

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 34 AND 87 OF THE CITY OF MESA ZONING ORDINANCE. THE AMENDMENTS INCLUDE BUT ARE NOT LIMITED TO MODIFYING THE PERMITTED USES IN RECREATIONAL VEHICLE SUBDIVISIONS AND MANUFACTURED HOME SUBDIVISIONS TO ALLOW FOR DWELLING UNITS OF CONVENTIONAL CONSTRUCTION; MODIFYING LANGUAGE TO CLARIFY THE PERMITTED USES IN RECREATIONAL VEHICLE PARKS AND MANUFACTURED HOME PARKS; ADDING A MAXIMUM HEIGHT REQUIREMENT FOR DWELLING UNITS OF CONVENTIONAL CONSTRUCTION; MODIFYING HOW REQUIRED YARD SETBACKS IN RECREATIONAL VEHICLE AND MANUFACTURED HOME PARKS AND SUBDIVISIONS ARE MEASURED; MODIFYING THE DEFINITION OF RECREATIONAL VEHICLE ACCESSORY STRUCTURE; MINOR REVISIONS TO EMERGENCY PARKING WORDING, AND PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS WHICH HAVE ALREADY BEGUN THEREUNDER.

WHEREAS, the Zoning Ordinance regulates the location of residential buildings, structures, and land to conserve and promote the public health, safety and general welfare, pursuant to A.R.S. § 9-462.01, including the location and use of recreational vehicles and manufactured homes, the location and use of accessory structures, and sets standards for the permissible use of recreational vehicles and manufactured homes in recreational vehicle or manufactured home parks and subdivisions; and

WHEREAS, the City recognizes the importance of providing balanced housing options within an attractive living environment for all its residents; and

WHEREAS, in addition, from time to time, the Zoning Ordinance requires updates to better protect public health, safety, and welfare, to bring the Zoning Ordinance in line with current practices and procedures, or to provide for minor or technical revisions; and

WHEREAS, the City has been made aware of instances of individuals using conventional construction in recreational vehicle or manufactured home parks and subdivisions, which violates the current Zoning Ordinance. However, the City has considered that the use of conventional construction or accessory structures in certain instances can add to available local housing options by permitting the redevelopment of aging recreational vehicle or manufactured home parks and subdivisions, can create additional affordable avenues for residents of the community to modernize their properties, and may encourage owners to redevelop and in doing so to build residential structures to the updated Building Code and safety standards; and

WHEREAS, it has become apparent that the limitations on conventional construction and accessory structures in manufactured home and recreational vehicle subdivisions has placed a significant burden on the homeowners and residents, and it is in the best interest of the City to permit conventional construction and accessory structures in manufactured home and recreational vehicle subdivisions; and

WHEREAS, it has become apparent that it is in the best interest of the City to bring the Zoning Ordinance in line with current practices and procedures, to make minor or technical revisions, and this Ordinance includes such revisions and updates to the land use tables, definitions, and/or other sections of the Zoning Ordinance as outlined herein; and

WHEREAS, the Planning and Zoning Board at their public hearing on November 13, 2024, recommended that the City Council _____ the proposed text amendments.

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 additional or new language.
Text written in ~~strike through~~ indicates deletions.

Section 1: That Mesa City Code Title 11, Section 11-34-2 is hereby amended as follows:

11-34-2: PERMITTED USES

A. Permitted Uses in Recreational Vehicle Parks and Subdivisions:

~~1. One recreational vehicle on each approved lot or space. No manufactured homes or dwelling units of conventional construction shall be permitted on a lot or space for living purposes, except as specified below.~~

1. RECREATIONAL VEHICLE PARKS.

A. ONE RECREATIONAL VEHICLE IS PERMITTED ON EACH APPROVED SPACE.

B. MANUFACTURED HOMES AND DWELLING UNITS OF CONVENTIONAL CONSTRUCTION ARE PROHIBITED, EXCEPT AS PERMITTED FOR RECREATIONAL VEHICLE ACCESSORY STRUCTURES PER SECTION 11-34-2(12).

2. RECREATIONAL VEHICLE SUBDIVISIONS.

A. ONE RECREATIONAL VEHICLE IS PERMITTED ON EACH APPROVED LOT; OR

B. ONE DWELLING UNIT OF CONVENTIONAL CONSTRUCTION IS PERMITTED ON EACH APPROVED LOT, SUBJECT TO THE FOLLOWING:

I. COMPLIANCE WITH TITLE 4, BUILDING REGULATIONS;

II. COMPLIANCE WITH TITLE 9, CHAPTER 6, SUBDIVISION REGULATIONS;

III. COMPLIANCE WITH THE REQUIRED YARD SETBACKS OUTLINED IN SECTION 11-34-3, UNLESS MODIFIED WITH A PLANNED AREA DEVELOPMENT OVERLAY.

C. MANUFACTURED HOMES ARE PROHIBITED, EXCEPT AS PERMITTED PER SECTION 11-34-2(A)(12).

3. Recreational vehicle accessory structures, as defined in Chapter 87, Definitions, ARE PERMITTED IF THE ACCESSORY STRUCTURE:

~~a. Aggregate floor area, of all enclosed RV accessory structures shall be limited to 520 square feet, including storage rooms (attached or detached) and patio enclosures,~~

- b. ~~Additional requirements applying to patio enclosures:~~
- i. ~~Parking spaces shall not be enclosed.~~
 - ii. ~~All roof materials shall be lightweight aluminum or other noncombustible material.~~
 - iii. ~~A smoke alarm shall be installed in each room within a patio enclosure.~~
 - iv. ~~Partitions may be used to accommodate laundry, bath, and toilet facilities.~~
 - v. ~~Convenience electrical outlets and air conditioning equipment may be installed.~~
 - vi. ~~Removal of sliding doors, windows, or other modification of the existing recreational vehicle enclosed by the patio enclosure is prohibited.~~
 - vii. ~~Walls may consist of conventional wood framing or modular (prefabricated) construction.~~
 - viii. ~~Glass located within 24" of a doorway or 18" of a floor must be tempered.~~
 - ix. ~~Openings may be covered with screen mesh, plastic panels, or mineral glass. The combined surface area of openings facing the front, including doors and windows, shall account for 33% of the surface area of the front elevation.~~
 - x. ~~The front wall may contain a solid knee wall not more than 32 inches above a finished floor.~~
 - xi. ~~An open area located within the front wall shall be a minimum of 36 inches in height.~~
- c. ~~Additional requirements applying to storage buildings or space, attached or detached, subject to:~~
- i. ~~A maximum area of 120 square feet;~~
 - ii. ~~A maximum height of 10 feet above grade when detached or 10 feet above finished floor when attached;~~
 - iii. ~~Location within the buildable area unless placed in the rear quarter of the space or lot and separated from the recreational vehicle by at 6 feet.~~
- A. IS NO MORE THAN ONE (1) STORY;**
- B. IS DIRECTLY ACCESSIBLE THROUGH AN INTERNAL OPENING TO THE RECREATIONAL VEHICLE;**
- C. IS NO GREATER IN SIZE THAN 100% OF THE FLOOR AREA OF THE RECREATIONAL VEHICLE;**
- D. IS REMOVED WITHIN 30 DAYS OF REMOVAL OF THE RECREATIONAL VEHICLE;**
- E. CONFORMS TO TITLE 4, BUILDING REGULATIONS; AND**

- F. **CONFORMS TO ALL OTHER APPLICABLE DEVELOPMENT STANDARDS, INCLUDING REQUIRED YARD SETBACKS AND PARKING REQUIREMENTS.**
- 4. **STORAGE BUILDINGS OR SPACE, ATTACHED OR DETACHED, SUBJECT TO:**
 - A. **A MAXIMUM AREA OF 120 SQUARE FEET;**
 - B. **A MAXIMUM HEIGHT OF 10 FEET ABOVE GRADE WHEN DETACHED OR 10 FEET ABOVE FINISHED FLOOR WHEN ATTACHED; AND**
 - C. **LOCATION WITHIN THE BUILDABLE AREA UNLESS PLACED IN THE REAR QUARTER OF THE SPACE OR LOT AND SEPARATED FROM THE RECREATIONAL VEHICLE BY AT 6 FEET.**
- 35. Manager's office and residence, which may be of conventional construction.
- 46. Recreation and social centers, which may be used for dancing, crafts, hobbies, games, childcare, meetings, banquets, theatrical performances, movie viewing, and similar entertainment uses which are intended and used primarily as a resident amenity. Such facility may be of conventional construction.
- 57. Outdoor recreation facilities such as parks, swimming pools, ramadas, playground equipment, shuffleboard and tennis courts, putting greens, and similar recreational uses intended for use by the residents of the park or subdivision.
- 68. Common-use laundry facilities, maintenance buildings, and security guard houses, which may be of conventional construction.
- 79. Designated areas for boat and recreational vehicle storage which are used solely by the residents of the park or subdivision.
- 810. Recreation center parking lots and guest parking areas.
- 911. Accessory retail activities, as defined in Chapter 87, Definitions, provided:
 - a. All proprietors and vendors shall possess valid business licenses and permits as required by the Mesa City Code; and
 - b. All signs, flyers, and advertising that describe or relate to accessory retail activities shall not be visible from beyond the boundaries of the Recreational Vehicle Park or subdivision; and
 - c. Such activities shall not exceed more than 1 every 7 days; and
 - d. Each separate activity shall not exceed more than 4 consecutive hours.
- 1012. Manufactured homes may be placed on designated recreational vehicle lots or spaces subject to the approval of a Special Use Permit in the RM-2 - PAD, RM-4, and RM-4 - PAD zoning districts, in accordance with the provisions contained in Chapter 70, provided the area of the RV park or RV subdivision is 10 acres or greater. The minimum area may include an abutting manufactured home park or subdivision which shares common development improvements, such as reciprocal access, circulation lanes, and recreation areas. The Special Use Permit shall only be approved upon a finding that the recreational vehicle park or subdivision is in substantial compliance with all of the following items:
 - a. The minimum area and minimum width of lots or spaces for recreational vehicle park or subdivision, as applicable; and

- b. The minimum setbacks, and parking for recreational vehicle parks or subdivisions, as applicable; and
- c. A minimum ratio of 100 square feet of open space or recreation area for each lot or space. Designated open space or recreation area in excess of the minimum required for an abutting manufactured home park or subdivision used to meet the minimum area requirement above may be included to satisfy the open or recreation space requirement. In the event that insufficient open space or recreation area exists upon initial approval, a phasing plan may be submitted and approved that will provide, over the course of time, the minimum open space or recreation area needed to comply with the specified ratio. Such a phasing plan shall show installation of all required additional open space or recreation area before installation of a manufactured home within the recreational vehicle park or subdivision that exceeds a threshold level of 66% of the lots or spaces within the recreational vehicle park or subdivision that contains manufactured homes; and
- d. Perimeter landscaping and perimeter screening walls; and
- e. The development requirements pertaining to the park or subdivision contained in this Subsection may be modified through approval of the Special Use Permit, provided the modifications will substantially comply with the intent of these provisions, as evidenced by lot or space size, lot or space area, or open space and recreation areas in excess of the minimum required. Such modification may not exceed a deviation of more than 10% below the required minimum. In no instance, shall the minimum separation between units be less than 6 feet; and
- f. The maximum enclosed floor area of a manufactured home placed in a recreational vehicle park or recreational vehicle subdivision, including all enclosed space, storage rooms and building additions, shall be no larger than 1,100 square feet. Open patios, porches and carports shall not be included in the calculation of floor area of the manufactured home.

B. Permitted Uses in Manufactured Home Parks:

- ~~1. One manufactured home on each approved space. No dwelling units of conventional construction shall be permitted on any space for living purposes, except as specified below.~~
- 1. ONE MANUFACTURED HOME IS PERMITTED ON EACH APPROVED SPACE; OR**
- 2. ONE RECREATIONAL VEHICLE IS PERMITTED ON EACH APPROVED SPACE.**
- 3. DWELLING UNITS OF CONVENTIONAL CONSTRUCTION ARE PROHIBITED.**
- 24.** Manufactured home accessory structures as defined in Chapter 87, Definitions, are permitted if the accessory structure:
 - a. Is no more than one (1) story;
 - b. Is directly accessible through an internal opening to the manufactured home;
 - ~~c. Does not contain a 220v cooking appliance;~~
 - ~~d.~~ **C.** Is no greater in size than 100% of the floor area of the manufactured home;

e.D. Is removed within 30 days of removal of the manufactured home;

E. CONFORMS TO TITLE 4, BUILDING REGULATIONS; AND

f. Conforms to all other applicable development standards, including setbacks and parking requirements.

35. Storage buildings, attached or detached, subject to:

- a. A maximum area of 150 square feet;
- b. A maximum height of 10 feet;
- c. Location within the buildable area unless placed in the rear quarter of the space or lot and separated from the manufactured home by at least six (6) feet.
4. Manager's office and residence, which may be of conventional construction.
5. Recreation and social centers, which may be used for dancing, crafts, hobbies, games, childcare, meetings, banquets, theatrical performances, movie viewing, and similar entertainment uses which are intended and used primarily as a resident amenity. Such facility may be of conventional construction.
6. Outdoor recreation facilities such as parks, swimming pools, ramadas, playground equipment, shuffleboard and tennis courts, putting greens, and similar recreational uses intended for use by the residents of the park.
7. Common-use laundry facilities, maintenance buildings, and security guard houses, which may be of conventional construction.
8. Designated areas for boat and recreational vehicle storage which are used solely by the residents of the park.
9. Recreation center parking lots and guest parking areas.
10. Accessory retail activities, provided:
 - a. All proprietors and vendors shall possess valid business licenses and permits as required by the Mesa City Code; and
 - b. All signs, flyers, and advertising that describe or relate to accessory retail activities shall not be visible from beyond the boundaries of the Recreational Vehicle Park or subdivision; and
 - c. Such activities shall not exceed more than one every seven (7) days; and
 - d. Each separate activity shall not exceed more than four (4) consecutive hours.

C. Permitted Uses in Manufactured Home Subdivisions:

~~1. One manufactured home on each approved lot. No recreational vehicles or dwelling units of conventional construction shall be permitted on a manufactured home lot for living purposes, except as specified below~~

- 1. ONE MANUFACTURED HOME IS PERMITTED ON EACH APPROVED LOT; OR**
- 2. ONE DWELLING UNIT OF CONVENTIONAL CONSTRUCTION IS PERMITTED ON EACH APPROVED LOT, SUBJECT TO THE FOLLOWING:**
 - A. COMPLIANCE WITH TITLE 4, BUILDING REGULATIONS;**

- B. COMPLIANCE WITH TITLE 9, CHAPTER 6, SUBDIVISION REGULATIONS; AND
 - C. COMPLIANCE WITH THE REQUIRED YARD SETBACKS OUTLINED IN SECTION 11-34-3, UNLESS MODIFIED WITH A PLANNED AREA DEVELOPMENT OVERLAY.
3. ACCESSORY DWELLING UNITS SHALL BE PERMITTED IN ACCORDANCE WITH SECTION 11-31-3: ACCESSORY DWELLING UNIT.
 4. NO RECREATIONAL VEHICLE SHALL BE PERMITTED ON A MANUFACTURED HOME LOT FOR LIVING PURPOSES.
 25. Manufactured home accessory structures as defined in Chapter 87, Definitions, are permitted if the accessory structure:
 - a. Is no more than one (1) story;
 - b. Is directly accessible through an internal opening to the manufactured home;
 - e. ~~Does not contain a 220v cooking appliance;~~
 - d.C. Is no greater in size than 100% of the floor area of the manufactured home;
 - e.D. Is removed within 30 days of removal of the manufactured home;
 - E. CONFORMS TO TITLE 4, BUILDING REGULATIONS; AND
 - f. Conforms to all other applicable development standards, including setbacks and parking requirements.
 36. Detached accessory buildings in accordance with Section 11-30-17: Detached Accessory Buildings and ~~Section 11-31-3: Accessory Dwelling Unit.~~
 47. Recreation and social centers, which may be used for dancing, crafts, hobbies, games, childcare, meetings, banquets, theatrical performances, movie viewing, and similar entertainment uses which are intended and used primarily as a resident amenity. Such facility may be of conventional construction.
 58. Outdoor recreation facilities such as parks, swimming pools, ramadas, playground equipment, shuffleboard and tennis courts, putting greens, and similar recreational uses intended for use by the residents of the subdivision.
 69. Common-use laundry facilities, maintenance buildings, and security guard houses, which may be of conventional construction.
 710. Designated areas for boat and recreational vehicle storage which are used solely by the residents of the subdivision.
 811. Recreation center parking lots and guest parking areas.

Section 2: That Mesa City Code Title 11, Table 11-34-3: Development Standards for Recreational Vehicle and Manufactured Home Parks and Subdivisions is hereby amended to add maximum height standards for conventional construction to be placed in the Table after Minimum Space/Lot Size and before Required Yard Setbacks. All other portions of Table 11-34-3 shall remain unchanged.

TABLE 11-34-3: DEVELOPMENT STANDARDS FOR RV AND MANUFACTURED HOME PARKS AND SUBDIVISIONS				
Standard	Type of Development			
	Recreational Vehicle Park	Recreational Vehicle Subdivision	Manufactured Home Park	Manufactured Home Subdivision
Required Zoning	RM-4	RM-4-PAD RM-4-PAD	RM-4, RSL	RS-6 - PAD
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Minimum Space/Lot Size				
Area Sq. Ft.	1,200	1,750 (2,000 avg.)	3,000	6,000
Width (ft)	34 (7)	35	40	60
Depth (ft)	40	50	60	94
MAXIMUM HEIGHT – CONVENTIONAL CONSTRUCTION	N/A	1 STORY	N/A	1 STORY
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Section 3: That Mesa City Code Title 11, Table 11-34-3: Development Standards for Recreational Vehicle and Manufactured Home Parks and Subdivisions, Table 11-34-3 Footnotes is hereby amended as follows:

Table 11-34-3 Footnotes

1. Minimum space size 9' × 18': may be tandem but may not **BE LOCATED** in **THE** required front yard setback.
2. Minimum of 10' on one side for vehicle access and/or 10' on street side of corner lot or space.
3. Net acre means after deduction of existing and/or proposed rights-of-way.
4. Public or private streets, vehicle storage areas and exterior boundary landscaping shall not be located in this area.
5. Required yard setbacks are measured from any portion of the unit or accessory structures ~~except for rear yard storage buildings as specified in section 3(A) and 3(B) of this chapter~~ **TO THE SPACE LEASE LINE OR LOT LINE.**
6. Setbacks are measured from required screen walls.
7. Minimum width of 28' for spaces not designated for park trailers or manufactured homes.
8. There shall be at least 6' between adjacent structures. This separation may be reduced by up to 3' for a patio enclosure with an exterior wall of not less than one-hour fire resistive construction as required in the building code, or for the supporting structural elements of an open metal awning,

provided no obstructions occupy this area. No reduction in separation between structures shall be permitted for manufactured homes in recreational vehicle parks or subdivisions approved by a Special Use Permit through the Board of Adjustment.

9. Manufactured Housing may be approved for use as part of an infill site when approved in conjunction with an ID-1 or ID-2 zoning district, as per Chapter 12 of this Ordinance. When the ID-1 or ID-2 zoning is used to authorize a manufactured home subdivision, the project site may be less than 10 acres.

Section 4: That Mesa City Code Title 11, Section 11-34-5(B)(1) is hereby amended to modify the language of the one hour maximum for emergency parking. All other portions of 11-34-5(B) shall remain unchanged.

1. Emergency parking of a manufactured home or recreational vehicle for a period of ~~not~~ **NO LONGER** than one (1) hour is permitted on any public thoroughfare subject to the provisions of the parking and traffic regulations of the City of Mesa.

Section 5: That Title 11, Chapter 87 is hereby amended by modifying the definition for Accessory Structure, Recreational Vehicle. All the other definitions in Chapter 87 shall remain the same.

Accessory Structure, Recreational Vehicle: ~~Storage building, deck, awning, carport, patio, patio enclosure, and similar structures.~~ **A SUBORDINATE BUILDING OR STRUCTURE THAT IS CUSTOMARILY INCIDENTAL TO THE RECREATIONAL VEHICLE AND IS LOCATED ON THE SAME LOT OR PARCEL OF LAND AS THE RECREATIONAL VEHICLE, WHICH IS USED FOR LIVING PURPOSES, GARAGES, CARPORTS, RAMADAS, AWNINGS, PATIOS OR SIMILAR.**

Section 6: RECITALS. The recitals above are fully incorporated in this Ordinance by reference, and each recital represents a finding of fact and determination made by the City Council.

Section 7: PRESERVATION OF RIGHTS AND DUTIES. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

Section 8: EFFECTIVE DATE. The effective date of this Ordinance is thirty (30) days after the adoption of this Ordinance.

Section 9: SEVERABILITY. 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 10: 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 Section, 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 ____ day of _____ 2024.

APPROVED:

Mayor

ATTEST:

City Clerk