELLING UNIT SHALL HAVE A SEPARATE AND INDEPENDENT ENTRANCE FROM THE PRIMARY RESIDENCE.

(H) A LOT OR PARCEL CONTAINING AN ACCESSORY DWELLING UNIT SHALL NOT BE SUBDIVIDED OR SPLIT INTO TWO OR MORE LOTS OR PARCELS UNLESS:

1. EACH LOT OR PARCEL COMPLIES WITH MINIMUM LOT SIZE REQUIREMENT OF THE ZONING DISTRICT IN WHICH IT IS LOCATED;
2. SEPARATE UTILITY CONNECTIONS ARE PROVIDED TO EACH DWELLING UNIT;
3. LEGAL INGRESS AND EGRESS IS PROVIDED TO EACH LOT; AND
4. ALL LOTS AND DWELLING UNITS COMPLY WITH ALL CITY CODE REQUIREMENTS.

...

35-2605. – APPROVAL OF RESIDENTIAL ZONING APPLICATIONS.

(1) ADMINISTRATIVE COMPLETENESS REVIEW TIME FRAME.

FOR EACH APPLICATION FOR A ZONING AMENDMENT RELATED TO RESIDENTIAL ZONING, THE ZONING ADMINISTRATOR SHALL DESIGNATE A STAFF MEMBER TO REVIEW THE APPLICATION. CITY STAFF REVIEWING THE APPLICATION SHALL DETERMINE WHETHER THE APPLICATION IS ADMINISTRATIVELY COMPLETE WITHIN THIRTY (30) DAYS AFTER RECEIVING THE APPLICATION. IF STAFF DETERMINES THAT THE APPLICATION IS NOT ADMINISTRATIVELY COMPLETE, STAFF SHALL PROVIDE THE APPLICANT WITH A COMPREHENSIVE LIST OF THE SPECIFIC DEFICIENCIES IN A WRITTEN NOTICE TO THE APPLICANT. UPON ISSUANCE OF THE NOTICE, THE ADMINISTRATIVE COMPLETENESS REVIEW TIME FRAME AND OVERALL TIME FRAME CONTAINED IN THIS SECTION ARE SUSPENDED UNTIL STAFF RECEIVES THE MISSING

INFORMATION FROM THE APPLICANT. STAFF SHALL DETERMINE WHETHER A RESUBMITTED APPLICATION IS ADMINISTRATIVELY COMPLETE WITHIN FIFTEEN (15) DAYS AFTER RECEIVING THE RESUBMITTED APPLICATION.

(2) APPROVAL OR DENIAL OF RESIDENTIAL ZONING APPLICATIONS.

AFTER DETERMINING THAT A RESIDENTIAL ZONING APPLICATION IS ADMINISTRATIVELY COMPLETE, THE CHANDLER CITY COUNCIL SHALL APPROVE OR DENY THE APPLICATION WITHIN ONE HUNDRED EIGHTY (180) DAYS. THE CITY MAY EXTEND THE TIME FRAME TO APPROVE OR DENY THE REQUEST BEYOND ONE HUNDRED EIGHTY (180) DAYS FOR EITHER OF THE FOLLOWING REASONS:

A) FOR EXTENUATING CIRCUMSTANCES, STAFF MAY GRANT A ONE-TIME EXTENSION OF NOT MORE THAN THIRTY (30) DAYS.

B) IF AN APPLICANT REQUESTS AN EXTENSION, THE CITY MAY GRANT EXTENSIONS OF THIRTY (30) DAYS FOR EACH EXTENSION REQUESTED.

(3) EXCEPTIONS.

THIS SECTION DOES NOT APPLY TO LAND THAT IS DESIGNATED AS A DISTRICT OF HISTORICAL SIGNIFICANCE PURSUANT TO ARIZ. REV. STAT. § 9-462.01(A) OR AN AREA THAT IS DESIGNATED AS HISTORIC ON THE NATIONAL REGISTER OF HISTORIC PLACES. THIS SECTION ALSO DOES NOT APPLY TO PARCELS THAT ARE ALREADY ZONED AS A PLANNED AREA DEVELOPMENT (PAD).

...

ARTICLE III. CHICKENS

14-33. Backyard chickens.

Chickens may be kept for personal use only on any lot that is located within a residential district, the principal use of which is a single-family residential home, subject to the following requirements:

A. No more than ~~five (5)~~ SIX (6) chickens may be kept on an individual lot.

B. Chickens must be contained within the rear or side yards and may not be permitted to trespass upon another property or upon any street, alley, or other public place.

C. The chickens must be housed in a secured chicken coop. The outer edge of the chicken coop structure may not be closer than five (5) feet from any property line abutting, adjoining, or otherwise meeting the property line of the residential lot or parcel where the chickens are kept. A chicken coop may not exceed the height of the surrounding property wall.

D. Chicken coops exceeding one hundred twenty (120) square feet in size or seven (7) feet in height require a building permit and are considered an accessory building subject to regulations pursuant to section 35-2202 accessory buildings.

E. Chicken coops served with utilities (e.g., electrical, plumbing) require applicable permits to ensure conformance with building safety requirements regardless of coop size.

F. Properties must comply with property maintenance regulations contained in Chapter 30 of this Code.

(Ord. No. 5035, § 2(Exh.), 12-5-22)

14-34. Roosters prohibited.

Roosters are prohibited anywhere within the City.

(Ord. No. 5035, § 2(Exh.), 12-5-22)

Senate Engrossed House Bill
accessory dwelling units; requirements.

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2720

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-461.18; AMENDING SECTION 9-500.39, ARIZONA REVISED
STATUTES; RELATING TO MUNICIPAL PLANNING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 6, Arizona Revised Statutes,
3 is amended by adding section 9-461.18, to read:

4 9-461.18. Accessory dwelling units; regulation;
5 applicability; definitions

6 A. A MUNICIPALITY WITH A POPULATION OF MORE THAN SEVENTY-FIVE
7 THOUSAND PERSONS SHALL ADOPT REGULATIONS THAT ALLOW ON ANY LOT OR PARCEL
8 WHERE A SINGLE-FAMILY DWELLING IS ALLOWED ALL OF THE FOLLOWING:

9 1. AT LEAST ONE ATTACHED AND ONE DETACHED ACCESSORY DWELLING UNIT
10 AS A PERMITTED USE.

11 2. A MINIMUM OF ONE ADDITIONAL DETACHED ACCESSORY DWELLING UNIT AS
12 A PERMITTED USE ON A LOT OR PARCEL THAT IS ONE ACRE OR MORE IN SIZE IF AT
13 LEAST ONE ACCESSORY DWELLING UNIT ON THE LOT OR PARCEL IS A
14 RESTRICTED-AFFORDABLE DWELLING UNIT.

15 3. AN ACCESSORY DWELLING UNIT THAT IS SEVENTY-FIVE PERCENT OF THE
16 GROSS FLOOR AREA OF THE SINGLE-FAMILY DWELLING ON THE SAME LOT OR PARCEL
17 OR ONE THOUSAND SQUARE FEET, WHICHEVER IS LESS.

18 B. A MUNICIPALITY MAY NOT DO ANY OF THE FOLLOWING:

19 1. PROHIBIT THE USE OR ADVERTISEMENT OF EITHER THE SINGLE-FAMILY
20 DWELLING OR ANY ACCESSORY DWELLING UNIT LOCATED ON THE SAME LOT OR PARCEL
21 AS SEPARATELY LEASED LONG-TERM RENTAL HOUSING.

22 2. REQUIRE A FAMILIAL, MARITAL, EMPLOYMENT OR OTHER PREEXISTING
23 RELATIONSHIP BETWEEN THE OWNER OR OCCUPANT OF A SINGLE-FAMILY DWELLING AND
24 THE OCCUPANT OF AN ACCESSORY DWELLING UNIT LOCATED ON THE SAME LOT OR
25 PARCEL.

26 3. REQUIRE THAT A LOT OR PARCEL HAVE ADDITIONAL PARKING TO
27 ACCOMMODATE AN ACCESSORY DWELLING UNIT OR REQUIRE PAYMENT OF FEES INSTEAD
28 OF ADDITIONAL PARKING.

29 4. REQUIRE THAT AN ACCESSORY DWELLING UNIT MATCH THE EXTERIOR
30 DESIGN, ROOF PITCH OR FINISHING MATERIALS OF THE SINGLE-FAMILY DWELLING
31 THAT IS LOCATED ON THE SAME LOT AS THE ACCESSORY DWELLING UNIT.

32 5. SET RESTRICTIONS FOR ACCESSORY DWELLING UNITS THAT ARE MORE
33 RESTRICTIVE THAN THOSE FOR SINGLE-FAMILY DWELLINGS WITHIN THE SAME ZONING
34 AREA WITH REGARD TO HEIGHT, SETBACKS, LOT SIZE OR COVERAGE OR BUILDING
35 FRONTAGE.

36 6. SET REAR OR SIDE SETBACKS FOR ACCESSORY DWELLING UNITS THAT ARE
37 MORE THAN FIVE FEET FROM THE PROPERTY LINE.

38 7. REQUIRE IMPROVEMENTS TO PUBLIC STREETS AS A CONDITION OF
39 ALLOWING AN ACCESSORY DWELLING UNIT, EXCEPT AS NECESSARY TO RECONSTRUCT OR
40 REPAIR A PUBLIC STREET THAT IS DISTURBED AS A RESULT OF THE CONSTRUCTION
41 OF THE ACCESSORY DWELLING UNIT.

42 8. REQUIRE A RESTRICTIVE COVENANT CONCERNING AN ACCESSORY DWELLING
43 UNIT ON A LOT OR PARCEL ZONED FOR RESIDENTIAL USE BY A SINGLE-FAMILY
44 DWELLING.

1 C. THIS SECTION DOES NOT PROHIBIT RESTRICTIVE COVENANTS CONCERNING
2 ACCESSORY DWELLING UNITS ENTERED INTO BETWEEN PRIVATE PARTIES. THE
3 MUNICIPALITY MAY NOT CONDITION A PERMIT, LICENSE OR USE OF AN ACCESSORY
4 DWELLING UNIT ON ADOPTING OR IMPLEMENTING A RESTRICTIVE COVENANT BETWEEN
5 PRIVATE PARTIES.

6 D. THIS SECTION DOES NOT SUPERSEDE APPLICABLE BUILDING CODES, FIRE
7 CODES OR PUBLIC HEALTH AND SAFETY REGULATIONS, EXCEPT THAT A MUNICIPALITY
8 MAY NOT REQUIRE AN ACCESSORY DWELLING UNIT TO COMPLY WITH A COMMERCIAL
9 BUILDING CODE OR CONTAIN A FIRE SPRINKLER.

10 E. AN ACCESSORY DWELLING UNIT MAY NOT BE BUILT ON TOP OF A CURRENT
11 OR PLANNED PUBLIC UTILITY EASEMENT UNLESS THE PROPERTY OWNER RECEIVES
12 WRITTEN CONSENT FROM ANY UTILITY THAT IS CURRENTLY USING THE PUBLIC
13 UTILITY EASEMENT OR THAT MAY USE THE PUBLIC UTILITY EASEMENT IN THE
14 FUTURE.

15 F. IF A MUNICIPALITY FAILS TO ADOPT DEVELOPMENT REGULATIONS AS
16 REQUIRED BY THIS SECTION ON OR BEFORE JANUARY 1, 2025, ACCESSORY DWELLING
17 UNITS SHALL BE ALLOWED ON ALL LOTS OR PARCELS ZONED FOR RESIDENTIAL USE IN
18 THE MUNICIPALITY WITHOUT LIMITS.

19 G. THIS SECTION DOES NOT APPLY TO LOTS OR PARCELS THAT ARE LOCATED
20 ON TRIBAL LAND, ON LAND IN THE TERRITORY IN THE VICINITY OF A MILITARY
21 AIRPORT OR ANCILLARY MILITARY FACILITY AS DEFINED IN SECTION 28-8461, ON
22 LAND IN THE TERRITORY IN THE VICINITY OF A FEDERAL AVIATION ADMINISTRATION
23 COMMERCIALY LICENSED AIRPORT OR A GENERAL AVIATION AIRPORT OR ON LAND IN
24 THE TERRITORY IN THE VICINITY OF A PUBLIC AIRPORT AS DEFINED IN SECTION
25 28-8486.

26 H. FOR THE PURPOSES OF THIS SECTION:

27 1. "ACCESSORY DWELLING UNIT" MEANS A SELF-CONTAINED LIVING UNIT
28 THAT IS ON THE SAME LOT OR PARCEL AS A SINGLE-FAMILY DWELLING OF GREATER
29 SQUARE FOOTAGE THAN THE ACCESSORY DWELLING UNIT, THAT INCLUDES ITS OWN
30 SLEEPING AND SANITATION FACILITIES AND THAT MAY INCLUDE ITS OWN KITCHEN
31 FACILITIES.

32 2. "GROSS FLOOR AREA" MEANS THE INTERIOR HABITABLE AREA OF A
33 SINGLE-FAMILY DWELLING OR AN ACCESSORY DWELLING UNIT.

34 3. "LONG-TERM RENTAL" MEANS RENTAL USE IN WHICH THE TENANT HOLDS A
35 LEASE OF NINETY DAYS OR LONGER OR ON A MONTH-BY-MONTH BASIS.

36 4. "MUNICIPALITY" MEANS A CITY OR TOWN THAT EXERCISES ZONING POWERS
37 UNDER THIS TITLE.

38 5. "PERMITTED USE" MEANS THE ABILITY FOR A DEVELOPMENT TO BE
39 APPROVED WITHOUT REQUIRING A PUBLIC HEARING, VARIANCE, CONDITIONAL USE
40 PERMIT, SPECIAL PERMIT OR SPECIAL EXCEPTION, OTHER THAN A DISCRETIONARY
41 ZONING ACTION TO DETERMINATION THAT A SITE PLAN CONFORMS WITH APPLICABLE
42 ZONING REGULATIONS.

1 6. "RESTRICTED-AFFORDABLE DWELLING UNIT" MEANS A DWELLING UNIT
2 THAT, EITHER THROUGH A DEED RESTRICTION OR A DEVELOPMENT AGREEMENT WITH
3 THE MUNICIPALITY, SHALL BE RENTED TO HOUSEHOLDS EARNING UP TO EIGHTY
4 PERCENT OF AREA MEDIAN INCOME.

5 Sec. 2. Section 9-500.39, Arizona Revised Statutes, is amended to
6 read:

7 9-500.39. Limits on regulation of vacation rentals and
8 short-term rentals; state preemption; civil
9 penalties; transaction privilege tax license
10 suspension; definitions

11 A. A city or town may not prohibit vacation rentals or short-term
12 rentals.

13 B. A city or town may not restrict the use of or regulate vacation
14 rentals or short-term rentals based on their classification, use or
15 occupancy except as provided in this section. A city or town may regulate
16 vacation rentals or short-term rentals as follows:

17 1. To protect the public's health and safety, including rules and
18 regulations related to fire and building codes, health and sanitation,
19 transportation or traffic control and solid or hazardous waste and
20 pollution control, if the city or town demonstrates that the rule or
21 regulation is for the primary purpose of protecting the public's health
22 and safety.

23 2. To adopt and enforce use and zoning ordinances, including
24 ordinances related to noise, protection of welfare, property maintenance
25 and other nuisance issues, if the ordinance is applied in the same manner
26 as other property classified under sections 42-12003 and 42-12004.

27 3. To limit or prohibit the use of a vacation rental or short-term
28 rental for the purposes of housing sex offenders, operating or maintaining
29 a sober living home, selling illegal drugs, liquor control or pornography,
30 obscenity, nude or topless dancing and other adult-oriented businesses.

31 4. To require the owner of a vacation rental or short-term rental
32 to provide the city or town ~~an~~ WITH emergency ~~point of~~ contact information
33 for the owner or the owner's designee who is responsible for responding to
34 complaints or emergencies in a timely manner in person if required by
35 public safety personnel, over the phone or by email at any time of day
36 before offering for rent or renting the vacation rental or short-term
37 rental. In addition to any other penalty IMPOSED pursuant to this
38 section, the city or town may impose a civil penalty of up to \$1,000
39 against the owner for every thirty days the owner fails to provide contact
40 information as prescribed by this paragraph. The city or town shall
41 provide thirty days' notice to the owner before imposing the initial civil
42 penalty.

43 5. To require ~~an~~ THE owner of a vacation rental or short-term
44 rental to obtain and maintain a local regulatory permit or license
45 ~~pursuant to title 9, chapter 7, article 4.~~ As a condition of issuance of

1 a permit or license, the application for the permit or license may require
2 an applicant to provide only the following:

3 (a) THE name, address, ~~phone~~ TELEPHONE number and email address for
4 the owner or owner's agent.

5 (b) THE address of the vacation rental or short-term rental.

6 (c) Proof of compliance with section 42-5005.

7 (d) Contact information required pursuant to paragraph 4 of this
8 subsection.

9 (e) Acknowledgment of an agreement to comply with all applicable
10 laws, regulations and ordinances.

11 (f) A fee not to exceed the actual cost of issuing the permit or
12 license or \$250, whichever is less.

13 6. To require, before offering a vacation rental or short-term
14 rental for rent for the first time, the owner or the owner's designee of a
15 vacation rental or short-term rental to notify all single-family
16 residential properties adjacent to, ~~AND~~ AND directly and diagonally across
17 the street from the vacation rental or short-term rental. Notice shall be
18 deemed sufficient in a multifamily residential building if given to
19 residents on the same building floor. A city or town may require
20 additional notification pursuant to this paragraph if the contact
21 information previously provided changes. Notification provided in
22 compliance with this paragraph shall include the permit or license number
23 if required by the city or town, the address, ~~OF THE VACATION RENTAL OR~~
24 SHORT-TERM RENTAL and the information required pursuant to paragraph 4 of
25 this subsection. The owner or the owner's designee shall demonstrate
26 compliance with this paragraph by providing the city or town with an
27 attestation of notification compliance that consists of the following
28 information:

29 (a) The permit or license number of the vacation rental or
30 short-term rental, if required by the city or town.

31 (b) The address of each property notified.

32 (c) A description of the manner in which the owner or owner's
33 designee chose to provide notification to each property subject to
34 notification.

35 (d) The name and contact information of the person attesting to
36 compliance with this paragraph.

37 7. To require the owner or owner's designee of a vacation rental or
38 short-term rental to display the local regulatory permit number or license
39 number, if any, on each advertisement for a vacation rental or short-term
40 rental that the owner or owner's designee maintains. A city or town that
41 does not require a local regulatory permit or license may require the
42 owner or owner's designee of a vacation rental or short-term rental to
43 display the transaction privilege tax license NUMBER required by section
44 42-5042 on each advertisement for a vacation rental or short-term rental
45 that the owner or owner's designee maintains.

1 8. To require the vacation rental or short-term rental to maintain
2 liability insurance appropriate to cover the vacation rental or short-term
3 rental in the aggregate of at least \$500,000 or to advertise and offer
4 each vacation rental or short-term rental through an online lodging
5 marketplace that provides equal or greater coverage.

6 9. TO REQUIRE THE OWNER OF A VACATION RENTAL OR SHORT-TERM RENTAL
7 TO RESIDE ON THE PROPERTY IF THE PROPERTY CONTAINS AN ACCESSORY DWELLING
8 UNIT THAT WAS CONSTRUCTED ON OR AFTER THE EFFECTIVE DATE OF THIS AMENDMENT
9 TO THIS SECTION AND THAT IS BEING USED AS A VACATION RENTAL OR SHORT-TERM
10 RENTAL. UNLESS THE TIME PERIOD SPECIFIED IN SECTION 12-1134, SUBSECTION G
11 HAS EXPIRED, THIS PARAGRAPH DOES NOT APPLY TO A PROPERTY OWNER WHO HAS THE
12 RIGHT TO BUILD AN ACCESSORY DWELLING UNIT ON THE PROPERTY OWNER'S PROPERTY
13 BEFORE THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION WHETHER OR NOT
14 THE ACCESSORY DWELLING UNIT HAS BEEN BUILT.

15 C. A city or town that requires a local regulatory permit or
16 license pursuant to this section shall issue or deny the permit or license
17 within seven business days of receipt of the information required by
18 subsection B, paragraph 5 of this section and otherwise in accordance with
19 section 9-835, except that a city or town may deny issuance of a permit or
20 license only for any of the following:

- 21 1. Failure to provide the information required by subsection B,
22 paragraph 5, subdivisions (a) through (e) of this section.
- 23 2. Failure to pay the required permit or license fee.
- 24 3. At the time of application the owner has a suspended permit or
25 license for the same vacation rental or short-term rental.
- 26 4. The applicant provides false information.
- 27 5. The owner or owner's designee of a vacation rental or short-term
28 rental is a registered sex offender or has been convicted of any felony
29 ~~act~~ OFFENSE that resulted in death or serious physical injury or any
30 felony use of a deadly weapon within the past five years.

31 D. A city or town that requires a local regulatory permit or
32 license pursuant to this section shall adopt an ordinance to allow the
33 city or town to initiate an administrative process to suspend a local
34 regulatory permit or license for a period of up to twelve months for the
35 following verified violations associated with a property:

- 36 1. Three verified violations within a twelve-month period, not
37 including any verified violation based on an aesthetic, solid waste
38 disposal or vehicle parking violation that is not also a serious threat to
39 public health and safety.
- 40 2. One verified violation that results in or constitutes any of the
41 following:
 - 42 (a) A felony offense committed at or in the vicinity of a vacation
43 rental or short-term rental by the vacation rental or short-term rental
44 owner or owner's designee.

1 (b) A serious physical injury or wrongful death at or related to a
2 vacation rental or short-term rental resulting from the knowing,
3 intentional or reckless conduct of the vacation rental or short-term
4 rental owner or owner's designee.

5 (c) An owner or owner's designee knowingly or intentionally housing
6 a sex offender, allowing offenses related to adult-oriented businesses,
7 sexual offenses or prostitution, or operating or maintaining a sober
8 living home, in violation of a regulation or ordinance adopted pursuant to
9 subsection B, paragraph 3 of this section.

10 (d) An owner or owner's designee knowingly or intentionally
11 allowing the use of a vacation rental or short-term rental for a special
12 event that would otherwise require a permit or license pursuant to a city
13 or town ordinance or a state law or rule or for a retail, restaurant,
14 banquet space or other similar use.

15 3. Notwithstanding paragraphs 1 and 2 of this subsection, any
16 attempted or completed felony ~~act~~ OFFENSE, arising from the occupancy or
17 use of a vacation rental or short-term rental, that results in a death, or
18 actual or attempted serious physical injury, shall be grounds for judicial
19 relief in the form of a suspension of the property's use as a vacation
20 rental or short-term rental for a period of time that shall not exceed
21 twelve months.

22 E. A city or town that requires sex offender background checks on a
23 vacation rental or short-term rental guest shall waive the requirement if
24 an online lodging marketplace performs a sex offender background check of
25 the booking guest.

26 F. Notwithstanding any other law, a city or town may impose a civil
27 penalty of the following amounts against an owner of a vacation rental or
28 short-term rental if the owner receives one or more verified violations
29 related to the same vacation rental or short-term rental property within
30 the same twelve-month period:

31 1. Up to \$500 or up to an amount equal to one night's rent for the
32 vacation rental or short-term rental as advertised, whichever is greater,
33 for the first verified violation.

34 2. Up to \$1,000 or up to an amount equal to two nights' rent for
35 the vacation rental or short-term rental as advertised, whichever is
36 greater, for the second verified violation.

37 3. Up to \$3,500 or up to an amount equal to three nights' rent for
38 the vacation rental or short-term rental as advertised, whichever is
39 greater, for a third and any subsequent verified violation.

40 G. A vacation rental or short-term rental that fails to apply for a
41 local regulatory permit or license in accordance with subsection B,
42 paragraph 5 of this section, within thirty days of the local regulatory
43 permit or license application process being made available by the city or
44 town issuing such permits or licenses, must cease operations. In addition
45 to any ~~fines~~ CIVIL PENALTIES imposed pursuant to subsection F of this

1 section, a city or town may impose a civil penalty of up to \$1,000 per
2 month against the owner if the owner or owner's designee fails to apply
3 for a regulatory permit or license within thirty days after receiving
4 written notice of the failure to comply with subsection B, paragraph 5 of
5 this section.

6 H. If multiple verified violations arise out of the same response
7 to an incident at a vacation rental or short-term rental, those verified
8 violations are considered one verified violation for the purpose of
9 assessing civil penalties or suspending the regulatory permit or license
10 of the owner ~~or owner's designee~~ pursuant to this section.

11 I. If the owner of a vacation rental or short-term rental has
12 provided contact information to a city or town pursuant to subsection B,
13 paragraph 4 of this section and if the city or town issues a citation for
14 a violation of the city's or town's applicable laws, regulations or
15 ordinances or a state law that occurred on the owner's vacation rental or
16 short-term rental property, the city or town shall make a reasonable
17 attempt to notify the owner or the owner's designee of the citation within
18 seven business days after the citation is issued using the contact
19 information provided pursuant to subsection B, paragraph 4 of this
20 section. If the owner of a vacation rental or short-term rental has not
21 provided contact information pursuant to subsection B, paragraph 4 of this
22 section, the city or town is not required to provide such notice.

23 J. This section does not exempt an owner of a residential rental
24 property, as defined in section 33-1901, from maintaining with the
25 assessor of the county in which the property is located information
26 required under title 33, chapter 17, article 1.

27 K. A vacation rental or short-term rental may not be used for
28 nonresidential uses, including for a special event that would otherwise
29 require a permit or license pursuant to a city or town ordinance or a
30 state law or rule or for a retail, restaurant, banquet space or other
31 similar use.

32 L. For the purposes of this section:

33 1. "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING PRESCRIBED IN
34 SECTION 9-461.18.

35 ~~1.~~ 2. "Online lodging marketplace" has the same meaning prescribed
36 in section 42-5076.

37 ~~2.~~ 3. "Transient" has the same meaning prescribed in section
38 42-5070.

39 ~~3.~~ 4. "Vacation rental" or "short-term rental":

40 (a) Means any individually or collectively owned single-family or
41 one-to-four-family house or dwelling unit or any unit or group of units in
42 a condominium or cooperative that is also a transient public lodging
43 establishment or owner-occupied residential home offered for transient use
44 if the accommodations are not classified for property taxation under
45 section 42-12001.

1 (b) Does not include a unit that is used for any nonresidential
2 use, including retail, restaurant, banquet space, event center or another
3 similar use.

4 ~~4.~~ 5. "Verified violation" means a finding of guilt or civil
5 responsibility for violating any state law or local ordinance relating to
6 a purpose prescribed in subsection B, D, F or K of this section that has
7 been finally adjudicated.

Conference Engrossed

backyard fowl; regulation; prohibition

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2325

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-462.10; AMENDING TITLE 11, CHAPTER 6, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-820.04; RELATING TO MUNICIPAL AND COUNTY ZONING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 6.1, Arizona Revised
3 Statutes, is amended by adding section 9-462.10, to read:

4 9-462.10. Backyard fowl regulation; prohibition; exceptions;
5 state preemption; definition

6 A. A MUNICIPALITY MAY NOT ADOPT ANY LAW, ORDINANCE OR OTHER
7 REGULATION THAT PROHIBITS A RESIDENT OF A SINGLE-FAMILY DETACHED RESIDENCE
8 ON A LOT THAT IS ONE-HALF ACRE OR LESS IN SIZE FROM KEEPING UP TO SIX FOWL
9 IN THE BACKYARD OF THE PROPERTY. A MUNICIPALITY MAY:

10 1. PROHIBIT A RESIDENT FROM KEEPING MALE FOWL, INCLUDING ROOSTERS.

11 2. REQUIRE FOWL TO BE KEPT IN AN ENCLOSURE LOCATED IN THE REAR OR
12 SIDE YARD OF THE PROPERTY AT LEAST TWENTY FEET FROM A NEIGHBORING PROPERTY
13 AND RESTRICT THE SIZE OF THE ENCLOSURE TO A MAXIMUM OF TWO HUNDRED SQUARE
14 FEET WITH A MAXIMUM HEIGHT OF EIGHT FEET.

15 3. REQUIRE THE ENCLOSURE TO BE MAINTAINED AND MANURE PICKED UP AND
16 DISPOSED OF OR COMPOSTED AT LEAST TWICE WEEKLY.

17 4. REQUIRE THAT COMPOSTED MANURE BE KEPT IN A WAY THAT PREVENTS
18 MIGRATION OF INSECTS.

19 5. REQUIRE WATER SOURCES WITH ADEQUATE OVERFLOW DRAINAGE.

20 6. REQUIRE THAT FEED BE STORED IN INSECT-PROOF AND RODENT-PROOF
21 CONTAINERS.

22 7. PROHIBIT FOWL FROM RUNNING AT LARGE.

23 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A MUNICIPALITY
24 SHALL ENACT AN ORDINANCE THAT REQUIRES AN ENCLOSURE LOCATED IN A
25 RESIDENTIAL COMMUNITY ON A LOT LESS THAN ONE ACRE IN SIZE TO BE SHORTER
26 THAN THE FENCE LINE OF THE PROPERTY.

27 C. AN ORDINANCE THAT IS ENACTED AFTER THE EFFECTIVE DATE OF THIS
28 SECTION DOES NOT APPLY TO AN ENCLOSURE THAT WAS CONSTRUCTED ON OR BEFORE
29 THE EFFECTIVE DATE OF THIS SECTION.

30 D. THE PROPERTY RIGHTS OF PROPERTY OWNERS IN THIS STATE OUTLINED IN
31 THIS SECTION ARE OF STATEWIDE CONCERN. THIS SECTION PREEMPTS ALL LOCAL
32 LAWS, ORDINANCES AND CHARTER PROVISIONS TO THE CONTRARY.

33 E. FOR THE PURPOSES OF THIS SECTION, "FOWL" MEANS A COCK OR HEN OF
34 THE DOMESTIC CHICKEN.

35 Sec. 2. Title 11, chapter 6, article 2, Arizona Revised Statutes,
36 is amended by adding section 11-820.04, to read:

37 11-820.04. Backyard fowl regulation; prohibition; exceptions;
38 state preemption; definition

39 A. A COUNTY MAY NOT ADOPT ANY LAW, ORDINANCE OR OTHER REGULATION
40 THAT PROHIBITS A RESIDENT OF A SINGLE-FAMILY DETACHED RESIDENCE ON A LOT
41 THAT IS ONE-HALF ACRE OR LESS IN SIZE FROM KEEPING UP TO SIX FOWL IN THE
42 BACKYARD OF THE PROPERTY. A COUNTY MAY:

43 1. PROHIBIT A RESIDENT FROM KEEPING MALE FOWL, INCLUDING ROOSTERS.

44 2. REQUIRE FOWL TO BE KEPT IN AN ENCLOSURE LOCATED IN THE REAR OR
45 SIDE YARD OF THE PROPERTY AT LEAST TWENTY FEET FROM A NEIGHBORING PROPERTY

1 AND RESTRICT THE SIZE OF THE ENCLOSURE TO A MAXIMUM OF TWO HUNDRED SQUARE
2 FEET WITH A MAXIMUM HEIGHT OF EIGHT FEET.

3 3. REQUIRE THE ENCLOSURE TO BE MAINTAINED AND MANURE PICKED UP AND
4 DISPOSED OF OR COMPOSTED AT LEAST TWICE WEEKLY.

5 4. REQUIRE THAT COMPOSTED MANURE BE KEPT IN A WAY THAT PREVENTS
6 MIGRATION OF INSECTS.

7 5. REQUIRE WATER SOURCES WITH ADEQUATE OVERFLOW DRAINAGE.

8 6. REQUIRE THAT FEED BE STORED IN INSECT-PROOF AND RODENT-PROOF
9 CONTAINERS.

10 7. PROHIBIT FOWL FROM RUNNING AT LARGE.

11 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A COUNTY SHALL
12 ENACT AN ORDINANCE THAT REQUIRES AN ENCLOSURE LOCATED IN A RESIDENTIAL
13 COMMUNITY ON A LOT LESS THAN ONE ACRE IN SIZE TO BE SHORTER THAN THE FENCE
14 LINE OF THE PROPERTY.

15 C. AN ORDINANCE THAT IS ENACTED AFTER THE EFFECTIVE DATE OF THIS
16 SECTION DOES NOT APPLY TO AN ENCLOSURE THAT WAS CONSTRUCTED ON OR BEFORE
17 THE EFFECTIVE DATE OF THIS SECTION.

18 D. THE PROPERTY RIGHTS OF PROPERTY OWNERS IN THIS STATE OUTLINED IN
19 THIS SECTION ARE OF STATEWIDE CONCERN. THIS SECTION PREEMPTS ALL LOCAL
20 LAWS AND ORDINANCES TO THE CONTRARY.

21 E. FOR THE PURPOSES OF THIS SECTION, "FOWL" MEANS A COCK OR HEN OF
22 THE DOMESTIC CHICKEN.

~~telecommunications fund; report; posting~~
(now: residential zoning; housing; assessment; hearings)

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

CHAPTER 172
SENATE BILL 1162

AN ACT

AMENDING SECTION 9-462.04, ARIZONA REVISED STATUTES; AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-462.10; AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.4, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-469; RELATING TO MUNICIPALITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-462.04, Arizona Revised Statutes, is amended
3 to read:

4 9-462.04. Public hearing required; definition

5 A. If the municipality has a planning commission or a hearing
6 officer, the planning commission or hearing officer shall hold a public
7 hearing on any zoning ordinance. Notice of the time and place of the
8 hearing including a general explanation of the matter to be considered and
9 including a general description of the area affected shall be given at
10 least fifteen days before the hearing in the following manner:

11 1. The notice shall be published at least once in a newspaper of
12 general circulation published or circulated in the municipality, or if
13 there is none, it shall be posted on the affected property in such a
14 manner as to be legible from the public right-of-way and in at least ten
15 public places in the municipality. A posted notice shall be printed so
16 that the following are visible from a distance of one hundred feet: the
17 word "zoning", the present zoning district classification, the proposed
18 zoning district classification and the date and time of the hearing.

19 2. In proceedings involving rezoning of land that abuts other
20 municipalities or unincorporated areas of the county or a combination of a
21 municipality and an unincorporated area, copies of the notice of public
22 hearing shall be transmitted to the planning agency of the governmental
23 unit abutting such land. In proceedings involving rezoning of land that
24 is located within the territory in the vicinity of a military airport or
25 ancillary military facility as defined in section 28-8461, the
26 municipality shall send copies of the notice of public hearing by first
27 class mail to the military airport. In addition to notice by publication,
28 a municipality may give notice of the hearing in any other manner that the
29 municipality deems necessary or desirable.

30 3. In proceedings that are not initiated by the property owner
31 involving rezoning of land that may change the zoning classification,
32 notice by first class mail shall be sent to each real property owner, as
33 shown on the last assessment of the property, of the area to be rezoned
34 and all property owners, as shown on the last assessment of the property,
35 within three hundred feet of the property to be rezoned.

36 4. In proceedings involving one or more of the following proposed
37 changes or related series of changes in the standards governing land uses,
38 notice shall be provided in the manner prescribed by paragraph 5 of this
39 subsection:

40 (a) A ten percent or more increase or decrease in the number of
41 square feet or units that may be developed.

42 (b) A ten percent or more increase or reduction in the allowable
43 height of buildings.

1 (c) An increase or reduction in the allowable number of stories of
2 buildings.

3 (d) A ten percent or more increase or decrease in setback or open
4 space requirements.

5 (e) An increase or reduction in permitted uses.

6 5. In proceedings governed by paragraph 4 of this subsection, the
7 municipality shall provide notice to real property owners pursuant to at
8 least one of the following notification procedures:

9 (a) Notice shall be sent by first class mail to each real property
10 owner, as shown on the last assessment, whose real property is directly
11 governed by the changes.

12 (b) If the municipality issues utility bills or other mass mailings
13 that periodically include notices or other informational or advertising
14 materials, the municipality shall include notice of the changes with such
15 utility bills or other mailings.

16 (c) The municipality shall publish the changes before the first
17 hearing on such changes in a newspaper of general circulation in the
18 municipality. The changes shall be published in a "display ad" covering
19 not less than one-eighth of a full page.

20 6. If notice is provided pursuant to paragraph 5, subdivision (b)
21 or (c) of this subsection, the municipality shall also send notice by
22 first class mail to persons who register their names and addresses with
23 the municipality as being interested in receiving such notice. The
24 municipality may charge a fee not to exceed \$5 per year for providing this
25 service and may adopt procedures to implement this paragraph.

26 7. Notwithstanding the notice requirements in paragraph 4 of this
27 subsection, the failure of any person or entity to receive notice does not
28 constitute grounds for any court to invalidate the actions of a
29 municipality for which the notice was given.

30 B. If the matter to be considered applies to territory in a high
31 noise or accident potential zone as defined in section 28-8461, the notice
32 prescribed in subsection A of this section shall include a general
33 statement that the matter applies to property located in the high noise or
34 accident potential zone.

35 C. After the hearing, the planning commission or hearing officer
36 shall render a decision in the form of a written recommendation to the
37 governing body. The recommendation shall include the reasons for the
38 recommendation and be transmitted to the governing body in the form and
39 manner prescribed by the governing body.

40 D. If the planning commission or hearing officer has held a public
41 hearing, the governing body may adopt the recommendations of the planning
42 commission or hearing officer without holding a second public hearing if
43 there is no objection, request for public hearing or other protest. The
44 governing body shall hold a public hearing if requested by the party
45 aggrieved or any member of the public or of the governing body, or, in any

1 case, if a public hearing has not been held by the planning commission or
2 hearing officer. The governing body may consider the testimony of any
3 party aggrieved when making its decision. In municipalities with
4 territory in the vicinity of a military airport or ancillary military
5 facility as defined in section 28-8461, the governing body shall hold a
6 public hearing if, after notice is transmitted to the military airport
7 pursuant to subsection A of this section and before the public hearing,
8 the military airport provides comments or analysis concerning the
9 compatibility of the proposed rezoning with the high noise or accident
10 potential generated by military airport or ancillary military facility
11 operations that may have an adverse impact on public health and safety,
12 and the governing body shall consider and analyze the comments or analysis
13 before making a final determination. Notice of the time and place of the
14 hearing shall be given in the time and manner provided for the giving of
15 notice of the hearing by the planning commission as specified in
16 subsection A of this section. A municipality may give additional notice
17 of the hearing in any other manner as the municipality deems necessary or
18 desirable. For the purposes of this subsection, "party aggrieved" means
19 any property owner within the notification area prescribed by subsection
20 A, paragraph 3 of this section.

21 E. A municipality may enact an ordinance authorizing county zoning
22 to continue in effect until municipal zoning is applied to land previously
23 zoned by the county and annexed by the municipality, but not longer than
24 six months after the annexation.

25 F. A municipality is not required to adopt a general plan before
26 the adoption of a zoning ordinance.

27 G. If there is no planning commission or hearing officer, the
28 governing body of the municipality shall perform the functions assigned to
29 the planning commission or hearing officer.

30 H. If the owners of twenty percent or more of the property by area
31 and number of lots, tracts and condominium units within the zoning area of
32 the affected property, **EXCLUDING GOVERNMENT OWNED PROPERTY**, file a protest
33 in writing against a proposed amendment, the change shall not become
34 effective except by the favorable vote of three-fourths of all members of
35 the governing body of the municipality. If any members of the governing
36 body are unable to vote on such a question because of a conflict of
37 interest, then the required number of votes for passage of the question
38 shall be three-fourths of the remaining membership of the governing body,
39 provided that such required number of votes shall not be less than a
40 majority of the full membership of the legally established governing body.
41 For the purposes of this subsection, the vote shall be rounded to the
42 nearest whole number. A protest filed pursuant to this subsection shall
43 be signed by the property owners, **EXCLUDING GOVERNMENT OWNED PROPERTY**,
44 opposing the proposed amendment and filed in the office of the clerk of
45 the municipality not later than 12:00 noon one business day before the

1 date on which the governing body will vote on the proposed amendment or on
2 an earlier time and date established by the governing body.

3 I. In applying an open space element or a growth element of a
4 general plan, a parcel of land shall not be rezoned for open space,
5 recreation, conservation or agriculture unless the owner of the land
6 consents to the rezoning in writing.

7 J. Notwithstanding section 19-142, subsection B, a decision by the
8 governing body involving rezoning of land that is not owned by the
9 municipality and that changes the zoning classification of such land may
10 not be enacted as an emergency measure and the change shall not be
11 effective for at least thirty days after final approval of the change in
12 classification by the governing body.

13 K. For the purposes of this section, "zoning area" means both of
14 the following:

15 1. The area within one hundred fifty feet, including all
16 rights-of-way, of the affected property subject to the proposed amendment
17 or change.

18 2. The area of the proposed amendment or change.

19 Sec. 2. Title 9, chapter 4, article 6.1, Arizona Revised Statutes,
20 is amended by adding section 9-462.10, to read:

21 9-462.10. Residential zoning; amendment; applications;
22 deadline; extensions; applicability

23 A. ON OR BEFORE JANUARY 1, 2025, A MUNICIPALITY SHALL ADOPT AN
24 AMENDMENT TO THE MUNICIPALITY'S ZONING ORDINANCE THAT REQUIRES THE
25 MUNICIPALITY TO DETERMINE WHETHER A ZONING APPLICATION IS ADMINISTRATIVELY
26 COMPLETE WITHIN THIRTY DAYS AFTER RECEIVING THE APPLICATION. IF THE
27 MUNICIPALITY DETERMINES THAT THE APPLICATION IS NOT ADMINISTRATIVELY
28 COMPLETE, THE MUNICIPALITY SHALL FOLLOW THE PROCEDURES PRESCRIBED IN
29 SECTION 9-835, SUBSECTION E UNTIL THE APPLICATION IS ADMINISTRATIVELY
30 COMPLETE. THE MUNICIPALITY SHALL DETERMINE WHETHER A RESUBMITTED
31 APPLICATION IS ADMINISTRATIVELY COMPLETE WITHIN FIFTEEN DAYS AFTER
32 RECEIVING THE RESUBMITTED APPLICATION. AFTER DETERMINING THAT THE
33 APPLICATION IS ADMINISTRATIVELY COMPLETE, THE MUNICIPALITY SHALL APPROVE
34 OR DENY THE APPLICATION WITHIN ONE HUNDRED EIGHTY DAYS.

35 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THE MUNICIPALITY
36 MAY EXTEND THE TIME FRAME TO APPROVE OR DENY THE REQUEST BEYOND ONE
37 HUNDRED EIGHTY DAYS FOR EITHER OF THE FOLLOWING REASONS:

38 1. FOR EXTENUATING CIRCUMSTANCES, THE MUNICIPALITY MAY GRANT A
39 ONETIME EXTENSION OF NOT MORE THAN THIRTY DAYS.

40 2. IF AN APPLICANT REQUESTS AN EXTENSION, THE MUNICIPALITY MAY
41 GRANT EXTENSIONS OF THIRTY DAYS FOR EACH EXTENSION GRANTED.

42 C. THIS SECTION DOES NOT APPLY TO LAND THAT IS DESIGNATED AS A
43 DISTRICT OF HISTORICAL SIGNIFICANCE PURSUANT TO SECTION 9-462.01,
44 SUBSECTION A, PARAGRAPH 10 OR AN AREA THAT IS DESIGNATED AS HISTORIC ON
45 THE NATIONAL REGISTER OF HISTORIC PLACES OR PLANNED AREA DEVELOPMENTS.

1 Sec. 3. Title 9, chapter 4, article 6.4, Arizona Revised Statutes,
2 is amended by adding section 9-469, to read:

3 9-469. Municipal housing needs assessment; annual report;
4 applicability

5 A. BEGINNING JANUARY 1, 2025 AND EVERY FIVE YEARS THEREAFTER, A
6 MUNICIPALITY SHALL PUBLISH A HOUSING NEEDS ASSESSMENT THAT INCLUDES THE
7 FOLLOWING:

8 1. THE TOTAL POPULATION GROWTH PROJECTED FOR THE SUBSEQUENT
9 FIVE-YEAR PERIOD.

10 2. THE TOTAL JOB GROWTH PROJECTED FOR THE SUBSEQUENT FIVE-YEAR
11 PERIOD.

12 3. THE TOTAL AMOUNT OF RESIDENTIALLY ZONED LAND WITH DETAIL ON LAND
13 ZONED AS SINGLE-FAMILY AND MULTIFAMILY.

14 4. THE TOTAL NEED FOR ADDITIONAL RESIDENTIAL HOUSING UNITS FOR RENT
15 AND FOR SALE IN THE MUNICIPALITY TO MEET:

16 (a) ANY DEFICIENCIES IN HOUSING THE EXISTING POPULATION.

17 (b) ANY DEFICIENCIES IN HOUSING THE EXISTING WORKFORCE.

18 (c) POPULATION GROWTH PROJECTIONS.

19 (d) JOB GROWTH PROJECTIONS.

20 (e) HOUSING NEEDS ACROSS ALL VARIOUS INCOME LEVELS.

21 B. BEGINNING JANUARY 1, 2025 AND EVERY YEAR THEREAFTER, EACH
22 MUNICIPALITY SHALL SUBMIT AN ANNUAL REPORT TO THE ARIZONA DEPARTMENT OF
23 HOUSING ACCOUNTING FOR THE TOTAL NUMBER OF PROPOSED RESIDENTIAL HOUSING
24 UNITS SUBMITTED TO THE MUNICIPALITY, THE TOTAL NUMBER OF NET NEW
25 RESIDENTIAL HOUSING UNITS SUBMITTED TO THE MUNICIPALITY AND THE TOTAL
26 NUMBER OF NEW RESIDENTIAL HOUSING UNITS THAT ARE ENTITLED, HAVE BEEN
27 PLATTED, HAVE BEEN ISSUED A BUILDING PERMIT AND HAVE RECEIVED A
28 CERTIFICATE OF OCCUPANCY BY THE MUNICIPALITY. THE ANNUAL REPORT SHALL
29 INCLUDE ALL OF THE FOLLOWING:

30 1. THE NUMBER OF HOUSING DEVELOPMENT APPLICATIONS RECEIVED IN THE
31 PRIOR YEAR.

32 2. THE NUMBER OF LOTS AND MULTIFAMILY UNITS INCLUDED IN ALL
33 DEVELOPMENT APPLICATIONS IN THE PRIOR YEAR.

34 3. THE NUMBER OF LOTS AND MULTIFAMILY UNITS APPROVED AND
35 DISAPPROVED OR OTHERWISE NOT APPROVED IN THE PRIOR YEAR.

36 4. A THRESHOLD PERCENTAGE REQUIREMENT OF MULTIFAMILY ZONED LAND
37 VERSUS SINGLE-FAMILY ZONED LAND NEEDED TO MEET POPULATION DEMAND IN EACH
38 MUNICIPALITY.

39 5. THE STATUS AND PROGRESS IN MEETING THE MUNICIPALITY'S HOUSING
40 NEEDS.

41 6. A PLAN THAT SPECIFIES HOW THE MUNICIPALITY INTENDS TO SATISFY
42 THE IDENTIFIED NEED FOR ADDITIONAL HOUSING UNITS WITHIN THE MUNICIPALITY.

43 C. A MUNICIPALITY THAT HAS CONDUCTED A HOUSING NEEDS ASSESSMENT
44 REPORT AS OF JANUARY 1, 2021 SHALL AMEND ALL EXISTING REPORTS TO INCLUDE
45 THE INFORMATION REQUIRED IN SUBSECTION A OF THIS SECTION.

1 D. THE ARIZONA DEPARTMENT OF HOUSING SHALL COMPILE THE REPORTS
2 RECEIVED PURSUANT TO SUBSECTION B OF THIS SECTION AND SUBMIT THE REPORTS
3 TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE
4 OF REPRESENTATIVES.
5 E. THIS SECTION DOES NOT REQUIRE A MUNICIPALITY TO FULFILL THE
6 PROJECTIONS IN THE HOUSING NEEDS ASSESSMENT REQUIRED BY SUBSECTION A OF
7 THIS SECTION.
8 F. THIS SECTION DOES NOT APPLY TO A MUNICIPALITY THAT IS LOCATED ON
9 TRIBAL LAND OR A MUNICIPALITY WITH A POPULATION OF LESS THAN THIRTY
10 THOUSAND PERSONS.

APPROVED BY THE GOVERNOR APRIL 23, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2024.

Senate Engrossed

administrative review; approvals; developments

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1103

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-500.49; AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA
REVISED STATUTES, BY ADDING SECTION 11-269.27; RELATING TO MUNICIPAL
POWERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes,
3 is amended by adding section 9-500.49, to read:

4 9-500.49. Administrative review and approval;
5 self-certification program; expedited approval

6 A. NOTWITHSTANDING ANY OTHER LAW, THE LEGISLATIVE BODY OF A CITY OR
7 TOWN MAY BY ORDINANCE DO THE FOLLOWING:

8 1. AUTHORIZE ADMINISTRATIVE PERSONNEL TO REVIEW AND APPROVE SITE
9 PLANS, DEVELOPMENT PLANS, LAND DIVISIONS, LOT LINE ADJUSTMENTS, LOT TIES,
10 PRELIMINARY PLATS, FINAL PLATS AND PLAT AMENDMENTS WITHOUT A PUBLIC
11 HEARING.

12 2. AUTHORIZE ADMINISTRATIVE PERSONNEL TO REVIEW AND APPROVE DESIGN
13 REVIEW PLANS BASED ON OBJECTIVE STANDARDS WITHOUT A PUBLIC HEARING.

14 3. ADOPT A SELF-CERTIFICATION PROGRAM ALLOWING REGISTERED
15 ARCHITECTS AND PROFESSIONAL ENGINEERS TO CERTIFY AND BE RESPONSIBLE FOR
16 COMPLIANCE WITH ALL APPLICABLE ORDINANCES AND CONSTRUCTION STANDARDS FOR
17 PROJECTS THAT THE ORDINANCE IDENTIFIES AS BEING QUALIFIED FOR
18 SELF-CERTIFICATION.

19 4. ALLOW AT-RISK SUBMITTALS FOR CERTAIN ON-SITE PRELIMINARY GRADING
20 AND DRAINAGE WORK OR INFRASTRUCTURE.

21 5. ALLOW APPLICANTS WITH A HISTORY OF COMPLIANCE WITH BUILDING
22 CODES AND REGULATIONS TO BE ELIGIBLE FOR EXPEDITED PERMIT REVIEW.

23 B. APPLICATIONS FOR A LICENSE PURSUANT TO THIS SECTION ARE SUBJECT
24 TO CHAPTER 7, ARTICLE 4 OF THIS TITLE.

25 C. FOR THE PURPOSES OF THIS SECTION, "OBJECTIVE" MEANS NOT
26 INFLUENCED BY PERSONAL INTERPRETATION, TASTE OR FEELINGS OF A MUNICIPAL
27 EMPLOYEE AND VERIFIABLE BY REFERENCE TO AN ADOPTED BENCHMARK, STANDARD OR
28 CRITERION AVAILABLE AND KNOWABLE BY THE APPLICANT OR PROPONENT.

29 Sec. 2. Title 11, chapter 2, article 4, Arizona Revised Statutes,
30 is amended by adding section 11-269.27, to read:

31 11-269.27. Administrative review and approval;
32 self-certification program; expedited approval

33 A. NOTWITHSTANDING ANY OTHER LAW, THE BOARD OF SUPERVISORS OF A
34 COUNTY MAY BY ORDINANCE DO THE FOLLOWING:

35 1. AUTHORIZE ADMINISTRATIVE PERSONNEL TO REVIEW AND APPROVE SITE
36 PLANS, DEVELOPMENT PLANS, LAND DIVISIONS, LOT LINE ADJUSTMENTS, LOT TIES,
37 PRELIMINARY PLATS, FINAL PLATS AND PLAT AMENDMENTS WITHOUT A PUBLIC
38 HEARING.

39 2. AUTHORIZE ADMINISTRATIVE PERSONNEL TO REVIEW AND APPROVE DESIGN
40 PLANS BASED ON OBJECTIVE STANDARDS WITHOUT A PUBLIC HEARING.

41 3. ADOPT A SELF-CERTIFICATION PROGRAM ALLOWING REGISTERED
42 ARCHITECTS AND PROFESSIONAL ENGINEERS TO CERTIFY AND BE RESPONSIBLE FOR
43 COMPLIANCE WITH ALL APPLICABLE ORDINANCES AND CONSTRUCTION STANDARDS FOR
44 PROJECTS THAT THE ORDINANCE IDENTIFIES AS BEING QUALIFIED FOR
45 SELF-CERTIFICATION.

- 1 4. ALLOW AT-RISK SUBMITTALS FOR CERTAIN ON-SITE PRELIMINARY GRADING
2 AND DRAINAGE WORK OR INFRASTRUCTURE.
- 3 5. ALLOW APPLICANTS WITH A HISTORY OF COMPLIANCE WITH BUILDING
4 CODES AND REGULATIONS TO BE ELIGIBLE FOR EXPEDITED PERMIT REVIEW.
- 5 B. APPLICATIONS FOR A LICENSE PURSUANT TO THIS SECTION ARE SUBJECT
6 TO CHAPTER 11, ARTICLE 1 OF THIS TITLE.
- 7 C. FOR THE PURPOSES OF THIS SECTION, "OBJECTIVE" MEANS NOT
8 INFLUENCED BY PERSONAL INTERPRETATION, TASTE OR FEELINGS OF A MUNICIPAL
9 EMPLOYEE AND VERIFIABLE BY REFERENCE TO AN ADOPTED BENCHMARK, STANDARD OR
10 CRITERION AVAILABLE AND KNOWABLE BY THE APPLICANT OR PROPONENT.



Planning & Zoning Commission Development Services Memo No. 24-059

Date: October 16, 2024
To: Planning and Zoning Commission
Thru: Kevin Mayo, Planning Administrator
 David de la Torre, Planning Manager
From: Lauren Schumann, Planning Senior Program Manager
Subject: PLH24-0036 Commercial Building Adaptive Reuse Policy

Proposed Motion:

Move Planning and Zoning Commission recommend approval of city policy establishing objective standards to allow multi-family residential development or adaptive reuse of existing commercial, office, or mixed-use buildings on parcels at least one (1) acre in size but not larger than twenty (20) acres without requiring a public hearing, if the developer provides ten (10) percent of the total dwelling units for either moderate-income or low-income housing for at least twenty (20) years, as recommended by Planning staff.

Background/Discussion

- In May 2024, Governor Hobbs signed and authorized House Bill 2297 Commercial Building; Adaptive Reuse
- The bill is mandated for municipalities with populations exceeding 150,000 and municipalities must comply by January 1, 2025
- Under HB 2297, municipalities may identify or exclude ten percent of existing commercial, office, or mixed-use developments that would allow redevelopment of residential without public hearing (i.e., the Rezoning/Preliminary Development Plan process)
- The proposal is to exempt areas where the policy could not occur to protect employment corridors and the historic downtown district; land within the FAA airspace traffic patterns and vicinity of airports are exempt from adaptive reuse per the bill.
- Eligible properties must have existing commercial, office, or mixed-use buildings on parcels at least one (1) acre in size but not larger than twenty

(20) acres.

- Per state law, eligible non-residential properties can develop as residential with no public hearing if a minimum of 10% of the total number of units are reserved for moderate-income or low-income housing for at least twenty years.
- Development standards including parking and building setbacks must comply with multi-family requirements within the zoning code.
- The maximum permitted density shall be equal to any multi-family development within one-mile of the building to be redeveloped.
- The height may not exceed five-stories. When located within 100 feet of single-family, height is limited to two-stories.

Methodology

- Utilizing the City of Chandler's Geographic Information System (GIS) database, staff identified all commercial, employment, office and mixed use buildings within the City of Chandler; 3,249 buildings were identified
- Unincorporated parcels were not accounted within the total
- Per HB 2297, land in the vicinity of Federal Aviation Administration (FAA) licensed general aviation or public airports were excluded (i.e., FAA Traffic Pattern Airspace for the Chandler Municipal Airport and Stellar Airpark)
- City staff identified the following areas to protect (collectively 128 buildings or 2.99% of existing buildings):
 - Price Road Corridor from the Santan Freeway to Chandler Heights Road
 - Southeast corner of Arizona Avenue and SanTan 202 Loop Freeway due to its location within the Chandler Airpark Area Plan, which prohibits new residential uses to protect future operations of the airport
 - Historic Downtown colonnade buildings
- The remaining buildings, a total of 2,721 or 63.7% of existing commercial, office, or mixed-used buildings, would be eligible under the policy
- HB 2297 allows modification or re-classify of the policy every ten years

Public Outreach

- This request was noticed in accordance with the requirements of the Chandler Zoning Code

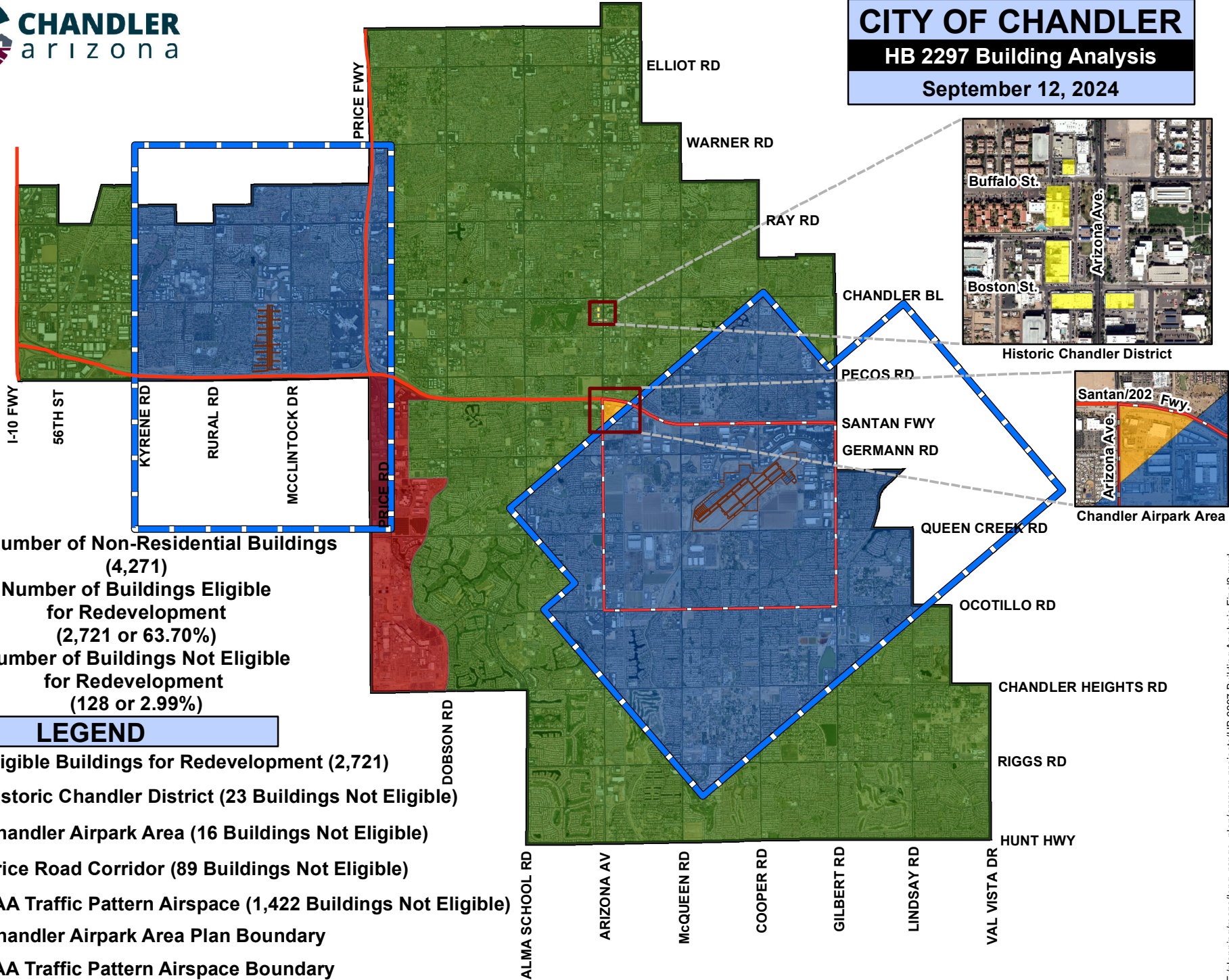
Attachments

Commercial Building Adaptive Reuse Policy Map

Building Analysis








HB 2297 Commercial Building Adaptive Reuse

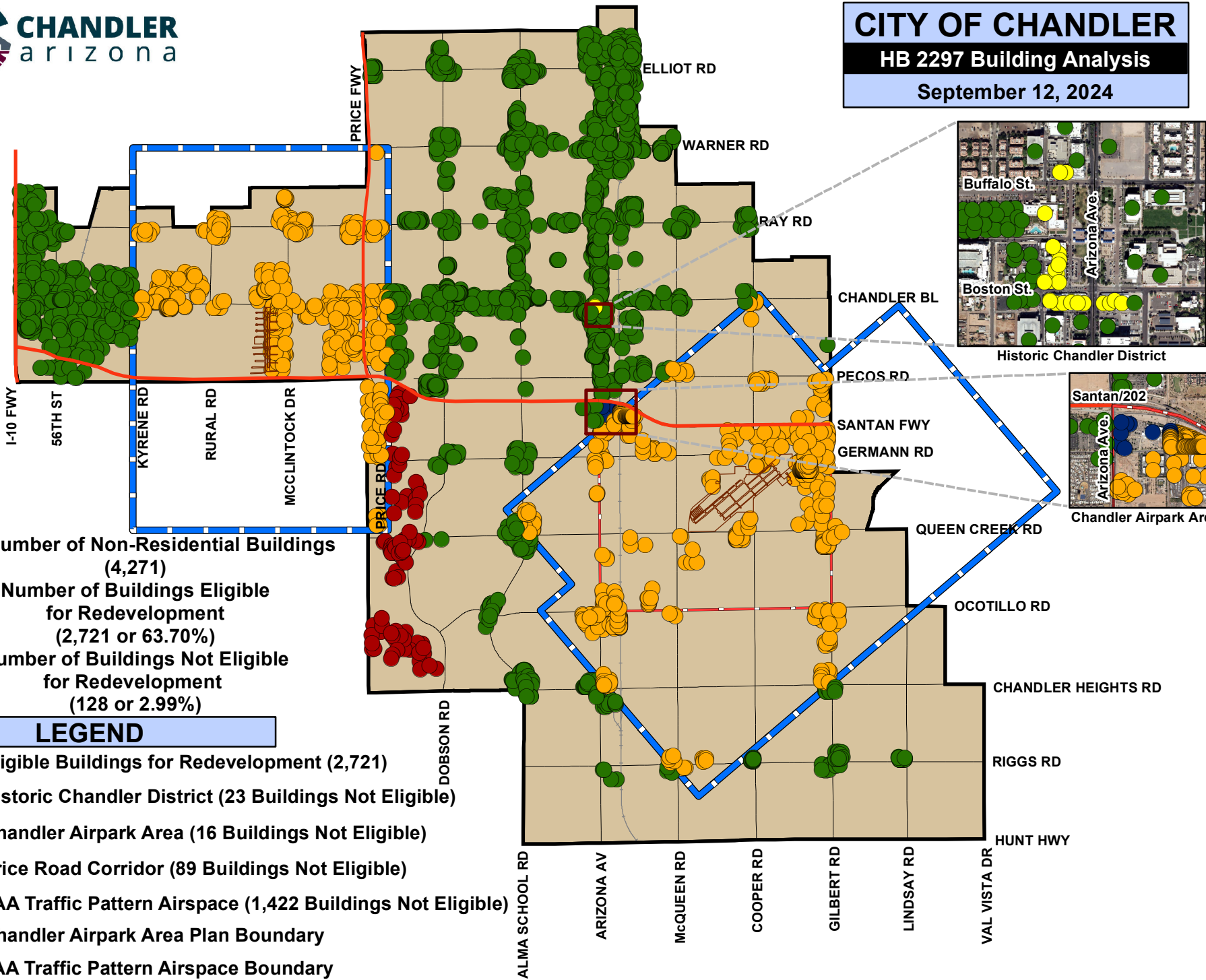
DRAFT Commercial Building Adaptive Reuse Policy



Total Number of Non-Residential Buildings (4,271)
Number of Buildings Eligible for Redevelopment (2,721 or 63.70%)
Number of Buildings Not Eligible for Redevelopment (128 or 2.99%)



LEGEND

-  Eligible Buildings for Redevelopment (2,721)
-  Historic Chandler District (23 Buildings Not Eligible)
-  Chandler Airpark Area (16 Buildings Not Eligible)
-  Price Road Corridor (89 Buildings Not Eligible)
-  FAA Traffic Pattern Airspace (1,422 Buildings Not Eligible)
-  Chandler Airpark Area Plan Boundary
-  FAA Traffic Pattern Airspace Boundary



Total Number of Non-Residential Buildings (4,271)
Number of Buildings Eligible for Redevelopment (2,721 or 63.70%)
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LEGEND

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-  Chandler Airpark Area Plan Boundary
-  FAA Traffic Pattern Airspace Boundary

Senate Engrossed House Bill

~~adaptive reuse; commercial buildings; zoning~~
~~(now: zoning; adaptive reuse; commercial buildings)~~
(now: commercial buildings; adaptive reuse)

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

CHAPTER 141
HOUSE BILL 2297

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-462.10; RELATING TO MUNICIPAL ZONING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 6.1, Arizona Revised
3 Statutes, is amended by adding section 9-462.10, to read:

4 9-462.10. Commercial buildings; multifamily development;
5 adaptive reuse; prohibition on rezoning or
6 municipal review; objective standards;
7 applicability; definitions

8 A. ON OR BEFORE JANUARY 1, 2025, THE GOVERNING BODY OF A
9 MUNICIPALITY WITH A POPULATION OF ONE HUNDRED FIFTY THOUSAND OR MORE
10 PERSONS SHALL ESTABLISH OBJECTIVE STANDARDS TO ALLOW MULTIFAMILY
11 RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE ON NOT MORE THAN TEN PERCENT OF
12 THE TOTAL EXISTING COMMERCIAL, OFFICE OR MIXED USE BUILDINGS WITHIN THE
13 MUNICIPALITY WITHOUT REQUIRING A CONDITIONAL USE PERMIT, A PLANNED UNIT
14 DEVELOPMENT OR REZONING APPLICATION OR ANY OTHER APPLICATION THAT WOULD
15 REQUIRE A PUBLIC HEARING. THE GOVERNING BODY OF THE MUNICIPALITY MAY
16 MODIFY THE PERCENTAGE OF EXISTING COMMERCIAL, OFFICE OR MIXED USE
17 BUILDINGS WITHIN THE MUNICIPALITY AVAILABLE FOR MULTIFAMILY RESIDENTIAL
18 DEVELOPMENT OR ADAPTIVE REUSE EVERY TEN YEARS.

19 B. A MUNICIPALITY MAY DESIGNATE COMMERCIAL OR EMPLOYMENT HUBS AND
20 OTHER ESSENTIAL COMMERCIAL OR EMPLOYMENT USE AREAS WHERE EXISTING
21 COMMERCIAL, OFFICE, EMPLOYMENT OR MIXED USE BUILDINGS ARE EXCLUDED FROM
22 THE PROVISIONS OF THIS SECTION. THE DESIGNATIONS MADE PURSUANT TO THIS
23 SUBSECTION MAY NOT EXCEED TEN PERCENT OF THE EXISTING COMMERCIAL, OFFICE,
24 EMPLOYMENT OR MIXED USE BUILDINGS WITHIN THE MUNICIPALITY. A MUNICIPALITY
25 MAY MODIFY THE COMMERCIAL OR EMPLOYMENT HUBS THAT ARE EXCLUDED FROM THE
26 PROVISIONS OF THIS SECTION ONCE EVERY TEN YEARS.

27 C. FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE, THE
28 OBJECTIVE STANDARDS ESTABLISHED BY A MUNICIPALITY SHALL REQUIRE BUT MAY
29 NOT REQUIRE MORE THAN THE FOLLOWING:

30 1. A MUNICIPAL SITE PLAN REVIEW AND APPROVAL PROCESS REQUIREMENT,
31 INCLUDING SITE PLAN REVIEW BY ANY UTILITY PROVIDER IMPACTED BY THE
32 PROPOSED DEVELOPMENT.

33 2. ADEQUATE PUBLIC SEWER AND WATER SERVICE FOR THE ENTIRE PROPOSED
34 DEVELOPMENT.

35 3. COMPLIANCE WITH ALL APPLICABLE BUILDING AND FIRE CODES.

36 4. THAT THE EXISTING BUILDINGS ARE ECONOMICALLY OR FUNCTIONALLY
37 OBSOLETE.

38 5. THAT THE EXISTING BUILDINGS ARE LOCATED ON A PARCEL OR PARCELS
39 THAT ARE AT LEAST ONE ACRE IN SIZE BUT NOT MORE THAN TWENTY ACRES IN SIZE.

40 6. A SET ASIDE OF TEN PERCENT OF THE TOTAL DWELLING UNITS FOR
41 EITHER MODERATE-INCOME HOUSING OR LOW-INCOME HOUSING OR ANY COMBINATION OF
42 THE TWO FOR AT LEAST TWENTY YEARS AFTER THE INITIAL OCCUPATION OF THE
43 PROPOSED DEVELOPMENT. THE DEVELOPER MAY SET ASIDE MORE THAN TEN PERCENT
44 AT THE DEVELOPER'S SOLE DISCRETION.

1 D. THE OBJECTIVE STANDARDS MAY NOT CONTAIN PARKING SPACE
2 REQUIREMENTS THAT EXCEED THE PARKING REQUIREMENTS THAT APPLY TO
3 MULTIFAMILY RESIDENTIAL BUILDINGS OR ADAPTIVE REUSE BUILDINGS UNDER THE
4 EXISTING ZONING CODE UNLESS THE PROPOSED MULTIFAMILY RESIDENTIAL
5 DEVELOPMENT OR ADAPTIVE REUSE ALSO QUALIFIES AS A MIXED USE DEVELOPMENT.

6 E. A MUNICIPALITY MAY NOT WITHHOLD A DEMOLITION PERMIT IF A
7 MULTIFAMILY RESIDENTIAL DEVELOPMENT MEETS THE REQUIREMENTS OF THIS
8 SECTION. FOR A MULTIFAMILY RESIDENTIAL DEVELOPMENT, ALL OF THE FOLLOWING
9 APPLY:

10 1. THE DEMOLITION OF ALL OR A PORTION OF THE EXISTING COMMERCIAL,
11 OFFICE OR MIXED USE BUILDINGS SHALL BE ALLOWED.

12 2. SETBACK REQUIREMENTS MAY NOT EXCEED WHAT IS REQUIRED IN THE
13 EXISTING ZONING CODE FOR MULTIFAMILY RESIDENTIAL BUILDINGS.

14 3. NOTWITHSTANDING SECTION 9-462.01, SUBSECTION C, THE MAXIMUM
15 HEIGHT AND DENSITY SHALL BE EQUAL TO THE HIGHEST ALLOWABLE MULTIFAMILY
16 HEIGHT AND DENSITY FOR A MULTIFAMILY ZONING DISTRICT IN THE MUNICIPALITY
17 WITHIN ONE MILE OF THE BUILDING TO BE REDEVELOPED. IF THERE IS NO
18 MULTIFAMILY ZONING DISTRICT IN THE MUNICIPALITY WITHIN ONE MILE OF THE
19 BUILDING TO BE REDEVELOPED, THE MAXIMUM HEIGHT AND DENSITY SHALL BE
20 EQUIVALENT TO THE NEXT CLOSEST MULTIFAMILY ZONING DISTRICT.

21 4. THE ALLOWABLE HEIGHT MAY NOT EXCEED FIVE STORIES AND A
22 MUNICIPALITY MAY LIMIT THE HEIGHT TO TWO STORIES IN THE AREAS OF A SITE
23 WITHIN ONE HUNDRED FEET OF SINGLE-FAMILY RESIDENTIAL ZONES. MULTIFAMILY
24 RESIDENTIAL DEVELOPMENT THAT IS CONSTRUCTED PURSUANT TO THIS SECTION DOES
25 NOT QUALIFY AS BEING WITHIN ONE MILE OF THE BUILDING BEING REDEVELOPED OR
26 THE NEXT CLOSEST MULTIFAMILY BUILDING.

27 F. A MUNICIPALITY MAY NOT WITHHOLD A DEMOLITION PERMIT IF AN
28 ADAPTIVE REUSE PROJECT MEETS THE REQUIREMENTS OF THIS SECTION. FOR
29 ADAPTIVE REUSE, ALL OF THE FOLLOWING APPLY:

30 1. THE DEMOLITION OF A PORTION OF THE EXISTING COMMERCIAL, OFFICE
31 OR MIXED USE BUILDING OR BUILDINGS SHALL BE ALLOWED.

32 2. THE SETBACK REQUIREMENTS FOR THE PROPOSED USE SHALL APPLY. IF
33 THE MINIMUM SETBACK REQUIREMENT THAT APPLIES TO THE EXISTING COMMERCIAL,
34 OFFICE OR MIXED USE BUILDING IS LESS THAN THE MINIMUM SETBACK REQUIREMENT
35 THAT APPLIES TO THE PROPOSED USE, THE EXISTING BUILDING SHALL BE
36 CONSIDERED NONCONFORMING FOR SETBACK PURPOSES UNLESS EASEMENTS, INCLUDING
37 PUBLIC UTILITY EASEMENTS, ARE LOCATED WITHIN SETBACK AREAS.

38 3. IF THE MAXIMUM ALLOWABLE HEIGHT THAT APPLIES TO THE EXISTING
39 COMMERCIAL, OFFICE OR MIXED USE BUILDING EXCEEDS THE MAXIMUM ALLOWABLE
40 HEIGHT FOR THE PROPOSED USE, THE EXISTING HEIGHT MAY REMAIN AND SHALL BE
41 CONSIDERED NONCONFORMING FOR HEIGHT PURPOSES AND THE EXISTING BUILDING MAY
42 BE EXPANDED TO THE MAXIMUM ALLOWABLE DENSITY FOR THE PROPOSED USE. ANY
43 ROOFTOP APPURTENANCES SHALL BE INCLUDED WITHIN THE HEIGHT EXEMPTION.

- 1 G. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:
- 2 1. LAND IN AN AREA THAT IS DESIGNATED AS A DISTRICT OF HISTORICAL
- 3 SIGNIFICANCE PURSUANT TO SECTION 9-462.01, SUBSECTION A, PARAGRAPH 10.
- 4 2. LAND IN AN AREA THAT IS DESIGNATED HISTORIC BY A LOCAL
- 5 GOVERNMENT.
- 6 3. LAND IN AN AREA THAT IS DESIGNATED AS HISTORIC ON THE NATIONAL
- 7 REGISTER OF HISTORIC PLACES.
- 8 4. LAND IN THE TERRITORY IN THE VICINITY OF A MILITARY AIRPORT OR
- 9 ANCILLARY MILITARY FACILITY AS DEFINED IN SECTION 28-8461.
- 10 5. LAND IN THE TERRITORY IN THE VICINITY OF A FEDERAL AVIATION
- 11 ADMINISTRATION COMMERCIALY LICENSED AIRPORT OR A GENERAL AVIATION OR
- 12 PUBLIC AIRPORT AS DEFINED IN SECTION 28-8486.
- 13 6. LAND IN A MUNICIPALITY THAT IS LOCATED ON TRIBAL LAND.
- 14 H. FOR THE PURPOSES OF THIS SECTION:
- 15 1. "ADAPTIVE REUSE" MEANS CONVERTING AN EXISTING BUILDING FROM THE
- 16 USE FOR WHICH IT WAS CONSTRUCTED TO A NEW USE BY MAINTAINING SOME OR ALL
- 17 OF THE ELEMENTS OF THE BUILDING.
- 18 2. "BUILDING CODE" HAS THE SAME MEANING PRESCRIBED IN SECTION
- 19 9-1301.
- 20 3. "ECONOMICALLY OR FUNCTIONALLY OBSOLETE" MEANS THE COMMERCIAL,
- 21 OFFICE OR MIXED USE BUILDING IS IN A STATE OF DISREPAIR OR HAS A FIFTY
- 22 PERCENT VACANCY IN THE TOTAL LEASABLE SQUARE FOOTAGE.
- 23 4. "LOW-INCOME HOUSING" MEANS HOUSING:
- 24 (a) FOR A PERSON OR PERSONS WHOSE HOUSEHOLD INCOME DOES NOT EXCEED
- 25 EIGHTY PERCENT OF THE AREA MEDIAN INCOME.
- 26 (b) FOR WHICH THE OCCUPANT PAYS NOT MORE THAN THIRTY PERCENT OF THE
- 27 OCCUPANT'S GROSS INCOME FOR THE OCCUPANT'S RENT OR MORTGAGE, AS DETERMINED
- 28 BY THE ARIZONA DEPARTMENT OF HOUSING AND ADJUSTED FOR HOUSEHOLD SIZE BASED
- 29 ON THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.
- 30 5. "MODERATE-INCOME HOUSING" MEANS HOUSING:
- 31 (a) FOR A PERSON OR PERSONS WHOSE HOUSEHOLD INCOME DOES NOT EXCEED
- 32 ONE HUNDRED TWENTY PERCENT OF THE AREA MEDIAN INCOME.
- 33 (b) FOR WHICH THE OCCUPANT PAYS NOT MORE THAN THIRTY PERCENT OF THE
- 34 OCCUPANT'S GROSS INCOME FOR THE OCCUPANT'S RENT OR MORTGAGE, AS DETERMINED
- 35 BY THE ARIZONA DEPARTMENT OF HOUSING AND ADJUSTED FOR HOUSEHOLD SIZE BASED
- 36 ON THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.
- 37 6. "MULTIFAMILY RESIDENTIAL DEVELOPMENT" MEANS A BUILDING OR
- 38 BUILDINGS THAT ARE DESIGNED AND USED FOR RESIDENTIAL PURPOSES AND THAT
- 39 CONTAIN MORE THAN ONE APARTMENT OR DWELLING UNIT FOR SALE OR FOR RENT BUT
- 40 THAT ARE NOT ADAPTIVE REUSE.
- 41 7. "NONCONFORMING" MEANS STRUCTURES THAT HAVE RECEIVED BUILDING AND
- 42 ZONING PERMITS UNDER THE REGULATIONS IN PLACE AT THE TIME OF CONSTRUCTION.

- 1 8. "ROOFTOP APPURTENANCES":
2 (a) MEANS ROOFTOP STRUCTURES THAT PRINCIPALLY HOUSE AIR
3 CONDITIONING EQUIPMENT, SOLAR PANELS, UTILITIES, ELEVATORS, OTHER ENERGY
4 PRODUCTION FACILITIES AND OTHER NONHABITABLE STRUCTURES.
5 (b) INCLUDES OPEN SPACE FEATURES, SWIMMING POOLS, SPACE FOR USE BY
6 RESIDENTS AND LANDSCAPING.
7 (c) DOES NOT INCLUDE ENCLOSED AREAS, SPIRES, BELL TOWERS, DOMES,
8 CUPOLAS, PEDIMENTS, OBELISKS OR MONUMENTS.

APPROVED BY THE GOVERNOR APRIL 10, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2024.



Adaptive Reuse and Multi-Family Development of Commercial Buildings

Pursuant to Ariz. Rev. Stat. § 9-462.10

The City of Chandler is committed to fostering a safe, vibrant, and sustainable community for all residents through the adoption of programs and policies that promote smart growth and redevelopment. In 2024, the Arizona Legislature adopted HB 2297, codified as Ariz. Rev. Stat. § 9-462.10, which mandates that cities allow adaptive reuse and multi-family development of up to ten percent of the existing commercial buildings within the city without requiring a public hearing. This policy is adopted to establish the objective standards required by that statute.

Objective Standards

1. Up to ten percent of the existing commercial, office, employment, or mixed-use buildings within the City of Chandler are eligible to be developed pursuant to Ariz. Rev. Stat. § 9-462.10, with the exception of those buildings in areas designated by the City Council to be excluded under § 9-462.10(B). Eligibility under this program is determined on a first-come, first-served basis. Upon redevelopment of ten percent of the existing commercial, office, employment, or mixed-use buildings in the city pursuant to Ariz. Rev. Stat. § 9-462.10, this program will cease and future buildings will not be approved for redevelopment.
2. All proposed developments must undergo a comprehensive site plan review and approval process by Development Services staff. The site plan review may include evaluation by any utility provider impacted by the proposed development.
3. The site must have adequate sewer and water service for the entire proposed development.
4. The development must comply with all building and fire codes adopted by the City of Chandler.
5. The developer applying for eligibility under this program must show that the existing building proposed to be redeveloped is economically or functionally obsolete as defined in Ariz. Rev. Stat. § 9-462.10.
6. The existing building proposed to be redeveloped must be located on a parcel that is at least one acre in size but not more than 20 acres in size.

7. The developer must set aside at least ten percent of the total dwelling units for either low-income¹ or moderate-income housing², or a combination of the two, for at least twenty years after issuance of a certificate of occupancy for the building.

8. **Density:** The maximum density shall be equal to the highest constructed multi-family density within one mile of the building to be redeveloped.

If no multi-family exists within one mile, than the maximum density shall be limited to nearest multi-family within the vicinity of the area.

9. **Height:** Height shall be limited to five-stories; if located within one-hundred feet of single-family residential, the maximum height is limited to of two-stories.

Height exemption: If the maximum allowable height applicable to the existing commercial, office, or mixed-use building exceeds the maximum allowable height for the proposed use, the existing height may remain and shall be considered nonconforming for height purposes and the existing building may be expanded to the maximum allowable density for the proposed use. Any rooftop appurtenances shall be included within the height exemption.

10. **Setbacks:** The proposed development shall comply with building setbacks required under Chandler Zoning Code for the multi-family residential zoning district if the building is redeveloped into multi-family residential.

If the building is redeveloped into an adaptive reuse building as defined in Ariz. Rev. Stat. § 9-462.10, the minimum building setback requirement that applies to existing commercial, office or mixed use building shall be required. If the building setback for the existing building is less than the required setback, the existing building shall be considered legal non-conforming for setbacks purposes.

11. **Parking:** The proposed development must provide minimum parking spaces required under the Chandler Zoning Code for multi-family residential if the building is redeveloped into multi-family housing.

¹ Low-income housing means housing for a person or persons whose household income does not exceed eighty percent of the Area Median Income; the occupant pays not more than thirty percent of the occupant's gross income for the occupant's rent or mortgage, by Arizona Department of Housing and adjusted for household size based on the United States Department of Housing and Urban Development.

² Moderate-income housing means housing for a person or persons whose household income does not exceed one hundred twenty percent of the Area Median Income; the occupant pays not more than thirty percent of the occupant's gross income for the occupant's rent or mortgage, by Arizona Department of Housing and adjusted for household size based on the United States Department of Housing and Urban Development.

If the building redevelops as adaptive reuse building as defined in Ariz. Rev. Stat. § 9-462.10, the parking requirement must meet the minimum standards contained in the Chandler Zoning Code for similar adaptive reuse buildings.

12. Not more than 10% of the total 2,721 existing commercial, office, or mixed-use buildings may be redeveloped for multifamily residential development or adaptive reuse under this Article. The Chandler Planning Department shall keep track of the number of buildings redeveloped under this policy and shall stop accepting applications when the total number has been constructed.
13. The eligible properties considered under this policy may be modified once every ten years until a total of ten percent of buildings.

DRAFT



Planning & Zoning Commission Memorandum Development Services
Memo No. 24-057

Date: October 16, 2024
To: Planning and Zoning Commission
Thru: Kevin Mayo, Planning Administrator
 David de la Torre, Planning Manager
From: Taylor Manemann, Associate Planner
Subject: PLH24-0031 Sneakerheadz Restaurant and Lounge
Request: Use Permit approval for a Series 6 Bar Liquor License and for an Entertainment Use Permit to allow outdoor patio speakers/TVs for sporting events and live indoor entertainment including DJs, live musical performances, karaoke, and comedy.
Location: 3002 N Arizona Ave, Suites 18 and 19, at the northwest corner of Arizona Avenue and Elliot Road
Applicant: Akeem Prince and Carlos Howard, Sneakerheadz Restaurant and Lounge

Proposed Motion:

Move Planning and Zoning Commission recommend approval of Use Permit and Entertainment Use Permit PLH24-0031 Sneakerheadz Restaurant and Lounge, subject to the conditions as recommended by Planning staff.

Background Data:

- Subject site is zoned Community Commercial District (C-2)
- The C-2 zoning for the subject site was approved in 1985 under zoning case no. Z85-053
- The in-line shops in which the subject site is located were constructed in 1986
- Zoning code requires Use Permit approval for a bar license
- Live indoor entertainment and outdoor patio speakers within 600' of residential properties requires an Entertainment Use Permit

Surrounding Land Use Data:

North	Industrial Development (I-1/PAD)	South	Abutting Daycare tenant (Kids R' Our Future)
East	Abutting Daycare tenant (Kids R' Our Future), then undeveloped parcel across Arizona Ave zoned for a multifamily development	West	San Marcos Pl then Industrial Development (I-1/PAD)

Proposed Business Operations (for Use Permit) or Proposed Development (for PDP)

Size of Business (Indoors)	6,700 square feet
Size of Patio	3,700 square feet
Number of Employees	10 employees
Typical Hours/Days of Operation	Monday-Friday: 10am – 2am Saturday-Sunday: 11am – 2am
Types of Live Entertainment	Disc Jockeys (DJs), karaoke, live bands, performers, comedians, and dancing Outdoor patio speakers and TVs for sporting events
Hours/Days of Entertainment	Indoors: Monday-Friday: 7pm – 2am Saturday-Sunday: 11am – 2am Outdoor Patio Speakers: Sunday-Thursday: 7pm – 9pm Friday-Saturday: 11am – 11pm

Review and Recommendation:

Zoning Code Requirements

Per Zoning Code section 35-305(4), an Entertainment Use Permit is required when alcoholic beverages are sold or served and if there is entertainment provided indoors with the property being located 600 feet or less from a residentially zoned property. The distance is measured from the closest exterior wall or fence of any indoor or outdoor space occupied by the subject establishment to the closest property line of a residentially zoned property. The nearest residentially zoned property to this project is located approximately 415 feet to the east, across Arizona Avenue. The property is zoned Planned Area

Development (PAD) for a multifamily development that has not yet been constructed. The nearest single-family zoned property is approximately 515 feet to the west, passed the industrial zoned properties.

A Use Permit is also required for a Series 6 liquor license for bars to operate within a commercially zoned district. With the Use Permit approval for Series 6 Bar License and an Entertainment Use Permit for live entertainment, Sneakerheadz will operate as a Restaurant and Lounge with live entertainment indoors and speakers/TVs on the outdoor patio. The indoor live entertainment will include disc jockeys (DJs), karaoke, live bands, performers, comedians, and dancing. The outdoor patio will have speakers and four TVs for sporting events.

Sneakerheadz Opening

The subject suite has been previously occupied by multiple other restaurants, most recently Rosa's Mexican Grill, and have operated under a Series 12 Restaurant liquor license. Due to the subject suite recently operating under a previous series 12 license, Sneakerheadz was able to begin operating and have a soft opening in early August using an interim series 12 license. Following this event, City staff began receiving complaints from the adjacent daycare (Kids R' Our Future), which occupies suites on either side of the Sneakerheadz suite. The daycare owner expressed concerns regarding the nightclub environment, safety, and trash being left in the parking lot. The daycare had no issue with the restaurant portion of the business but were concerned that Sneakerheadz was operating more as a nightclub.

Arizona Department of Liquor License and Control

After further review, the Arizona Department of Liquor License and Control (AZ DLLC) determined that the Series 12 license was not appropriate for Sneakerheadz as they were operating as a bar and not as a restaurant. Therefore, Sneakerheadz withdrew their Series 12 restaurant license application. Sneakerheadz is currently operating as a restaurant only, with a full food menu. There is currently no alcohol being sold in the restaurant.

Planning staff completed additional research regarding state requirements for separation between licensed bars and schools/daycares. Arizona Revised Statute (A.R.S.) § 4-207 restricts bar licenses from being located within three hundred (300) horizontal feet from a school. Planning Staff has confirmed with the AZ DLLC that since the daycare does not offer an accredited K-12 program, the separation requirement does not apply. The City of Chandler Zoning Code does not have minimum separation requirements between businesses with a bar license and other surrounding uses and therefore does not regulate the separation between such uses. Approval of a Use Permit for a Series 6 bar license does not

override any state liquor licensing requirements. The applicant must comply with all state regulations that pertain to the liquor license.

Staff Recommendation

As noted in the section below, there is opposition to this request mostly from an adjacent daycare. The applicant has agreed to take additional measures, listed in the section below, to ensure greater compatibility with the surrounding businesses and neighbors. With these measures in place, staff finds that the proposed use can be a compatible use within the commercial development. The request is consistent with the General Plan and eligible for consideration within the property's C-2 zoning. As such, staff recommends a 1-year time condition to review the effectiveness of the conditions of approval and reassess its compatibility with adjacent businesses and neighbors.

Public / Neighborhood Notification

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting sign was posted on the site and on social media via NextDoor.
- A neighborhood meeting was held on September 17, 2024, Planning staff, four (4) adjacent neighbors, and six (6) people associated with the daycare were in attendance. The attendees' concerns included the following:
 - Required separation from daycare/schools
 - Types of live entertainment
 - Security measures
 - Parking lot and patio cleaning
 - Smoking on the patio near the daycare
 - Server attire and seeing the servers enter the restaurant
 - Not wanting to see inside the suite from the parking lot
 - Overall "nightclub" operations in the evening
- In response to the neighbors' concerns, the applicant plans to implement the following measures to ensure greater compatibility with the daycare and surrounding businesses:
 - Hire security for planned events at night
 - Hire a maintenance crew to clean up the parking lot and patio areas
 - Limit cigarette smoking on the patio to designated areas away from the daycare playground
 - Have servers enter through the rear of the building
 - Add curtains and window film to the front windows to limit visibility into the suite
 - Adjust live entertainment hours to begin after the daycare closes on

weekdays

- Additionally, the applicant clarified that the types of live entertainment offered will be limited to disc jockeys (DJs), karaoke, live bands, performers, comedians, and dancing.
- As of the writing of this memo, Planning staff has received two letters and a couple of phone calls from neighbors. One letter is from a resident south of Elliot with concerns and the second is a letter of opposition from the adjacent daycare. Staff is aware of opposition from an adjacent daycare and has been working with the daycare owner to continue to address their questions and concerns.

Recommended Conditions of Approval

Planning staff recommends Planning and Zoning Commission move to recommend approval of the Use Permit and Entertainment Use Permit, subject to the following conditions:

1. The Use Permit and Entertainment Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Use Permit and Entertainment Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
2. Substantial expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and Entertainment Use Permit and require a new Use Permit and Entertainment Use Permit application and approval.
3. The Use Permit and Entertainment Use Permit are non-transferable to other locations.
4. All pedestrian walkways shall be A.D.A. accessible and shall not be interrupted by any obstacles preventing circulation (i.e. persons with disabilities shall have direct access to all indoor and outdoor pedestrian spaces).
5. The site shall be maintained in a clean and orderly manner.
6. No noise shall be emitted from outdoor speakers or live entertainment on the patio(s) in such a manner that exceeds the general level of noise emitted by uses outside the premises of the business and disturbs adjacent businesses and/or residential areas.

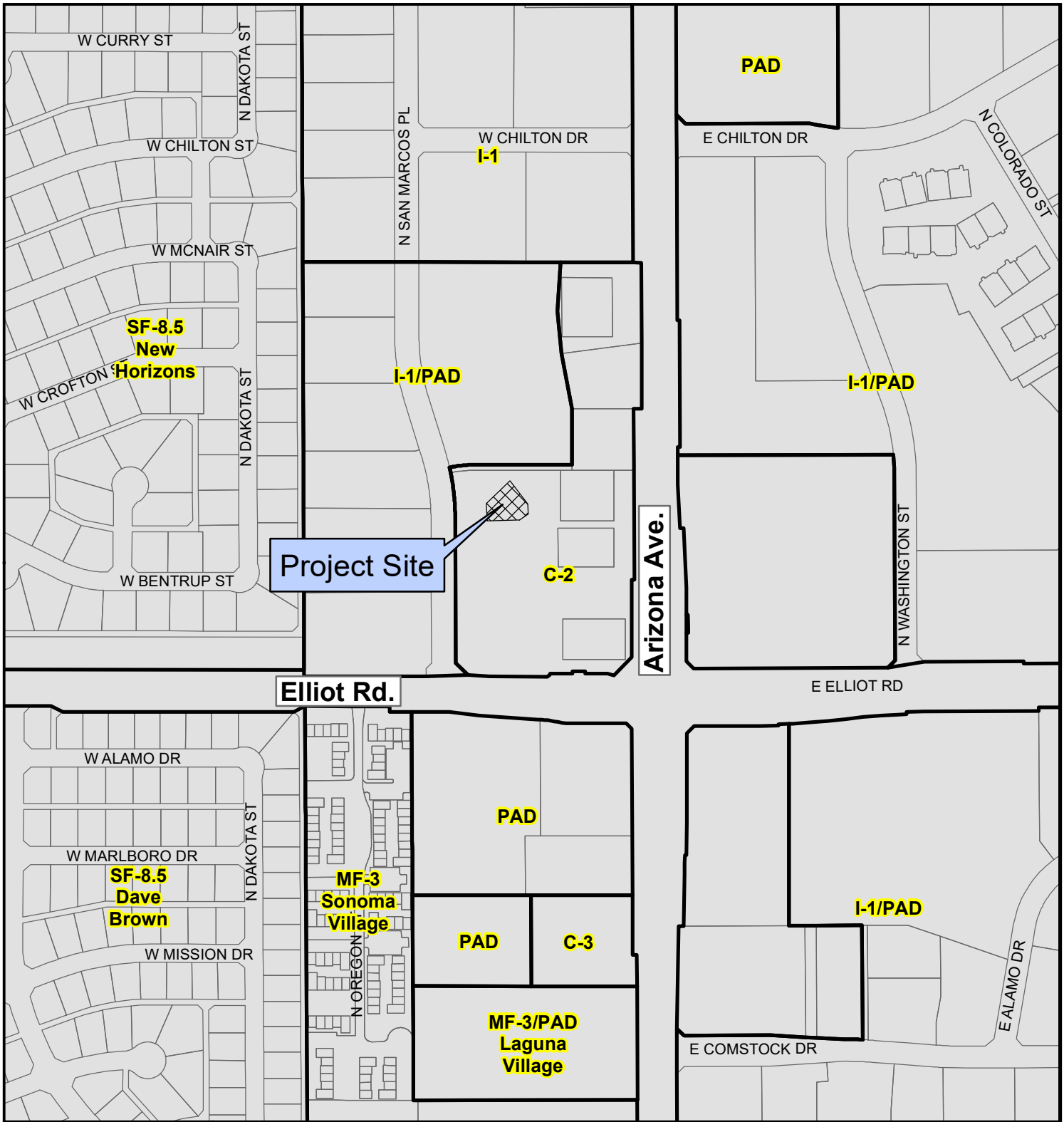
7. Music shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured at the commercial property line.
8. The establishment shall provide a contact phone number of a responsible person (i.e., bar owner and/or manager) to interested neighbors to resolve noise complaints quickly and directly.
9. The Use Permit does not override any State liquor licensing requirements. The applicant must comply with all regulations that pertain to the liquor license.
10. Live entertainment indoors may occur Monday through Friday from 7pm to 2am and Saturday through Sunday 11am to 2am. Speakers may be used on the outdoor patio Sunday through Thursday from 7pm to 9pm and Friday through Saturday from 11am to 11pm.
11. Live entertainment shall be limited indoors to include disc jockeys (DJs), karaoke, live bands, performers, comedians, and dancing. The outdoor patio shall be limited to speakers and TVs for sporting events.
12. All exterior doors on the outdoor patio and the front of the suite shall remain closed and not be kept open except for when being passed through.

Attachments

Vicinity Maps

Exhibits

Letters of Concern



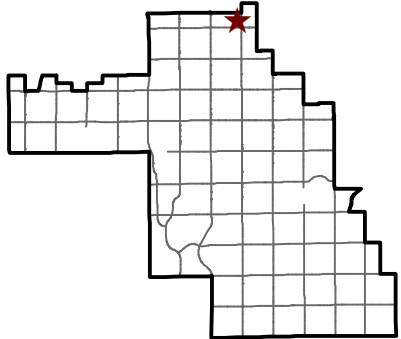
Project Site



PLH24-0031 Sneakerheadz Restaurant and Lounge



Proposed Project Details
 3002 N Arizona Avenue, Suites 18 and 19
 Use Permit approval for a Series 6 Bar License and
 Entertainment Use Permit approval for live
 indoor entertainment and outdoor patio speakers/TVs



City of Chandler Planning Division
chandleraz.gov/planning
 For more information visit:
<https://gis.chandleraz.gov/planning>



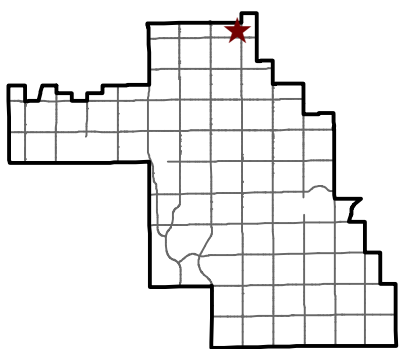
Project Site

 **PLH24-0031 Sneakerheadz Restaurant and Lounge**

Proposed Project Details
 3002 N Arizona Avenue, Suites 18 and 19
 Use Permit approval for a Series 6 Bar License and
 Entertainment Use Permit approval for live
 indoor entertainment and outdoor patio speakers/TVs



City of Chandler Planning Division
chandleraz.gov/planning
 For more information visit:
<https://gis.chandleraz.gov/planning>



PLH24-0031

Sneakerheadz Restaurant and Lounge

Location:

3002 N Arizona Avenue, Suites 18 and 19

Northwest corner of Arizona Avenue and
Elliot Road



SneakerHeadz Restaurant and Lounge

3002 North Arizona Ave, Suites 18 and 19, Chandler, AZ 85225

1. Business Name and Contact Information

To resolve noise complaints quickly and directly, please reach out to the SneakerHeadz Restaurant and Lounge management team using the below contact information:

- **Carlos Howard:** 602-487-8280
- **Akeem Prince:** 832-707-5907

2. Hours of Operation

We are open 7 days a week:

- **Monday-Friday:** 10 AM – 2 AM
- **Saturday-Sunday:** 11 AM – 2 AM

We have a full menu, which includes a variety of Caribbean dishes.

3. Live Entertainment

SneakerHeadz will offer a variety of live entertainment options, including DJs, karaoke, live bands, performers, comedy shows, and dancing.

- **Live entertainment hours inside the restaurant** will be:
 - **Monday-Friday:** 7 PM – 2 AM
 - **Saturday-Sunday:** 11 AM – 2 AM
- **Outdoor Patio speaker hours** will be:
 - **Sunday-Thursday:** 7 PM – 9 PM
 - **Friday-Saturday:** 11 AM – 11 PM

For outdoor entertainment, we will have four televisions and small speakers for sports games on the patio, but **there will be no loud music or live entertainment outside. Outside speakers will only be used during the times specified above.**



4. Building and Patio Size

The restaurant/tenant space is 6,700 square feet, and the patio is approximately 3,700 square feet.

5. Access to Patio

Patio access for patrons is through the back of the restaurant, and servers can access it from the kitchen. The indoor seating capacity is approximately 180 seats with 45 tables. The outdoor seating includes about 35 tables with around 120 seats.

6. Smoke-Free Arizona Act

We will comply with the Arizona Smoke-Free Act by not permitting smoking within 20 feet of the restaurant entrance or the exit of the patio. Smoking is allowed on the patio, as it is exempt from the Act. We will make efforts to prevent smoke from entering the restricted zone.

7. Site Improvements

No additional site improvements are required for the entertainment use permit. The landlord has already made improvements to the front of the restaurant, including the addition of a new door and windows, which have been approved by the City of Chandler.

8. Building and Monument Signage

The building and monument signage have not yet been installed, as we are still in the preparation stages before opening.

9. Unique Concept

SneakerHeadz will offer a brand-new concept for sneaker collectors. Patrons will have opportunities to showcase their latest footwear and participate in classes where they can customize their own sneakers using materials like paint, colorful shoelaces, flowers, glitter, and animal prints.



We will also offer ceramics for customers to paint and design at their tables while enjoying their meals, drinks, and live entertainment. Additionally, we will invite some of the biggest sneaker collectors to speak about their favorite shoes, creating a unique experience for the Chandler community.

10. Use Permits

This narrative will be used for both a **Live Entertainment Use Permit** and a **Use Permit for a Series 6 Liquor License**.

11. Liquor License Application

SneakerHeadz is in the process of applying for a Series 6 Liquor License.

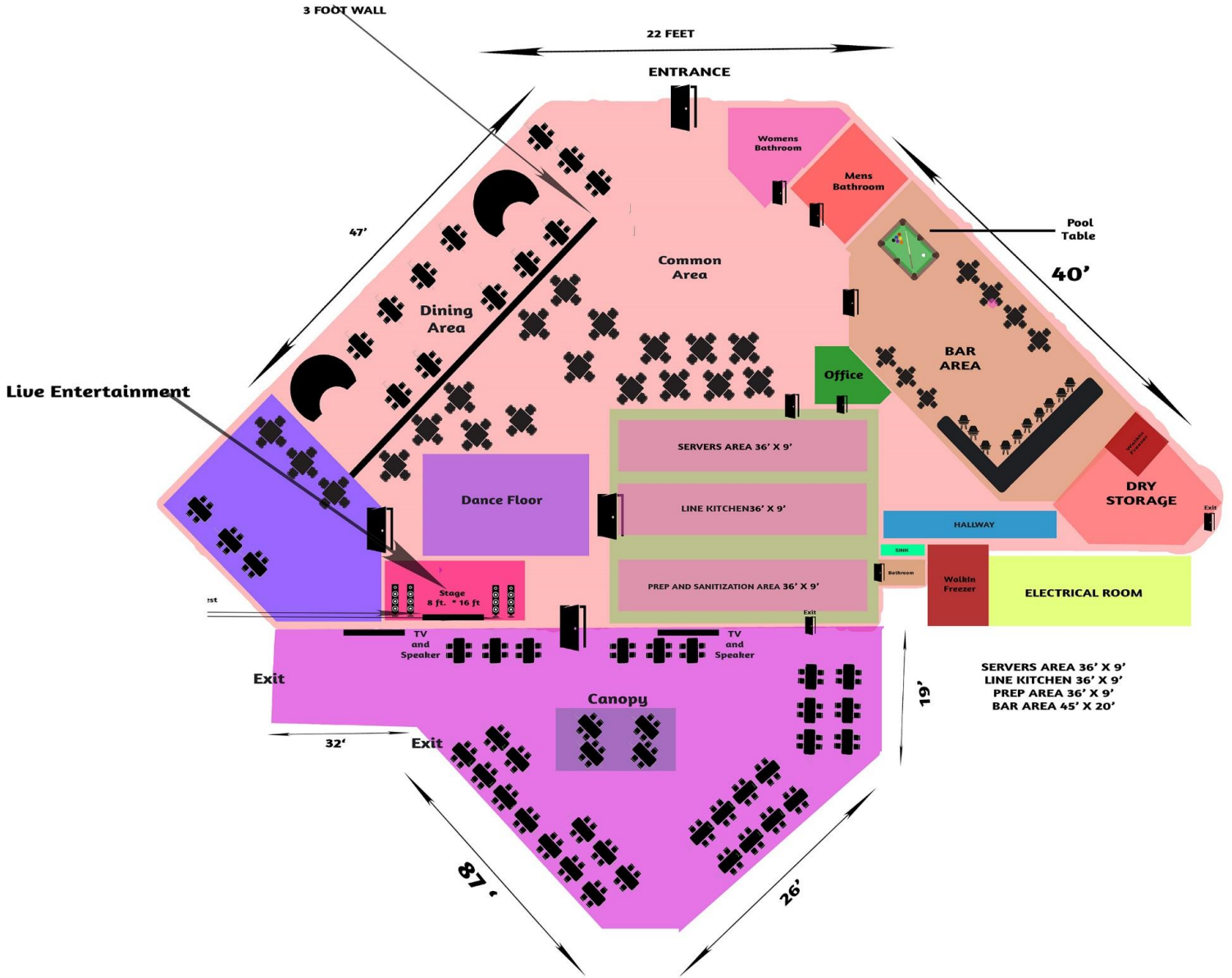
12. For Questions or Concerns

For any questions, concerns, or noise complaints, please contact:

- **Akeem Prince:** 832-707-5907
- **Carlos Howard:** 602-487-8280

SNKRHEADZ

RESTAURANT AND LOUNGE



SERVERS AREA 36' X 9'
 LINE KITCHEN 36' X 9'
 PREP AREA 36' X 9'
 BAR AREA 45' X 20'

**Patio Area is Approx :
 3654 square feet**

POLLACK PLAZA

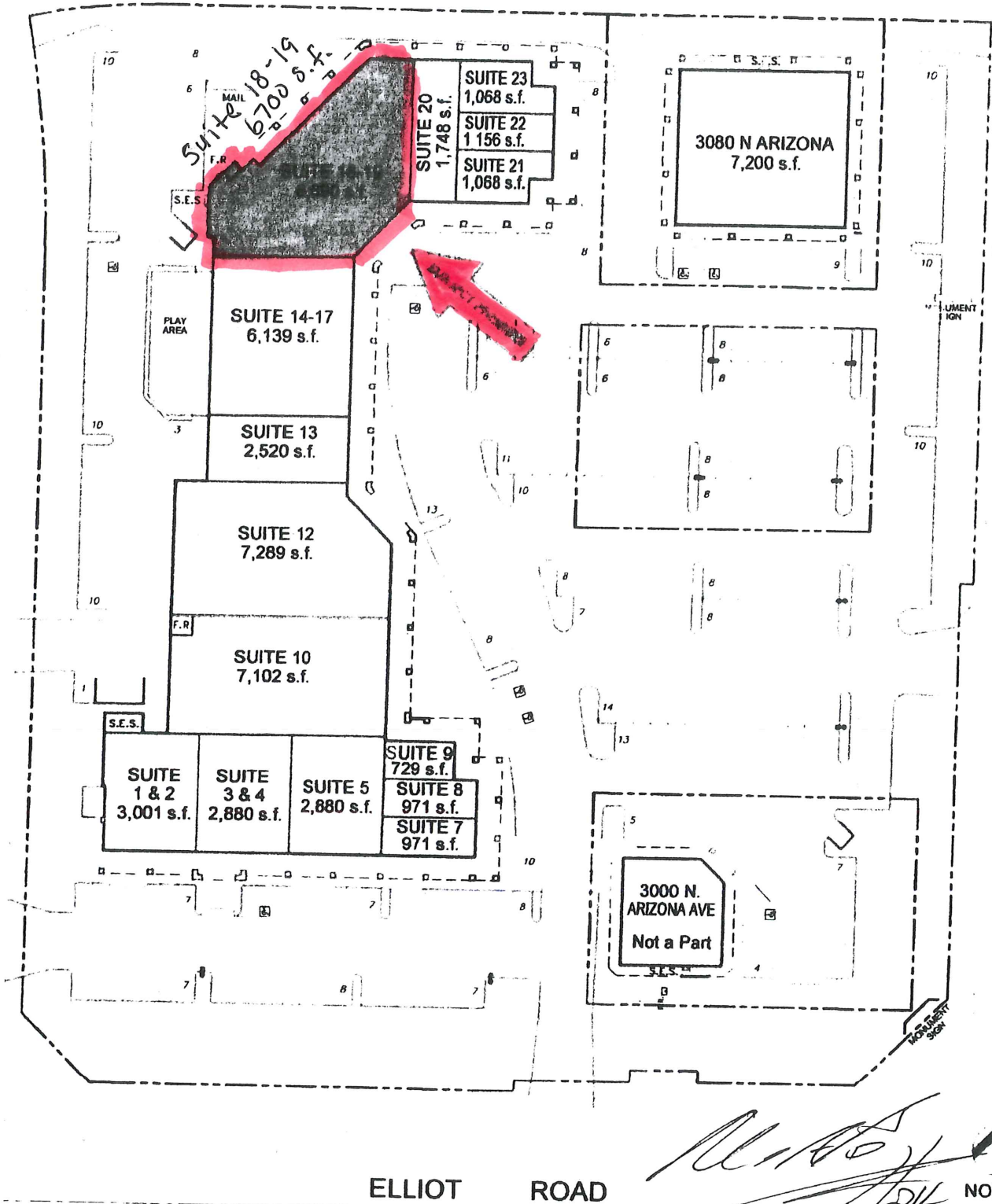
LEASING PLAN

NWC ARIZONA AVE. & ELLIOT RD.

3002 - 3080 N. ARIZONA AVE., CHANDLER, AZ 85225

SAN MARCOS PLACE

ARIZONA AVENUE



ELLIOT ROAD

NORTH

This center has approximately 53,412 s.f. (Pollack Plaza) 2,973 s.f. (PP AZ Annex) and approximately 329 parking spaces. Any plan or exhibit attached to this property is intended to show only the general layout of the property or part thereof. Landlord reserves the right to alter, add to or omit in whole or in part the structures and/or common areas currently existing or hereafter constructed on the property or shown on any plan. The property is subject to change or modification as may be made by the landlord in its sole discretion or required by any authority having jurisdiction. Any and all measurements, distances or square footage are approximate. Landlord does not covenant or represent that any occupant currently or hereafter located at the property will remain a tenant. Landlord makes no representations, either expressed or implied as to the current or future addition or subtraction of tenants or occupancy of the property or any surrounding properties. 8.28.17 (14-91)

Taylor Manemann

From: K@kidsroufuture.net
Sent: Tuesday, October 8, 2024 1:17 PM
To: Rachelle Rasmussen; 'Haley Garcia'
Cc: Taylor Manemann; Lynda Ruiz
Subject: KROF Protest Revision

Follow Up Flag: Follow up
Flag Status: Completed

To whom this may concern: "Tax and License" "Planning and Zoning " "Chandler City Counsel" "Arizona State Liquor Board"

Re: Letter of Complaint or Protest

My name is Holbert Magitt. Owner of Kids R Our Future Preschool / Childcare located at 3002 N. Arizona Ave. Ste.16 & 20 Chandler, AZ. 85225. The Preschool facility has been in the community a little over 18 years, providing an educational service to families with children from ages Infants through 5 years of age as well as a program for kindergarten through 6th grade from ages 5 -12 years of age.

Currently we have concerns about a new company named SNKRHEADZ who is requesting to be a restaurant /Bar / Night Club that will be adjacent to both sides of our facility in the same business park. We are concerned about smoking during the daytime as parents and children pass through the walkway. We are also concerned that children can quite possibly encounter other inappropriate/ illegal things and items on the property left over from night parties. Also were concerned about possible violence due to disputes. SNKRHEADZ LLC is currently seeking a series 6 liquor license for Bar and Entertainment and night club. Over the past 18 years there have been several restaurants at this location that only had a series 12 liquor license, and we've had no problems or complaints. However, SNKRHEADZ has and will be advertising as a nightclub environment with explicit pictures and video with sexual gestures, hard liquor and other. Due to the health and safety of the kids we don't believe that a series 6 license Bar and Entertainment liquor license for the nightclub component would be a good fit or influence near or next to an educational facility.

However, we do believe that a SNKRHEADZ restaurant series 12 liquor license would be more environmentally friendly, as we've had several family friendly restaurants at this location over the years that had a series 12 liquor license only.

On August 04, 2024, SNKRHEADZ had a soft opening advertising sexually explicit picture and video, after parties and more. During this event there were girls twerking on cars, wearing G-strings and bikini tops in the parking lot. There were also two security guards with bullet proof vests on at the front entrance who were frisking for weapons and asking for proof of identification upon entering. We also found paraphernalia such as a liquor bottle, hookah wrappers and half smoked cigar in the parking lot when the children arrived for school. Please see attached photos.

Arizona Revised Statute (A.R.S.) § 4-207(A) is a law that restricts the licensing of premises near schools and churches within a 300-foot radius: State of Arizona statute restricts the licensing for a series 6 liquor

license within 300 feet of a school. We are a state funded school that has ages from infants to 5 years old and a program for kindergarten through 6th grade. We also have an outdoor playground next door as well, and we're concerned for the safety of our children. There are also two religions institutions that are within 300 feet of SNKRHEADS LLC as well. We don't believe that the nightclub component would be a good fit nor good influence near or next to an educational facility with children.

Separate from the Arizona Revision Statue of the liquor board. As an environmental concern for placement and planning businesses within the chandler community, we also look to the city of chandler for assistance with the concerns for a Bar/Entertainment/ Nightclub being adjacent to both sides of our school. Health, safety, and security of the kids are the general concern.

We would like to thank you for your consideration,

Holbert Magitt

*Administration
Kids R' Our Future
Preschool/Child Care
3002 N. Arizona Ave.
Chandler, Az. 85225
Ph:480-632-2353
Fax:480-632-0781*

Taylor Manemann

From: Jana Moto <Tzwadr11@outlook.com>
Sent: Sunday, September 1, 2024 4:04 PM
To: Taylor Manemann
Subject: Case No PHL24-0031 Sneakerheadz Restaurant and Lounge

Follow Up Flag: Follow up
Flag Status: Flagged

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

[Report Suspicious](#)

Dear Mr. Manemann

I am an owner of a townhouse across the street from the proposed establishment.

Unfortunately, I more likely will not be able to attend the notice of the neighborhood meeting on September 17.

I am not familiar with the noise ordinances in the City of Chandler, but I remember living about 3 blocks away from a bar that had live, outdoor music. The heavy bass was not managed at the source and there was absolutely no way to filter it or mute it. Heavy bass can cause cardiac arrest or heart attacks. Loss of sleep due to noise can cause impaired glucose tolerance, cognitive impairment, depression, and anxiety. The notice indicated that live music would be playing until 2am. Many individuals still need to wake up early on the weekends. I am not comfortable with an establishment having no curfew when people live close by.

There are ways to use soundproofing so that the music does not bleed into the neighboring areas, although the effectiveness may be limited when the sound is outdoors. If this business truly wants to be a good neighbor, some consideration should be made to turn down the volume after 10pm.

Thank you for your consideration.

Janice

Dr. Janice Motoike PhD

Office:
428 S. Gilbert Rd. Ste 109-M
Gilbert AZ 85296

Mail:
1955 W Baseline Rd Ste 113-520
Mesa AZ 85202-9016



**Planning & Zoning Commission
24-061**

Development Services Memo No. PZ

Date: October 16, 2024
To: Planning and Zoning Commission
Thru: Kevin Mayo, Planning Administrator
From: Julie San Miguel, Senior Administrative Assistant
Subject: Notice of Cancellation of the November 6, 2024, Planning and Zoning Commission Hearing

Proposed Motion:

Move Planning and Zoning Commission cancel the November 6, 2024, Planning and Zoning Commission Hearing.

Background/Discussion

Planning staff is recommending the cancellation of the November 6, 2024, Planning and Zoning Commission Hearing due to the management of cases.
