



City Council Staff Report

Date: October 2, 2023
To: City Council
Through: Natalie Lewis, Deputy City Manager
Nana Appiah, PhD, AICP, Development Services Director
Mary Kopaskie-Brown, AICP, OPPI, CIP, Planning Director
From: Rachel Nettles, Assistant Planning Director
Subject: Mesa Zoning Ordinance text amendment (**Miscellaneous**) - Proposed amendments to Chapters 4, 5, 6, 7, 8, 10, 30, 31, 33, 86, and 87 of Title 11 of the Mesa City Code

PURPOSE AND BACKGROUND:

From time to time the Zoning Ordinance requires minor revisions to correct clerical errors and remove inconsistencies to provide clarity in zoning requirements. After thorough review, staff has identified the need to update Chapters 4, 5, 6, 7, 8, 10, 30, 31, 33, 86, and 87 of the Mesa Zoning Ordinance (MZO) to remove identified ambiguities and clerical errors. Details of the proposed text amendments are attached to this report as Exhibit 1-Miscellaneous Text Amendments – Land Use Tables and Exhibit 2 - Miscellaneous Text Amendments and discussed below.

SUMMARY OF THE AMENDMENTS AND EXPLANATION:

1) Modify land use tables to remove outdated information and incorrect references.

Currently, some of the land use tables within the MZO contain information that is outdated and no longer relevant and contains references that should be updated to be consistent with other sections of the MZO and consistent with the formatting within the land use tables themselves.

Staff is recommending that the land use tables within Chapters 4, 5, 6, 7, 8, and 10 of the MZO be updated to remove outdated information and incorrect references as described below.

Table 11-4-2: Agricultural Districts

- Remove the land use classification for Medical Marijuana Caregiver or Patient Cultivation and remove Footnote No. 5. Medical Marijuana Caregiver or Patient Cultivation was removed from the use definitions as part of 2021 text amendments which modified the MZO to address Proposition 207 and the legalization of recreational marijuana (Ordinance No. 5633).

Table 11-5-2: Residential Districts

- Add a reference to Table 11-34-3: Development Standards for RV and Manufactured Home Parks and Subdivisions under the “Additional Use Regulations” column for Manufactured Home Parks, Manufactured Home Subdivisions, Recreational Vehicle Parks, and Recreational Vehicle Subdivisions use classifications.
- Remove the land use classification for Medical Marijuana Caregiver or Patient Cultivation and remove Footnote No. 18. Medical Marijuana Caregiver or Patient Cultivation was removed from the use definitions as part of a 2021 set text amendments which modified the MZO to address Proposition 207 and the legalization of recreational marijuana (Ordinance No. 5633).
- Remove Footnote No. 6 that is not used within the land use table.

Table 11-6-2: Commercial Districts

- Add a reference to Section 11-31-20: Outdoor Display under the “Additional Use Regulations” column for the Outdoor Display accessory use classification.
- Add a reference to Section 11-30-7: Outdoor Storage under the “Additional Use Regulations” column for the Outdoor Storage accessory use classification.
- Add a reference to Section 11-30-16: Portable Storage Containers (PSC) under the “Additional Use Regulations” column for the Portable Storage Containers accessory use classifications.
- Remove Footnote Nos. 15, 17, and 27 that are not used within the land use table.

Table 11-7-2: Employment Districts

- Correct a footnote reference for Correctional Transitional Housing Facility (CTHF) changing it from Footnote No. 12 to Footnote No. 11.
- Add a reference to Section 11-30-7: Outdoor Storage under the “Additional Use Regulations” column for the Outdoor Storage use classification.
- Correct the “Additional Use Regulations” reference for the Outdoor Display accessory use classification.
- Add a reference to Section 11-30-7: Outdoor Storage under the “Additional Use Regulations” column for the Outdoor Storage accessory use classification.
- Remove Footnote No. 5 that is not used within the land use table.
- Clarify the language for Footnote No. 9 to be consistent with the requirements for outdoor storage.

Table 11-8-2: Downtown Districts

- Combine the “Additional Use Regulations” reference for the Recycling Facilities land use.
- Add a reference to Section 11-30-7: Outdoor Storage under the “Additional Use Regulations” column for the Outdoor Storage accessory use classification.
- Add Footnote No. 13 to address additional requirements for outdoor storage and add the footnote to the Outdoor Storage accessory land use for the Downtown Business-2 district.
- Add Footnote No. 15 to address additional requirements for Temporary Outdoor Entertainment and Temporary Outdoor Sales and add the footnote to the Temporary Outdoor Entertainment and Temporary Outdoor Sales uses in the Downtown Residential 2, Downtown Business 1, Downtown Business 2, and Downtown Core districts.

2) *Modify landscape standards to be consistent across various chapters of the Code.*

Currently the MZO contains inconsistencies across various chapters pertaining to landscape requirements. In addition, Chapter 33: Landscaping contains ambiguous language that is difficult for applicants to understand and for staff to implement.

Table 11-10-3: Development Standards - PS Public and Semi-Public District

- Modify the landscape yard requirements for interior side and rear yards adjacent to a single residence district to be consistent with other chapters within the MZO. The section contains two categories based on acreage. The modification changes the acreage from 2.5 acres to 5 acres and will now require a 20-foot landscape yard for sites smaller than five acres and 25 feet for sites larger than five acres consistent with other chapters.

Section 11-30-7(B)

- Clarify that required parking spaced located in screened storage areas must provide landscape islands in accordance with Section 11-33-4.

Section 11-33-2

- Remove Section 11-33-2(A)(2) regarding landscape yards requirements in group commercial, office and industrial centers, modify the language for clarity, and move to Section 11-33-2(B)(2)(a).
- Modify the landscape yard requirements for interior side and rear yards adjacent to a single residence district to be consistent with other chapters within the MZO. Change the acreage from 2.5 acres to 5 acres and will now require a 20-foot landscape yard for sites smaller than five acres and 25 feet for sites larger than five acres consistent with other chapters.
- Modify other language in the MZO to make grammar and formatting changes.

3) *Modify how accessory structures are measured.*

The MZO currently requires that accessory structures be measured based on roof area of the structure. However, roof area is defined as the portion of the lot or parcel covered by the roof, excluding eaves and overhangs, but including covered porches, patios, and carports. The general public is often not familiar with what is considered an eave or overhang; therefore this measurement is difficult to understand and for the public to use accurately.

Sections 11-30-17(B) and 11-31-3

- Modify language in Sections 11-30-17(B) and 11-31-3 as well as Figure 11-30-8.B.3 to change the measurement from roof area to the square footage of the structure.

4) *Modifying land use definitions.*

Discussion:

When amendments to Community Residences were adopted in 2021, the land use definition for Social Service Facility was amended (Ordinance 5632). The new definition was incorrectly placed in Section 11-86-2: Residential Classifications while the previous definition remained in Section 11-86-3: Public and Semi-Public Use Classifications which has resulted in confusion in implementing the MZO.

Staff is also recommending modification to definitions that are related to other text amendments recommended with this Ordinance. Currently the MZO does not define the term “cross access” which is used in several places within the MZO.

Staff is also recommending modification to the definition of a Group C-O-I Development. The MZO contains several standards specific to Group C-O-I Developments, however, the definition of a Group C-O-I Development is vague and has been a source of disagreement between staff and applicants in which developments qualify as a Group C-O-I Development. Modifications will help clarify this type of development and the standards that are applicable to them.

Sections 11-86-2 and 11-86-3

- Move the definition of Social Service Facility approved by Ordinance 5632 from Section 11-86-2 and place it in Section 11-86-3, to correct the error of the term appearing in multiple sections of the Zoning Ordinance with different definitions.

Chapter 87: Definitions

- Add the following definition of cross access:

Cross-access: A driveway or drive aisle which connects two (2) or more adjacent parcels without using a roadway.

- Modify the definition of Group C-O-I Development to add specificity for what is considered a Group C-O-I Development and to remove excessive language for clarity.

RECOMMENDATION:

Staff recommends adoption of an Ordinance to amend the Mesa Zoning Ordinance as identified in this staff report and Exhibit 1 - Miscellaneous Text Amendment Ordinance – Land Use Tables.

PLANNING AND ZONING BOARD RECOMMENDATION:

Planning and Zoning Board recommends adoption (Vote: 5-0).

ATTACHMENTS:

Exhibit 1 – Miscellaneous Text Amendment Ordinance – Land Use Tables

Exhibit 2 – Miscellaneous Text Amendment Ordinance

Exhibit 3 – P&Z Meeting Minutes