



**Community Development Department  
Planning and Development Services**

**Date:** April 6, 2021  
**TO:** Planning and Zoning Commission  
**FROM:** Dan Symer, AICP, Zoning Code Manager  
**Through:** Alaxandra Pucciarelli, Current Planning Manager  
**RE:** Planning and Zoning Commission Work Session

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I. **Request:**

Case No. PZ-21-00066: Request for a work session with the Planning and Zoning Commission to discuss the City's proposed amendment to the Zoning Code to modify the existing Accessory Dwelling Unit (ADU) and accessory structure requirements.

II. **Purpose of the Work Session:**

The work session with the Planning and Zoning Commission is required as a "Citizen Review Session" in compliance with Section 10-20.50.040 (Procedures) of the Zoning Code and applicable state law. The purpose of the work session is for staff to present an overview of the proposed amendment, to allow interested residents to provide their ideas, suggestions, and concerns, and for the Commission to ask questions, seek clarification, and discuss the amendment, as well as offer alternate suggestions and ideas. The Commission will take no action at this work session. After the work session, staff will revise the proposed amendment. The amendment will then be presented to the Commission at a public hearing for consideration and action. Once a recommendation is received, a public hearing will be scheduled with the City Council. The anticipated timeline for the amendments is as follows:

- May 11, 2021 – City Council Work Session
- May 12, 2021 – Planning and Zoning Commission Work Session
- May 26, 2021 – Potential Planning and Zoning Commission Public Hearing
- June 15, 2021 – Potential City Council Public Hearing (1<sup>st</sup> Reading of Ordinance)
- July 6, 2021 – Potential City Council Public Hearing (2<sup>nd</sup> Reading of Ordinance/Adoption)

III. **Planning and Zoning Commission Questions:**

For your reference, below are the questions on which staff is seeking the Planning and Zoning Commission's comments and direction.

- Does the Planning and Zoning Commission have any recommended modifications or considerations on the proposed Zoning Code Text Amendment?
- Does the Planning and Zoning Commission have any recommendations about removing the requirements related to the property owner occupying either the primary residence or the ADU as their principal residence? (Please refer to section VII.)

#### IV. Overview of Proposed Amendment:

The proposed amendment (Attachment 1) includes multiple changes to the Zoning Code. New provisions are being added, and several existing regulations are being modified. The most significant of the modifications include:

- Allowing Detached Accessory Dwelling Units to be located in the required setbacks of a property zone;
- Allowing detached garages constructed prior to February 16, 2016 that are within the required Detached Accessory Dwelling Unit setbacks to be converted to an Accessory Dwelling Unit;
- Establishing a maximum building height (16 feet) of a Detached Accessory Dwelling Unit that encroaches into the required setbacks of a property's zone; and
- Modifying the allowed building height of an Attached and Interior Accessory Dwelling Unit to be the same as the maximum building height permitted by the property's zone.

*Summary of the Staff Revisions to the Zoning Code:*

The proposed amendment includes:

##### 1. **Accessory Structures (Section 10-40.60.020):**

- Table 10-40.60.020.B.7.d.: Allowed Accessory Structure Encroachments into Setbacks has been deleted, and the related provisions have been incorporated into Table 10-50.40.020.A.: Allowed Encroachments into Setbacks and Heights.
- The reference to Table 10-40.60.020.B.7.d. for encroachments into the required setbacks has been modified to refer to Table 10-50.40.020.A.

##### 2. **Accessory Dwelling Units (ADUs) (Section 10-40.60.030):**

- Table 10-40.60.030.C.: Accessory Dwelling Unit Design, Development and Exceptions Standards has been modified as follows:
  - Minimum setbacks have been established that would allow a Detached Accessory Dwelling Unit to encroach into the required setbacks of a property's zone;
  - The required setbacks of a property's zone have been maintained and clarified for Attached and Interior Accessory Dwelling Units;
  - The allowed building height (currently 24 feet) of an Attached and Interior Accessory Dwelling Unit has been modified to be the same as the maximum building height permitted by the property's zone;
  - Encroachments (awnings, bay windows, canopies, fireplaces and chimneys, open eaves, window sills, etc.) allowed in combination with Attached, Detached, and Interior Accessory Dwelling Units have been modified; and
  - The existing provisions pertaining to a detached garage constructed prior to February 16, 2016 have been modified to allow the garage to be converted to a Detached Accessory Dwelling Unit.

##### 3. **Encroachments into Minimum Required Setbacks (Section 10-50.40.020):**

- Table 10-50.40.020.A.: Allowed Encroachments into Setbacks and Heights has been modified to incorporate the provisions of Table 10-40.60.020.B.7.d. for accessory structures. In

addition, a cross-reference to the walls and fence encroachments has been included in Table 10-50.40.020.A.

**V. Findings:**

At the May 26, 2021 Planning and Zoning Commission meeting, the Commission will be requested to make a recommendation to the City Council on the proposed amendments based on the required findings specified in the Zoning Code. For your reference and discussion purposes, the required findings are specified below.

1. The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan;
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
3. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

**VI. Community Involvement**

In accordance with Arizona Revised Statutes and the Zoning Code, the work session before the Planning and Zoning Commission was advertised in the Arizona Daily Sun on April 24, 2021, which is 18 days before the scheduled meeting date.

As of the date of this memorandum, staff has not received any public comments on the proposed amendment.

**VII. City Council Discussion Topic**

At the May 11, 2021 City Council Work Session, the City Council will review the above referenced amendment. In addition, the City Council will be discussing whether to direct staff to remove barriers to homeowners building accessory dwelling units on their properties – particularly whether to remove the requirements related to the property owner occupying either the single-family dwelling unit or the accessory dwelling unit as their principal residence and the associated restrictive covenant provisions (Attachment 2). The purpose of eliminating these requirements is to allow a property owner to construct an accessory dwelling unit on the same lot as a single-family dwelling unit and rent both units.

There are potential benefits and drawbacks to eliminating the property owner occupancy and restrictive covenant requirements. The potential benefits include:

- Allowing a property owner to construct an accessory dwelling unit that may also be rented in addition to a single-family dwelling unit rental on the same lot; and
- Increasing the number of rental dwelling units that may contribute to the availability of affordable housing options.

The potential drawbacks include:

- Creating an increased number of accessory dwelling units that may be utilized as vacation/short term rentals; and
- Having two separate rental units connected to one utility meter for each source (water, electric, gas, etc.).

It should be noted that accessory dwelling units shall be connected to one meter for each utility that serves both units. This requirement is intended to minimize the cost of constructing the accessory dwelling unit since separate meter installation costs for each dwelling unit would not need to be paid. Therefore, the potential savings could allow the property owner to rent the accessory dwelling unit at a lower cost. For example, Water Services staff estimates the cost of installing a separate water meter for an accessory dwelling unit to be approximately \$13,000.

Having two separate rental units connected to one utility meter source may be a drawback because the property owner may require the renter of one of the dwelling units to pay the monthly utility cost and collect utility fees from the other dwelling unit renter. If the renter that contracts with the utility for the service fails to pay the utility provider, utility services may be disconnected. In that case, the other dwelling unit's renter that does not hold the utility contract will be left without utility service.

**Conclusion:**

As indicated above, the purpose of the work session is for staff to present an overview of the Zoning Code's proposed amendment and allow interested individuals, residents, and business owners to provide comments. The work session also allows the Commission to ask questions, seek clarification, have discussions, and offer comments on the proposed amendment. No formal recommendation or action by the Commission to the City Council is to occur at the work session. Additional opportunities for discussion, public comment, and action by the Commission will occur at a future public hearing.

**Attachments:**

1. Case No. PZ-21-00066 Updates to Zoning Code 2021 – Accessory Dwelling Unit and Accessory Structure Encroachments Requirements
2. Property Owner-Occupancy and Restrictive Covenant Provisions