

Chapter 18. Definitions

A

Accessory Building or Structure: A detached subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, and on the same lot or parcel of land with the main building or use.

Accessory Use: See “Use, Accessory”

Adjoining: Two or more lots or parcels of land sharing a common boundary line, or two or more objects in contact with each other. Lots or parcels of land which touch at corners only shall not be deemed adjoining. “Abut” or “abutting” and “contiguous” means the same as adjoining.

Adult: A person who is 18 years of age or older.

Alley: “See Street Related Definitions”

Alteration: Any addition or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

ANA Standards: Standardized plant nursery trade definitions of plant size, including container size, trunk caliper, plant height and canopy radius for trees and shrubs as determined by the Arizona Nurseryman’s Association.

Animal Sales and Services Use Definitions

Small Animal Day Care: Facilities in which owners of small animals, principally dogs and cats, may contract with the operator for the keeping of pets for short, temporary periods, usually one day or less, but occasionally up to a week or so while the pet owner(s) are unable to care for the animals.

Kennels: Facilities for keeping, boarding, training, breeding or maintaining for commercial purposes, four or more dogs, cats, or other household pets not owned by the kennel owner or operator. This classification excludes pet shops and animal hospitals that provide 24-hour accommodation of animals receiving medical or grooming services.

Pet Stores: Retail sales of animals and/or services, including grooming, for animals on a commercial basis. This classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes pet supply stores that do not sell animals or provide on-site animal services.

Veterinary Services: Medical care for small and large animals on a commercial basis. This classification allows 24-hour accommodation of animals receiving medical or grooming services but does not include kennels. This classification includes animal hospitals and clinics providing services such as medical examinations, diagnosis, and procedures; dispensing of medications for animals; providing surgical procedures, and space for supervised recuperation from medical and surgical procedures.

Apartment, One-Bedroom: A dwelling unit in an apartment house that contains a maximum of three habitable rooms, one of which shall be a kitchen.

Apartment, Two or More Bedroom: A dwelling unit in an apartment house that contains more than three habitable rooms, one of which shall be a kitchen.

Apartment House: A building, or a portion of a building, designed or used for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

Area, Net: See “Lot Area”

Artists’ Studios: Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. There must be incidental retail sales of items produced on the premises. This category may also include incidental instruction.

Assisted Living Facility: A residential care institution intended for occupancy by persons of advanced age or limited ability for self-care, which may provide food, transportation, recreation, or other services to the residents thereof, and which is licensed by the Arizona Department of Health Services to perform supervisory care, personal care, or custodial care services. The term shall include boarding houses, dormitories, apartments, and similar multiple-residence living arrangements when operated as an assisted living facility as defined herein, but shall not include group homes for the handicapped, adult care homes, nursing homes, hospitals, or hotels.

Automobile Display Space: Any permanently maintained space so located and arranged as to permit the display of a motor vehicle, including passenger vehicles, automobiles, trucks, motorcycles, scooters and self-propelled off-road equipment.

Automobile Parking Space, Compact: Any permanently maintained space, having a width of not less than 8 feet and a length of not less than 16 feet, so located and arranged as to permit direct access to and from the parking space without crossing an adjacent parking space, and the storage of a passenger automobile of compact size.

Automobile Parking Space, Standard: Any permanently maintained space, having a width of not less than 9 feet and a length of not less than 18 feet, so located and arranged as to permit

direct access to and from the parking space without crossing an adjacent parking space, and the storage of a passenger automobile of standard size.

Automobile Storage Space: Any permanently maintained space so located and arranged as to permit the storage of a passenger automobile of standard size, without regard to how the parking space is accessed.

Automobile/Vehicle Sales and Services Use Definitions

Accessory Automobile Rentals: Rental and/or parking of automobiles or light-duty sport utility vehicles as an accessory use to a motel, hotel or resort, or an individual tenant space in a with a limited number of on-site parking spaces available to the rental office. Incidental maintenance of vehicles takes place off site at another facility.

Automobile Rentals: Rental of automobiles, including storage and incidental maintenance.

Automobile/Vehicle Sales and Leasing: Sales or leasing of automobiles, motorcycles, trucks, and motor homes, including storage and incidental maintenance.

Automobile/Vehicle Service and Repair, Minor: The service and repair of automobiles, light-duty trucks, and motorcycles, including the sale, installation, and servicing of related equipment and parts. This classification includes quick-service oil, tune-up, wheel and brake shops, muffler shops, auto glass services, and tire sales and installation, where repairs are made or service provided in enclosed bays and no vehicles are stored overnight. This classification excludes establishments providing engine repair, body and fender work, vehicle painting, or towing. It also excludes repair of heavy trucks or construction vehicles.

Automobile/Vehicle Washing: Washing, waxing, vacuuming, or cleaning of automobiles or similar light vehicles, including automatic, self-serve and hand washing facilities.

Service Station: Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing repair services; selling automotive oils, replacement parts, and accessories; and/or providing food services.

B

Banks and Financial Institutions: Financial institutions providing retail banking services. This classification includes only those institutions engaged in the on-site circulation of money, including credit unions and businesses offering check-cashing facilities, but excluding non-chartered financial institutions.

Bank or Financial Institution with Drive-Through Facilities: Establishments providing banking services to patrons remaining in automobiles.

Banquet and Conference Centers: Facilities that are rented for short-term events such as weddings, receptions, banquets, and conferences, as a principal business activity (not accessory to another use such as a Place of Worship or Community Center).

Bay Door or Bay Entry: Openings into a building wider than 6-feet, and designed for use principally by a vehicle to access a building, typically for vehicle parking, storage, repair or maintenance, or to access a building such as a warehouse or factory.

Bicycle Parking

Long-Term: Bicycle parking, designed to serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer.

Short-Term: Bicycle parking designed to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a period of less than four hours.

Building: Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, or property of any kind.

Building, Enclosed: A building composed of rigid walls on all sides, and a roof.

Building Frontage: The exterior wall of a building oriented toward a private drive, public street, highway or parkway.

Building Height: The vertical distance from the natural mean ground elevation of the lot to the top of the parapet of a flat roof or the mean height between the plate line and the ridge of mansard, gable, hip, shed, or similar roof, excluding embellishment.

Build-to Line: The maximum distance a front building façade may be set back from the front lot line.

Business Services: Establishments that primarily provide goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, advertising and

mailing, equipment rental and leasing, office security, custodial services, photo finishing, and model building.

C

Caretaker: A person residing on the premises of an employer and who is receiving meaningful compensation to assume the primary responsibility for the necessary repair, maintenance, supervision or security of the real or personal property of the employer which is located on the same or contiguous lots or parcels of land.

Carport: An accessory structure that is roofed but permanently open on at least 2 sides and maintained for the storage of motor vehicles.

Casita: See “Residential Use Definitions”

Centerline: The centerline established by the city engineer for any proposed or dedicated public way.

Chapter: A chapter set out in this Community Plan unless another ordinance or statute is mentioned.

Charitable Organization: Any benevolent, philanthropic, patriotic, not-for-profit, or eleemosynary group, association or corporation, or such organization purporting to be such, which solicits and collects funds for charitable purposes.

Child: A person under 18 years of age.

City Code: The Mesa City Code.

Clinics: See “Hospitals and Clinics Use Definitions”

Clubs and Lodges: Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls and social clubs.

Colleges and Trade Schools Use Definitions

Colleges or Universities: A public or private post-secondary institution of higher learning that grants associate and/or bachelor’s degrees, and may also have research facilities and/or professional schools that grant master and/or doctoral degrees. This classification includes community colleges that grant associate degrees, and/or certificates of completion in business or technical fields.

Commercial Trade Schools: Public or private schools established to provide teaching of clerical, managerial, or artistic skills, such as accounting, data processing, or computer repair. This classification excludes establishments providing training for activities that are not otherwise allowed in the LUG. Incidental training or instruction done in conjunction with an on-site business use permitted as a primary activity in the LUG shall not be considered a business or trade school.

Commercial Entertainment: Provision of spectator entertainment to the general public including live and motion picture theaters and concert halls. This category excludes cabarets, nightclubs, and similar establishments providing entertainment incidental to food or beverage sales.

Commercial Recreation: Provision of participant or spectator recreation to the general public, excluding public park and recreation facilities.

Small-Scale: This classification includes small, generally indoor facilities, that occupy less than 50,000 square feet of building area, such as billiard parlors, bowling centers, card rooms, dance studios, exercise studios, health clubs, yoga studios, dance halls, small tennis club facilities, poolrooms, and amusement arcades. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Large-Scale: This classification includes large, generally outdoor facilities such as amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, driving ranges, golf courses (daily fee), as well as indoor facilities with more than 50,000 square feet in building area, including fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or roller skating rinks; swimming or wave pools; miniature golf courses; archery or indoor shooting ranges; riding stables; campgrounds; stables, etc. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Commercial Vehicle: Any vehicle currently registered as such with the state Department of Motor Vehicles or equivalent out-of-state or federal agency and is used primarily in the conduct of a business as opposed to private family or individual use.

Community Center: Any non-commercial facility established primarily for the benefit and service of the population of the community in which it is located. Examples include youth centers, senior centers and community recreation facilities owned or managed by an homeowner's association or multi-residence community.

Community Garden: Area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. The area may be divided into separate plots for

cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Condition of Use: See “Use, Condition of”

Cultural Institutions: Public or non-profit institutions engaged primarily in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes performing arts centers for theater, dance, and events; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens.

D

Day Care Centers: Establishments providing non-medical care for persons on a less than 24-hour basis other than Day Care Group Homes. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of Arizona.

Day Care Group Home: See “Residential Use Definitions”

Day Care Services, Accessory: Day care services within a Community Center or Recreation Center when provided as an amenity by a homeowner’s association (HOA) or multi-residence community for the principal benefit of residents of that same HOA or multi-residence community.

Density: The number of dwelling units per unit of land area.

Desert Cobble: Refers to a process that re-creates the look of the rugged desert floor by salvaging and redistributing the top four inches of native soil and native “Desert Pavement” cobble. The desert cobble textures allow the establishment of plant communities by providing a protected place to take root.

Development: Any manmade change to improved or unimproved real estate, including, but not limited to, the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

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.

Domestic Animal: An animal which is commonly maintained in residence with man.

Dripline: A vertical line extending from the outermost portion of a tree canopy to the ground. Potential dripline is based on the average tree canopy diameter, as determined by the Arizona Nurseryman's Association.

Driveway: An access way that provides vehicular access between a street, private drive or alley and the on-site parking or loading facilities.

Dwelling Unit: A room or group of rooms forming an independent living area which may contain sleeping quarters, sanitary facilities, and a kitchen. The term shall include an apartment but shall not include a hotel room or suite, rooms within an Assisted Living Facility, Nursing or Convalescent Homes, and Casitas.

E

Easement: A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege or interest which one party has in the land of another.

Eating and Drinking Establishments Use Definitions

Bars/Clubs/Lounges: Businesses serving beverages for consumption on the premises as a primary use including on-sale service of alcohol including beer, wine, or mixed drinks, and businesses that do not meet the definition of Full Service or Limited Service Restaurants.

Coffee Shops/Cafes: Establishments that primarily serve nonalcoholic beverages, such as coffee, juices, or sodas for consumption on or near the premises, or a specialty snack, such as ice cream, frozen yogurt, cookies or popcorn.

Establishment With Drive-Through Facilities: Any of the defined types of Food and Beverage Establishments providing food and beverage services to patrons remaining in automobiles.

Establishment With Outdoor Seating Areas: Any of the defined types of Food and Beverage Establishments providing provision for outdoor dining facilities on the same property or in the adjacent public right-of-way.

Mobile Food Vending: Vending, selling, serving, displaying, offering for sale, or giving away prepared food or beverages from a Food Truck, Push Cart, or other temporary or portable display, structure, stand, or enclosure.

Push Cart: A non-self-propelled trailer or cart utilized for the preparation of food or beverages.

Food Truck: A motorized or non-motorized vehicle or trailer utilized for the preparation of food or beverages.

Neighborhood Restaurant: An Eating and Drinking Establishment located in a residential Land Use Group or as an accessory use within a Community Center, Recreation Center, or Park as allowed by Chapter 7.

Restaurants, Bar and Grill: Restaurants providing food and beverage services to patrons who order and are served while seated and pay after eating. Takeout service may be provided, but a minimum of 30 percent of gross sales revenue must be from serving food to be classified as a Bar and Grill Restaurant.

Restaurants, Full Service: Restaurants providing food and beverage services to patrons who order and are served while seated and pay after eating. Takeout service may be provided, but a minimum of 40 percent of gross sales revenue must be from serving food to be classified as a Full Service Restaurant.

Restaurants, Limited Service: Establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where no table service is provided. This classification includes cafeterias, fast-food restaurants, carryout sandwich shops, limited service pizza parlors and delivery shops, self-service restaurants, snack bars and takeout restaurants. A minimum of 40 percent of gross sales revenue must be from serving food to be classified as a Limited Service Restaurant.

Equipment Cabinet or Enclosure: A cabinet or structure used to house equipment associated with any utility.

F

Façade: The exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

Farmer's Market: Periodic outdoor sales activities involving the display and sale of fresh produce and locally produced food and beverage items, including baked goods, jams, jellies, and similar food products. The display and sale of hand-crafted artisan items may be considered as an accessory activity, provided the principal activity remains the sale of the food- or produce-related items.

Fence: An artificially-constructed barrier of any material or combination of materials erected to enclose or screen an area of land.

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

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

Food and Beverage Sales Use Definitions

Convenience Market: Retail establishments that sell a limited line of groceries, prepackaged food items, tobacco, magazines, and other household goods, primarily for off-premises consumption and typically found in establishments with long or late hours of operation and a relatively small building of less than 6,000 square feet.

General Market: Retail markets of food and grocery items for offsite preparation and consumption. Typical uses include supermarkets and specialty food stores, such as bakeries, candy, nuts and confectionary stores, meat or produce markets, vitamins and health food stores, cheese stores and delicatessens.

Foundation Base: The area adjacent to the exterior walls of a building containing hardscape, (entry plazas, covered walkways, sidewalks), ground cover, or landscaping.

Funeral Parlors and Mortuaries: An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of the human dead and conducting memorial services. Typical uses include a crematory, columbarium, mausoleum, or mortuary.

Future Width Right-of-Way Line: The planned maximum width of a public freeway, road, or street, determined by the City of Mesa Traffic Engineer for local, collector and arterial streets, as determined by the applicable Transportation, Freeway or Major Street Plan adopted by the City, Maricopa County, and/or the State of Arizona for arterial streets and freeways.

G

Garage: A building or portion of a building that is enclosed and roofed and designed for the parking of motor vehicles.

General Development Standards: Design standards, parking requirements and other zoning related Development Standards specified in a Community Plan and adopted with a particular Planned Community (PC) District, as specified in Chapter 11 of the City of Mesa Zoning Ordinance. These standards would include the type of standards and requirements specifically associated with land uses listed in Article 2 of the Mesa Zoning Ordinance, or generally applicable as found in Article 4 of the Mesa Zoning Ordinance. The term includes building

setbacks, maximum building heights, parking stall sizes, parking ratios, minimum building separation requirements, landscape setbacks, landscape planting ratios and other similar requirements. The term does not include design guidelines and design concepts, permitted land uses, prohibited land uses, and uses requiring a conditional use permit. As a general rule, dimensional General Development Standards include requirements which are characterized by minimum or maximum physical characteristics that can be measured as floor area, width, length, depth or height.

General Plan: The General Plan of the City of Mesa, and all elements thereof.

Glare: The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort or loss of visual performance and ability.

Grade related definitions

Grade, Below: Location of any facility or part of a facility located underground or beneath ground level.

Grade, Existing: The elevation of a lot or parcel prior to approved demolition, excavation, fill, construction or modification.

Grade, Finished: The final elevation of the lot or parcel, paved or unpaved, when all construction and landscaping are complete. Grade refers to finished grade unless otherwise stated.

Grade, Finished Floor: The elevation of the ground floor of the building.

Grade, Natural: The elevation of a lot or parcel unaffected by construction techniques such as fill, excavation, landscaping or berming. Mean natural grade refers to the elevation midway between the highest and lowest elevations on the lot or parcel.

H-J

Handicapped Person: An individual who: (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]).

Handicraft/Custom Manufacturing: Manufacture of crafts, art, sculpture, stained glass, jewelry, apparel, furniture, cabinet making, and similar items using hand tools and small mechanical devices.

Hardscape: Part of a building's grounds consisting of structures, such as plazas, retaining walls and sidewalks, made with materials such as but not limited to, concrete and sidewalk pavers.

Hazardous Materials: Includes any substance characterized as flammable solids, corrosive liquids, radioactive materials, oxidizing material, highly toxic materials, poisonous gases, reactive materials, unstable materials, hypergolic materials and pyrophoric materials and any substance or mixture of substances which is an irritant, a strong sensitizer or which generates pressure through exposure to heat, decomposition or other means.

Height of Building or Structure: See "Building Height".

Heliport: Facilities for the takeoff and landing of helicopters, as a primary use. Heliports typically contain one or more helipads and may have limited facilities, such as fuel, lighting, a windsock, or even hangers.

Home Occupations: An ancillary use within any Residence or Mixed Use LUG which:

1. Is clearly incidental to a residence use;
2. Is subordinate to the purpose of the residence use;
3. Contributes to the comfort, convenience, or necessity of occupants in the residence use;
4. Is located on the same lot or parcel as the residence use served;
5. Includes swimming lessons, babysitting, and fine arts instruction, each for five or fewer persons;
6. Includes door-to-door and telephone solicitation;
7. Includes uses and activities that can be conducted entirely indoors without negatively impacting the residential character of the neighborhood or health, safety, and welfare of neighbors; and
8. Excludes on-site exchange of sold or bartered goods (exceptions made for occasional and infrequent exchanges), on-site vehicle repair as a commercial use, commercial warehousing or commercial storage (indoor or outdoor), more than one non-resident employees working in the home, or manufacturing of products using hazardous materials or equipment not typically found in household settings.

Hospitals and Clinics Use Definitions

Clinics: Facilities other than hospitals where patients are admitted for examinations and treatment by one (1) or more physicians, on either a "walk-in" or "appointment" basis. Patients are treated on an outpatient basis and are not admitted for overnight treatment or observation. This classification includes emergency medical services offered exclusively on an out-patient basis, such as urgent care centers, as well as licensed facilities offering substance abuse treatment, blood banks and plasma centers.

Hospitals: Facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. Institutions providing medical and surgical care to the

sick or injured, including operating facilities and beds for patients to stay overnight. These establishments may include nursing facilities, extended care facilities, physical therapy, gift shops, retail pharmacies, employee housing, temporary housing for patient families, cafeterias or restaurants, and related uses operated primarily for the benefit of patients, staff, and visitors. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs as well as training, research, and administrative services for patients and employees.

Hotels and Motels: Establishments offering lodging to transient patrons. These establishments may provide additional accessory services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests and the general public. This classification includes motor lodges, motels, hostels, extended-stay hotels, and tourist courts, but does not include rooming houses, boarding houses, or private residential clubs. The lengths of stays for the majority of guests at these facilities are for 30 days or less.

K

Kitchen: Any room or space used, or intended or designed to be used for cooking or the preparation of food.

L

Laboratories: Establishments providing medical, dental or optical laboratory services or establishments providing photographic, analytical, research and development or testing services.

Land Use Group (LUG): A specifically delineated geographic area in the city within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

Landscaping: The planting, configuration and maintenance of trees, ground cover, shrubbery and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

Large Vehicle: Any vehicle with a gross vehicle weight rating (GVWR) exceeding 13,000 pounds and intended to be used primarily for commercial purposes rather than use as for private or personal individual trips.

Lighting Related Definitions

Lamp: Any source created to produce optical radiation (i.e. “light”), often called a bulb or tube.

Light Shelf: An exterior architectural element that allows reflective daylight to penetrate deep into a building.

Light Trespass: Unwanted light that falls on neighboring properties or public right-of-ways. Light trespass also includes glare or distraction for observers away from the area for which the light is intended.

Lighting, Exterior: Any equipment or fixture located or used to provide illumination of outdoor areas, objects or activities.

Lighting Fixture: Light fixtures include but are not limited to the lamp, pole, post, ballast, reflector, lens diffuser, shielding, electrical wiring, and other necessary or auxiliary components.

Lighting System: All exterior man-made lighting sources, associated infrastructure and controls on a site.

Light Assembly/Cabinetry: Putting together, fabricating, or making minor modifications to pre-manufactured items or pre-cut lumber as a last step for items intended to be sold as finished products. Includes assembling cabinets, and furniture making, but excludes metal extrusion, welding, sawmills, and manufacturing.

Light Fleet-Based Services: Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This classification does not include towing operations (See Automobile/Vehicle Sales and Service,) or taxi or delivery services with two or fewer fleet vehicles on-site (See Business Services).

Live/Work Unit: A commercial or industrial unit with incidental residential accommodations that includes adequate working space reserved for office, commercial or industrial use and regularly used for such purpose by one or more persons residing in the unit and a cooking space and sanitary facilities in conformance with applicable building standards. Up to 60 percent of the gross floor area may be reserved for and primarily used as living space.

Lot related definitions

Lot: A piece or parcel of land separated from other pieces or parcels by description, as in a subdivision or on a recorded survey map or by metes and bounds, for purpose of sale, lease, or separate use.

Lot, Corner: A lot or parcel of land situated at the intersection of two or more parkways, highways or streets, which parkways, highways or streets have an angle of intersection measured within said lot or parcel of land of not more than 135 degrees.

Lot, Flag: A lot or parcel of land taking access by a strip, owner of which lot or parcel of land has fee-simple title to said strip extending from the main portion of the lot or parcel of land to the adjoining parkway, highway or street.

Lot, Frontage: That portion of a lot or parcel of land which borders a street, highway or parkway.

Lot, Interior: A lot or parcel of land other than a corner or flag lot.

Lot, Key: An interior lot adjoining the rear lot line of a corner lot.

Lot, Through: A lot having frontage on two parallel or approximately parallel parkways, highways and/or streets.

Lot Area: The area of a parcel, lot or property bounded by the lot lines and exclusive or right-of-way and tracts, generally expressed in square feet.

Lot Area, Net Buildable: Lot Area exclusive of the required setbacks.

Lot Line: A boundary line of a lot or of a parcel of land.

Lot Line, Front: A line separating the front yard from the parkway, highway, or street frontage upon which the yard fronts; or, in the case of a flag lot where the front yard is oriented toward an adjoining lot, the line separating such front yard from the adjoining lot.

Lot Line, Rear: A lot line which is opposite and most distant from the front lot line. For a triangular shaped lot, the rear lot line shall mean a line 10 feet to the length within the lot which is parallel to the front lot line, or parallel to the chord of a curved front lot line, and the maximum distance from the front lot line.

Lot Line, Side: Any lot boundary line which is not a front lot line or a rear lot line

M

Maintenance and Repair: The repair or replacement of individual building components or paint, stucco or other exterior finishes that restores the character, scope, size or design of a structure to its previously existing, authorized, and undamaged condition. This definition shall not include replacement of primary structural elements or complete replacement of the building or structure.

Manufacturing: The process of creating a finished product by fabrication or from raw materials.

Mixed Use Development. A Mixed-Use Development may be comprised of one or more individual lots, with planned horizontal and/or vertical integration of some combination of distinct land uses including retail, office, multi-residence, hotel, recreation or other functions. A Mixed-Use Development requires functional and physical integration of the various land uses and adheres to a coherent plan. Mixed-Use development must utilize an urban building form.

N

Nursing and Convalescent Homes: 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.

O

Occupant: The person occupying or having custody of a structure or premises as a lessee or other.

Occupant Load: The total number of persons that may occupy a building or structure, or portion thereof, at any one time as provided by the City of Mesa Building Code.

Off-Track Betting Establishment: A facility in which simulcasting of horse or dog racing events held away from the facility are shown for the purpose of pari-mutuel wagering. Operated as an accessory use to any Eating and Drinking Establishment as defined by this Community Plan, and authorized by issuance of an Off-site Teletrack Wagering Permit in accordance with applicable Arizona Revised Statutes and Arizona Administrative Code regulations.

Offices Use Definitions

Business and Professional Office: Offices of firms or organizations providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, and legal offices.

Medical and Dental Office: Offices where medical and dental services are provided by physicians, dentists, chiropractors, optometrists, and similar medical professionals. This classification also includes physical therapy, massage therapy, and counseling services related to medical conditions.

Neighborhood Office: Business and Professional or Medical and Dental offices located as an accessory use within a Community Center, Recreation Center, or park as allowed by Chapter 7.

On-Site: Located on the lot that is the subject of discussion.

Open Space related definitions

Open Space: The area or areas of a lot or parcel intended to provide light and air, and is designed for either scenic or recreational purposes, excluding buildings, parking, driveways and other vehicular surfaces.

Open Space, Common: An open space intended for the shared, common use of the occupants of a development.

Open Space, Private: An open space intended for the exclusive use of the occupants of a dwelling unit.

Open Space, Usable Outdoor: Useable Outdoor Open Space is the area(s) of a lot or parcel, within the Net Buildable Lot Area, that is sufficiently sized to provide functional space for outdoor leisure, activities, and recreation. Usable Outdoor Open Space may include hardscape surfaces for patios, dining areas, and courtyards, lawn areas, garden areas, play areas, swimming pools and other recreation areas, but excludes any driveways or parking areas.

Ordinance: An ordinance of the City of Mesa.

Outdoor Entertainment or Outdoor Activities: Any type of live entertainment or recreational activity taking place in a location visible to public view and not within an enclosed building.

Outside Display: The placement of goods, equipment, merchandise or exhibits at a location visible to the public view, other than within a building.

Outside Storage: The storage of goods, equipment or materials outside of a building for any purpose other than outside display.

Owner: The person indicated on the records of the Maricopa County Assessor, or other official body, as the owner of record of the property in question.

P-Q

Parcel of Land: See “Lot”

Parking, Commercial: Surface lots and structures offering parking to the public for a fee when such use is not incidental to another activity.

Parking Lots or Parking Buildings: Readily accessible areas within structures or surface parking areas, inclusive of aisles, driveways, ramps and columns, maintained exclusively for the parking of vehicles, not including areas for the parking or storage of commercial vehicles.

Parks and Recreation Facilities, Public: Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, all of which are noncommercial. This classification also includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, and golf courses, botanical gardens, as well as related food concessions or community centers within the facilities.

Pedestrian Oriented Use: A land use intended to encourage walking customers and which, generally, does not limit the number of customers by required appointments or otherwise excluding the general public. A pedestrian-oriented use may suggest or require appointments for services when primarily for the convenience of the customer, such as reservations for restaurants, beauticians or opticians to avoid being turned away due to unavailability. Where feasible the pedestrian oriented use shall have external entrances directly accessible from public sidewalk space. At a minimum, the business shall be of those generally considered to be open typical business hours that can range from 4-10 hours a day, and 4-7 days a week.

Permit: Any Special Use Permit, Council Use Permit, Temporary Use Permit, license, certificate, approval, or other entitlement for development and/or use of property as required by any public agency.

Permitted Use: See “Use, Permitted”

Person: Any individual, firm, co-partnership, joint adventure, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, this and any other city, county, municipality, district or other political subdivision, or any other group or combination acting as a unit.

Personal Services: Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, photocopying and photo finishing services, and travel agencies.

Places of Worship: A facility for religious worship and incidental religious education and offices, and may include private schools (Grades: Kindergarten through 12) for primary or secondary education, as defined in this Community Plan. This classification includes churches, temples, and other facilities used primarily for religious services or activities.

Plant Nurseries and Garden Centers: Establishments primarily engaged in retailing nursery and garden products — such as trees, shrubs, plants, seeds, bulbs, and sod — that are predominantly grown elsewhere.

Porch: Structure or appendage of a building adjacent to a building entrance, typically covered and/or elevated from adjacent grade, and open with no walls on at least one (1) side.

Principal Use: See “Use, Principal”

Public Safety Facilities: Facilities providing public-safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, and maintenance facilities.

R

Recreational Vehicle (RV): A vehicle-type unit which is one of the following:

1. A portable camping trailer mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold for camping.
2. A motor home designed to provide temporary living quarters for recreational, camping, or travel use and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.
3. A park trailer built on a single chassis, mounted on wheels, and designed to be connected to utilities necessary for operation of installed fixtures and appliances, and having a gross trailer area of not less than 320 square feet and not more than 400 square feet when it is set up, except that it does not include fifth wheel trailers.
4. A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle and having a trailer area of less than 320 square feet. This type includes fifth wheel trailers.

Recycling Collection Facilities: A center for the collection and/or processing of recyclable materials.

Small Collection Facility: A Recycling Collection Facility where the public may donate, redeem or sell recyclable materials, which may include the following, where allowed by the applicable LUG:

1. Reverse Vending Machines;
2. Small Indoor Collection Facilities.

Research and Development: Establishments primarily engaged in scientific research, and the design, development, engineering, and testing of high-technology electronic, industrial or scientific products in advance of product manufacturing. The production of products, plans, or designs may be part of this classification when the primary purpose of such production is research, development, or evaluation, rather than sale. Typical uses include biotechnology firms, electronic research firms, or pharmaceutical research laboratories.

Residential Use Definitions

Day Care Group Home: A facility, the primary use of which is a residence, in which care of no more than five children through the age of 12 years is regularly provided for compensation for periods of less than 24 hours per day.

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.

Residence, Assisted Living: A residential care institution intended for occupancy by persons of advanced age or limited ability for self-care, which may provide food, transportation, recreation, or other services to the residents thereof, and which is licensed by the Arizona Department of Health Services to perform supervisory care, personal care, or custodial care services. The term shall include boarding houses, dormitories, apartments, and similar multiple-residence living arrangements when operated as an assisted living facility as defined herein, but shall not include group homes for the handicapped, adult care homes, nursing homes, hospitals, or hotels.

Residence, Multiple: Two or more primary dwelling units on a single lot. Types of multiple residence dwellings include duplexes, garden apartments, and multi-story apartment buildings.

Residence, Single: A dwelling unit designed for occupancy by one household, and located on a separate lot from any other unit (except accessory dwelling units, where permitted).

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

Casita: A secondary living quarters, attached or detached from the primary dwelling, located on a single residence lot when authorized as described in Chapter 8 , which may or may not have a second kitchen, and may function independently of the primary dwelling by means of separate access.

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

Responsible Party: A person who knows or has reason to know of the existence of any violation of this chapter on that person’s property or property which that person occupies or controls, in whole or in part, including but not limited to an owner, occupant, lessor, lessee, manager, managing agent, licensee or any person who has legal care or control of the property.

Retail Sales Use Definitions

General Retail: The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, furniture stores, pet supply stores, small hardware stores (with 25,000 square feet or less of floor area), and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs. This classification includes secondhand and wholesale stores.

Large Format Retail: General retail activities as described above taking place within a store in excess of 25,000 square feet.

Neighborhood Retail: Retail sales located in a Residence Land Use Group or as an accessory use within a Community Center, Recreation Center, or park as allowed by Chapter 7.

Temporary Retail: Peddling, vending, selling, serving, displaying, offering for sale, or giving away goods, wares, merchandise, or services from a Pop-Up Retail location, Roadside Stand, Kiosk or other temporary or portable display, structure, or enclosure.

Pop-Up Retail: A location that allows for the temporary sale of goods or offering of services from a permanent or temporary structure, building, or enclosure or from a motorized or non-motorized vehicle or trailer.

Roadside Stand: A stand or enclosure that allows for the sale of goods on property alongside a public or private roadway for the display and sales of goods and services.

Kiosk: A stand-alone structure or cart for the display or limited sales of goods and services.

Roof Area: That portion of a lot or parcel covered by the roof structure of all buildings, excluding the eaves and overhangs, but including covered porches, patios and carports.

Roof Profile: shape or form of the roof above residential dwelling units, such as gable, gambrel, hip, mansard, parapet, pitched and shed.

Room, Habitable: An enclosing subdivision in a building commonly used for sleeping, living, cooking or dining purposes, excluding closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage space, cellars, utility rooms, and similar spaces.

S

Schools, Public or Private: Facilities for primary or secondary education, including public schools, charter schools, and private institutions having curricula of general academic education consistent with the academic requirements of the State of Arizona, including kindergarten, elementary, junior high school, and high school, including accessory facilities traditionally associated with schools, such as athletic stadia, cafeterias and libraries.

Screening: A wall, fence, hedge, informal planting, or berm, provided for the purpose of buffering a building or activity from neighboring areas or from the street.

Section: A section of this Community Plan, unless some other ordinance or statute is mentioned.

Setback: The area between a lot line and a building or structure which must be kept clear or open.

Sidewalk: A paved, surfaced, or leveled area used as a pedestrian walkway.

Sign Related Definitions: See the City of Mesa Zoning Ordinance Chapter 41

Special Event: A temporary use in all LUGs which:

1. Is intended for purposes of entertainment, education, commercial promotion, or cultural, religious, ethnic, or political expression;
2. Is conducted on public or private property on a site or in an area which may not be specifically zoned, authorized, or otherwise approved for such use on a permanent basis;
3. Is carried on in a temporary structure or outside;
4. May occur in conjunction with an existing permitted use or as a separate activity;
5. Includes parades, sporting events, circuses, fairs, carnivals, festivals, religious revivals, political rallies, vehicle shows and displays, and similar recognized temporary activities; and
6. Shall not include wedding and funeral ceremonies, holiday boutiques, elections, private yard sales, Christmas tree and pumpkin sales lots, and charity car washes.

Stand: A structure for the display and sale of products with no space for customers within the structure itself.

Story: Is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above. "Story" includes a basement, but not a cellar.

Street-related definitions

Alley: A public right-of-way or private drive used to provide secondary vehicular access to properties which abut it.

Freeway: A restricted access highway.

Highway: Includes any expressway, freeway, or parkway.

Parkway: A tract of land adjacent to the right-of-way that may be used for landscaping, utilities, sidewalks or other similar uses.

Right-of-way: A strip of land intended to be used as a road, railroad, electric transmission line, oil or gas pipeline, water line, sanitary storm sewer or other similar use.

Road: An open way used for the passage of vehicles, and includes alleys, streets and highways.

Street: Any public or private street, avenue, boulevard, road, lane, parkway, place, viaduct, easement for access, or private drive intended to function like a public or private street by providing for vehicular or pedestrian travel.

Street Frontage: The lineal width of a street along the front of a lot or parcel.

Street, Arterial: A general term including section line and major streets and state or county highways providing a system for citywide through traffic movement.

Street, Collector: Provides the traffic movement within neighborhoods of the City, between major streets and local streets, and for direct access to abutting property.

Street, Cul-de-Sac: A short local street permanently terminated in a vehicular turnaround; provides direct access to a limited number of adjacent properties.

Street, Frontage: A local street parallel and adjacent to an arterial route which intercepts minor residential streets and controls access to an arterial route.

Street, Half: Any street improved to a width of less than 34 feet or with concrete curb and sidewalk on only one (1) side of said street.

Street, Local: Provides for direct access to residential, commercial, industrial, or other abutting land; primarily for local traffic movements with connections to collector and/or major streets.

Street, Private: Real property recorded as improved roadway for pedestrian and motor vehicle traffic, constructed and maintained by private parties.

Street, Public: Real property dedicated for, and recorded as, public right-of-way for pedestrian and motor vehicle traffic. The term shall not include public right-of-way designated for limited access freeways or public alleys.

Structural Alteration: Any change of the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists, ceiling joists, or roof rafters.

Structure: Anything constructed or erected which requires a fixed location on the ground, or is attached to something having a fixed location on the ground.

Swap Meets (Flea Markets): Occasional or periodic commercial activities held in an open area where: 1) groups of sellers rent space to display, barter or sell goods to the public; and/or 2) one or more sellers bring goods for auction to the public. A swap meet is composed of semi-enclosed or outdoor stalls, stands or spaces, and is distinguished from a farmer's market or craft fair in that the principal items sold, displayed or bartered at a swap meet are not fresh produce items, art items or handicrafts.

Swimming Pool: A contained body of water used for bathing or swimming purposes either above or below ground level with the container being 18 or more inches in depth at any point, and/or wider than 8 feet at any point measured on the long axis.

T

Tandem Parking: The placement of parking spaces one behind the other, or "end-to-end", such that the second space furthest from the access drive is accessed only by crossing the first space nearest the access drive.

Telecommunication Facilities Use Definitions

Antenna and Transmission Towers. Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures designed to support one (1) or more reception/transmission systems. Examples of transmission towers include, but shall not be limited to, radio towers, television towers, telephone exchange/microwave relay towers, and cellular telephone transmission/personal communications systems towers.

Facilities within Buildings. Includes radio, television, or recording studios; telephone switching centers; excludes Antennae and Transmission Towers.

For **Telecommunication Related Definitions**, see the City of Mesa Zoning Ordinance Chapter 87.

Theater: An enclosed building used for public assembly and/or entertainment, including sports events, theatrical performances, concerts and recitals, circuses, stock shows and conventions. "Theater" includes auditoriums.

Trade Schools, Commercial: see "Colleges and Trade Schools Use Definitions"

Transparent or non-opaque: Any surface, screen, window, wall, or other structural element through which objects can be clearly seen by the human eye.

Transportation Passenger Terminals. Facilities for passenger transportation operations. This classification includes rail stations, bus terminals, and scenic and sightseeing facilities, but does not include airports or heliports.

U

Usable Outdoor Open Space: see “Open Space, Usable Outdoor”

Use Related Definitions

Use: Includes construction, establishment, maintenance, alteration, moving onto, enlargement and occupation. Wherever this title prohibits the “use” of any premises for any purposes, such premises and any building, structure or improvement on such premises shall not be used, occupied, altered or improved for such purpose, and no building, structure or improvement on such premises shall be erected, constructed, established, maintained, allowed to remain, altered, moved onto or enlarged which is designed, arranged or intended to be occupied or used for such purpose.

Use, Accessory: A use customarily incidental to, related and clearly subordinate to a principal use established on the same lot or parcel of land, which accessory use does not alter said principal use nor serve property other than the lot or parcel of land on which the principal use is located. “Appurtenant Use” means the same as Accessory Use.

Use, Condition of: A development standard determined to be necessary to permit harmonious classification of a use as listed in a LUG and therefore a prerequisite to place, or for application to place, such use as classified.

Use, Conditional: Any use allowed in a LUG, pursuant to Chapters 7 or 8, without a requirement for approval of a discretionary use permit, but subject to any restrictions applicable to that LUG and additional standards in Chapter 9.

Use, Illegal: Any use of land or building that does not have the currently required permits and/or was originally constructed and/or established without permits required for the use at the time it was brought into existence.

Use, Permitted: Any use allowed in a LUG, pursuant to Chapters 7 or 8, without a requirement for approval of a discretionary use permit, but subject to any restrictions applicable to that LUG.

Use, Principal: A primary or dominant use established, or proposed to be established, on a lot or parcel of land.

Use, Prohibited: Any use not specifically listed, or analogous to a use listed as allowed in a LUG pursuant to Chapters 7 or 8 of this Community Plan.

Use, Temporary: A use of land that is designed, operated and occupies a site for a limited time, typically less than twenty four months.

Utilities, Major: Generating plants, electric substations, solid waste collection, including transfer stations and materials recovery (recycling processing) facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

Utilities, Minor: Facilities necessary to support established uses involving only minor structures, such as electrical distribution lines, electric vehicle charging stations, reverse vending machines and underground water and sewer lines.

V

Visible: Capable of being seen (whether or not legible) by a person of normal height and visual acuity.

W

Warehousing and Storage Use Definitions

Outdoor Storage: Storage of vehicles or commercial goods (other than construction materials) in open lots.

Mini-Storage: Facilities offering storage for individual use. An on-site residence may be present for use by the site manager and family.

Wheel Stop: A physical barrier sufficient in size to prevent the movement of automobiles or other vehicles over or past such barrier.

Wholesale: Establishments engaged in the distribution and sale of items for resale by retail stores, or bulk sale of goods to other professional business, industrial, or institutional users. Such activities are characterized through sales of items in large or gross quantities and not as individual items, and such establishments are typically not open to the general public for the purpose of offering items for individual sale or consumption of goods.

Wild Animal: Any wild, exotic, dangerous or nondomestic animal, including, but not limited to, mammals, fowl, fish or reptiles.

X-Y-Z

Yard-related definitions:

Yard: The area on a lot or parcel of land, unoccupied and unobstructed from the ground upward, as required pursuant to the building setbacks found in Chapter 7.4 or Chapter 8.4 of this Community Plan unless otherwise permitted.

Yard, Front: A yard extending across the full width of the lot or parcel of land whose depth is measured from the front lot line or as otherwise required within this Community Plan. On corner lots, the front yard shall be located across the narrower frontage of the lot.

Yard, Corner Side: A yard bounded by a highway, street, extending from the required front yard, or the front lot line on which the property fronts where no front yard is required, to the required rear yard or to the rear lot line where no rear yard is required.

Yard, Interior Side: A yard extending from the required front yard, or the front lot line where no front yard is required, to the required rear yard or to the rear lot line where no rear yard is required on other than a corner side yard.

Yard, Rear: A yard extending across the full width of the lot or parcel of land whose depth is measured from the rear lot line or as otherwise required within this Community Plan.