



"Inspiring a Vibrant Community"

PLANNING & ZONING COMMISSION

1083 E. RIVER FRONT
ROAD
COTTONWOOD, AZ 86326

Monday, June 17, 2024

6:00 PM

cottonwoodaz.gov

Regular Meeting of the Planning and Zoning Commission

I. CALL TO ORDER

1. ROLL CALL:
2. APPROVAL OF THE MINUTES:

II. INFORMATIONAL REPORTS AND UPDATES:

A brief summary of current events by Chairperson, Commission members, and/or Community Development Director. (The public body does not propose, discuss, deliberate, or take legal action on any matter brought up during this summary unless the matter is properly noticed for legal action).

III. OLD BUSINESS:

IV. NEW BUSINESS:

1. ZONING ORDINANCE AMENDMENT REGARDING ACCESSORY DWELLING UNITS AND RESIDENTIAL DEVELOPMENT STANDARDS
2. ZONING ORDINANCE AMENDMENT ON AFFORDABLE HOUSING

V. CALL TO THE PUBLIC

This is the time for the public to comment on any matter that does not appear on the agenda. Commission members may not discuss items not identified on the agenda. Pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to criticism, or scheduling the matter for consideration at a later date. Comments are limited to five minutes for each person.

VI. DISCUSSION ITEMS:

VII. ADJOURNMENT:

Notice is hereby given that pursuant to A.R.S. subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the City Council are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the City Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. have been waived.

Information on the above agenda items may be obtained in person from the Community Development Department, 111 N. Main Street in Cottonwood, or by calling (928) 634-5505.

A verbal comment period will be provided during each hearing item. The Chair may impose a time limit on each speaker. The Commission will not consider written materials submitted less than three working days before the meeting.

Pursuant to A.R.S. § 38-431.02(B) the Commission may vote to go into executive session on any agenda item pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney.

The Riverfront Council Chambers are accessible to the handicapped in accordance with Federal “504” and “ADA” laws. Those with needs for special typeface print or hearing devices may request these from the Community Development Admin at 634-5505 (TDD 634-5526). All requests must be made at least 24 hours before the meeting.

Members of the Planning Commission will attend either in person or remotely.

City of Cottonwood, Arizona
Agenda Communication



Meeting Date: June 17, 2024
Subject: Approval of the minutes
Department: Community Development
From: Kristina Hayden

ATTACHMENTS

[2024-05-20_DRAFT MINUTES PZ_REV KH GD.pdf](#)

**FIRST PAGE DRAFT**

**CITY OF COTTONWOOD
PLANNING & ZONING COMMISSION
RIVERFRONT COUNCIL CHAMBERS**
1086 Riverfront Dr.
Cottonwood, Arizona 86326

REGULAR MEETING MINUTES

Wednesday, May 20, 2024
6:00 p.m.

I. CALL TO ORDER

Chairwoman Masten called the meeting to order 6:00 p.m.

A. Roll Call

Commission Members Present

Commissioner Glascott
Commissioner Gehlert
Vice Chair Garrison
Chairwoman Masten

Commission Members Absent

Commissioner DuVernay
Commissioner Rothrock

Staff Members Present

Scott Ellis, Community Development Director
Gary Davis, Community Development Senior Planner
Tina Hayden, Community Development Planner
Clover Pinion, Community Development Assistant Planner
Charlotte Page, Recorder
Frank Cassidy, Legal Counsel, via Zoom
Tom Whitmer, Acting City Manager
Rick Contreras, Fire Marshal
Shannon Boone, Housing Manager
Ryan Bigelow, Interim Director of Strategic Initiatives

B. Approval of Minutes: March 18, 2024, Regular Meeting.

Chairwoman Masten said she would entertain a motion to approve the minutes.

Motion: So Moved

Made by: Vice Chair Garrison

Second: Commissioner Glascott

Unanimously carried.

II. INFORMATIONAL REPORTS AND UPDATES:

Director Ellis said the employee and volunteer appreciation event is scheduled for this Wednesday and encouraged the Commissioners to attend. In addition, Director Ellis said the Planning and Zoning Commission has one vacant seat.

III. OLD BUSINESS: NONE

IV. NEW BUSINESS:

1. DR -24-003 – COTTONWOOD SPRINGS RV STORAGE & SOLAR CANOPY

Consideration of an application for Design Review for an RV storage lot with solar canopies, and for a 6-foot tall screening fence within the front yard setback, located on the east side of Happy Jack Way approximately 1,500 feet from W. Mingus Avenue.

Planner Hayden gave a presentation on the proposed solar canopies for an RV storage lot. She described the site, proposed landscape, traffic circulation, and showed renderings and photos.

Planner Hayden reviewed the proposed findings and the proposed fence height, and the read the proposed stipulations into the record.

1. The project shall be developed in conformance with the development plans as reviewed by the Planning and Zoning Commission at the May 20, 2024 meeting.
2. The project shall conform to the Code Review Board comment letter dated March 27, 2024 (RE: CRB-24-011).
3. The project shall comply with all applicable sections of the Zoning Ordinance including, but not limited to I-2 Property Development Standards, General Provisions, Signs, Parking and Loading Requirements, Landscaping Requirements, and Outdoor Lighting Code.
4. Approval of DR-24-003 does not grant the developer permission to construct an electric gate across the Happy Jack Way right-of-way.
5. A Certificate of Zoning Compliance, documenting the completion of the project and stipulations, is required prior to use or occupancy.

Commissioner Glascott asked if the lot surface would be gravel or paved.

Commissioner Gehlert asked if an additional sidewalk or other off-site improvements were planned for the east side of Happy Jack Way.. He asked if there was concern regarding the close proximity of the spaces or any concern for fire.

The applicant said gravel will be used as it is helpful for water runoff, and the solar system will help power the nearby 200-unit RV Park.

Planner Hayden said there is no plan for additional off-site sidewalk improvements, and there had not been a requirement from the City Engineering Department.

Chairwoman Masten asked if the Fire Department access has been approved.

Rick Contreras, Fire Marshal, confirmed that there is no requirement for fire suppression for the proposed structure. He said the Fire Department will require a knox switch for access, and he expects permits to show the adequate turn radius, noting that designing for RV access should be similar to requirements the Fire Department need for their large vehicles.

Chairwoman Masten said this is a good placement and the use works well for minimizing concerns for noise from the airport.

Motion: Move to approve DR-24-003 for a RV Storage lot with solar canopies, and a 6-foot tall screening fence, subject to the stipulations that staff has read into the record.

***Made by: Vice Chair Garrison
Second: Commissioner Gehlert***

Roll Call Vote:

*Commissioner Glascott - Aye
Commissioner Gehlert - Aye
Vice Chairman Garrison -Aye
Chairwoman Masten – Aye*

Unanimously carried.

2. DR-24-005 – APARTMENTS ON MINGUS

Consideration of an application for Design Review for a 15-unit apartment complex, located at 1416 E. Mingus Avenue.

Planner Hayden presented on the proposed apartments showing the site plan, landscape plan, and screening walls to the rear and east side of the project. Renderings and photos were presented. Planner Hayden read the proposed stipulations into the record.

1. The project shall be developed in conformance with the development plans as reviewed by the Planning and Zoning Commission at the May 20, 2024 meeting.
2. The project shall conform to the Code Review Board comment letter dated March 6, 2024 (RE: CRB-24-004).
3. The project shall comply with all applicable sections of the Zoning Ordinance including, but not limited to, R-3 Property Development Standards, General Provisions, Signs, Parking and Loading Requirements, Landscaping Requirements, and Outdoor Lighting Code.
4. Alley surface improvements shall be required unless the developer demonstrates onsite fire access, subject to the approval of the Fire Marshal.
5. A building permit application must be submitted within 24 months of Design Review approval. If this requirement is not met, this Design Review approval shall be revoked and a new Code Review and Design Review submittal shall be required.
6. The applicant is required to install vegetation and/or screening as is necessary to screen the stairway facing the intersection from the road. **(added with the motion below)**

Commissioner Glascock asked about the location and screening for trash on site.

Commissioner Gehlert asked what improvements were proposed for the alley side of the site, and if the sidewalk on 14th will be required.

Planner Hayden confirmed that a 6-foot wide sidewalk was proposed on 14th St.

Vice Chair Garrison said the proposed sidewalk is massive. Director Ellis said the proposed sidewalk width was an engineering requirement, and is still under review.

Planner Hayden said the trash enclosure is a requirement, and paving in the alley or other improvements would be required only if Fire Department access is required from the proposed alley gate. The proposed circulation for emergency use is for Fire Department to access directly from 14th St., and the alley improvements would not be necessary for police or ambulance to use the gate at the alley for emergency access.

Chairwoman Masten asked if the specific circulation proposed for emergency access would be direct from 14th Street.

Commissioner Gehlert asked if the stairwell that will be visible from the city streets located at the southwest corner of the project can be further screened with either landscaping or other devices, and Chairwoman Masten said it would be good to have overhead coverings to protect the stairwell structures for weathering.

Chairwoman Masten asked legal counsel to give a recommendation for an additional stipulation for the screening.

Vice Chair Garrison asked about the proposed landscaping being concentrated at the city street with no proposal for landscaping at the apartment entrances, and commented on his expectation that balconies would become cluttered. He expressed concern for the 2nd story windows overlooking nearby existing single-family dwellings which may cause loss of privacy for some neighbors.

The project manager, Jeff Jensen said the property will remain in local management, and they will manage how the residents use their balconies. He said he would look into concerns expressed on the east facing windows, and agreed that screening of the southwest stairwell could be increased. He said the materials for the proposed stairs would be the best available for the purpose of reducing weathering.

Planner Hayden said the landscaping and the height of the proposed project meet current standards.

Commissioners agreed the proposed project is good infill and will provide needed housing for the community. Vice Chair Garrison said he expects this area to have more multi-family development in the future.

Motion: Move to approve DR-24-005 for a 15-unit apartment complex, subject to the stipulations that staff has read into the record, including the applicant is required to install vegetation and/or screening as is necessary to screen the stairway facing the intersection from the road.

Made by: Vice Chair Garrison
Second: Commissioner Glasco

Roll Call Vote:

*Commissioner Glascott - Aye
Commissioner Gehlert - Aye
Vice Chairman Garrison -Aye
Chairwoman Masten – Aye*

Unanimously carried.

3. BUNGALOWS ON MAIN DESIGN REVIEW MODIFICATION.

Request to modify a stipulation of Design Review approval.

Senior Planner Davis said the applicant is seeking an extension on the deadline for the permit to be issued.

Vice Chair Garrison said the language in the original stipulation requiring the deadline and subsequent re-application is ‘shall’, and he asked the Commission to not grant an extension at this time.

Chairwoman Masten said she likes the design having proximity to the street and believes it will result in a lively presence. There was discussion about the use of ‘shall’ in the stipulations and if this practice should be reviewed.

Motion: Move to approve the modification of Stipulation Number 8 to require a Certificate of Zoning Compliance be issued within 48 months of the July 18, 2022 Commission action, leaving all other stipulations in place.

*Made by: Chairwoman Masten
Second: Commissioner Glascott*

Roll Call Vote:

*Commissioner Glascott - Aye
Commissioner Gehlert - Aye
Vice Chairman Garrison -Nay
Chairwoman Masten – Aye*

The motion carried.

V. DISCUSSION ITEMS:

1. ZONING ORDINANCE AMENDEMENT ON HOUSING

Amendment to the Cottonwood Zoning Ordinance Sections 201 Definitions, 404 General Provisions, 406 Parking Requirements, 410 GA Zone (General Agricultural), 411 AR-43 Zone (Agricultural Residential), 412 AR-20 Zone (Agricultural Residential), 413 R-1 Zone (Single Family Residential), 414 R-2 Zone (Single Family/Multiple Family Residential), 415 R-3 Zone (Multiple Family Residential), 416 R-4 Zone (Single Family/Multiple Family/Manufactured Home), 418 C-1 Zone (Light Commercial), 425 AR-70 Zone (Agricultural Residential), 427 Old Town Special Planning Area, and 428 AR-87 Zone (Agricultural Residential), and adding Section 312 Affordable Housing; allowing accessory dwelling units in all residential zones that permit single family dwellings, authorizing incentives for development of affordable housing, and amending requirements for building setbacks, building heights, accessory buildings, and parking.

Senior Planner Davis presented a proposed Zoning Ordinance text amendment to allow Accessory Dwelling Units (ADU's), consider incentives for affordable development, and make changes to development standards that may improve flexibility for housing in the future.

Proposed changes to be considered by the Commission would affect Zoning Ordinance definitions, and several single-family/multi-family zone sections of the Ordinance.

The proposed changes are consistent with the General Plan draft. Input from the Commission was discussed. Senior Planner Davis said these proposed changes are similar to specifics that may be currently negotiated in PAD developments. and also similar to incentives that can be available when individuals in the Old Town, OTSPA Zone 'opt in' to participate.

Commissioners discussed the covenant that is proposed to 'run with the land'. They questioned if individuals or developers would enter into long-term contracts in this regard, and if result would be equal to the intent of any covenant's desired outcome. Vice Chair Garrison said allowing ADU's in most family developments could ultimately eliminate single family zoning. And he did not favor allowing ADU's in all zones.

After the discussion of this draft, staff will make additional changes and schedule the Zoning Ordinance amendment for a public hearing at a future Planning and Zoning Commission meeting.

2. GENERAL PLAN UPDATE

Update on General Plan adoption process.

Senior Planner Davis said the General Plan draft has been approved by City Council, and he reviewed all the amendments they have included.

VI. CALL TO THE PUBLIC: NONE

VII. ADJOURNMENT: 8:00 p.m.

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Members of the Historic Preservation Commission will attend either in person or by telephone conference call.



Meeting Date: June 17, 2024
Subject: Consideration of amendments to the Cottonwood Zoning Ordinance Sections 201 Definitions, 404 General Provisions, 406 Parking Requirements, 410 GA Zone (General Agricultural), 411 AR-43 Zone (Agricultural Residential), 412 AR-20 Zone (Agricultural Residential), 413 R-1 Zone (Single Family Residential), 414 R-2 Zone (Single Family/Multiple Family Residential), 415 R-3 Zone (Multiple Family Residential), 416 R-4 Zone (Single Family/Multiple Family/Manufactured Home), 418 C-1 Zone (Light Commercial), 425 AR-70 Zone (Agricultural Residential), 427 Old Town Special Planning Area, and 428 AR-87 Zone (Agricultural Residential); allowing accessory dwelling units in all residential zones that permit single family dwellings, and amending requirements for building setbacks, building heights, accessory buildings, minimum dwelling size, lot coverage, installation of manufactured homes, and parking.
Department: Community Development
From: Gary Davis

REQUESTED ACTION

Public hearing on proposed Zoning Ordinance Amendments regarding accessory dwelling units and residential development standards.

SUGGESTED MOTION

If the Commission desires to recommend approval of the amendments, the suggested motion is, "I move to recommend approval to the City Council of the proposed amendments to Sections 201, 404, 406, 410, 411, 412, 415, 416, 418, 425, 427, and 428."

BACKGROUND

The short supply of housing in the Verde Valley has been identified as one of the most critical issues facing the City of Cottonwood. Community Development staff, in coordination with the Housing Manager and Strategic Initiatives Director, have drafted proposed amendments to Cottonwood's Zoning Ordinance intended to spur an increased supply of smaller dwelling units, including apartments and Accessory Dwelling Units (ADU's).

ADU's

The draft amendments would establish the ADU as a new type of dwelling unit, a smaller, subordinate dwelling on the same lot as a single-family dwelling (Section 201 and new Section 404.DD) and permit ADU's in all residential zones that permit single-family dwellings (GA, AR-

43, AR-20, R-1, R-2, R-3, R-4, AR-70, AR-87). The definition of ADU's would allow them to be either detached or attached to the principal dwelling. To help ensure compatibility with existing neighborhoods, the draft development standards would require ADU's to have a floor area no greater than 75% of the principal dwelling's floor area, with a cap of 1,200 square feet.

Currently, the Zoning Ordinance permits a "guest house" in limited circumstances in some zones, and requires that they be used only by the family occupying the principal dwelling. The proposed amendment would eliminate the Guest House provisions, and replace them with the ADU, which would permit renting to persons outside the family.

At the May 20, 2024 Commission meeting, staff presented a draft for discussion and mentioned the state legislature had passed a housing bill, HB 2720, that could affect the draft if enacted. The governor signed the bill the next day (see attached HB 2720, highlighting added by staff). The new law requires Arizona cities with a population over 75,000 to permit ADU's. Cottonwood is not affected by that requirement, but is affected by further restrictions that apply to smaller cities that elect to permit ADU's. The law prohibits cities from requiring covenants as a condition of permits for ADU's, or requiring additional on-site parking. It also prohibits building height requirements for ADU's that are more restrictive than for the principal building, and prohibits requiring setbacks greater than five feet from the side and rear property lines. HB 2720 allows cities to require the owner of an ADU that is being used as short-term rental to reside on the same property. In the current draft, parking (406.D.8), building height (404.DD.6), and setback requirements (404.DD.5) for ADU's have been changed accordingly. The requirement of a covenant prohibiting use as short-term rentals has been deleted, however, a new provision has been added prohibiting ADU's from being used as short-term rentals if the property owner does not reside on the property (404.DD.11).

OTHER CHANGES

The draft amendment also contains changes to some residential development standards staff considers to be needlessly restrictive, outdated, or unclearly worded. Many of these changes are aimed at increasing flexibility for housing development or redevelopment. These changes include:

- Allowing covered porches or patios to extend ten feet into the required front yard setback rather than six feet (Section 404.G.4)
- Increasing the height of accessory buildings that encroach on side and rear setbacks from eight to ten feet (Section 404.G.6)
- Clarifying the wording of the subsection that allows the Community Development Director to reduce the required number of parking spaces where justified (Section 406.D.7)
- Deleting the Maximum Lot Coverage limit in the R-1 (Single-Family Residential), R-2 (Single-family/Multiple-family Residential), R-3 (Multiple-family Residential), and R-4 (Single-family/Multiple-family/Manufactured Home) zones
- Deleting the required Minimum Dwelling Size in the R-2, R-3, and R-4 zones
- Reducing the R-2 zone's required front yard setbacks from 20 to 10 feet, and rear yard setback from 20 to 5 feet (provision for measuring to the center of the alley has been removed)
- Reducing the R-3 and R-4 (Multiple-family) zone's rear yard setback from 15 feet to 5 feet
- Eliminating manufactured homes as a conditional use in the AR-70 zone (outdated)
- Adjusting the maximum building height in the R-2, R-3, and R-4 zones to require that

multi-family dwellings be no higher than 15 feet or twice the distance to any lot line shared with a R-1 or AR zoned lot (whichever is greater), to avoid tall multiple family buildings being built directly adjacent to single-family neighborhoods (changed from 16 feet in the previous draft to limit the building to a single story).

APPLICABLE GENERAL PLAN OBJECTIVES

The proposed amendments are intended to implement several objectives of the 2024 Cottonwood General Plan (adopted June 4, 2024 and pending voter ratification):

- **Objective 4-1 Housing Availability.** Improve the economic viability of potential housing developments to help the housing supply keep pace with demand, especially multi-family and smaller single-family units, which are in short supply. Options include: Allowing flexibility in development standards such as building setbacks and parking requirements to increase the potential number of units on a parcel within the permitted density of the zoning, and to encourage creativity in project design and neighborhood compatibility...
- **Objective 4-5 Accessory Dwellings.** Consider adding flexibility to the development regulations to allow additional housing units in single-family residential areas in a way that is consistent with the neighborhood's established character.
- **Objective 4-8 Short Term Rentals.** Discourage the proliferation of short-term (vacation) rentals (STR's), which can reduce the supply of housing units and have negative impacts on neighborhoods. Potential actions include encouraging private restrictions on STR's, lobbying state lawmakers to reverse state pre-emption of cities' restriction of STR uses, informing property owners about the responsibilities of operating STR's under City regulations, and ensuring that those regulations are effectively enforced.
- **Objective 5-3 Development Standards.** Explore options for reducing the amount of lot area that must be set aside for on-site parking, building setbacks, and open space to make more land available for dwelling units or commercial space.

JUSTIFICATION/BENEFITS/ISSUES

The proposed amendments add flexibility to the Zoning Ordinance's residential development standards, which may encourage development of additional residential units.

COST/FUNDING SOURCE

No cost is associated with these amendments.

ATTACHMENTS

[HB 2720 signed.pdf](#)

[ZO-24-003 ADU 20240611 Markup.pdf](#)

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

CHAPTER 196

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.

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

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

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

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

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

2. A MINIMUM OF ONE ADDITIONAL DETACHED ACCESSORY DWELLING UNIT AS A PERMITTED USE 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

H. FOR THE PURPOSES OF THIS SECTION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. To require ~~an~~ **THE** owner of a vacation rental or short-term rental to obtain and maintain a local regulatory permit or license ~~pursuant to title 9, chapter 7, article 4.~~ As a condition of issuance of a permit or license, the application for the permit or license may require an applicant to provide only the following:

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

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

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

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

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

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

6. To require, before offering a vacation rental or short-term rental for rent for the first time, the owner or the owner's designee of a vacation rental or short-term rental to notify all single-family residential properties adjacent to ~~or~~ **AND** directly and diagonally across the street from the vacation rental or short-term rental. Notice shall be deemed sufficient in a

multifamily residential building if given to residents on the same building floor. A city or town may require additional notification pursuant to this paragraph if the contact information previously provided changes. Notification provided in compliance with this paragraph shall include the permit or license number if required by the city or town, the address, ~~OF THE VACATION RENTAL OR SHORT-TERM RENTAL~~ and the information required pursuant to paragraph 4 of this subsection. The owner or the owner's designee shall demonstrate compliance with this paragraph by providing the city or town with an attestation of notification compliance that consists of the following information:

- (a) The permit or license number of the vacation rental or short-term rental, if required by the city or town.
- (b) The address of each property notified.
- (c) A description of the manner in which the owner or owner's designee chose to provide notification to each property subject to notification.
- (d) The name and contact information of the person attesting to compliance with this paragraph.

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

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

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

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

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

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

1. Three verified violations within a twelve-month period, not including any verified violation based on an aesthetic, solid waste disposal or vehicle parking violation that is not also a serious threat to public health and safety.

2. One verified violation that results in or constitutes any of the following:

(a) A felony offense committed at or in the vicinity of a vacation rental or short-term rental by the vacation rental or short-term rental owner or owner's designee.

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

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

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

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

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

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

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

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

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

G. A vacation rental or short-term rental that fails to apply for a local regulatory permit or license in accordance with subsection B, paragraph 5 of this section, within thirty days of the local regulatory permit or license application process being made available by the city or town issuing such permits or licenses, must cease operations. In addition to any ~~fines~~ CIVIL PENALTIES imposed pursuant to subsection F of this section, a city or town may impose a civil penalty of up to \$1,000 per month against the owner if the owner or owner's designee fails to apply for a regulatory permit or license within thirty days after receiving written notice of the failure to comply with subsection B, paragraph 5 of this section.

H. If multiple verified violations arise out of the same response to an incident at a vacation rental or short-term rental, those verified violations are considered one verified

violation for the purpose of assessing civil penalties or suspending the regulatory permit or license of the owner ~~or owner's designee~~ pursuant to this section.

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

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

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

L. For the purposes of this section:

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

4. 2. "Online lodging marketplace" has the same meaning prescribed in section 42-5076.

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

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

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

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

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

APPROVED BY THE GOVERNOR MAY 21, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 21, 2024.

PROPOSED AMENDMENTS TO THE COTTONWOOD ZONING ORDINANCE

ARTICLE II – DEFINITIONS

SECTION 201. GENERAL.

A. GENERAL RULE.

All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to the peculiar and appropriate meaning. Unless the context clearly indicates or requires otherwise, words used in the present tense include the future, words used in the plural include the singular, and words used in the singular include the plural. The word “shall” is mandatory and not discretionary.

B. DEFINITIONS.

For this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning: For the purpose of this Ordinance, certain words and terms used herein are defined as follows: All words used in the present tense include the future tense, all words in the plural number include the singular number, all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word “shall” is mandatory and not discretionary. Other words and phase phrases used in this Ordinance shall have the following meaning:

.....

ACCESSORY BUILDING — A building or structure which that is subordinate to and the use of which is customarily incidental to that of the main principal building, structure or use on the same lot or parcel.

ACCESSORY DWELLING UNIT, ATTACHED — A dwelling that is attached to a principal single-family dwelling, but is a separate living space and smaller and subordinate to the principal dwelling.

ACCESSORY DWELLING UNIT, DETACHED — A dwelling that is detached from a principal single-family dwelling, and is subordinate to the principal dwelling.

.....

DWELLING — A building or portion thereof designed exclusively for residential purposes, including single-family and multiple-family dwellings; but not including hotels, apartment hotels, boarding and lodging houses, fraternity and sorority houses, rest homes and nursing homes, or child care nurseries.

DWELLING, ACCESSORY – see ACCESSORY DWELLING UNIT

DWELLING, MULTIPLE-FAMILY – A dwelling in a building designed exclusively for occupancy by or occupied by two (2) or more families living independently of each other, or in a detached building located on the same lot as other dwellings. This definition pertains to land use for purposes of this Zoning Ordinance, and is independent from current building codes' definitions of dwelling types.

DWELLING, SINGLE-FAMILY – A detached or site-built or factory-built building designed exclusively for occupancy by or occupied by one family for residential purposes, located on a lot with no other dwellings except Accessory Dwelling Units. This definition pertains to land use for purposes of this Zoning Ordinance, and is independent from current building codes' definitions of dwelling types.

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GUEST HOUSE – see ACCESSORY DWELLING UNIT A detached accessory building containing a separate living area to be used by the occupants of the premise, family members and their guests, and which has a sleeping area, sanitary facilities, and with or without separate cooking facilities. Said use shall be clearly secondary and subordinate in size and location to the primary residence, meet all other applicable standards and not be offered as a separate rental unit.

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ARTICLE IV – ZONING DISTRICTS

SECTION 404. GENERAL PROVISIONS.

SECTION 404 CONTENTS:

<u>A. APPLICATION.</u>	<u>G. YARD, LOT, AND AREA REQUIREMENTS.</u>
<u>B. USE RESTRICTIONS.</u>	<u>H. HEIGHT REGULATIONS.</u>
<u>C. NONCONFORMING LOTS OF RECORD.</u>	<u>I. HEIGHT LIMITATIONS ON CORNER LOTS.</u>
<u>D. REDIVIDING OF RECORDED LOTS.</u>	<u>J. WALLS AND FENCES.</u>
<u>E. STREET DEDICATION REQUIREMENTS.</u>	<u>K. DUMPING, DISPOSAL, AND EXCAVATION.</u>
<u>F. SITE UNSUITABILITY.</u>	<u>L. OUTDOOR STORAGE AND JUNK VEHICLES.</u>

M. STORAGE AND PARKING OF
MOBILE HOMES,
RECREATIONAL VEHICLES,
AND TRAILERS.

N. HOME OCCUPATIONS

O. ANIMALS AND PETS.

P. CARNIVALS, CIRCUSES,
REVIVALS, RODEOS, SWAP
MEETS, OUTDOOR RETAIL
SALES, AND SIMILAR
ACTIVITIES.

Q. EXTERIOR LIGHTING.

R. PUBLIC SERVICE FACILITIES.

S. TRASH ENCLOSURES.

T. STRUCTURES NEAR AIRPLANE
RUNWAY OR LANDING STRIP.

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G. YARD, LOT, AND AREA REQUIREMENTS.

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3. Projections Over Required Yards:

- a. Awnings, open fire balconies, fire escape stairs, window type refrigeration units, suspended or roof evaporative coolers, and similar features may project not more than five (5) feet over any required side or rear yard, ~~provided that~~however, they shall not be ~~no~~ closer than three (3) feet ~~to~~from any lot line and shall not project into any required front yard.
- b. Architectural details such as canopies, cornices, and eaves may project not more than three (3) feet over any required yard, however, they shall not be provided that ~~they shall be no~~ closer than three (3) feet from any lot line.
- c. Sills, leaders, belt courses, and similar ornamental features may project not more than six (6) inches over or into any required yard.

4. Porches, Patios, and Steps: Architectural features providing a transition from the outside to the inside of buildings are permitted, subject to the following conditions:

U. MOVING OF BUILDINGS.

V. PERFORMANCE STANDARDS.

W. USE OF PUBLIC SIDEWALK.

X. CAMPING WITHIN THE CITY
LIMITS.

Y. GROUP HOME FOR THE
HANDICAPPED.

Z. BOARDING HOUSE
REGULATIONS.

AA. CORRECTIONAL
TRANSITIONAL FACILITY.

BB. BED & BREAKFAST
ESTABLISHMENTS.

CC. TINY HOUSES.

DD. ACCESSORY DWELLING UNITS.

- a. Unroofed porches, terraces, patios, steps, or similar features not over three (3) feet in height above grade, may project into any required yard, ~~provided that~~however, projections into required front yards shall not exceed ten (10) feet from the main wall of the building, ~~and provided that they~~ shall ~~not be~~ closer than three (3) feet from any the front or side lot line.
- b. ~~In commercial and industrial zones, unless restricted by this ordinance, covered porches, terraces, patios, steps, or similar covered features may project up to ten (10) six (6) feet into a required front yard, provided said~~however, projections shall not ~~exceed fifty percent (50%) of the lineal frontage of subject building face~~encroach on a required landscape yard, and ~~provided~~ the front and sides of the structure shall remain open and ~~are~~ not enclosed with windows, walls, screens, or similar materials.
- c. ~~Roofed or unroofed porches, terraces, patios, steps, or similar features shall be subject to current building and fire codes. In residential zones, unless restricted by this ordinance, covered porches, terraces, patios, steps or similar covered features may project up to six (6) feet into a required front yard, provided the front and sides of the structure shall remain open and are not enclosed with windows, walls, screens or similar materials.~~

5. Accessory Structures (Attached): A private automobile garage, carport, or accessory structure having any part of a wall in common with a dwelling shall be considered an integral part of the main building in determining yard, lot, and area requirements. An attached Accessory Dwelling Unit may encroach on a side or rear yard if permitted by the development standards of the zoning district. The determination of yard requirements shall not include covered front porches, patios, and decks permitted to project into a front yard setback area, where allowed by this ordinance.
6. ~~Swimming Pools and~~ Detached Accessory Buildings
 - a. ~~Swimming Pools: A swimming pool, in any zone shall not be located in the required front yard, shall be at least five (5) feet from the main structure, shall be at least five (5) feet from the rear and interior side lot lines and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zone.~~[moved to 7, below]
 - ab. Detached Accessory Buildings in Commercial and Industrial Zones: Any detached accessory building in a commercial or industrial zone shall not be located in the required front yard, shall be at least ~~10~~ten~~(10)~~ feet from the main structure, shall be at least five (5) feet from the rear and interior side lot lines and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zone. All accessory buildings including galvanized and zinc-coated structures must be painted.

be. Detached Accessory Buildings (not including Accessory Dwelling Units) in Residential Zones:

- (1) Accessory buildings permitted under this subsection ~~shall be no more than eight (8) feet in height, may encroach on side and rear yards required in a zoning district, provided they do not exceed 10 feet in height, shall are not be located in the required front yard, shall be are at least 10 ten (10) feet from the main structure, shall be and are at least five (5) feet from the rear and interior side lot lines. On corner lots, no accessory structure shall be placed in a side or rear yard abutting a street frontage.~~
- (2) Accessory buildings over ~~10~~ ~~eight (8)~~ feet in height must meet all the setback front, side, and rear yard requirements for the principal building in that zone.
- (3) In the AR-20, R-1, R-2, R-3, R-4, and CR zones, no accessory building or aggregate of accessory buildings shall exceed 2,000 ~~sq. ft. square feet~~ except by approval of a conditional use permit.
- (4) In the GA, AR-87, AR-70 and AR-43 zones, no accessory building or aggregate of accessory buildings shall exceed 3,000 ~~sq. ft. square feet~~ except by approval of a conditional use permit.
- (5) In the MH zone, no single accessory building or aggregate of accessory buildings shall exceed 750 ~~sq. ft. square feet~~ except by approval of a conditional use permit.
- (6) All accessory buildings, including galvanized and zinc-coated structures must be painted.
- (7) ~~Residential Accessory Buildings: No building which is accessory to any residential building shall be erected to a height greater than one (1) story or sixteen (16) feet to the peak or highest point of the roof, except as otherwise may be permitted by a conditional use permit.~~

cd. Detached Accessory Dwelling Units: Yard requirements for Accessory Dwelling Units are provided in Section 404(DD) and in the development standards of each zoning district in which they are permitted. Guest House in Residential Zones:

- (1) ~~Where listed as a Permitted or Conditional Use, one (1) detached guest house may be considered for parcels or lots with no more than one single-family dwelling.~~

(2) ~~The parcel or lot must meet the minimum size required for the zoning district where the use is proposed and any other area requirements specified through the zoning.~~

(3) ~~The guest house shall not exceed 750 square feet of livable building area.~~

(4) ~~The guest house shall meet all setbacks and building separation requirements as the primary residence and it shall be located to the rear of the primary residence.~~

(5) ~~The guest house shall not have a separate primary property address.~~

(6) ~~The guest house shall not have a separate set of utility meters for water, electricity or natural gas; or separate sewer connections.~~

(7) ~~One (1) additional off street parking space shall be required for the Guest House, in addition to the off street parking required for the primary residence. The guest house shall share a common driveway with the primary residence with no additional driveway access allowed from the street to accommodate the guest house.~~

(8) ~~Manufactured homes, mobile homes, travel trailers, recreational vehicles and similar structures shall be prohibited for use as guest homes in all districts.~~

(9) ~~Guest homes may include a full kitchen; however, such units shall not be used as separate rental units. The guest house is intended for sole use by the occupants of the primary residence and their non-paying guests.~~

7. Swimming Pools: A swimming pool, in any zone shall not be located in the required front yard, shall be at least five feet from the main structure, shall be at least five feet from the rear and interior side lot lines and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zone.

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DD. ACCESSORY DWELLING UNITS.

1. In zoning districts where it is listed as a permitted use, one Accessory Dwelling Unit may be located on a lot, in addition to a permitted single-family dwelling, subject to the development standards of the zoning district.
2. In multiple-family zoning districts:
 - a. One Accessory Dwelling Unit is permitted on a lot that contains single-family dwellings.
 - b. An Accessory Dwelling Unit shall not count as a separate dwelling unit for purposes of calculating lot area per dwelling unit.
 - c. No Accessory Dwelling Unit is permitted on a lot with two or more multiple-family dwellings.
3. An Accessory Dwelling Unit may contain independent living, sleeping, cooking, and sanitation facilities.
4. The floor area of an Accessory Dwelling Unit shall not exceed 75% of the principal dwelling's floor area, or 1,200 sq. ft., whichever is less.
5. Accessory Dwelling Units may be located no closer than five feet to a side or rear lot line, and no closer to a front lot line than the minimum front yard required in the zoning district in which it is located.
6. The building height of an Accessory Dwelling Unit shall not exceed the maximum building height required in the zoning district in which it is located.
7. Detached Accessory Dwelling Units shall be separated from other buildings by at least 10 feet. Separation may be reduced with fire rated walls, subject to approval by the Building Official and Fire Marshal.
8. Attached Accessory Dwelling Units may share one or more common walls or roof structures with the principal dwelling, in compliance with fire separation requirements of current building and fire codes.
9. Manufactured homes, mobile homes, travel trailers, recreational vehicles, and similar structures shall be prohibited for use as Accessory Dwelling units in all districts.
10. An Accessory Dwelling Unit may be a site-built or factory-built building, or a tiny house built off-site on a chassis where the suspension/axle components have been removed and the chassis is permanently attached to a permanent foundation, and shall be subject to the same building and fire codes as detached single-family dwelling units.

11. No Accessory Dwelling Unit may be used as a short-term rental or vacation rental, as those terms are used in Cottonwood Municipal Code Title 5, unless the owner of the lot on which the unit is located resides on the same lot.

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SECTION 406. PARKING AND LOADING REQUIREMENTS.

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D. SCHEDULE OF REQUIRED OFF-STREET SPACES

1. Off-street parking spaces shall be provided for each specified use in accordance with the schedule below:
2. Definitions: In calculating the total number of required parking spaces, “Usable-usable area” as used herein shall mean the area capable of being devoted to the specified use (does not include spaces such as kitchens, restrooms, hallways, etc.) and the term “seat” shall also include each every thirty (30) inches of bench seating when individual seats are not provided. Off-street parking spaces include carports and enclosed garages.
3. Mixed Uses: In the event of mixed uses, the total requirement for off-street parking spaces is the sum of the requirements of the various uses computed separately.
4. Fractional Amount: In calculating the total number of required off-street parking spaces, fractional amounts are to be rounded to the nearest whole number (1/2 shall be rounded to the next highest number).
5. Unlisted Uses: Parking requirements for a specific use not listed in this Section shall be determined by the Planning and Zoning Commission or Development Review Board.
6. Compact Car Stalls: Up to ten-10%percent (10%) of the required number of parking spaces may be used to accommodate compact cars, if specifically marked, with stall sizes of a minimum width of 7'6" and a minimum length of 15'.
7. Reduction of Requirements: Requests to reduce the number of required parking spaces otherwise applicable parking requirements may be granted by the Community Development Director after the applicant showsthat: submits written materials demonstrating that because of the unique nature of the existing or proposed land use, or the property's proximity to available on-street parking, transit stops, or pedestrian/bicycle facilities, below normal parking demands will be generated, and the proposed reduced number of spaces will likely be adequate.

A. Because of the unique nature of the specific existing or proposed land use, the size, shape, or location of the property, or due to an unusually large number of pedestrian or transit trips, below normal parking demands will be generated; and

~~B. The reduced parking supply will still accommodate the vehicular traffic without increasing traffic or on street parking problems in adjacent areas and neighborhoods.~~

~~1. It shall be the responsibility of the applicant requesting such reduction to prove that the above conditions have satisfactorily been met.~~

8. Schedule:

a. RESIDENTIAL USE:

USE	SPACES
(1) Single-Family Dwellings One or Two 2 per dwelling unit (except Accessory family residences Dwelling Units).	
(2) Multiple Family Dwelling Units (two or more) per lot:	
Efficiency Units	
One-Bedroom Units	1.2 per dwelling unit.
Two or More Bedroom Units	1.5 per dwelling unit.
	1.7 per dwelling unit.
(3) Rooming Houses, fraternities, sororities, resident clubs, and lodges: whichever is greater.	1 per sleeping room or on <u>1</u> per bed,
(4) Manufactured Home Parks and Subdivisions:	2.1 per manufactured home site.
(5) Guest spaces for Multi-Family Dwellings:	0.25 per each 2+ bedroom units <u>unit</u> .

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SECTION 410. "GA" ZONE, GENERAL AGRICULTURAL.

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B. PERMITTED USES.

1. One ~~(1)~~ single-family dwelling. Mobile home(s) and manufactured home(s) are prohibited.
2. One ~~(1)~~ Accessory Dwelling Unit, subject to the provisions of Section 404(.DD), ~~guest house. Guest house may be a site-built or factory-built building, or a tiny house built~~

~~off-site on a chassis where the suspension/axel components have been removed and the chassis is permanently attached to a permanent foundation.~~

3. Keeping of large animals such as cattle and horses, but not to exceed one head per 20,000 ~~Sq. Ft.~~^{sq. ft.} of lot area. Swine and goats are prohibited except as allowed by Section 404.(O)(-2). All such animals shall be owned by members of the family occupying the premises.
4. The keeping of fowl.
5. Customary accessory uses and buildings, provided such uses are incidental to the principal use, subject to the provisions of Section 404(G)(6).
6. Publicly owned and operated parks and recreation areas.
7. Home occupations.
8. Churches or similar places of worship.
9. Schools: Public and private elementary and high.
10. Colleges, universities, and professional schools.

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SECTION 411. “AR-43” ZONE, AGRICULTURAL RESIDENTIAL.

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B. PERMITTED USES.

1. One ~~(1)~~ single-family dwelling. Mobile home(s) and manufactured home(s) are prohibited.
2. One ~~(1)~~ Accessory Dwelling Unit, subject to the provisions of Section 404(DD). ~~guest house. Guest house may be a site built or factory built building, or a tiny house built off-site on a chassis where the suspension/axel components have been removed and the chassis is permanently attached to a permanent foundation.~~
3. Noncommercial farming and agriculture, not including the keeping of livestock.
4. Keeping of large animals such as cattle and horses, but not to exceed one head per 20,000 ~~Sq. Ft.~~^{sq. ft.} of lot area. Swine and goats are prohibited except as allowed by Section 404.(O)(-2). All such animals shall be owned by members of the family occupying the premises.
5. The keeping of fowl.

6. Customary accessory uses and buildings, provided such uses are incidental to the principal ~~alle~~ use, subject to the provisions of Section 404(G)(6).
7. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
8. Publicly owned and operated parks and recreation areas.
9. Home occupations.
10. Churches or similar places of worship.
11. Schools: Public and private elementary and high.
12. Colleges, universities, and professional schools.

.....

SECTION 412. “AR-20” ZONE, AGRICULTURAL RESIDENTIAL.

B. PERMITTED USES.

1. One ~~(1)~~ single-family dwelling. Mobile home(s) and manufactured home(s) are prohibited.
2. One Accessory Dwelling Unit, subject to the provisions of Section 404(DD).
3. Noncommercial farming and agriculture, not including the keeping of livestock.
4. Keeping of large animals such as cattle and horses, but not to exceed one head per 20,000 ~~Sq. Ft.sq. ft.~~ of lot area. Swine and goats are prohibited except as allowed by Section 404~~(-O)(-2)~~. All such animals shall be owned by members of the family occupying the premises.
5. The keeping of fowl.
6. Customary accessory uses and buildings, provided such uses are incidental to the principal ~~alle~~ use, subject to the provisions of Section 404(G)(6).
7. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
8. Publicly owned and operated parks and recreation areas.
9. Home occupations.
10. Churches or similar places of worship.

11. Schools: Public and private elementary and high.

12. Colleges, universities, and professional schools.

C. CONDITIONAL USES.

1. ~~One (1) guest house provided the minimum lot area is one (1) acre. Guest house may be a site-built or factory-built building, or tiny house built off site on a chassis where the suspension/axel components have been removed and the chassis is permanently attached to a permanent foundation.~~

2.1.Hospitals.

3.2.Cemeteries.

4.3.Unoccupied public utility buildings, structures, or appurtenances for public service use.

Development standards in ~~subsection~~ Section 412(D) may be modified through Conditional Use Permit approval. Extension of public service lines in public or private right-of-way is exempt from this requirement.

5.4.Temporary home and land sales offices and model homes, provided they are located within the same subdivision as ~~that the~~ land or homes ~~which that~~ are offered for sale.

6.5.Any such other uses as determined by the Zoning Administrator to be similar to those uses listed above and not detrimental to the public health, safety, and general welfare.

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SECTION 413. “R-1” ZONE, SINGLE FAMILY RESIDENTIAL.

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B. PERMITTED USES.

1. One ~~(1)~~single-family dwelling. Mobile home(s) and manufactured home(s) are prohibited.

2. One Accessory Dwelling Unit, subject to the provisions of Section 404(DD).

3. Customary accessory uses and buildings, provided such uses are incidental to the principal use, subject to the provisions of Section 404(G)(6).

4. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.

5. Publicly owned and operated parks and recreation areas.

6. Home occupations.

7. Churches or similar places of worship.
8. Schools: Public and private elementary and high having no room regularly used for housing or sleeping.
9. The keeping of fowl, subject to the standards set out under Section 404(-O).

C. CONDITIONAL USES.

1. Unoccupied public utility buildings, structures, or appurtenances for public service use. Development standards in subsection Section 413(D) may be modified through Conditional Use Permit approval. Extension of public service lines in public or private right-of-way is exempt from this requirement.
2. Temporary home and land sales offices and model homes, provided they are located within the same subdivision as that the land or homes which that are offered for sale.
3. Hospitals.
4. Any such other uses as determined by the Zoning Administrator to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.
5. One (1) guest house, provided the minimum lot area is 15,000 square feet. Guest house may be a site built or factory built building, or a tiny house that is built off site on a chassis where the suspension/axel components have been removed and the chassis is permanently attached to a permanent foundation.

D. PROPERTY DEVELOPMENT STANDARDS.

1. Minimum Lot Area: 7,500 Sq. ft.Ft.

2. Minimum Average Lot Width: 60 ft.Ft.

3. Minimum Lot Frontage: 30 ft.Ft.

4. Maximum Lot Coverage: 30%

4.5. Minimum Front Yard: 25 ft.Ft.

5.6. Minimum Side Yard: **a.** 7 ft.Ft.; **b.** Where a side lot line abuts a street, there shall be a side yard of not less than 15 ft.Ft.

6.7. Minimum Rear Yard: **a.** 20 ft.Ft. **b.** Where the rear lot line abuts an alley, the required rear yard shall be measured from the center line of alley.

7.8. Maximum Building Height: 2.5 2 1/2 stories, but not to exceed 35 ft.Ft., except under Conditional Use Permit.

8.9. In the Old Town Special Planning Area, these development standards may be modified per Section 427 for the applicable Character Area.

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SECTION 414. “R-2” ZONE, SINGLE FAMILY/MULTIPLE FAMILY RESIDENTIAL.

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B. PERMITTED USES.

1. One single-family dwellings. Mobile home(s) and manufactured homes are prohibited.
2. Multiple-family dwellings.
3. One Accessory Dwelling Unit, accessory to a single-family dwelling, subject to the provisions of Section 404(DD).
4. Customary accessory uses and buildings, provided such uses are incidental to the principalalle use, subject to the provisions of Section 404(G)(6).
5. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
6. Publicly owned and operated parks and recreation areas.
7. Home occupations.
8. Churches or similar places of worship.
9. Schools: Public and private elementary and high having no room regularly used for housing or sleeping.

10. Colleges, universities, and professional schools having a regular curriculum and having no room regularly used for housing or sleeping.

11. Nursery Schools and Day Care Centers.

12. The keeping of fowl, subject to the standards set out under Section 404(-O).

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D. PROPERTY DEVELOPMENT STANDARDS.

1. Minimum Lot Area: 5,000 ~~Sq. Ft.~~sq. ft

2. Minimum Lot Area per Dwelling Unit: 3,750 ~~Sq. Ft.~~sq. ft

3. Minimum Average Lot Width: 60 ~~Ft.~~ft.

4. Minimum Lot Frontage: 30 ~~Ft.~~ft.

5. ~~Maximum Lot Coverage:~~ 40%

6.5. Minimum Front Yard: 20 ~~Ft.~~ft. for garages and carports, 10 ~~feet~~ft. for all other buildings and portions of buildings.

7.6. Minimum Side Yard: a. 5 ~~Ft.~~ft.:

b. ~~W~~here a side lot line abuts a street, there shall be a side yard of not less than 15 ~~Ft.~~ft.

8.7. Minimum Rear Yard: a. 20 ~~Ft.~~5 Ft.ft.

b. ~~Where the rear lot line abuts an alley, the required rear yard shall be measured from the center line of alley.~~

c. ~~Where the rear lot line abuts a multi-family use, there shall be a rear yard setback of not less than 15 Ft.~~

9. ~~Minimum Dwelling Size:~~

~~— TYPE OF DWELLING UNIT~~

~~MINIMUM FLOOR AREA~~

~~— Efficiency or Studio~~

~~300 Sq. Ft.~~

~~— One Bedroom~~

~~500 Sq. Ft.~~

Two Bedroom	650 Sq. Ft.
Over Two Bedroom	750 Sq. Ft. plus 150 Sq. Ft. per additional bedroom over two

8.10. Maximum Building Height: ~~2.5 2 1/2~~ stories, but not to exceed 35 ~~Ft.ft.~~, except under Conditional Use Permit.

9.11. In the Old Town Special Planning Area, these development standards may be modified per Section 427 for the applicable Character Area.

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SECTION 415. "R-3" ZONE, MULTIPLE FAMILY RESIDENTIAL.

B. PERMITTED USES.

1. ~~One s~~Single-family dwellings. Mobile home(s) and manufactured homes are prohibited.
2. Multiple-family dwellings.
3. One Accessory Dwelling Unit, accessory to one single-family dwelling, subject to the provisions of Section 404(DD).
4. Customary accessory uses and buildings, provided such uses are incidental to the ~~principalle~~ use, subject to the provisions of Section 404(G)(6).
5. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
6. Publicly owned and operated parks and recreation areas.
7. Home occupations.
8. Churches or similar places of worship.
9. Schools: Public and private elementary and high.
10. Colleges, universities, and professional schools having a regular curriculum.
11. Nursery Schools and Day Care Centers.
12. Boarding or Rooming House.
13. Nursing Homes and Convalescent Homes.

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D. PROPERTY DEVELOPMENT STANDARDS.

1. Minimum Lot Area: 5,000 ~~Sq. Ft.~~sq. ft.

2. Minimum Lot Area per Dwelling Unit:

AREA OF LOT	MINIMUM LOT AREA PER DWELLING UNIT
Up to 14,000 Sq. Ft. <u>sq. ft.</u>	2,500 Sq. Ft. <u>sq. ft.</u>
14,001 Sq. Ft. <u>sq. ft.</u> to 24,000 Sq. Ft. <u>sq. ft.</u>	2,000 Sq. Ft. <u>sq. ft.</u>
24,001 Sq. Ft. <u>sq. ft.</u> and over	1,500 Sq. Ft. <u>sq. ft.</u>

3. Usable Open Space:

For all multi-family uses, no less than 20% of the total lot area shall be provided as "Usable Open Space" as defined in this Ordinance. The Planning and Zoning Commission may reduce the required open space percentage with Design Review approval.

4. Minimum Average Lot Width: 60 ~~Ft.~~ft.

5. Minimum Lot Frontage ~~6. Maximum Lot~~30 Ft. ~~ft.~~40%
~~Coverage:~~

~~6. Maximum Lot Coverage:~~ ~~40%~~

~~7.6.~~ Minimum Front Yard: 10 ~~Ft.~~ft., including covered entry, porch, or deck.

~~8.7.~~ Minimum Side Yard: ~~a. 5 Ft.~~ft.;

~~b. Where a side lot line abuts a street, there shall be a side yard of not less than 10 Ft.~~ft.

~~9.8.~~ Minimum Rear Yard: ~~a. 15 Ft.~~5 ft.

~~b. Where the rear lot line abuts an alley, the required rear yard shall be measured from the center line of alley.~~

~~10. Minimum Dwelling Size:~~

TYPE OF DWELLING UNIT	MINIMUM FLOOR AREA
Efficiency or Studio	300 Sq. Ft.
One Bedroom	500 Sq. Ft.
Two Bedroom	650 Sq. Ft.
Over Two Bedroom	750 Sq. Ft. plus 150 Sq. Ft. per additional bedroom over two

11.9. Maximum Building Height:

2.5 ~~2 1/2~~ stories, but not to exceed 35 ~~Ft. ft.~~, except under Conditional Use Permit; where abutting a single-family zone, the height of any part of a multi-family dwelling shall be no greater than 15 ft. or twice the distance to any lot line shared with a lot in an R-1 or AR zoning district, whichever is greater, except under Conditional Use Permit.

12.10. In the Old Town Special Planning Area, these development standards may be modified per Section 427 for the applicable Character Area.

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SECTION 416. “R-4” ZONE, SINGLE FAMILY/MULTIPLE FAMILY/MANUFACTURED HOME.

B. PERMITTED USES.

1. One single-family dwellings.
2. Multiple-family dwellings.
3. One ~~(4)~~ manufactured home, or one ~~(4)~~ tiny house that is built off-site on a chassis where the suspension/axel components have been removed and the chassis is permanently attached to a permanent foundation, per lot, or per space within a manufactured home park. Such manufactured home or tiny house is not permitted on the same lot as single-family or multiple family dwellings.
4. Customary accessory uses and buildings, provided such uses are incidental to the ~~principa~~le use.
5. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
6. Publicly owned and operated parks and recreation areas and centers.

7. Home occupations.
8. Manufactured home parks and manufactured home subdivisions.
9. Churches or similar places of worship.
10. Schools: Public and private elementary and high.
11. Colleges, universities, and professional schools having a regular curriculum.
12. Nursery Schools and Day Care Centers.
13. Nursing Homes and Convalescent Homes.
14. Boarding or Rooming House.
15. The keeping of fowl, subject to the standards set out under Section 404(O).

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D. PROPERTY DEVELOPMENT STANDARDS.

1. Manufactured Home Parks and Manufactured Home Subdivisions are subject to the property development standards of the MH Zone.

2. Minimum Lot Area: 5,000 ~~Sq. Ft.~~sq. ft.

3. Minimum Lot Area per Dwelling Unit:

AREA OF LOT	MINIMUM LOT AREA PER DWELLING UNIT
Up to 14,000 Sq. Ft. <u>sq. ft.</u>	2,500 Sq. Ft. <u>sq. ft.</u>
14,001 Sq. Ft. <u>sq. ft.</u> to 24,000 Sq. Ft. <u>sq. ft.</u>	2,000 Sq. Ft. <u>sq. ft.</u>
24,001 Sq. Ft. <u>sq. ft.</u> and over	1,500 Sq. Ft. <u>sq. ft.</u>

4. Usable Open Space:

For all multi-family uses, no less than 20% of the total lot area shall be provided as “Usable Open Space” as defined in this Ordinance. The Planning and Zoning Commission may reduce the required open space percentage with Design Review approval.

5. Minimum Average Lot Width: 60 ~~Ft.~~ft.

6. Minimum Lot Frontage: 30 ~~Ft.~~ft.

<u>7. Maximum Lot Coverage:</u>	<u>40%</u>
<u>8.7. Minimum Front Yard:</u>	10 <u>Ft.ft.</u> , including covered entry, porch, or deck.
<u>9.8. Minimum Side Yard:</u>	<u>a. 5 Ft.ft.;</u> <u>b. Where a side lot line abuts a street, there shall be a side yard of not less than 10 Ft.ft.</u>
<u>10.9. Minimum Rear Yard:</u>	<u>a. 15 Ft.5 ft.</u> <u>b. Where the rear lot line abuts an alley, the required rear yard shall be measured from the center line of alley.</u>
<u>11. Minimum Dwelling Size:</u>	
<u>TYPE OF DWELLING UNIT</u>	<u>MINIMUM FLOOR AREA</u>
<u>Efficiency or Studio</u>	<u>300 Sq. Ft.</u>
<u>One Bedroom</u>	<u>500 Sq. Ft.</u>
<u>Two Bedroom</u>	<u>650 Sq. Ft.</u>
<u>Over Two Bedroom</u>	<u>750 Sq. Ft. plus 150 Sq. Ft. per additional bedroom over two</u>
<u>12.10. Maximum Building Height:</u>	<u>2.5 $2 \frac{1}{2}$ stories, but not to exceed 35 Ft.ft., except under Conditional Use Permit; where abutting a single-family zone, the height of any part of a multi-family dwelling shall be no greater than 15 ft. or twice the distance to any lot line shared with a lot in an R-1 or AR zoning district, whichever is greater, except under Conditional Use Permit.</u>

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SECTION 418. "C-1" ZONE, LIGHT COMMERCIAL

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B. PERMITTED USES.

1. Permitted and Conditional Uses allowed in the R-3 Zone, subject to the property development standards of the “R-3” Zone, except detached single-family dwellings.residences.

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C. CONDITIONAL USES.

1. One single-family detached residence dwelling, subject to the property development standards of the “R-3” Zone.

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SECTION 425. “AR-70” ZONE, AGRICULTURAL RESIDENTIAL.

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B. PERMITTED USES.

1. One ~~(1)~~ single-family dwelling. Manufactured home(s) are prohibited.
2. One Accessory Dwelling Unit, subject to the provisions of Section 404(DD). ~~(1) guest house. Guest house may be site built or factory built building, or a tiny house built off site on a chassis where the suspension/axel components have been removed and the chassis is permanently attached to a permanent foundation.~~
3. Noncommercial farming and agriculture, not including ~~the~~ keeping ~~of~~ livestock.
4. Keeping of large animals such as cattle and horses, but not to exceed one head per 20,000 ~~Sq. Ft.~~sq. ft. of lot area. Swine and goats are prohibited except as allowed by Section 404~~(-O)(-2)~~. All such animals shall be owned by members of the family occupying the premises.
5. The keeping of fowl.
6. Customary accessory uses and buildings, provided such uses are incidental to the principal ~~alle~~ use, subject to the provisions of Section 404(G)(6).
7. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
8. Publicly owned and operated parks and recreation areas.
9. Home occupations.
10. Churches or similar places of worship.

11. Schools: Public and private elementary and high.

12. Colleges, universities, and professional schools.

C. CONDITIONAL USES.

1. Golf, rod and gun, tennis and country clubs.

2. Cemeteries.

3. Unoccupied public utility buildings, structures or appurtenances for public service use. Development standards in ~~subsection~~ Section 425(D) may be modified through Conditional Use Permit approval. Extension of public service lines in public or private right-of-way is exempt from this requirement.

4. Campgrounds.

5. Recreational Vehicle Parks, subject to the provisions of Section 409.

6. Temporary home and land sales offices and model homes, provided they are located within the same subdivision as ~~that the~~ land or homes ~~which that~~ are offered for sale.

7. Any such other uses as determined by the Zoning Administrator to be similar to those uses listed above and not detrimental to the public health, safety, and general welfare.

8. ~~One manufactured home installed at grade when used as the principle use of the property.~~

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SECTION 427. OLD TOWN SPECIAL PLANNING AREA

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E. CHARACTER AREA 3 – RESIDENTIAL

1. Description. The Residential Character Area overlays the single-family residential neighborhoods of Old Town east and west of Main Street that are zoned R-1 and R-2 and that are not included in the Transitional Character Area.

2. Intent: The intent of the Residential Character Area is to preserve and reinforce the existing and historical residential pattern and appearance, while allowing for compatible modern infill and building additions. Future development of the Residential Character Area will allow limited densification in response to the need for housing within walking distance of the commercial areas as a source of neighborhood services and employment.

3. Use. As defined by underlying zoning, modified as follows.

a. One Accessory Dwelling Unit, subject to the provisions of Section 404(DD), is~~(1)~~ guest house, as defined in Section 201 of this Ordinance, are allowed for properties with no more than one ~~(1)~~ existing single-family dwelling.

4. Property Development Standards: Shall be per the underlying zoning district, modified as follows.

a. Single Family residence standards shall be modified to:

1) Minimum Lot Area:	2,500 square feet <u>sq. ft.</u> for a single-family Residence; 4,000 square feet <u>sq. ft.</u> for a residence with <u>an Accessory Dwelling Unit</u> a Guest House
2) Minimum average Lot Width:	40 feet <u>ft.</u>
3) Maximum lot coverage:	40%
4) Minimum Front Yard:	5 feet <u>ft.</u>
5) Minimum Side Yards:	5 feet <u>ft.</u> , except where a lot line abuts a street there shall be a 10 ft. <u>foot</u> side yard.
6) Minimum Rear Yard:	10 feet <u>ft.</u>
7) Maximum Building Height:	1.5 stories or 25 feet <u>ft.</u> , except under Conditional use Permit.

b. Multiple Family Residential standards shall be modified to:

1) Minimum Lot Area:	2,500 square feet <u>sq. ft.</u> for a single-family Residence; 4,000 square feet <u>sq. ft.</u> for a residence with <u>an Accessory Dwelling Unit</u> a Guest House
2) Minimum Lot Area Per Dwelling Unit	40 feet <u>ft.</u>
3) Minimum average Lot Width:	50 feet <u>ft.</u>
4) Maximum lot coverage:	40%
5) Minimum Front Yard:	5 feet <u>ft.</u>

6) Minimum Side Yards:	5 feet <ins>ft.</ins> , except where a lot line abuts a street there shall be a 10 feet <ins>ft.</ins> side yard.
7) Minimum Rear Yard:	10 feet <ins>ft.</ins>
8) Maximum Building Height:	1.5 stories or 25 feet <ins>ft.</ins> , except under Conditional use Permit.

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SECTION 428. "AR-87" ZONE, AGRICULTURAL RESIDENTIAL.

B. PERMITTED USES.

1. One ~~(1)~~ single-family dwelling. Mobile homes or manufactured homes are prohibited.
2. One Accessory Dwelling Unit, subject to the provisions of Section 404(DD).~~(1) guest house.~~
3. Noncommercial farming and agriculture, not including the keeping of livestock.
4. Keeping of large animals such as cattle and horses, but not to exceed one head per 20,000 ~~Sq. Ft.sq. ft.~~ of lot area. Swine and goats are prohibited except as allowed by Section 404~~(-O)(-2)~~. All such animals shall be owned by members of the family occupying the premises.
5. The keeping of fowl.
6. Customary accessory uses and buildings, provided such uses are incidental to the principal use, subject to the provisions of Section 404(G)(6).
7. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
8. Publicly owned and operated parks and recreation areas.
9. Home occupations.
10. Churches or similar places of worship.
11. Schools: Public and private elementary and high.
12. Colleges, universities~~2~~ and professional schools.

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Meeting Date: June 17, 2024
Subject: Consideration of an amendment to the Cottonwood Zoning Ordinance Section 201 Definitions, and the addition of Section 312 Affordable Housing, authorizing incentives for development of affordable housing.
Department: Community Development
From: Gary Davis

REQUESTED ACTION

Public hearing on proposed Zoning Ordinance Amendments regarding affordable housing.

SUGGESTED MOTION

If the Commission desires to recommend approval of the amendments, the suggested motion is, "I move to recommend approval to the City Council of the proposed amendments to Section 201 Definitions, and addition of Section 312 Affordable Housing."

BACKGROUND

The short supply of housing in the Verde Valley, especially affordable housing, has been identified as one of the most critical issues facing the City of Cottonwood. Community Development staff, in coordination with the Housing Manager and Strategic Initiatives Director, have drafted proposed amendments to authorize incentives for affordable housing developments.

The draft amendment would authorize the City to adjust some development regulations, fees, and off-site improvements as part of a development agreement for affordable housing (new Section 312). Under such an agreement, the developer must commit to providing housing that is affordable based on a percentage of the Area Median Income, over a specified time period, and record a covenant prohibiting affordable units from being used as short-term rentals. Specific affordability levels and proportions of affordable units within developments can be listed in a DIGAH (Development Incentives and Guidelines for Affordable Housing) policy document, and can be negotiated between the developer and the City in the preparation of a development agreement.

APPLICABLE GENERAL PLAN OBJECTIVES

The proposed amendments are intended to implement the following objectives of the 2024 Cottonwood General Plan (adopted June 4, 2024, pending voter ratification):

- **Objective 4-1 Housing Availability.** Improve the economic viability of potential housing developments to help the housing supply keep pace with demand, especially multi-family and smaller single-family units, which are in short supply. Options include:
 - Allowing flexibility in development standards such as building setbacks and parking

requirements to increase the potential number of units on a parcel within the permitted density of the zoning, and to encourage creativity in project design and neighborhood compatibility,

- Reducing development fees for multi-family and smaller single-family units in infill areas, and
- Coordinating with nonprofits or governmental agencies that supplement rents, providing affordable rents for tenants while providing adequate income to property owners.

- **Objective 4-2 Housing Affordability.** Incentivize development of dwelling units that are affordable to households with low or moderate incomes. Potential affordable housing incentives include modification of development standards and fees for developments in which a specified proportion of affordable units is guaranteed through a development agreement. Publish a written policy that describes the available incentives, and ensure the Zoning Ordinance allows for implementation of those incentives.

JUSTIFICATION/BENEFITS/ISSUES

Currently, Zoning Ordinance requirements cannot be modified to provide negotiated incentives for affordable housing. The proposed amendment is needed to authorize such modifications.

COST/FUNDING SOURCE

Authorizing reductions to development fees could impact City revenues. Long-term monitoring of affordable housing development agreement compliance could require an increase in staff time.

ATTACHMENTS

[ZO-24-004 Housing Affordability Draft 20240611 Markup.pdf](#)

PROPOSED AMENDMENTS TO THE COTTONWOOD ZONING ORDINANCE

ARTICLE II – DEFINITIONS

SECTION 201. GENERAL.

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AFFORDABLE HOUSING – A residential development that is subject to a City-approved development agreement, with affordability controls under which, for a specified time, some or all of its dwellings must be offered at rent or sale prices that do not exceed a certain level in relation to the area median income.

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ARTICLE III – PROCEDURES

SECTION 312. AFFORDABLE HOUSING.

A. PURPOSE.

The City of Cottonwood finds that a shortage of affordable housing is detrimental to the economy and character of the City and the Verde Valley region. This section of the Zoning Ordinance provides for adjustments to development standards and to development fees to incentivize the development of housing that is affordable to households of low and moderate incomes.

B. DEVELOPMENT AGREEMENTS.

The provisions of Section 312(C) are subject to City approval of a development agreement in which the City agrees to grant adjustments to specified development standards, fees, and off-site improvement requirements, and the developer agrees to:

1. Provide, for a specified time, a certain proportion of dwelling units for sale or rent at prices tied to the monthly Area Median Income (AMI) for Yavapai County, as set annually by the U.S. Department of Housing and Urban Development; and
2. Record a covenant running with the land stipulating the specified affordable units shall not be used as short-term rentals or vacation rentals, as those terms are used in Cottonwood Municipal Code Title 5; and
3. Be subject to enhanced monitoring by the City during the specified time period, and penalties for noncompliance.

C. ADJUSTMENTS TO DEVELOPMENT STANDARDS, FEES, AND OFF-SITE IMPROVEMENTS

1. Multi-family for-rent development. The City may enter a development agreement with the developer of a for-rent multi-family development to adjust required development standards or reduce some or all of the City's adopted development fees or required off-site improvements if a specified percentage of units are to be rented at or below set thresholds for a period of not less than thirty years.
2. Single-family for-sale development. The City may enter a development agreement with the developer of a for-sale single-family development to adjust required development standards on individual lots or reduce some or all of the City's adopted development fees or required off-site improvements if the lots are to be sold at or below set affordability levels.

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