



# Planning & Zoning Report

**Date:** June 11, 2025  
**To:** Planning and Zoning Board  
**Through:** Marc Heirshberg, Deputy City Manager  
**From:** Nana Appiah, Development Services Director  
Mary Kopaskie-Brown, Planning Director  
Rachel Phillips, Assistant Planning Director  
**Subject:** Mesa Zoning Ordinance text amendment (**2025 Zoning Code Refinement Ordinance**)- Proposed amendments to Chapters 30, 31, and 87 of the Mesa City Code. (**Citywide**)

## Recommendation

Staff recommends that Planning and Zoning Board recommend that City Council adopt the proposed Mesa Zoning Ordinance (MZO) 2025 Zoning Code Refinement Ordinance text amendments.

## Purpose

From time to time, the Zoning Ordinance requires revisions to correct clerical errors, remove inconsistencies, and improve the clarity of zoning requirements. Staff is recommending certain amendments to Section 11-30-17 (Detached Accessory Building or Structure), Section 11-31-3 (Accessory Dwelling Units); Section 11-31-33 (Home Occupations); and Chapter 87 (Definitions).

Details of the proposed text amendments are attached in Exhibit 1 – 2025 Zoning Code Refinement Ordinance. Specifically, the proposed text amendments:

1. Modify the maximum size allowance for detached accessory buildings or structures.
2. Clarify the setback requirements when converting existing structures to accessory dwelling units.
3. Modify the definition and requirements for home occupations.
4. Add a definition for “Building Addition”.

## Discussion

1. **Modify the maximum size allowance for detached accessory buildings or structures.**

Section 11-30-17(B) of the MZO, limits the total gross floor area of all detached accessory buildings on a lot—including any detached Accessory Dwelling Unit (ADU)

—so that they do not exceed the gross floor area of the primary building. However, the size of ADUs is regulated separately in Section 11-31-3 (Accessory Dwelling Units), consistent with A.R.S. § 9-461.18, which allows an ADU to be up to 75% of the gross floor area of the primary structure, up to 1,000 square feet. The state statutes includes specific provisions governing how municipalities may regulate ADUs. The current language in Section 11-30-17(B), which includes ADUs in the total detached accessory building or structure size limit, does not comply with state law. Therefore, staff recommends removing the reference to ADUs from this section.

In addition to the ADU-related text amendments adopted in October 2024 (Ordinance No. 5883), revisions to Section 11-30-17 (Detached Accessory Building or Structure) were also made to simplify the standards for detached accessory buildings. Prior to those amendments, the total gross floor area of all detached accessory buildings on a lot could exceed the gross floor area of the primary building if a Special Use Permit (SUP) was approved. Staff recommends reinstating this provision to restore flexibility while maintaining appropriate oversight through the SUP process.

**2. Clarify the setback requirements when converting existing structures to accessory dwelling units.**

Section 11-31-3(D) of the MZO outlines setback requirements when converting an existing structure into an ADU, including provisions for existing legal non-conforming structures. However, the current code language lacks clarity when a conversion involves expanding beyond the original building footprint, and the setback requirements for legal non-conforming structures conflict with those for existing structures.

To improve clarity and provide consistent guidance for property owners, Staff recommends revising Section 11-31-3(D) to address a range of development scenarios. The proposed amendments distinguish between ADU conversions within a primary residence and those involving detached structures while also providing specific guidance for legally non-conforming structures in each context.

**3. Modify the definition and requirements for home occupations.**

Home occupations are currently defined within the MZO and permitted in all Residential and Mixed-Use zoning districts in compliance with regulations outlined in Section 11-31-33. The intent of these regulations is to allow property owners to operate a personal business from their home, provided the use is clearly incidental the primary function of the residence as a dwelling unit, and does not negatively impact the character of the surrounding neighborhood.

The standards in Section 11-31-33 are intended to establish clear parameters for the operation of home occupations, with noncompliance with any of the standards a violation of the Code. However, this intent has not been consistently interpreted or applied in practice. Therefore, Staff recommends modifying the definition and standards for home occupations to clarify their purpose and ensure consistent application of the regulations. Below are the proposed modifications to the definition of Home Occupation.

**Home Occupations:** ~~An ancillary use in any Residence or Mixed-Use district which:~~ **A BUSINESS OR PROFESSIONAL ACTIVITY CONDUCTED ON THE SAME LOT OR PARCEL AS A RESIDENTIAL DWELLING UNIT, WHICH IS CLEARLY INCIDENTAL AND SECONDARY TO THE PRIMARY FUNCTION AS A RESIDENTIAL DWELLING UNIT. THE BUSINESS OR PROFESSIONAL ACTIVITY MUST NOT NEGATIVELY IMPACT THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD OR THE HEALTH, SAFETY, AND WELFARE OF NEIGHBORS.**

**PERMITTED HOME OCCUPATIONS MAY INCLUDE BUT ARE NOT LIMITED TO: ARTIST STUDIOS, PERSONAL SERVICES, THERAPY, CONSULTING, LAW OFFICE, REAL ESTATE, INSURANCE, PROFESSIONAL OFFICE, PROFESSIONAL DESIGN SERVICES, MUSIC AND FINE ARTS INSTRUCTION, SWIM LESSONS, AND SMALL-SCALE E-COMMERCE THAT SERVICE FIVE (5) OR FEWER INDIVIDUALS AT A TIME.**

- ~~A. Is clearly incidental to a residence use;~~
- ~~B. Is subordinate to the purpose of the residence use;~~
- ~~C. Contributes to the comfort, convenience, or necessity of occupants in the residence use;~~
- ~~D. Is located on the same lot or parcel as the residence use served;~~
- ~~E. Includes swimming lessons, babysitting, and fine arts instruction, each for 5 or fewer persons;~~
- ~~F. Includes door-to-door and telephone solicitation;~~
- ~~G. Includes uses and activities that can be conducted entirely indoors without negatively impacting the residential character of the neighborhood or health, safety, and welfare of neighbors; and~~
- H. HOME OCCUPATIONS** ~~EE~~**Excludes THE** on-site exchange of sold or bartered goods (exceptions made for occasional and infrequent exchanges), on-site vehicle repair as a commercial use, commercial warehousing or storage - indoor or outdoor, non-resident employees working in the home, or manufacturing of products using hazardous materials or equipment not typically found in household settings.

#### **4. Add a definition for “Building Addition”.**

Currently the MZO does not include standards identifying when a building or structure is considered attached to another building or structure. Previously, an accessory building or structure was defined as a detached building or structure separated by at least six feet. This six-foot standard—originally derived from an earlier version of the International Residential Code (IRC) related to fire rating requirements—has historically been interpreted to mean that any structure located within six feet of another is considered attached.

This interpretation has important implications for setbacks requirements and the applicability of ADU regulations.

To clarify this distinction, staff recommends adding a definition for “Building Addition” to the MZO. This definition is intended to clearly differentiate between attached and

detached structures, and to support high-quality design by ensuring that additions are substantive extensions of the primary structure—not minor, tacked-on elements. The proposed definition is provided below.

**BUILDING ADDITION: AN EXTENSION OR INCREASE IN FLOOR AREA, HEIGHT, OR VOLUME OF AN EXISTING BUILDING. TO QUALIFY AS AN ADDITION, THE NEW CONSTRUCTION MUST SHARE A COMMON WALL WITH THE EXISTING BUILDING, WITH THE POINT OF ATTACHMENT MEASURING AT LEAST 20% OF THE LENGTH OF THE COMMON WALL TO WHICH IT IS ATTACHED.**

### **Implementation**

Staff recommends the ordinance approving the proposed text amendments become effective 30 days from the date of City Council approval.

### **Exhibits**

Exhibit 1 – 2025 Zoning Code Refinement Ordinance