



DATE: May 22, 2024
TO: Planning and Zoning Board
THROUGH: Nana Appiah, Development Services Director
Mary Kopaskie-Brown, Planning Director
Rachel Nettles, Assistant Planning Director
FROM: Sean Pesek, Senior Planner
SUBJECT: Mesa Zoning Ordinance text amendment (**Accessory Dwelling Units**)- Proposed amendments to Chapter 2, 5, 6, 7, 8, 10, 30, 31, 32, 34, 86, and 87 of Title 11 of the Mesa City Code.

RECOMMENDATION:

Staff recommends that the Planning and Zoning Board provide a recommendation that the City Council adopt the proposed Mesa Zoning Ordinance (MZO) Accessory Dwelling Unit (ADU) text amendments.

PURPOSE:

The proposed text amendments: (1) Modify the definition of Accessory Dwelling Unit; (2) Expand the number of permissible zoning districts for ADUs; (3) Increase the permissible size of ADUs; (4) Modify the setback and height requirements for ADUs and detached accessory buildings or structures; (5) Modify covered parking requirements when converting a garage or carport to an ADU; (6) Allow for nonconforming structures to be converted to an ADU; and (7) Modify the accessory structure requirements for manufactured homes.

The proposed text amendments are intended to increase Mesa’s housing supply by encouraging a variety of equitable and attainable housing types that fit contextually within existing residential neighborhoods; thereby providing for the orderly, well-planned, and balanced growth of residential areas within the City.

BACKGROUND:

An ADU is an independent dwelling unit that is subordinate to the primary dwelling unit on the same lot that includes permanent provisions for living, sleeping, eating, and sanitation. The City has regulated ADUs since 1988 when it first created separate requirements for this type of housing.

The MZO currently regulates where ADUs are permitted and includes development standards that relate to height, setbacks, floor area, lot coverage, and building coverage – some of which vary based on the type of ADU (i.e., attached to the primary dwelling unit or detached). The proposed text amendments will continue to regulate all forms of ADUs within the City in conjunction with the proposed standards.

Staff reviewed the City's current zoning regulations and researched best practices and regulations from surrounding jurisdictions as requested by the City Council. Staff is recommending certain text amendments to the MZO concerning ADUs based on this research and outreach.

Details of the proposed text changes are attached in Exhibit 1 – Accessory Dwelling Unit Ordinance, Exhibit 2 – Section 11-30-17: Detached Accessory Buildings or Structures, and Exhibit 3 – Section 11-31-3: Accessory Dwelling Unit. The affected chapters are Chapters 2, 5, 6, 7, 8, 10, 30, 31, 32, 34, 86, and 87 of the MZO.

PROPOSED STATE LEGISLATION

A bill introduced in the Arizona Legislature (House Bill 2720) would amend Title 9, Chapter 4, Article 6, to include Section 9-461.18, relating to accessory dwelling units. As of the date of this report, House Bill 2720 has been transmitted to the House for final consideration.

The staff recommended ADU text amendments address many of the changes being considered by the State. But if signed into law, the MZO would require additional amendments to address the following specifically:

1. At least one attached and one detached accessory dwelling unit are permitted on all lots or parcels where a single family dwelling is allowed;
2. A minimum of one additional detached accessory dwelling unit allowed 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. A municipality may not 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;
4. A municipality may not 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;
5. A municipality may not set rear or side setbacks for accessory dwelling units that are more than five feet from the property line; and
6. A definition of gross floor area for ADUs.

SUMMARY OF THE AMENDMENTS AND EXPLANATION:

1) Modify the definition of Accessory Dwelling Unit.

An ADU is currently defined in Chapter 86 of the MZO as:

Accessory Dwelling Unit: *A secondary dwelling unit, attached or detached from the primary dwelling, located on a single residence lot when authorized as described in Article 2, with a cooking area equipped for appliances requiring a 220-volt electric service or natural gas, and may function independently of the primary dwelling by means of separate access.*

According to this definition, ADUs are not permitted on lots that are not zoned Single Residence. This conflicts with Table 11-5-2: - Residential Districts, which permits ADUs in Multiple Residence districts (except RM-5). Additionally, the reference to a 220-volt electric outlet

excludes secondary dwelling units that may provide permanent provisions for living, sleeping, eating, cooking, and sanitation, but do not contain a 220-volt electrical outlet.

To address these inconsistencies and clarify the types of structures that constitute an ADU, staff is proposing the following definition:

Accessory Dwelling Unit: *A self-contained living unit, attached or detached, 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.*

2) Expand the number of permissible zoning districts for ADUs.

The Zoning Ordinance currently permits ADUs in the Single Residence (RS), Multiple Residence (RM-2, RM-3, and RM-4) Agricultural (AG), and Downtown Residence (DR) zoning districts and prohibits them on lots zoned Small Lot Single Residence (RSL) and RM-5.

The purpose of the RSL district is to provide areas for small-lot single-dwelling development at higher densities up to 17 units per acre. While RSL-zoned lots are typically smaller in size, the minimum dimensional standards (i.e., minimum lot depth and width) are comparable to RS-6 and RS-7.

Staff is proposing an amendment to Table 11-5-2: Residential Districts – to permit ADUs in all RSL zones and the RM-5 zone.

3) Increase the permissible size of ADUs.

The maximum floor area for an ADU is currently limited to 30% of the gross floor area of the primary dwelling, unless the lot is located within an Infill District or Town Center Redevelopment Area – in which case the maximum gross floor area is 50% of the primary dwelling unit. As directed by the City Council, staff researched surrounding jurisdictions that regulate ADU size as a percentage of the primary dwelling and found that compared to surrounding jurisdictions, Mesa has a significantly smaller size allowance. Municipal comparison is shown below.

Mesa	Phoenix	Scottsdale	Queen Creek
<p>≤30% of the primary dwelling unit*</p> <p>*≤50% of the primary dwelling unit in Town Center Redevelopment Area or Infill District</p>	<p>≤75% of the GFA of the primary dwelling unit*</p> <p>*up to 1,000sf if the lot is ≤10,000sf</p> <p>OR</p> <p>Up to 3,000sf or 10% of the lot area, whichever is less, if the lot is greater than 10,000sf</p>	<p>≤50% of the livable area of primary dwelling unit</p>	<p>≤50% of the roof area primary dwelling unit</p>

Staff recommends that the maximum permissible size of ADUs be increased from 30% to 75% of the gross floor area of the primary dwelling unit or 1,200 square feet, whichever is less.

4) *Modify the setback and height requirements for ADUs and detached accessory buildings or structures.*

Section 11-30-17 of the MZO specifies the maximum height for an accessory building or structure (which includes a detached ADU), based on the proposed location in the backyard. Property owners have found it challenging to plan improvements since the Code allows for a wide variety of scenarios with different requirements. The current setback and height requirements have also made it challenging for homeowners to build larger detached accessory buildings in the rear corner of a lot, such as detached ADUs.

Staff recommends creating two categories of regulations for detached accessory buildings or structures; one for detached accessory buildings and/or structures with less than 200 square feet of gross floor area and one for detached accessory buildings and/or structures with more than 200 square feet of gross floor area. The proposed changes will provide more flexibility in structure placement while also ensuring proper separation from adjacent property lines.

Detached Accessory Building or Structures less than 200 square feet- As proposed, if a detached accessory building or structure is 200 square feet or less in gross floor area, there is no minimum setback along the rear, side, or side street property lines; however the building or structure may not encroach into a recorded public easement and in no instance may the accessory building or structure overhang or cause water to drain or shed onto a neighboring property. The building or structure also may not exceed eight feet in height if it is located within a rear, side, or street side setback. The setback requirements for detached accessory buildings and structures greater than 200 square feet apply if the proposed height exceeds eight feet.

Detached Accessory Building or Structures greater than 200 square feet- As proposed, if a detached accessory building or structure is greater than 200 square feet in gross floor area or has a height that is greater than 8 feet but less than 15 feet, the structure or building must be located at least five feet from rear, side, or side street property lines; however the building or structure may not encroach into a recorded public easement and in no instance may the accessory building or structure overhang or cause water to drain or shed onto a neighboring property.

If the building or structure is 15 feet or greater in height, it is not allowed within any rear, side, or side street yard, and must adhere to the minimum primary building setbacks of the underlying zoning district.

5) *Modify covered parking requirements when converting a garage or carport to an ADU.*

According to section 11-32-3(D) of the MZO, a single residence dwelling unit shall provide two covered parking spaces. When a two-car garage or carport is converted into livable space, two covered parking spaces must be provided elsewhere on the property (or one covered parking space for single-car garages or carports).

In the case of garage/carport conversions, staff recommends that this requirement be waived.

6) *Allow for nonconforming structures to be converted to an ADU.*

Chapter 36 of the MZO provides a set of regulations for the continuation, alteration, and expansion of nonconforming structures. Nonconforming status results from an inconsistency with current MZO requirements, such as maximum height, minimum setbacks, landscaping, screening, and

parking. Currently, nonconforming structures that do not meet current setbacks can be altered and/or enlarged with approval of a Special Use Permit.

To encourage the reuse of nonconforming structures for ADUs, staff recommends waiving the requirement for a Special Use Permit as long as the conversion does not increase the nonconformity and extend further into the setback area.

7) *Modify the detached accessory structure requirements for manufactured homes*

Chapter 34 of the MZO outlines development standards for Recreational Vehicles and Manufactured Homes in designated parks and subdivisions. MZO Sections 11-34-2(B) and 11-32-4(C) specify the permitted uses for manufactured home parks and subdivisions, which includes the allowance for accessory structures.

The current definition for manufactured home accessory structures, according to MZO Chapter 87, has caused confusion for the owners of manufactured homes who wish to construct additions to their residences. Currently, only Arizona rooms that comply with current Building Code requirements are permitted as accessory structures to manufactured homes.

Staff recommends a revision to the definition of manufactured home accessory structures as well as additional development standards for manufactured home accessory structures. These additional development standards will provide more flexibility for homeowners to construct accessory structures, such as livable rooms, that meet their needs.

NEIGHBORHOOD PARTICIPATION PLAN AND PUBLIC COMMENTS:

City staff presented and discussed the proposed amendments at the November 30, 2023, City Council Study Session as well as the February 28, 2024, Planning and Zoning Board Study Session. Public outreach events and efforts were also conducted during the creation of the proposed text amendments and are summarized below.

Event	Date
City Council Study Session	November 30, 2023
Public Meeting #1 (virtual)	February 27, 2024
Planning and Zoning Board Study Session	February 28, 2024
Public Meeting #2 (Council District 3)	March 11, 2024
Public Meeting #3 (Council District 4)	March 19, 2024

At the public meetings, staff presented and discussed the proposed amendments with stakeholders and received feedback that was considered throughout the process. Stakeholders were generally supportive of the City's efforts to simplify the development standards for detached accessory structures and to increase the maximum size for accessory dwelling units.

IMPLEMENTATION:

Staff recommends the ordinance approving the proposed text amendments become effective 30 days from the date of City Council approval. Building permits received on or after the effective date will be subject to the new regulations.

Exhibits:

Exhibit 1 – Accessory Dwelling Unit Ordinance

Exhibit 2 – Section 11-30-17: Detached Accessory Buildings or Structures

Exhibit 3 – Section 11-31-3: Accessory Dwelling Unit

Exhibit 4 – P&Z Board Questions and Staff Responses