Accessory Dwelling Unit (ADU) Requirements and Updates

Please review and sign this document prior to submitting a Zoning Clearance Letter. New requirements for ADUs were approved by City Council with the adoption of the Unified Development Code (UDC) on December 12, 2023, and further updated with the adoption of an amendment to the UDC on December 10, 2024. Below are the significant changes from the previous zoning ordinance, fee estimates, and the ADU requirements from UDC Section 35.3.204.

Significant Changes in the UDC

- All accessory dwelling units shall have separate utility meters, to include a separate city water meter from the primary single-family dwelling unit.
    - (This will require a new water tap to the city water main in the street or right of way.)
    - (Work in the right-of-way requires additional permits and a specially licensed contractor.)
- An accessory dwelling unit shall have no separate address from the principal dwelling.
    - ADU will share the same address as the principal dwelling unit with the addition of Unit 1 and Unit 2 suffix(es), depending on how many units are approved and constructed.
- A Zoning Clearance Letter is required for the construction of an attached or detached ADU and the conversion of under roof square footage to an ADU. The Zoning Clearance Letter is reviewed and approved by the Planning Division and is a separate process from construction document/permit review. **Zoning Clearance Letter approval is required prior to submitting construction documents/permits.**

Rough Fee Estimate for 1,000 Square Foot Detached and Attached ADU	
Review Fees	**ADU**
Zoning Clearance Letter (ZCL)	$ 144.00
Building Safety Plan Review	$ 1,052.90
Record Retention	$ 14.04
Planning Plan Review	$ 122.88
ROW Review Fee	$ 35.88
Permit Fees	
Building Permit	$ 1,403.86
Right of Way Permit	$ 443.60
Fitting Fee	$ 60.19
Water Meter Set Fee (.75 inch meter)	$ 126.73
Impact Fees	
Water Impact Fee	**
Sewer Impact Fee	**
Parks and Rec Impact Fee	$ 298.50
Libraries Impact Fee	$ 88.75
Police Impact Fee	$ 175.50
Fire Impact Fee	$ 212.50
Streets Impact Fee	$ -
Estimated Total Review, Impact, and Permit Fees **	$ 4,179.33

* 1,000 Square Foot R-3 V-B ADU, Table 3B Construction Valuation $120,750

**ADU Water and Wastewater impact fees are based on the increase in demand the ADU has on the existing home's demand. If the ADU increase in demand does not increase the meter size then there is no additional water and wastewater impact fee. If the ADU increase in demand would require an increase in meter size, then the ADU water and wastewater impact fee will be the difference in cost between the exisiting meter and the upsized meter impact fees. For example a home with a 3/4" meter that would require an increase to a 1" meter due to increase demand from the ADU, then the ADU impact fee would be $4,773 ($11,898 - $7,125). This fee would be applied to the new ADU water meter required by the UDC (zoning ordinance). ARS 9-463.05.U.1

ADU Requirements (UDC Section 35.3.204)

A. Accessory dwelling unit (ADU)

1. An accessory dwelling unit as defined in Section 35.8.004 as an ancillary or secondary living unit to a single-family detached dwelling unit that has a kitchenette or kitchen, bathroom, and sleeping area, and is independently accessed from and located on the same lot as a single-family detached dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. For purposes of determining maximum density, an accessory dwelling unit shall not count as a dwelling unit. A kitchenette is defined in Section 35.8.004 as an area used or designed for the preparation of food and containing a sink, refrigerator, and an electrical outlet, which may be used for a microwave oven but no 220v outlet for a range or oven may be provided.

2. An accessory dwelling unit shall be subject to zoning clearance as required in Section 35.6.210.

3. An accessory dwelling unit is permitted use where the zoning allows for a single-family dwelling and the lot or parcel contains a primary dwelling.

4. An accessory dwelling unit is not permitted on the same lot or parcel as a duplex or other multiple family development regardless of zoning district.

5. No accessory dwelling unit shall be constructed prior to the construction of the single-family dwelling unit to which it is accessory. The accessory dwelling unit shall be secondary in size and function to the primary dwelling on the same lot or parcel.

6. A mobile home, recreational vehicle, or other movable habitable space shall not be used as an accessory dwelling unit.

7. Any accessory dwelling unit that is licensed as a travel vehicle by the state or any other state shall be considered nonpermanent housing and shall be allowed for uses similar to recreational vehicles as specified in this code.

8. Accessory dwelling units shall not be sold or otherwise conveyed separately from the primary dwelling on the same lot or parcel.

9. No more than one attached accessory dwelling unit and one detached accessory dwelling unit shall be permitted per single-family dwelling lot or parcel.

10. No more than one attached accessory dwelling unit and two detached accessory dwelling units shall be permitted if the single-family dwelling lot is one acre or more, and only if at least one of the accessory dwelling units is recorded as a restricted-affordable dwelling unit.

11. The accessory dwelling unit is subject to the same setback requirements that apply to a single-family dwelling on the same lot or parcel except that:

(I) The rear setback for the accessory dwelling unit shall be no less than five (5) feet from the property line.

(II) The side setbacks for the accessory dwelling unit shall be no less than five (5) feet from the property line.

(III) The front setback for the accessory dwelling unit shall be no less than the front yard setback established by the zoning district for the lot or parcel.

12. Accessory dwelling units shall adhere to allowable building frontage, maximum lot coverage, and maximum height as established by the zoning district for the lot or parcel.

13. Any accessory dwelling unit that is constructed off-site is considered semi-permanent and must be placed on an approved foundation system.

14. Accessory dwelling units shall have at a minimum, a kitchenette as described in section 35.8.004, specific definitions.

15. The design of accessory dwelling units are encouraged to be constructed of similar materials, colors, and architectural style to the existing single family dwelling unit.

16. Accessory dwelling units may be constructed to equal the square footage of the existing single family dwelling unit; but in no case shall the unit exceed one thousand (1,000) square feet.

17. A single-family residence that does not meet current setback requirements and is legally non-conforming may construct an accessory dwelling unit that complies with all accessory dwelling unit requirements.

18. A non-conforming or permitted accessory structure converted to an accessory dwelling unit shall meet all requirements for an accessory dwelling unit.

19. The accessory dwelling unit shall not encroach upon an existing or planned public utility easement unless the property owner obtains a written consent from each easement holder and each affected utility.

20. No additional parking space or in lieu parking fee shall be required to accommodate the accessory dwelling unit. An accessory dwelling unit shall have no separate driveway or parking area from that of the principal dwelling as described in Section 35.4.006, residential off-street parking.

21. An accessory dwelling unit shall have no separate address from the principal dwelling.

22. Accessory dwelling units shall comply with all applicable residential building codes, fire codes and public health and safety regulations.

23. Accessory dwelling units shall be provided with adequate electricity, water supply and sewage disposal.

24. All accessory dwelling units shall have separate utility meters, to include a separate city

water meter from the primary single-family dwelling unit.

25. If presented for rent, the property owner, which shall include title holders and contract purchasers, must occupy either the main dwelling or the accessory dwelling unit as their principal residence. The main dwelling or accessory dwelling unit that is not occupied by the property owner may then be rented for individual periods of more than or less than thirty consecutive days (i.e. Long-term or short-term rental).

26. If the main dwelling or accessory dwelling unit is not owner-occupied, the accessory dwelling unit may not be leased, subleased, or rented separate and apart from the main dwelling for either long-term or short-term periods. The residency requirement does not apply to property owners who demonstrate they had a legal right to build an accessory dwelling unit on their lot or parcel on or before September 14, 2024, unless the three-year statute of limitations in A.R.S. § 12-1134(g) has expired. Long-term rental for accessory dwelling units shall mean rental use in which the tenant holds a lease of ninety consecutive days or longer or on a month-by-month basis.

27. A lot or parcel containing an accessory dwelling unit shall not be subdivided or split into two or more lots or parcels unless each lot or parcel complies with all city codes and ordinances as such the entire accessory dwelling unit shall remain on one lot only. For an existing accessory dwelling unit to remain on the new lot or parcel created by subdivision, the property owner must modify the primary dwelling and the accessory dwelling unit of the subdivided lots to comply with city codes and ordinances, including providing separate utility connections to each dwelling unit and obtaining a new certification of occupancy for each dwelling unit as required by the building official prior to the recording the subdivision or lot split of the property. The accessory dwelling unit that remains on the new lot or parcel shall be considered and recorded as the primary dwelling, unless a new primary dwelling unit is constructed on the new lot or parcel.

Regulations for restricted-affordable accessory dwelling unit:

(a) *Deed restriction:*

(1) The owner of a proposed restricted-affordable dwelling unit that is subject to this section shall execute and deliver an original recorded copy of a development agreement with the city or a copy of the standard form of deed restriction with Maricopa County Assessor Office to the city prior to issuance of a building permit for the construction of the proposed restricted-affordable dwelling unit on the lot or parcel.

(2) The deed restriction shall be recorded by the owner of the lot burdened thereby in the property records of Maricopa County Recorder's Office and remain a covenant and restriction running with the property for a minimum period of thirty (30) years.

(b) *Affordability.*

The rent of the restricted-affordable dwelling unit shall not exceed the maximum rents established according to households earning up to eighty percent of AMI (area median income). The restricted-affordable dwelling unit shall not be rented to any entity.

(c) *Occupancy requirement:*

(1) When the restricted-affordable dwelling unit becomes vacant, the owner shall promptly make it available and actively market said unit for lease to another qualified occupant in accordance with the deed restriction or development agreement and any rental guidelines adopted by the city.

(2) In the event the income status of the occupant of the restricted-affordable dwelling unit is altered so as to no longer meet the qualifications of this section, said occupant shall be permitted to reside in the unit under the same terms and conditions of the unit lease, except that no extension of the lease term shall be granted.

(3) Rental shall be in compliance with all fair housing regulations

(d) *Reporting requirement.*

The owner of the restricted-affordable dwelling unit shall provide an annual report and proof to the city to demonstrate compliance with the rental requirements set forth in this section. The annual report shall be submitted to the director of community services or designee between January 15 and January 30 of each year and shall cover the entire twelve (12) month period of the preceding calendar year. Said report shall contain, at a minimum:

(1) The period(s) the restricted-affordable dwelling unit was rented and the status by which its occupant(s) qualified under the deed restriction;

(2) The monthly rental price; and

(3) The taxes, special assessments, and homeowners' association and management fees, and any other fees or charges, including common utilities, assessed to each unit.

I hereby acknowledge that I have read and understand the terms and conditions of this document.

Date: _____

Property Owner's Name (print): _____

Property Owner's Signature: _____