

ORDINANCE NO. 852-24

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING CHAPTER 7 (BUILDINGS AND BUILDING REGULATIONS) PERTAINING TO ACCESSORY DWELLING UNITS, AS DESCRIBED IN 'EXHIBIT A' ATTACHED HERETO.

WHEREAS, Arizona Revised Statutes § 9-802 provides a procedure whereby a municipality may enact the provisions of a code or public record by reference, without setting forth such provisions, providing that the adopting ordinance is published in full; and

WHEREAS, it is in the best interest of the Town and its residents to adopt the amendments to the Town Code set forth in the attached Exhibit A amending Chapter 7 (Buildings and Building Regulations) pertaining to accessory dwelling units.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AS FOLLOWS:

Section 1: The Queen Creek Town Code – amending Chapter 7 (Buildings and Building Regulations) pertaining to accessory dwelling units as set forth and referenced to as “Exhibit A”, and incorporated herein is declared to be a public record.

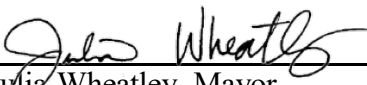
Section 2: The amendments to the Queen Creek Town Code set forth in “Exhibit A” are hereby adopted.

Section 3: If any section, subsection, clause, phrase or portion of this ordinance or any part of these amendments to the Town Code are for any reason held invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4: At least one paper copy and one electronic copy of this Ordinance and “Exhibit A” are to be filed with and are located the office of the Town Clerk.

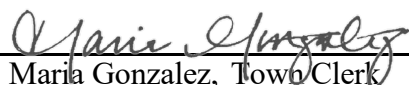
PASSED AND ADOPTED by the Common Council of the Town of Queen Creek, Arizona, this 6th day of November, 2024.

FOR THE TOWN OF QUEEN CREEK:



Julia Wheatley, Mayor

ATTESTED TO:



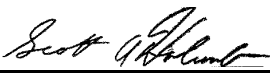
Maria Gonzalez, Town Clerk

REVIEWED BY:



Bruce R Gardner (Nov 7, 2024 15:01 MST)
Bruce Gardner, Town Manager

APPROVED AS TO FORM:



Dickinson Wright, PLLC
Town Attorneys

EXHIBITS ON FILE AT THE TOWN CLERK'S OFFICE

Exhibit A

Building Code Amendments:

The Building Code Text Amendments are identified in red below.

Residential Code

SECTION 7.1.1.4.2 Residential Code is amended to read as follows;

7.1.1.4.2 Residential Code. The provisions of the 2021 International Residential Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of one- and two family dwellings, townhouses, and **ADUS** not more than three stories above-grade in height with a separate means of egress and their accessory structures. Such Dwellings, Townhouses, and **ADUS** shall be designated as R-3 occupancies.

Separation Requirements SECTION R302 FIRE-RESISTANT CONSTRUCTION

Section R302.1 Exterior walls is amended to read as follows:

R302.1 Exterior walls. Exterior walls with a fire separation distance less than 3 feet (914mm) shall have not less than a one-hour fire-resistive rating with exposure from both sides. Projections shall not extend to a point closer than 2 feet (610 mm) from the line used to determine the fire separation distance. **EXTERIOR WALLS OF DETACHED ADUS SHALL MEET THE FIRE SEPARATION DISTANCE REQUIREMENTS OF SECTION R302 BETWEEN THE MAIN SINGLE FAMILY RESIDENCE AND ANY DETACHED ADU, AND ALSO BETWEEN MULTIPLE DETACHED ADUS ON THE SAME LOT.**

Exception:

Detached garages accessory to a dwelling located within 2 feet of a lot line may have roof eave projections not exceeding 4 inches.

Section R302.1.1 Projections is amended to read as follows:

R302.1.1 Projections. Projections with a fire separation distance less than 3 feet (914mm) shall have one-hour fire-resistive construction on the underside. The above provisions shall not apply to walls which are perpendicular to the line used to determine the fire separation distance. **PROJECTIONS FROM THE EXTERIOR WALLS OF DETACHED ADUS SHALL MEET THE FIRE SEPARATION DISTANCE REQUIREMENTS OF SECTION R302 BETWEEN THE MAIN SINGLE FAMILY RESIDENCE AND ANY DETACHED ADU, AND ALSO BETWEEN MULTIPLE DETACHED ADUS ON THE SAME LOT.**

Exception:

Tool and storage sheds, playhouses and similar structures exempted from permits are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.

Section R302.1.2 Openings is amended to read as follows:

R302.1.2 Openings. Openings shall not be permitted in the exterior wall of a dwelling or accessory building with a fire separation distance less than 3 feet (914 mm). The above provisions shall not apply to walls which are perpendicular to the line used to determine the fire separation distance. **OPENINGS IN THE EXTERIOR WALLS OF DETACHED ADUS SHALL MEET THE FIRE SEPARATION DISTANCE REQUIREMENTS OF SECTION R302 BETWEEN THE MAIN SINGLE FAMILY RESIDENCE AND ANY DETACHED ADU, AND ALSO BETWEEN MULTIPLE DETACHED ADUS ON THE SAME LOT.**

Foundation Requirements

Section R403.1 Exterior walls is amended to read as follows:

R403.1 General. All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, crushed stone footings, wood foundations, or other approved structural systems that shall be of sufficient design to accommodate all loads according to section 301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. Concrete footing shall be designed and constructed in accordance with the provisions of Section R403 or in accordance with ACI 332. **THE EXTERIOR WALLS OF ALL TYPES OF DETACHED ADUS SHALL MEET THE FOUNDATION AND HOLD DOWN REQUIREMENTS OF CHAPTER 4 AND SECTION R403.**

Residential Rental Standards Interior Space Requirements

Section R304.1 is amended to read as follows:

R301.4 Minimum Area. Habitable rooms shall have a floor area of not less than 70 square feet (6.5m²).

Exception 1. Kitchens.

Exception 2. ADUs shall meet the following minimum standards:

(a) GENERAL PROVISION. EVERY RENTAL ADU SHOULD HAVE SUFFICIENT ACCESS AND SPACE TO ALLOW FOR ADEQUATE LIVING AND SLEEPING CONDITIONS WHILE PROVIDING FOR THE OCCUPANT'S HEALTH, SAFETY, PRIVACY AND GENERAL WELFARE.

(b) FLOOR AREA; RENTAL HOUSING UNIT. EVERY RENTAL ADU SHALL HAVE AT LEAST TWO HUNDRED TWENTY (220) SQUARE FEET OF TOTAL ROOM AREA AND SHALL CONTAIN AT LEAST ONE (1) COMMON ROOM HAVING NOT LESS THAN ONE HUNDRED TWENTY (120) SQUARE FEET.

(c) FLOOR AREA; HABITABLE ROOM. EVERY RENTAL ADU HABITABLE ROOM, EXCEPT A KITCHEN, SHALL HAVE NOT LESS THAN SEVENTY (70) SQUARE FEET OF HABITABLE ROOM AREA AND SHALL NOT BE LESS THAN SEVEN (7) FEET IN ANY DIMENSION.

(d) OCCUPANCY LOAD; SLEEPING ROOM. EVERY RENTAL ADU UNIT SHALL CONTAIN AT LEAST ONE (1) BEDROOM OR LIVING/SLEEPING ROOM OF APPROPRIATE SIZE FOR EACH TWO (2) PERSONS. EVERY ROOM OCCUPIED FOR SLEEPING PURPOSES BY ONE (1) PERSON SHALL CONTAIN AT LEAST SEVENTY (70) SQUARE FEET OF HABITABLE ROOM AREA AND EVERY ROOM OCCUPIED FOR SLEEPING PURPOSES BY TWO (2) PEOPLE SHALL CONTAIN AT LEAST FIFTY (50) SQUARE FEET OF HABITABLE ROOM AREA FOR EACH PERSON.

(e) OCCUPANCY LOAD; RENTAL ADU UNIT. EVERY RENTAL ADU UNIT SHALL PROVIDE AT LEAST TWO HUNDRED TWENTY (220) SQUARE FEET OF FLOOR AREA FOR THE FIRST TWO (2) OCCUPANTS AND ONE HUNDRED (100) SQUARE FEET OF FLOOR AREA FOR EACH ADDITIONAL OCCUPANT. THE FLOOR AREA IS TO BE CALCULATED ON THE BASIS OF TOTAL DWELLING UNIT AREA.

(f) BEDROOM ACCESS. IN ANY RENTAL ADU UNIT THAT HAS MORE THAN ONE (1) BEDROOM, ACCESS TO ANY BEDROOM SHALL NOT BE THROUGH ANOTHER BEDROOM OR A BATHROOM.

(g) BATHROOM ACCESS. IN ANY RENTAL ADU, THE OCCUPANTS OF EACH BEDROOM MUST HAVE ACCESS TO A BATHROOM WITHOUT GOING THROUGH ANOTHER BEDROOM.

(h) INTERIOR ACCESS. IN ANY RENTAL ADU, ACCESS TO BEDROOMS AND BATHROOMS SHALL BE FROM WITHIN THE UNIT.

Item 10B - Ordinance 852-24

Final Audit Report

2024-11-07

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"Item 10B - Ordinance 852-24" History

-  Document created by Victoria Roedig (victoria.roedig@queencreek.org)
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