



City of Apache Junction

Development Services Department



PLANNING AND ZONING COMMISSION PUBLIC HEARING STAFF REPORT

DATE: September 10, 2024

TO: Planning and Zoning Commission

THROUGH: Rudy Esquivias, Development Services Director
Sidney Urias, Planning Manager

FROM: Erika Hernandez, Associate Planner

CASE NUMBER: P-24-71-AM

REQUEST: Text Amendment to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: Supplemental Regulations, Section 1-6-5 Accessory Structures. The text amendment proposes to modify the current accessory structure regulations by removing the restriction of bathing facilities.

BACKGROUND

During the July 16, 2024 City Council meeting, a resident spoke during the call to the public to address his need to add a shower in a future accessory structure.

On August 6, 2024, the Development Services Director brought the item before Council seeking direction for a possible text amendment to allow bathing facilities in accessory structures. The Council voted unanimously to give a direction to Staff to review and consider updates to § 1-6-5 Accessory Structures to remove the restriction of bathing facilities for accessory structures.

RESEARCH

Currently, Section 1-6-5 Accessory Structures prohibits bathing and cooking facilities in any accessory structure. Prior to 2014, the code did allow showers in accessory structures, but it was discovered that these structures were often becoming unpermitted apartments. In 2014, the Zoning Ordinance then disallowed showers in an attempt to curb



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such structures from being utilized as an unpermitted dwelling unit. Dwelling units must meet the 2018 International Residential Code ("IRC") to be considered habitable space, and because accessory structures do not have the same regulatory standards as dwelling units, they are not suitable to be lived in.

The City allows all single-family residential lots within its jurisdiction to build one (1) accessory dwelling unit ("ADU"), with a full kitchen and bathroom, if it is properly permitted and meets all City regulatory standards, as well as the 2018 IRC. Because building an ADU can be costly, the City still sees accessory structures being utilized illegally as dwelling units.

The current accessory structure regulations regarding bathing facilities read as follows:

(A)(1) Accessory structures. An ACCESSORY STRUCTURE is any non-habitable (no bathing facilities or stove/oven) structure that is greater than 120 square feet in size, and detached from the principal structure, and includes overseas shipping containers as defined herein. Dimensional standards for accessory structures are set forth in Article 1-5 of this code, Tables 5-2 and 5-4 (see Vol. II, §§ 1-5-2 and 1-5-4).

(A)(8) Utility connections. Accessory structures may be served with utilities, such as electrical and plumbing for water, with the appropriate permits. No sanitary plumbing fixtures for bathing or cooking shall be permitted in any accessory structure.

PLANNING DIVISION RECOMMENDATION

Staff recommends removing the restriction on bathing facilities in accessory structures with the following text language:

(A)(1) Accessory structures. An ACCESSORY STRUCTURE is any non-habitable (no sleeping, living, or cooking activities) structure that is greater than 120 square feet in size, and detached from the principal structure, and includes overseas shipping containers as defined herein. Dimensional standards for accessory structures are set forth in Article 1-5 of this code, Tables 5-2 and 5-4 (see Vol. II, §§ 1-5-2 and 1-5-4).

(A)(8) Utility connections. Accessory structures may be served with utilities, such as electrical and plumbing for water, with the



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appropriate permits. No fixtures for cooking shall be permitted in any accessory structure.

A draft text amendment to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: Supplemental Regulations, Section 1-6-5 Accessory Structures has been provided to apply the above noted proposed changes.

RECOMMENDED MOTION

I move that the Planning and Zoning Commission recommend to the Apache Junction City Council the approval of text amendment case P-24-71-AM, an amendment to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: Supplemental Regulations, Section 1-6-5 Accessory Structures described in the attached text exhibit.

Erika Hernandez

Prepared by Erika Hernandez
Associate Planner

Attachments:

- Draft Amendment to Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: Supplemental Regulations, Section 1-6-5 Accessory Structures
- Current Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: Supplemental Regulations, Section 1-6-5 Accessory Structures