

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTERS 3, 4, 8, 22, 30, 31, 33, 69, 86, AND 87 OF TITLE 11, THE ZONING ORDINANCE OF THE MESA CITY CODE BY ADDING DESIGN STANDARDS; LANDSCAPING REQUIREMENTS FOR OPEN SPACE; ADDING DEFINITIONS; MAKING MINOR TECHNICAL CHANGES WITH REGARD TO SECTION REFERENCES IN THE CHAPTERS; AND ADDING REQUIREMENTS REMOVED FROM CHAPTERS 5, 6, AND 7, SUCH AS CORRAL FENCING AND LANDSCAPE YARD REQUIREMENTS; PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF; AND PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS WHICH HAVE ALREADY BEGUN THEREUNDER.

WHEREAS, it has become apparent, and in the best interest of the City, to update Title 11, of the Zoning Ordinance of the Mesa City Code; and

WHEREAS, the changes encompass amendments and additions to Chapters 3, 4, 8, 22, 30, 31, 33, 69, 86 and 87 of the Zoning Ordinance; and

WHEREAS, the proposed changes promote the Council's goals of having definitive standards that specify higher quality for developments within the City of Mesa corporate limits; and

WHEREAS, the updates also include minor revisions including moving text, clarifying existing standards, and correcting section references.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Text written in BOLD ALL CAPS indicates new language. Strikethrough fonts indicates deletions.

Section 1: That Title 11, Chapter 3, Section 11-3-1(C)(2) is hereby amended as follows:

2. Auto-Oriented (-A). This designation is intended for areas that provide for easy automobile access. Examples include Large ~~Format—Retail~~ **COMMERCIAL DEVELOPMENT** buildings that may be located at the back or side of a site with parking in front. Standards are intended to

mitigate the impact of the parking lots and buffer adjacent residential areas.

Section 2: That Title 11, Chapter 4, Section 11-4-4(A)(1) is hereby amended as follows:

1. "Corral fences" for the keeping of livestock are permitted consistent with the standards provided in Section 11-5-7(E)(1)~~30-4(A)(2)~~, Corral Fences.

Section 3: That Title 11, Chapter 8, Table 11-8-3 is hereby amended as follows:

Table 11-8-3: Downtown Districts							
<i>Proposed Use</i>	<i>DR-1</i>	<i>DR-2</i>	<i>DR-3</i>	<i>DB-1</i>	<i>DB-2</i>	<i>DC</i>	<i>Additional Use Regulations</i>
Residential Use Classifications							
Single Residence							
Detached	P	P	P	--	--	--	
Attached	--	P	P	P	CUP	--	
Multiple Residence	--	P	P	P	CUP	P(1)	
Assisted Living	-	-	SUP	SUP	-	SUP	
Day Care Group Home							
Small Home Day Care (up to 5)	P	P	P	P	--	--	Section 11-31-13, Day Care Group Homes
Large Home Day Care (6 to 10)	--	SUP	SUP	P	--	--	
Group Residential							
Boarding House	--	--	P	P	--	--	
Group Home for the Handicapped (up to 10 residents)	P	P	P	P	--	--	Section 11-31-14, Group Homes for the Handicapped
Group Home for the Handicapped (greater than 10)	--	SUP	SUP	--	--	--	
Group Housing	--	--	--	P	--	--	
Home Occupations	P	P	P	P(9)	--	P(9)	Section 11-31-33, Home Occupations
Public and Semi-Public Use Classifications							
Clubs and Lodges	--	--	--	P	P	P	
Colleges and Trade Schools, Public or Private							
Colleges and Universities	--	--	--	P	P	P	
Commercial Trade Schools	--	--	--	P	P	P	
Industrial Trade Schools	--	--	--	--	SUP	--	
Community Center	--	SUP	SUP	P	P	P	
Community Gardens	P	P	P	P	P	P	Section 11-31-10, Community Gardens
Cultural Institutions	--	--	--	--	--	P	
Day Care Centers	--	SUP	SUP	P	P	P	
Government Offices	--	--	--	P(2)	P	P	
Hospitals and Clinics							

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Clinics	--	--	--	P(3)	P(3)	--	Section 11-31-15, Hospitals and Clinics
Hospitals	--	--	--	P	P	--	
Nursing and Convalescent Homes	--	--	--	P	P	--	
Parks and Recreation Facilities, Public	P	P	P	P	P	P	
Places of Worship	P	P	P	P	P	P	Section 11-31-22, Places of Worship
Public Safety Facilities	--	--	--	P	P	P	
Schools, Public or Private	CUP	CUP	CUP	CUP	CUP	CUP	Section 11-31-24, Schools
Social Service Facilities	--	--	--	CUP	CUP	--	Section 11-31-26, Social Service Facilities
Commercial Use Classifications							
Animal Sales and Services							
Kennels	--	--	--	--	P(4)	--	
Pet Stores	--	--	--	--	P	P(4,6)	
Veterinary Services	--	--	--	P(4)	P	--	
Artists' Studios	--	--	--	P	P	P	
Automobile/Vehicle Sales and Services							
Accessory Automobile Rentals	--	--	--	SUP	--	SUP (12)	Section 11-31-5, Automobile Rentals; Automobile/Vehicle Sales and Leasing
Automobile Rentals	--	--	--	--	SUP	CUP	
Automobile/Vehicle Sales and Leasing	--	--	--	--	SUP	--	
Automobile/Vehicle Repair, Major	--	--	--	--	SUP	--	Section 11-31-6, Automobile/Vehicle Repair; Major and Minor
Automobile/Vehicle Service and Repair, Minor	--	--	--	--	SUP	CUP	
Automobile/Vehicle Washing	--	--	--	--	SUP	CUP	Section 11-31-7, Automobile/Vehicle Washing
Large Vehicle and Equipment Sales, Services, and Rental	--	--	--	--	SUP	--	Section 11-31-5, Automobile Rentals; Automobile/Vehicle Sales and Leasing
Service Station	--	--	--	--	SUP	CUP	Section 11-31-25, Service Stations
Banks and Financial Institutions	--	--	--	P	P	P	
With Drive-Thru Facilities	--	--	--	CUP	SUP	CUP	
Banquet and Conference Center	--	--	--	P	P	P	

Table 11-8-3: Downtown Districts							
<i>Proposed Use</i>	<i>DR-1</i>	<i>DR-2</i>	<i>DR-3</i>	<i>DB-1</i>	<i>DB-2</i>	<i>DC</i>	<i>Additional Use Regulations</i>
Bed and Breakfast Inns	SUP	P	P	--	--	--	Section 11-31-8, Bed and Breakfast Inns
Business Services	--	--	--	--	P	P	
Commercial Entertainment	--	--	--	P	P	P	
Commercial Recreation							
Small-Scale	--	--	--	P	P	P	
Large-Scale	--	--	--	--	--	P(5)	
Eating and Drinking Establishments							
Bars/Clubs/Lounges	--	--	--	P	P	P	
Coffee Shops/Cafes	--	--	--	P	P	P	
Restaurants, Bar and Grill	--	--	--	P	P	P	
Restaurants, Full Service	--	--	--	P	P	P	
Restaurants, Limited Service	--	--	--	P	P	P	
With Drive-Thru Facilities	--	--	--	CUP	SUP	--	
With Outdoor Seating Areas	--	--	--	SUP	SUP	SUP	Section 11-31-19, Outdoor Eating Areas
Farmer's Market	--	--	--	TUP	TUP	SUP	Section 11-31-30, Temporary Uses: Swap Meets and Farmer's Markets
Food and Beverage Sales							
Convenience Market	--	--	--	SUP	SUP	P	Section 11-31-11, Convenience Markets
General Market	--	--	--	P	P	P	
Funeral Parlors and Mortuaries	--	--	--	--	P	CUP	
Hotels and Motels	--	--	--	P	--	P	
Laboratories	--	--	--	--	P	--	
LARGE COMMERCIAL DEVELOPMENT	--	--	--	--	CUP	CUP	SECTION 11-31-16, LARGE COMMERCIAL DEVELOPMENT
Light Fleet-Based Services	--	--	--	--	P	CUP	
Live-Work Unit	--	P	P	P	P	SUP	Section 11-31-17, Live Work Units
Maintenance and Repair Services	--	--	--	--	P	--	
Offices							
Business and Professional	SUP (10)	SUP (10)	SUP (10, 11)	P	P	P	
Medical and Dental	--	--	--	P	P	P	
Parking, Commercial	--	--	--	--	SUP	P(7)	
Personal Services	--	--	--	P	P	P	

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<i>Proposed Use</i>	<i>DR-1</i>	<i>DR-2</i>	<i>DR-3</i>	<i>DB-1</i>	<i>DB-2</i>	<i>DC</i>	<i>Additional Use Regulations</i>
Plant Nurseries and Garden Centers	--	--	--	--	SUP	--	
Retail Sales							
General	--	--	--	P	P	P	
Large Format	--	--	--	--	CUP	CUP	Section 11-31-16, Large Format Retail
Pawn Shops	--	--	--	CUP (8)	CUP (8)	--	Section 11-31-21, Pawn Shops
Tattoo and Body Piercing Parlors	--	--	--	P	P	P	
Employment and Industrial Use Classifications							
Handicraft/Custom Manufacturing	--	--	--	--	P	--	
Manufacturing, Light Cabinet Assembly	--	--	--	--	P	--	
Manufacturing, Limited	--	--	--	--	P	--	
Research and Development	--	--	--	--	P	--	
Warehousing and Storage							
Contractors' Yards	--	--	--	--	SUP	--	
Indoor Warehousing and Storage	--	--	--	--	P	--	
Mini-Storage	--	--	--	--	P	--	
Recycling Facilities							
Reverse Vending Machine	--	--	--	P(4)	P(4)	--	Section 11-31-23
Small Indoor Collection Facility	--	--	--	--	SUP (14)	--	Section 11-31-23
Transportation, Communication, and Utilities Use Classifications							
Communication Facilities							
Antenna and Transmission Towers	See Chapter 35						
Facilities within Buildings	See Chapter 35						
Transportation Passenger Terminals	--	P	P	P	P	P	
Utilities, Minor	P	P	P	P	P	P	
Accessory Uses and Facilities							
Outdoor Storage	--	--	--	--	SUP		
Drive-thru facilities	--	--	--	CUP	SUP	CUP	
Accessory Dwelling Unit	P/SUP (13)	P/SUP (13)	P/SUP (13)	--	--	--	Section 11-31-3, Accessory Dwelling Unit
Caretakers' Residences	--	--	--	--	SUP	--	
Outdoor entertainment or activities	--	--	--	SUP	SUP	--	
1. Multiple-Family Residential permitted at a minimum density of 20 units/acre in an exclusive multiple residence project. No minimum density when part of a mixed-use project. 2. Permitted if occupying less than 5,000 square feet; greater floor area requires approval of an SUP. 3. A CUP is required for plasma centers and substance abuse detoxification and treatment centers; other Clinics are permitted by right. 4. Must be confined to completely enclosed, sound-attenuated facilities.							

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5. Permitted if all activities pertaining to commercial recreation are conducted entirely within an enclosed building. 6. Permitted if floor area is no more than 1,500 square feet. 7. Structured parking garages are permitted. A CUP is required for surface (open) parking lots. 8. Must be at least 1,200 feet from any use in the same classification, and at least 1,200 feet from any school. 9. Home Occupations permitted where and when a residence is authorized. 10. Eligible sites are limited to locations designated as Class 1 Historic Buildings based on the City of Mesa Historical Survey, 1984. . 11. Eligible sites limited to lots with frontage on an arterial street as designated in the Mesa General Plan. 12. Eligible Sites limited to ancillary use to hotel or motel. 13. Use is Permitted as an accessory use only. Special Use Permit is required if Accessory Dwelling Unit is leased or rented as a secondary apartment 14. Facility may be as large as 6,000 square feet in the DB-2 district, subject to approval of a Special Use Permit..							

Section 4: That Title 11, Chapter 22, Section 11-22-1 is hereby amended as follows:

11-22-1: Purpose

The purpose of the Planned Area Development Overlay (PAD) District is to ~~allow for innovative design and~~ **PERMIT** flexibility in projects of sufficient size that are planned for development as a cohesive unit. ~~THE APPLICATION OF ZONING STANDARDS AND REQUIREMENTS WHERE IT CAN BE DEMONSTRATED THAT THE PROPOSED DEVELOPMENT PROVIDES EQUIVALENT OR SUPERIOR STANDARDS IN A CREATIVE WAY TO MEET THE INTENT OF THE UNDERLAYING ZONING DISTRICT AND GENERAL PLAN.~~ This overlay district **ALLOWS FOR INNOVATIVE DESIGN AND FLEXIBILITY IN PROJECTS OF SUFFICIENT SIZE THAT ARE PLANNED FOR DEVELOPMENT AS A COHESIVE UNIT AND** may also be used to organize a development in phases by using conceptual development plans and deferring specific site plan approval to a future date. The intent of this district is to provide for creative, high-quality development incorporating:

Section 5: That Title 11, Chapter 22, Section 11-22-5(A) is hereby amended as follows:

A. Application. Requests for PAD overlays shall follow the same procedures specified for zoning amendments in Chapter 76, Zoning Ordinance: Amendments to Map and Text, of this Ordinance. In addition, applications requesting PAD overlays shall include a planning document(s) that incorporates the following items:

1. Graphic depictions of the following, as may be applicable:
 - a. Land use plan, drawn to scale, including:
 - i. Dimensions and acreage of overall project site;
 - ii. Dimensions and acreage of each underlying zoning district;
 - iii. Dimensions and acreage of each unit or stage of development; and,

- iv. Locations of properties proposed for conceptual and specific review.
 - a. Site Plan(s), drawn to scale, including typical lot sizes and building placement for residential development (Site Plans not required for conceptual requests).
 - b. Elevation(s) of proposed building(s), drawn to scale (Elevations not required for conceptual requests).
 - c. Locations of commonly owned, property, including open space and recreational amenities.
 - d. Locations of all proposed streets alignments and subdivisions of land.
- 2. Narrative description(s) and explanation(s) of the following:
 - a. Compliance of the proposed project with the requirements of the Mesa General Plan, and the Purpose statements of the PAD Overlay District (Section 11-22-1).
 - b. Development standards for the project, including ~~any~~ **HOW** proposed deviations from base zoning district development standards and general development standards **ARE OF EQUAL OR SUPERIOR QUALITY.**
 - c. Phasing plans, if the project consists of multiple units or stages of development.
 - d. Specific and/or conceptual land uses, as applicable.
 - e. Properties and amenities to be held in common ownership, including open space and recreational amenities.
 - f. Intensity of development expressed as a ratio (specific plan) or as a range (conceptual plan).
 - g. Description of design themes and ~~quality~~ **CHARACTER.**
 - h. Incorporation of sustainable development practices.

Section 6: That Title 11, Chapter 30, Section 11-30-4(A) is hereby amended by amending corral fence requirements and adding figure 11-30-4.A: Fences as follows:

A. AG, RS, RSL, RM, and DR Districts.

1. *Maximum Height.*

- a. *Front Yards.* No opaque or non-transparent fence or freestanding wall within or along the exterior boundary of the required front yard shall exceed a height of 3.5 feet. Fences or freestanding walls over

3.5 feet high are allowed in front yards, provided the fence or freestanding wall does not exceed a maximum height of 4.5 feet, and the topmost 1.5 feet is visually transparent and not opaque.

- b. *Side and Rear Yards.* No fence or freestanding wall within or along the exterior boundary of the required side or rear yards shall exceed a height of 6 feet.
- c. ~~Agricultural, RS-90 and RS-43 Districts. Corral fences are allowed in the front yard up to 6 feet in height as described in Section 11-5-7(E)(1).~~

2. CORRAL FENCES. CORRAL FENCES ARE ONLY ALLOWED FOR THE KEEPING OF LIVESTOCK AND SIMILAR LARGE ANIMALS. CORRAL FENCES ARE PERMITTED IN THE AGRICULTURAL, RS-90 AND RS-43 DISTRICTS SUBJECT TO CONFORMANCE WITH THE FOLLOWING STANDARDS:

- A. **MATERIALS. CORRAL FENCES SHALL BE CONSTRUCTED OF MASONRY, WROUGHT IRON, PIPE-RAIL, OR SIMILAR MATERIAL, BUT SHALL NOT BE OF SOLID CONSTRUCTION OR MADE OF METAL WIRE, SUCH AS CHAIN-LINK OR BARBED WIRE,**
- B. **TRANSPARENCY. CORRAL FENCES SHALL MAINTAIN A MINIMUM TRANSPARENCY OF 66 PERCENT OF THE EXTERIOR SURFACE OF THE FENCE TO KEEP VISIBILITY INTO THE PROPERTY AND ALLOW THE TRANSFER OF LIGHT AND AIR; AND**
- C. **MAXIMUM HEIGHT. CORRAL FENCES SHALL NOT EXCEED SIX (6) FEET IN HEIGHT.**

2.3. *Building Area.* When located in the buildable area, the maximum height for fences and freestanding walls is the maximum height allowable in the applicable district.

3.4. *Decorative Features.* One entry gateway, trellis, or other entry structure is permitted in the required front or street-facing side yard of each lot, provided the maximum height or width of the structure does not exceed 10 feet in either direction. Such decorative feature shall not have any solid obstruction that exceeds 2 feet in diameter between the height of 3 and 10 feet.

- 4.5. *DR Districts.* Whenever a new multiple residence project is constructed or an existing single residence is converted to a multiple residence use, a privacy wall shall be constructed along the property lines separating the multiple residence use, its parking areas and driveways from any existing single residence. The privacy wall shall be of masonry construction with stucco, mortar wash or other finish to match that of the main building and shall be 6 feet in height. The privacy wall shall extend along interior side lot lines to the front-yard setback of the main building or to the front-yard setback of the existing adjacent residence, whichever is closer to the street right-of-way, but shall not extend past said setback into the front yard without being reduced in height to a maximum of 3.5 feet.
- 5.6. *Prohibited Materials.* The use of barbed wire, razor wire, embedded glass shards, ultra barrier, electrified and other hazardous fencing is prohibited, except for the use of barbed wire fencing used for livestock enclosures.

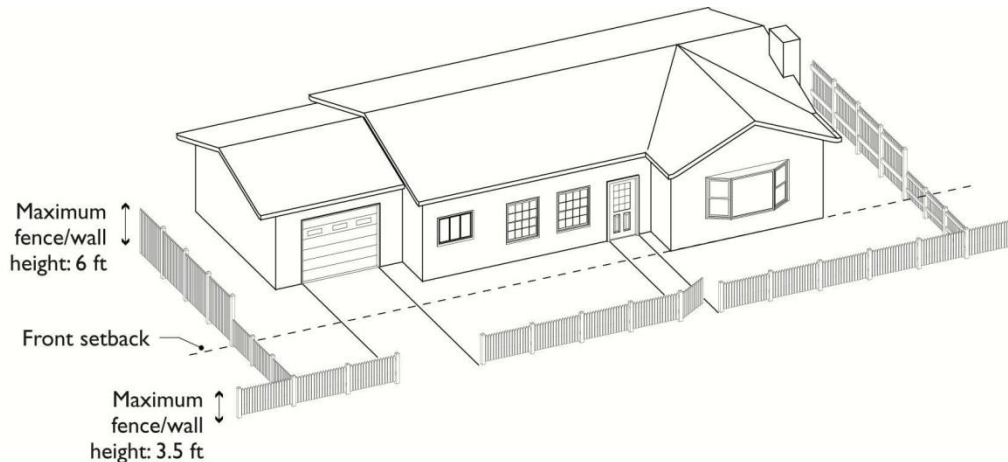


FIGURE 11-30-4.A: FENCES

Section 7: That Title 11, Chapter 30, Section 11-30-4(B)(2) is hereby amended as follows:

2. ~~Prohibited Fence Materials in Commercial and Employment Districts.~~
- A. **MATERIALS. WALLS AND FENCES SHALL BE CONSTRUCTED OF HIGH-QUALITY MATERIALS, SUCH AS TINTED, TEXTURED BLOCKS; BRICK; STONE; OR ORNAMENTAL METAL; AND SHALL COMPLEMENT THE DESIGN OF AN OVERALL DEVELOPMENT AND ITS SURROUNDINGS.**

- a.I. ~~Chain Link and Wood.~~ Chain link may only be used when not visible from public view.
- b.II. Wood fencing is not allowed, except wood may be used in conjunction with metal frames for gates used in conjunction with required screening walls.
- c.III. ~~Hazardous Materials.~~ The use of barbed wire, razor wire, embedded glass shards, ultra barrier, electrified and other hazardous fencing is prohibited in street-facing yards or where adjacent to any public right-of-way. ~~when placed at a height of less than 7 feet from the height of the adjacent sidewalk or natural grade.~~

Section 8: That Title 11, Chapter 30, Section 11-30-4 is hereby amended by adding section E Fence Articulation requirements as follows:

E. FENCE ARTICULATION. THE MAXIMUM LENGTH OF CONTINUOUS, UNBROKEN AND UNINTERRUPTED FENCE OR WALL PLANE ADJACENT TO RIGHT-OF-WAY OR PRIVATE STREETS FUNCTIONING AS PUBLIC ROADS SHALL BE FORTY (40) FEET. ARTICULATION SHALL BE PROVIDED THROUGH THE USE OF COLUMNS, LANDSCAPING POCKETS AND/OR A CHANGE TO DIFFERENT MATERIALS.

Section 9: That Title 11, Chapter 31, Table of Content is hereby amended as follows:

Chapter 31 Standards for Specific Uses and Activities

Sections:

- 11-31-1 Purpose and Applicability
- 11-31-2 Accessory Uses
- 11-31-3 Accessory Dwelling Unit
- 11-31-4 Animal Keeping (Accessory to Residential Uses)
- 11-31-5 Automobile Rentals; Automobile/Vehicle Sales and Leasing
- 11-31-6 Automobile/Vehicle Repair, Major and Minor
- 11-31-7 Automobile/Vehicle Washing
- 11-31-8 Bed and Breakfast Inns
- 11-31-9 Commercial Uses in Any Residence District
- 11-31-10 Community Garden
- 11-31-11 Convenience Markets
- 11-31-12 Correctional Transitional Housing Facilities (CTHF)
- 11-31-13 Day Care Group Homes
- 11-31-14 Group Homes for the Handicapped (GHH)
- 11-31-15 Hospitals and Clinics
- 11-31-16 Large Format Retail **COMMERCIAL DEVELOPMENT**

11-31-17	Live/Work Units
11-31-18	Drive-thru Facilities
11-31-19	Outdoor Eating Areas
11-31-20	Outdoor Retail Sales
11-31-21	Pawn Shops
11-31-22	Places of Worship
11-31-23	Recycling Collection and Processing Facilities
11-31-24	Schools
11-31-25	Service Stations
11-31-26	Social Service Facilities
11-31-27	Special Events
11-31-28	(Reserved)
11-31-29	Temporary Parking Lots
11-31-30	Temporary Uses: Swap Meets and Farmer's Markets
11-31-31	Residential Uses in Commercial Districts
11-31-32	Superior Design
11-31-33	Home Occupations
11-31-34	Medical Marijuana Facilities
11-31-35	Recreational Vehicle Storage Lots in RS Districts

Section 10: That Title 11, Chapter 31, Section 11-31-16 is hereby amended as follows:

11-31-16: ~~Large Format Retail~~ **COMMERCIAL DEVELOPMENT**

~~Large Format Retail~~, **COMMERCIAL DEVELOPMENT**, as described in Section 11-86-4, buildings shall be located, developed and operated in compliance with the land use regulations in Article 2, and the following standards:

- A. ~~Section 11-6-53 Standards Apply. Large Format Retail buildings~~ **COMMERCIAL DEVELOPMENT** shall comply with all requirements of Section 11-6-53, without regard to minimum floor area requirements.
- B. Customer Entrances. All entries designed for general public and customer access to the building shall:
 1. Be clearly visually distinctive from the remainder of the building, and be readily visible from the public street;
 2. Include an extended foundation base to provide a customer drop-off area of a minimum 900 ~~sqft~~ **SQ FT**, extending a minimum 20-feet measured perpendicular from the public entrance door “ See FIGURE 11-31-16.B.2 & 11-31-16.B.2.2; and

3. Comply with the requirements of Section 11-30-8, Pedestrian Connections and Section 11-32-4(G)3, Pedestrian Access regarding all pedestrian connections within parking areas to other buildings on site, to the public street, and to transit stops or stations.

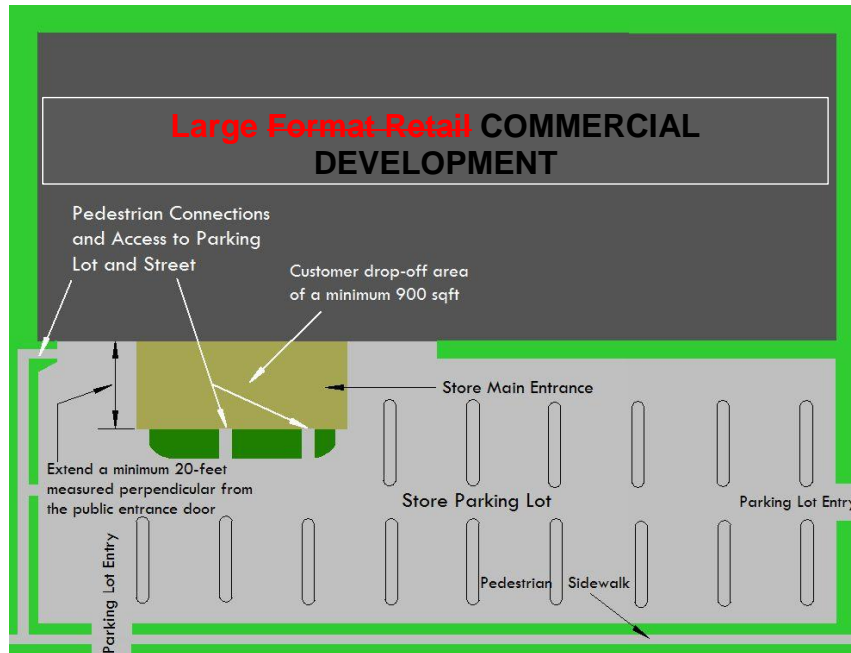


FIGURE 11-31-16.B.2: STORE ENTRIES



FIGURE 11-31-16.B.2.2: STORE ENTRIES

C. ~~Large Format Retail~~ **COMMERCIAL DEVELOPMENT** in “-U” Designated Areas. In addition to the development standards specified in Section 11-6-43 and Section 11-6-5, ~~Large Format Retail~~ **COMMERCIAL DEVELOPMENT** buildings located in “-U” designated areas shall comply with the following requirements:

1. Number of Store Entries. Buildings greater than 200-feet wide shall provide a minimum of 2 public entries to the store building. Store buildings greater than 300-feet wide shall provide public entries from the street at a ratio of 1 entry for every 150 linear feet of building width. Public entries shall have a minimum separation of 50-feet between entries.

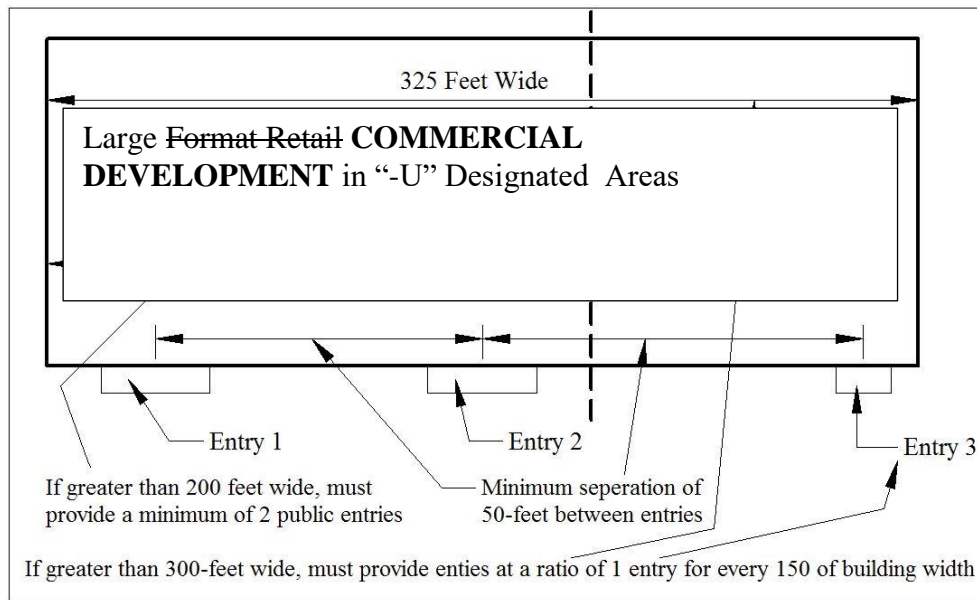


FIGURE 11-31-16.C.1: NUMBER OF STORE ENTRIES

2. Maximum Setback Standard. The ground level of a building or buildings shall be placed no further back than the maximum setback for a minimum of 65 percent of the width of the building.
3. Corner Properties. Where a property fronts on 2 or more streets, the building shall be placed at the maximum setback or closer to the street right-of-way on 2 sides for at least 65 percent of the building width on one street side, and for 50 percent of the building width on the second side. For lots fronting more than 2 streets, this requirement shall be met along the frontage of the two streets with the highest functional classification in the Mesa General Plan (Figure 3-1, Functional Classification, in the Transportation Element). If all streets adjacent to the property have the

same functional classification, the developer shall choose which 2 street frontages apply.

D. Criteria for Review of Council Use Permit: When required, the review of the Council Use Permit for a ~~Large Format Retail Store~~ **LARGE COMMERCIAL DEVELOPMENT** shall include a review and determination regarding the following items:

1. The use is found to be in compliance with the General Plan and other recognized development plans or policies, and will be compatible with surrounding uses; and
2. A finding that a plan of operation has been submitted, which includes, but is not limited to, acceptable evidence of compliance with all zoning, building, and fire safety regulations; and
3. A finding that a "good neighbor policy" in narrative form has been submitted, which includes, but is not limited to, descriptions of acceptable measures to ensure ongoing compatibility with adjacent uses. Such policies shall include, but are not limited to, the name and telephone number of the manager or person responsible for the operation of the facility; complaint response procedures, including investigation, remedial action, and follow-up; and litter control measures; and
4. Evidence that acceptable documentation is present demonstrating that the building or site proposed for the use is in, or will be brought into, substantial conformance with all current City development standards, including, but not limited to, landscaping, parking, screen walls, signage, and design guidelines.
5. Evidence that acceptable documentation is present demonstrating that the building or site proposed for the use shall adequately provide paved parking and on-site circulation in a manner that minimizes impacts on adjacent sites; and existing or proposed improvements to the site shall minimize dust, fugitive light, glare, noise, offensive smells and traffic impacts on neighboring residential sites.

Section 11: That Title 11, Chapter 31, Section 11-31-18(D) is hereby amended as follows:

- D. **DRIVE-THRU LANES SHALL NOT BE LOCATED PARALLEL TO ARTERIAL ROADWAYS. WHERE PHYSICAL SITE CONDITIONS PREVENT SUCH CONFIGURATION,** Provide 40-inch high screen walls adjacent to the public right-of-way.

Section 12: That Title 11, Chapter 31, Section 11-31-32(D) is hereby amended as follows:

- D. Exceeds Standards. Provision of details and features that exceed the criteria and standards specified in sections **11-5-3**, 11-5-5, 11-6-43, 11-6-54 (if **AS**-applicable), 11-7-3, 11-8-5, 11-8-6 and Chapters 30 through 34, ~~as applicable; and~~ where applicable.

Section 13: That Title 11, Chapter 33, Section 11-33-1(B)(1) is hereby amended as follows:

1. ~~*Proposed Developments. All buildings and uses of land, except single residences and agricultural buildings.*~~ These standards may be augmented, modified or replaced with specific landscaping standards adopted by the City Council for the Town Center Area, and for other areas of the City as defined by the General Plan or similarly adopted City Council policies.

Section 14: That Title 11, Chapter 33, Section 11-33-2(E) is hereby amended as follows:

~~E. Ground Cover. Required ground cover may be of two types:~~

E. OPEN SPACE. FIFTY PERCENT (50%) OF ALL REQUIRED OPEN SPACE SHALL CONTAIN LIVE PLANT MATERIAL.

1. **TO ENSURE THAT LANDSCAPE MATERIALS ARE MEASURED AS ACCURATELY AND EQUITABLY, THE GUIDELINES IN TABLE 11-33-2-E SHALL BE USED TO DETERMINE WHAT PORTION OF A LOT OR RIGHT-OF-WAY IS LANDSCAPED WITH LIVE PLANT MATERIALS OTHER THAN TURF AND PROVIDES THE SQUARE FOOTAGE CREDIT FOR VARIOUS TYPES OF PLANTS.**

TABLE 11-33-2-E: VEGETATION CREDIT TABLE	
TYPE OF PLANT MATERIAL	CREDIT IN SQUARE FEET
EVERGREEN TREE (AT LEAST 25 FT. TALL AT MATURITY) ¹	100
SHADE TREE	50
ORNAMENTAL TREE	25
LARGE SHRUB (MORE THAN 8 FT. TALL AT MATURITY)	50
MEDIUM SHRUB (4-8 FT. TALL AT MATURITY)	25
SMALL SHRUB (LESS THAN 4 FT. TALL AT MATURITY)	10
COLUMNAR DECIDUOUS OR EVERGREEN TREE	25
COLUMNAR EVERGREEN SHRUB (LESS THAN 8 FT. TALL AT MATURITY)	10
EVERGREEN GROUND COVER	25
PERENNIAL PLANT AND GROUND COVER, BULB/TUBER AND ORNAMENTAL GRASS ²	5

1. DWARF TREES OR TREE VARIETIES WITH A MATURE WIDTH OF LESS THAN 10 FEET SHALL COUNT AS 25 SQUARE FEET.

2. LARGE ORNAMENTAL GRASS, OVER 4 FEET TALL AT MATURITY, SHALL COUNT AS 10 SQUARE FEET.

2. GROUND COVER MAY BE OF TWO TYPES:

- A. VEGETATIVE GROUND COVER CONSISTING OF LIVING PLANT MATERIALS GENERALLY CHARACTERIZED BY PRIMARY HORIZONTAL GROWTH, AS WELL AS SECONDARY VERTICAL GROWTH, GENERALLY NOT EXCEEDING 18 INCHES IN HEIGHT; AND**
- B. INERT GROUND COVER CONSISTING OF GRAVEL, DECOMPOSED GRANITE, CRUSHED ROCK, DESERT TREE MULCH OR OTHER APPROVED MATERIALS. THE USE OF "DESERT COBBLE" THAT LOOKS LIKE THE DESERT FLOOR, CONSISTING OF NATURAL DESERT COVERS AND SEED MIX, IS ENCOURAGED.**

Section 15: That Title 11, Chapter 33, Section 11-33-3(B) is hereby amended as follows:

~~B. Adjacent Property Lines.~~

~~1. Landscaping for Non-Single Residence Uses Adjacent to Single Residence.~~

~~a. Width. Minimum 20 feet or 25 feet measured from the common property line.~~

~~b. Ground Treatment. The entire landscape yard shall be either covered with decomposed granite, 'desert varnish or cobble', desert tree mulch and/or turf or as approved.~~

B. REQUIRED LANDSCAPE YARDS. LANDSCAPING SHOULD PROVIDE A VISUAL BUFFER, SCREEN VIEW OF OBJECTIONABLE USES, PROVIDE A TRANSITION BETWEEN ADJACENT DEVELOPMENT, SHADE PAVED AND UNPAVED SURFACES, AND SCREEN NIGHTTIME LIGHT FROM ADJACENT PROPERTY.

1. LANDSCAPING FOR NON-SINGLE RESIDENCE USES ADJACENT TO SINGLE RESIDENCE.

A. WIDTH.

I. WHERE A PARCEL OF LAND OF LESS THAN 2.5 ACRES IS ADJACENT TO A RS OR RSL DISTRICT, A MINIMUM 20-FOOT LANDSCAPE YARD SHALL BE PROVIDED.

II. SITES 2.5 ACRES OR MORE ADJACENT TO AN RS OR RSL DISTRICT MUST PROVIDE A MINIMUM 25-FOOT LANDSCAPE YARD.

B. GROUND TREATMENT.

I. THE ENTIRE LANDSCAPE YARD SHALL BE EITHER COVERED WITH DECOMPOSED GRANITE, 'DESERT VARNISH OR COBBLE', DESERT TREE MULCH AND/OR TURF OR AS APPROVED.

II. LANDSCAPE YARDS SHALL REMAIN FREE FROM PARKING, DRIVEWAYS, AND ENCROACHMENT BY ANY STRUCTURES THAT ARE NOT PART OF THE LANDSCAPING DESIGN.

Section 16: That Title 11, Chapter 69, Section 11-69-5(B)(3)(d) is hereby amended as follows:

- d. Commercial uses located within employment districts shall comply with Section 11-6-4 and Section 11-6-6. Commercial uses located in PEP districts, and in which the approved plans provide for an urban character, shall also comply with Section 11-6-53.

Section 17: That Title 11, Chapter 86, Section 11-86-4 Commercial Use Classifications is hereby amended by adding a definition for "Large Commercial Development" and removing the definition of "Large Format" under the Retail Sales Classification as follows (and leaving all other definitions and language in 11-86 unchanged):

Plant Nurseries and Garden Centers. Establishments primarily engaged in retailing nursery and garden products—such as trees, shrubs, plants, seeds, bulbs, and sod—that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. This classification includes wholesale and retail nurseries offering plants for sale.

LARGE COMMERCIAL DEVELOPMENT. COMMERCIAL BUILDINGS OVER 25,000 SQ. FT. OR COMMERCIAL CENTERS WITH FOUR (4) OR MORE BUILDINGS WHOSE COMBINED GROSS FLOOR AREA EXCEEDS 25,000 SQ. FT).

Retail Sales

General. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, furniture stores, pet supply stores, small hardware stores (with 25,000 square feet or less of floor area), and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies,

bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs. This classification includes secondhand and wholesale stores.

~~Large Format. General retail activities as described above taking place within a store in excess of 25,000 square feet.~~

Section 18: That Title 11, Chapter 87 is hereby amended by adding a definition of "Buffer," "Front Parking Area," "Landscape Yard," "Massing" and "Lot Coverage" as follows (and leaving all other definitions and language in 11-87 unchanged with omission herein shown by * * *):

BUFFER: TO PROMOTE SEPARATION AND COMPATIBILITY BETWEEN LAND USES OF DIFFERENT INTENSITIES. THE TERM *BUFFER* MAY ALSO BE USED TO DESCRIBE THE METHODS USED TO PROMOTE COMPATIBILITY, SUCH AS A LANDSCAPE BUFFER.

* * *

FRONT PARKING AREA: THE PARKING AREA LOCATED IN FRONT OF A BUILDING'S PRIMARY FAÇADE. DETERMINED BY DRAWING A LINE FROM THE FRONT CORNERS OF THE BUILDING TO THE FRONT PROPERTY CORNERS.

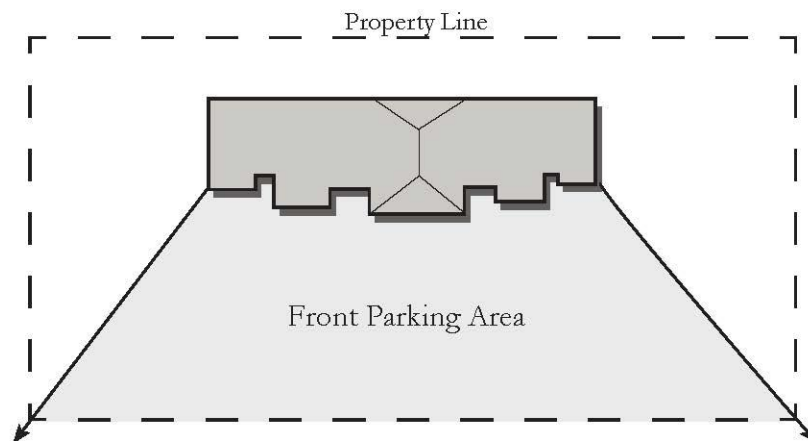


FIGURE 11-87-1.A: FRONT PARKING AREA

* * *

LANDSCAPE YARD: AN AREA INTENDED TO PROVIDE BUFFERING BETWEEN LAND USES OF DIFFERENT INTENSITIES THROUGH THE USE OF SETBACKS, LANDSCAPING, BERMS, FENCES, WALLS OR A COMBINATION THEREOF.

* * *

Lot-Related Definitions:

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Lot, Corner: A lot or parcel of land situated at the intersection of 2 or more parkways, highways or streets, which parkways, highways or streets have an angle of intersection measured within said lot or parcel of land of not more than 135 degrees.

LOT, COVERAGE: THE AREA OF A LOT THAT IS COVERED WITH IMPERVIOUS SURFACES, SUCH AS BUILDINGS, PATIOS OR DECKS WITH ROOFS, CARPORTS, TENNIS COURTS, PARKING LOTS OR ANY OTHER TYPE OF STRUCTURE. SWIMMING POOLS, EXCLUSIVE OF DECKING, ARE NOT CONSIDERED IMPERVIOUS SURFACES FOR THE PURPOSES OF CALCULATION.

* * *

MASSING: THE VOLUMETRIC DESIGN OR THREE-DIMENSIONAL FORM OF A BUILDING OR STRUCTURE.

Section 19: REPEAL OF CONFLICTING ORDINANCES.

That any sections of the Mesa Zoning Ordinance or parts of such sections in conflict herewith, are hereby repealed; provided that such repeal shall not:

- A. Affect suits pending, or rights and duties that matured or were existing, or penalties that were incurred and proceedings that were begun immediately prior to the effective date of this Ordinance;
- B. Impair, void or otherwise affect any grant or conveyance made, or any right acquired, or a cause of action now existing under such repealed sections.
- C. The recitals above are fully incorporated in this ordinance by reference

Section 20: The effective date of this Ordinance shall be February 10, 2020.

Section 21: If any term, provision, section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the material adopted herein by reference is for any reason held to be invalid, unenforceable, or unconstitutional by the decision of a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in effect.

Section 22: PENALTY

CIVIL PENALTIES:

- A. Any owner, occupant or responsible party who is found responsible for a civil violation of this Ordinance, whether by admission, default, or after a hearing, shall pay a civil sanction of not less than \$150 or more than \$1,500, per citation. A second finding of responsibility within 24 months of the commission of a prior violation of this Chapter shall result in a civil sanction of not less than \$250 or more

- than \$2,500. A third finding of responsibility within 36 months of the commission of a prior violation of this Chapter shall result in a civil sanction of not less than \$500 or more than \$2,500. In addition to the civil sanction, the responsible party shall pay the applicable fees and charges set forth in the City's Development and Sustainability Department (Code Compliance) Schedule of Fees and Charges, and may be ordered to pay any other applicable fees and charges.
- B. The 36-month provision of subsection (A) of this Section shall be calculated by the dates the violations were committed. The owner, occupant, or responsible party shall receive the enhanced sanction upon a finding of responsibility for any violation of this Chapter that was committed within 36 months of the commission of another violation for which the owner or responsible party was convicted or was otherwise found responsible, irrespective of the order in which the violations occurred or whether the prior violation was civil or criminal.
 - C. Each day in which a violation of this Ordinance continues, or the failure to perform any act or duty required by this Ordinance or by the Civil Hearing Officer continues, shall constitute a separate civil offense.

HABITUAL OFFENDER:

- A. A person who commits a violation of this Ordinance after previously having been found responsible for committing 3 or more civil violations of this Ordinance within a 24 month period — whether by admission, by payment of the fine, by default, or by judgment after hearing — shall be guilty of a class 1 criminal misdemeanor. The Mesa City Prosecutor is authorized to file a criminal class 1 complaint in the Mesa City Court against habitual offenders. For purposes of calculating the 24-month period under this paragraph, the dates of the commission of the offenses are the determining factor.
- B. Upon conviction of a violation of this Subsection, the Court may impose a sentence or incarceration not to exceed 6 months in jail; or a fine not to exceed \$2,500, exclusive of penalty assessments prescribed by law; or both. The Court shall order a person who has been convicted of a violation of this Section to pay a fine of not less than \$500 for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of a sentence required by Subsection except on the condition that the person pay the mandatory minimum fines as provided in this Subsection.
- C. Every action or proceeding under this Section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to criminal misdemeanors and the Arizona Rules of Criminal Procedure.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, this 9th day of December, 2019.

APPROVED:

Mayor

ATTEST:

City Clerk

EFFECTIVE DATE: February 10, 2020.