

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING ZONING ORDINANCE, MESA CITY CODE TITLE 11, CHAPTERS 2, 5, 6, 7, 8, 10, 30, 31, 32, 34, 86, AND 87 PERTAINING TO DETACHED ACCESSORY BUILDINGS AND ACCESSORY DWELLING UNITS. THE AMENDMENTS INCLUDE, BUT ARE NOT LIMITED TO: REPEALING IN ITS ENTIRETY SECTION 11-30-17: DETACHED ACCESSORY BUILDINGS AND ADOPTING BY REFERENCE THE PUBLIC RECORD KNOWN AS “SECTION 11-30-17: DETACHED ACCESSORY BUILDINGS”; REPEALING IN ITS ENTIRETY SECTION 11-31-3: ACCESSORY DWELLING UNIT AND ADOPTING BY REFERENCE THE PUBLIC RECORD KNOWN AS “SECTION 11-31-3: ACCESSORY DWELLING UNIT”; MODIFYING THE RULES OF MEASUREMENT FOR DETERMINING FLOOR AREA; MODIFYING LAND USE TABLES AND FOOTNOTES PERTAINING TO ACCESSORY DWELLING UNITS; MODIFYING STANDARDS FOR ACCESSORY STRUCTURES WITHIN MANUFACTURED HOME PARKS; MODIFYING THE DEFINITIONS OF ACCESSORY BUILDING OR STRUCTURE, ACCESSORY DWELLING UNIT, GROSS FLOOR AREA, AND MANUFACTURED HOME ACCESSORY STRUCTURE; ADDING DEFINITIONS FOR FLOOR AREA (NET FLOOR AREA), PRIMARY BUILDING, AND PRIMARY RESIDENCE; PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF AND PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS WHICH HAVE ALREADY BEGUN THEREUNDER.

**WHEREAS**, it has become apparent that it is in the best interest of the City to update Chapters 2, 5, 6, 7, 8, 10, 30, 31, 32, 34, 86, and 87 of Title 11 of the Zoning Ordinance of the Mesa City Code; and

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

**WHEREAS**, the availability of Accessory Dwelling Units (ADUs) contribute to local housing by adding to the City’s housing stock while providing for residential land uses consistent with the General Plan and Zoning Code.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:**

**Section 1: REPEAL OF SECTION 11-30-17 OF THE ZONING ORDINANCE; REFERENCE AND ADOPTION OF “SECTION 11-30-17: DETACHED ACCESSORY BUILDINGS”.**

- A. REPEAL. That the existing Title 11 (Zoning Ordinance) Chapter 30 (General Development Standards), Section 17 (Detached Accessory Buildings) of the Mesa City Code is hereby repealed in its entirety; provided that such repeal shall not affect suits pending, rights and duties that matured or were existing, penalties that were incurred or proceedings that were initiated prior to the effective date of this Ordinance.

- B. REFERENCE AND ADOPTION. That the certain document known as “Section 11-30-17: Detached Accessory Buildings” which was made a public record on \_\_\_\_\_, by Resolution No. \_\_\_\_\_, of the City of Mesa, Maricopa County, Arizona, three copies of which are on file with the City Clerk, is hereby adopted by reference and made a part hereof as if fully set forth in this Ordinance and its provisions declared to be inserted into the Zoning Ordinance and to replace and supersede the existing Title 11 (Zoning Ordinance) Chapter 30 (General Development Standards), Section 17 (Detached Accessory Buildings) of the Mesa City Code.

**Section 2: REPEAL OF SECTION 11-31-3 OF THE ZONING ORDINANCE; REFERENCE AND ADOPTION OF “SECTION 11-31-3: ACCESSORY DWELLING UNIT”.**

- A. REPEAL. That the existing Title 11 (Zoning Ordinance) Chapter 31 (Standards for Specific Uses and Activities), Section 3 (Accessory Dwelling Unit) of the Mesa City Code is hereby repealed in its entirety; provided that such repeal shall not affect suits pending, rights and duties that matured or were existing, penalties that were incurred or proceedings that were initiated prior to the effective date of this Ordinance.
- B. REFERENCE AND ADOPTION. That the certain document known as “Section 11-31-3: Accessory Dwelling Unit” which was made a public record on \_\_\_\_\_, by Resolution No. \_\_\_\_\_, of the City of Mesa, Maricopa County, Arizona, three copies of which are on file with the City Clerk, is hereby adopted by reference and made a part hereof as if fully set forth in this Ordinance and its provisions declared to be inserted into the Zoning Ordinance and to replace and supersede the existing Title 11 (Zoning Ordinance) Chapter 31 (Standards for Specific Uses and Activities), Section 3 (Accessory Dwelling Unit) of the Mesa City Code.

Text written in **BOLD ALL CAPS** indicates additional or new language.

Text written in ~~strikethrough~~ indicates deletions.

**Section 3:** That Mesa City Code Title 11, Section 11-2-3(H) is hereby amended as follows:

- H. Determining Floor Area. ~~Floor area is the horizontal area (expressed in square feet) of all floors included within a building or buildings, according to the following rules:~~
1. ~~Included in Floor Area. Floor area includes:~~
    - a. ~~The floor of atrium and lobby areas;~~
    - b. ~~Storage and equipment spaces that are roofed and enclosed on all sides;~~
    - c. ~~Enclosed and roofed halls, stairways, and elevator shafts;~~
    - d. ~~Enclosed and roofed porches and balconies;~~

- e. ~~Portions of basements and attics that meet Building Code height requirements for habitable space; and~~
- f. ~~The actual floor space of mezzanines, interior balconies, lofts, closets and all habitable rooms.~~

1. **GROSS FLOOR AREA – AS DEFINED IN CHAPTER 87, INCLUDES THE FLOOR AREA OF GARAGES, CARPORTS, VENTILATION EQUIPMENT, SHAFTS, ELEVATORS, STAIRWAYS, CORRIDORS, BATHROOMS, MECHANICAL ROOMS, CLOSETS, STORAGE AND EQUIPMENT STORAGE ROOMS, OPEN PORCHES, BALCONIES, COURTS, ATRIUMS, LOBBY AREAS, BASEMENTS, AND ATTICS.**

2. ~~Excluded from Floor Area. Floor area does not include:~~

- a. ~~Garages, carports or other areas used for parking and loading, or vehicular access to parking and loading spaces;~~
- b. ~~Unenclosed exterior balconies, decks, porches and stairs;~~
- e. ~~Substandard height portions of attics and basements not used as habitable space as defined by the Building Code.~~

2. **FLOOR AREA (NET FLOOR AREA) – AS DEFINED IN CHAPTER 87, EXCLUDES THE FLOOR AREA OF GARAGES, CARPORTS, VENTILATION EQUIPMENT, SHAFTS, ELEVATORS, STAIRWAYS, CORRIDORS, BATHROOMS, MECHANICAL ROOMS, CLOSETS, STORAGE AND EQUIPMENT STORAGE ROOMS, OPEN PORCHES, BALCONIES, COURTS, ATRIUMS, LOBBY AREAS, BASEMENTS, AND ATTICS.**

**Section 4:** That Mesa City Code Title 11, Table 11-5-2: Residential Districts is hereby amended as follows:

Table 11-5-2: Residential Districts				
Proposed Use	RS	RSL	RM	Additional Use Regulations
Residential Use Classifications				
Single Residence	P (13, 14)	P (13, 14)	P (12, 13, 14)	
			.	
			.	
			.	
Specific Accessory Uses				

Table 11-5-2: Residential Districts				
Proposed Use	RS	RSL	RM	Additional Use Regulations
Animal Keeping	P (3)	—	—	Section 11-31-4, Animal Keeping
Accessory Dwelling Unit	P (13, 14)	— <b>P (13, 14)</b>	P (9, 13, 14)	Section 11-31-3, Accessory Dwelling Units
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1. Permitted in the RM-4 District.				
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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.				
15. Use permitted with approval of a (CUP) Council Use Permits when the property is subject to the AOA 1 overflight area, see Section 11-19-2, Runway Protection Zones, and Airport Overflight Areas.				
16. Use permitted with the approval of a (CUP) Council Use Permits when the property is subject to the AOA 2 overflight area, see Section 11-19-2, Runway Protection Zones, and Airport Overflight Areas.				
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**Section 5:** That Mesa City Code Title 11, Section 11-5-5(B)(3)(b) is hereby amended as follows:

- b. *Orientation.* All units located along public rights-of-way must have the primary ~~building~~ entrance **TO THE BUILDING**, or individual unit entrances, facing this right-of-way. Exceptions to this requirement may be approved for projects where multiple-residence housing is located on four (4) or six (6) lane streets carrying high traffic volumes. In such cases, the project may be oriented around courtyards or civic spaces.

**Section 6:** That Mesa City Code Title 11, Table 11-6-2: Commercial Districts is hereby amended as follows:

Table 11-6-2: Commercial Districts						
Proposed Use	NC (C-1)	LC (C-2)	GC (C-3)	OC (O-S)	MX	Additional Use Regulations
Residential Use Classifications						
Single Residence - Attached	CUP/P (19, 20)	CUP/P (19, 20)	CUP/P (19, 20)	—	CUP/P (16, 19, 20)	Section 11-31-31, Residential Uses in Commercial Districts
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Specific Accessory Uses						
<b>ACCESSORY DWELLING UNIT</b>	<b>P (30)</b>	<b>P (30)</b>	<b>P (30)</b>	<b>P (30)</b>	<b>P (30)</b>	<b>SECTION 11-31-3, ACCESSORY DWELLING UNIT</b>
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<b>30. PERMITTED IF AN EXISTING RESIDENTIAL USE IS LOCATED ON THE LOT.</b>						

**Section 7:** That Mesa City Code Title 11, Table 11-7-2: Employment Districts is hereby amended as follows:

Table 11-7-2: Employment Districts					
Proposed Use	PEP	LI (M-1)	GI (M-2)	HI	Additional Use Regulations
Residential Use Classifications					
Correctional Transitional Housing Facility (CTHF)	—	CUP (10, 11)	CUP (10, 11)	—	Section 11-31-12, Correctional Transitional Housing Facilities

Table 11-7-2: Employment Districts					
Proposed Use	PEP	LI (M-1)	GI (M-2)	HI	Additional Use Regulations
· · ·					
Specific Accessory Uses and Facilities					
<b>ACCESSORY DWELLING UNIT</b>	<b>P (18)</b>	<b>P (18)</b>	<b>P (18)</b>	<b>P (18)</b>	<b>SECTION 11-31-3, ACCESSORY DWELLING UNIT</b>
· · ·					
<b>18. PERMITTED IF AN EXISTING NON-CONFORMING RESIDENTIAL USE IS LOCATED ON THE LOT.</b>					

**Section 8:** That Mesa City Code Title 11, Table 11-8-3: Downtown Districts is hereby amended as follows:

Table 11-8-3: Downtown Districts							
Proposed Use	DR-1	DR-2	DR-3	DB-1	DB-2	DC	Additional Use Regulations
Residential Use Classifications							
Single Residence							
Detached	P	P	P	—	—	—	
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Accessory Uses and Facilities							

Table 11-8-3: Downtown Districts							
Proposed Use	DR-1	DR-2	DR-3	DB-1	DB-2	DC	Additional Use Regulations
Accessory Dwelling Unit	P	P	P	<b>P (16)</b>	<b>P (16)</b>	<b>P (16)</b>	Section 11-31-3, Accessory Dwelling Unit
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<b>16. PERMITTED IF AN EXISTING NON-CONFORMING RESIDENTIAL USE IS LOCATED ON THE LOT.</b>							

**Section 9:** That Mesa City Code Title 11, Table 11-10-2: Public and Semi-Public District is hereby amended as follows:

Table 11-10-2: Public and Semi-Public District		
Proposed Use	PS	Additional Use Regulations
Agricultural Use Classifications		
Community Gardens	P	Section 11-31-10, Community Gardens
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Accessory Uses and Activities		
<b>ACCESSORY DWELLING UNIT</b>	<b>P (6)</b>	<b>SECTION 11-31-3, ACCESSORY DWELLING UNIT</b>
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<b>6. PERMITTED IF AN EXISTING NON-CONFORMING RESIDENTIAL USE IS LOCATED ON THE LOT.</b>		

**Section 10:** That Mesa City Code Title 11, Section 11-30-5 is hereby amended as follows:

11-30-5: - LIGHTING AND ILLUMINATION

~~Design Objective: Maintain~~ **THE OBJECTIVE OF THIS SECTION IS TO PROMOTE WELL** Well-designed lighting **THAT** can enhance the design of **A** building or site by highlighting interesting architectural details, calling attention to interesting textures and colors, and focusing attention to primary site features. Such lighting should be controlled to minimize adverse impacts to abutting residential uses.

**Section 11:** That Mesa City Code Title 11, Section 11-30-5(K) is hereby amended as follows:

- K. Highlight Building Entries. Focus attention on primary ~~building~~ entries **TO BUILDINGS** with illumination directed to highlight the entry and adjacent architectural details. Generally, lighting levels at the primary public entry shall be higher than lighting levels away from the public entry.

**Section 12:** That Mesa City Code Title 11, Section 11-30-7 is hereby amended as follows:

11-30-7: OUTDOOR STORAGE

~~Design Objective: Maintain~~ **THE OBJECTIVE OF THIS SECTION IS TO MAINTAIN** an attractive environment for the community, adjacent businesses and residents while allowing open storage of goods, materials, machines, equipment, and vehicles or parts when necessary for business purposes in specific locations.

- A. **APPLICABILITY:** Open storage of goods, materials, machines, equipment, and vehicles or parts outside of a building (considered collectively as a general activity) for more than 24 hours ~~must~~ **SHALL** conform to the standards of this Section. The regulations of this Section do not apply to temporary storage of construction materials reasonably required for construction work on the premises pursuant to a valid building permit.
- ~~A.~~ **B.** Permitted Locations. Table 11-30-7 states the districts where outdoor storage is permitted and prohibited.

Table 11-30-7: Open Storage Regulations by District and Location	
Base Districts	Permissibility of Open Storage
Neighborhood Commercial (NC), Limited Commercial (LC), Mixed Use (MX), and Downtown Business (DB)	All storage <del>must</del> <b>SHALL</b> be within an enclosed building except as specified for accessory outdoor display.
Planned Employment Park (PEP)	All storage <del>must</del> <b>SHALL</b> be within an enclosed building.
General Commercial (GC) and Light Industrial (LI)	Not permitted in front or street-facing side yards. Permitted in interior side and rear yards, or outside of required yards, subject to the standards of this Section.
General Industrial (GI) and Heavy Industrial (HI)	Permitted anywhere on a lot <b>OR PARCEL</b> , subject to the standards of this Section.



Table 11-30-7: Open Storage Regulations by District and Location

Base Districts	Permissibility of Open Storage
<p><b>AGRICULTURAL (AG), SINGLE RESIDENCE (RS), SMALL LOT SINGLE RESIDENCE (RSL), DOWNTOWN RESIDENCE (DR), AND MULTIPLE RESIDENCE (RM)</b></p>	<p><b>ANY INDIVIDUAL TOOL OR PIECE OF EQUIPMENT THAT IS HIGHER THAN FOUR (4) FEET AND IN WHICH THE ADDED AGGREGATE MEASUREMENTS OF THE LENGTH, WIDTH, AND DEPTH (LENGTH PLUS WIDTH PLUS DEPTH) EXCEEDS 15 LINEAL FEET, BASED ON THE EXTREME PERIMETER MEASUREMENTS, SHALL BE PLACED OR STORED WITHIN AN ENCLOSED BUILDING.</b> <sup>(1, 2, 3)</sup></p>
<p><b>1. EQUIPMENT SPECIFICALLY DESIGNED AND USED FOR AGRICULTURE (AS DEFINED IN SECTION 11-86-7 OF THIS ORDINANCE), UTILITY TRAILERS AND WATERCRAFT (AS DEFINED IN SECTION 8-6-2 OF THE MESA CITY CODE), RECREATIONAL VEHICLES (AS DEFINED IN CHAPTER 87 OF THIS ORDINANCE), AND OTHER MOTORIZED VEHICLES ELIGIBLE FOR LICENSING BY THE STATE OF ARIZONA FOR TRAVEL ON PUBLIC THOROUGHFARES ARE EXCLUDED FROM THIS REQUIREMENT.</b></p>	
<p><b>2. RECREATIONAL VEHICLE PARKING REQUIREMENTS ARE PROVIDED IN SECTION 11-34-5(B) OF THIS ORDINANCE.</b></p>	
<p><b>3. REQUIREMENTS FOR PARKING AND STORAGE OF WATERCRAFT AND UTILITY TRAILERS ARE PROVIDED IN SECTION 8-6-3 OF THE MESA CITY CODE.</b></p>	

**B- C.** Screening and Setbacks. Storage areas visible from public streets shall be screened.

1. *Screening Walls.* Screening walls and fences shall be at least **EIGHT (8)** feet in height. If located on a street facing front or side yard, the fence shall be placed to meet required street side setbacks.
2. *Landscaping.* Landscaping is not required within screened storage areas.
3. *Setback.* A setback shall be provided for material stored outdoors at the ratio of 1:1 from all lot lines equal to total height of stored material above **THE** required **EIGHT (8) FOOT** screen wall ~~8 feet~~.

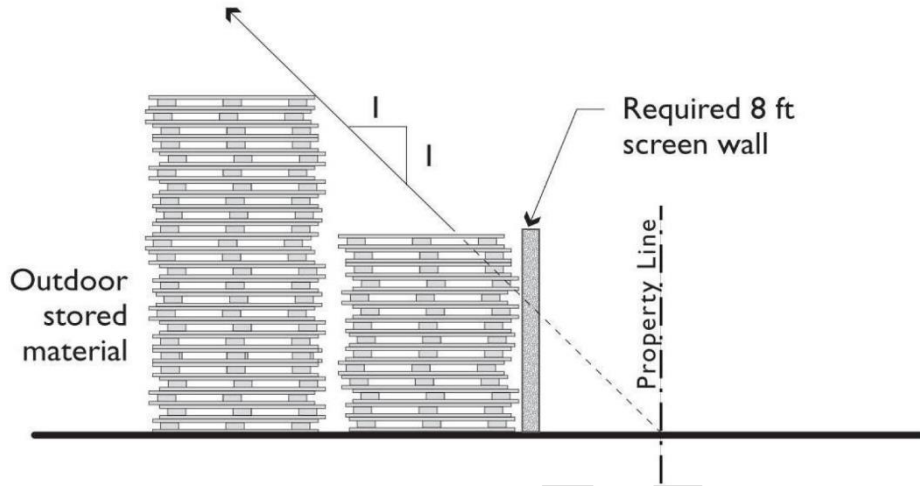


Figure 11-30-8.B.3: Outdoor Stored Material FIGURE 11-30-7.C(1)

**Section 13:** That Mesa City Code Title 11, Section 11-32-1(B) is hereby amended as follows:

B. **Applicability.** The parking and loading requirements of this Chapter apply to all development in the City. They may be modified pursuant to the provisions for certain base districts and overlay districts.

1. **Additions to Existing Buildings and Changes in Use.** When a change in use, expansion of a use, or expansion of **GROSS** floor area creates an increase of 5% or more in the number of required off-street parking or loading spaces, based on the initially approved and constructed facility or development, off-street parking and loading shall be provided according to the provisions of this Chapter. The additional parking shall be required only for such addition, enlargement, or change in use and not for the entire building or site. A change in occupancy is not considered a change in use for the purpose of this paragraph unless the new occupancy is in a different land use classification, based on the descriptions found in Chapter 86, than the former occupant.
2. **Alterations that Increase Number of Dwelling Units.** If an alteration to an existing building increases the number of residential dwelling units on the site, off-street parking to serve the new dwelling units ~~must~~ **SHALL** be provided according to the provisions of this Chapter. **THIS REQUIREMENT DOES NOT APPLY TO AN ACCESSORY DWELLING UNIT.**
3. **When Required.** Off-street parking and loading facilities required by this Chapter shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.

**Section 14:** That Mesa City Code Title 11, Section 11-32-3(A) is hereby amended as follows:

11-32-3: PARKING SPACES REQUIRED

A. The following chart specifies the minimum parking spaces required for each permitted use (For exceptions, see Sections 11-32-5, 6, and 7):

Table 11-32-3.A: Required Parking Spaces By Use	
Use	Minimum Standard

<b>Residential</b>	
Single Residence, detached or attached, including Manufactured Home Subdivisions	2 spaces per dwelling which may be in tandem with Zoning Administrator approval <b>BUT NO PARKING SPACE IS REQUIRED FOR AN ACCESSORY DWELLING UNIT</b>
Multiple Residence (Typical)	See sub categories, below
	:
	:
	:
<b>Public Assembly and Schools</b>	
Theaters, auditoriums, assembly halls, places of worship, clubs, lodges and fraternal buildings, funeral homes, community centers, libraries	1 space per 75 square feet used for public assembly
Museums	1 space per 250 square feet used for public assembly plus accessory uses
Stadiums	1 space per 5 seats plus 1 space per 300 square feet for accessory uses
School, kindergarten through 9th grade	1 space per 75 feet for public assembly space, such as auditoriums and theaters, and 1 space per 600 square feet for all other areas
High schools, academies, colleges, universities, trade, or vocational schools	1 space per 200 square feet
	:
	:
	:

**Section 15:** That Mesa City Code Title 11, Section 11-32-3(D) is hereby amended as follows:

D. **Covered Spaces.** Covered parking spaces shall be provided as follows:

1. Single residences shall provide a minimum of **TWO (2)** covered parking spaces per unit, **EXCEPT NO ADDITIONAL PARKING SPACE IS REQUIRED FOR AN ACCESSORY DWELLING UNIT.**
3. Multiple-residence projects shall provide a minimum of **ONE (1)** covered parking space per unit.
4. Office-use developments requiring a minimum of 10 parking spaces or more shall provide a minimum of **ONE (1)** covered parking space per office or suite plus **ONE (1)** additional space.
5. Covered spaces may be counted concurrently with the minimum aggregate parking space requirements for the development.

**Section 16:** That Mesa City Code Title 11, Section 11-34-2(B) is hereby amended as follows:

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.

2. 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. **IS NO GREATER IN SIZE THAN 100% OF THE FLOOR AREA OF THE MANUFACTURED HOME;**
  - E. **IS REMOVED WITHIN 30 DAYS OF REMOVAL OF THE MANUFACTURED HOME; AND**
  - F. **CONFORMS TO ALL OTHER APPLICABLE DEVELOPMENT STANDARDS, INCLUDING SETBACKS AND PARKING REQUIREMENTS.**
3. 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 ~~recreational vehicle~~ **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, child care, 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.**
2. 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. **IS NO GREATER IN SIZE THAN 100% OF THE FLOOR AREA OF THE MANUFACTURED HOME;**
  - E. **IS REMOVED WITHIN 30 DAYS OF REMOVAL OF THE MANUFACTURED HOME; AND**
  - F. **CONFORMS TO ALL OTHER APPLICABLE DEVELOPMENT STANDARDS, INCLUDING SETBACKS AND PARKING REQUIREMENTS.**
3. Detached accessory buildings in accordance with Section ~~11-5-7.A, Accessory Dwelling Units.~~ **11-30-17: DETACHED ACCESSORY BUILDINGS AND SECTION 11-31-3: ACCESSORY DWELLING UNIT.**
4. Recreation and social centers, which may be used for dancing, crafts, hobbies, games, child care, 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.
5. 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.
6. Common-use laundry facilities, maintenance buildings, and security guard houses, which may be of conventional construction.
7. Designated areas for boat and recreational vehicle storage which are used solely by the residents of the subdivision.
8. Recreation center parking lots and guest parking areas.

**Section 17:** That Title 11, Chapter 86 is hereby amended to modify, remove, and/or add the below definitions which are arranged in alphabetical order. All the other definitions in Chapter 86 shall remain the same.

**11-86-2: - Residential Use Classification**

Single Residence. A dwelling unit designed for occupancy by one family, and located on a separate lot **OR PARCEL** from any other unit (except accessory dwelling units, where permitted). This classification includes individual manufactured housing units and individual recreational vehicles when used as

residences in RV parks and subdivisions. **A SINGLE RESIDENCE MAY ALSO BE REFERRED TO AS A "PRIMARY RESIDENCE" (SEE CHAPTER 87 OF THIS ORDINANCE).**

Detached. A single residence dwelling unit that is not attached to any other dwelling unit (except accessory living quarters, where permitted).

Attached. A single residence dwelling unit, located singly on a lot **OR PARCEL**, but attached through common vertical walls to one or more dwellings on abutting lots **OR PARCELS**. An attached single residence dwelling unit is sometimes referred to as a "townhome" or a "rowhouse."

~~Accessory Dwelling Unit. A secondary dwelling unit, attached or detached from the primary dwelling, located on a single residence lot when authorized as described in Article 2, with a cooking area equipped for appliances requiring a 220 volt electric service or natural gas, and may function independently of the primary dwelling by means of separate access.~~

**ACCESSORY DWELLING UNIT (ADU). A SELF-CONTAINED LIVING UNIT, ATTACHED OR DETACHED, THAT IS ON THE SAME LOT OR PARCEL AS A SINGLE-FAMILY DWELLING OF GREATER SQUARE FOOTAGE THAN THE ACCESSORY DWELLING UNIT, THAT INCLUDES ITS OWN SLEEPING AND SANITATION FACILITIES AND THAT MAY INCLUDE ITS OWN KITCHEN.**

**Section 18:** That Title 11, Chapter 87 is hereby amended to modify, remove, and add the following definitions which are arranged in alphabetical order. All the other definitions in Chapter 87 shall remain the same.

Accessory Building or Structure: A detached subordinate building or structure, ~~separated by at least 6 feet, the use of which is~~ **THAT IS** customarily incidental to ~~that of the main PRIMARY building or to the main use of the land,~~ and on the same lot or parcel of land with the ~~main PRIMARY building or use.~~

**FLOOR AREA RELATED DEFINITIONS:**

~~Floor Area, Gross (GFA): The total floor area in a building (including basements, mezzanines, interior balconies, and upper stories or levels in a multistory building) unless otherwise stipulated; e.g., "ground" floor area.~~

**FLOOR AREA, GROSS (GFA): THE SUM OF THE GROSS HORIZONTAL AREA OF EACH FLOOR OF A BUILDING OR STRUCTURE, MEASURED FROM THE EXTERIOR FACE OF AN EXTERIOR WALL OF A FREESTANDING STRUCTURE, OR FROM THE CENTER OF COMMON WALLS OF ATTACHED BUILDINGS, INCLUDING CARPORTS, GARAGES BASEMENTS, MEZZANINES, INTERIOR BALCONIES, AND ALL UPPER STORIES OR LEVELS.**

**FLOOR AREA (NET FLOOR AREA): THE GROSS FLOOR AREA (GFA) EXCLUSIVE OF GARAGES, VENTILATION EQUIPMENT, SHAFTS, ELEVATORS, STAIRWAYS, CORRIDORS, TOILET ROOMS, MECHANICAL ROOMS, CARPORTS, CLOSETS, STORAGE AND EQUIPMENT STORAGE ROOMS, OPEN PORCHES, BALCONIES, COURTS, ATRIUMS, LOBBY AREAS, BASEMENTS, AND ATTICS.**

Floor Area Ratio (FAR): The numerical value obtained through dividing the aboveground gross floor area of a building or buildings located on a lot or parcel of land by the total area of such lot or parcel of land.

**Section 19:** 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 20:** REPEAL OF CONFLICTING ORDINANCES AND PRESERVATION OF RIGHTS AND DUTIES. That any sections of the Mesa Zoning Ordinance or parts of such sections in conflict herewith, are hereby repealed; provided that such repeal shall not affect suits pending, rights and duties that matured or were existing, penalties that were incurred or proceedings that were initiated prior to the effective date of this Ordinance.

**Section 21:** EFFECTIVE DATE. The effective date of this Ordinance is thirty (30) days after the adoption of this Ordinance.

**Section 22:** 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 23:** 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 Subsection, 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.

**Section 24:** Resolution No. \_\_\_\_\_ adopted on \_\_\_\_\_ known as “Section 11-30-17: Detached Accessory Buildings” and the attached exhibits are on file and available for review at the Office of the City Clerk, 20. E. Main Street, Suite 150, Mesa, Arizona. Resolution No. \_\_\_\_\_ adopted on \_\_\_\_\_ known as “Section 11-31-3: Accessory Dwelling Unit” and the attached exhibits are on file and available for review at the Office of the City Clerk, 20. E. Main Street, Suite 150, Mesa, Arizona.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, this \_\_\_\_ day of \_\_\_\_\_ 2024.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk