

Chapter 9. Standards for Specific Uses and Activities

9.1. Purpose and Applicability.

The purpose of this Chapter is to establish standards for specific uses and activities that are permitted or conditionally permitted. The uses and activities listed shall comply with the regulations and standards of this Chapter, as well as any applicable standard found in the applicable LUG.

9.2. Specific Uses and Activities.

The following uses, as defined in Chapter 18, include specific requirements as listed in the following sections.

- 9.3 Accessory Uses
- 9.4 Automobile Rental, Automobile Vehicle Sales and Leasing
- 9.5 Automobile/Service Stations
- 9.6 Automobile/Vehicle Repair, Minor
- 9.7 Automobile/Vehicle Washing
- 9.8 Casitas
- 9.9 Community Garden
- 9.10 Convenience Markets
- 9.11 Accessory Day Care Services
- 9.12 Day Care Group Homes
- 9.13 Drive-thru Facilities
- 9.14 Group Homes for the Handicapped
- 9.15 Home Occupations
- 9.16 Hospitals and Clinics
- 9.17 Large Format Retail
- 9.18 Live/Work Units
- 9.19 Neighborhood Retail, Restaurants and Office
- 9.20 Outdoor Eating Areas
- 9.21 Outdoor Display and Retail Sales
- 9.22 Places of Worship
- 9.23 Recycling Collection Facilities
- 9.24 Schools
- 9.25 Temporary Uses

9.3. Accessory Uses.

An accessory use shall be incidental to a primary use and shall be allowed only in conjunction with the principal use or building to which it relates. In any LUG, accessory uses are subject to the regulations of the primary use found within Chapters 7 or 8 and the specific standards found in this Chapter.

9.4. Automobile Rental, Automobile/Vehicle Sales and Leasing.

Automobile Rental, and Automobile/Vehicle Sales and Leasing shall be located, developed, and operated in compliance with the land use regulations in Chapter 8 and the following standards:

9.4(a) Landscaping. In addition to perimeter and foundation base landscaping requirements, landscaping shall comprise a minimum of 10 percent of the site area.

9.4(b) Vehicle Display. A maximum of 30 percent of the street side landscape area may be used for vehicle display. A minimum 12-foot wide planter strip shall separate vehicle display areas from sidewalks along the streets.

9.4(c) Vehicle Loading and Unloading. Vehicle loading and unloading shall occur on-site.

9.4(d) Vehicle Display Platforms.

9.4(d)(i) *Elevated Platforms.* Elevated platforms or other structures or devices used for the display of vehicles associated with an approved vehicle sales or rental facility are permitted, provided such platforms, structures, or devices:

1. Shall only be located in areas approved or authorized for vehicle display pursuant to an approved site plan;
2. Shall not project into or over required landscape areas, drive aisles, or fire lanes;
3. Shall not be located closer to the public street than any at-grade vehicle display areas;
4. Shall not exceed 4 feet in height as measured from the mean finished grade of the display surface;
5. Only one vehicle shall be displayed on each platform, structure, or device; and
6. The number of display platforms, structures, or devices shall not exceed a ratio of 1 per 100 feet of lineal street frontage of the at-grade display area (exclusive of driveways).

9.4(d)(ii) *Alternate Standards.* The Zoning Administrator may approve modifications or variations to the above provisions pursuant to Chapter 3.9(a)(ii). Such modifications or variations shall only be approved upon a finding by the Zoning Administrator that such platforms, structures, or devices

1. Constitute a design component, or incorporate architectural features, associated with the primary buildings or structures on the development site;

2. Serve only to enhance the visibility of vehicles, and do not display or portray an advertising message, or commercial signage;
3. Will not impede or obstruct the visibility of traffic maneuvering on the development site or traveling upon the public-street; and
4. Incorporate increased setbacks, enhanced landscaping, or other screening measures to effectively mitigate the impact of the platforms.

9.4(d)(iii) Accessory Vehicle Repair. Any accessory vehicle repairs and associated service bays shall be located and operated in accordance with the applicable requirements of Automobile/Vehicle Repair, Minor within 9.6(b).

9.5. Automobile/Service Stations. Service Stations shall be located, developed, and operated in compliance with the land use regulations in Chapter 8 and the following standards.

9.5(a) Location. Maximum number of service stations permitted at an intersection is a total of two.

9.5(b) Minimum Frontage. Minimum frontage of 100 feet is required on each adjacent street.

9.5(c) Pump Canopy. Pump islands shall be covered by a canopy that matches or complements the design of the main structure. If located as part of a larger or commercial center, the canopy shall also complement the design of the architecture within the commercial center.

9.5(d) Landscaping. Landscaping shall comprise a minimum 10 percent of the site area, exclusive of required setbacks, and include an irrigation system that is permanent, below-grade, and activated by automatic timing controls.

9.5(e) Screening of Service Bays. Any service bays for accessory vehicle repairs shall be screened in accordance with the requirements of Automobile/Vehicle Repair, Minor in Chapter 9.6(b).

9.5(f) Lighting. All exterior light sources, including canopy, perimeter, and flood, shall be stationary, and shielded or recessed within the roof canopy to ensure that all light is directed away from adjacent properties and public rights-of-way. No lens of any

lighting fixture may extend below the shielding device. Lighting shall not be of a high intensity so as to cause a traffic hazard, be used as an advertising element, or adversely affect adjacent properties.

- 9.5(g) Litter.** A minimum of one permanent, non-flammable trash receptacle shall be installed at each pump island.
- 9.5(h) Design Guidelines.** Specific design guidelines for Automobile/Service Stations shall be included within the Commercial and Mixed Use Design Guidelines for each Development Unit Plan. The Automobile/Service Station design guidelines shall facilitate a balance between adequate visibility and the need to protect the visual appeal of the streetscape. The design guidelines will encourage non-traditional Automobile/Service Station designs and address items such as building and pump island orientation, size, and location; site access and traffic flow; screening; landscaping; and lighting.
- 9.5(i) Additional Standards for CMU LUG.** An Automobile/Service Station within the CMU LUG shall require approval of a Council Use Permit. Such Automobile/Service Station shall be designed with an urban development form, including that the Automobile/Service Station building shall be integrated into the primary pedestrian oriented street or principal gathering street according to the CMU LUG development standards, and the pump islands and canopy shall be adequately screened and landscaped and located to the rear or side of the site. Relief from the requirements of Chapter 8.6, Additional Design Standards for the CMU LUG, may be granted during the Site Plan Review and Approval process for a high quality Automobile/Service Station design that furthers the creation of a pedestrian friendly, urban development form within the CMU LUG.

9.6. Automobile/Vehicle Repair, Minor.

Minor Automobile/Vehicle Service and Repair shall be located, developed, and operated in compliance with the land use regulations in Chapter 9 and the following standards:

- 9.6(a) Minimum Lot Size.** One acre, unless part of a larger commercial center.
- 9.6(b) Screening of Service Bays.**
- 9.6(b)(i) *Adjacent to Residential.*** When the automobile/vehicle repair or service use is within 200 feet of a residential LUG or existing residential development

without an intervening street, then bay doors shall be oriented away from the residential use unless otherwise approved by the Zoning Administrator.

9.6(b)(ii) Screening From Adjacent Streets. Screening of bay door openings shall be accomplished based upon the following preferences:

1. The use of intervening buildings such that the bays doors are not visible from the street(s).
2. When bay doors are setback from the street a distance of 200 feet or greater, orient the building such that the bay doors are perpendicular to the centerline axis of the abutting street. For corner lots, the bay doors shall be oriented perpendicular to the street that creates the smallest potential for noise impact on adjacent residential development.
3. When bay doors are less than 200 feet from an adjacent street or the bay doors are less than perpendicular to a street, screening shall be provided at least 6' high. Screening shall be at least 50% opaque and may include landscaping.

9.6(b)(iii) Landscape Screening. Large-canopy trees and shrubs shall be used to provide partial screening of the bay doors when the bay doors are visible from the adjacent street.

9.6(c) Vehicle Storage. Vehicle storage areas shall be screened per the regulations in Chapter 8.

9.6(d) Litter. No used or discarded automotive parts or equipment or disabled, junked, or wrecked vehicles may be stored outside.

9.6(e) Noise. All noise-generating activity or equipment shall be enclosed within a building with sound attenuation measures incorporated into the building design and construction to absorb noise.

9.7. Automobile/Vehicle Washing.

Automobile Washing shall be located, developed, and operated in compliance with the land use regulations in Chapter 8 and the following standards:

9.7(a) Location. Automobile/Vehicle Washing, as a primary use, is only allowed on sites with at least one frontage on an arterial street.

- 9.7(b) Setbacks.** No building or structure shall be located within 50 feet of any lot line abutting a residential LUG.
- 9.7(c) Orientation.** Self-serve bay and/or automatic wash building openings shall be oriented away from adjacent residential use.
- 9.7(d) Drive-up Aisles and Required Queuing Area.** Drive-up aisles shall be at least 10 feet wide; and not located adjacent to a residential use. Drive-up aisles shall be discouraged adjacent to a street; however, if located adjacent to a street, they shall be screened from public view to a height of 40 inches. Screening shall consist of walls and/or berms with supplemental plant materials. The drive-up aisle shall provide queuing space, with no encroachment into required landscape areas or building setbacks, allowing for a minimum of:
1. Four vehicles per pull-through rack for each automatic wash bay.
 2. Three vehicles per bay for self-serve, coin-operated and/or hand wash facilities.
- 9.7(e) Landscaping.** When Automobile/Vehicle Washing is a primary use, then landscaping shall comprise a minimum of 10 percent of the site area in addition to perimeter, parking lot and foundation base landscaping requirements.
- 9.7(f) Litter.** One permanent, non-combustible trash receptacle per wash bay is required.
- 9.7(g) Noise.** Sound attenuating measures shall be incorporated into the building design and construction to absorb noise such that the sound level readings at the street and at interior property lines are no more than 55 decibels. Mechanical equipment for centralized vacuum equipment shall be housed in an enclosed room.

9.8. Casitas.

A Casita is a permitted accessory use to any single residence dwelling unit within a Community Residential (CR) and Community Residential Small Lot (CRSL) LUG. Casitas shall not be counted as an additional dwelling unit for the purpose of calculating density.

9.8(a) Minimum Parcel Size. One Casita is permitted per residential lot that is a minimum of 5,000 square feet. The minimum parcel size shall not apply when a casita is built above a detached garage or is accessed from an alley.

9.8(b) Location and Size Limitations.

9.8(b)(i) The Casita may be detached, attached, or above an accessory structure such as a detached garage, and may be accessible separate from the primary dwelling unit. Separate utilities are not allowed.

9.8(b)(ii) The maximum floor area of a Casita shall not exceed 40 percent of the roof area of the primary unit; however, at no time shall the Casita exceed 1,000 square feet in size. A Casita shall not contain more than two bedrooms.

9.8(c) Setbacks, Height, and Lot Coverage.

9.8(c)(i) Casitas shall conform to all setbacks and height requirements applicable to the primary dwelling unit, based on the LUG requirements.

9.8(c)(ii) If detached, the minimum required distance between the Casita and the primary residence, and all other structures on the property shall be in accordance with the adopted building codes of the City of Mesa.

9.8(c)(iii) On any lot whose rear property line abuts an alley, the rear yard setback applicable to a garage shall also apply to any Casita constructed above the garage.

9.8(d) Design Standards. All Casitas shall comply with the following design standards:

1. The architectural design, exterior materials and colors, roof pitch and style, type of windows and trim details shall be substantially the same as and compatible with the primary dwelling unit.
2. The entrance to the Casita shall not be visible from the street. The Casita entry shall be clearly subordinate to that of the primary dwelling and the appearance of a duplex should be avoided.
3. No external stairs shall be visible. Second floor Casitas shall be accessed by an internal staircase.

9.8(e) Rental or Lease of the Casita. Lease or rental of a Casita, separate from the occupancy of the primary dwelling unit, shall require a Special Use Permit and compliance with the following additional standards.

9.8(e)(i) The property owner must occupy the primary dwelling as his or her principal place of residence.

9.8(e)(ii) Exclusive of the parking required for the primary dwelling, the following parking shall be provided for a Casita.

1. One space for a studio unit or one bedroom unit.
2. Two spaces for a casita having two bedrooms. If two parking spaces are required for a Casita they may be located in a tandem garage.
3. Parking spaces for the Casita shall be located where they will not interfere with or obstruct the required parking for the primary dwelling unit. Parking shall not encroach into any required setback.

9.9. Community Gardens.

Community Gardens shall be located, developed, and operated in compliance with the land use regulations in Chapter 7 or 8 and the following standards:

9.9(a) Location, Type and Size Restrictions. Community gardens shall be limited in type and size by LUG as follows:

9.9(a)(i) *Community Residence (CR) and Community Residence Small Lot (CRSL).* Within the CR LUG and CRSL LUG, Community Gardens are allowed on property designated as park or open space and maintained by an HOA, subject to approval of the HOA. Garden areas may be developed into individual garden plots or farmed collectively. The individual garden plots may be no larger than 400 square feet and the maximum size of the aggregate garden area is limited to 1 acre.

9.9(a)(ii) *Community Multi-Residence (CMR), Community Commercial (CC), and Community Mixed Use (CMU).* Within the CMR, CC, and CMU LUGs, Community Gardens are allowed on property designated as park or open space and shown on the approved site plan. Garden areas may be developed into individual garden plots or farmed collectively. The individual garden plots may

be no larger than 400 square feet and the maximum size of the aggregate garden area is limited to one acre.

9.9(b) Storage Buildings. Storage buildings shall conform to the following standards:

1. Maximum Area: 200 square feet.
2. Maximum Height: 10 feet.
3. Location: Within the buildable area and placed in the rear one-half of the lot.
4. Number: One storage shed per Community Garden site.

9.9(c) Lighting. Overhead lighting is prohibited.

9.9(d) Parking. No more than two vehicles shall be permitted onsite, excluding those parked within an enclosed structure. Parking spaces shall be paved with an approved dust proof material.

9.9(e) Maintenance. The site shall be kept clear of weeds, debris and waste in conformance with Mesa City Code. All composting shall be done in a screened area or within a container. All tools and equipment shall be stored or screened from view when not in use.

9.9(f) Fences. Fences, including trellises, are allowed in required yards subject to the standards governing fence location, maintenance, height and design of:

1. Chapter 7.11(e) within the CR, CRSL, and CMR LUGs, or
2. Chapter 8.8(c) within the CC and CMU LUGs.

9.10. Convenience Markets.

Convenience Markets shall be located, developed, and operated in compliance with the land use regulations in Chapter 8 and the following standards:

9.10(a) Maximum Building Size. 6,000 square feet.

9.10(b) Setbacks. No building or structure shall be located within 20 feet of an interior lot line abutting a residential use.

9.10(c) Litter. One permanent, non-flammable trash receptacle shall be installed adjacent to the entrance/exit of the market.

9.10(d) Accessory Fuel Sales. Accessory Fuel Sales as a part of a Convenience Market shall comply with the standards found in Automobile/Service Stations, Chapter 9.5, including the design guidelines.

9.11. Accessory Day Care Services.

Community Center(s) or Recreation Center(s) may offer day care services as an accessory use 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.

9.12. Day Care Group Homes.

Day Care Group Home, shall be located, developed, and operated in compliance with the Land Use Regulations in Chapter 7 and the following standards:

9.12(a) The location of the home is registered with the City of Mesa Planning Division and evidence of certification by the Arizona Department of Health Services is provided to the City;

9.12(b) No identification is visible from a public street by signage, graphics, display, or other visual means;

9.12(c) The building complies with all applicable building and fire safety regulations;

9.12(d) A 6 foot-high solid (opaque) fence or wall is provided between all outdoor play areas and adjacent properties, except within the required front yard, in which fencing requirements shall comply with in the requirements of Chapter 7.11.(e) Fences and Freestanding Walls; and

9.12(e) A separation between such day care group homes of 1,200 feet or by the presence of significant intervening physical features between an existing day care group home and the proposed day care group home, such as arterial streets, canals, parks, or similar buffering features or developments.

9.13. Drive-thru Facilities.

Where permitted, Drive-Thru Facilities shall conform to the following requirements:

- 9.13(a) Separation.** Physically separate drive-thru traffic lane from the non drive-thru traffic area with a 5 foot wide raised landscape median.
- 9.13(b) Landscaping.** Provide 2 foot foundation base landscaping along exterior building where adjacent to drive-thru lane.
- 9.13(c) Architectural Integration.** Drive-thru Facilities shall be architecturally integrated in proportion, color, material and texture to the building it serves. Where Drive-thru Facilities extend out from the building face, projection is to be 2 foot minimum. Provide awnings or architecturally integrated structures for shade and weather protection with an enhanced emphasis towards larger shade structures for drive-thru windows located on the west and south elevations of a building.
- 9.13(d) Location.** Drive-thru Facilities shall be oriented away from an adjacent street or residential use when feasible.
- 9.13(e) Screening.** Drive-thru lane shall be screened from public streets to a height of 40 inches. Screening devices shall consist of walls and/or berms with supplemental plant materials.
- 9.13(f) Vehicle Stacking.** Unless otherwise approved during Site Plan and Design Review, Drive-thru Facilities for Eating and Drinking Establishments shall provide at least 100 feet stacking distance between pick-up window and order-placing speaker, with at least 40 feet stacking distance between order-placing speaker and entry to the drive-thru lane. Distance measured at centerline of drive-thru lane. Vehicle stacking for other Drive-thru Facilities shall be determined at the time of site planning.

9.14. Group Homes for the Handicapped.

Group Home for the Handicapped shall be located, developed and operated in compliance with the requirements of Chapter 8 and the following standards:

- 9.14(a)** A maximum of ten residents per home, not including staff.

- 9.14(b)** No identification from a public street by signage, graphics, display, or other visual means.
- 9.14(c)** Compliance with all applicable building and fire safety regulations.
- 9.14(d)** A separation between such homes of 1200-feet or by the presence of significant intervening physical features between an existing group home for the handicapped and the proposed group home for the handicapped, such as arterial streets, canals, parks, or similar buffering features or developments.
- 9.14(e)** Evidence of license, certification, or registration with the appropriate state or federal agency, if required by such state or federal agency or evidence of a license with the City of Mesa if no license, certification, or registration is required by a state or federal agency.
- 9.14(f)** Registration of the location with the City of Mesa Planning Division.
- 9.14(g)** Notwithstanding the foregoing, group homes shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

9.15. Home Occupations.

Home Occupations are permitted as specified in Chapter 7 or 8, limited by the following:

9.15(a) The following standards apply in all LUGs:

- 9.15(a)(i)** A maximum of one non-resident employee may work at the Home Occupation site; and
- 9.15(a)(ii)** No commercial storage allowed on the Home Occupation site, interior or exterior; and
- 9.15(a)(iii)** Any short-term employee or client parking must occur on the Home Occupation site within a garage, driveway or other dedicated parking area, or on the street immediately in front of the residence if on-street parking is allowed; and

9.15(a)(iv) A maximum of one, non-illuminated, static message sign no greater than 3 square feet is allowed in area attached to the front elevation of the residence or placed in a window.

9.16. Hospitals and Clinics.

Hospitals and Clinics shall be located, developed, and operated in compliance with the land use regulations in Chapter 8 and the following standards:

9.16(a) Patient Entrances. Patient entrances shall:

9.16(a)(i) Be clearly distinctive from the remainder of the building, and be readily visible from the public street;

9.16(a)(ii) Be identified by directional signage;

9.16(a)(iii) Include a covered patient drop-off area of a minimum 900 sq. ft., extending a minimum 20-feet measured perpendicular from the patient entrance door (See Figure 9.16.1 & 9.16.2) that is architectural integrated into the main building design; and



FIGURE 9.16.1: HOSPITALS AND CLINICS

9.16(a)(iv) Pedestrian connections within parking areas, to other buildings on site, and to the public street and transit shall conform to the requirements of Chapter 9.8(g), Pedestrian Connections and Chapter 13, Pedestrian Access.

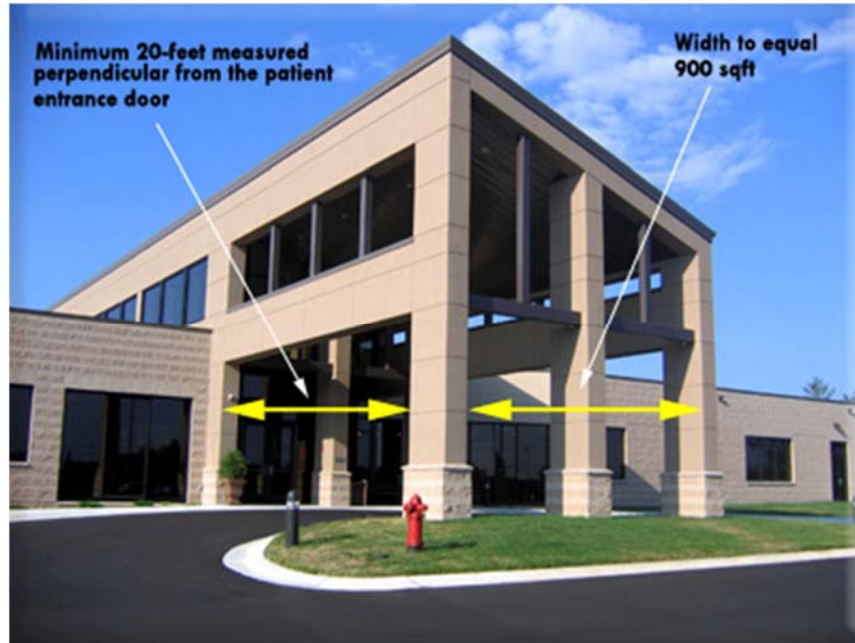


FIGURE 9.16.2: PATIENT ENTRANCE



FIGURE 9.16.3: EMERGENCY ROOM ACCESS



FIGURE 9.16.4: EMERGENCY ROOM ACCESS

- 9.16(b) Emergency Room Access.** Emergency room access shall be separate and distinct from the patient entrance(s), with directional signage. Vehicle access drives leading to the Emergency Room shall be direct from the street and separated from parking lanes and spaces by intervening buildings, extruded curbs and landscape islands (See Figure 9.16.3 and 9.16.4).
- 9.16(c) Storage of Liquid Chemicals and Bulk Materials.** Liquid oxygen and other similar materials stored outdoors and in bulk shall be screened from ground-level view by the building, screen wall, or screen walls in combination with landscape materials. If landscape materials are used, the mature height of the plant according to ANA standards may be taken into consideration, provided the size of the tree at planting is a minimum of 36-inch box.
- 9.16(d) Heliports.** Heliports associated with a hospital are a permitted accessory use, and shall be located in a manner to minimize noise impacts on abutting residential uses, according to the following preferences:
1. First Preference: Located on the ground on side of the building opposite any abutting residential areas.
 2. Second Preference: Located at roof level of building less than the highest point on the side of the building away from residential areas.
 3. Third Preference: Located on the roof at top of building.

9.17. Large Format Retail.

Large Format Retail buildings shall be located, developed and operated in compliance with the land use regulations Chapter 9, and the following standards:

9.17(a) Chapter 8.7 Standards Apply. Large Format Retail shall comply with all requirements of Chapter 8.7 without regard to minimum floor area requirements.

9.17(b) Customer Entrances. All entries designed for general public and customer access to the building shall:

9.17(b)(i) Be clearly visually distinctive from the remainder of the building, and be readily visible from the public street;

9.17(b)(ii) Include a clearly defined, shaded customer drop-off area, and

9.17(b)(iii) Comply with the requirements of Chapter 8.8(g), Pedestrian Connections and Chapter 13, Pedestrian Access regarding all pedestrian connections within parking areas to other buildings on site, to the public street, and to transit stops or stations.

9.17(c) Large Format Retail within the CMU LUG.

9.17(c)(i) Chapter 8.6 Standards Apply. Large format retail within the CMU LUG shall comply with the additional design standards of Chapter 8.6.

9.17(c)(ii) Criteria for Review of Council Use Permit. When required, the review of the Council Use Permit for a Large Format Retail store shall include a review and determination regarding the following items:

1. The use is found to be in compliance with the City of Mesa General Plan, this Community Plan, and other recognized development plans or policies, and will be compatible with surrounding uses;
2. A finding that a plan of operation has been submitted, which includes, but is not limited to, acceptable evidence of compliance with all regulations;
3. A finding that a "good neighbor policy" in narrative form has been submitted, which includes, but is not limited to, descriptions of acceptable measures to ensure ongoing compatibility with adjacent uses. Such policies

shall include, but are not limited to, the name and telephone number of the manager or person responsible for the operation of the facility; complaint response procedures, including investigation, remedial action, and follow-up; and litter control measures;

4. Evidence that acceptable documentation is present demonstrating that the building or site proposed for the use is in, or will be brought into, substantial conformance with all applicable development standards, including, but not limited to, landscaping, parking, screen walls, signage, and design guidelines; and
5. Evidence that acceptable documentation is present demonstrating that the building or site proposed for the use shall adequately provide paved parking and on-site circulation in a manner that minimizes impacts on adjacent sites; and existing or proposed improvements to the site shall minimize dust, fugitive light, glare, noise, offensive smells and traffic impacts on neighboring residential sites.

9.18. Live/Work Units.

Live-Work Units shall be located, developed, and operated in compliance with the land use regulations in Chapters 7 or 8 and the following standards.

9.18(a) Establishment. Live/Work Units may be established through the new construction of buildings specifically designated for use as Live/Work Units. Existing residential dwellings may not be converted to Live/Work Units.

9.18(b) Allowable Uses. Work activities in Live-Work Units are limited to the uses permitted in the LUG in which the Live/Work Units are located.

9.18(c) Sale or Rental of Portions of Unit Prohibited. No portion of a Live/Work Unit may be separately rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.

- 9.18(d) Floor Area Distribution.** At least 30 percent of the net floor area of a Live/Work Unit must be designated for work activities. An applicant shall submit a floor plan of all proposed units to the Planning Division to demonstrate compliance with this regulation.

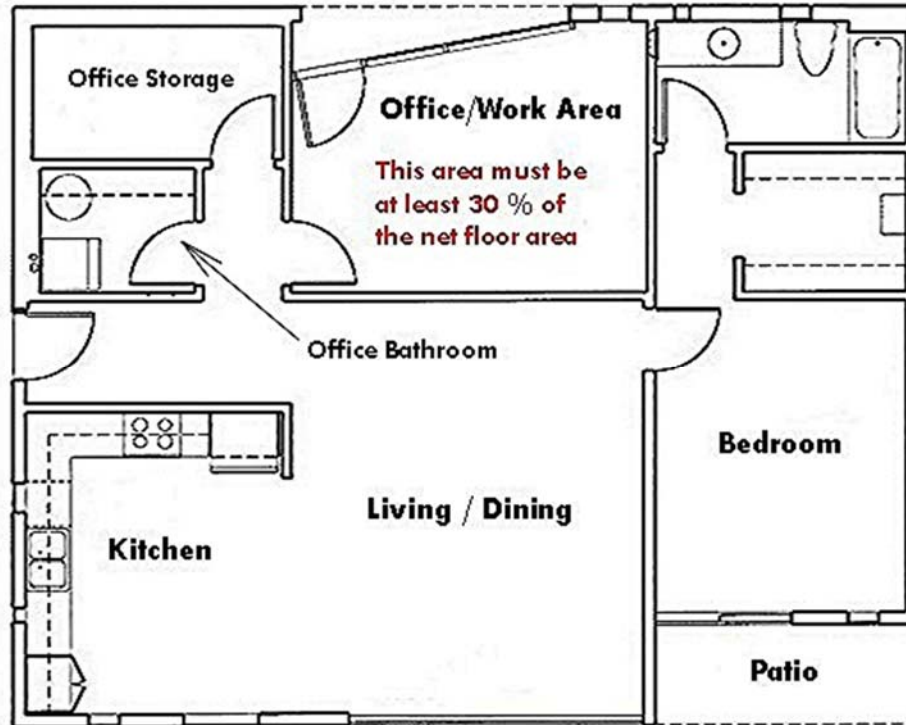


FIGURE 9.18: LIVE/WORK UNIT

- 9.18(e) Outdoor Living Area.** Common or private on-site open space shall be provided for the use of occupants at a rate of at least 150 square feet per Live-Work Unit. This space may be attached to individual units or located on the roof or adjoining the building in a rear yard.

9.19. Neighborhood Retail, Restaurants and Office.

Neighborhood Retail, Restaurants and Office are permitted only as accessory uses within a Community Center, Recreation Center, or private park when provided as an amenity by the homeowner's association (HOA) or multi-residence community for the principal benefit of residents of that same HOA or multi-residence community. Neighborhood Retail, Restaurants and Office are also allowed within a public park by the City of Mesa when provided as an amenity for area residents.

9.20. Outdoor Eating Areas.

Outdoor Eating Areas, in conjunction with an Eating and Drinking Establishment or Neighborhood Retail, Restaurants and Office, shall be located, developed, and operated in compliance with the land use regulations in Chapter 8 and the following standards:

9.20(a) Administrative Use Permit. An Administrative Use Permit shall be submitted to and approved by the Zoning Administrator.

9.20(b) Location. Outdoor eating areas are permitted within the buildable area of the lot, and:

9.20(b)(i) Sidewalk Frontage: Outdoor eating areas are permitted on any public or private sidewalk, provided a minimum continuous 5 foot width of sidewalk remains unobstructed for pedestrian uses. A City of Mesa encroachment permit is required on public sidewalks.

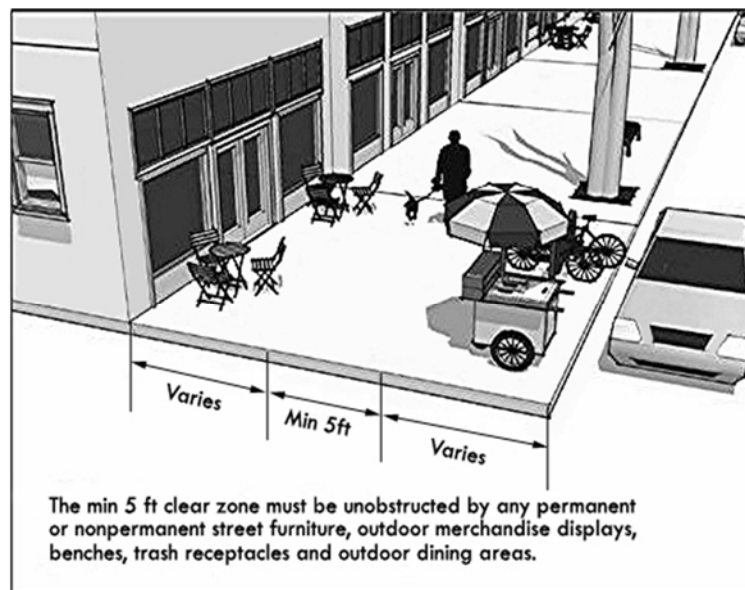


FIGURE 9.20.1: OUTDOOR EATING AREAS

9.20(b)(ii) Landscape Frontage: Outdoor eating areas are permitted to encroach up to one-half the depth of a street-side landscape area/yard setback, provided that any wall or fence that surrounds that portion of the outdoor eating area that encroaches does not exceed a height of 40 inches high.

9.20(c) Enclosures. Awnings or umbrellas may be used in conjunction with an outdoor eating area. Awnings shall be adequately secured, retractable, and shall comply

with the provisions of the Mesa Building Code. Permanent roof structures or shelters over any portion of an outdoor eating area located on a public sidewalk are not allowed unless otherwise approved by the City Engineer by way of a City of Mesa encroachment permit.

9.20(d) Fixtures. Furnishings provided for use in an outdoor eating area located within a public sidewalk shall consist only of movable tables, chairs, umbrellas, planters, lights, and heaters. Lighting fixtures may be permanently affixed onto the exterior front of the building.



FIGURE 9.20.2: FURNISHINGS IN OUTDOOR EATING AREAS

9.20(e) Certification. Outdoor Eating Areas that encroach into the public right-of-way require submission of a Certificate of Insurance that complies with the requirements of the City of Mesa.

9.21. Outdoor Display and Retail Sales.

Outdoor Display and Retail Sales (not including automobile/vehicle sales or rental lots, or equipment sales or rental lots), where the business or display is not conducted entirely within a structure or enclosed area, shall be located, developed, and operated in compliance with the land use regulations in Chapter 8 and the following standards:

9.21(a) Temporary Outdoor Display/Sales. Temporary Outdoor Display/Sales shall be allowed as an accessory for all permitted retail businesses provided the following standards are met.

- 9.21(a)(i)** All displays shall occur on a hardscape surface and not within any landscaped area.
- 9.21(a)(ii)** All displays on a public or private sidewalk, shall provide a minimum of continuous 5 foot width of sidewalk remaining unobstructed for pedestrian uses. A City of Mesa encroachment permit is required on public sidewalks.
- 9.21(a)(iii)** If a parking lot is used, all parking spaces in excess of 90% of the minimum number required for the commercial development may be used for vendor spaces. Displayed merchandise shall not disrupt the normal function of the site and shall not encroach upon driveways or drive aisles, fire lanes, or ADA accessible pedestrian walkways. The display shall also not obstruct sight distance for vehicles exiting the site or otherwise create hazards for vehicle or pedestrian traffic.
- 9.21(b) Permanent Outdoor Display/Sales.** Permanent Outdoor Display/Sales shall be allowed as either a primary use or an accessory use as listed in Chapter 8.3.
- 9.21(b)(i) *Location of Sales Area.*** The outdoor sales shall be located entirely on private property, in compliance with any required setback.
- 9.21(b)(ii) *Screening Required.*** All outdoor sales and activity areas shall be screened from adjacent public rights-of-way by decorative solid walls, fences, or landscaped berms, a minimum of 42 inches high.
- 9.21(b)(iii) *Location of Merchandise.*** Displayed merchandise shall occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation and does not encroach upon required parking spaces, driveways, pedestrian walkways, or required landscaped areas. These displays shall also not obstruct sight distance or otherwise create hazards for vehicle or pedestrian traffic.
- 9.21(c) General Requirements.** The following requirements shall apply to all (temporary and permanent) outdoor display/sales activities:
- 9.21(c)(i) *Height of Displayed Materials.*** With the exception of potted trees, the outdoor display shall not exceed a height of 7 feet above finished grade for

a single display item. Stacked displays may not exceed a height of 6 feet above finished grade.

9.21(c)(ii) *Relationship to Main Use.* The sales shall be directly related to a business establishment on the parcel and that occupies a permanent structure on the parcel. The use of the property shall comply with the standards for the LUG within which the property is located.

9.21(c)(iii) *Exceptions.* The provisions of this section do not apply to the following:

1. Sales or distribution of newspapers or periodicals in compliance with the Mesa City Code.
2. Sales from the public right-of-way in compliance with the Mesa City Code

9.22. Places of Worship.

Places of Worship, shall be located, developed, and operated in compliance with the land use regulations in Chapters 7 or 8 and the following standards:

9.22(a) Accessory Uses. Accessory uses customarily found in conjunction with Places of Worship, including parish houses, parsonages, rectories, seminaries, classrooms, and convents, are permitted, provided that such accessory uses are located on the same lot or contiguous lot with the religious facility.

9.22(b) Athletic Facilities and Day Care Centers. Athletic facilities and day care centers in conjunction with Places of Worship require approval of a Special Use Permit.

9.22(c) Residence Land Use Groups. Places of Worship located in residence LUGs shall be treated as a commercial use and shall:

9.22(c)(i) Be located on property of one net acre or larger;

9.22(c)(ii) Comply with the building setback and building height requirements, as well as the applicable design and development standards for a commercial use listed in Chapter 8;

- 9.22(c)(iii)** Comply with the landscaping requirements as specified for a commercial use, pursuant to Chapter 14; and
- 9.22(c)(iv)** Comply with all parking requirements specified in Chapter 13.
- 9.22(c)(v)** In the event the Place of Worship is located in a Community Multi-Residence Urban (CMR-U) LUG, then the additional standards found within Chapter 7.10 shall apply.
- 9.22(d) Other Land Use Groups.** Places of Worship shall comply with each of the following:
- 9.22(d)(i)** Building setback and building height requirements as well as the applicable design and development standards for a commercial use listed in Chapter 8.
- 9.22(d)(ii)** Landscaping requirements as specified for a commercial development, pursuant to Chapter 14.
- 9.22(d)(iii)** All parking requirements specified in Chapter 13.
- 9.22(d)(iv)** In the event the Place of Worship is located in a Community Mixed Use LUG, then the additional standards found within Chapter 8.6 shall apply.
- 9.22(e) Large Scale Buildings** If a Place of Worship building exceeds 80,000 square feet of floor area, the additional design standards found within Chapter 8.7 for Large Scale Retail Centers shall apply to the site.

9.23. Recycling Collection Facilities.

Recycling Collection Facilities shall be located pursuant to the requirements of Chapter 8, and developed and operated in compliance with the following standards:

- 9.23(a) Location.** The facility must be established in conjunction with an existing commercial use or community service facility and not obstruct pedestrian or vehicular circulation.
- 9.23(b) Minimum Distance.** The minimum required distance from a residence LUG shall be 100 feet.
- 9.23(c) Maximum Size.** The maximum size limitations include the following:
- 9.23(c)(i)** *Small Indoor Collection Facility* shall occupy no more than 1000 square feet of space.
 - 9.23(c)(ii)** *Reverse Vending Machines* shall occupy no more than 350 square feet of space.
- 9.23(d) Power-Driven Equipment.** Power-driven processing equipment, except for reverse vending machines, is not permitted.
- 9.23(e) Storage Container.** All recyclable material must be stored in containers. Materials may not be left outside of containers. Containers shall be stored within an enclosed building. For reverse vending machines, such containers shall be stored within the machine.
- 9.23(f) Maintenance.** Facilities must be maintained free of litter and any other undesirable materials, and mobile facilities for which truck or containers are removed at the end of the collection day, must be swept at the end of the collection day.
- 9.23(g) Required Container Information.** Containers shall be clearly marked to identify the type of materials that may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside of the building or reverse recycling machine.

9.23(h) Reduction of Parking. Occupation of parking spaces by a reverse vending facility and by the attendant (if present) may not reduce available parking spaces below the minimum number required for the site.

9.24. Schools.

Schools shall be located, developed, and operated in compliance with the land use regulations in Chapter 7 or 8, as applicable, and the following standards:

9.24(a) Accessory Uses to a School. Accessory uses customarily found in conjunction with schools, including classrooms, dormitories, stadiums, and auditoriums are permitted provided such accessory uses are located on the same lot or contiguous lot with the school.

9.24(b) Building Setback, Building Height, Parking, Landscaping and Screening Standards.

9.24(b)(i) *Residence Land Use Groups.* Schools located within a residence LUG shall be treated as a commercial use and shall:

1. Comply with the building setback and building height requirements, as well as the applicable additional development standards for the Community Commercial LUG in Chapter 8.
2. Comply with the landscaping requirements as specified for a commercial use, pursuant to Chapter 14.
3. Comply with all parking requirements specified in Chapter 13.
4. In the event the school is located in a Community Multi-Residence Urban (CMR-U) LUG, the additional standards found within Chapter 7.10 shall apply.

9.24(b)(ii) *Other Land Use Groups.* Schools located within a Community Commercial or Community Mixed Use LUG shall:

1. Require a Council Use Permit to be submitted and approved.
2. Comply with the building setback and building height requirements, as well as the applicable additional development standards established by the LUG for which the School is located.
3. Comply with landscaping requirements pursuant to Chapter 14.

4. Comply with all parking requirements specified in Chapter 13.
5. In the event the School is located in a Community Mixed Use (CMU) LUG, the additional standards found within Chapter 8.6 shall apply.

9.25. Temporary Uses.

For temporary outdoor display as an accessory use to an existing retail operation, see the standards for Outdoor Display/Retail Sales in Chapter 8.18. Other Temporary Uses as listed below shall be located, developed and operated in compliance with the land use regulations in Chapters 7 or 8 and the following standards:

9.25(a) Special Events. Special Events are permitted in all LUGs, provided that:

9.25(a)(i) A Temporary Use Permit shall be submitted to and approved by the Zoning Administrator.

9.25(a)(ii) The Special Event and all vendors, if applicable, are licensed in accordance with the provisions of the Mesa City Code.

9.25(a)(iii) No more than 4 events are conducted on the same premises during the calendar year.

9.25(a)(iv) The site of the event is adequately served by utilities and sanitary facilities.

9.25(a)(v) The event will not present a safety hazard or public disturbance and will not cause substantial adverse impacts on surrounding properties or land uses by creating excessive noise, glare, heat, dust, odors, or pollutants as determined by the City of Mesa Planning Director and Fire Marshal.

9.25(a)(vi) Special events shall be conducted only on a lot that has an approved dust-proof parking surface with permanent driveway access. Decomposed granite or Aggregate Base Course (ABC) gravel surfacing may be substituted for paving subject to approval by the City of Mesa Planning Director and Fire Marshal.

9.25(a)(vii) Facilities, structures, and utilities shall be approved, installed, and maintained in conformance with all applicable City of Mesa building, fire,

traffic, and zoning regulations as well as any conditions required as a part of the Temporary Use Permit approval.

9.25(b) Swap Meets. Swap Meets are only allowed in the Community Commercial and Community Mixed Use LUGs and shall be located, developed, and operated in compliance the land use requirements in Chapter 8 and with the following standards:

9.25(b)(i) A Temporary Use Permit shall be submitted to and approved by the Zoning Administrator.

9.25(b)(ii) Facilities, structures, and utilities shall be approved, installed, and maintained in conformance with all applicable City of Mesa building, fire, traffic, and zoning regulations as well as any conditions required as a part of the Temporary Use Permit approval.

9.25(b)(iii) All vendors, if applicable, must be licensed in accordance with the provisions of the Mesa City Code.

9.25(b)(iv) Displayed Merchandise. Displayed merchandise shall not encroach upon required parking spaces, driveways, pedestrian walkways, or required landscaped areas. These displays shall also not obstruct sight distance or otherwise create hazards for vehicle or pedestrian traffic.

9.25(b)(v) Surfacing. Swap Meets shall be conducted only on a lot that has a paved dust-proof surface. Decomposed granite, Aggregate Base Course (ABC) gravel or other dust control, may be substituted for paving subject to approval by the City of Mesa Planning Director and Fire Marshal.

9.25(b)(vi) Required Parking. Required parking spaces for Swap Meets shall meet the ratio specified in Chapter 13 and the parking shall be accessed by way of a permanent driveway.

9.25(b)(vii) Discontinuance of Use. All temporary, non-permanent structures and related equipment shall be removed from the site or otherwise stored in enclosed buildings on days the swap meet is closed to the public.

9.25(c) Farmer's Markets. Farmer's Markets are allowed in all LUGs and shall be located, developed, and operated in compliance with the land use requirements in Chapters 7 and 8, and the following standards:

9.25(c)(i) A Temporary Use Permit shall be submitted to and approved by the Zoning Administrator.

9.25(c)(ii) Facilities, structures, and utilities shall be approved, installed, and maintained in conformance with all applicable City of Mesa building, fire, traffic, and zoning regulations as well as any conditions required as a part of the Temporary Use Permit approval.

9.25(c)(iii) All vendors, if applicable, must be licensed in accordance with the provisions of the Mesa City Code.

9.25(c)(iv) Location. Preference is given to vendor placement on sidewalks and other pedestrian-oriented areas provided a minimum five foot wide accessible lane is maintained in front of each vendor space. If a parking lot is used, all parking spaces in excess of 90% of the minimum number required for the commercial development may be used for vendor spaces. Displayed merchandise shall not encroach upon driveways, fire lanes, ADA accessible pedestrian walkways, or required perimeter landscaped areas. The Farmer's Market displays shall also not obstruct sight distance for vehicles exiting the site or otherwise create hazards for vehicle or pedestrian traffic.

9.25(c)(v) Surfacing. Farmer's Markets shall be conducted only on a lot that has a paved dust-proof surface. Decomposed granite, Aggregate Base Course (ABC) gravel or other dust control, may be substituted for paving subject to approval by the City of Mesa Planning Director and Fire Marshal.

9.25(c)(vi) Required Parking. If no other activity takes place on the site, or the Farmer's Market takes place more than two times in any given 7-day period, required parking spaces for Farmer's Markets shall be calculated based upon the ratio specified in Chapter 13. If the Farmer's Market occurs two or fewer times in any given 7-day period, and takes place on an improved development site with an existing number of parking spaces equal to what would be required for the farmer's market area, then no additional spaces are required.

9.25(c)(vii) Discontinuance of Use. All temporary, non-permanent structures and related equipment shall be removed from the site, or stored within enclosed buildings, on days the Farmer's Market is closed to the public.

9.25(d) Mobile Food Vending including Push Carts and Food Trucks. Mobile Food Vending, including Push Carts and Food Trucks, are allowed in all LUGs and shall be located, developed, and operated in compliance with the land use requirements in Chapters 7 or 8, and the following standards:

9.25(d)(i) A Temporary Use Permit shall be submitted to and approved by the Zoning Administrator.

9.25(d)(ii) Facilities, structures, and utilities shall be approved, installed, and maintained in conformance with all applicable City of Mesa building, fire, traffic, and zoning regulations, as well as any conditions required as a part of the Temporary Use Permit approval.

9.25(d)(iii) All vendors, if applicable, must be licensed in accordance with the provisions of the Mesa City Code.

9.25(d)(iv) Location.

1. Mobile Food Vending is allowed on any public or private sidewalk and other pedestrian oriented areas provided a minimum 5-foot wide continuous accessible lane is maintained. A City of Mesa encroachment permit may be required on public sidewalks. Written approval of the property owner is required for Mobile Food Vending on private property.
2. If a parking lot is used, all parking spaces in excess of 90% of the minimum number required for the commercial development may be used for Mobile Food Vending.
3. Mobile Food Vending is permitted on a vacant lot or parcel provided the property shall have a permanent driveway access and shall meet the surfacing requirements of this section.

9.25(d)(v) Fixtures and Displays. Furnishings for use with a Mobile Food Vendor, including shade devices such as umbrellas or awnings and furnishings such as tables or chairs, along with any displayed merchandise, shall not encroach upon driveways, fire lanes, ADA accessible pedestrian walkways and

shall also not obstruct sight distance for vehicles or otherwise create hazards for vehicle or pedestrian traffic.

9.25(d)(vi) Surfacing. Mobile Food Vending shall be conducted only on a lot that has a paved dust-proof surface. Decomposed granite, Aggregate Base Course (ABC) gravel or other dust control, may be substituted for paving subject to approval by the City of Mesa Planning Director and Fire Marshal.

9.25(d)(vii) Required Parking. If no other activity takes place on the site, or the use takes place more than two times in any given 7-day period, required parking spaces shall be calculated based upon the ratio specified in Chapter 13. If the use occurs two or fewer times in any given 7-day period, and takes place on an improved development site with an existing number of parking spaces equal to what would be required for the area, then no additional spaces are required.

9.25(d)(viii) Discontinuance of Use. All temporary, non-permanent structures and related equipment shall be removed from the site, or stored within enclosed buildings, on days the Mobile Food Vending use is closed to the public.

9.25(e) Temporary Retail Businesses including Roadside Stands, Pop-Up Retail and Kiosks. Temporary Retail Businesses including Roadside Stands, Pop-Up Retail and Kiosks shall be located, developed, and operated in compliance with the land use requirements in Chapters 7 or 8, and the following standards:

9.25(e)(i) A Temporary Use Permit shall be submitted to and approved by the Zoning Administrator.

9.25(e)(ii) Facilities, structures, and utilities shall be approved, installed, and maintained in conformance with all applicable City of Mesa building, fire, traffic, and zoning regulations as well as any conditions required as a part of the Temporary Use Permit approval.

9.25(e)(iii) All vendors, if applicable, must be licensed in accordance with the provisions of the Mesa City Code.

9.25(e)(iv) Location. Temporary Retail Businesses are preferred to be located within an existing vacant retail building space. If not, they must be either located on:

1. A public or private sidewalk and other pedestrian-oriented areas such as open space or parks; however, such temporary businesses shall not be located in front of an existing retail business located in a permanent building without permission from that business owner or on private property without permission of the property owner. A minimum five foot wide continuous accessible lane must be maintained and City of Mesa encroachment permit may be required on public sidewalks.
2. An existing parking lot for a commercial or civic use. All parking spaces in excess of 90% of the minimum number required for the existing development may be used for the Temporary Retail Business.
3. A vacant lot or parcel provided the property shall have a permanent driveway access and shall meet the surfacing requirements of this section.

9.25(e)(v) Fixtures and Displays. Furnishings for use with a Temporary Retail Business, including shade devices such as umbrellas or awnings and furnishings such as tables or chairs, along with any displayed merchandise, shall not encroach upon driveways, fire lanes, ADA accessible pedestrian walkways and shall also not obstruct sight distance for vehicles or otherwise create hazards for vehicle or pedestrian traffic.

9.25(e)(vi) Surfacing. Temporary Retail Businesses shall be conducted only on a lot that has a paved dust-proof surface. Decomposed granite, Aggregate Base Course (ABC) gravel or other dust control, may be substituted for paving subject to approval by the City of Mesa Planning Director and Fire Marshal.

9.25(e)(vii) Required Parking. If no other activity takes place on the site, or the use takes place more than two times in any given 7-day period, required parking spaces shall be calculated based upon the ratio specified in Chapter 14. If the use occurs two or fewer times in any given 7-day period, and takes place on an improved development site with an existing number of parking spaces equal to what would be required for the area, then no additional spaces are required.

9.25(e)(viii) Discontinuance of Use. All temporary, non-permanent structures and related equipment shall be removed from the site, or stored within enclosed buildings, on days the use is closed to the public.

9.25(f) Temporary Automobile, Boat, and Recreational Vehicle Storage shall be located, developed, and operated in compliance with the land use requirements in Chapter 8, and the following standards:

9.25(f)(i) Temporary Automobile, Boat, and/or Recreational Vehicle Storage shall only be allowed in the CC LUG within DU 3 and DU 5 only.

9.25(f)(ii) A Temporary Use Permit shall be submitted to and approved by the Zoning Administrator.

9.25(f)(iii) Facilities, structures, and utilities shall be approved, installed, and maintained in conformance with all applicable City of Mesa building, engineering, fire, traffic, and zoning regulations as well as any conditions required as a part of the Temporary Use Permit approval.

9.25(f)(iv) Location. Temporary Automobile, Boat, and/or Recreational Vehicle Storage is allowed on any vacant lot or parcel provided the property shall be located directly adjacent to a collector or arterial roadway and shall have a permanent driveway access from one of those roadways.

9.25(f)(v) Minimum Size. The minimum parcel size allowed for Temporary Storage is one acre.

9.25(f)(vi) Surfacing. Temporary Storage shall be conducted on a lot that has a paved dust-proof surface, or decomposed granite, Aggregate Base Course (ABC) gravel or other dust control subject to approval by the City of Mesa Planning Director and Fire Marshal. All loose surfacing, such as decomposed granite, ABC, or similar shall be contained by an appropriate border.

9.25(f)(vii) Required Parking. Required parking spaces, for accessory uses such as offices, caretaker's residences, and/or customers shall be calculated based upon the ratios specified in Chapter 13.

9.25(f)(viii) Screening. The Temporary Storage use shall be screened from public view by temporary or permanent fencing, landscaping, or a combination of fencing and landscaping as approved by the Zoning Administrator.

9.25(f)(ix) Security. The Temporary Storage facility shall be fully secured.