

ORDINANCE NO. 2024-1616

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING GOODYEAR ZONING ORDINANCE ARTICLE 2-2 (DEFINITIONS), AMENDING SECTION 8-2 (DETACHED ACCESSORY BUILDINGS, GUEST HOUSES, VENTILATION COURTS, AND PORTABLE STORAGE CONTAINERS), TO INCLUDE PROVISIONS FOR ACCESSORY DWELLING UNITS AND RESTRICTED-AFFORDABLE DWELLING UNITS AND MINOR SCRIVENER'S ERROR; PROVIDING FOR CORRECTIONS, SEVERABILITY, AND AN EFFECTIVE DATE; AND DIRECTING THE CITY CLERK TO RECORD A COPY OF THIS ORDINANCE.

WHEREAS, the Legislature adopted H.B. 2720 to establish requirements relating to the construction of new accessory dwelling units (A.R.S. 9-461.18) and relating to accessory dwelling units that are used as short-term rentals (A.R.S. 9-500.39); and,

WHEREAS, the effective date of H.B. 2720 is September 14, 2024, and municipalities that do not amend or adopt certain regulations on or before January 1, 2025 are required to allow accessory dwelling units on all lots or parcels zoned for residential use within the city's limits; and,

WHEREAS, H.B. 2720 prohibits all municipalities from requiring additional parking or in lieu parking fees to accommodate a new accessory dwelling unit; and,

WHEREAS, H.B. 2720 prohibits all municipalities from enforcing rear and side setbacks that are greater than five feet for a new accessory dwelling unit; and,

WHEREAS, H.B. 2720 prohibits all municipalities from requiring improvements to public streets as a condition of allowing a new accessory dwelling unit except as necessary to reconstruct or repair a public street that is disturbed because of the construction of the accessory dwelling unit; and,

WHEREAS, H.B. 2720 prohibits all municipalities from requiring a restrictive covenant pertaining to a new accessory dwelling unit on a lot or parcel zoned for residential use by a single-family dwelling except with respect to restricted-affordable dwelling units; and,

WHEREAS, H.B. 2720 allows for the enforcement of residential building codes, fire codes, public health and safety regulations, and other regulations; however, zoning regulations regarding the height, setbacks, lot size, lot coverage, or building frontage of a proposed accessory dwelling unit cannot be more restrictive than the regulations that apply to a single-family dwelling within the same zoning area; and,

WHEREAS, H.B. 2720 does not apply to tribal land, land in the territory in the vicinity of a military airport or ancillary military facility, land in the vicinity of a Federal Aviation Administration commercially licensed airport, land in the vicinity of a general aviation airport, and land in the vicinity of a public airport; and,

WHEREAS, under H.B. 2720, municipalities cannot prohibit the use or advertisement of either a single-family dwelling or any accessory dwelling unit located on the same lot or parcel as separately leased long-term rental housing; and,

WHEREAS, under H.B. 2720, municipalities cannot require a familial, marital, employment or other preexisting relationship between an owner or occupant of a single-family dwelling and an occupant of an accessory dwelling unit located on the same lot or parcel; and,

WHEREAS, H.B. 2720 requires a municipality with a population exceeding 75,000 residents to adopt regulations allowing for at least one attached and one detached accessory dwelling unit on a lot or parcel where a single-family dwelling is allowed; and,

WHEREAS, H.B. 2720 requires a municipality with a population exceeding 75,000 residents to adopt regulations allowing for at least one additional detached accessory dwelling unit on a lot or parcel where a single-family dwelling is allowed if the lot or parcel is one acre or more in size and at least one restricted-affordable dwelling unit is located on the same lot or parcel; and,

WHEREAS, H.B. 2720 requires a municipality with a population exceeding 75,000 residents to adopt regulations allowing for an accessory dwelling unit that is 75% of the gross floor area of a single-family dwelling unit on the same lot or parcel or 1,000 square feet, whichever is smaller; and,

WHEREAS, the city of Goodyear, with the adoption of this Ordinance, will bring the Goodyear Zoning Ordinance into compliance with new requirements as a result of H.B. 2720; and,

WHEREAS, public notice that this rezoning request would be considered and reviewed at a public hearing to be held before the Planning and Zoning Commission on December 4, 2024 appeared in the Arizona Republic West Valley Edition November 15, 2024; and,

WHEREAS, a public hearing was held before the Planning and Zoning Commission on December 4, 2024, and at that meeting the Commission voted (4-0) to recommend approval of the proposed ordinance; and,

WHEREAS, a public notice that this rezoning request would be considered and reviewed at a public hearing to be held before the City Council on December 16, 2024 appeared in the Arizona Republic West Valley Edition November 15, 2024; and,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. Article 2-2 (Definitions) of the Goodyear Zoning Ordinance is hereby amended as follows to amend and add the definitions set forth below (with deletions shown by ~~strikeout text~~ and additions shown by double underlined text):

Accessory Dwelling Unit. A self-contained attached or detached accessory building that is located on a lot or parcel of a single-family dwelling unit. The Accessory Dwelling Unit includes a bedroom, bathroom and may include kitchen (cooking) facilities.

Casita. A living area in an attached or detached accessory building used as a bedroom, home office or other use that would be allowed and typically provided

within the ~~main principal~~ **building**. The **casita** may also include a bathroom, but no kitchen (cooking) facilities.

Guest House. Attached or detached **accessory building** used to house guests of occupants of the principal **building**, which is never rented or offered for rent and shall not have a separate parking area or garage attached. The **guest house** may also include a bathroom and kitchen facilities. Any **guest house** providing kitchen (cooking) facilities shall be considered a **dwelling unit**.

Restricted-Affordable Dwelling Unit. An Accessory Dwelling Unit that, through Deed Restriction or Development Agreement with the Municipality, shall be rented to Households earning up to eighty (80) percent of Area Median Income.

SECTION 2. The title of City of Goodyear Zoning Ordinance Article 8-2 is amended as follows (with deletions shown by ~~strikeout text~~ and additions shown by double underlined text):

DETACHED ACCESSORY BUILDINGS, GUEST HOUSES, ACCESSORY DWELLING UNITS, VENTILATION COURTS, AND PORTABLE STORAGE CONTAINERS

SECTION 3. Article 8-2 now (Detached Accessory Buildings, Guest Houses, Accessory Dwelling Units, Ventilation Courts, and Portable Storage Containers) of the Goodyear Zoning Ordinance is hereby amended as follows (with deletions shown by ~~strikeout text~~ and additions shown by double underlined text):

A. ***DETACHED ACCESSORY BUILDINGS***. In all Residential **Districts**, detached **accessory buildings** shall conform to the following restrictions concerning locations within **lots**:

1. ***Location***. Detached **accessory buildings** or pads may be located in the front or rear of a **lot**. The location of the **accessory building** will determine the setback requirements, use and height of said **accessory buildings** which include the following criteria:

a. Front **accessory buildings** are defined as **buildings** located in the front half of the **lot**. These **buildings** are limited in use to either a garage or a **casita**. A **casita** being defined as a living area used as a bedroom, home office or other use that would be allowed and typical within the main **building**. The **casita** may also include a bathroom, but no (cooking) kitchen facilities.

1. Architecture of **accessory buildings** must be the same as the main **building**. When viewed from the front of the **lot**, the **accessory building** should appear as an extension of the main **building**.
 2. Setback and height requirements for a front **accessory building** must be the same standards as for the main **building**, but shall not exceed the height of the main **building**.
- b. Rear **accessory buildings** are defined as **buildings** located in the rear half of the **lot**. Their **use** is limited to standard **uses** that are allowed in the main **building**, with the exception of the kitchen.
1. Setback requirements for rear **accessory buildings** are modified to allow encroachment into the required side and rear **yard** except for the following:
 - (a) One (1) foot setback shall be required on all sides of an **accessory building** for each one (1) foot in height (to the peak of the building) above the **lot** perimeter fence or **wall**, which shall not exceed six (6) feet in height.
 - (b) **Through lot**. The **accessory building** shall not be located closer to the rear property lines than the distance required for front **yard** setback.
 - (c) **Corner lot**. The **accessory building** shall not be located closer to the street or side property line than the setback required for the main building.
 - (d) **Corner lot contiguous to key lot**. No detached rear **accessory building** shall be located closer to the street side of a **corner lot** than the front **yard** required on the **key lot**, except such setback need not be greater than one-half (1/2) the width of the **corner lot**.
 2. No **building**, which is accessory to any residential **building**, shall be erected to a height greater than twelve (12) feet unless it is within the same setback requirements as the main **building**, but may not exceed the height of the main **building**.

3. All **accessory buildings** designed or used for sleeping or living purposes (**Casitas**) shall be within the same setback requirements as that of the main building.

4. No Casitas shall be constructed on any lot or parcel with an Accessory Dwelling Unit.

2. Detached **accessory buildings** shall be permanently affixed to the ground by anchoring or slab attachment.

3. No **accessory buildings** shall occupy more than twenty-five (25) percent of the area lying between the rear of the main **building** and the rear property line.

B. Guest House shall be restricted to lots having areas of not less than fifteen thousand (15,000) square feet. Guest house, whether detached or attached, shall not have an address separate from the principal residence on the lot or parcel. Where a guest house is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to the main building. Not more than one (1) guest house shall be permitted on any one (1) lot or parcel.

1. *General Provisions.*

a. A guest house shall be constructed of similar materials, colors and architectural style to the main building.

b. On **lots** having principal building and guest house, maximum lot coverage of all buildings shall not exceed sixty (60) percent.

c. A guest house shall have no separate utility services and no entry visible from public right-of-way.

d. No guest house shall be leased or rented.

e. A guest house shall have no separate driveway or parking area from that of the principal residence. The principal residence shall have not less than three (3) enclosed covered parking spaces and paved access to each of the spaces.

f. No guest house shall be constructed on any lot or parcel until the main building has been fully constructed and ready for occupancy.

g. No guest house shall be constructed on any lot or parcel with an Accessory Dwelling Unit.

h. A guest house may contain (cooking) kitchen facilities.

2. Detached guest house is subject to the following additional criteria:

a. Detached guest house may encroach into the required site and rear yard setback of the lot, provided that setbacks of five (5) feet shall be maintained from side and rear property lines. On a **through lot**, the detached guest house shall not be located closer to the rear property line than the distance required for front **yard** setback. On any **corner lot**, the detached guest house shall not be located closer to the street side property line than the setback required for the main **building**.

b. No detached guest house shall have floor areas exceeding fifty (50) percent of the principal **building** nor exceed a height of twenty (20) feet.

C. ACCESSORY DWELLING UNIT.

1. General Provisions.

a. No more than one (1) attached and one (1) detached **Accessory Dwelling Unit** shall be permitted on single-family lots.

b. Accessory Dwelling Units shall not be located on single-family lots on land in the territory in the vicinity of a Military Airport or Ancillary Military Facility as Defined in A.R.S. § 28-8461 or land in the territory in the vicinity of a Federal Aviation Administration Commercially Licensed Airport or a General Aviation Airport or on land In the territory in the vicinity of a Public Airport as defined in A.R.S. § 28-8486.

c. Accessory Dwelling Units, whether detached or attached, shall not have an address separated from the principal single-family dwelling on the same lot or parcel.

d. An **Accessory Dwelling Unit** shall comply with the adopted design guidelines and development standards but may deviate from the exterior design, roof pitch or finishing materials of the single-family dwelling on the same lot or parcel, in conformance with A.R.S. § 9-461.18.

e. The side and rear setbacks for an **Accessory Dwelling Unit** shall be five (5) feet.

f. The front and street setback, building lot coverage, building frontage, and building height for an **Accessory Dwelling Unit** shall be the same as that of the principal single-family dwelling on the same lot or parcel.

g. The Accessory Dwelling Units shall be self-contained and include a bedroom, bathroom and may include kitchen (cooking) facilities. The Accessory Dwelling Unit may include, but is not required to have, a parking area or attached garage.

h. The **Accessory Dwelling Unit** shall be no larger than seventy-five (75) percent of the gross floor area of the principal single-family dwelling on the same lot or parcel or one thousand (1,000) square feet, whichever is less.

i. In addition to the one (1) attached and one (1) detached **Accessory Dwelling Unit** permitted on single-family lots, an additional one (1) detached Accessory Dwelling Unit is permitted if the lot or parcel is one (1) acre or larger in size and the additional one (1) detached **Accessory Dwelling Unit** is a **Restricted-Affordable Dwelling Unit** subject to a Deed Restriction or Development Agreement with the City of Goodyear. Prior to the issuance of any permit for the construction of a **Restricted-Affordable Dwelling Unit**, the owner of the proposed **Restricted-Affordable Dwelling Unit** shall execute and deliver an original recorded copy of a deed restriction or development agreement to the City of Goodyear. The deed restriction or development agreement shall be recorded in the Maricopa County Recorder's Office by the owner of the lot or parcel burdened thereby and shall remain a covenant and restriction running with the property for at least thirty (30) years.

D. G. **VENTILATION COURTS.** Rooms in which persons live or sleep, not having at least one **wall abutting** on a **street** or **alley**, or on a **yard**, shall be supplied natural light and air from a **ventilation court** conforming to the following:

<u>Number of Stories Above Bottom of Court</u>	<u>Minimum Width of Court in Feet</u>
1	20
2	30
3	40
4 or more	50

ED. *PORTABLE STORAGE CONTAINERS.*

1. In all Multi-Family, Commercial, and Industrial zoning districts, portable storage containers are permitted only in accordance with the following:
 - a. As a temporary use during construction, remodeling, or redevelopment of permanent onsite buildings and facilities, subject to approval of a Zoning Permit by the Community Development Department. Such permit shall specify and limit the number, size, location, and duration of the storage containers.
 - b. As a periodic, intermittent, or recurring use accessory to a primary permitted use, subject to approval of a Zoning Permit by the Community Development Department. In addition to specifying and limiting the number, size, location, and duration of the storage containers, the Zoning Permit may require additional measures, such as increased setbacks, screen walls, landscaping, exterior materials, and colors, to ensure compatibility with adjacent land uses. Zoning Permits granted for portable storage containers in Commercial and Industrial zoning districts shall be permitted for a period of time not to exceed sixty (60) days, with one renewal permitted for a period of time not to exceed thirty (30) days, in a calendar year.
 - c. In no case shall storage containers be located in required yards, landscape areas, open space, retention basins, drive aisles, required parking spaces, fire lanes, loading zones, or any other location that may cause hazardous conditions, constitute a threat to the public safety, or

create a condition detrimental to surrounding land uses and developments.

2. In all Single-Family zoning districts, portable storage containers are permitted only for the purpose of loading and unloading household contents for a period of time not to exceed ten (10) days in a calendar year.

EE. *DONATION DROP-OFF BOXES*. In all non-residential zoning districts, Donation Drop-Off Boxes are permitted only in accordance with the following standards and procedures:

1. Donation Drop-Off Boxes are permitted only as a use accessory to an established and primary permitted use. Donation Drop-Off Boxes are subject to the approval of a Zoning Permit by the Community Development Department, and upon receipt of written authorization by the property owner, or his legal representative.
2. Donation Drop-Off Boxes shall not obstruct pedestrian or vehicular circulation, nor be located in public rights-of-way, required building setbacks, landscape areas, drive aisles, required parking spaces, fire lanes, loading zones, or any other location that may cause hazardous conditions, constitute a threat to the public safety, or create a condition detrimental to surrounding land uses and developments.
3. Each Donation Drop-Off Box shall have a firmly closing lid and shall have a capacity no greater than six (6) cubic yards. No Donation Drop-Off Box shall exceed seven (7) feet in height.
4. Donation Drop-Off Boxes may be constructed of painted metal, rubber, wood, or plastic and shall be properly maintained in a safe and good condition.
5. Donation Drop-Off Boxes shall be clearly marked to identify the specific items and materials requested to be left for donation, the name of the operator or owners of the donation container, and a telephone number where the owner, operator or agent of the owner or operator may be reached at any time. The Donation Drop-Off Box shall also display a notice stating that no items or materials shall be left outside of the Donation Drop-Off Box.

6. Occupation of parking spaces by the Donation Drop-Off Boxes shall not reduce the number of available parking spaces below the minimum number required for the site.

7. All donated items must be collected and stored in the Donation Drop-Off Box. Donated items or materials shall not be left outside of Donation Drop-Off Boxes, and the area around each Donation Drop-Off Box shall be maintained by the owner or operator, or the property owner, free of litter and any other undesirable materials.

8. Donation Drop-Off Boxes not located or maintained in compliance with this Article shall be subject to revocation of the Zoning Permit.

SECTION 4. CORRECTIONS. The City Clerk, and the codifiers of this Ordinance are authorized to make necessary clerical corrections to this Ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

SECTION 5. SEVERABILITY. If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions of the ordinance or parts thereof.

SECTION 6. EMERGENCY CLAUSE AND EFFECTIVE DATE. The immediate operation of the provision of this ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of the City. Therefore an emergency is hereby declared to exist, and this Ordinance is enacted as an emergency measure and will be in full force and effect upon its passage and adoption.

SECTION 7. RECORDATION. This Ordinance shall be recorded with the Maricopa County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20____.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney