



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 (**Outdoor Eating Areas**)- Proposed amendments to Chapter 6, 7, 8, 31, 58, and 86 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 Outdoor Eating Areas. Specifically, the proposed text amendments will repeal and replace Mesa Zoning Ordinance (MZO) Section 11-31-19: -Outdoor Eating Areas; modify the land use tables in Chapters 6, 7, 8, and 58; and modify land use definitions in Chapter 86. Details of the proposed text amendments are attached to this report as Exhibit 1 (Outdoor Eating Area Ordinance) and Exhibit 2 (i.e., 2022 Amendments to the Tables in Zoning Ordinance, Title 11, Chapters 6, 7, 8, and 58 Pertaining to Outdoor Eating Areas).

The proposed changes: (1) Permit Outdoor Eating Areas in all zoning districts in which Eating and Drinking Establishments are an allowed use; and (2) Provide development standards to guide outdoor eating area design.

BACKGROUND AND DISCUSSION:

On June 1, 2020 the Mayor and City Council passed Resolution 11514, temporarily suspending enforcement, modifying, or allowing alternatives to certain City Codes related to outdoor seating and services related to eating and drinking establishments. The passed resolution resulted in the creation of the Mesa Al Fresco program which encouraged restaurants and bars to provide open outdoor patio dining through a temporary expansion of premises and provided up to \$1,000 to offset the cost of the patio expansion. Through this program, City staff was able to create a streamlined process for business owners by administratively reviewing and approving outdoor patios. The Al Fresco program was extremely successful and helped over 49 businesses stay open during the pandemic and around \$26,000 was reinvested into Mesa small businesses.

The proposed Outdoor Eating Area text amendments expand on the success of the Mesa Al Fresco program by allowing outdoor dining by right in all zoning districts in which eating and drinking establishments are allowed. These amendments will carry forth the streamlined review and approval of outdoor dining by establishing predictable development criteria and removing the requirement for public hearing review and approval.

SUMMARY OF THE AMENDMENTS AND EXPLANATION:

1) Permit Outdoor Eating Areas in all zoning districts in which Eating and Drinking Establishments are an allowed use.

Currently, the MZO requires either a Special Use Permit (SUP) or an Administrative Use Permit (AUP) for the development of Outdoor Eating Areas in conjunction with an Eating and Drinking Establishment, depending on the zoning district in which it is located. The proposed changes will allow outdoor eating areas by right in all districts in which Eating and Drinking Establishments are allowed. The proposed text amendments will result in a less costly and streamlined review process for outdoor eating areas. An existing restaurant wishing to add an outdoor eating area will be able to go through an administrative review process instead of the more timely and costly public hearing process and new development will have reduced fees and receive approval through the site plan approval process already occurring for the development of the site.

2) Provide development standards to guide outdoor eating area design.

In conjunction with the changes discussed above, Staff is proposing development standards to help guide the form and design of outdoor eating areas. Currently there is very limited design criteria for outdoor eating areas in the MZO. Staff is proposing to repeal and replace MZO Section 11-31-19: - Outdoor Eating Areas and include new standards for the location of outdoor eating areas, as well as standards for barriers, fixtures, and signage. These changes will help provide attractive and functional outdoor eating areas in any district.

NEIGHBORHOOD PARTICIPATION PLAN AND PUBLIC COMMENTS:

A series of public outreach events and efforts occurred during the creation of the proposed text amendments. Below is a summary of outreach efforts and related participation.

Event	Date
City Council Study Session	February 24, 2022
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

City staff presented and discussed the proposed amendments several times and through various platforms as is shown in the above table. No comments were received from the public other than approval of the more streamlined process, as well as the appreciation of the Mesa Al Fresco program and that the changes proposed will continue on the success of the former program.

IMPLEMENTATION:

Staff recommends the ordinance approving the proposed text amendments becomes effective on 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.