CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION

Meeting Date: 02/12/2019
Agenda Item: 9

ACTION: Request for ACCESSORY DWELLINGS / GUEST QUARTERS, consisting of changes within the Zoning and Development Code for accessory dwellings and amendments to the guest quarters regulations found in Section 3-401, 3-402 and 3-411. The applicant is the City of Tempe.

FISCAL IMPACT: There is no fiscal impact on City funds.

RECOMMENDATION: Approve

BACKGROUND INFORMATION: ACCESSORY DWELLINGS / GUEST QUARTERS (PL170425) consists of changes within the Zoning and Development Code that would allow a property, zoned multi-family, to add an accessory dwelling that is smaller in scale, and consistent with the standards of a property maintained as single-family. The accessory dwelling unit provisions would allow a more streamlined process just like a single-family project. This effort started with review out of the City Manager's Humble Homes/Tiny Homes Working Group, as well as the "Incentives to Limit R-3 Development" City Council Work Study Session. Additionally, this ordinance proposes extending the availability of the current Guest Quarters regulations, allowing properties having a minimum 15,000 sf. to a minimum 8,000 sf. lot size for such use. On February 8, 2018, the City Council tabled this item at introduction/1st public hearing. More than a year has lapsed requiring a new public hearing process. The significant changes to last year's ordinance was an increase in the Accessory Dwelling's maximum size from 600 to 800 sf.; and Guest Quarters were expanded to allow on residential lots from 10,000 to an 8,000 sf. minimum size. The City Manager's Working Group recommends a one-year evaluation of the ordinance to determine appropriateness or whether additional changes needed. The request includes the following:

ZOA190002 Code Text Amendment within the Zoning and Development Code, adding new language in Section 3-402 and amending Sections 3-401 and 3-411.

ATTACHMENTS: Ordinance, Project File

STAFF CONTACT(S): Ryan Levesque, Deputy Community Development Director (480) 858-2393

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Ryan Levesque, Deputy Community Development Director

COMMENTS:
Upon review with the City Manager's Humble Homes/Tiny Homes Working Group and further direction from the City Council on October 19, 2017, the Community Development Department staff has prepared a comprehensive report for new regulations pertaining to Accessory Dwelling Units (ADU) and amended regulations regarding existing Guest Quarters provisions.

Accessory Dwelling Units (ADU)
ADU regulations would allow dwellings as an alternative means to satisfy residential housing demands in a less impactful way than traditional multi-family development. Standards and procedures are developed to streamline the process and encourage a secondary dwelling for Multi-Family zoned properties with an existing single-family use. An accessory dwelling (800 sf. or less) would still retain the property as a single-family use, thus granting relief from certain multi-family regulations. Accessory Dwellings or Tiny Homes can provide residences with an alternate housing style that is more affordable in an environment with rising housing costs. A smaller unit size can assist in minimizing the impacts of redevelopment demand on the established housing stock, while maintaining the standards of eligible neighborhoods that have a combination of single-family, duplexes, apartments and accessory dwellings today.

The intent of the proposed amendment is to provide the following:

- An Accessory Dwelling would be allowed as a secondary dwelling for multi-family zoned properties with one existing dwelling (single-family use)
- The property would still remain as a "single-family residence", allowing a streamlined process with no required design review and no multi-family regulations imposed (reviewed the same as single-family). Submittals would apply for building permits and comply with the ordinance provisions.
- Offers an alternative way to reinvest in your property with an accessory dwelling of up to 800 square feet of livable space, while maintaining the existing dwelling on the property.
- An ADU building must still comply with zoning setbacks and height requirements, etc.
- An ADU may be used as a mother-in-law unit, guest home, supplemental rental, multigenerational house, a tiny house designed model, or a downsizing option (owner live in the smaller home, rent out the main residence).
- As a single-family residence property, ADU's may also be eligible for the Residential Rebate Program.

As a reference, attached are maps of significant areas in Tempe where the proposed Accessory Dwelling Unit (ADU) ordinance may apply with an existing single-family use (properties zoned R-2, R-3R, R-3, R-4 and R-5). For all potential zoning areas refer to the City's Zoning District Map.

Guest Quarters
In addition to the ADU regulations, City Council requested further exploration into expanding the use of the guest quarters regulations in Tempe. Historically, guest quarters in Tempe were originally allowed in AG, Agricultural zoned properties, having a minimum lot size of 1 acre (or 43,560 sf.). In 2005, when the new Zoning and Development Code was introduced, new sections were prepared for both accessory dwellings and guest quarters. The Code was adopted with the respective sections reserved for future consideration. As a result, no single-family property was eligible to permit guest quarters until regulations were re-introduced and adopted October 22, 2009, under Section 3-411, Guest Quarters. The city at the time evaluated minimum lot sizes of 10,000, 12,000 and 15,000 sf. in area. The ordinance was approved, requiring a minimum lot size of 15,000 sf. for guest quarters, but noted there may be an opportunity in the future to explore expansion if appropriate. The main difference of a guest quarters than an accessory dwelling unit, is that the guest quarters is restricted from being rented independently from the main residence, as well as no separate metering or addressing. Its intended to house guests of the main residence.

Staff has prepared a mapping analysis of Single-Family zoned properties in Tempe based on the three property sizes. Based on further public outreach and feedback the proposed amendment expands Guest Quarters to properties having a minimum 8,000 sf. lot size. The amended regulation also eliminates a prior zoning interpretation that allowed a lot to also calculate half of an adjacent public alley in order to meet the area requirement. The regulation now defines the lot as being the "net site area", which by Code definition excludes any right-of-way or public alley from the calculation.

Below is a comparison of the number of parcels that could be eligible for Guest Quarters, based on a minimum lot size:
Parcels >/= 15,000 sf. = 2,196 (current regulation)

Parcels >/= 10,000 sf. = 6,595
Parcels >/= 8,000 sf.= 15,878 (proposed)
There is a total of 31,360+ parcels in Tempe with single-family residential zoning. Since the original ordinance was adopted (October 22, 2009) under Section 3-411, Guest Quarters, the City has permitted a total of ten (10) guest quarter structures under the 15,000 sf. lot size limitation. The proposed amendment (min. 8,000 sf. Lot) would allow an additional 13,682 parcels eligible for guest quarters to seek future permits, or approximately 51% of the total residential properties.

PUBLIC INPUT
The ordinance proposal for ADUs culminated from a two year process consisting of seven total public meetings, including two with the City Council, two Neighborhood Advisory Commission meetings, and two with the Development Review Commission. Multiple meetings were also held with the City Manager's Humble Homes/Tiny Homes Working Group. Please refer to the History & Facts section of this report for dates. The City, most recently initiated a two week online Tempe Forum to review and respond to the draft ADU and Guest Quarters regulations, a survey, view areas of eligibility, and an opportunity to provide comments. Refer to attachments for results and comments. While there were certainly two viewpoints expressed in the public feedback and comments, a large response rate in the survey supported the draft ordinance. As a result of the survey feedback, the Working Group was amenable to extend the Guest Quarters provisions to minimum 8,000 sf. Lots (previously proposed for 10,000 sf.). 85% of those responding to the survey supported to the ordinance regulations. And 75% supported expanding to smaller lot sizes. The survey responses also supported the idea of ADU regulations in other single-family areas as well (78% support). Although this ordinance draft does not contemplate such a change, most cities that have adopted an ADU concept typically allow accessory dwellings within certain single-family zoned properties. Additional public involvement and a different set of regulations would be necessary to pursue this subject any further. The Working Group discussed conducting a one (1) year evaluation of the ordinance changes and whether further changes would be appropriate.

Below are responses to Frequently Asked Questions received during the public input process:

- What is the typical size for ADU's?
  The unit will first need to comply with the Residential Housing Code. Units meeting the minimum living area may have a unit as small as 145 sf. The proposed draft ordinance allows a maximum area of up to 800 sf. of livable space (excluding garages).
- Is an owner required to reside on the premises? Could both the main home and the ADU be rented out separately?
  There is currently no owner occupancy requirement. The ADU concept is being presented within the Multi-Family zoning districts, where typically a unit or units are rented. Bottom line, the main residence or the ADU can be rented separately. This would be allowed today.
- Could each bedroom in each dwelling unit be rented separately? How many bedrooms are allowed in a single-family property? How many cars are allowed for a single-family property?
  There are no limitations in single-family or multi-family zoning that would prevent someone from renting a bedroom out of their residence. Similarly, the State of Arizona has allowed the use of Air BNB home or short-term rentals. Currently, there are no limitations on the total number of bedrooms within a single-family or multi-family unit. After further consideration, the draft ordinance has been amended to limit the total number of bedrooms within an ADU. A single-family property requires at least two parking spaces, if constructed after 1976 (1 vehicle space prior to 1976). There is no maximum. The proposed draft ADU ordinance is not requiring additional parking and is leaving it up to the property requesting an ADU whether more parking is necessary.
- Could the two units have separate water and other utility meters? Or do they have to share one?
  The ADU could have separate water and utilities metered independent from the main residence, as well as a separate mailing address.
- Currently parking is only allowed adjacent to the driveway or within a garage. Any changes?
  There are no changes proposed to the parking design, if proposed. The City Code will continue to limit no more than 35% of the front yard to be used for improved parking surface in single-family.

- What is the difference between a TINY Home, a camper and a mobile home?
  A Tiny Home is typically known as a small and transportable home built on platform or chassis. There are many more variations of tiny homes, which by nature are identified by their size and ability to house someone in a smaller living environment. By definition in the Zoning and Development Code, a Tiny Home on wheels would be defined as a mobile home unit or recreational vehicle and are subject to different standards. Because those categories have different classifications for zoning and building codes they are not allowed in most other residential districts. The ADU draft ordinance requires any Tiny Home to have the suspension/axle components removed and placed on a permanent foundation with city utility connections.
- If my property is not eligible for an Accessory Dwelling Unit, what options do I have?
  If you have a single-family property you may be eligible to build a Guest Quarters; which is an attached or detached building used to house guests of the occupants of the main building, not rented or leased independently from the main building. Guest Quarters currently only allowed in Single-Family districts with a minimum 15,000 square feet lot. This proposed draft ordinance is recommending lowering the lot size to 8,000 square feet.

REASONS FOR APPROVAL:

Based on the information and analysis prepared, staff recommends approval of the code text amendment ordinance, allowing accessory dwellings in multi-family zoned districts, and expanding the guest quarters regulations. This ordinance supports the General Plan 2040 goals and strategies, including the following:

- Under the GP2040 Neighborhood Preservation and Revitalization Element, NP3(6), *Allow for flexibility in house-types and configurations, as well as infill (cottage houses, accessory dwelling units, etc.).*
- Under the GP2040 Redevelopment Element, RED1(2), *Encourage affordable housing initiatives in redevelopment planning.*
- Under the GP2040 Housing Element, H1(2), *Encourage diversity of housing type (such as accessory dwelling units, dormitories, condominiums, townhouses, apartments and single-family houses) to provide residents with product choice; a*nd H6, *Increase affordable rental housing and rehabilitation of existing rental housing.*

HISTORY & FACTS:

January 5, 2005	City Council adopted the Zoning and Development Code (Ordinance No. 2003.36) which included reserved sections for Accessory Dwellings (Sec. 3-402) and Guest Quarters (Sec. 3-411). Public input at the time was not comfortable with initial proposed regulations for their respective sections.
October 22, 2009	City Council adopted Ordinance No. 2009.15, which included new regulations allowing guest quarters in single-family districts with a minimum 15,000 sf. lot size.
January 5, 2017	City Council Issue Review Session, staff presented a requested topic on "Incentives to Limit R-3 Zoning Development", which included the concept of developing Accessory Dwelling regulations. From this meeting Council provided direction to work with the Humble Homes Working Group to develop an Accessory Dwelling Unit (ADU) ordinance, in order to combat the concerns of redevelopment pressure of multi-family zoned properties that have a single-family use
August 5, 2017	Neighborhood Advisory Commission, staff presented proposed ADU concepts and received general questions and input. The Commission suggested seeking additional outreach and community feedback with the Tempe Forum and other social media means.
Sept. 5-12, 2017	Staff conducted a one week online survey that included some information about the ADU concept, a revised draft ordinance, maps of areas that may be eligible for an accessory dwelling, and a questionnaire. Attached are the results and cumulative feedback.
October 3, 2017	Neighborhood Advisory Commission, staff presented the online survey results and received additional feedback from the Commission. No specific recommendation was provided.

October 19, 2017	City Council Work Study Session, staff presented the research/survey and received direction from Mayor and Council to proceed with the hearing process for the proposed Accessory Dwelling Unit ordinance, as well as explore extending the Guest Quarters regulations for eligible properties.
November 14, 2017	Development Review Commission Study Session, staff presented the City Manager's Working Group background on ADUs and the draft ordinance prepared at the time.
January 9, 2018	Development Review Commission recommended approval on the consent agenda (7-0 vote) this request.
February 8, 2018	City Council Introduction and first public hearing for the initial ADU/Guest Quarters ordinance. At the hearing City Council made a motion table or defer the item for further discussion. (Tabled item vote approved)
December 12, 2018	City Manager's Working Group meeting reconvened to discuss process and outreach based the tabled hearing item.
January 15, 2019	City Manager's Working Group held a public meeting to seek input on a draft ordinance for ADUs and Guest Quarters.
January 15-27, 2019	Online Tempe Public Forum for review of draft ordinance and public questionnaire with comments.
January 30, 2019	City Manager's Working Group meeting to discuss the public feedback and draft ordinance.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-304, Zoning Map Amendments and Code Text Amendments

Tempe
Community Development

PROJECT FILE
for
ACCESSORY DWELLING UNITS
(PL170425)

ATTACHMENTS:

1-3. Parcel Size Maps for Guest Quarters Analysis

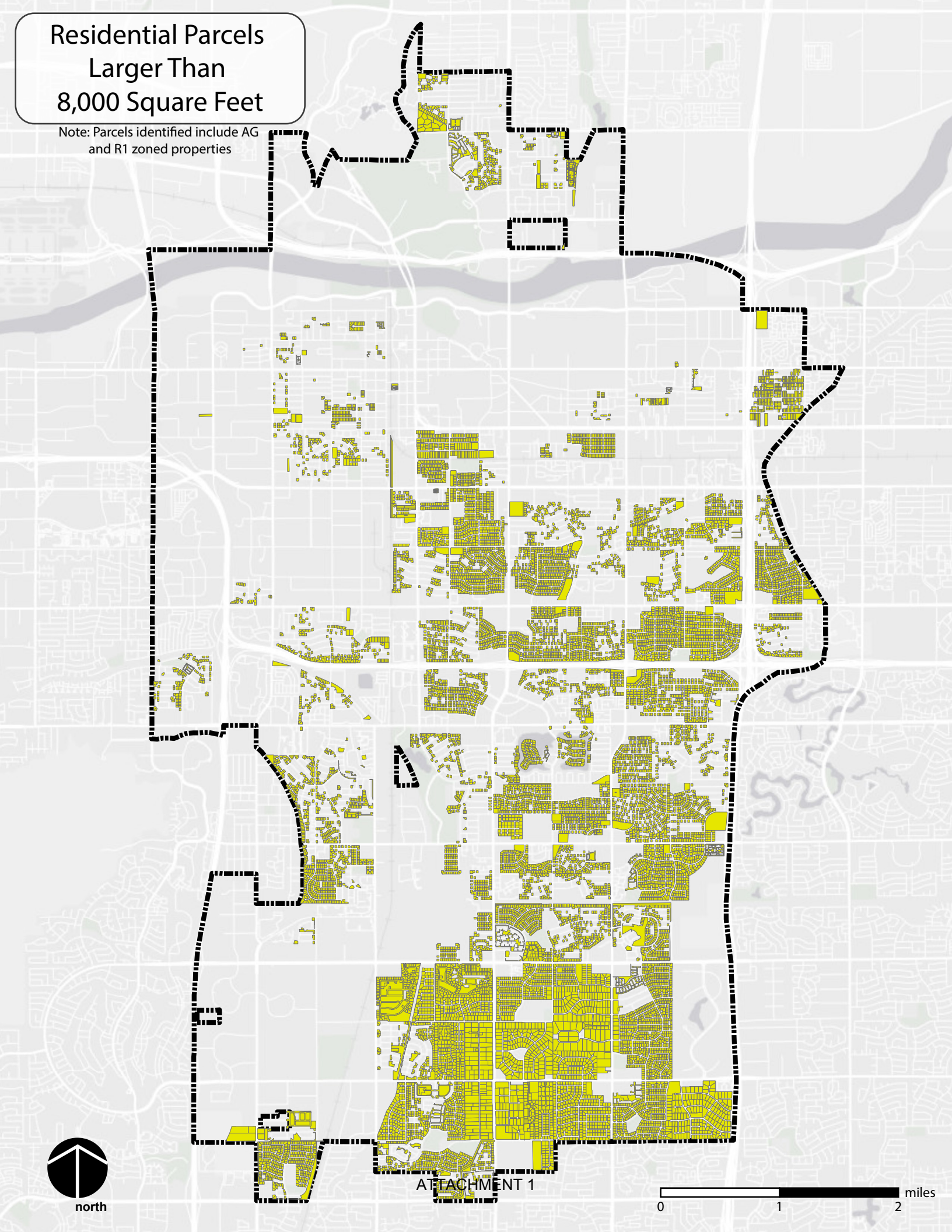
4-6. Example of Area Maps Potentially Eligible for ADUs

7-15. Online Public Input Survey Results & Public Comments

16-20. Examples of a Pool House, Guest Quarters, Accessory Dwellings, & Garage Workshop

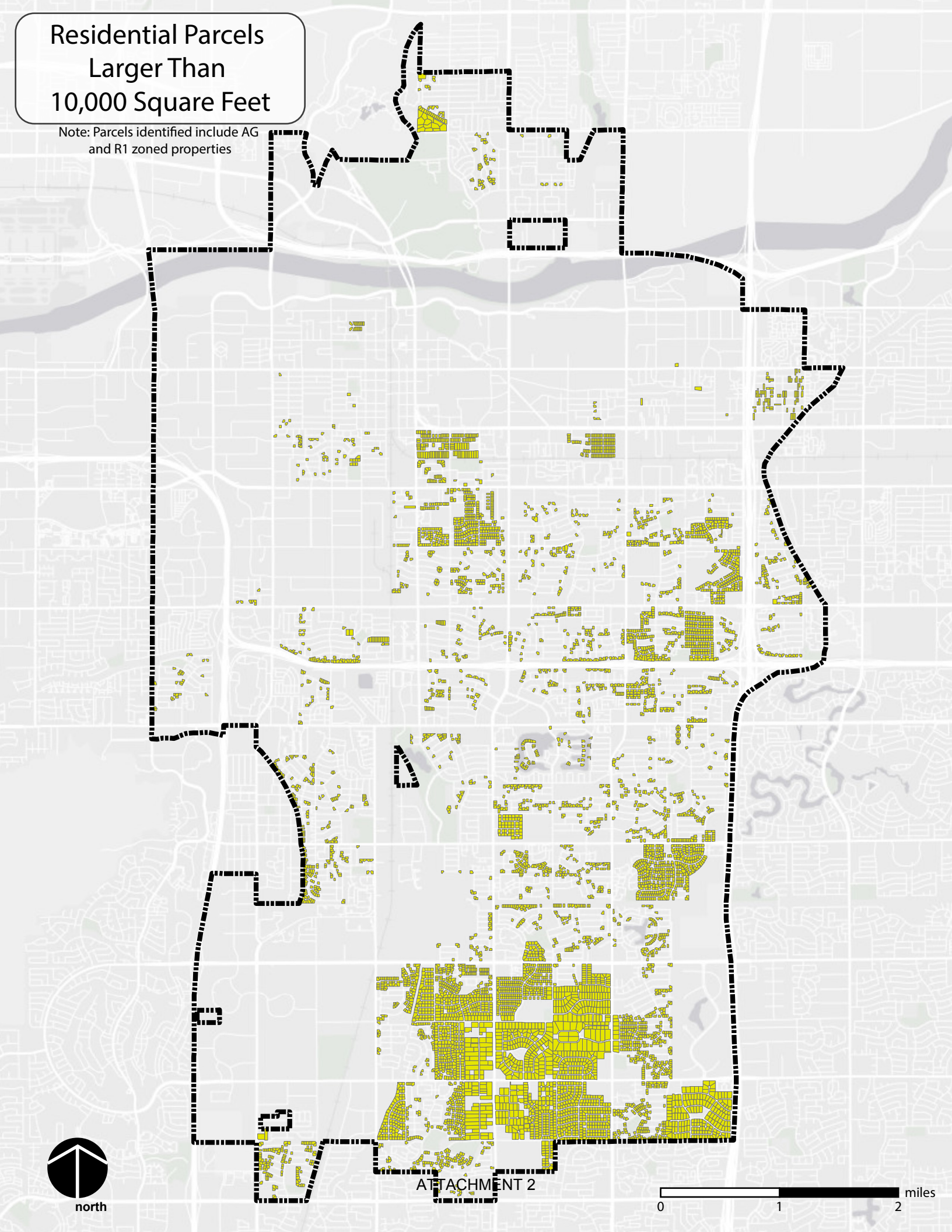
Residential Parcels Larger Than 8,000 Square Feet

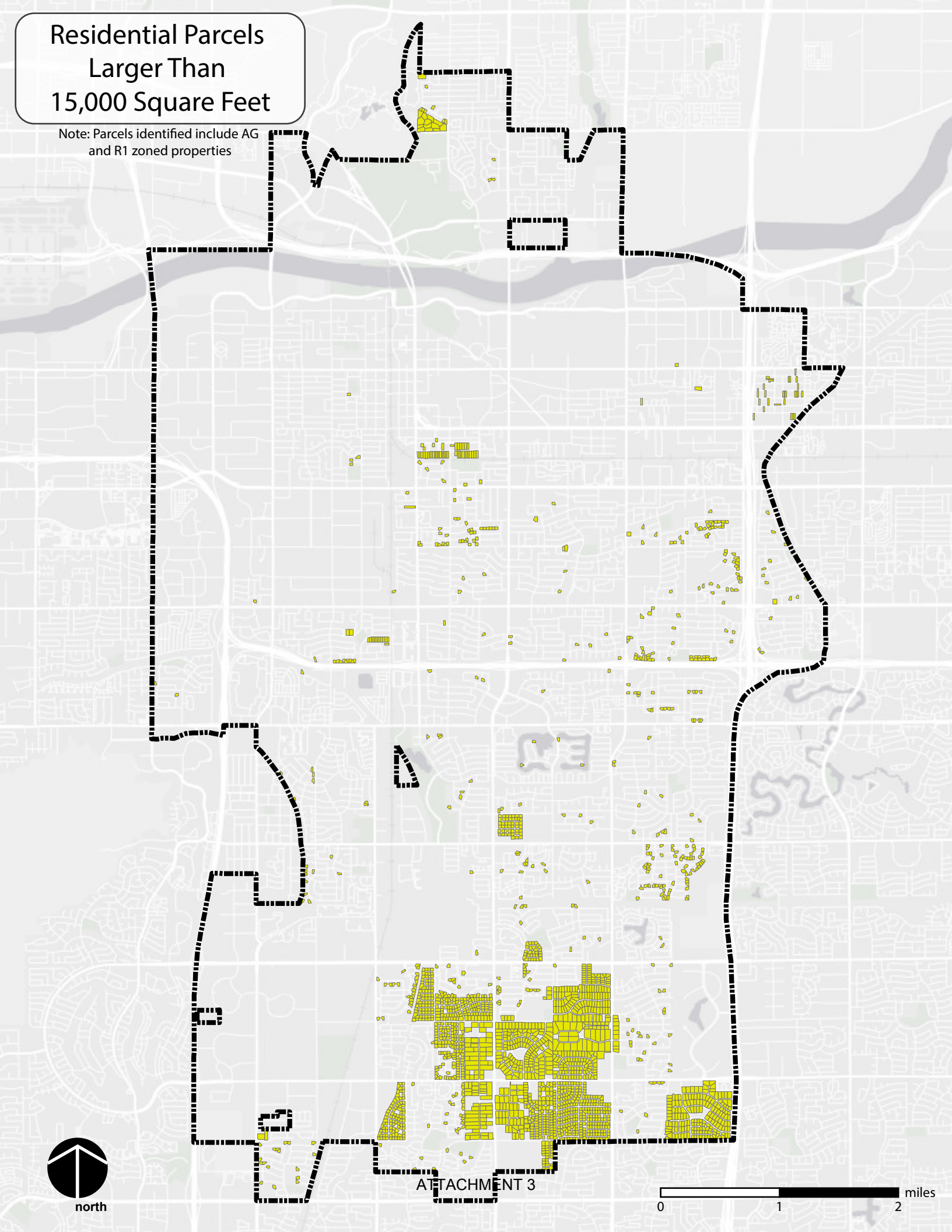
Note: Parcels identified include AG and R1 zoned properties



Residential Parcels Larger Than 10,000 Square Feet

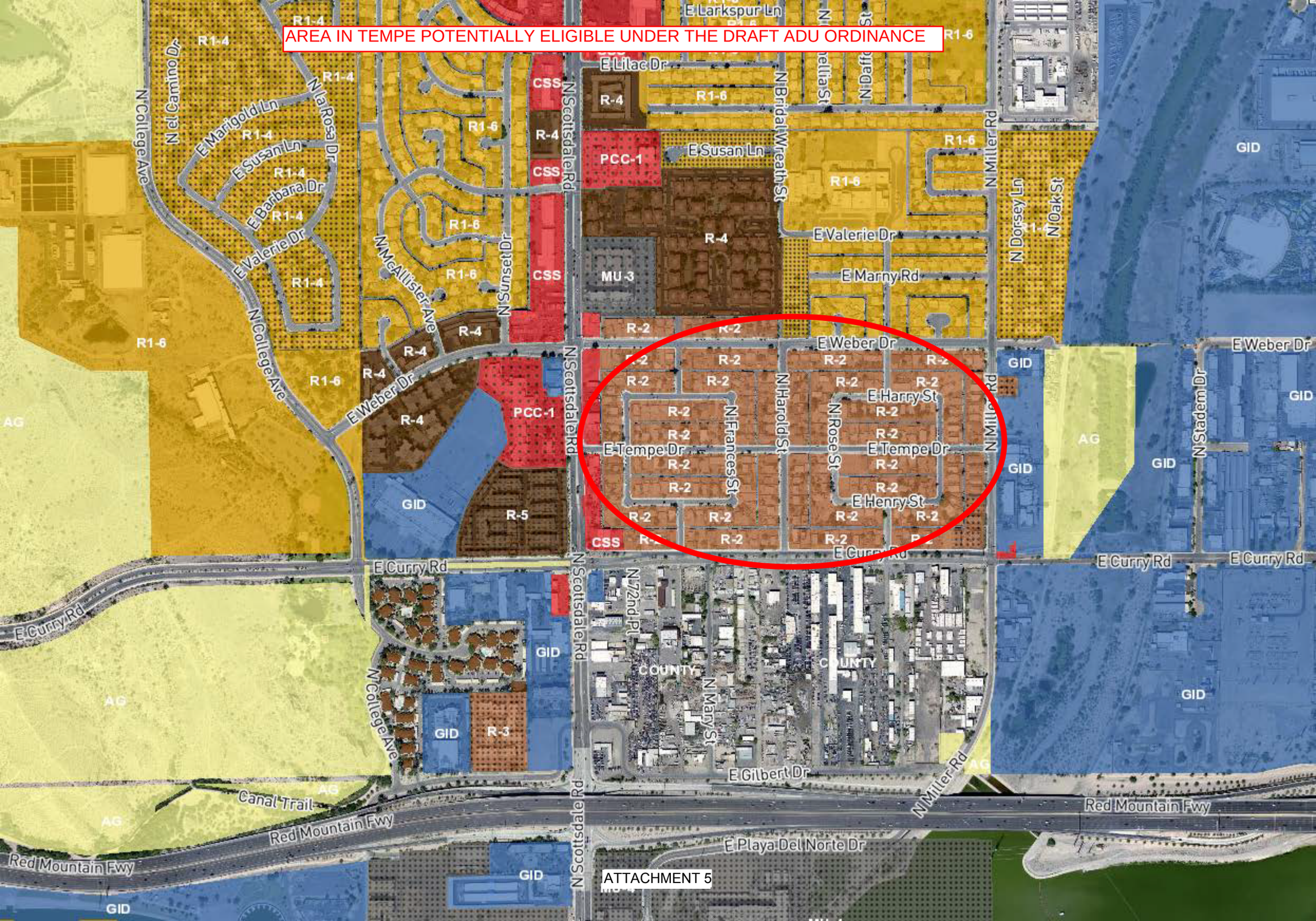
Note: Parcels identified include AG and R1 zoned properties

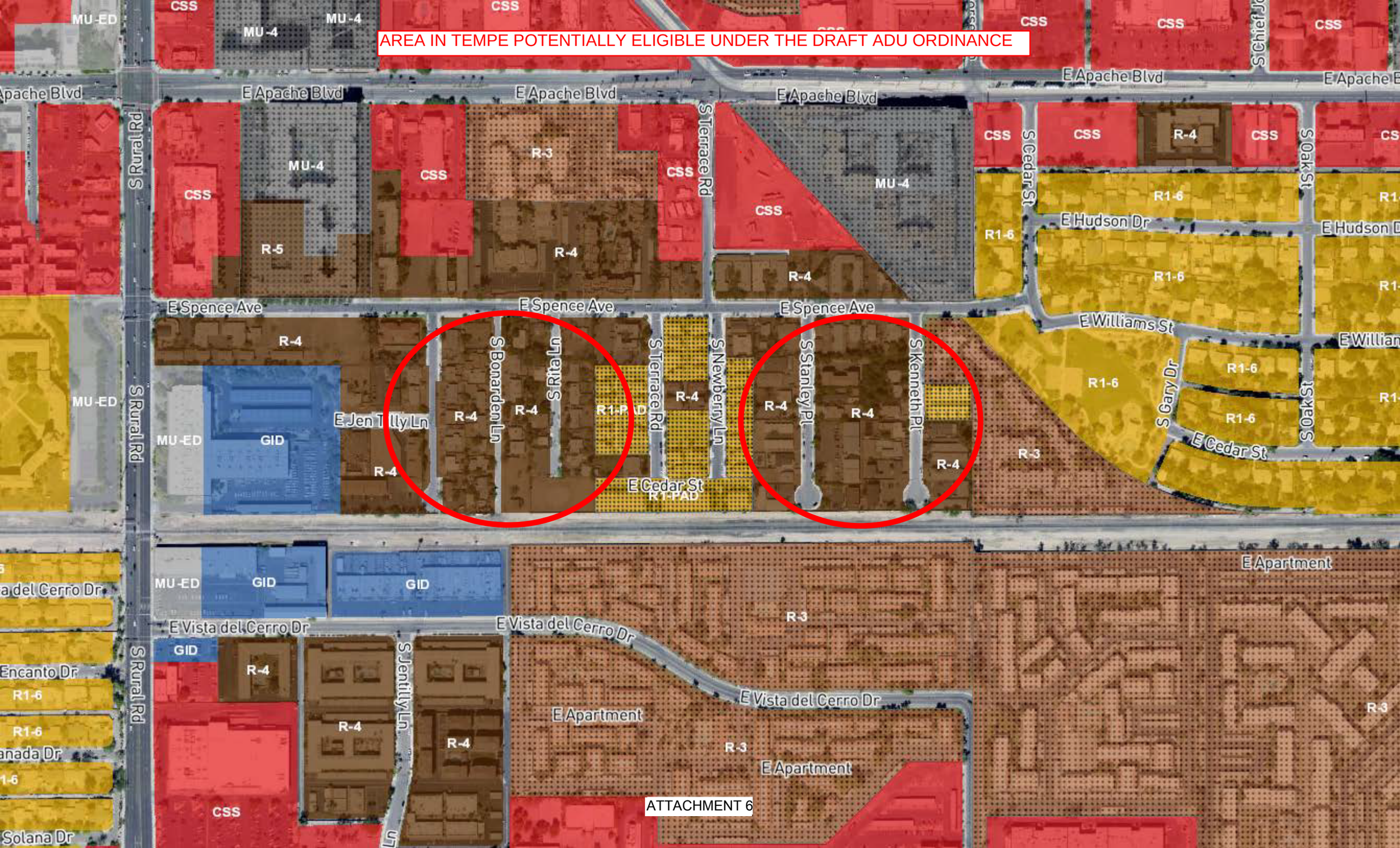



Residential Parcels
Larger Than
15,000 Square Feet
Note: Parcels identified include AG
and R1 zoned properties
north
ATTACHMENT 3
miles
0
1
2

AREA IN TEMPE POTENTIALLY ELIGIBLE UNDER THE DRAFT ADU ORDINANCE

ATTACHMENT 4


AREA IN TEMPE POTENTIALLY ELIGIBLE UNDER THE DRAFT ADU ORDINANCE
ATTACHMENT 5
E Larkspur Ln
E Lilac Dr
E Susan Ln
E Marigold Ln
E Barbara Dr
E Valerie Dr
E Marny Rd
E Weber Dr
E Harry St
E Tempe Dr
E Henry St
E Curry Rd
E Gilbert Dr
E Playa Del Norte Dr
N College Ave
N Scottsdale Rd
N Bridal Wreath St
N Miller Rd
N Dorsey Ln
N Oak St
N Sunset Dr
N McAllister Ave
N Harold St
N Frances St
N Rose St
N Stadem Dr
N Mary St
N 72nd Pl
N el Camino Dr
N la Rosa Dr
Canal Trail
Red Mountain Fwy
R1-4
R1-6
R-2
R-3
R-4
R-5
PCC-1
MU-3
CSS
GID
AG
COUNTY


AREA IN TEMPE POTENTIALLY ELIGIBLE UNDER THE DRAFT ADU ORDINANCE
E Apache Blvd
S Rural Rd
S Terrace Rd
S Cedar St
S Oak St
E Hudson Dr
E Spence Ave
E Williams St
S Bonarden Ln
S Rita Ln
S Newberry Ln
S Stanley Pl
S Kenneth Pl
S Gary Dr
E Cedar St
E Jen Tilly Ln
E Vista del Cerro Dr
S Jentilly Ln
E Apartment
MU-ED
MU-4
R-5
R-4
R-3
R1-6
R1-PAD
GID
CSS
ATTACHMENT 6

City Manager's Working Group
Accessory Dwelling Units and Guest Quarters
Public Input Summary

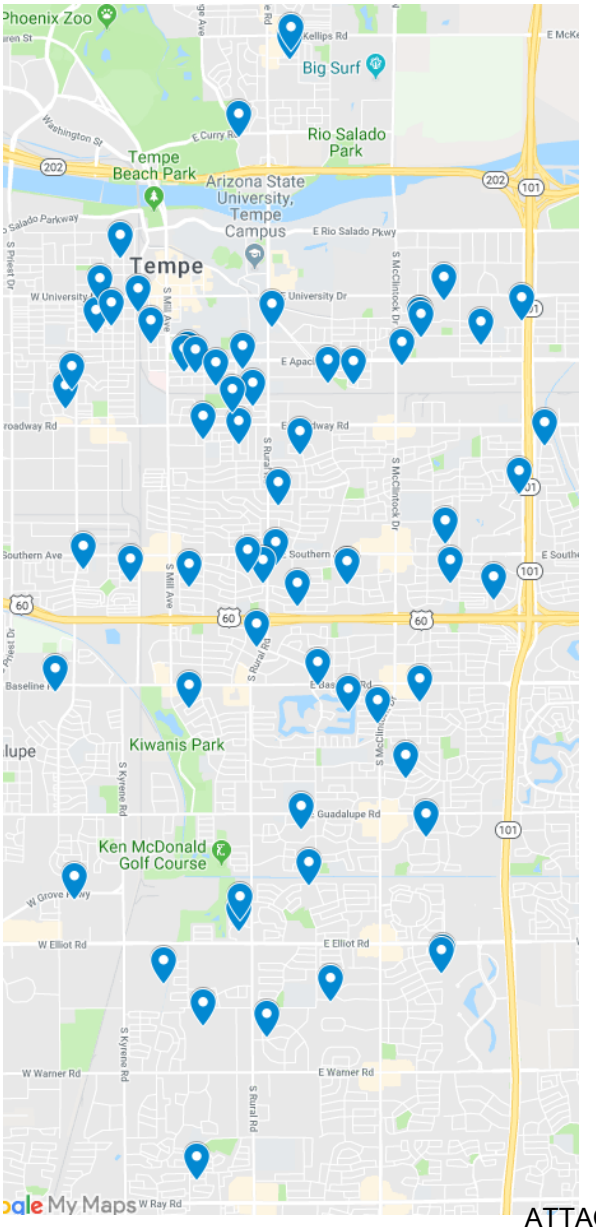
January 2019

OVERVIEW

Feedback was collected about a proposed amendment to the Zoning and Development Code that would make it easier to add a small dwelling unit to qualifying properties in order to preserve the character of Tempe's older neighborhoods and to provide people with more housing options.

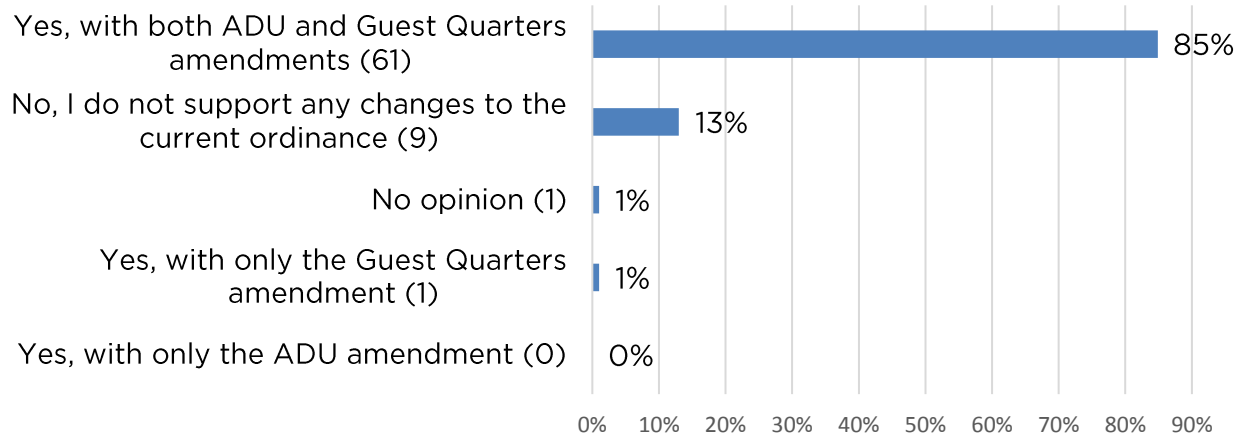
A public meeting was held on Jan. 15, 2019 with 23 attendees signing in and the topic was posted from Jan. 15– 27 on Tempe Forum. A total of 73 unduplicated survey responses were received, 10 at the public meeting and 63 on Tempe Forum.

MAP OF TEMPE SURVEY RESPONDENTS



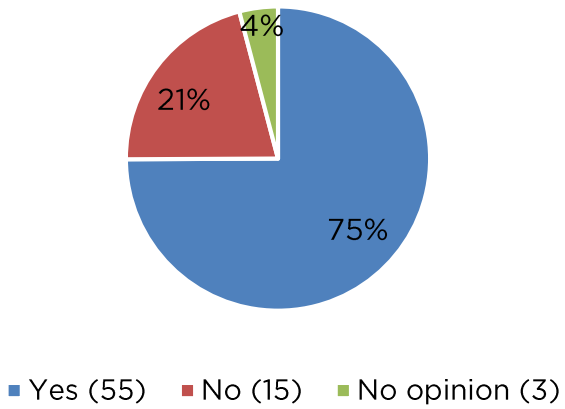
SURVEY RESULTS

1. Do you support the proposed draft ordinance?



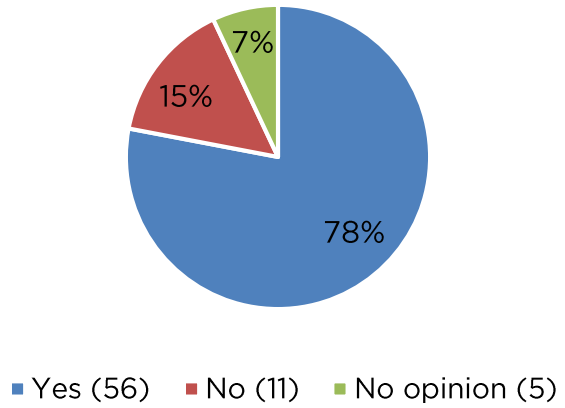
Total responses: 72

2. For future consideration, would you support expanding the allowance of Guest Quarters to lots smaller than 10,000 square feet?



Total responses: 73

3. For future consideration, would you support expanding Accessory Dwelling Units to other single-family areas?



Total responses: 72

4. Additional comments

Yes responses to supporting the proposed draft ordinance:

1. I feel like this ordinance change would give more option and power back to existing homeowners rather than developers having all the power to "force" their ideas on our neighborhoods.
2. Let's do this!
3. I'm of the firm belief that we build wealth as a community when we make space for the less well off by any means necessary. Also, I am starkly aware of the current lack of housing in Tempe that is compatible with my family's income. I feel these amendments are a step in the right direction.
4. I am pro-density that is managed well. ADUs and guest homes are of great economic benefit if well managed. They're great problems if not. I want more, but with very reasonable regulations and plenty of community eduction.
5. Homelessness involves a housing shortage that goes far beyond the population that is actually homeless. If my grandmother wants to live near me, but, rather than stay in a 'granny flat' on my property, has to acquire housing elsewhere in our tight Tempe housing market bidding up the price for others needing housing, with a knock on down the income ladder, as well as incentive to convert trailer parks to expensive apartments, finally increasing homelessness. While I believe this is the best way to house lower income people without increasing crime, the ASU area has a problem with rowdy student renters. This needs to be policed. Also, I would be angry if my neighbor built a unit near my property that affected my privacy.
6. EXPANSION OF AN ACCESSORY DWELLING THAT EXCEEDS THE MAXIMUM ALLOWABLE LIVABLE FLOOR AREA, THEN SUCH UNIT SHALL NO LONGER BE CONSIDERED AN ACCESSORY DWELLING AND SHALL BE SUBJECT TO THE STANDARDS OF A MULTI-FAMILY DEVELOPMENT. This may perhaps follow some obscure legal usage; but for standard English, this is flawed diction. If the entire topic is listed as " Expansion.....floor area," you cannot start the next phrase with "THEN" You would follow with a colon (:) and drop the "then". Or restructure. Otherwise, I approve of the concepts being introduced into the code. It might be the only way to keep a diverse neighborhood from becoming high-rise cookie-cutter condos or apartments. And the social implications are also great, helping keep family units together.
7. I think this is becoming more important with our aging population. An ADU is very well suited to lending a helping hand to older or handicapped family members.
8. This amendment is very helpful for students and low-income people hoping to live closer to downtown Tempe.
9. I support creative strategies to support density in Tempe.
10. This is a good first step, but you should definitely also allow ADUs (attached and detached) on all single-family lots of sufficient size. The primary goal should be to ensure that infill development can occur smoothly wherever there's demand for housing near employment, education, and/or transit.

11. I support these measures for what they are, but I think they don't go quite far enough. Allowing additional dwelling units in areas that are already zoned for multi-family residences is one thing, but in order to provide enough homes for Tempe's increasing population, we need to also think about increasing the number of ADUs and Guest Quarters allowed in areas zoned for single-family residences and Historic Preservation areas. The future for Tempe has to be denser, more walkable, and less dependent on automobiles than Tempe is today.
12. I think the real problem here is the exclusionary zoning of Single Family. The guest quarters is a start, but definitely ADU's need to be allowed in R1. The Minneapolis City Council vote to abolish all Single Family Zoning within the city was monumental and needs to be explored here. There a too many vacant lots in R1 districts that will remain vacant until this is addressed. There is no incentive to build a single family residence without some assistance from collecting rent from tenants or splitting a residence into 2 or 3 deeded units for the affordability aspect, especially now with increased water rates for lawns or pools. This is by far the biggest hindrance to affordable housing. Lets get real about this, Now.
13. My lot is 9000 sq foot with my own home at 1490 sq feet. My parents are getting older and I would love to build a dwelling on my spacious back yard for them.
14. This is a good first step, but ADUs should not be limited to properties zoned multifamily: they should be allowed on any lot of sufficient size. Both attached and detached ADUs should be allowed.
15. This is a no-brainer, right? Increase density, keep the cool buildings standing. Expand it to more of Tempe! All of Tempe, why not?
16. We need to legalize granny flats (and more). Maybe pull a Minneapolis and legalize triplexes everywhere. It brings density without luxury. Incentivize more fine grained dense development now that the rail corridor is pretty built out with luxury flats.
17. This gives home owners a lot of great housing options.
18. Need ADUs in R1 neighborhoods around ASU. This would encourage investment in the housing stock in DT Tempe which is often neglected or minimally maintained. This would also provide resiliency in the homeowner's ability to have extra income to support and sustain the overall property.
19. I think parking needs to be a consideration and that the property has enough room for on site parking for new quarters.
20. While my lot is zoned R1-16, there is enough space to add a tiny house and still have yard space. As a Senior, I would love to have a tiny house for myself and have my family live in front, so we would all be comfortable.
21. This is a good way to incrementally expand housing density in existing neighborhoods.
22. I think it's a great option for extended families, alternative & affordable housing and for income as well.
23. I agree with the proposal that this would help avoid taxing existing homes, as well as offering flexibility to multi-generational families living together.

24. I approve of the proposed changes. I think these changes allow for denser housing in a very desirable community in a way that is less disruptive than the current manner of tearing down homes and building condos/apartments. ADUs allows for denser living without displacement. My only remark is that the scope of the project is very limited in your proposal. I would suggest opening it up to all neighborhoods north of the US 60.
25. We live in an R1 area south of McKellips and east of Scottsdale Road. Our lot is huge, nearly 9,000 square feet, and we would easily add an accessory dwelling unit -- budget and time permitting. As housing costs continue to rise faster than inflation and wages, this is a logical next step to keep housing affordable and permit multi-generational living.
26. I support home owners who would like to build accessory dwelling units. I also support this for lots under 10000. I also support building gates, gazebos, cabanas, sheds, fences and carports of any height and with no set backs. Let people do what they want on their own land. So long as it isn't a safety issue or disturbs the neighbors' peace.
27. Tempe is land-locked and will continue to be hit with a sea of renters north of the 60 for the rest of time. Allowing landowners with larger lots to build out their excess land would greatly benefit all parties (landlord's pockets, renter's rates, city's revenue). If regulated accordingly, this is a great solution. Also, this would help stall the catastrophic "flipping" that continues to whitewash the amazing character and integrity of single family homes in Tempe. Good luck!

No responses to supporting the proposed draft ordinance:

1. This sounds fine on the surface but history and reality paint a much different picture. I am sure someone thought it was a neat idea to downzone these same areas in the 1960's. The change would in no way discourage developers from razing existing homes and erecting apartments. Developers would still be able to assemble adjacent parcels and do so. What it would allow is large investment groups and absentee owners to double the renters and income on existing properties with minimal investment. It has been my experience that, far from preserving and enhancing existing neighborhoods, this ultimately leads to deterioration. It will not lead to more affordable housing. We live near ASU. Rentals here are equivalent in price to equivalent accommodations in newer buildings along the Light Rail corridor. Our home is 1100 s.f. If we needed more room or wanted to accommodate an elderly (or younger) relative we could expand our dwelling, as many of our neighbors have, without violating the historical character of the building or the neighborhood. This fuzzy idea resurfaces every decade or so. Increased density can be achieved as it always has with quality dense housing on appropriate properties. This plan is a stealth neighborhood destroyer.
2. This will only benefit out of state investors. It will allow them to stack even more students into our neighborhoods, with no regard as to the quality of life for the permanent residents of Tempe. More parties, more cars parked on lawns, more congestion. No MORE!

3. The proposed change does not take into consideration the parking issue that currently exists. With an increasing amount of rental homes with excessive occupancy or multi-generational living situations in single family homes - the amount of people living in each home and each person having one or more vehicles, our neighborhood streets have turned into parking lots to hold the excess of cars. It not only looks horrible, but is also difficult to drive, see around corners, etc. in many situations. Allowing expansion of additional living quarters will add to the existing problem.
4. The increase in cars on the streets that will come about with this ordinance is reason enough to reject it.
5. I would not support this unless there were provisions in place to protect street parking to other residents that this would effect. Being a native of Tempe and having lived in California I have seen where this seriously affects the property values and neighbors.
6. As someone who is raising a family, I have a standard of living that I would like to maintain within the neighborhood I have chose to raise my family in. More often than not, there have been too many incidents of unsafe behaviors and actions by temporary guests
7. Tempe currently fails to enforce the "no more than two unrelated" families in a single unit house. My neighborhood has several houses, rental units, that look like used car lots. One of the houses recently expanded the off-street parking. I think another house, rental, recently did renovation to add a bathroom. When I purchased the house I live in it had four unrelated men living in it. I know because we had to deal with their lease. I'll support this proposal once Tempe enforces current ordinance.
8. These type of properties allow for housing of illegal immigrants, fire hazards and clutter to neighborhoods. Tempe is already crowded enough, land locked, we don't need to squeeze more buildings into one parcel. Those who want this are overcharging landlords who don't even take care of the properties.

No opinion responses to supporting the proposed draft ordinance:

1. Is there any scenario where a single family zoned lot may be presented to the city for a rezoning to a multiple family zone to take advantage of this ordinance? Is there any language that would dissuade the public from wasting the city's time with these types of zoning change requests?

From: Dayna
Sent: Tuesday, January 15, 2019 4:20 PM
To: Levesque, Ryan
Subject: Re: ADUs and guest quarters

The whole issue is a very slippery slope. I may be in favor of it if an additional garage or carport was required. I do not support just another slab of cement in front of the house. One of my biggest complaints is the poor condition of many yards in Tempe, either because of terribly maintained landscaping or the amount of junk/vehicles/campers sitting in them. Of course, this is mostly in neighborhoods that do not have an HOA, which I believe are the areas that this ordinance would be applicable. My lot would be large enough for an additional structure but my HOA would never allow it. Neighborhood input should also be solicited in the planning stages of any construction project on a residential lot.

Additionally, any decision on the presumption that people would use “alternative“ or mass transit is ridiculous. We live in a car society. We all know the result of the bike lanes in south Tempe—unused!

I also believe that this ordinance definitely favors people with rental properties and could have a dramatically negative effect on owner occupied neighbors that already deal with all of the problems that come with rentals.

I do appreciate your response to me and I do hope that a determination is made that takes into account not only the aesthetic nature of additional structures-but also the effect an ordinance like this would have on the value of neighboring homes and their residents quality of life.
Thank you,
Dayna McGrady

Sent from my iPhone

> On Jan 15, 2019, at 10:38 AM, Levesque, Ryan <ryan_levesque@tempe.gov> wrote:
>
> Thank you Dayna for your input on the matter.
>
> Certainly parking is a discussion topic for ADUs. Currently the draft ordinance does not require additional parking, but it would not preclude one to add a garage or driveway to their property. Some of the neighborhoods that would be eligible for an ADU unit have residential permit parking to control this impact. But some areas do not at this time. Because the ADU unit is intended to be small and less of a demand on the property than the main dwelling, the regulations was drafted so as to encourage alternate means of travel and limit the intended occupancy of the smaller dwelling. But I do understand not all want to abandon the vehicle. To clarify, are you then in favor of the ordinance if there is a requirement for parking on-site? Say, one additional parking space?
>
> -----Original Message-----
> From: Dayna
> Sent: Tuesday, January 08, 2019 9:20 AM
> To: Levesque, Ryan
> Subject: ADUs and guest quarters
>
> I sure hope you will address the parking issues that will arise if this passes. The number of cars on the neighborhood streets is such an eyesore and would Increase if more people are living in the same small area.

> I have been especially upset about the people that have been allowed to convert their garages into living space, i'm sure to make them rentable two more people. They then have no choice but to park their cars on the street. Having three and four cars in front of the house is a real burden on the surrounding neighbors And makes the neighborhoods looks so unappealing, Decreasing the value of the surrounding homes and perpetuating the rental neighborhood over owner Occupied neighborhood.
>
> I will definitely follow this issue.
> Dayna McGrady
>
>

From: Jennifer Stephens
Sent: Wednesday, January 16, 2019 8:29 AM
To: Levesque, Ryan
Subject: ADUs and guest quarters

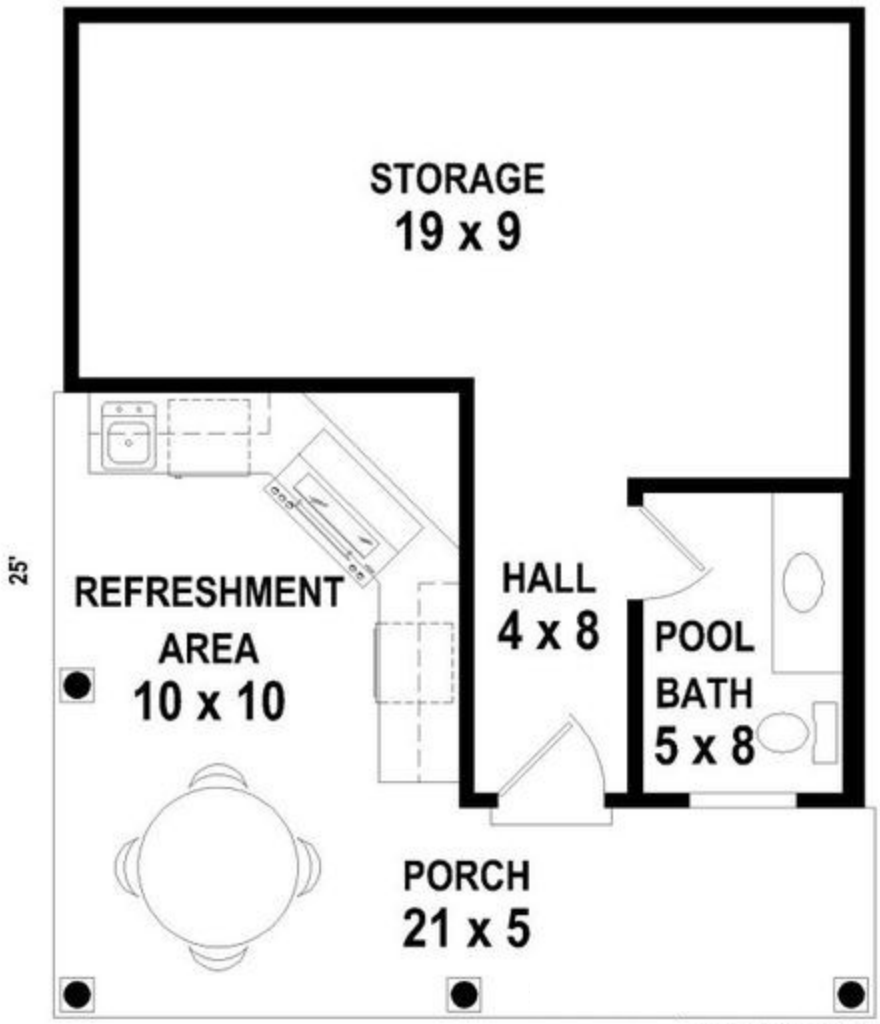
Did the committee decide to forward the ADU issue to the February meeting? Or has it been removed for further consideration? I am a swim coach who lives in Tempe and I am unable to attend 6pm meetings. I typically work 4-8pm coaching on deck each day. I missed this meeting but I am VERY supportive of seeing this issue adopted in the future. Any information you could provide would be appreciated.

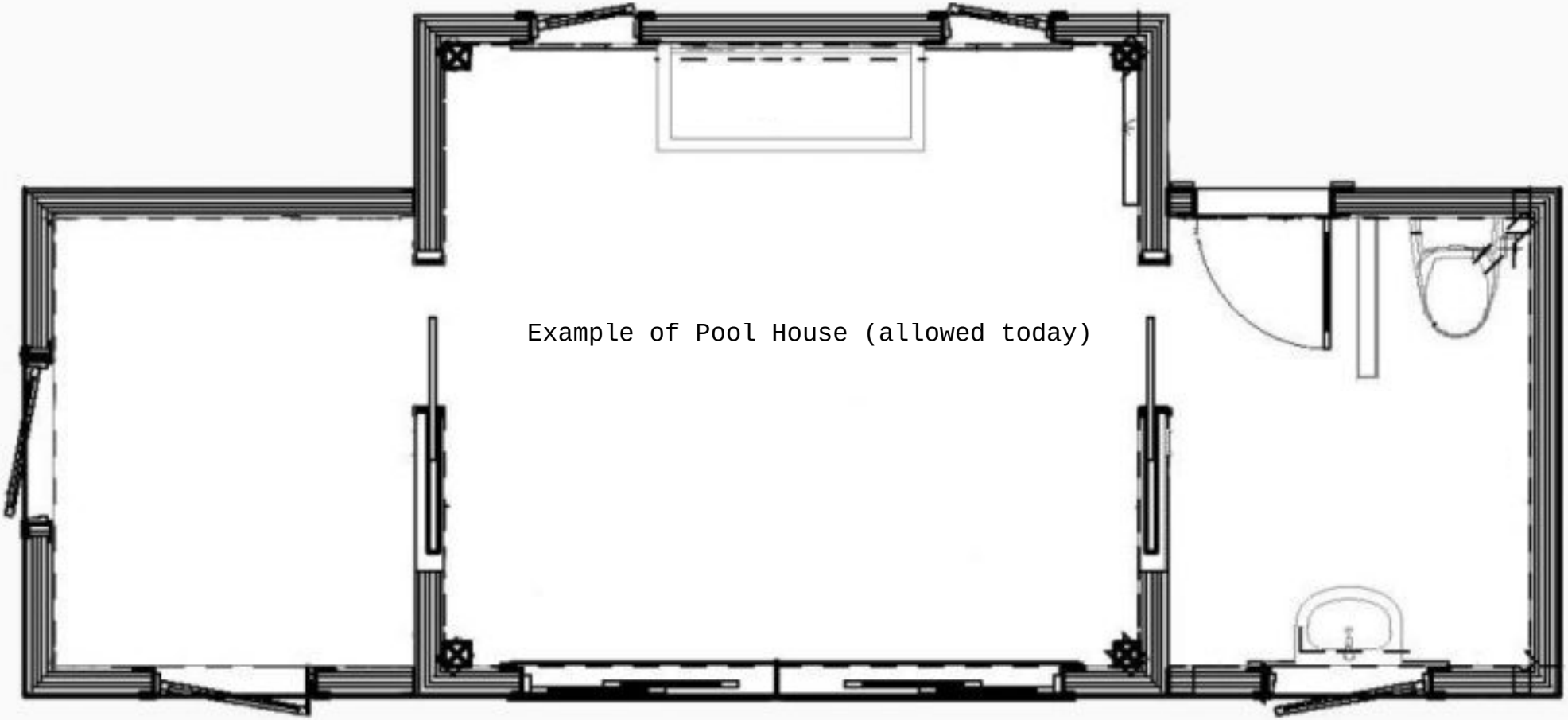
Have a wonderful day.

Jenn Stephens

Sent from my iPhone

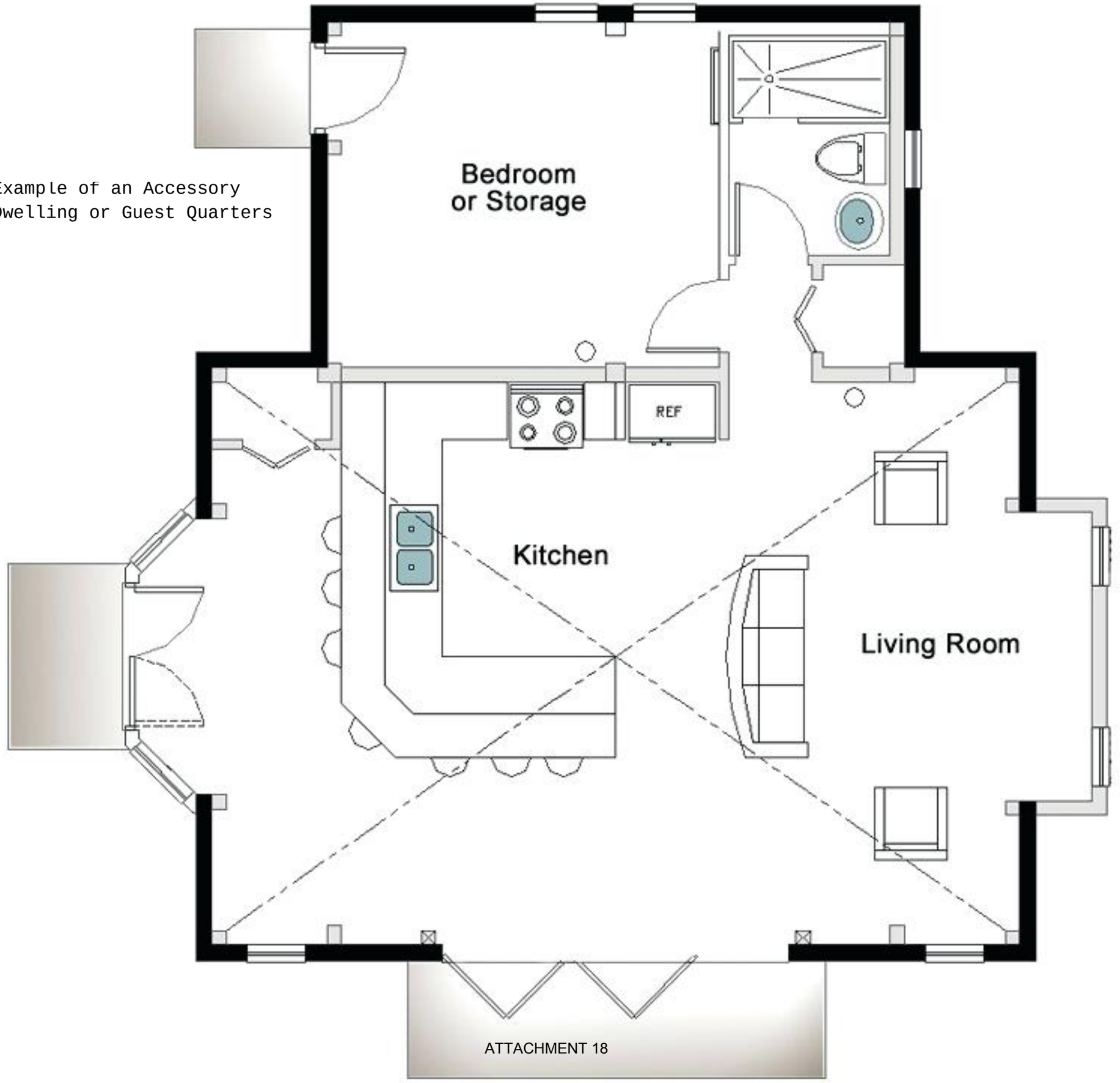
Example of a Pool House (allowed today)

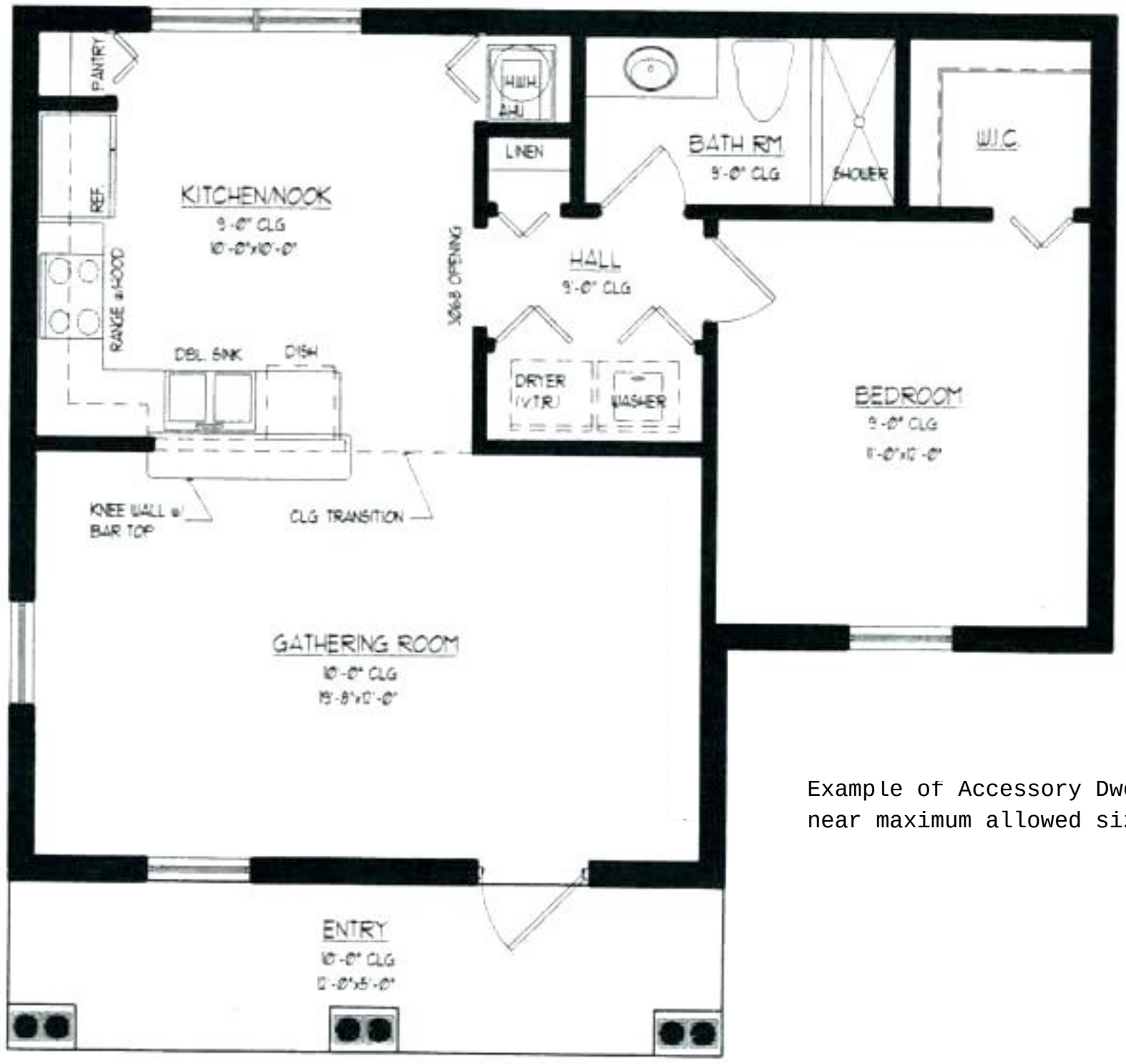




ATTACHMENT 17

Example of an Accessory
Dwelling or Guest Quarters





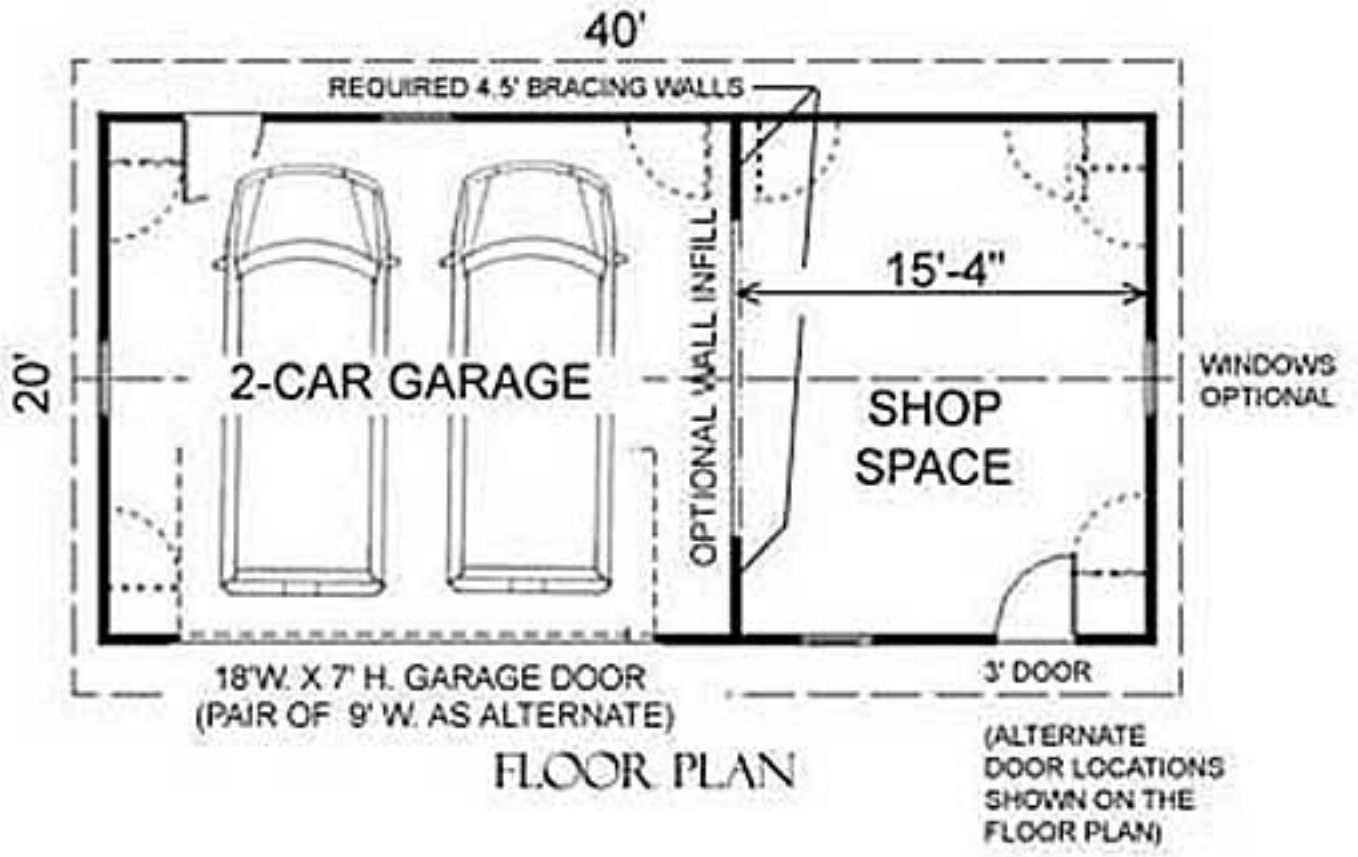
Example of Accessory Dwelling
near maximum allowed size (800 sf.)

AREA CALCULATIONS

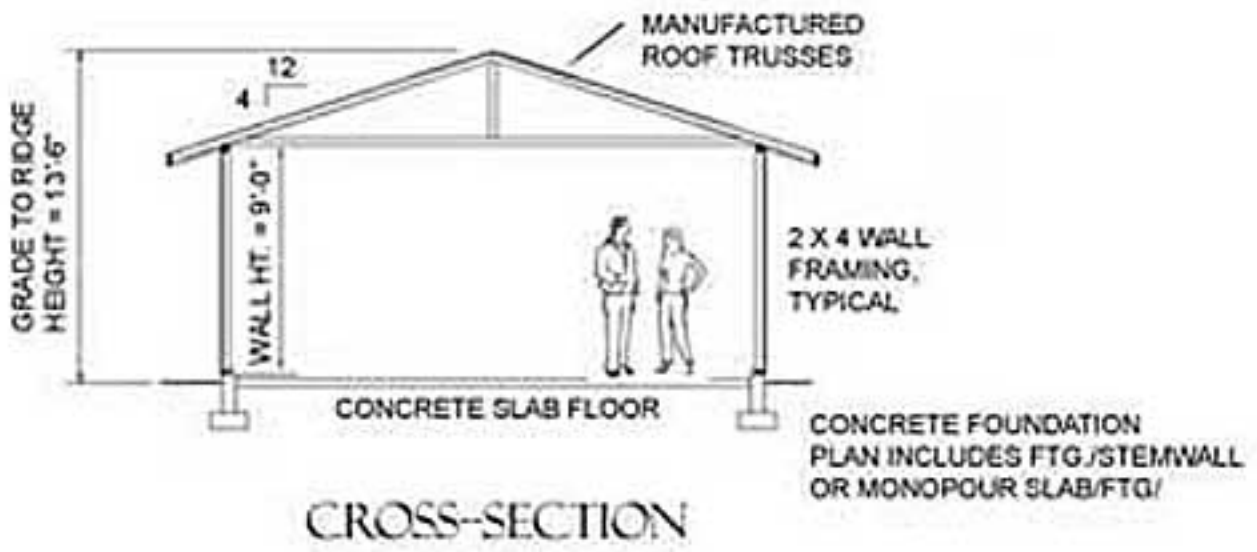
750 SQ./FT. A/C 105 SQ./FT. ENTRY
855 SQ./FT. TOTAL

Example of Detached Accessory Building (garage/work shop)

GARAGE WITH SHOP



FLOOR PLAN



CROSS-SECTION

ORDINANCE NO. O2019.xx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE ZONING AND DEVELOPMENT CODE, PART 3 – LAND USE, SECTIONS 3-102, 3-401 AND 3-402, PERTAINING TO SPECIAL STANDARDS FOR ACCESSORY DWELLING UNITS, AND SECTION 3-411, GUEST QUARTERS.

****

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

SECTION 1. That Section 3-102, Table 3-102 of the Zoning and Development Code, pertaining to the table row for accessory dwellings, is hereby amended to read as follows:

Table 3-102 – Permitted Land Uses (AG, SFR, MF, MH, RMH, TP)

Uses	Status of Use in District			
	AG	SFR	MF	MH/RMH/TP
Accessory Dwellings [Section 3-402]	N	N	~~N~~ S	N

SECTION 2. That Section 3-401 subsection (C)(1) of the Zoning and Development Code, pertaining to accessory buildings, is hereby amended to read as follows:

C. Accessory Building. Buildings that exceed two hundred (200) s.f. in area or eight (8) feet in height are *accessory buildings* (e.g., freestanding garages, large sheds, workshops, etc.). Such buildings are permitted ~~in the~~ ON PROPERTIES WITH A *single-family DWELLING* ~~residential districts~~, subject to the following:

1. Use. *Accessory buildings* ~~shall not~~ USED AS A DWELLING SHALL COMPLY WITH THE PROVISIONS IDENTIFIED FOR *GUEST QUARTERS*, PURSUANT TO SECTION 3-411, AND FOR *ACCESSORY DWELLINGS*, PURSUANT TO SECTION 3-402.

SECTION 3. That Section 3-402 of the Zoning and Development Code, pertaining to accessory dwellings, is hereby amended to read as follows:

Section 3-402 Accessory Dwellings. ~~*[reserved]*~~

A. **PURPOSE.** *ACCESSORY DWELLINGS* ARE DESIGNED TO ALLOW A SECONDARY DWELLING, THAT MAY BE RENTED OR LEASED INDEPENDENT FROM THE *MAIN BUILDING*. THIS PROVIDES A GREATER DIVERSITY OF HOUSING TYPE WHILE ENSURING THAT THE PROPERTY REMAINS COMPATIBLE WITH THE SCALE OF SINGLE-FAMILY RESIDENTIAL DEVELOPMENT.

B. **APPLICABILITY.** *ACCESSORY DWELLINGS* ARE PERMITTED IN MULTI-FAMILY RESIDENTIAL DISTRICTS WHEN A PROPERTY CONTAINS AN EXISTING *SINGLE-FAMILY DWELLING*,

C. **STANDARDS.** *ACCESSORY DWELLINGS* ARE SUBJECT TO THE FOLLOWING REQUIREMENTS:

1. FLOOR AREA.

   A. THE AREA OF AN *ACCESSORY DWELLING* SHALL NOT EXCEED EIGHT HUNDRED (800) SQUARE FEET OF LIVABLE FLOOR AREA. SAFETY STANDARDS AND MINIMUM FLOOR AREAS OF AN ACCESSORY DWELLING SHALL COMPLY WITH THE CITY OF TEMPE'S ADOPTED RESIDENTIAL BUILDING CODE AND AMENDMENTS.

   B. EXPANSION OF AN *ACCESSORY DWELLING* THAT EXCEEDS THE MAXIMUM ALLOWABLE LIVABLE FLOOR AREA SHALL NO LONGER BE CONSIDERED AN *ACCESSORY DWELLING.* PROPERTY CONTAINING THE ADDITIONAL DWELLING SHALL BE SUBJECT TO THE CURRENT STANDARDS OF A MULTI-FAMILY DEVELOPMENT.

2. DENSITY.

   A. A MAXIMUM OF ONE (1) *ACCESSORY DWELLING* IS ALLOWED ON A LOT IN A MULTI-FAMILY DISTRICT CONTAINING AN EXISTING SINGLE-FAMILY DWELLING. AN ACCESSORY DWELLING IS NOT DEEMED A SECOND DWELLING, OR MULTI-FAMILY UNIT, WHEN DETERMINING MAXIMUM ALLOWABLE DENSITY.

   B. AN *ACCESSORY DWELLING* WILL BE COUNTED TOWARD THE MAXIMUM *ALLOWABLE DENSITY* OF THE ZONING DISTRICT WHEN THE FOLLOWING OCCURS:

      I. ANOTHER DWELLING UNIT IS PROPOSED IN ADDITION TO THE *ACCESSORY DWELLING* AND MAIN RESIDENCE DWELLING ON THE LOT; OR

      II. THE *ACCESSORY DWELLING* EXPANDS BEYOND THE ALLOWABLE AREA OR STANDARDS DESCRIBED IN SECTION 3-402.

3. DEVELOPMENT STANDARDS.

   A. NO ADDITIONAL VEHICLE PARKING IS REQUIRED FOR AN ACCESSORY DWELLING.

B. NO MORE THAN TWO BEDROOMS ARE ALLOWED WITHIN AN *ACCESSORY DWELLING*.

C. WHEN ATTACHED TO THE MAIN BUILDING THE *ACCESSORY DWELLING* SHALL CONFORM WITH THE GENERAL DEVELOPMENT STANDARDS FOR SETBACK, BUILDING HEIGHT, AND LOT COVERAGE STANDARDS PURSUANT TO SECTION 4-202.

D. WHEN DETACHED FROM THE MAIN RESIDENCE THE *ACCESSORY DWELLING* SHALL COMPLY WITH THE STANDARDS FOR *ACCESSORY BUILDINGS*, PURSUANT TO SECTION 3-401.

E. A PROPERTY CONTAINING AN *ACCESSORY DWELLING* SHALL RETAIN ITS SINGLE-FAMILY USE STATUS. AS A RESULT, *ACCESSORY DWELLINGS* ARE EXCLUDED FROM THE MULTI-FAMILY USE REGULATIONS FOUND IN PART 4, CHAPTER 4, BUILDING DESIGN; CHAPTER 6, PARKING; CHAPTER 7, LANDSCAPE AND WALLS; CHAPTER 8, LIGHTING; AND SECTION 6-306, DEVELOPMENT PLAN REVIEW.

4. INFRASTRUCTURE.

A. RESIDENTIAL CONNECTIONS TO SEWER, WATER AND/OR UTILITY SERVICES SHALL BE PROVIDED TO THE *ACCESSORY DWELLING* IN CONFORMANCE WITH CITY STANDARDS.

B. THE *ACCESSORY DWELLING* SHALL PROVIDE A COMPLETE BATHROOM INCLUDING SHOWER/TUB, TOILET AND SINK, AND COOKING FACILITIES WITHIN THE UNIT.

C. *ACCESSORY DWELLINGS* CONSTRUCTED ON TRAILERS ARE ALLOWED WHEN THE SUSPENSION/AXLE COMPONENTS HAVE BEEN REMOVED AND THE CHASSIS IS PERMANENTLY ATTACHED ON A FOUNDATION.

SECTION 4. That Section 3-411 of the Zoning and Development Code, pertaining to guest quarters, is hereby amended to read as follows:

Section 3-411 Guest Quarters.

A. Applicability. *Guest quarters* are permitted in single-family residential districts WHEN A PROPERTY CONTAINS A MINIMUM NET SITE AREA ~~having a minimum lot size of~~ 15,000 ~~8,000~~ square feet, subject to the following standards:

1. Only one *guest quarters* is permitted on a single lot;

2. The *gross floor area* shall be no greater than fifty (50) percent of the *main building's gross floor area* at or above *grade*;

3. ~~An~~ WHEN *attached ~~building~~* TO THE *MAIN BUILDING, GUEST QUARTERS* shall CONFORM ~~comply~~ with the development standards set forth in Table 4-202A.

4. *WHEN DETACHED FROM THE MAIN BUILDING, ~~Guest~~ GUEST quarters* ~~detached from the *main building* shall CONFORM comply~~ with the ~~*accessory building*~~ standards set forth in Section 3-401.

5. There shall be no separate metering for utility services and no separate mailing address; and

6. Prior to issuance of a building permit, a real covenant shall be recorded with the land restricting the use of the *guest quarters* from being rented or leased INDEPENDENT FROM THE *MAIN BUILDING*. ~~The City of Tempe shall be parties to~~ ~~s~~Such covenant ~~and~~ shall be binding to all subsequent owners.

(Ord. No. 2009.15, 10-22-2009)

SECTION 5. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____ day of _____, 2019.

_____
Mark W. Mitchell, Mayor

ATTEST:

_____
Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

_____
Judith R. Baumann, City Attorney