

11-5-2 Land Use Regulations

11-5-2: LAND USE REGULATIONS

In Table 11-5-2, the land use regulations for each Residential Zoning District are established by letter designations as follows:

- "P" designates use classifications permitted in the Residential District.
- "SUP" designates use classifications permitted on approval of a Special Use Permits.
- "CUP" designates use classifications permitted on approval of a Council Use Permits.
- "TUP" designates use classifications permitted on approval of a Temporary Use Permits.
- "(x)" a number in parentheses refers to a limitation following the table.

Use classifications not listed are prohibited. The "Additional Use Regulations" column includes specific limitations applicable to the use classification or refers to regulations located elsewhere in this Ordinance.

| Table 11-5-2: Residential Districts | | | | |
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| Proposed Use | RS | RSL | RM | Additional Use Regulations |
| Residential Use Classifications | | | | |
| Single Residence | P (13, 14) | P (13, 14) | P (12, 13, 14) | |
| Multiple Residence | — | — | P (13, 16) | |
| Assisted Living Facility | | | | |
| Assisted Living Home (5 to 10 residents) | P (13, 14) | P (13, 14) | P (12, 13, 14) | Section 11-31-14, Community Residences |
| Assisted Living Center (greater than 10 residents) | — | — | CUP (13, 16) | Section 11-31-28, Assisted Living Centers, Nursing and Convalescent Homes |
| Boarding House | — | — | SUP (13, 16) | |
| Community Residence | | | | |
| Family Community Residence | P (13, 14) | P (13, 14) | P (12, 13, 14) | Section 11-31-14, Community Residences |
| Transitional Community Residence | SUP (13, 14) | SUP (13, 14) | P (12, 13, 14) | |
| Comprehensive Youth Residence | SUP (4, 13, 14) | — | — | Section 11-5-8, Comprehensive Youth Residence |
| Day Care Group Home | | | | |
| Small Day Care Group Home (up to 4) | P (13, 14) | P (13, 14) | P (13, 14) | |
| Large Day Care Group Home (5 to 10) | P (13, 14) | P (13, 14) | P (13, 14) | Section 11-31-13, Large Day Care Group Homes |
| Manufactured Home Parks | — | P (13, 14) | P (1, 13, 14) | Table 11-34-3, Development Standards for RV and Manufactured Home Parks and Subdivisions |
| Manufactured Home Subdivisions | P (13, 14) | — | — | |
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| 13. Use not permitted when the property is subject to the AOA 1 overflight area, see Section 11-19-2, Runway Protection Zones and Airport Overflight Areas. |
| 14. Use not permitted when the property is subject to the AOA 2 overflight area, see Section 11-19-2, Runway Protection Zones and Airport Overflight Areas. |

11-31-14 Community Residences Use Standards

11-31-14: COMMUNITY RESIDENCES

A community residence (family and transitional) shall be located, developed and operated in compliance with the land use regulations in Article 2 and the following standards:

A. General Requirements.

1. **Spacing Requirements.** A minimum distance of 1,200 feet from the closest existing community residence, assisted living home, or assisted living center, as measured under Section 11-2-3(D), unless separated by a significant intervening natural or manmade feature such as, but not limited to, a canal, municipal open space of at least ten (10) acres (e.g., park, golf course, etc.), a railroad, or a highway, that is approved by the Zoning Administrator.
2. **Occupancy. Five (5) up to a maximum of ten (10) individuals (not including staff).**
3. **Licensure and Certification.** A community residence must obtain one (1) or more of the following:
 - (a) License or certification from the State of Arizona required to operate the proposed community residence; or
 - (b) Certification by the Arizona Recovery Housing Association if not required to be licensed by the State of Arizona; or
 - (c) A "Permanent" Oxford House Charter.

B. Community Residences Requiring a Conditional Use Permit. In certain zoning districts community residences are not allowed by right but require the approval of a conditional use permit. A conditional use permit shall be granted only if the governing body finds that the applicant has demonstrated that all of the following criteria are met:

1. The proposed use will be compatible with the residential uses allowed as of right in the zoning district;
2. The proposed use in combination with any existing community residences, assisted living homes, and assisted living centers will not result in a clustering of such uses or alter the residential character of the surrounding neighborhood by creating or intensifying an institutional atmosphere; and
3. The proposed use will not interfere with normalization and community integration of the residents of any existing community residences, assisted living homes, or assisted living centers, and that the presence of other existing community residences, assisted living homes, or assisted living centers will not interfere with normalization and community integration of the residents of the proposed use;
4. The applicant has submitted a "good neighbor policy" in narrative form that includes:
 - (a) A description of acceptable measures to ensure ongoing compatibility with adjacent uses;
 - (b) The name and telephone number of the manager or person responsible for the operation of the facility;
 - (c) Complaint response procedures including investigation, remedial action, and follow-up procedures; and
 - (d) The proposed use complies with all other development standards in this Chapter.

C. Registration, Renewal, and Revocation. A community residence must register with the City and renew its registration as set forth below:

1. **Registration Process for Community Residences That Do Not Require a Conditional Use Permit.** An applicant for a community residence that does not require a conditional use permit to operate and is not requesting a reasonable accommodation under Section 11-31-14(D), must register with the City by

submitting the City's registration application according to Chapter 67, Common Procedures. If the use complies with all City requirements, the applicant will receive provisional registration approval from the planning division. To obtain final registration, the applicant must provide evidence of the required license or certification within 120 days from the date the provisional registration was approved.

2. **Registration Process For a Community Residence That Requires a Conditional Use Permit or is Requesting a Reasonable Accommodation.** A community residence that requires a conditional use permit to operate or that requests a reasonable accommodation to the standards in Section 11-31-14(a), must register with the city by submitting the City's application for a conditional use permit according to Chapter 67, Common Procedures, and by providing evidence of compliance with all City requirements. The request will be reviewed by the applicable governing body. approval of the conditional use permit grants the applicant provisional registration. To obtain final registration, the applicant must provide evidence of the required license or certification within 120 days from the date the provisional registration was approved; except registration for a community residence that is granted a reasonable accommodation to the license and certification requirement is considered final and no other action is required.

3. **Registration Renewal.** Registration of a community residence is valid for one (1) year and must be renewed annually on or before the expiration date of the registration. To renew a registration, the operator of a community residence shall submit to City an application for renewal and evidence of a current state license, certification or Oxford House Charter.

4. **Revocation.** The registration and conditional use permit obtained by a community residence may be revoked as set forth in this section:

(a) *Facilities Without a Conditional Use Permit.* In the event the license, certification or Oxford House Charter for a community residence is denied or revoked, the City of Mesa registration will automatically terminate after 15 calendar days of the date of the City's written notification to the applicant; and the community residence must cease operation 45 calendar days from the date of the City's written notification.

(b) *Facilities With a Conditional Use Permit.* A community residence that requires a conditional use permit to operate or that has applied for or received a special use permit for a reasonable accommodation and whose license, certification, or oxford house charter required in Section 11-31-14(a)(3) is denied or revoked, the City of Mesa registration shall automatically terminate, and the conditional use permit is subject to the revocation process in Chapter 70. If the conditional use permit is revoked, the community residence must cease operation within 45 calendar days from the date the conditional use permit is revoked.

D. **Reasonable Accommodation.** A community residence that does not meet the spacing, occupancy or licensure requirements may request a reasonable accommodation through the special use permit process. The accommodation being sought must be reasonable and necessary to afford individual(s) with disabilities an equal opportunity to use and enjoy housing that is the subject of the request. The process to apply for a special use permit are provided in Chapter 67, Common Procedures, except a citizen participation plan and report is not required.

1. **Accommodation to Spacing Requirements.** A special use permit to the spacing requirements shall be granted only if the governing body finds that the applicant has demonstrated that the proposed use meets all of the following criteria:

(a) The proposed use will not interfere with the community integration of the residents of any existing community residences, assisted living homes, or assisted living centers, or their ability to interact with neighbors without disabilities; and the presence of other community residences, assisted living homes, or assisted living centers will not interfere with the community integration and interaction of the residents of the proposed use;

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- (b) The proposed use in combination with any existing community residences, assisted living homes, or assisted living centers will not alter the residential character of the surrounding neighborhood by creating or intensifying an institutional atmosphere or by creating or intensifying a de facto social service district by clustering or concentrating community residences, assisted living homes, or assisted living centers; and
 - (c) The proposed use complies with all other development standards in this Chapter.
2. ***Accommodation to Licensure Requirements.*** When the state, Arizona Recovery Housing Association or Oxford House does not offer a license, certification, or charter for the type of community residence and the population it will serve, the community residence may request a special use permit. the special use permit shall be granted only if the governing body finds that the applicant has demonstrated that all of the following criteria are met:
- (a) The proposed use will operate in a manner effectively similar to a licensed or certified community residence;
 - (b) Staff will be adequately trained under standards typically required by the state or Oxford House for a community residence;
 - (c) The proposed use will have operating rules and practices that will protect residents from abuse, exploitation, fraud, theft, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications;
 - (d) The proposed use will emulate a family and will operate to achieve community integration; and
 - (e) The proposed use otherwise complies with all other development standards in this Chapter.
3. ***Accommodation to Occupancy Limits.*** A community residence that wants to house more than ten (10) people may request a special use permit. A special use permit shall be granted only if the governing body finds that the applicant has demonstrated that the proposed community residence meets all of the following criteria:
- (a) The number of residents over ten (10) is needed for therapeutic viability of the proposed community residence;
 - (b) The number of residents in the proposed community residence will emulate and operate as a family rather than a boarding house, skilled nursing facility, short-term rental, treatment center, social service facility or other nonresidential uses; and will not interfere with the community integration of the occupants of any existing community residences, assisted living homes, or assisted living centers;
 - (c) The primary function of the proposed community residence is residential where any treatment is merely incidental to the residential use of the property;
 - (d) The proposed community residence has sufficient parking for the requested number of occupants so as not to impact the adjacent properties; and
 - (e) The proposed use complies with all other standards in this Chapter.

(Ord. No. 5632, § 7, 7-8-21; Ord. No. 5858, § 3, 7-1-24)

Ord. No. 5632, § 7, adopted July 8, 2021, repealed the former section 11-31-14, and enacted a new section 11-31-14 as set out herein. The former section 11-31-14 pertained to group homes for the handicapped.

Community Residence Definitions

Mesa Zoning Ordinance

11-86-2: - RESIDENTIAL USE CLASSIFICATIONS

Assisted Living Center: An assisted living facility that provides resident rooms or dwelling units to 11 or more residents.

Assisted Living Facility: A residential care institution, including adult foster care, that is licensed by the State of Arizona to provide supervisory care services, personal care services or directed care services on a continuing basis.

Assisted Living Home: An assisted living facility that provides resident rooms for five (5) to ten (10) residents.

Boarding House. A residential dwelling for five (5) or more unrelated individuals in which the owner(s) provides lodging for compensation. A boarding house is occupied by individuals where rent is charged separately for the individual rooms or partitioned areas and may or may not be equipped with kitchen facilities and congregate dining facilities. The term shall include similar congregate living arrangements but does not include community residences, hotels, motels, residential inns or bed and breakfasts.

Community Residence. A community residence is a residential living arrangement for five to ten individuals with disabilities, excluding staff, living as a family in a single dwelling unit who are in need of the mutual support furnished by other residents of the community residence as well as the support services, if any, provided by the staff of the community residence. Residents may be self-governing or supervised by a sponsoring entity or its staff, which provides habilitative or rehabilitative services related to the residents' disabilities. A community residence seeks to emulate a biological family to foster normalization of its residents and integrate them into the surrounding community. Its primary purpose is to provide shelter in a family-like environment. Medical treatment is incidental as in any home. Supportive interrelationships between residents are an essential component. Community residence includes sober living homes and assisted living homes but does not include any other group living arrangement for unrelated individuals who are not disabled nor any shelter, rooming house, boarding house or transient occupancy.

Family Community Residence. A community residence is a relatively permanent living arrangement with no limit on the length of tenancy as determined in practice or by the rules, charter, or other governing documents of the community residence. The minimum length of tenancy is typically a year or longer.

Transitional Community Residence. A community residence that provides a relatively temporary living arrangement with a limit on length of tenancy less than a year that is

measured in weeks or months, as determined either in practice or by the rules, charter, or other governing document of the community residence.

11-87 “Family” Definition

11-87 - DEFINITIONS

Family. An individual or two (2) or more individuals related by blood, marriage or adoption, or a group of no more than four (4) unrelated individuals, living together as a single housekeeping unit. A family includes a couple in a domestic relationship and biological, adopted, and foster children of either partner. The term family includes unrelated persons with developmental disabilities (as defined in A.R.S. § 36-581) living together in compliance with A.R.S. § 36-582.