

## 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.

**Comprehensive Youth Residence.** A dwelling or dwellings maintained by an organization for the purpose of caring for ten (10) or more minor children, separated from their parents or legal guardians, through the use of on-site resident staff. Such staff are not related to the minor children by blood, marriage or adoption, and the children are not considered legal wards of the staff. The facility shall be licensed by the State of Arizona.

**Correctional Transitional Housing Facility (CTHF).** A supervised residential center where individuals who are completing a sentence, reside for a defined period of time for counseling, job placement assistance, and similar services that assist in transitioning from institutional to community living. A CTHF is not exempt from the tax imposed under Mesa City Code § 5-10-445. The term shall include any boarding house, dormitory, or apartment building or other dwelling when developed, promoted, advertised, or operated as a CTHF, but shall not include community residences, or any facility providing counseling or other services to individuals who do not reside on the premises. The maximum number of residents is limited to 30.

**Day Care Group Home.** A facility, the primary use of which is a residence, in which care of children through the age of 12 years is regularly provided for compensation for periods of less than 24 hours per day.

**Small Day Care Group Home.** Home daycare for less than 5 children full- or part-time.

**Large Day Care Group Home.** Home day care for not less than 5 children full-time and part-time but no more than 10 children full-time and part-time.

**Group Foster Home.** A home licensed by the State of Arizona as a group foster home that is maintained by an individual or individuals having the care or control of five (5) to ten (10) minor children who are not: (1) related to such individuals or to each other by blood, marriage, or adoption; or (2) legal wards of such individuals.

**Home Occupations:** An ancillary use in any Residence or Mixed-Use district which:

- A. Is clearly incidental to a residence use;
- B. Is subordinate to the purpose of the residence use;
- C. Contributes to the comfort, convenience, or necessity of occupants in the residence use;
- D. Is located on the same lot or parcel as the residence use served;
- E. Includes swimming lessons, babysitting, and fine arts instruction, each for 5 or fewer persons;
- F. Includes door-to-door and telephone solicitation;
- G. Includes uses and activities that can be conducted entirely indoors without negatively impacting the residential character of the neighborhood or health, safety, and welfare of neighbors; and
- H.

Excludes on-site exchange of sold or bartered goods (exceptions made for occasional and infrequent exchanges), on-site vehicle repair as a commercial use, commercial warehousing or storage - indoor or outdoor, non-resident employees working in the home, or manufacturing of products using hazardous materials or equipment not typically found in household settings.

**Manufactured Home Park.** An approved residential development as shown in the records of the Planning Division in which individual spaces are provided for the placement of a manufactured home for dwelling unit purposes, whether or not a charge is made for such accommodation.

**Manufactured Home Subdivision.** A residential subdivision as shown in the records of the Maricopa County Recorder's Office, designed and approved in accordance with planned area development and subdivision regulations, in which individual ownership of a lot is permitted for the placement of a manufactured home for dwelling unit purposes.

**Multiple Residence.** Two or more primary dwelling units on a single lot. Types of multiple residence dwellings include duplexes, garden apartments, and multi-story apartment buildings. Each dwelling unit is designed for occupancy by one family.

**Recreational Vehicle Park.** An approved residential development as shown in the records of the Planning Division in which individual spaces are provided for parking of 1 recreational vehicle per space for temporary portable housing purposes, whether or not a charge is made for such accommodation.

**Recreational Vehicle Subdivision.** A residential subdivision as shown in the records of the Maricopa County Recorder's Office, designed and approved in accordance with planned area development and subdivision regulations, in which individual ownership of a lot is permitted for the placement of a recreational vehicle for temporary portable housing purposes.

**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 Title).

**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 (ADU).** An attached or detached Self-Contained living unit 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.

**Skilled Nursing Facility.** A health care institution other than a hospital, assisted living facility or nursing and convalescent home which provides resident beds or dwelling units, supervisory care services, personal care service, directed care services or health-related services for persons on a temporary basis. Skilled nursing facilities do not emulate a family and normalization and community integration are not among their core goals. This classification does not include community residences, assisted living homes, assisted living centers, or social service facilities.

(Ord. No. 5592, § 6, 12-1-20; Ord. No. Ord. No. 5632, § 5, 7-8-21; Ord. No. 5814, § 7, 10-16-23; Res. No. 12269, § 17, 9-23-24; Ord. No. 5883, § 3, 10-7-24)

## 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				
Proposed Use	RS	RSL	RM	Additional Use Regulations
<b>Residential Use Classifications</b>				
Single Residence	P (13, 14)	P (13, 14)	P (12, 13, 14)	
Multiple Residence	—	—	P (13, 16)	
<b>Assisted Living Facility</b>				
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)	—	—	
Recreational Vehicle Parks	—	—	P (1, 13, 14)	
Recreational Vehicle Subdivisions	—	—	P (1, 13, 14)	

Public and Semi-Public Use Classifications				
Clubs and Lodges	—	—	SUP (9, 13, 14)	
Community Center	SUP (13, 16)	SUP (13, 16)	SUP (9, 13, 16)	
Community Gardens	P	P	P	Section 11-31-10, Community Gardens
Cultural Institutions	P (13, 16)	P (13, 16)	P (9, 13, 16)	
Day Care Centers	SUP/P (10, 13, 14)	P (8, 13, 14)	P (13, 14)	Section 11-31-9, Commercial Uses in Residential Districts
Public Safety Facilities	P (23)	P (23)	P (23)	
Hospitals and Clinics				
Clinics	—	—	SUP (2, 9, 13, 14)	Section 11-31-15, Hospitals and Clinics
Hospitals	—	—	SUP (2, 9, 13, 14)	
Nursing and Convalescent Homes	—	—	CUP (9, 13, 14)	Section 11-31-28, Assisted Living Centers, Nursing and Convalescent Homes
Parks and Recreation Facilities, Public	P	P	P (9)	

Places of Worship	P (13, 16)	P (13, 16)	P (9, 13, 16)	Section 11-31-22, Places of Worship
Athletic Facilities When Accessory to a Church	SUP (13, 16)	—	SUP (9, 13, 16)	
Day Care When Accessory to a Church	SUP (13, 16)	—	SUP (9, 16)	
Schools, Colleges, and Trade Schools				
Colleges or Universities, Private	CUP (13, 14)	CUP (13, 14)	CUP (13, 14)	Section 11-31-24, Schools
Colleges or Universities, Public	P	P	P	
Commercial Trade Schools, Private	CUP (13, 14)	CUP (13, 14)	CUP (13, 14)	Section 11-31-24, Schools
Commercial Trade Schools, Public	P	P	P	
Industrial Trade Schools, Private	CUP (13, 14)	CUP (13, 14)	CUP (13, 14)	Section 11-31-24, Schools
Industrial Trade Schools, Public	P	P	P	
K-12, Private	CUP (13, 14)	CUP (13, 14)	CUP (13, 14)	Section 11-31-24, Schools
K-12, Public	P	P	P	



Skilled Nursing Facility			CUP (9, 13, 14)	
Social Services Facility	—	—	CUP (9, 13, 16)	Section 11-31-26, Social Service Facilities
Commercial Use Classifications				
Animal Sales Services				
Boarding Stables	SUP (3, 13, 16)	—	—	RS-90 and RS-43 only
Bed and Breakfast Inns	SUP (15, 16)	—	P (9, 15, 16)	Section 11-31-8, Bed and Breakfast Inns
Eating and Drinking Establishments				
Restaurants, Full Service	SUP (11)	SUP (11)	SUP (11)	Section 11-31-9, Commercial Uses in Residential Districts
Restaurants, Limited Service	SUP (11)	SUP (11)	SUP (11)	
Offices				
Business and Professional	SUP (10)	SUP (10)	SUP (10)	Section 11-31-9, Commercial Uses in Residential Districts
Medical and Dental	SUP (10)	SUP (10)	SUP (10)	
Personal Services	SUP (11)	—	SUP (11)	Section 11-31-9, Commercial Uses in Residential Districts
Plant Nurseries and Garden Centers	SUP (7)	—	—	SUP option available only in RS-43 and RS-90 districts

Retail Sales				
General	SUP (11)	SUP (11)	SUP (11)	Section 11-31-9, Commercial Uses in Residential Districts
Recreational Vehicle Storage Yard	SUP (20)	—	—	Section 11-31-35 Storage Yards in Residential Districts
<b>Transportation, Communications, and Utilities Use Classifications</b>				
Utilities, Minor	P	P	P	
<b>Specific Accessory Uses</b>				
Animal Keeping	P (3)	—	—	Section 11-31-4, Animal Keeping
Accessory Dwelling Unit	P (13, 14)	P (13, 14)	P (13, 14)	Section 11-31-3, Accessory Dwelling Unit
Farm Stands	SUP (5)	—	—	RS-43 and RS-35 Only
Home Occupations	P/SUP (17)	P	P	Section 11-31-33, Home Occupations
Outdoor Display	P	P	P	Section 11-31-20, Outdoor Display
Portable Storage Containers	P (21, 22)	P (21)	P (21)	Section 11-30-16, Portable Storage Containers (PSC)
Temporary Outdoor Entertainments	—	—	TUP (2, 6)	Section 11-31-30, Temporary Uses
Temporary Outdoor Sales	—	—	TUP (2, 6)	

1. Permitted in the RM-4 District.

2. Only permitted or conditionally permitted in the RM-4 district; prohibited in the other RM sub-designations.

3. Boarding stables are permitted in the RS-43 and RS-90 districts with approval of a SUP on sites of 10 acres or more. Other Large-Scale Commercial Recreation uses are not permitted.

4. Comprehensive Youth Residence permitted in RS-90 district with approval of a SUP.

5. Stands are permitted for the sale of agricultural or horticultural products produced on the premises in the RS-35, RS-43 and RS-90 zoning districts with approval of a Special Use Permit. Farm stands are prohibited in the remaining RS sub-designations.

6. Reserved.

7. Plant Nurseries may be located in the RS-43 and RS-90 districts with approval of a Special Use Permits. Criteria include that specified for the AG district, Sec Section 11-4-4(C). Plant Nurseries are prohibited in the remaining RS sub-designations.

8. Day Care Centers permitted only as an accessory activity when provided as an amenity by homeowner's association (HOA) for the principal benefit of residents of that same HOA.

9. Not permitted in RM-5 district.

10. Permitted only with approval of a Special Use Permits, and if the location is coterminous to an intersection of an arterial street with a local or collector street, and the aggregate maximum gross floor area is less than 2,000 square feet in floor area, exclusive of any residential uses.

11. Permitted only with approval of a Special Use Permits, and if the location is coterminous to an intersection of an arterial street with a local or collector street, and the aggregate maximum gross floor area is less than 1,500 square feet in floor area, exclusive of any residential uses. No drive-thru facilities or pick-up window facilities permitted.

12. Detached Single Residence is not permitted in RM-5 district.
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.
17. Special Use Permit options for expanded Home Occupations are allowed only in the RS-90 and RS-43 districts.
18. Reserved.
19. Reserved.
20. Also requires previous establishment of a PAD Overlay District.
21. Temporary use of portable storage containers during construction and for loading and unloading is permitted in accordance with Section 11-30-16.
22. Permanent use of portable storage containers is limited to RS-43 and RS-90 zoning districts in accordance with Section 11-30-16.
23. Use only permitted when owned and operated by the City of Mesa.

(Ord. No. 5541, § 2, 12-9-19; Ord. No. 5592, § 2, 12-1-20; Ord. No. 5593, § 2, 12-1-20; Ord. No. 5632, § 1, 7-8-21; Ord. No. 5759, § 1, 12-8-22; Ord. No. 5813, § 1(Exh. 1), 10-16-23; Ord. No. 5814, § 1(Exh. 1), 10-16-23; Res. No. 12269, § 2, 9-23-24; Ord. No. 5883, § 3, 10-7-24)

## 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;
  - (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)

**Editor's note—** 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.