



Date: December 1, 2022  
 To: City Council  
 From: Rachel Prelog, Assistant Planning Director  
 Through: Nana Appiah, Development Services Director  
 Subject: Mesa Zoning Ordinance text amendment (**Temporary Use, Outdoor Display, Site Plans, and Special Events Amendments**)- Proposed amendments to Chapter 4, 5, 6, 7, 8, 10, 15, 24, 30, 31, 58, 69, 70, 86 and 87 of Title 11 of the Mesa City Code.

### **PURPOSE AND RECOMMENDATION:**

In a continued effort to streamline the administration of the City's General Plan and development regulations, the Planning Division staff is recommending certain text amendments to the Mesa Zoning Ordinance relating to Temporary Use Permits. Specifically, the proposed text amendments will repeal and replace Section 11-31-20:- Outdoor Retail Sales; repeal and replace Mesa Zoning Ordinance (MZO) Section 11-31-30: -Temporary Uses; repeal and replace MZO Section 11-70-4: Temporary Use Permit, modify the tables in Chapters 4, 5, 6, 7, 8, 10, 15, 30, and 58; and modify land use definitions in Chapter 87. Details of the proposed text amendments are attached to this report as Exhibit 1 (i.e., Temporary Use, Outdoor Display, Site Plans, and Special Events Ordinance) and Exhibit 2 (i.e., 2022 Amendments to the Tables in Zoning Ordinance, Title 11, Chapters 4, 5, 6, 7, 8, 10, 15, 30, and 58 Pertaining to Schools, Temporary Uses, Accessory Uses, Outdoor Display, Outdoor Storage, Portable Storage, Warehousing And Storage, Recycling Facilities, and Manufactured Home Parks And Subdivisions).

The proposed changes: (1) Expand the land use categories eligible for a Temporary Use Permit; (2) Refine the development and operational standards for specific temporary uses; (3) Refine the Temporary Use Permit application process and approval criteria; (4) Replace Outdoor Retail Sales development standards with Outdoor Display development standards; and (5) Make corrections and technical updates within the MZO including, but not limited to, code sections pertaining to Site Plans and Special Events.

### **BACKGROUND AND DISCUSSION:**

A Temporary Use Permit is a discretionary authorization for certain uses that are intended to be of limited duration and will not permanently alter the character or physical conditions of the site where they occur. Temporary Use Permits may be granted by the Zoning Administrator upon finding that the use meets all required development standards for temporary uses per Section 11-31-30 of the MZO and complies with the required findings for authorization of a Temporary Use Permit per Section 11-70-4 of the MZO.

Currently the MZO only identifies two temporary uses, Swap Meets and Farmers Markets, as eligible for Temporary Use Permit. All other land uses, occurring in a temporary manner, are processed as a 'Special Event' and require a Special Events License and in some cases a Special Use Permit. Special Events are limited to a duration of four consecutive days and may occur no more than four times a year on the same premise. In order to exceed the above durations, one must obtain a Special Use Permit from the Board of Adjustment. Expansion of the temporary use

category and refinement to the Temporary Use Permit will provide consistency and predictability; as well as removed unnecessary bottlenecks in the review process.

**SUMMARY OF THE AMENDMENTS AND EXPLANATION:**

***1) Expand the land use categories eligible for a Temporary Use Permit.***

As mentioned above, currently only two land use classifications, Swap Meets and Farmers Markets, are eligible for a Temporary Use Permit. The proposed text amendments will increase the utility of the Temporary Use Permit tool by broadening what land use classifications fall within the temporary use category. Two new land use classifications are proposed, Temporary Outdoor Sales and Temporary Outdoor Entertainment. These two definitions will encompass uses such as, parking lot sales, craft fairs, Christmas tree lots, firework stands, haunted houses, etc. By increasing what uses fall within the temporary use category, staff can streamline the process for applicants proposing one of these temporary uses.

***2) Refine the development and operational standards for specific temporary uses.***

In conjunction with the expansion of the temporary use category, Section 11-31-30: Temporary Uses: Swap Meets and Farmer’s Markets will be repealed and replaced with a new section on temporary uses which establishes development and operational standards for Temporary Outdoor Sales and Temporary Outdoor Entertainment. These standards include location criteria (i.e., setbacks, minimum area, etc.), hours of operation, provisions for temporary structures, and site restoration requirements.

***3) Refine the Temporary Use Permit application process and approval criteria.***

The proposed text amendments also include the repeal and replacement of Section 11-70-4: - Temporary Use Permits to refine the Temporary Use Permit process and procedures, parameters, and required findings. Currently, Temporary Use Permits have a maximum duration of two years. In order to better align the permit as a tool for temporary uses, staff recommends a 90-calendar day limit with the ability to obtain a one-time 30-day extension by the Zoning Administrator. Any additional extension would be processed as a Special Use Permit and require approval from the Board of Adjustment. Other refinements include more detailed language regarding the permit application process and the required approval criteria.

***4) Replace Outdoor Retail development standards with Outdoor Display Standards***

The creation of the use classification for Temporary Outdoor Sales and the related development standards allowed staff to evaluate and refine duplicative information within the Zoning Ordinance. Currently, Section 11-31-20 addresses Outdoor Retail Sales. Upon evaluation of this section, staff found that it contained standards that are now addressed through Temporary Outdoor Sales or are standards more specific to outdoor display. Therefore, staff is recommending to repeal and replace this section with development standards for outdoor display, accessory to retail establishments. These standards address where outdoor display may occur, minimum pedestrian walkway widths, and hours that merchandise may be displayed.

***5) Make corrections and technical updates within the MZO.***

The proposed text amendments include minor updates to land use tables, definitions, and other sections of the Zoning Ordinance. These amendments either correct information or make adjustments to formatting for clarity and consistency. These amendments include minor revisions to the Zoning Ordinance regarding Site Plans and Special Events.

**NEIGHBORHOOD PARTICIPATION PLAN AND PUBLIC COMMENTS:**

A series of public outreach events and efforts occurred during the creation of the proposed text amendments. The overall theme heard from the community was appreciation for an easier administrative process. No concerns were mentioned at any of the public meetings, only clarifying questions on the new land use classifications and duration of temporary uses. Below is a summary of outreach efforts.

<b>Event</b>	<b>Date</b>
Planning & Zoning Board	March 23, 2022
Development Advisory Board	April 2022
Public Meeting #1 (virtual)	June 29, 2022
City Council Study Session	July 11, 2022
Public Meeting #2 (virtual)	September 21, 2022
Public Meeting #3 (In-Person)	September 27, 2022
One-on-One Meetings	Multiple

**IMPLEMENTATION**

Staff recommends the ordinance approving the proposed text amendments becomes effective January 9, 2023.

**RECOMMENDATION**

Based upon the preceding analysis and compliance with the goals and vision of the Mesa 2040 General Plan, the Planning & Zoning Board, at their October 26, 2022, public hearing recommended adoption of the proposed text amendments with a 7-0 vote.