

RESOLUTION NO. 2458

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE RELATING TO ACCESSORY LIVING QUARTERS, INCLUDING ACCESSORY DWELLING UNITS, GUEST HOUSES, AND GUEST QUARTERS, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.**

**WHEREAS**, the Code of the Town of Payson was declared to be a public record by Resolution Number 1536 of the Town of Payson; and

**WHEREAS**, the Code of the Town of Payson was adopted as a public record by Ordinance Number 588 of the Town of Payson; and

**WHEREAS**, it is the intention of the Town of Payson to amend the Unified Development Code relating to Accessory Living Quarters, including Accessory Dwelling Units, Guest Houses, and Guest Quarters; and

**WHEREAS**, such amendment may be enacted by reference, pursuant to A.R.S. § 9-802,

**NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY RESOLVE AS FOLLOWS:**

Section 1. The definitions set forth below are hereby added to Section 15-11-002 of the Unified Development Code, are declared to be a public record, and as added shall read as follows:

ACCESSORY LIVING QUARTERS. See ACCESSORY DWELLING UNIT, GUEST HOUSE, or GUEST QUARTERS.

ACCESSORY DWELLING UNIT (ADU). A habitable living unit added to, created within, or detached from a primary dwelling unit that provides basic requirements for living, sleeping, cooking, and sanitation.

GUEST HOUSE. A habitable living unit added to, created within, or detached from a primary dwelling unit that (1) is connected to the same utility services as the primary residence, (2) does not contain kitchen facilities, (3) contains one or more rooms used by guests of the occupants of the primary dwelling unit, and (4) is not rented.

Section 2. The definition of Guest Quarters set forth in Section 15-11-002 of the Unified Development Code is hereby amended, is declared to be a public record, and as amended shall read as follows:

GUEST QUARTERS. A habitable living unit added to, created within, or detached from a primary dwelling unit that (1) is connected to the same utility service as the primary residence, (2) contains kitchen facilities, (3) contains one or more rooms used by guests of the occupants of the primary dwelling unit and (4) is not rented.

Section 3. The following uses set forth in the Table of Residential District Uses, Section 15-12-001 of the Unified Development Code are hereby amended and/or added, are declared to be a public record, and shall read as set forth below:

Use Description	R-1	R-2	R-3
Guest Houses, subject to 15-02-004(E)(1)	P	n/a	n/a
Guest Quarters, subject to 15-02-004(E)(2)	P	n/a	n/a
Accessory Dwelling Units, subject to 15-02-004(E)(3)	P	n/a	n/a

Section 4. The use description “Guest House” is hereby removed from Section 15-12-002 of the Unified Development Code. (Commercial Uses Table)

Section 5. The references in Section 15-02-013(D)(11) of the Unified Development Code to “accessory residential unit” and “accessory apartment” are amended, are declared to be a public record, and as amended shall read “Accessory Dwelling Unit.”

Section 6. Section 15-02-004(E) is hereby added to the Unified Development Code, is declared to be a public record, and as added shall read as set forth in Exhibit A attached hereto.

Section 7. Section 15-02-005(B)(11) of the Unified Development Code is hereby repealed.

Section 8. If any section, subsection, sentence, clause, phrase or portion of Resolution Number 2458 is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of Resolution Number 2458. The Town Council of Payson declares that it would have adopted Resolution Number 2458 and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF  
THE TOWN OF PAYSON this \_\_\_\_ day of \_\_\_\_\_, 2009, by the following  
vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT \_\_\_\_\_

\_\_\_\_\_  
Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Silvia Smith, Town Clerk

\_\_\_\_\_  
Samuel I. Streichman, Town Attorney

# Exhibit A to Resolution 2458

15-02-004: Residential District Uses

## E. Guest Houses, Guest Quarters, and Accessory Dwelling Units

*[no kitchen, no rent]*

1. Guest Houses shall be subject to the following regulations: (1) Guest Houses shall be architecturally compatible with the primary dwelling unit; (2) travel trailers and recreational vehicles may not be used as Guest Houses; and (3) all applicable district standards must be followed.

*[kitchen, no rent]*

2. Guest Quarters shall be subject to the following regulations: (1) all requirements for a Guest House must be followed; and (2) the Community Development Director, or designee, shall approve the Guest Quarters. In approving the Guest Quarters, the Community Development Director, or designee, may require any condition that may be required under a Conditional Use Permit.

*[kitchen, rent]*

3. Accessory Dwelling Units (ADU's).
  - a. Purpose. The purposes of this section are to:
    - (1) allow for and regulate the establishment of Accessory Dwelling Units;
    - (2) preserve the character and property values of residential neighborhoods;
    - (3) fully utilize residential housing supply in existing neighborhoods;
    - (4) provide additional options for long term rental housing within a wide range of affordability;
    - (5) increase opportunities for home ownership; and
    - (6) allow older homeowners to remain in their homes and obtain extra income, companionship, and security.
  - b. Standards and Criteria. All ADU's shall be subject to the following regulations:
    - (1) Only one ADU is allowed per residential lot as an accessory use in conjunction with any primary dwelling unit.
    - (2) Either the ADU or the primary dwelling unit shall be exclusively occupied by the owner of the property. In no case may both units be rented.
    - (3) ADU's shall have at least 300 square feet of living space. Detached ADU's shall not be more than 800 square feet of living space or more than 33% of the size of the primary dwelling unit, whichever is greater. ADUs within a primary dwelling unit shall not be more than 33% of the total square footage of the unit. The Community Development Director, or designee, may grant an exception to the size limitations in this subsection if a greater or

lesser amount of living space is warranted by the circumstances of the ADU.

- (4) ADU's shall be designed to preserve or complement the architectural design, style, and appearance of the primary dwelling unit.
  - (5) Travel trailers and recreation vehicles may not be used as an ADU.
  - (6) ADU's shall comply with all applicable codes including zoning, building, electrical, fire, mechanical, and plumbing.
  - (7) Sufficient onsite parking shall be provided for the primary dwelling unit and the ADU.
  - (8) Any new parking space(s) shall utilize the existing driveway. The Town Engineer, with the concurrence of the Community Development Director may allow exceptions to this requirement on a case-by-case basis.
  - (9) Occupancy shall be limited to two (2) persons for ADUs of less than 400 square feet, three (3) persons for ADUs of 400 to 600 square feet, and four (4) persons for ADUs over 600 square feet.
  - (10) Home-Based Businesses, in compliance with the other provisions of this Code, shall be allowed in both the primary dwelling unit and the ADU.
- c. Application, Affidavit, and Permits. Prior to renting an ADU, the owner of the property shall:
- (1) Submit a completed ADU application including any fees and an affidavit of owner occupancy;
  - (2) Obtain a building permit for all applicable remodeling and/or construction; and
  - (3) Receive a certificate of occupancy for the primary dwelling unit and the ADU.
- d. Existing Units. ADUs existing prior to enactment of these general requirements shall be allowed if the property is brought into compliance the provisions of this Section