

Planning and Zoning Study Session - 2/28/2024

No.	Topic	Question/Comment	Staff Response
1	Nonconforming Structures	Can a house that doesn't currently comply with setbacks be modified to include an ADU?	An existing, legal non-conforming primary house or detached accessory building that does not meet current setback requirements may be converted to an ADU provided the alteration or conversion does not further increase the non-conforming setback.
2	Text Amendments	Can the Board receive written copies of the proposed text amendments?	Staff will provide the Board with the proposed ordinance when it has been finalized.
3	Height	How do the proposed detached ADU height requirements impact structures with varying heights?	As proposed, maximum height is measured to the highest roof peak. If that measurement exceeds 15', the entire structure must be located in the "buildable area" of the lot. This means that it must comply with all setbacks for the underlying zoning district.
4	Setbacks vs. Building Code	Do the proposed detached accessory structure setbacks align with Building and Fire codes?	If a detached accessory structure is under 200 square feet in size and does not otherwise require a building permit for related electrical, plumbing, etc., it does not have to comply with fire safety requirements - one of which is maintaining a minimum 5-foot separation from side and rear property lines.
5	Setbacks vs. Building Code	Can staff add a footnote in the Zoning Ordinance code section clarifying building and fire code requirements?	Staff will work with the Building Official to understand the relationship with applicable building and fire codes.
6	Number of Detached Accessory Structures vs. ADUs	Similar to ADUs, will the number of detached accessory structures be limited to one per lot?	Unlike ADUs, detached accessory structures are not limited to a specific number. The aggregate area of all detached accessory buildings or structures, including any accessory dwelling unit, shall not exceed 100% of the gross floor area of the primary building.
7	Policy Question	Has there been a demand from residents for additional flexibility in constructing ADUs?	Mesa City Council and Mesa residents have expressed interest in making attainable housing options more accessible.
8	Policy Question	Are there negative impacts to the proliferation of ADUs within Mesa?	Property owners often benefit from ADUs because they offer economic opportunities, address housing challenges, and promote community integration. Development of ADUs must be carefully planned and regulated to ensure positive outcomes for homeowners and the broader community.
9	Parking	Will single residences still be required to maintain at least 2 parking spaces?	Yes The requirement for 2 parking spaces will be maintained with the proposed text amendments. However, for garage/carport conversions, covered parking will not be required.
10	Short Term Rentals	Can HOAs enact their own regulations concerning short-term rentals?	HOAs have the ability to restrict or regulate short-term rentals through their covenant controls and restrictions.

Virtual Public Meeting - 2/27/2024

No.	Topic	Question/Comment	Staff Response
1	Historic Districts	Are there different regulations in a historic district? Regarding maximum ADU size?	All eligible residential properties, including lots within historic districts, are subject to the same ADU development standards. Please note, if your lot is within a registered Historic District, a Certificate of Appropriateness is required from the City's Historic Preservation Officer prior to submitting a building permit.
2	Financial Subsidies	Have there been any discussions on subsidies for ADUs? This could incentivize affordable housing.	The City is exploring the possibility of curating "permit ready" plans for Accessory Dwelling Units, which are pre-reviewed by the Building Division. This will reduce cost for preconstruction fees.
3	Gross Floor Area	Does "gross floor area" include any additions to the main house?	Yes It includes home additions. Gross Floor Area refers to the total floor area in a building (including basements, mezzanines, interior balconies, and upper stories or levels in a multistory building).

4	HOA Control	<p>This is so disappointing about HOA CCRs trumping ADUs. A majority of communities are HOAs now.</p> <p>Can the City require all new build communities to allow ADUs?</p> <p>Otherwise they won't be permitted to build here?</p>	The City cannot prohibit HOAs from adding certain limitations or restrictions (regarding ADUs) to their CC&Rs.
5	Building Code	Can an ADU go "off the grid" and be powered entirely by solar?	Per International Residential Code (IRC), a detached ADU requires a min. 100amp sub panel.
6	Owner Occupancy	At this point in the new ADU code, can investor rental properties add ADUs or is it only owner occupied properties?	<p>Yes</p> <p>Investor rental properties are allowed one ADU.</p>
7	Building Code	Would the electrical panel be separate for an ADU?	<p>It depends.</p> <p>An ADU could use a separate electrical panel, which is typically located on the primary residence adjacent to the meter serving the primary unit.</p>
8	Building Code	Are there are opportunities for zero energy tech on small homes, which there are incentives at for higher levels (resilience, thermal energy, storage, etc.)?	<p>Builders across the United States are building Department of Energy Zero Energy Ready Homes, including accessory dwelling units.</p> <p>You can search for partners on the DOE Zero Energy Ready Home Partner Locator.</p> <p>https://www5.eere.energy.gov/buildings/residential/locator</p>
9	Short Term Rentals	What prevents property owners from using their ADU for Airbnb type stays vs. renting it long-term as a residence?	Mesa City Council recently approved a Short-term Rental License to protect the health, safety, and welfare of the City's residents and visitors by enacting reasonable regulations of short-term rentals consistent with ("A.R.S.") § 9500.39.
10	ADU Size	If the main house is in the Town Center Redevelopment Area, can I still make the ADU 50 percent of the primary house? Or does that change if it's located in a historic district?	<p>Currently, the maximum floor area of an Accessory Dwelling Unit is limited to no more than 50 percent of the primary unit within the Town Center Redevelopment Area or within an Infill District.</p> <p>If passed, the proposed ADU text amendments will increase the maximum to 75% for all eligible lots, including properties within the Town Center Redevelopment Area.</p>
11	Short Term Rentals	If/when the ADU code is passed, will this committee make a goal of putting a prohibition on Airbnb ADUs?	Per A.R.S 9-500.39(A), a city or town may not prohibit vacation rentals or short-term rentals.
12	Upcoming Meetings	When and where are the in-person meetings?	<p>In-person Public Meeting Monday, March 11, 2024, 6pm-7pm at Dobson Ranch HOA. Address: 2719 S Reyes. Mesa, AZ 85202</p> <p>In-person Public Meeting Tuesday, March 19, 2024, 6pm-7pm at The Studios at Mesa City Center. Address: 59 E 1st Street. Mesa, AZ 85201</p>
13	Alley Access	Can my ADU egress be to my alley?	Potentially - depending on the specific site location and conditions.
14	ADU vs. Home Addition	"ADU is an independent and separate living unit" - but in the presentation it was said that an ADU may have access to the primary home. Which sounds like an extension.	<p>The owner can make this decision based on the configuration of their home.</p> <p>For example, if there is a hallway - the entry to the ADU could be from the interior of the primary residence from that hallway.</p> <p>It will be determined by the owner how they want to access the ADU on a case by case basis.</p>
15	ADU Size	Is 30% of the primary dwelling the minimum size currently?	30% is the maximum square footage in our current code.
16	ADU vs. Home Addition	An ADU seems like it flirts with the idea of an extension (conversion of garage). Where is that line of separation drawn?	<p>An ADU is a secondary living space on a single-family lot that includes its own kitchen, bathroom, and sleeping area.</p> <p>ADUs are not additions.</p> <p>An addition is simply an additional room attached to a home.</p>
17	ADU Size	Is 30% of the primary dwelling the maximum size?	<p>30% of the gross floor area of the primary dwelling is the current regulation.</p> <p>If passed, the proposed text amendment will increase the maximum to 75% or 1,200 square feet, whichever number is less.</p>
18	Second Floor Conversions	Has the City considered ADUs being built as the second floor of a primary home?	<p>Yes</p> <p>This is considered a second floor addition or conversion.</p>

19	HOA Control	Does City code preempt HOA restrictions on ADUs?	No HOAs are generally permitted to regulate ADUs through recorded covenant controls and restrictions.
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Dobson Ranch Community Center - 3/11/2024

No.	Topic	Question/Comment	Staff Response
1	Height	What are the height requirements for attached ADUs?	A single-story attached ADU cannot exceed the height of the primary residence or the maximum height requirement of the underlying zoning district, whichever is less. A two-story attached ADU cannot exceed 160% of the height of the primary residence or the height requirement of the underlying zoning district, whichever is less.
2	ADU vs. Home Addition	What constitutes an ADU?	An ADU is a secondary living space on a single-family lot that includes its own kitchen, bathroom, and sleeping area. This differentiates an ADU from a typical home addition.
3	Utility	What are the utility requirements for ADUs?	UPDATED Separate meters are not allowed. The ADU must be served by the same provider and meter for all utilities. If the ADU is attached to the primary residence, the electrical panel of the primary residence must serve it. If the ADU is detached from the primary residence, a sub-panel can be installed next to the main electrical panel. For water, all forms of ADUs (attached and detached) must be served by the water service of the primary residence.
4	ADU Setbacks	What are the setback requirements for ADUs?	If the ADU is attached to the primary residence, it must follow the building setbacks of the underlying zoning district. If the ADU is detached and over 200 square feet in size (and between 8' and 15' in total height), the required setbacks are 5' from the side and rear property lines. If the detached ADU is greater than 15' in total height, it must abide by the building setbacks of the underlying zoning district.
5	Number of ADUs	What is the maximum number of ADUs allowed per lot?	One ADU is permitted per lot.
6	ADU Size	What are the size requirements for ADUs?	30% of the gross floor area of the primary dwelling is the current regulation. If passed, the proposed text amendment will increase the maximum to 75% of the Gross Floor Area of the primary residence or 1,200 square feet, whichever number is less.
7	Application Process	What is the application process for an ADU?	A residential building permit is required to construct an ADU.
8	ADU Benefits	What are the benefits of ADUs?	ADUs increase housing supply, allow for multigeneration living arrangements, can increase property values, and foster a sense of community by accommodating a diverse range of housing options within established neighborhoods.
9	Short Term Rentals	Can ADUs be used for temporary/short-term rentals?	Per A.R.S 9-500.39(A), a city or town may not prohibit vacation rentals or short-term rentals. Mesa City Council recently approved a Short-term Rental License to protect the health, safety, and welfare of the City's residents and visitors by enacting reasonable regulations of short-term rentals consistent with ("A.R.S.") § 9500.39.
10	Parking	What are the parking requirements for ADUs? Do ADUs require additional parking?	Per Section 11-32-3 of the Mesa Zoning Ordinance, additional parking is not required for ADUs. However, each residential lot is still required to provide at least 2 parking spaces on an improved, dustproof parking surface. An improved, dust-proof parking surface is concrete, asphalt or 3" of crushed rock surrounded by a concrete border.

11	Parking	The proposed text amendments will result in more vehicular parking on the street.	Public streets are generally permitted to be parked, unless explicitly prohibited by the City or HOA. Mesa residents are still required to comply with all traffic-related requirements outlined in the Municipal Code.
12	Parking	Is the City changing its driveway requirements as part of this text amendment?	Residential driveway requirements are not being modified with this text amendment.
13	Policy Question	Who came up with this idea (intent of the public meetings on ADUs)?	As requested by the City Council, staff reviewed the City's current zoning regulations and researched best practices from surrounding jurisdictions. The proposed text amendments are based on this effort.
14	Manufactured Homes	Has there been any discussions on mobile homes? Are mobile and manufactured homes allowed as ADUs on residential properties? What is the distinction between a mobile home and a manufactured home?	Manufactured homes, recreational vehicles, and trailers cannot be used as an ADU. Mesa defines a manufactured home as: a structure transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, is built on a permanent chassis, and is designed to be used as a dwelling, with or without a permanent foundation, when connected to utilities.
15	Storage Containers	Are storage containers allowed to be used as ADUs? What are the requirements for the conversion of storage containers into ADUs?	Portable storage containers are permitted only for the purpose of loading and unloading household contents.
16	Eligible Lots	How many lots within the City can accommodate an ADU?	Based only on lot size, we estimate 90% of residential lots are eligible for an ADU.
17	Detached Accessory Structure	What is the proposed maximum aggregate floor are for detached accessory structures?	The aggregate area of all detached accessory buildings or structures, including any accessory dwelling unit, shall not exceed 100% of the gross floor area of the primary building.
18	County Islands	Does the requirement on ADUs affect properties located on County Islands?	No If passed by City Council, these amendments will affect properties within Mesa city limits.
19	Application Process	Can unpermitted detached structures be converted to an ADU?	Unpermitted structures must obtain a building permit to ensure compliance with applicable building and fire safety codes.
20	Financial Incentives	Are there any financial incentives planned for property owners?	There are no anticipated financial incentives. However, the City is exploring the possibility of curating "permit ready" plans for Accessory Dwelling Units, which are pre-reviewed by the Building Division.
21	Timeline	What is the timeline for approval?	Planning and Zoning Board recommendation - April 2024 City Council Decision - May/ June 2024

The Studios - 3/19/2024

No.	Topic	Question/Comment	Staff Response
1	Historic Preservation	How do the proposed changes affect historic properties?	All eligible residential properties, including lots within historic districts, are subject to the same ADU development standards. Please note, if your lot is within a registered Historic District, a Certificate of Appropriateness is required from the City's Historic Preservation Officer prior to submitting a building permit.
2	Height	Is there a minimum height requirement for ADUs?	There is no minimum height requirement per the Mesa Zoning Code; however, ADUs are still subject to applicable residential building codes.
3	Building Separation	What is the minimum building separation?	All detached accessory structures, regardless of size, shall maintain a minimum 6' of separation from other structures on the lot. This includes the primary home and any other detached accessory structures like sheds, pool houses, and RV garages.
4	Attached v. Detached	Is the ADU considered attached if there's a breezeway between the main house and the ADU?	If the rooflines are connected via a breezeway, then yes, the ADU is considered attached and must follow the setback requirements for attached ADUs.
5	Utilities	Can my ADU have a separate meter?	Separate meters are not allowed. The ADU must be served by the same provider and meter for all utilities.
6	Tiny Homes	Are "tiny homes" allowed?	Manufactured homes, recreational vehicles (RV), and trailers cannot be used as an ADU.
7	Policy Question	Where did this direction come from?	As requested by the City Council, staff reviewed the City's current zoning regulations and researched best practices from surrounding jurisdictions. The proposed text amendments are based on this effort.

8	Policy Question	Can the State override the City's text amendments?	<p>The proposed ADU text amendments have been reviewed against the Arizona Revised Statutes (A.R.S) for compliance.</p> <p>If future state laws are enacted and the City's regulations are no longer compliant with A.R.S, it is the City's responsibility to amend its zoning code.</p>
9	Policy Question	Can the State override HOA restrictions on ADUs?	Staff is not sure what is being considered at the State level and cannot answer this question.
10	Short Term Rentals	Can ADUs be used for temporary/short-term rentals?	<p>Per A.R.S 9-500.39(A), a city or town may not prohibit vacation rentals or short-term rentals.</p> <p>Mesa City Council recently approved a Short-term Rental License to protect the health, safety, and welfare of the City's residents and visitors by enacting reasonable regulations of short-term rentals consistent with ("A.R.S.") § 9500.39.</p>
11	ADU Size	75% is like a new home, this is a lot of density and a whole new family could move in there. Streets already look like RV parks.	Per the proposed text amendment, the gross floor area of an ADU shall not exceed 75% of the primary residence's gross floor area or 1,200 square feet, whichever is less. Homes with a gross floor area greater than 1,600 square feet will be limited to a max. ADU size of 1,200 square feet.
12	Short Term Rentals	Are all ADUs short term rentals?	The City of Mesa does not track the number of ADUs used as short term rentals. However, only 8 percent of new ADUs in California are short-term rentals.
13	Policy Question	Under the guise of affordable housing, you are just trying to cram in more people and there is no such thing in Mesa and that is the reality. Understand there are a lot of troubles but how is this going to make my neighborhood better and safer and streets less congested.	Accessory dwelling units have been permitted in Mesa since 1988. The proposed text amendments are not introducing accessory dwelling units as a new form of housing.