

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTERS 4, 5, 6, 8, 31, 32, 58, 64, 86, AND 87 OF TITLE 11, THE ZONING ORDINANCE OF THE MESA CITY CODE PERTAINING TO COMMUNITY RESIDENCES AND OTHER GROUP RESIDENTIAL USES. THE AMENDMENTS INCLUDE, BUT ARE NOT LIMITED TO, ADDING COMMUNITY RESIDENCE USE AND REMOVING GROUP HOME FOR THE HANDICAPPED USE AND GROUP HOUSING USE, REPEALING GROUP HOME FOR THE HANDICAPPED DEVELOPMENT STANDARDS AND REPLACING THEM WITH COMMUNITY RESIDENCE DEVELOPMENT STANDARDS, REMOVING DEFINITIONS INCLUDING GROUP HOME FOR THE HANDICAPPED, GROUP HOUSING, AND GROUP RESIDENTIAL, MODIFYING DEFINITIONS INCLUDING SOCIAL SERVICE FACILITY AND DISABILITY, ADDING DEFINITIONS INCLUDING COMMUNITY RESIDENCE, SKILLED NURSING, FAMILY, AND SINGLE HOUSEKEEPING UNIT, AND REPLACING THE TERMINOLOGY IN CHAPTER 32; AND MODIFYING VARIOUS LAND USE CHARTS; PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF; AND PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS WHICH HAVE ALREADY BEGUN THEREUNDER.

**WHEREAS**, the Fair Housing Act as amended (42 U.S.C. §3601) provides protections for persons with disabilities; and

**WHEREAS**, the Fair Housing Act affords no coverage to individuals with or without disabilities who present a direct threat to the persons or property of others, provided however, that determining whether someone poses such a direct threat must be made on an individualized basis, and cannot be based on general assumptions or speculation about the nature of a disability; and

**WHEREAS**, the legislative history of the Fair Housing Amendments Act of 1988 cautions that local zoning regulations are prohibited that result “from false or over-protective assumptions about the needs of handicapped people, as well as unfounded fears of difficulties about the problems that their tenancies may pose.” H.R. Rep. No. 711, 100th Cong. 2D Session, Reprinted in 1988 U.S.C.C.A.N. 2173, 2192 (1988); and

**WHEREAS**, the Fair Housing Act does not preempt local zoning laws or preclude the adoption, amendment, or enforcement of zoning regulations by the City as long as the zoning regulations are consistent with state and federal laws, including the Fair Housing Act as amended; and

**WHEREAS**, the City commissioned a detailed study, *Zoning Principles for Community Residences for People With Disabilities and for Recovery Communities in Mesa, Arizona*; dated March 2021, (hereinafter, “the Study”) by a planning and law expert on zoning for community residences since 1974 who has written model zoning guidelines for community residences on behalf of the American Planning Association and American Bar Association, provided consulting services on zoning for community residences to dozens of communities, and served as an expert witness for the Department of Housing and Urban Development and United States Department of Justice; and

**WHEREAS**, the Study, reports upon, among other things: the core nature of Community Residences, the rational foundations for regulating Community Residences based on actual research; an evaluation of the current zoning treatment of Community Residences in the City; guiding principles for zoning for

Community Residences and the least restrictive zoning approach to actually achieve legitimate government interests, a review of the need to protect the vulnerable populations of people with disabilities from unscrupulous operators of Community Residences through licensing, certification, or the Oxford House Charter; a review of the documented abuses — including overdose deaths, prostitution, fraud, and continued use of drugs and alcohol — people in recovery from substance abuse disorder, have suffered at the hands of unscrupulous and largely unlicensed or uncertified operators of community residences in the United States including the State of Arizona; the need to extend to people in recovery the same protections from incompetent and unscrupulous housing providers that certification and state licensing provides to people with other disabilities; a review of the limited carrying capacity of neighborhoods to absorb service-dependent people into their social structure; and

**WHEREAS**, the City recognizes its regulations for group homes for the handicapped (referred to as Community Residences) need revision to protect the welfare and safety of the residents in these homes and to prevent clustering or concentration; and

**WHEREAS**, some Community Residences operating in the City fail to provide appropriate living conditions or adequate structure, supervision, support, or family-like environment essential for the residents; and some are operating without a license or industry certification; and

**WHEREAS**, to protect the individuals residents living in these homes from these bad operators and to ensure these operators provide the quality of care necessary for its residents, this ordinance will require Community Residences (both existing and future) to annually register with the City and to provide evidence of state licensing or certification, Oxford House charter, or industry certification, and if no license or certification is available, a reasonable accommodation process for operators to provide evidence of the quality of care the residents need; and

**WHEREAS**, a Community Residence that has been denied required state licensing or voluntary certification will not be allowed due to such a Community Residence not providing the protections to its residents that licensing and certification provide; and

**WHEREAS**, clustering of Community Residences in a neighborhood undermines the ability of their residents to achieve normalization and community integration, which are two of the essential purposes of these forms of housing for people with disabilities; and

**WHEREAS**, reasonable separation requirements may be enacted to ensure that a proposed Community Residence will not interfere with the community integration of the occupants of any nearby existing Community Residences nor contribute to creating a de facto social service district that thwarts the purpose and successful functioning of the Community Residence; and

**WHEREAS**, to enforce the rationally based distancing regulations and to ensure accuracy of its data, the City will require existing and future group homes for the disabled to annually register with the City, including any existing homes for the disabled with five residents; and

**WHEREAS**, in accord with case law, Community Residences that fit within the cap of four unrelated occupants constitute a family under the Zoning Ordinance and must be treated the same as any other family; and

**WHEREAS**, to implement the guidelines in the Study, these new zoning provisions make the reasonable accommodation the Fair Housing Act requires by allowing Community Residences for five to ten people with disabilities as a permitted use in all residential districts and all other zoning districts where residential uses are allowed, subject to a rationally-based spacing distance from an existing Community Residence, and a licensing or certification requirement for the operator or the home itself; and

**WHEREAS**, the heightened scrutiny of a conditional use permit is warranted when a proposed Community Residence for people with disabilities fails to meet both the criteria to be allowed as a permitted use; and

**WHEREAS**, by amending its zoning regulations the City gives prospective operators of Community Residences for people with disabilities clarity and certainty regarding where such homes may locate as permitted or conditional uses; and

**WHEREAS**, the regulations are the least restrictive means to actually achieving the City's legitimate government interests.

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

Text written in **BOLD ALL CAPS** indicates new language.  
~~Strikethrough~~ fonts indicates deletions.

**Section 1:** That Title 11, Chapter 4, Table 11-4-2: Agriculture District is hereby amended as follows:

Table 11-4-2: Agricultural District		
Proposed Use	AG	Additional Use Regulations
Residential Use Classifications		
Single Residence	P (2, 3)	
Day Care Group Home		
Small Day Care Group Home (up to 4)	P (2, 3)	
Large Day Care Group Home (5 - 10)	P (2, 3)	Section 11-31-13, Large Day Care Group Homes
<del>Group Residential</del>		
<del>Group Home for the Handicapped</del>	<del>P (2, 3)</del>	<del>Section 11-31-14, Group Homes for the Handicapped</del>
COMMUNITY RESIDENCE		
FAMILY COMMUNITY RESIDENCE	P (2, 3)	SECTION 11-31-14, COMMUNITY RESIDENCES
TRANSITIONAL COMMUNITY RESIDENCE	SUP (2, 3)	
Public and Semi-Public Use Classifications		
Cemeteries	SUP	
Community Gardens	P	Section 11-31-10, Community Gardens

Cultural Institutions	P (2, 4)	
Parks and Recreation Facilities, Public	P	
Places of Worship	P (2, 4)	Section 11-31-22, Places of Worship
Athletic Facilities When Accessory to a Church	SUP (2, 4)	
Day Care When Accessory to a Church	SUP (2, 4)	
Schools, Public or Private	P (2, 3)	
<b>Commercial Use Classifications</b>		
Animal Sales and Services		
Boarding Stables	SUP	
Kennels	SUP	
Veterinary Services	SUP	
Plant Nurseries and Garden Centers	SUP	Section 11-4-4(C)
<b>Transportation, Communication and Utilities Use Classification</b>		
Utilities, Major	CUP	
Utilities, Minor	P	
<b>Agricultural and Extractive Use Classifications</b>		
Agriculture	P/SUP (1)	
Crop and Animal Raising	P/SUP (1)	
Mining and Quarrying	SUP	
<b>Specific Accessory Uses</b>		
Animal Keeping	P	Sections 11-4-4(B) and 11-31-4, Animal Keeping
Accessory Dwelling Unit	P (2, 3)	Section 11-31-3, Accessory Dwelling Unit
Agriculture-based Entertainment	SUP (2)	Section 11-4-5, Agriculture-based Entertainment
Farm Stands	SUP (2)	
Home Occupations	P/SUP (2)	Section 11-31-33, Home Occupations
Medical Marijuana Caregiver or Patient Cultivation	P (2, 5)	Section 11-31-34, Medical Marijuana Facilities
Portable Storage Containers	P	Section 11-30-16, Portable Storage Containers
1. The following agricultural uses are permitted by right (subject to the standards of this chapter): aviaries and apiaries; plant nurseries and greenhouses; poultry, bird, and egg farms; commercial breeding, training, and grazing of horses, cattle, sheep, goats, ostriches and other livestock. Dairies and feedlots require a Special Use Permit. 2. 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. 3. Use not permitted when the property is subject to the AOA 2 overflight area, see Section 11-19-2, Runway Protection Zones and Airport Overlay Areas. 4. Use permitted with the approval of a (CUP) Council Use Permits when the property is subject to the AOA 2 overflight area, see Sec. 11-19-2, Runway Protection Zones and Airport Overflight Areas. 5. Required to be minimum distance of 25-miles from a registered medical marijuana dispensary.		

**Section 2:** That Title 11, Chapter 5, Section 11-5-1(B) is hereby amended as follows:

B. Specific Purposes of Each District.

1. *RS Single Residence.* To provide areas for detached single residence housing at densities of up to 7 units per net acre. Designators (-90, -43, -35, -15, -9, -7 and -6) are used to denote the minimum lot size in thousands of square feet. This district also provides for ~~residential care facilities~~ **COMMUNITY RESIDENCES, ASSISTED LIVING HOMES**, day care group homes, park and recreation facilities, and civic and institutional uses such as churches and places for religious assemblies that are appropriate in a residential environment. Non-residential uses of a strictly limited scale under the specific conditions listed may also be allowed.
2. *RSL Small Lot Single Residence.* To provide areas for small-lot single dwelling development at densities of up to 17 units per net acre, subject to development standards to ensure land use compatibility. Designators (-4.5, -4.0, -3.0 and -2.5) are used to denote the minimum average lot size in thousands of square feet. This district also allows for ~~limited residential care facilities~~ **COMMUNITY RESIDENCES, ASSISTED LIVING HOMES**, family day care, park and recreation facilities, and civic and institutional uses.
3. *RM Multiple Residence.* To provide areas for a variety of housing types at densities of up to 43 units per gross acre. Designators (-2, -3, -4, and -5) are used to denote variations in the maximum allowed development intensity (See Table 11-5-5). Appropriate types of dwelling units include small-lot single residences, townhouses, cluster housing, and multiple residence housing. This district also provides for ~~residential care facilities~~ **COMMUNITY RESIDENCES, ASSISTED LIVING FACILITIES**, residential home-based day care, **BOARDING HOUSE** ~~group residential homes~~ manufactured home parks and subdivisions, recreational vehicle parks and subdivisions, park and recreation facilities, limited and small-scale residential support (including limited scale mixed-use commercial) activities, and civic and institutional uses such as churches and places for religious assembly that are appropriate in a residential environment.

**Section 3:** That Title 11, Chapter 5, Table 11-5-2: Residential Districts is hereby amended as follows:

Table 11-5-2: Residential Districts				
<i>Proposed Use</i>	<i>RS</i>	<i>RSL</i>	<i>RM</i>	<i>Additional Use Regulations</i>
<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 ( <del>up to</del> <b>5</b> to 10 residents)	P (13, 14)	P (13, 14)	P ( <del>12</del> , 13, <del>16</del> <b>14</b> )	<del>Section 11-31-14, Group Homes for the Handicapped</del> <b>SECTION 11-31-14, COMMUNITY RESIDENCES</b>
Assisted Living Center (greater than 10 residents)	--	--	CUP (13, 16)	Section 11-31-28, Assisted Living Centers, Nursing and Convalescent Homes
<b>Day Care Group Home</b>				
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

Table 11-5-2: Residential Districts				
Proposed Use	RS	RSL	RM	Additional Use Regulations
<del>Group Residential</del>				
Boarding House	--	--	<del>SUP P (13, 14-16)</del>	
Comprehensive Youth Residence	SUP (4, 13, 14)	—	—	Section 11-5-8, Comprehensive Youth Residence
<del>Group Home for the Handicapped (up to 10 residents)</del>	<del>P (13, 14)</del>	<del>P (13, 14)</del>	<del>P (13, 16)</del>	<del>Section 11-31-14, Group Homes for the Handicapped</del>
<del>Group Home for the Handicapped (greater than 10 residents)</del>	—	—	<del>SUP (13, 16)</del>	
<del>Group Housing</del>	--	--	<del>SUP (2, 13, 16)</del>	
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)	
Manufactured Home Parks	--	P (13, 14)	P (1, 13, 14)	PAD Overlay Required Chapter 34, Manufactured Home/Recreational Vehicle Regulations
Manufactured Home Subdivisions	P (13, 14)	P (13, 14)	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
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	P (13, 14)	—	P (9, 13, 14)	Section 11-31-24, Schools
SKILLED NURSING FACILITY			CUP (9, 13, 14)	

Table 11-5-2: Residential Districts				
Proposed Use	RS	RSL	RM	Additional Use Regulations
Social Services Facility	--	--	CUP (9, 13, 16)	Section 11-31-26, Social Service Facilities
Animal Sales and 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
Transportation, Communications, and Utilities Use Classifications				
Utilities, Minor	P	P	P	
Specific Accessory Uses				
Animal Keeping	P (3)	—	—	Section 11-31-4, Animal Keeping
Accessory Dwelling Unit	P (13, 14)	--	P (9,13, 14)	Section 11-31-3, Accessory Dwelling Unit
Accessory Uses	P	P	P	Section 11-31-2
Farm Stands	SUP (5)	—	—	RS-43 and RS-35 Only
Medical Marijuana Patient and Caregiver Cultivations	P (13, 18)	P (13, 18)	P (13, 18)	Section 11-31-34, Medical Marijuana Facilities
Home Occupations	P/SUP (17)	P	P	Section 11-31-33, Home Occupations
Portable Storage Containers	P (21, 22)	P (21)	P (21)	Section 11-30-16
1. Permitted in the RM-4 District only with approval of a Planned Area Development.				
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.				

Table 11-5-2: Residential Districts				
<i>Proposed Use</i>	<i>RS</i>	<i>RSL</i>	<i>RM</i>	<i>Additional Use Regulations</i>
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-through window services are 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 Sec. 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 Sec. 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 Sec. 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 Sec. 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. Required to be a minimum distance of 25-miles from closest Medical Marijuana Dispensary. 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 the Section 11-30-16.				

**Section 4:** That Title 11, Chapter 6, Table 11-6-2: Commercial Districts is hereby amended as follows:

Table 11-6-2: Commercial Districts						
<i>Proposed Use</i>	<i>NC</i> (C-1)	<i>LC</i> (C-2)	<i>GC</i> (C-3)	<i>OC</i> (O-S)	<i>MX</i>	<i>Additional Use Regulations</i>
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
Multiple Residence	CUP/P (19, 22)	CUP/P (19, 22)	CUP/P (19, 22)	--	P (21, 22)	
Assisted Living Facility						
Assisted Living Home (up to 5 to 10 residents)	CUP/P (17, 19, 20)	CUP/P (17, 19, 20)	CUP/P (17, 19, 20)	—	CUP/P (16, 17, 19, 20)	Section 11-31-31, Residential Uses in Commercial Districts  and



Table 11-6-2: Commercial Districts						
<i>Proposed Use</i>	<i>NC (C-1)</i>	<i>LC (C-2)</i>	<i>GC (C-3)</i>	<i>OC (O-S)</i>	<i>MX</i>	<i>Additional Use Regulations</i>
						<b>SECTION 11-31-14, COMMUNITY RESIDENCES</b>
Assisted Living Center (greater than 10 residents)	CUP/P (19, 20)	CUP/P (19, 20)	CUP/P	--	CUP/P (22)	Section 11-31-28, Assisted Living Centers, Nursing and Convalescent Homes
<del>Group Residential</del>						
<b>BOARDING HOUSE</b>	<b>SUP (19, 20)</b>	<b>SUP (19, 20)</b>	<b>SUP (19, 20)</b>	--	<b>SUP (19, 20)</b>	<b>SECTION 11-31-31, RESIDENTIAL USES IN COMMERCIAL DISTRICTS</b>
<b>COMMUNITY RESIDENCE</b>						
<b>FAMILY COMMUNITY RESIDENCE</b>	CUP/P (19, 20)	CUP/P (19, 20)	CUP/P (19, 20)	--	CUP/P (19, 20)	<b>SECTION 11-31-31, RESIDENTIAL USES IN COMMERCIAL DISTRICTS</b>
<b>TRANSITIONAL COMMUNITY RESIDENCE</b>	CUP/P (19, 20)	CUP/P (19, 20)	CUP/P (19, 20)	--	CUP/P (19, 20)	
						<b>AND</b>
						<b>SECTION 11-31-14, COMMUNITY RESIDENCES</b>
<del>Group Home for the Handicapped (up to 10 residents)</del>	--	--	--	--	<del>P (19, 22)</del>	Section 11-31-14, Group Homes for the Handicapped
<del>Group Home for the Handicapped (greater than 10 residents)</del>	<del>SUP (19, 22)</del>	--	--	<del>SUP (19, 22)</del>	<del>SUP (21, 22)</del>	
<del>Group Housing</del>	<del>P (19, 22)</del>	<del>P (19, 22)</del>	<del>P (19, 22)</del>	--	<del>P (21, 22)</del>	
Home Occupation	P (23)	P (23)	P (23)	P (23)	P (23)	Section 11-31-33, Home Occupations
<b>Public and Semi-Public Use Classifications</b>						
Clubs and Lodges	P (19, 22)	P (19, 22)	P (19, 22)	--	P (19, 22)	
<b>Colleges and Trade Schools, Public or Private</b>						
Colleges and Universities	--	P (21, 22)	P (21, 22)	--	P (21, 22)	
Commercial Trade Schools	--	P (21, 22)	P (21, 22)	--	P (21, 22)	
Industrial Trade Schools	--	--	P (4, 21, 22)	--	--	
Community Center	P (19, 22)	P (19, 22)	P (19, 22)	--	P (19, 22)	
Community Gardens	P	P	P	P	P	Section 11-31-10, Community Gardens
Cultural Institutions	P (19, 22)	P (19, 22)	P (19, 22)	P (19, 22)	P (19, 22)	
Day Care Centers	P (19, 22)	P (19, 22)	P (19, 22)	P (19, 22)	P (19, 22)	
Government Offices	P (2)	P	P	P	P (2)	
Hospitals and Clinics						

Table 11-6-2: Commercial Districts						
<i>Proposed Use</i>	<i>NC (C-1)</i>	<i>LC (C-2)</i>	<i>GC (C-3)</i>	<i>OC (O-S)</i>	<i>MX</i>	<i>Additional Use Regulations</i>
Clinics	P (3, 19, 20)	P (3, 19, 20)	P (3, 19, 20)	—	P (19, 20)	Section 11-31-15, Hospitals and Clinics
Hospitals	P (19, 20)	P (19, 20)	P (19, 20)	—	—	
Nursing and Convalescent Homes	CUP/P (19, 20)	CUP/P (19, 20)	CUP/P (19, 20)	--	CUP/P (22)	Section 11-31-28, Assisted Living Centers, Nursing and Convalescent Homes
Parks and Recreation Facilities, Public	P	P	P	P	P	
Places of Worship	P (19, 22)	P (19, 22)	P (19, 22)	P (19, 22)	P (19, 22)	Section 11-31-22, Places of Worship
Public Safety Facilities	P	P	P	P	P	
Schools, Public or Private	CUP (19, 20)	CUP (19, 20)	CUP (19, 20)	CUP (19, 20)	CUP (19, 20)	Section 11-31-24, Schools
<b>SKILLED NURSING FACILITY</b>	<b>CUP/P (19, 20)</b>	<b>CUP/P (19, 20)</b>	<b>CUP/P (19, 20)</b>	<b>--</b>	<b>CUP/P (22)</b>	
Social Service Facilities	CUP (19, 22)	CUP (19, 22)	CUP (19, 22)	--	--	Section 11-31-26, Social Service Facilities
Commercial Use Classifications						
Animal Sales and Services						
Small Animal Day Care	SUP (4)	SUP (4)	P (4)	—	SUP (4, 7)	
Kennels	SUP (4)	SUP (4)	P (4)	—	—	
Pet Stores	P (4)	P (4)	P (4)	—	SUP (4, 7)	
Veterinary Services	P (4)	P (4)	P (4)	P (4)	P (4, 7)	
Artists' Studios	P	P	P	P	P	
Automobile/Vehicle Sales and Services						
Accessory Automobile Rentals	—	SUP	P	—	SUP	
Automobile Rentals	—	SUP	P	—	—	Section 11-31-5, Automobile Rentals; Automobile/Vehicle Sales and Leasing
Automobile/Vehicle Sales and Leasing	—	—	P	—	—	
Automobile/Vehicle Repair, Major	—	—	P	—	—	Section 11-31-6, Automobile/ Vehicle Repair; Major and Minor
Automobile/Vehicle Service and Repair, Minor	—	P	P	—	—	
Automobile/Vehicle Washing	SUP	SUP	SUP	—	—	Section 11-31-7, Automobile/ Vehicle Washing
Large Vehicle and Equipment Sales, Services, and Rental	—	—	P	—	—	Section 11-31-5, Automobile Rentals; Automobile/ Vehicle Sales and Leasing
Service Station	SUP	SUP	SUP	—	—	Section 11-31-25, Service Stations
Banks and Financial Institutions	P	P	P	P	P	
With Drive-Thru Facilities	SUP	P	P	SUP	SUP	Section 11-31-18, Drive-thru Facilities

Table 11-6-2: Commercial Districts						
<i>Proposed Use</i>	<i>NC (C-1)</i>	<i>LC (C-2)</i>	<i>GC (C-3)</i>	<i>OC (O-S)</i>	<i>MX</i>	<i>Additional Use Regulations</i>
Banquet and Conference Center	P	P	P	P	P	
Building Materials and Services	—	P (11)	P	—	—	Section 11-31-16 if GFA exceeds 25,000 sq. ft.
Business Services	P	P	P	P	P	
Commercial Entertainment	--	P (19, 22)	P (19, 22)	--	P (19, 22)	
Commercial Recreation						
Small-Scale	--	P	P	--	SUP	
Large-Scale	--	SUP	P	--	--	
Eating and Drinking Establishments						
Bars/Clubs/Lounges	—	P	P	—	P	
Coffee Shops/Cafes	P	P	P	P (5)	P	
Restaurants, Bar and Grill	—	P	P	—	P	
Restaurants, Full Service	P	P	P	—	P	
Restaurants, Limited Service	P	P	P	P (5)	P	
With Drive-Thru Facilities	SUP	P	P	—	SUP	Section 11-31-18, Drive-thru Facilities
With Outdoor Seating Areas	SUP	P	P	SUP	P	Section 11-31-19, Outdoor Eating Areas
With Live Entertainment	—	P (4, 26)	P (26)	—	P (4, 26)	
Farmer's Market	TUP/SUP (27)	TUP/SUP (27)	TUP/SUP (27)	—	TUP/SUP (27)	
Food and Beverage Sales						
Convenience Market	P/SUP (12)	P/SUP (12)	P/SUP (12)	P (5, 13)	P (13)	Section 11-31-11, Convenience Markets
General Market	P (14)	P	P	—	P	Section 11-31-16 applies if GFA exceeds 25,000 sq. ft.
Funeral Parlors and Mortuaries	—	P (18)	P	—	P (18)	
Accessory Crematorium	—	SUP	P	—	—	
Hotels and Motels	--	P (21, 22)	P (21, 22)	--	P (21, 22)	
Large Commercial Development	—	P	P	—	CUP (7)	Section 11-31-16, Large Commercial Development
Light Fleet-Based Services	—	—	P	—	—	
Live-Work Unit	SUP (19, 20)	SUP (19, 20)	SUP (19, 20)	—	P (7, 19, 20)	Section 11-31-17, Live Work Units
Maintenance and Repair Services	P	P	P	—	—	
Non-chartered Financial Institutions (Payday Lenders)	—	CUP (10)	CUP (10)	—	—	
Offices						
Business and Professional	P	P	P	P (15)	P	
Medical and Dental	P	P	P	P	P	
Parking, Commercial	—	—	P	—	CUP	

Table 11-6-2: Commercial Districts						
<i>Proposed Use</i>	<i>NC (C-1)</i>	<i>LC (C-2)</i>	<i>GC (C-3)</i>	<i>OC (O-S)</i>	<i>MX</i>	<i>Additional Use Regulations</i>
Personal Services	P	P	P	P (5)	P	
Plant Nurseries and Garden Centers	—	SUP	P	—	P/SUP (6, 7)	
Retail Sales						
General	P (8, 9)	P	P	—	P (7)	
Pawn Shops	CUP (10)	CUP (10)	CUP (10)	—	—	Section 11-31-21, Pawn Shops
Tattoo and Body Piercing Parlors	—	P	P	—	P	
Employment Use Classifications						
Handicraft/Custom Manufacturing	—	—	P	—	—	
Light Assembly/Cabinetry	—	—	P	—	—	
Research and Development	—	—	P	—	P	
Recycling Facilities						
Reverse Vending Machine	P	P	P	—	P (7)	Section 11-31-23
Small Indoor Collection Facility	—	SUP	P	—	SUP (7)	Section 11-31-23
Warehousing and Storage						
Boat and Recreational Vehicle Storage	—	—	CUP	—	—	
Mini-Storage	—	CUP	CUP	—	CUP (7)	
Wholesale	—	—	CUP	—	—	
Transportation, Communication, and Utilities Use Classifications						
Communication Facilities						
Antenna and Transmission Towers	See Chapter 35					
Facilities within Buildings	See Chapter 35					
Transportation Passenger Terminals	P	P	P	P	P	
Utilities, Minor	P	P	P	P	P	
Heliports	—	CUP (24)	CUP (24)	—	CUP (24)	
Specific Accessory Uses						
Caretakers' Residences	SUP	SUP	SUP	SUP	P	
Garden Center	—	SUP	P		SUP (6, 7)	
Outdoor entertainment or activities	SUP	SUP	SUP	SUP	SUP	
Outdoor display, not specified by other classifications	—	—	SUP	—	SUP (19)	
Portable Storage Containers	P (28)	P (28, 29)	P (28, 29)	P (28)	P (28)	Section 11-30-16
Notes: 1. Reserved. 2. Permitted if occupying less than 5,000 square feet; greater floor area requires approval of an SUP. 3. A CUP is required for plasma centers and substance abuse detoxification and treatment centers; other Clinics are permitted by right. 4. Must be confined to completely enclosed, sound-attenuated facilities. 5. Permitted if located within an office building or other commercial building and occupying no more than 1,500 square feet. 6. Permitted if floor area is no more than 5,000 square feet. Special Use Permit required if floor area is greater than 5,000						

Table 11-6-2: Commercial Districts						
<i>Proposed Use</i>	<i>NC (C-1)</i>	<i>LC (C-2)</i>	<i>GC (C-3)</i>	<i>OC (O-S)</i>	<i>MX</i>	<i>Additional Use Regulations</i>
<p>square feet.</p> <p>7. All activities must be conducted entirely within an enclosed building, with no outside storage or display.</p> <p>8. No individual retail store may exceed an area of 10,000 square feet. No group commercial development shall exceed an aggregate area of 50,000 square feet.</p> <p>9. May not include drive-through facilities.</p> <p>10. Must be at least 1,200 feet from any use in the same classification, and at least 1,200 feet from any school.</p> <p>11. Accessory Outdoor Retail Display, limited to display of landscape and building materials only, requires approval of a SUP.</p> <p>12. SUP is required only if accessory fuel sales are present, otherwise use permitted by right.</p> <p>13. Accessory fuel sales are not permitted in OC or MX districts.</p> <p>14. Maximum size for one store is 10,000 square feet.</p> <p>15. Retail and restaurant uses are limited to no more than 1,500 square feet each, and no more than 3% of the aggregate gross floor area of the project.</p> <p>16. Attached single residences shall have a minimum density of 15 dwelling units per acre in MX zones.</p> <p>17. Allowed only in attached residential dwellings.</p> <p>18. Accessory crematories allowed in the LC District with approval of a SUP; accessory crematories not permitted in the MX District.</p> <p>19. 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.</p> <p>20. 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.</p> <p>21. Use permitted with approval of a CUP when the property is subject to the AOA 1 overflight area, See Section 11-19-2, Runway Protection Zones and Airport Overflight Areas.</p> <p>22. Use permitted with the approval of a CUP when the property is subject to the AOA 2 overflight area, See Section 11-19-2, Runway Protection Zones and Airport Overflight Areas.</p> <p>23. Home Occupations permitted as ancillary activity where and when a residence use is authorized.</p> <p>24. Heliports in Commercial Districts shall be set a minimum of 2 full stories above the natural grade, unless associated with a hospital.</p> <p>25. Subject to approval by the City Council and the State Racing Commission of a Tele-track Betting Establishment Permit per AAC R19-2-401 and following.</p> <p>26. Permitted only when accessory to an Eating or Drinking establishment.</p> <p>27. Special Use Permit is required for continuation of Farmer's Market at expiration of Temporary Use Permit Period.</p> <p>28. Temporary use of Portable Storage Containers during construction is permitted in accordance with Section 11-30-16.</p> <p>29. Temporary or periodic commercial storage is permitted with a SUP in accordance with Section 11-30-16.</p>						

**Section 5:** That Title 11, Chapter 8, Table 11-8-3: Downtown Districts is hereby amended as follows:

Table 11-8-3: Downtown Districts							
<i>Proposed Use</i>	<i>DR-1</i>	<i>DR-2</i>	<i>DR-3</i>	<i>DB-1</i>	<i>DB-2</i>	<i>DC</i>	<i>Additional Use Regulations</i>
Residential Use Classifications							
Single Residence							
Detached	P	P	P	—	—	—	
Attached	—	P	P	P	CUP	—	

Multiple Residence	—	P	P	P	CUP	P (1)	
Assisted Living Facility							
Assisted Living Home (up to 5 to 10 residents)	P	P	P	P (15)	CUP (15)	— P	<del>Section 11-31-14, Group Homes for the Handicapped</del> <b>SECTION 11-31-14, COMMUNITY RESIDENCES</b>
Assisted Living Center (greater than 10 residents)	--	--	CUP	CUP	CUP	CUP	Section 11-31-28, Assisted Living Centers, Nursing and Convalescent Homes
Day Care Group Home							
Small Home Day Care (up to 5)	P	P	P	P	—	—	Section 11-31-13, Day Care Group Homes
Large Home Day Care (6 to 10)	—	SUP	SUP	P	—	—	
<del>Group Residential</del>							
Boarding House	—	—	<del>P</del> SUP	<del>P</del> - SUP	—	—	
<del>Group Home for the Handicapped (up to 10 residents)</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	—	—	<del>Section 11-31-14, Group Homes for the Handicapped</del>
<del>Group Home for the Handicapped (greater than 10)</del>	—	SUP	SUP	—	—	—	
<del>Group Housing</del>	—	—	—	<del>P</del>	—	—	
<b>COMMUNITY RESIDENCE</b>							
<b>FAMILY COMMUNITY RESIDENCE</b>	P	P	P	P	CUP	P	<b>SECTION 11-31-14, COMMUNITY RESIDENCES</b>
<b>TRANSITIONAL COMMUNITY RESIDENCE</b>	P	P	P	P	CUP	P	
Home Occupations	P	P	P	P (9)	—	P (9)	Section 11-31-33, Home Occupations
Public and Semi-Public Use Classifications							
Clubs and Lodges	—	—	—	P	P	P	
Colleges and Trade Schools, Public or Private							
Colleges and Universities	—	—	—	P	P	P	
Commercial Trade Schools	—	—	—	P	P	P	
Industrial Trade Schools	—	—	—	—	SUP	—	
Community Center	—	SUP	SUP	P	P	P	
Community Gardens	P	P	P	P	P	P	Section 11-31- 10, Community Gardens
Cultural Institutions	—	—	—	—	—	P	
Day Care Centers	—	SUP	SUP	P	P	P	
Government Offices	—	—	—	P (2)	P	P	
Hospitals and Clinics							
Clinics	—	—	—	P (3)	P (3)	—	Section 11-31- 15, Hospitals and Clinics

Hospitals	—	—	—	P	P	—	
Nursing and Convalescent Homes	—	—	—	CUP	CUP	—	Section 11-31-28, Assisted Living Centers, Nursing and Convalescent Homes
Parks and Recreation Facilities, Public	P	P	P	P	P	P	
Places of Worship	P	P	P	P	P	P	Section 11-31-22, Places of Worship
Public Safety Facilities	—	—	—	P	P	P	
Schools, Public or Private	CUP	CUP	CUP	CUP	CUP	CUP	Section 11-31-24, Schools
<b>SKILLED NURSING FACILITY</b>	—	—	—	<b>CUP</b>	<b>CUP</b>	—	
Social Service Facilities	—	—	—	CUP	CUP	—	Section 11-31-26, Social Service Facilities
Commercial Use Classifications							
Animal Sales and Services							
Kennels	—	—	—	—	P (4)	—	
Pet Stores	—	—	—	—	P	P (4, 6)	
Veterinary Services	—	—	—	P (4)	P	—	
Artists' Studios	—	—	—	P	P	P	
Automobile/Vehicle Sales and Services							
Accessory Automobile Rentals	—	—	—	SUP	—	SUP (12)	Section 11-31-5, Automobile Rentals; Automobile/Vehicle Sales and Leasing
Automobile Rentals	—	—	—	—	SUP	CUP	
Automobile/Vehicle Sales and Leasing	—	—	—	—	SUP	—	
Automobile/Vehicle Repair, Major	—	—	—	—	SUP	—	Section 11-31-6, Automobile/ Vehicle Repair; Major and Minor
Automobile/Vehicle Service and Repair, Minor	—	—	—	—	SUP	CUP	
Automobile/Vehicle Washing	—	—	—	—	SUP	CUP	Section 11-31-7, Automobile/Vehicle Washing
Large Vehicle and Equipment Sales, Services, and Rental	—	—	—	—	SUP	—	Section 11-31-5, Automobile Rentals; Automobile/ Vehicle Sales and Leasing
Service Station	—	—	—	—	SUP	CUP	Section 11-31-25, Service Stations
Banks and Financial Institutions	—	—	—	P	P	P	
With Drive-Thru Facilities	—	—	—	CUP	SUP	CUP	
Banquet and Conference Center	—	—	—	P	P	P	
Bed and Breakfast Inns	SUP	P	P	—	—	—	Section 11-31-8, Bed and Breakfast Inns
Business Services	—	—	—	—	P	P	
Commercial Entertainment	—	—	—	P	P	P	
Commercial Recreation							
Small-Scale	—	—	—	P	P	P	

Large-Scale	—	—	—	—	—	P(5)	
Eating and Drinking Establishments							
Bars/Clubs/Lounges	—	—	—	P	P	P	
Coffee Shops/Cafes	—	—	—	P	P	P	
Restaurants, Bar and Grill	—	—	—	P	P	P	
Restaurants, Full Service	—	—	—	P	P	P	
Restaurants, Limited Service	—	—	—	P	P	P	
With Drive-Thru Facilities	—	—	—	CUP	SUP	—	
With Outdoor Seating Areas	—	—	—	SUP	SUP	SUP	Section 11-31-19, Outdoor Eating Areas
Farmer's Market	—	—	—	TUP	TUP	SUP	Section 11-31-30, Temporary Uses: Swap Meets and Farmer's Markets
Food and Beverage Sales							
Convenience Market	—	—	—	SUP	SUP	P	Section 11-31-11, Convenience Markets
General Market	—	—	—	P	P	P	
Funeral Parlors and Mortuaries	—	—	—	—	P	CUP	
Hotels and Motels	—	—	—	P	—	P	
Laboratories	—	—	—	—	P	—	
Large Commercial Development	—	—	—	—	CUP	CUP	Section 11-31-16, Large Commercial Development
Light Fleet-Based Services	—	—	—	—	P	CUP	
Live-Work Unit	—	P	P	P	P	SUP	Section 11-31-17, Live Work Units
Maintenance and Repair Services	—	—	—	—	P	—	
Offices							
Business and Professional	SUP (10)	SUP (10)	SUP (10, 11)	P	P	P	
Medical and Dental	—	—	—	P	P	P	
Parking, Commercial	—	—	—	—	SUP	P (7)	
Personal Services	—	—	—	P	P	P	
Plant Nurseries and Garden Centers	—	—	—	—	SUP	—	
Retail Sales							
General	—	—	—	P	P	P	
Pawn Shops	—	—	—	CUP (8)	CUP (8)	—	Section 11-31- 21, Pawn Shops
Tattoo and Body Piercing Parlors	—	—	—	P	P	P	
Employment and Industrial Use Classifications							
Handicraft/Custom Manufacturing	—	—	—	—	P	—	
Manufacturing, Light Cabinet Assembly	—	—	—	—	P	—	



Manufacturing, Limited	—	—	—	—	P	—	
Research and Development	—	—	—	—	P	—	
Warehousing and Storage							
Contractors' Yards	—	—	—	—	SUP	—	
Indoor Warehousing and Storage	—	—	—	—	P	—	
Mini-Storage	—	—	—	—	P	—	
Recycling Facilities							
Reverse Vending Machine	—	—	—	P (4)	P (4)	—	Section 11-31-23
Small Indoor Collection Facility	—	—	—	—	SUP (14)	—	Section 11-31-23
Transportation, Communication, and Utilities Use Classifications							
Communication Facilities							
Antenna and Transmission Towers	See Chapter 35						
Facilities within Buildings	See Chapter 35						
Transportation Passenger Terminals	—	P	P	P	P	P	
Utilities, Minor	P	P	P	P	P	P	
Accessory Uses and Facilities							
Outdoor Storage	—	—	—	—	SUP		
Drive-thru facilities	—	—	—	CUP	SUP	CUP	
Accessory Dwelling Unit	P/SUP (13)	P/SUP (13)	P/SUP (13)	—	—	—	Section 11-31-3, Accessory Dwelling Unit
Caretakers' Residences	—	—	—	—	SUP	—	
Outdoor entertainment or activities	—	—	—	SUP	SUP	—	
1. Multiple-Family Residential permitted at a minimum density of 20 units/acre in an exclusive multiple residence project. No minimum density when part of a mixed-use project.							
2. Permitted if occupying less than 5,000 square feet; greater floor area requires approval of an SUP.							
3. A CUP is required for plasma centers and substance abuse detoxification and treatment centers; other Clinics are permitted by right.							
4. Must be confined to completely enclosed, sound-attenuated facilities.							
5. Permitted if all activities pertaining to commercial recreation are conducted entirely within an enclosed building.							
6. Permitted if floor area is no more than 1,500 square feet.							
7. Structured parking garages are permitted. A CUP is required for surface (open) parking lots.							
8. Must be at least 1,200 feet from any use in the same classification, and at least 1,200 feet from any school.							
9. Home Occupations permitted where and when a residence is authorized.							
10. Eligible sites are limited to locations designated as Class 1 Historic Buildings based on the City of Mesa Historical Survey, 1984.							
11. Eligible sites limited to lots with frontage on an arterial street as designated in the Mesa General Plan.							
12. Eligible Sites limited to ancillary use to hotel or motel.							

13. Use is Permitted as an accessory use only. Special Use Permit is required if Accessory Dwelling Unit is leased or rented as a secondary apartment.
14. Facility may be as large as 6,000 square feet in the DB-2 district, subject to approval of a Special Use Permit.
<del>15. Allowed only in attached residential dwellings.</del>

**Section 6:** That Title 11, Chapter 31 Section 11-31-28(A)(2) is hereby amended as follows:

2. Separation from Similar Uses. The assisted living center or nursing and convalescent homes must be separated a minimum distance of 1,200 feet from the closest assisted living center, nursing and convalescent home, or **COMMUNITY RESIDENCE group home for the handicapped** as measured in accordance with Section 11-2-3(C), unless separated by a significant intervening natural or manmade feature, such as a municipal open space of at least ten (10) acres in size (e.g. park, golf course, etc.), a railroad, or a highway, that is approved by the zoning administrator.

**Section 7:** That Title 11, Chapter 32, Table 11-32-3.A: Required Parking Spaces By Use is hereby amended as follows:

Table 11-32-3.A: Required Parking Spaces By Use		
Use	Minimum Standard	
Residential		
Multiple Residence (Typical)	See sub-categories, below	
Apartments, multiple residence condominiums, and mixed-use residential, townhomes, patio homes, and similar multiple residence buildings: development site located within ¼ mile radius (1320-feet) of bus rapid transit or light rail station, regardless of bedroom count	9 or fewer total units	1.4 spaces per dwelling unit
	10-25 total units	1.3 spaces per dwelling unit
	26 or more total units	1.2 spaces per dwelling unit
Apartments, multiple residence condominiums, mixed-use residential, townhomes, patio homes, and similar multiple residence buildings: development site not located within ¼ mile radius (1320-feet) of bus rapid transit or light rail station, regardless of bedroom count	2.1 spaces per dwelling unit	
<del>Group Residential (Boarding House, AND Assisted Living CENTER; Group Homes for the Handicapped in excess of 10 persons)</del>	1.2 spaces per dwelling unit for development with distinguishable dwelling units 1.0 space for each room plus 2 additional spaces for development with congregate dining and no distinguishable separate dwelling units	
<del>Group Home for the Handicapped (10 or less persons)</del> <b>FAMILY COMMUNITY RESIDENCE, TRANSITIONAL COMMUNITY RESIDENCE, AND ASSISTED LIVING HOME</b>	Same as Single Residence	

<b>Health Care</b>	
Medical/dental offices and outpatient clinics	1 space per 200 square feet
Hospitals, hospices, <b>SKILLED NURSING, AND</b> nursing, and convalescent homes	1 space per 400 square feet
Day care centers	1 space per 375 square feet

**Section 8:** That Title 11, Chapter 58, Table 11-58-3.A: Composite Use Table is hereby amended as follows:

Table 11-58-3.A: Composite Use Table									
Land Use <sup>1</sup>	Specific Use Regulations	T3N	T4N	T4NF	T4MS	T5N	T5MSF	T5MS	T6MS
Agricultural									
Farmers' Market	§ 11-31-30	-	-	-	P	-	P	P	P
Industry, Manufacturing & Processing									
Recycling, small collection facility		-	SUP	SUP	-	-	-	-	-
Recreation, Education & Public Assembly									
Commercial Recreation Facility									
Small, Indoor		-	-	P	P	-	P	P	P
Medium, Indoor		-	-	SUP	SUP	-	SUP	SUP/AUP <sup>2</sup>	SUP/AUP <sup>2</sup>
Large, Indoor		-	-	CUP	CUP <sup>2</sup>	-	CUP	CUP <sup>2</sup>	CUP <sup>2</sup>
Outdoor		-	-	CUP	CUP <sup>2</sup>	-	CUP	CUP <sup>2</sup>	CUP <sup>2</sup>
Civic Space (see Civic Space Standards)		P	P	P	P	P	P	P	P
Health/Fitness Facility									
≤3,000 sf		-	-	AUP	AUP/P <sup>2</sup>	-	AUP	AUP/P <sup>4</sup>	AUP/P <sup>2</sup>
>3,000 sf		-	-	SUP	SUP	-	SUP	SUP/AUP <sup>4</sup>	SUP/AUP <sup>2</sup>
Library; Museum									
≤5,000 sf		P	P	P	P	P	P	AUP	AUP
>5,000 sf		CUP	CUP	CUP	CUP	CUP	AUP	CUP	CUP
Meeting Facility, public or private									
≤5,000 sf		P	P	P	AUP/P <sup>2</sup>	P	P	AUP/P <sup>4</sup>	AUP/P <sup>2</sup>
≤20,000 sf		SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
>20,000 sf		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Place of Worship									
≤5,000 sf		P	P	P	AUP/P <sup>2</sup>	P	P	AUP/P <sup>2</sup>	AUP/P <sup>2</sup>
≤20,000 sf		SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
>20,000 sf		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
School, public or private									
K-12		P	P	CUP	CUP	P	CUP	CUP	CUP
Colleges or Universities, Public or		-	-	AUP	AUP/P <sup>2</sup>	SUP	AUP	P <sup>2</sup>	P <sup>2</sup>

Private									
Commercial Trade		-	-	AUP	AUP/P <sup>2</sup>	SUP	AUP	P <sup>2</sup>	P <sup>2</sup>
Studio, art, dance, martial arts, music, etc.									
≤1,500 sf		-	-	P	P	-	P	AUP/P <sup>4</sup>	AUP/P <sup>2</sup>
≤3,000 sf		-	-	AUP	AUP	-	P	P <sup>4</sup>	P <sup>2</sup>
>3,000 sf		-	-	SUP	SUP	-	P	P <sup>4</sup>	P <sup>2</sup>
Theater, cinema or performing arts									
≤5,000 sf		-	-	P	P	-	P	P	P
≤10,000 sf		-	-	AUP	AUP	-	AUP	P	P
>10,000 sf		-	-	SUP	SUP	-	SUP	AUP	AUP
Residential									
Boarding House	<del>§ 11-31-14</del>	-	<del>SUP</del> AUP	<del>SUP</del> AUP	SUP <sup>2</sup>	SUP <sup>2</sup>	SUP <sup>2</sup>	<del>SUP<sup>2</sup></del>	-
Dwelling:									
Accessory/Secondary Unit		P	P	P	-	-	-	-	-
Single-Unit Residence		P	P	P	-	-	-	-	-
Multi-Unit Residence		P	P	P	P <sup>2</sup>	P	P	P <sup>4</sup>	P <sup>2</sup>
<del>Group Housing</del>	<del>§ 11-31-14</del>	<del>—</del>	<del>—</del>	<del>SUP</del>	<del>—</del>	<del>SUP</del>	<del>SUP</del>	<del>SUP<sup>2</sup></del>	<del>—</del>
<del>Group Home for the Handicapped</del>	<del>§ 11-31-14</del>								
<del>≤10 Clients</del>		<del>P</del>	<del>P</del>	<del>P</del>	<del>P<sup>2</sup></del>	<del>P</del>	<del>P<sup>2</sup></del>	<del>P<sup>2</sup></del>	<del>P<sup>2</sup></del>
<del>&gt;10 Clients</del>		<del>SUP</del>	<del>SUP</del>	<del>SUP</del>	<del>SUP<sup>2</sup></del>	<del>SUP</del>	<del>SUP<sup>2</sup></del>	<del>SUP<sup>2</sup></del>	<del>SUP<sup>2</sup></del>
COMMUNITY RESIDENCE									
FAMILY COMMUNITY RESIDENCE	§ 11-31-14	P	P	P	P <sup>2</sup>	P	P	P <sup>4</sup>	P <sup>2</sup>
TRANSITIONAL COMMUNITY RESIDENCE	§ 11-31-14	P	P	P	P <sup>2</sup>	P	P	P <sup>4</sup>	P <sup>2</sup>
Home Occupation									
Main Building, ≤300 sf, ≤2 employees		P	P	P	P <sup>2</sup>	P	P	P <sup>4</sup>	P <sup>2</sup>
Main Building, >300 sf, >2 employees		SUP	SUP	AUP	-	-	-	-	-
Accessory Structure, ≤600 sf, ≤4 employees		P	P	P	-	-	-	-	-
Accessory Structure, >600 sf, >4 employees		SUP	SUP	SUP	-	-	-	-	-
Retail									
General Retail, except with any of the following		-	-	P	P	-	P	P	P

features:									
Alcoholic Beverage Sales Series 10 Liquor License		-	-	AUP	P	-	P	P	P
Alcoholic Beverage Sales Series 9 Liquor License		-	-	SUP	P	-	P	P	AUP
Tenant floor area >5,000 sf		-	-	SUP	AUP	-	P	P	P
Tenant floor area >10,000 sf		-	-	SUP	SUP	-	AUP	AUP	AUP
Tenant floor area >25,000 sf		-	-	-	-	-	SUP	SUP	SUP
On-site production of items sold		-	-	SUP	AUP	-	AUP	AUP	AUP
Operating between 1 a.m.—5 a.m.		-	-	-	SUP	-	SUP	AUP	AUP
Operating between 5 a.m.—7 a.m.		-	-	AUP	P	-	AUP	P	P
Operating between 11 p.m.—1 a.m.		-	-	-	SUP	-	SUP	P	P
Drive-through services		-	-	-	-	-	-	-	-
Eating or Drinking Establishment, except with any of the following features:		-	-	P	P	-	P	P	P
Bars/Clubs/Lounges		-	-	CUP	CUP	-	P	P	P
Restaurants, Bar and Grill		-	-	SUP	SUP	-	P	P	P
Tenant floor area >5,000 sf		-	-	P	P	-	P	P	P
Tenant floor area >10,000 sf		-	-	-	SUP	-	SUP	AUP	AUP
Operating between 1 a.m.—5 a.m.		-	-	-	SUP	-	SUP	AUP	AUP
Operating between 5 a.m.—7 a.m.		-	-	AUP	P	-	AUP	P	P
Operating between 11 p.m.—1 a.m.		-	-	-	SUP	-	SUP	P	P
Drive-through services		-	-	-	-	-	-	-	-
Providing entertainment		-	-	SUP	AUP	-	SUP	AUP	AUP
With outdoor seating		-	-	AUP	AUP	-	AUP	AUP	AUP
Pawn shop		-	-	-	CUP	-	-	CUP	-
Services									
Personal Services, except with any of the following features:		-	-	P	P	-	P	P	P

Tenant floor area >2,500 sf		-	-	AUP	P	-	P	P	P
Tenant floor area >5,000 sf		-	-	-	AUP	-	P	P	P
Tenant floor area >10,000 sf		-	-	-	SUP	-	SUP	AUP	AUP
Operating between 1 a.m.—5 a.m.		-	-	-	SUP	-	SUP	AUP	AUP
Operating between 5 a.m.—7 a.m.		-	-	AUP	P	-	AUP	P	P
Operating between 11 p.m.—1 a.m.		-	-	-	SUP	-	SUP	P	P
Drive-through services		-	-	-	-	-	-	-	-
ATM		-	-	P	P	-	P	P	P
Bank; Financial Services		-	-	P	P	-	P	P	P
Business Support Services		-	-	AUP	P	-	P	P	P
Day Care, child or adult:									
Large Day Care Home	§ 11-31-13	P	P	P	P <sup>2</sup>	P	-	-	-
Small Day Care Home	§ 11-31-13	P	P	P	P <sup>2</sup>	P	P <sup>2</sup>	P <sup>4</sup>	P <sup>2</sup>
Day Care Center		-	-	P	P <sup>2</sup>	-	P	P <sup>2</sup>	P <sup>2</sup>
Small Animal Day Care		-	-	SUP	AUP <sup>2</sup>	-	AUP	SUP <sup>2</sup>	-
Lodging:									
Bed and Breakfast		P	P	P	P <sup>2</sup>	P	P	P <sup>4</sup>	-
Hotel		-	-	-	P <sup>2</sup>	-	P	P <sup>4</sup>	P <sup>2</sup>
Hostel		-	-	-	-	-	P	P <sup>4</sup>	P <sup>2</sup>
Inn/Lodge		-	-	P	P	P	P	P <sup>4</sup>	P <sup>2</sup>
Kennel		-	-	SUP	AUP <sup>2</sup>	-	AUP	SUP <sup>2</sup>	SUP <sup>2</sup>
Medical Services:									
<del>Extended Care Facility</del> <b>SKILLED NURSING FACILITY</b>		-	-	P	P <sup>2</sup>	-	P	P <sup>2</sup>	P <sup>2</sup>
Hospital		-	-	CUP	CUP	-	CUP	CUP	-
Medical/Dental Clinic		-	-	SUP	P <sup>2</sup>	-	AUP	P <sup>2</sup>	P <sup>2</sup>
Medical/Dental Office		-	-	P	P <sup>2</sup>	-	P	P <sup>2</sup>	P <sup>2</sup>
Office: Professional, administrative:									
≤5,000 sf		SUP <sup>3</sup>	SUP <sup>3</sup>	P	P <sup>2</sup>	SUP <sup>3</sup>	P	P <sup>4</sup>	P <sup>2</sup>
>5,000 sf		-	-	SUP	AUP <sup>2</sup>	-	P	P <sup>4</sup>	P <sup>2</sup>
Social Service Facilities	§ 11-31-26	-	-	CUP	CUP	-	CUP	CUP	-
Tattoo and Body Piercing Parlors		-	-	-	P	-	P	P	-
Veterinary Services		-	-	AUP	AUP <sup>2</sup>	-	AUP	AUP <sup>2</sup>	AUP <sup>2</sup>

Transportation, Communications, and Utilities									
Parking Facility, public or commercial		-	-	-	P	-	P	P	P
Public Safety Facility									
≤1,000 sf		P	P	P	P	P	P	P	P
>1,000 sf		SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Stealth Wireless Telecommunications Facility	§ 11-35	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Temporary Event Parking	§ 11-31-29	-	-	SUP	SUP	-	SUP	SUP	SUP
<b>Key</b> P Permitted    - Prohibited    AUP Admin. Use Permit    SUP Special Use Permit    CUP Council Use Permit / Separates requirements for ground floor uses and uses on upper floor(s) or behind an allowed ground floor use.									
<sup>1</sup> See Chapter 64 (Definitions of Terms and Uses) for use type definitions.									
<sup>2</sup> Allowed only on upper floor(s) or behind an allowed ground floor use.									
<sup>3</sup> Allowed only within a Level 1 Historic Structure.									
<sup>4</sup> Not allowed on the ground floor unless behind an allowed ground-floor use, except the use may occupy up to 50% of the ground floor if: i) the development site is 5 acres or more; ii) the building where the ground floor use is located is greater than 100,000 square feet and has more than 200 linear feet of frontage on a front street; iii) the ground floor space is designed and will be constructed to an assembly occupancy class (as that term is defined in the Mesa Building Code); iv) the design of the project encourages transition of the ground floorspace to active commercial uses in the future by complying with FBC Building Form and Private Frontage standards for commercial uses; v) the building design, site design, and amenities of the project are unique and conform to the intent and purpose of the FBC.									
Uses not listed are specifically prohibited unless the Zoning Administrator interprets that a use is consistent pursuant to the Form-Based Code. For existing and non-conforming uses, refer to Chapter 36.									

**Section 9:** That Title 11, Chapter 58, 11-58-4: 3 Neighborhood (T3N) Standards, Section (G): Allowed Uses is hereby amended as follows:

Land Use <sup>1</sup>	Specific Use Regulations	T3N
Recreation, Education & Public Assembly		
Civic Space (see Civic Space Standards)		P
Library; Museum		
≤5,000 sf		P
>5,000 sf		CUP
Meeting Facility, public or private		
≤5,000 sf		P
≤20,000 sf		SUP
>20,000 sf		CUP
Place of Worship		
≤5,000 sf		P
≤20,000 sf		SUP
>20,000 sf		CUP

School, public or private		
K-12		P
Residential		
Dwelling:		
Accessory/Secondary Unit		P
Single-Unit Residence		P
Multi-Unit Residence		P
<del>Group Home for the Handicapped</del>	<del>§ 11-31-14</del>	
<del>≤10 Clients</del>		<del>P</del>
<del>&gt;10 Clients</del>		<del>SUP</del>
<b>COMMUNITY RESIDENCE</b>	<b>§ 11-31-14</b>	
<b>FAMILY COMMUNITY RESIDENCE</b>		<b>P</b>
<b>TRANSITIONAL COMMUNITY RESIDENCE</b>		<b>P</b>
Home Occupation:		
Main Building, ≤300 sf, ≤2 employees		P
Main Building, >300 sf, >2 employees		SUP
Accessory Structure, ≤600 sf, ≤4 employees		P
Accessory Structure, >600 sf, >4 employees		SUP
Services		
Day Care, child or adult:		
Large Day Care Home	§ 11-31-13	P
Small Day Care Home	§ 11-31-13	P
Lodging:		
Bed and Breakfast		P
Office: Professional, administrative		
≤5,000 sf		SUP <sup>3</sup>
Transportation, Communications, and Utilities		
Public Safety Facility		
≤1,000 sf		P
>1,000 sf		SUP
Stealth Wireless Telecommunications Facility	§ 11-35	SUP
<b>Key</b>		
P	Permitted Use	
AUP	Administrative Use Permit Required	
SUP	Special Use Permit Required	
CUP	Council Use Permit Required	
-	Prohibited Use	
/	Separates requirements for ground floor uses and uses on upper floor(s) or behind an allowed ground floor use.	



End Notes
Uses not listed are specifically prohibited unless the Zoning Administrator interprets that a use is consistent pursuant to the Form-Based Code. For existing and non-conforming uses, refer to Chapter 36.

**Section 10:** That Title 11, Chapter 58, Section 11-58-5: T4 Neighborhood (T4N) Standards, Section (G): Allowed Uses is hereby amended as follows:

Land Use <sup>1</sup>	Specific Use Regulations	T4N
Industry, Manufacturing & Processing		
Recycling, small collection facility		SUP
Recreation, Education & Public Assembly		
Civic Space (see Civic Space Standards)		P
Library; Museum		
≤5,000 sf		P
>5,000 sf		CUP
Meeting Facility, public or private		
≤5,000 sf		P
≤20,000 sf		SUP
>20,000 sf		CUP
Place of Worship		
≤5,000 sf		P
≤20,000 sf		SUP
>20,000 sf		CUP
School, public or private		
K-12		P
Residential		
Boarding House	<del>§ 11-31-14</del>	<del>AUP</del> SUP
Dwelling:		
Accessory/Secondary Unit		P
Single-Unit Residence		P
Multi-Unit Residence		P
<del>Group Home for the Handicapped</del>	<del>§ 11-31-14</del>	
<del>≤10 Clients</del>		<del>P</del>
<del>&gt;10 Clients</del>		<del>SUP</del>
<b>COMMUNITY RESIDENCE</b>	<b>§ 11-31-14</b>	
<b>FAMILY COMMUNITY RESIDENCE</b>		<b>P</b>
<b>TRANSITIONAL COMMUNITY RESIDENCE</b>		<b>P</b>
Home Occupation:		
Main Building, ≤300 sf, ≤2 employees		P
Main Building, >300 sf, >2 employees		SUP

Accessory Structure, ≤600 sf, ≤4 employees		P
Accessory Structure, >600 sf, >4 employees		SUP
Services		
Day Care, child or adult:		
Large Day Care Home	§ 11-31-13	P
Small Day Care Home	§ 11-31-13	P
Lodging:		
Bed and Breakfast		P
Office: Professional, administrative		
≤5,000 sf		SUP <sup>3</sup>
Transportation, Communications, and Utilities		
Public Safety Facility		
≤1,000 sf		P
>1,000 sf		SUP
Stealth Wireless Telecommunications Facility	§ 11-35	SUP
Key		
P	Permitted Use	
AUP	Administrative Use Permit Required	
SUP	Special Use Permit Required	
CUP	Council Use Permit Required	
-	Prohibited Use	
/	Separates requirements for ground floor uses and uses on upper floor(s) or behind an allowed ground floor use.	
End Notes		
Uses not listed are specifically prohibited unless the Zoning Administrator interprets that a use is consistent pursuant to the Form-Based Code. For existing and non-conforming uses, refer to Chapter 36.		
<sup>1</sup> See Chapter 64 (Definitions of Terms and Uses) for use type definitions.		
<sup>2</sup> Not allowed on the ground floor unless behind an allowed ground-floor use.		
<sup>3</sup> Allowed only within a Level I Historic Structure.		

**Section 11:** That Title 11, Chapter 58, Section 11-58-6: T4 Neighborhood Flex (T4NF) Standards, Section(G): Allowed Uses is hereby amended as follows:

Land Use <sup>1</sup>	Specific Use Regulations	T4NF
Industry, Manufacturing & Processing		
Recycling, small collection facility		SUP
Recreation, Education & Public Assembly		
Commercial Recreation Facility,		
Small, Indoor		P

Medium, Indoor		SUP
Large, Indoor		CUP
Outdoor		CUP
Civic Space (see Civic Space Standards)		P
Health/Fitness Facility		
≤3,000 sf		AUP
>3,000 sf		SUP
Library; Museum		
≤5,000 sf		P
>5,000 sf		CUP
Meeting Facility, public or private		
≤5,000 sf		P
≤20,000 sf		SUP
>20,000 sf		CUP
Place of Worship		
≤5,000 sf		P
≤20,000 sf		SUP
>20,000 sf		CUP
School, public or private		
K-12		CUP
Colleges or Universities, Public or Private		AUP
Commercial Trade		AUP
Studio, art, dance, martial arts, music, etc.		
≤1,500 sf		P
≤3,000 sf		AUP
>3,000 sf		SUP
Theater, cinema or performing arts		
≤5,000 sf		P
≤10,000 sf		AUP
>10,000 sf		SUP
Residential		
Boarding House	§ 11-31-14-	<del>AUP</del> SUP
Dwelling:		
Accessory/Secondary Unit		P
Single-Unit Residence		P
Multi-Unit Residence		P
<del>Group Housing</del>	<del>§ 11-31-14-</del>	<del>SUP</del>
<del>Group Home for the Handicapped</del>	<del>§ 11-31-14-</del>	

<del>≤10 Clients</del>	<del>P</del>
<del>&gt;10 Clients</del>	<del>SUP</del>
<b>COMMUNITY RESIDENCE</b>	<b>§ 11-31-14</b>
<b>FAMILY COMMUNITY RESIDENCE</b>	<b>P</b>
<b>TRANSITIONAL COMMUNITY RESIDENCE</b>	<b>P</b>
Home Occupation:	
Main Building, ≤300 sf, ≤2 employees	P
Main Building, >300 sf, >2 employees	AUP
Accessory Structure, ≤600 sf, ≤4 employees	P
Accessory Structure, >600 sf, >4 employees	SUP
Retail	
General Retail, except with any of the following features:	P
Alcoholic Beverage Sales Series 10 Liquor License	AUP
Alcoholic Beverage Sales Series 9 Liquor License	SUP
Tenant floor area >5,000 sf	SUP
Tenant floor area >10,000 sf	SUP
Tenant floor area >25,000 sf	-
On-site production of items sold	SUP
Operating between 1 a.m.—5 a.m.	-
Operating between 5 a.m.—7 a.m.	AUP
Operating between 11 p.m.—1 a.m.	-
Drive-through services	-
Eating or Drinking Establishment, except with any of the following features:	P
Bars/Clubs/Lounges	CUP
Restaurants, Bar and Grill	SUP
Tenant floor area >5,000 sf	P
Tenant floor area >10,000 sf	-
Operating between 1 a.m.—5 a.m.	AUP
Operating between 5 a.m. - 7 a.m.	AUP
Operating between 11 p.m.—1 a.m.	-
Drive-through services	-
Providing entertainment	SUP
With Outdoor seating	AUP
Services	
Personal Services, except with any of the following features:	P
Tenant floor area >2,500 sf	AUP
Tenant floor area >5,000 sf	-
Tenant floor area >10,000 sf	

Operating between 1 a.m.—5 a.m.		-
Operating between 5 a.m.—7 a.m.		AUP
Operating between 11 p.m.—1 a.m.		-
Drive-through services		-
ATM		P
Bank; Financial Services		P
Business Support Services		AUP
Day Care, child or adult:		
Large Day Care Home	§ 11-31-13	P
Small Day Care Home	§ 11-31-13	P
Day Care Center		P
Small Animal Day Care		SUP
Lodging:		
Bed and Breakfast		P
Inn/Lodge		P
Kennel		SUP
Medical Services:		
<del>Extended Care Facility</del> <b>SKILLED NURSING FACILITY</b>		P
Hospital		CUP
Medical/Dental Clinic		SUP
Medical/Dental Office		P
Office: Professional, administrative		
≤5,000 sf		P
>5,000 sf		SUP
Social Service Facilities	§ 11-31-26	CUP
Veterinary Services		AUP
Transportation, Communications, and Utilities		
Public Safety Facility		
≤1,000 sf		P
>1,000 sf		SUP
Stealth Wireless Telecommunications Facility	§ 11-35	SUP
Temporary Event Parking	§ 11-31-29	SUP
Key		
P	Permitted Use	
AUP	Administrative Use Permit Required	
SUP	Special Use Permit Required	
CUP	Council Use Permit Required	
-	Prohibited Use	

/	Separates requirements for ground floor uses and uses on upper floor(s) or behind an allowed ground floor use.
End Notes	
Uses not listed are specifically prohibited unless the Zoning Administrator interprets that a use is consistent pursuant to the Form-Based Code. For existing and non-conforming uses, refer to Chapter 36.	
<sup>1</sup> See Chapter 64 (Definitions of Terms and Uses) for use type definitions.	
<sup>2</sup> Not allowed on the ground floor unless behind an allowed ground-floor use.	
<sup>3</sup> Allowed only within a Level I Historic Structure.	

**Section 12:** That Title 11, Chapter 58, 11-58-7: T4 Main Street (T4MS) Standards, Section (G): Allowed Uses is hereby amended as follows:

Land Use <sup>1</sup>	Specific Use Regulations	T4MS
Agricultural		
Farmers' Market	§ 11-31-30	P
Recreation, Education & Public Assembly		
Commercial Recreation Facility		
Small, Indoor		P
Medium, Indoor		SUP
Large, Indoor		CUP <sup>2</sup>
Outdoor		CUP <sup>2</sup>
Civic Space (see Civic Space Standards)		P
Health/Fitness Facility		
≤3,000 sf		AUP/P <sup>2</sup>
>3,000 sf		SUP
Library; Museum		
≤5,000 sf		P
>5,000 sf		CUP
Meeting Facility, public or private		
≤5,000 sf		AUP/P <sup>2</sup>
≤20,000 sf		SUP
>20,000 sf		CUP
Place of Worship		
≤5,000 sf		AUP/P <sup>2</sup>
≤20,000 sf		SUP
>20,000 sf		CUP
School, public or private		
K-12		CUP
Colleges or Universities, Public or Private		AUP/P <sup>2</sup>
Commercial Trade		AUP/P <sup>2</sup>

Studio, art, dance, martial arts, music, etc.		
≤1,500 sf		P
≤3,000 sf		AUP
>3,000 sf		SUP
Boarding House	<del>§ 11-31-14</del>	SUP <sup>2</sup>
Dwelling:		
Multi-Unit Residence		P <sup>2</sup>
<del>Group Home for the Handicapped</del>	<del>§ 11-31-14</del>	
<del>≤10 Clients</del>		<del>P<sup>2</sup></del>
<del>&gt;10 Clients</del>		<del>SUP<sup>2</sup></del>
<b>COMMUNITY RESIDENCE</b>	<b>§ 11-31-14</b>	
<b>FAMILY COMMUNITY RESIDENCE</b>		<b>P2</b>
<b>TRANSITIONAL COMMUNITY RESIDENCE</b>		<b>P2</b>
Home Occupation:		
Main Building, ≤300 sf, ≤2 employees		P <sup>2</sup>
Retail		
General Retail, except with any of the following features:		P
Alcoholic Beverage Sales Series 10 Liquor License		P
Alcoholic Beverage Sales Series 9 Liquor License		P
Tenant floor area >5,000 sf		AUP
Tenant floor area >10,000 sf		SUP
Tenant floor area >25,000 sf		-
On-site production of items sold		AUP
Operating between 1 a.m.—5 a.m.		SUP
Operating between 5 a.m.—7 a.m.		P
Operating between 11 p.m.—1 a.m.		SUP
Drive-through services		-
Eating or Drinking Establishment, except with any of the following features:		P
Bars/Clubs/Lounges		CUP
Restaurants, Bar and Grill		SUP
Tenant floor area >5,000 sf		P
Tenant floor area >10,000 sf		SUP
Operating between 1 a.m.—5 a.m.		SUP
Operating between 5 a.m.—7 a.m.		P
Operating between 11 p.m.—1 a.m.		SUP
Drive-through services		-
Providing entertainment		AUP
With outdoor seating		AUP
Pawn Shop		CUP

Services		
Personal Services, except with any of the following features:		P
Tenant floor area >2,500 sf		P
Tenant floor area >5,000 sf		AUP
Tenant floor area >10,000 sf		SUP
Operating between 1 a.m.—5 a.m.		SUP
Operating between 5 a.m.—7 a.m.		P
Operating between 11 p.m.—1 a.m.		SUP
Drive-through services		-
ATM		P
Bank; Financial Services		P
Business Support Services		P
Day Care, child or adult:		
Large Day Care Home	§ 11-31-13	P <sup>2</sup>
Small Day Care Home	§ 11-31-13	P <sup>2</sup>
Day Care Center		P <sup>2</sup>
Small Animal Day Care		AUP <sup>2</sup>
Lodging:		
Bed and Breakfast		P <sup>2</sup>
Hotel		P <sup>2</sup>
Inn/Lodge		P
Kennel		AUP <sup>2</sup>
Medical Services:		
<del>Extended Care Facility</del> <b>SKILLED NURSING FACILITY</b>		P <sup>2</sup>
Hospital		CUP
Medical/Dental Clinic		P <sup>2</sup>
Medical/Dental Office		P <sup>2</sup>
Office: Professional, administrative		
≤5,000 sf		P <sup>2</sup>
>5,000 sf		AUP <sup>2</sup>
Social Service Facilities	§ 11-31-26	CUP
Tattoo and Body Piercing Parlors		P
Veterinary Services		AUP <sup>2</sup>
Transportation, Communications, and Utilities		
Parking Facility, public or commercial		P
Public Safety Facility		
≤1,000 sf		P
>1,000 sf		SUP
Stealth Wireless Telecommunications Facility	§ 11-35	SUP



Temporary Event Parking	§ 11-31-29	SUP
Key		
P	Permitted Use	
AUP	Administrative Use Permit Required	
SUP	Special Use Permit Required	
CUP	Council Use Permit Required	
-	Prohibited Use	
/	Separates requirements for ground floor uses and uses on upper floor(s) or behind an allowed ground floor use.	
End Notes		
Uses not listed are specifically prohibited unless the Zoning Administrator interprets that a use is consistent pursuant to the Form-Based Code. For existing and non-conforming uses, refer to Chapter 36.		
<sup>1</sup> See Chapter 64 (Definitions of Terms and Uses) for use type definitions.		
<sup>2</sup> Not allowed on the ground floor unless behind an allowed ground-floor use.		
<sup>3</sup> Allowed only within a Level I Historic Structure.		

**Section 13:** That Title 11, Chapter 58, 11-58-8: T5 Neighborhood (T5N) Standards, Section (G): Allowed Uses is hereby amended as follows:

Land Use <sup>1</sup>	Specific Use Regulations	T5N
Recreation, Education & Public Assembly		
Civic Space (see Civic Space Standards)		P
Library; Museum		
≤5,000 sf		P
>5,000 sf		CUP
Meeting Facility, public or private		
≤5,000 sf		P
≤20,000 sf		SUP
>20,000 sf		CUP
Place of Worship		
≤5,000 sf		P
≤20,000 sf		SUP
>20,000 sf		CUP
School, public or private		
K-12		P
Colleges or Universities, Public or Private		SUP
Commercial Trade		SUP
Residential		
Boarding House	§ 11-31-14	SUP <sup>2</sup>
Dwelling:		

Multi-Unit Residence		P
<del>Group Housing</del>	<del>§ 11-31-14</del>	<del>SUP</del>
<del>Group Home for the Handicapped</del>	<del>§ 11-31-14</del>	
<del>≤10 Clients</del>		<del>P</del>
<del>→10 Clients</del>		<del>SUP</del>
COMMUNITY RESIDENCE	§ 11-31-14	
FAMILY COMMUNITY RESIDENCE		P
TRANSITIONAL COMMUNITY RESIDENCE		P
Home Occupation:		
Main Building, ≤300 sf, ≤2 employees		P
Services		
Day Care, child or adult:		
Large Day Care Home	§ 11-31-13	P
Small Day Care Home	§ 11-31-13	P
Lodging:		
Bed and Breakfast		P
Inn/Lodge		P
Office: Professional, administrative		
≤5,000 sf		SUP <sup>3</sup>
Transportation, Communications, and Utilities		
Public Safety Facility		
≤1,000 sf		P
>1,000 sf		SUP
Stealth Wireless Telecommunications Facility	§ 11-35	SUP
Temporary Event Parking	§ 11-31-39	-
Key		
P	Permitted Use	
AUP	Administrative Use Permit Required	
SUP	Special Use Permit Required	
CUP	Council Use Permit Required	
-	Prohibited Use	
/	Separates requirements for ground floor uses and uses on upper floor(s) or behind an allowed ground floor use.	
End Notes		
Uses not listed are specifically prohibited unless the Zoning Administrator interprets that a use is consistent pursuant to the Form-Based Code. For existing and non-conforming uses, refer to Chapter 36.		
<sup>1</sup> See Chapter 64 (Definitions of Terms and Uses) for use type definitions.		
<sup>2</sup> Not allowed on the ground floor unless behind an allowed ground-floor use.		
<sup>3</sup> Allowed only within a Level I Historic Structure.		

**Section 14:** That Title 11, Chapter 58, 11-58-9: T5 Main Street Flex (T5MSF) Standards, Section (G) Allowed Uses is hereby amended as follows:

Land Use <sup>1</sup>	Specific Use Regulations	T5MSF
Agricultural		
Farmers' Market	§ 11-31-30	P
Recreation, Education & Public Assembly		
Commercial Recreation Facility,		
Small, Indoor		P
Medium, Indoor		SUP
Large, Indoor		CUP
Outdoor		CUP
Civic Space (see Civic Space Standards)		P
Health/Fitness Facility		
≤3,000 sf		AUP
>3,000 sf		SUP
Library; Museum		
≤5,000 sf		P
>5,000 sf		AUP
Meeting Facility, public or private		
≤5,000 sf		P
≤20,000 sf		SUP
>20,000 sf		CUP
Place of Worship		
≤5,000 sf		P
≤20,000 sf		SUP
>20,000 sf		CUP
School, public or private		
K-12		CUP
Colleges or Universities, Public or Private		AUP
Commercial Trade		AUP
Studio, art, dance, martial arts, music, etc.		
≤1,500 sf		P
≤3,000 sf		P
>3,000 sf		P
Theater, cinema or performing arts		
≤5,000 sf		P
≤10,000 sf		AUP
>10,000 sf		SUP

Residential		
Boarding House	<del>§ 11-31-14</del>	SUP <sup>2</sup>
Dwelling:		
Multi-Unit Residence		P
<del>Group Housing</del>	<del>§ 11-31-14</del>	<del>SUP</del>
<del>Group Home for the Handicapped</del>	<del>§ 11-31-14</del>	
<del>≤10 Clients</del>		<del>P<sup>2</sup></del>
<del>&gt;10 Clients</del>		<del>SUP<sup>2</sup></del>
<b>COMMUNITY RESIDENCE</b>	<b>§ 11-31-14</b>	
<b>FAMILY COMMUNITY RESIDENCE</b>		<b>P</b>
<b>TRANSITIONAL COMMUNITY RESIDENCE</b>		<b>P</b>
Home Occupation:		
Main Building, ≤300 sf, ≤2 employees		P
Retail		
General Retail, except with any of the following features:		P
Alcoholic Beverage Sales Series 10 Liquor License		P
Alcoholic Beverage Sales Series 9 Liquor License		P
Tenant floor area >5,000 sf		P
Tenant floor area >10,000 sf		AUP
Tenant floor area >25,000 sf		SUP
On-site production of items sold		AUP
Operating between 1 a.m.—5 a.m.		SUP
Operating between 5 a.m.—7 a.m.		AUP
Operating between 11 p.m.—1 a.m.		SUP
Drive-through services		-
Eating or Drinking Establishment, except with any of the following features:		P
Bars/Clubs/Lounges		P
Restaurants, Bar and Grill		P
Tenant floor area >5,000 sf		P
Tenant floor area >10,000 sf		P
Operating between 1 a.m.—5 a.m.		SUP
Operating between 5 a.m.—7 a.m.		AUP
Operating between 11 p.m.—1 a.m.		SUP
Drive-through services		-
Providing entertainment		SUP
With Outdoor seating		AUP
Services		
Personal Services, except with any of the following features:		P
Tenant floor area >2,500 sf		P

Tenant floor area >5,000 sf		P
Tenant floor area >10,000 sf		SUP
Operating between 1 a.m.—5 a.m.		SUP
Operating between 5 a.m.—7 a.m.		AUP
Operating between 11 p.m.—1 a.m.		SUP
Drive-through services		-
ATM		P
Bank; Financial Services		P
Business Support Services		P
Day Care, child or adult:		
Large Day Care Home	§ 11-31-13	P
Small Day Care Home	§ 11-31-13	P <sup>2</sup>
Day Care Center		P
Small Animal Day Care		AUP
Lodging:		
Bed and Breakfast		P
Hotel		P
Hostel		P
Inn/Lodge		P
Kennel		AUP
Medical Services:		
<del>Extended Care Facility</del> <b>SKILLED NURSING FACILITY</b>		P
Hospital		CUP
Medical/Dental Clinic		AUP
Medical/Dental Office		P
Office: Professional, administrative		
≤5,000 sf		P
>5,000 sf		P
Social Service Facilities	§ 11-31-26	CUP
Tattoo and Body Piercing Parlors		P
Veterinary Services		AUP
Transportation, Communications, and Utilities		
Parking Facility, public or commercial		P
Public Safety Facility		
≤1,000 sf		P
>1,000 sf		SUP
Stealth Wireless Telecommunications Facility	§ 11-35	SUP
Temporary Event Parking	§ 11-31-29	SUP
Key		

P	Permitted Use
AUP	Administrative Use Permit Required
SUP	Special Use Permit Required
CUP	Council Use Permit Required
-	Prohibited Use
/	Separates requirements for ground floor uses and uses on upper floor(s) or behind an allowed ground floor use.
End Notes	
Uses not listed are specifically prohibited unless the Zoning Administrator interprets that a use is consistent pursuant to the Form-Based Code. For existing and non-conforming uses, refer to Chapter 36.	
<sup>1</sup> See Chapter 64 (Definitions of Terms and Uses) for use type definitions.	
<sup>2</sup> Not allowed on the ground floor unless behind an allowed ground-floor use.	
<sup>3</sup> Allowed only within a Level I Historic Structure.	

**Section 15:** That Title 11, Chapter 58, 11-58-10: T5 Main Street (T5MS) Standards, Section (G): Allowed Uses is hereby amended as follows:

Land Use <sup>1</sup>	Specific Use Regulations	T5MS
Agricultural		
Farmers' Market	§ 11-31-30	P
Recreation, Education & Public Assembly		
Commercial Recreation Facility		
Small, Indoor		P
Small, Indoor		P
Medium, Indoor		SUP/AUP <sup>2</sup>
Large, Indoor		CUP <sup>2</sup>
Outdoor		CUP <sup>2</sup>
Civic Space (see Civic Space Standards)		P
Health/Fitness Facility		
≤3,000 sf		AUP/P <sup>4</sup>
>3,000 sf		SUP/AUP <sup>4</sup>
Library; Museum		
≤5,000 sf		AUP
>5,000 sf		CUP
Meeting Facility, public or private		
≤5,000 sf		AUP/P <sup>4</sup>
≤20,000 sf		SUP
>20,000 sf		CUP
Place of Worship		
≤5,000 sf		AUP/P <sup>2</sup>

≤20,000 sf	SUP
>20,000 sf	CUP
School, public or private	
K-12	CUP
Colleges or Universities, Public or Private	P <sup>2</sup>
Commercial Trade	P <sup>2</sup>
Studio, art, dance, martial arts, music, etc.	
≤1,500 sf	AUP/P <sup>4</sup>
≤3,000 sf	P <sup>4</sup>
>3,000 sf	P <sup>4</sup>
Theater, cinema or performing arts	
≤5,000 sf	P
≤10,000 sf	P
>10,000 sf	AUP
Residential	
<b>BOARDING HOUSE</b>	<b>SUP<sup>2</sup></b>
Dwelling:	
Multi-Unit Residence	P <sup>4</sup>
<del>Group Housing</del>	<del>§ 11-31-14</del> <del>SUP<sup>2</sup></del>
<del>Group Home for the Handicapped</del>	<del>§ 11-31-14</del>
<del>—≤10 Clients</del>	<del>P<sup>2</sup></del>
<del>—&gt;10 Clients</del>	<del>SUP<sup>2</sup></del>
<b>COMMUNITY RESIDENCE</b>	<b>§ 11-31-14</b>
<b>FAMILY COMMUNITY RESIDENCE</b>	<b>P<sup>4</sup></b>
<b>TRANSITIONAL COMMUNITY RESIDENCE</b>	<b>P<sup>4</sup></b>
Home Occupation:	
Main Building, ≤300 sf, ≤2 employees	P <sup>4</sup>
Retail	
General Retail, except with any of the following features:	P
Alcoholic Beverage Sales Series 10 Liquor License	P
Alcoholic Beverage Sales Series 9 Liquor License	P
Tenant floor area >5,000 sf	P
Tenant floor area >10,000 sf	AUP
Tenant floor area >25,000 sf	SUP
On-site production of items sold	AUP
Operating between 1 a.m. - 5 a.m.	AUP
Operating between 5 a.m. - 7 a.m.	P
Operating between 11 p.m. - 1 a.m.	P
Drive-through services	-

Eating or Drinking Establishment, except with any of the following features:		P
Bars/Clubs/Lounges		P
Restaurants, Bar and Grill		P
Tenant floor area >5,000 sf		P
Tenant floor area >10,000 sf		P
Operating between 1 a.m. - 5 a.m.		AUP
Operating between 5 a.m. - 7 a.m.		P
Operating between 11 p.m. - 1 a.m.		P
Drive-through services		-
Providing entertainment		AUP
With outdoor seating		AUP
Pawn Shop		CUP
Services		
Personal Services, except with any of the following features:		P
Tenant floor area >2,500 sf		P
Tenant floor area >5,000 sf		P
Tenant floor area >10,000 sf		AUP
Operating between 1 a.m. - 5 a.m.		AUP
Operating between 5 a.m. - 7 a.m.		P
Operating between 11 p.m. - 1 a.m.		P
Drive-through services		-
ATM		P
Bank; Financial Services		P
Business Support Services		P
Day Care, child or adult:		
Large Day Care Home	§ 11-31-13	-
Small Day Care Home	§ 11-31-13	P <sup>4</sup>
Day Care Center		P <sup>2</sup>
Small Animal Day Care		SUP <sup>2</sup>
Lodging:		
Bed and Breakfast		P <sup>4</sup>
Hotel		P <sup>4</sup>
Hostel		P <sup>4</sup>
Inn/Lodge		P <sup>4</sup>
Kennel		SUP <sup>2</sup>
Medical Services:		
<del>Extended Care Facility</del> <b>SKILLED NURSING FACILITY</b>		P <sup>2</sup>
Hospital		CUP
Medical/Dental Clinic		P <sup>2</sup>



Medical/Dental Office		P <sup>2</sup>
Office: Professional, administrative		
≤5,000 sf		P <sup>4</sup>
>5,000 sf		P <sup>4</sup>
Social Service Facilities	§ 11-31-26	CUP
Tattoo and Body Piercing Parlors		P
Veterinary Services		AUP <sup>2</sup>
Transportation, Communications, and Utilities		
Parking Facility, public or commercial		P
Public Safety Facility		
≤1,000 sf		P
>1,000 sf		SUP
Stealth Wireless Telecommunications Facility	§ 11-35	SUP
Temporary Event Parking	§ 11-31-29	SUP
Key		
P	Permitted Use	
AUP	Administrative Use Permit Required	
SUP	Special Use Permit Required	
CUP	Council Use Permit Required	
-	Prohibited Use	
/	Separates requirements for ground floor uses and uses on upper floor(s) or behind an allowed ground floor use.	
End Notes		
Uses not listed are specifically prohibited unless the Zoning Administrator interprets that a use is consistent pursuant to the Form-Based Code. For existing and non-conforming uses, refer to Chapter 36.		
<sup>1</sup> See Chapter 64 (Definitions of Terms and Uses) for use type definitions.		
<sup>2</sup> Not allowed on the ground floor unless behind an allowed ground-floor use.		
<sup>3</sup> Allowed only within a Level I Historic Structure.		
<sup>4</sup> Not allowed on the ground floor unless behind an allowed ground-floor use, except the use may occupy up to 50% of the ground floor if: i) the development site is 5 acres or more; ii) the building where the ground floor use is located is greater than 100,000 square feet and has more than 200 linear feet of frontage on a front street; iii) the ground floor space is designed and will be constructed to an assembly occupancy class (as that term is defined in the Mesa Building Code); iv) the design of the project encourages transition of the ground floorspace to active commercial uses in the future by complying with FBC Building Form and Private Frontage standards for commercial uses; v) the building design, site design, and amenities of the project are unique and conform to the intent and purpose of the FBC.		

**Section 16:** That Title 11, Chapter 58, 11-58-11: T6 Main Street (T6MS) Standards, Section (G): Allowed Uses is hereby amended as follows:

Land Use <sup>1</sup>	Specific Use Regulations	T6MS
Agricultural		
Farmers' Market	§ 11-31-30	P

Recreation, Education & Public Assembly		
Commercial Recreation Facility		
Small, Indoor		P
Medium, Indoor		SUP/AUP <sup>2</sup>
Large, Indoor		CUP <sup>2</sup>
Outdoor		CUP <sup>2</sup>
Civic Space (see Civic Space Standards)		P
Health/Fitness Facility		
≤3,000 sf		AUP/P <sup>2</sup>
>3,000 sf		SUP/AUP <sup>2</sup>
Library; Museum		
≤5,000 sf		AUP
>5,000 sf		CUP
Meeting Facility, public or private		
≤5,000 sf		AUP/P <sup>2</sup>
≤20,000 sf		SUP
>20,000 sf		CUP
Place of Worship		
≤5,000 sf		AUP/P <sup>2</sup>
≤20,000 sf		SUP
>20,000 sf		CUP
School, public or private		
K-12		CUP <sup>2</sup>
Colleges or Universities, Public or Private		P <sup>2</sup>
Commercial Trade		P <sup>2</sup>
Studio, art, dance, martial arts, music, etc.		
≤1,500 sf		AUP/P <sup>2</sup>
≤3,000 sf		P <sup>2</sup>
>3,000 sf		P <sup>2</sup>
Theater, cinema or performing arts		
≤5,000 sf		P
≤10,000 sf		P
>10,000 sf		AUP
Residential		
Dwelling:		
Multi-Unit Residence		P <sup>2</sup>
<del>Group Home for the Handicapped</del>	<del>§ 11-31-14</del>	
<del>≤10 Clients</del>		<del>P <sup>2</sup></del>

<del>→10 Clients</del>		SUP <sup>2</sup>
<b>COMMUNITY RESIDENCE</b>	<b>§ 11-31-14</b>	
<b>FAMILY COMMUNITY RESIDENCE</b>		<b>P2</b>
<b>TRANSITIONAL COMMUNITY RESIDENCE</b>		<b>P 2</b>
Home Occupation		
Main Building, ≤300 sf, ≤2 employees		P <sup>2</sup>
Retail		
General Retail, except with any of the following features:		P
Alcoholic Beverage Sales Series 10 Liquor License		P
Alcoholic Beverage Sales Series 9 Liquor License		AUP
Tenant floor area >5,000 sf		P
Tenant floor area >10,000 sf		AUP
Tenant floor area >25,000 sf		SUP
On-site production of items sold		AUP
Operating between 1 a.m. - 5 a.m.		AUP
Operating between 5 a.m. - 7 a.m.		P
Operating between 11 p.m. - 1 a.m.		P
Drive-through services		-
Eating or Drinking Establishment, except with any of the following features:		P
Bars/Clubs/Lounges		P
Restaurants, Bar and Grill		P
Tenant floor area >5,000 sf		P
Tenant floor area >10,000 sf		P
Operating between 1 a.m. - 5 a.m.		AUP
Operating between 5 a.m. - 7 a.m.		P
Operating between 11 p.m. - 1 a.m.		P
Drive-through services		-
Providing entertainment		AUP
With outdoor seating		AUP
Services		
Personal Services, except with any of the following features:		P
Tenant floor area >2,500 sf		P
Tenant floor area >5,000 sf		P
Tenant floor area >10,000 sf		AUP
Operating between 1 a.m. - 5 a.m.		AUP
Operating between 5 a.m. - 7 a.m.		P
Operating between 11 p.m. - 1 a.m.		P
Drive-through services		-
ATM		P

Bank; Financial Services		P
Business Support Services		P
Day Care, child or adult:		
Large Day Care Home	§ 11-31-13	-
Small Day Care Home	§ 11-31-13	P <sup>2</sup>
Day Care Center		P <sup>2</sup>
Small Animal Day Care		-
Lodging:		
Bed and Breakfast		-
Hotel		P <sup>2</sup>
Hostel		P <sup>2</sup>
Inn/Lodge		P <sup>2</sup>
Kennel		SUP <sup>2</sup>
Medical Services:		
<del>Extended Care Facility</del> <b>SKILLED NURSING FACILITY</b>		P <sup>2</sup>
Hospital		-
Medical/Dental Clinic		P <sup>2</sup>
Medical/Dental Office		P <sup>2</sup>
Office: Professional, administrative		
≤5,000 sf		P <sup>2</sup>
>5,000 sf		P <sup>2</sup>
Social Service Facilities	§ 11-31-26	-
Tattoo and Body Piercing Parlors	§ 11-31-28	-
Veterinary Services		AUP <sup>2</sup>
Transportation, Communications, and Utilities		
Parking Facility, public or commercial		P
Public Safety Facility		
≤1,000 sf		P
>1,000 sf		SUP
Stealth Wireless Telecommunications Facility	§ 11-35	SUP
Temporary Event Parking	§ 11-31-29	SUP
<b>Key</b>		
P	Permitted Use	
AUP	Administrative Use Permit Required	
SUP	Special Use Permit Required	
CUP	Council Use Permit Required	
-	Prohibited Use	
/	Separates requirements for ground floor uses and uses on upper floor(s) or behind an allowed ground floor use.	

End Notes
Uses not listed are specifically prohibited unless the Zoning Administrator interprets that a use is consistent pursuant to the Form-Based Code. For existing and non-conforming uses, refer to Chapter 36.
<sup>1</sup> See Chapter 64 (Definitions of Terms and Uses) for use type definitions.
<sup>2</sup> Not allowed on the ground floor unless behind an allowed ground-floor use.
<sup>3</sup> Allowed only within a Level I Historic Structure.

**Section 17:** That Title 11, Chapter 64, 11-64-4(B)(C)(F)(G)(M) and (S) Definitions are hereby amended by removing and adding the following definitions which are arranged in alphabetical order and includes subcategories or related definitions classifications which are also arranged in alphabetical order. All the other definitions in Chapter 64 shall remain the same.

#### B. Definitions

Boarding House. A **RESIDENTIAL** dwelling **FOR FIVE (5) OR MORE UNRELATED INDIVIDUALS** in which the owner(s) ~~or primary occupant(s)~~ provides 3, 4, or 5 bedrooms as lodging for compensation, ~~and in which food may be served to the occupants thereof, and which shall have a permit issued by the Maricopa County Health Department as a boarding home. The occupancy of 1 or 2 bedrooms for compensation shall not be considered a boarding house, provided not more than 2 guests shall occupy each bedroom.~~ **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 INCLUDES SIMILAR CONGREGATE LIVING ARRANGEMENTS BUT DOES NOT INCLUDE COMMUNITY RESIDENCES, HOTELS, MOTELS, RESIDENTIAL INNS OR BED AND BREAKFASTS.**

#### C. Definitions

**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.**

F. 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.**

G. Definitions

~~Group Home for the Handicapped (GHH). A dwelling shared as a primary residence by handicapped persons living together as a single housekeeping unit, in which staff persons may provide on-site care, training, or support. Group Homes for the Handicapped shall not include nursing homes, boarding houses, personal care homes, recovery homes, other kinds of group homes, foster homes or homes for the developmentally disabled. GHH or service provided therein shall be licensed and certified, as may be required by the applicable federal, state, or county agency.~~

~~Group Residential. A residential facility of 6 or more unrelated persons providing living facilities, sleeping rooms, and meals. The term shall include dormitories and similar congregate living arrangements but shall not include hospitals, nursing homes, hotels and motels, bed and breakfast establishments, group homes for the handicapped, social service facilities as specified in this Zoning Ordinance, correctional transitional housing facilities as specified in this Zoning Ordinance, prisons or jails, or a dwelling occupied by 1 or more individuals living together without supervision as a single housekeeping unit.~~

M. Definitions.

Medical Services:

~~Extended Care Facility. Establishment that provide 24 hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and is licensed as a skilled nursing facility by the State of Arizona, including but not limited to, rest homes and convalescent hospitals, but not Residential Care, Hospitals, or Clinics.~~

S. Definitions

**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 FACILITY.**

~~Social Service Facilities. Any noncommercial facility, such as homeless shelters, charity dining facilities, plasma centers, rescue missions, day labor hiring centers, substance abuse detoxification and treatment centers, halfway houses and similar facilities and emergency shelters, that may also provide meals, showers, and/or laundry facilities to individuals with limited ability for self care, or those persons in need of counseling for employment, or those persons with personal or behavioral disabilities. The term shall include the principal assistance or service facility and all related establishments intended for use by patrons of such facilities. Specialized programs and services related to the needs of the residents may also be provided. This classification excludes transitional housing facilities that provide living accommodations for a longer term (See Group Housing). The classification also does not include homes for the developmentally disabled, child crisis centers and domestic violence centers.~~

**SOCIAL SERVICE FACILITY. A FACILITY WHERE THE PRIMARY PURPOSE IS TO PROVIDE EITHER: 1) ON-SITE FOOD, CLOTHING, SHELTER, EMPLOYMENT OR OTHER RELATED SERVICES, SUCH AS COUNSELING FOR EMPLOYMENT, OR OTHER SERVICES FOR INDIVIDUALS WITH LIMITED ABILITY FOR SELF CARE; OR 2) ALCOHOL, DRUG, OR SUBSTANCE ABUSE OR OTHER TREATMENT OR MEDICAL PROGRAMS OR SERVICES, SUCH AS DETOXIFICATION, WHERE SHELTER IS INCIDENTAL AND OF LIMITED DURATION. THE TERM INCLUDES HOMELESS SHELTERS, CHARITY DINING FACILITIES, RESCUE MISSIONS, DAY LABOR HIRING CENTERS, SUBSTANCE ABUSE AND DETOXIFICATION CENTER, AND SIMILAR FACILITIES, BUT DOES NOT INCLUDE CARE FACILITIES SUCH AS COMMUNITY RESIDENCE, GROUP FOSTER HOME, CORRECTIONAL TRANSITIONAL HOUSING FACILITIES, NURSING AND CONVALESCENT HOMES, OR ASSISTED LIVING FACILITIES.**

**Section 18:** That Title 11, Chapter 86, 11-86-2 Use Types is hereby amended by removing and adding the following definitions which are arranged in alphabetical order and includes subcategories or related definitions classifications which are also arranged in alphabetical order. All the other definitions in Chapter 86 shall remain the same.

**Assisted Living Home.** An assisted living facility that provides resident rooms ~~to 10 or fewer~~ **FOR FIVE (5) TO TEN (10)** residents.

**Boarding House.** A **RESIDENTIAL** dwelling **FOR FIVE (5) OR MORE UNRELATED INDIVIDUALS** in which the owner(s) or primary occupant(s) provides 3, 4, or 5 bedrooms as lodging for compensation, and in which food may be served to the occupants thereof. ~~The occupancy of 1 or 2 bedrooms for compensation shall not be considered a boarding house, provided not more than 2 guests shall occupy each bedroom.~~ **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 ~~group homes, dormitories and similar congregate living arrangements but shall not include hospitals, nursing homes, hotels, group homes for the handicapped, social service facilities as specified in this Zoning Ordinance, hotels and motels, bed and breakfast establishments or a dwelling occupied by 1 or more individuals living together without supervision as a single housekeeping unit.~~ **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 ~~group homes for the handicapped,~~ **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.

**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.**

~~Group Home for the Handicapped (GHH). A dwelling shared as a primary residence by handicapped persons living together as a single housekeeping unit, in which staff persons may provide on-site care, training, or support. Group Homes for the Handicapped shall not include nursing homes, boarding houses, personal care homes, recovery homes, other kinds of group homes, foster homes or homes for the developmentally disabled. GHH or service provided therein shall be licensed and certified, as may be required by the applicable federal, state, or county agency.~~

~~Group Housing. A residential facility of 6 or more unrelated persons providing living facilities, sleeping rooms, and meals and which shall have a permit issued by the Maricopa County Health Department as a boarding home.~~

~~Group Residential. A residential facility of 6 or more unrelated persons providing living facilities, sleeping rooms, and meals, and which shall have a permit issued by the Maricopa County Health Department as a boarding home.~~

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**.

~~Residential Care Institution: A health care institution other than a hospital or a nursing care institution which provides resident beds or dwelling units, supervisory care services, personal care service, directed care services or health-related services for persons who do not need inpatient nursing care.~~

Single Residence. A dwelling unit designed for occupancy by one ~~household~~ **FAMILY**, and located on a separate lot 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.

**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 FACILITY.**

~~Social Service Facilities. Any noncommercial facility, such as homeless shelters, charity dining facilities, plasma centers, rescue missions, day labor hiring centers, substance abuse detoxification and treatment centers, halfway houses and similar facilities and emergency shelters, that may also provide meals, showers, and/or laundry facilities to individuals with limited ability for self care, or those persons in need of counseling for employment, or those persons with personal or behavioral disabilities. The term shall include the principal assistance or service facility and all related establishments intended for use by patrons of such facilities. Specialized programs and services related to the needs of the residents may also be provided. This classification excludes transitional housing facilities that provide living~~

~~accommodations for a longer term (See Group Housing). The classification also does not include homes for the developmentally disabled, child crisis centers and domestic violence centers.~~

**SOCIAL SERVICE FACILITY. A FACILITY WHERE THE PRIMARY PURPOSE IS TO PROVIDE EITHER: 1) ON-SITE FOOD, CLOTHING, SHELTER, EMPLOYMENT OR OTHER RELATED SERVICES, SUCH AS COUNSELING FOR EMPLOYMENT, OR OTHER SERVICES FOR INDIVIDUALS WITH LIMITED ABILITY FOR SELF CARE; OR 2) ALCOHOL, DRUG, OR SUBSTANCE ABUSE OR OTHER TREATMENT OR MEDICAL PROGRAMS OR SERVICES, SUCH AS DETOXIFICATION, WHERE SHELTER IS INCIDENTAL AND OF LIMITED DURATION. THE TERM INCLUDES HOMELESS SHELTERS, CHARITY DINING FACILITIES, RESCUE MISSIONS, DAY LABOR HIRING CENTERS, SUBSTANCE ABUSE AND DETOXIFICATION CENTER, AND SIMILAR FACILITIES, BUT DOES NOT INCLUDE CARE FACILITIES SUCH AS COMMUNITY RESIDENCE, GROUP FOSTER HOME, CORRECTIONAL TRANSITIONAL HOUSING FACILITIES, NURSING AND CONVALESCENT HOMES, OR ASSISTED LIVING FACILITIES.**

**Section 19:** That Title 11, Chapter 87 Definitions, is hereby amended is hereby amended by removing and adding the following definitions which are arranged in alphabetical order and includes subcategories or related definitions classifications which are also arranged in alphabetical order. All the other definitions in Chapter 87 shall remain the same.

~~Disability: A condition which renders an individual unable to engage in normal activities by reason of a medically determinable physical or mental impairment which can be expected to last for a continuous period for not less than 12 months.~~

**DISABILITY. (1) A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES OR IMPAIRS AN INDIVIDUAL'S ABILITY TO LIVE INDEPENDENTLY; (2) HAVING A RECORD OF SUCH AN IMPAIRMENT; OR (3) BEING REGARDED AS HAVING SUCH AN IMPAIRMENT. A PERSON WITH A DISABILITY DOES NOT INCLUDE AN INDIVIDUAL WHO IS CURRENTLY USING ALCOHOL OR ILLEGAL DRUGS (AS DEFINED IN SECTION 102 OF THE CONTROLLED SUBSTANCES ACT (21 UNITED STATES CODE 802)), OR USING LEGAL DRUGS TO WHICH THEY ARE ADDICTED NOR INDIVIDUALS WHO CONSTITUTE A DIRECT THREAT TO THE HEALTH AND SAFETY OF OTHERS. DISABILITY AND DIRECT THREAT WILL BE INTERPRETED CONSISTENT WITH THE AMERICANS WITH DISABILITIES ACT (42 UNITED STATES CODE 12101, ET SEQ.), AS AMENDED, AND THE FEDERAL FAIR HOUSING ACT (42 UNITED STATES CODE 3601 – 3619).**

**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.**

~~Foster Home, Group: A foster home suitable for the placement of more than 6 but not more than 10 minor children which is licensed by the Arizona Department of Economic Security.~~

~~Handicapped Person: An individual who: one (1) has a physical or mental impairment which substantially limits 1 or more of such person's major life activities; (2) has a record of having such an impairment; or (3)~~

is regarded as having such an impairment. However, “handicapped” shall not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 United States Code 802]).

**SINGLE HOUSEKEEPING UNIT. A PERSON OR GROUP OF PERSONS JOINTLY OCCUPYING A SINGLE DWELLING UNIT THAT: (1) HAS ACCESS TO AND THE JOINT USE OF ALL COMMON AREAS SUCH AS THE KITCHEN, AND EATING AREAS OF THE DWELLING UNIT; (2) SHARES HOUSEHOLD ACTIVITIES AND RESPONSIBILITIES, SUCH AS MEALS, CHORES, OR EXPENSES; (3) HAS NO LIMITS ON LENGTH OF RESIDENCE, EXCEPT FOR THOSE IMPOSED BY A LEASE OR RENTAL AGREEMENT.**

**Section 20:** That Title 11, Chapter 31, Section 14 of the of the Mesa City Code, titled “Group Homes For The Handicapped,” is hereby repealed in its entirety and replaced with a new Mesa City Code Title 11 Chapter 31, Section 14 titled “Community Residences” as follows:

**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(C), 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
  5. 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.

**Section 21:** RECITALS AND FINDINGS OF FACT. 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. Furthermore, the City Council adopts the findings and conclusions of the study it commissioned dated March 2021, *Zoning Principles for Community Residences for People With Disabilities and for Recovery Communities in Mesa, Arizona*; and the findings in the Planning Division Staff Report.

**Section 22:** 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 23:** EFFECTIVE DATE. The effective date of this Ordinance shall be thirty (30) days following adoption by the City Council.

**Section 24:** 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 25:** REGISTRATION AND LICENSURE OF EXISTING GROUP HOMES FOR THE HANDICAPPED. A Group Home for the Handicapped located in the City of Mesa on or before the Effective Date of this Ordinance must register and provide proof of licensure according to this Ordinance within six months of the Effective Date. A Group Home for the Handicapped that fails to register with the City and provide the required license or certification within the six months of the Effective Date is not a permitted use and must immediately cease operation. Provided further, under the Current Zoning Ordinance a home is not classified as a Group Home for the Handicapped unless it has six or more disabled residents, however, as of the Effective Date of this Ordinance, that number is being reduced to five. Therefore, a home with five disabled residents (excluding staff) located in the City of Mesa on or before the Effective Date of this Ordinance, will also be required to register with the City and to submit evidence of licensure or certification as required in this Ordinance within six months of the Effective Date. An existing home with five disabled residents (excluding staff) that fails to register with the City and provide the required license or certification within the six months of the Effective Date is not a permitted use and must immediately cease operation. The term Group Home for the Handicapped used in this section is as defined in the Zoning Ordinance (Mesa City Code Title 11) immediately prior to the Effective Date of this Ordinance.

**Section 26:** 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.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, this 8<sup>th</sup> day of July 2021.

APPROVED:

---

Mayor

ATTEST:

---

City Clerk

EFFECTIVE DATE: August 9, 2021.