

Chapter 87 Definitions

Accessory Building or Structure: A detached subordinate building or structure, separated by at least 6 feet, 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: 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.

Adjoining: 2 or more lots or parcels of land sharing a common boundary line, or 2 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.

Aggrieved Person: Any person who has concerns with or believes they will be negatively affected by a decision.

AIRPORT-RELATED DEFINITIONS: See Section 11-19-3, Definitions Specific to Airfield Overlay Districts.

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

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.

Apartment, One-Bedroom: A dwelling unit in an apartment house that contains a maximum of 3 habitable rooms, 1 of which shall be a kitchen.

Apartment, Two or More Bedroom: A dwelling unit in an apartment house that contains more than 3 habitable rooms, 1 of which shall be a kitchen.

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Apartment House: A building, or a portion of a building, designed or used for occupancy by 3 or more families living independently of each other, and containing 3 or more dwelling units.

Area, Net: A portion of a lot, or parcel of land which is:

1. Not included as a proposed public or private facility such as an alley, highway or street, or other necessary public site within a proposed development project;
2. Subject to an easement where the owner of the underlying land has the right to use the entire surface except that portion where the owner of the easement may place utility poles or minor utility structures.

Arterial Street: See Street, Arterial

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.

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.

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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.

Bicycle Parking, 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 4 hours.

Body Piercing: The creation of an opening in the human body for the purpose of inserting jewelry or other decoration, including the piercing of an ear, lip, tongue, nose, or eyebrow. “Body piercing” does not include piercing an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

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 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.

Building, Pre-Engineered Metal: An enclosed structure with siding consisting of large, modular metal panels, often available in standardized kit form from a manufacturer and assembled on-site.

Build-to Line: The maximum distance a building or other structure may be placed from an adjacent property line or future width right-of-way line.

By-Passed Parcel: Any lot or parcel which meets all of the following:

1. Does not exceed 2.5 net acres, and has been in its current configuration for more than 10 years; or
2. Does not exceed 5 net acres and was created by the assembly of individual, contiguous parcels, each not more than 2.5 acres in area; and
3. Is served by, or has direct access to, existing utility distribution facilities; and
4. Is surrounded by properties within a 1,200-foot radius in which:
 - a. The total developable land area is not more than 25% vacant; and
 - b. Greater than 50% of the total number of lots or parcels have been developed 15 or more years ago.

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.

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

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

Chapter: A chapter set out in this Ordinance, 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 Charter: The Mesa City Charter.

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.

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

Corral Fence: A structure consisting of vertical posts with horizontal connectors, so constructed that 66 percent or more of the vertical surface is open. Corral fences do not include chain link fences.

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

Density Bonus: A density increase over the otherwise maximum allowable residential density provided in this Ordinance.

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.

Desert Uplands Area: Area described by Section 9-6-5(A) of the Mesa City Code, and generally bounded by the West line of the Central Arizona Project (CAP) Canal on the West, Tonto National Forest on the North, Pinal County on the East, and University Drive on the South.

Development: Any manmade change to improved or unimproved real estate, including but not limited to the division of a parcel of land into 2 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.

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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 or alley and the on-site parking or loading facilities.

Dwelling Unit: A room or suite of rooms including permanent provisions for living, sleeping, eating, sanitation, and cooking, and designed or occupied as separate living quarters.

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.

Effective Date: The date on which a permit or other approval becomes enforceable or otherwise takes effective, rather than the date it was signed or circulated.

Emergency: A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

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

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.

Factory-Built Building: Any building, including a dwelling unit or habitable room thereof, which is either wholly or in substantial part manufactured at an off-site location to be assembled on site, except that it does not include a manufactured home, recreational vehicle or mobile home. All factory built buildings shall be consistent with all requirements of the Arizona Department of Housing for factory built buildings.

Feasible: Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

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 multistory 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.

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Foster Home: A dwelling maintained by an individual or individuals having care or control of one but not more than 6 minor children, other than those related by blood, marriage, or adoption or those who are legal wards of such individuals, which is licensed by the Arizona Department of Economic Security.

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

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

Frontage, Building: The exterior building wall of a ground floor business establishment oriented toward a public street, highway or parkway.

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

Future Width Right-of-Way Line: The planned maximum width of a public freeway, road, or street, determined by the City 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.

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. A Community Plan and adopted with a particular Planned Community (PC) District, as specified in Chapter 11,
- B. An Infill Incentive Plan and adopted with a particular Infill Development (ID) District, as specified in Chapter 12, or
- C. An EO development plan and adopted with a particular Economic Opportunity (EO) District, as specified in Chapter 14.

These standards would include the type of standards and requirements specifically associated with land uses listed in Article 2, or generally applicable as found in Article 4, and/ or Article 5. The term includes building setbacks, maximum building heights, parking stall sizes, parking ratios, minimum building separation requirements, landscape setbacks, landscape planting ratios attached and detached permanent signs, and other similar requirements. The term does not include 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.

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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.

Group C-O-I Development: A commercial, office, or industrial development where there are located several separate business activities having appurtenant shared facilities such as driveways, parking, and pedestrian walkways and which is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a group C-O-I development may, but need not, include common ownership of the real property upon which the development is located, common wall construction, and multiple-occupant commercial use of a single structure. As used in context, the term may be used to refer specific land use classifications arranged in a group development format, such as Group Commercial, Group Office, or Group Industrial.

Handicapped Person: An individual who: one (1) has a physical or mental impairment which substantially limits 1 or more of such person's major life activities; 2 has a record of having such an impairment; or 3 is regarded as having such an impairment. However, "handicapped" shall not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 United States Code 802]).

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.

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Height of Building or Structure: See Building Height.

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

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

Illegal Use: 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.

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

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.

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

Land Use Group (LUG): A category, grouping or association of land uses and activities, arranged as permitted, conditional, and prohibited land uses, when used in association with an EO or PC district as a part of an adopted EO Development Plan (for EO Districts) or community plan (for PC Districts). In each case, the permitted and conditional land use activities shall be individually listed and grouped, together into specified categories (LUGS), assigned a name or title, and generally described with purpose and intent statements related to how the category or grouping of land uses relates back to the implementation and administration of the adopted EO Development Plan or community plan, as may be applicable. Further, each LUG may also provide specific standards associated with the land use and development of the assigned parcels. Such groups may be based in whole or in part on existing Mesa base zoning districts or may be new categories.

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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.

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

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 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.

LOT-RELATED DEFINITIONS:

Lot, Corner: A lot or parcel of land situated at the intersection of 2 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, 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 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 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.

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Lot, Through: A lot having frontage on 2 parallel or approximately parallel parkways, highways and/or streets.

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.

MANUFACTURED HOME (MH) RELATED DEFINITIONS:

Accessory Retail Activity: An intermittent or periodic commercial event held at a recreation or social hall and characterized by the sale or barter of merchandise to residents of the recreational vehicle park, manufactured home park, or recreation vehicle subdivision specifically associated with said recreation or social hall.

Accessory Structure, Manufactured Home: A one (1) story habitable room, storage building, garage, carport, ramada, and awning. Patios and similar structures which may include window screens, knee walls, and other partial enclosures as specified in the Mesa Building Code (MBC), Chapter 4-2.

Manufactured Home: A structure transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, is built on a permanent chassis, and is designed to be used as a dwelling, with or without a permanent foundation, when connected to utilities. This term does not include recreational vehicles **OR FACTORY BUILT BUILDINGS.**

Manufactured Home Lot: A parcel of land within an approved manufactured home subdivision which is shown in the records of the Maricopa County Recorder's Office and which was designed and intended for the accommodation of one (1) manufactured home.

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

Manufactured Home Space: A site within an approved manufactured home park which is shown in the records of the Planning Division and which is designed and intended for the accommodation of one (1) manufactured home.

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

Manufacturing: The process of creating a finished product by fabrication or from raw materials, especially by means of a larger scale industrial operation.

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MEDICAL MARIJUANA RELATED DEFINITIONS

Medical Marijuana: Means of all parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient's debilitating medical condition, as approved by Arizona Department of Health Services, or symptoms associated with the patient's debilitating medical condition.

Medical Marijuana Cultivation ("Cultivation"). The process by which a marijuana (*cannabis spp.*) plant is grown.

Medical Marijuana Designated Caregiver ("Designated Caregiver"): shall mean a person who meets the definition of A.R.S 36-2801(5) and holds and possesses a valid designated caregiver registry identification card, issued by the Arizona Department of Health Services, identifying that person as an individual providing care and assistance to a medical marijuana qualifying patient or patients, and has agreed to assist a medical marijuana qualifying patient or patients with that patient's or patients' medical use of marijuana.

Medical Marijuana Qualifying Patient ("Qualifying Patient"): means A person who has been issued, holds and possesses a valid registry identification card issued by the Arizona Department of Health Services (DHS) authorizing them to use medical marijuana to treat or alleviate a debilitating medical condition or symptom approved by DHS.

Massage and Massage Services: Should include any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, manipulation, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations.

Minerals: Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat and bituminous rock, but excluding geothermal resources, natural gas and petroleum.

Occupancy, Change In: The discontinuance of an existing use and the substitution therefore of a use of a different occupancy category as defined in the International Building Code.

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 Building Code.

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

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.

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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.

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.

Parcel of Land: A contiguous quantity of land, owned by or recorded as the property of a person.

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.

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: Any use allowed in a zoning district without a requirement for approval of a discretionary use permit, but subject to any restrictions applicable to that zoning district.

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.

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Plan Specific. The development standard described, such as a setback, landscaping plant ratio, parking ratio or a maximum building height requirement, is set by description noted graphically by the plans that have been approved/adopted during the entitlement review process required for that project.

Plasma Center: Any facility used in the collection, storage, or distribution of liquid blood plasma. 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.

Portable Sign: A freestanding sign not permanently affixed, anchored or secured to a permanent foundation.

Portable Storage Containers (PSC): A device in the shape of a rectangular solid; constructed of metal, consisting of four vertical walls, a floor and a ceiling and in which at least one vertical end is designed as door (typically either as a side-hinged door, or as an overhead bay door). The dimensions of a PSC shall not exceed 102-inches (8-foot, 6-inches) in height and 96-inches (8-feet) in width. Lengths may vary in increments of 10-feet (10-feet, 20-feet...) but may not exceed nominal 40-feet in length. PSCs include devices initially designed to facilitate the shipping of containerized cargo and constructed entirely of steel in a manner consistent with ISO 6346, and are being reused to facilitate secure storage, and/or temporary offices or studios, but not habitable space as defined in the Mesa Building Code.

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

Private Street: See Street, Private.

Project: Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure that is subject to the provisions of this Title.

Public Street: See Street, Public.

RECREATIONAL VEHICLE (RV) RELATED DEFINITIONS:

Accessory Retail Activity: An intermittent or periodic commercial event, held at a recreation or social hall and characterized by the sale or barter of merchandise to residents of the recreational vehicle park, manufactured home park, or recreation vehicle subdivision specifically associated with said recreation or social hall.

Accessory Structure, Recreational Vehicle: Storage building, deck, awning, carport, patio, patio enclosure, and similar structures.

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.

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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.

Recreational Vehicle Lot: A parcel of land within an approved recreational vehicle subdivision which is shown in the records of the Maricopa County Recorder's Office and which was designed and intended for the accommodation of one (1) recreational vehicle.

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

Recreational Vehicle Space: A site within an approved recreational vehicle park which is shown in the records of the Planning Division and which is designed and intended for the accommodation of one (1) recreational vehicle.

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

Renovation, Exterior Façade: A resurfacing of an existing building frontage.

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.

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.

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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.

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 the ordinance codified in this Title 11, unless some other ordinance or statute is mentioned.

Setback: The area between a property 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.

Solid Fill: Any inorganic, noncombustible materials, insoluble in water, such as soil, rock, sand or gravel that can be used for grading land or filling depressions.

Special Event: A temporary use in all zoning districts which:

- A. Is intended for purposes of entertainment, education, commercial promotion, or cultural, religious, ethnic, or political expression; and
- B. 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; and
- C. Is carried on in a temporary structure or outside; and
- D. May occur in conjunction with an existing permitted use or as a separate activity; and
- E. Includes parades, sporting events, circuses, fairs, carnivals, festivals, religious revivals, political rallies, vehicle shows and displays, and similar recognized temporary activities.
- F. 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:

Highway: Includes any expressway, freeway, or parkway.

Freeway: A restricted access highway.

Parkway: A road having park-like landscaping features, and may or may not have a central landscaped median, with a right-of-way width of not less than 80 feet.

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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 street, avenue, boulevard, road, lane, parkway, place, viaduct, easement for access, or other way which is an existing state, county, or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way in a plat duly filed and recorded in the County Recorder's Office. A street includes the land between the right-of-way lines, whether improved or unimproved, and may be comprised of pavement shoulders, curbs, gutter, sidewalks, parking areas, and landscape areas.

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, having a minimum width of 30 feet. 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.

Suite, Guest: A combination of 2 or more guest rooms.

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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.

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.

Tattooing: To insert pigment under the surface of the human skin by pricking with a needle or otherwise to produce an indelible mark or figure visible through the skin.

TELECOMMUNICATIONS RELATED DEFINITIONS:

Alternative Tower Structure: Artificial trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna: Any system of poles, panels, rods, reflecting discs, wires or similar devices used for the transmission or reception of electromagnetic signals, including but not limited to radio waves and microwaves. An antenna does not include the support structure the antenna(s) is mounted upon.

Antenna, Amateur Radio: A ground-, building-, or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service and as designated by the Federal Communications Commission (FCC).

Antenna, Building- or Structure-Mounted: Antenna mounted to the side of a building, or structure that transmits or receives electromagnetic signals.

Antenna, Direct Broadcast Satellite Service (DBS): An antenna, usually a small home receiving dish, designed to receive direct broadcast from a satellite.

Antenna, Ground-Mounted: Any antenna that is not mounted on a pole, a structure, or the roof or wall of a building.

Antenna, Multipoint Distribution Services (MDS): An antenna designed to receive video programming services via multi-point distribution services, including multipoint, multichannel distribution services, instructional television fixed services, and local multipoint distribution services.

Antenna, Roof-Mounted: An antenna directly attached or affixed to the roof of an existing structure.

Antenna, Satellite: Any antenna used to receive and/or transmit radio or television signals from orbiting communications satellites.

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Antenna, Satellite Earth Station: An antenna designed to receive and/or transmit radio frequency signals directly to and/or from a satellite.

Antenna, Television Broadcast Service (TVBS): An antenna designed to receive only television broadcast signals.

Antenna Structure: An antenna array and its associated support structure, such as a mast or tower (not including a suspended simple wire antenna), that is used for the purpose of transmitting and/or receiving electromagnetic signals, including but not limited to radio waves and microwaves.

Antenna Structure, Freestanding: An antenna structure or mast that is not attached to any part of a building, fence, or other such structure. Freestanding antenna structures include communications towers, wooden utility poles, and concrete and steel monopoles. If the total height of the structure, including the antenna, is at least 17 feet high, it shall be treated as a monopole.

Antenna Structure, Monopole: An antenna structure, often tubular in shape, usually made of metal, reinforced concrete, or wood and which is at least 17 feet in height. A monopole may also be an alternative tower structure that is designed to replicate a tree or other natural feature.

Communication Equipment Building: A building housing operating electrical and mechanical equipment necessary for the conducting of a public utility communications business, with or without personnel.

Co-location: The location of two or more wireless communications facilities owned or used by more than one public or private entity on a single support structure or otherwise sharing a common location. Co-location shall also include the location of wireless communications facilities with other facilities such as buildings, water tanks, light standards, and other utility facilities and structures.

Distributed Antenna System (DAS): A system of small antennas installed on existing infrastructure such as telephone poles and streetlights throughout an area, which are interconnected by fiber optic cable to a central hub location, and are generally designed to support multiple wireless carriers.

Microcell Facility: A wireless communication facility serving a single carrier and consisting of an antenna no larger than 4 feet in height or, if tubular, no more than 6 feet long and 4 inches in diameter comprised of a networked set of antennas that are connected with each other and to a wireless service source, such that a one (1) or more high-power antennas that serve a given area are replaced by a group of lower-power antennas to serve the same geographic area.

Readily Visible: An object that can be identified as a wireless telecommunications facility when viewed with the naked eye.

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Related Equipment: All equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit, and connectors.

Service Provider: Any authorized provider of wireless communications services.

Stealth Facility: Any commercial wireless communications facility that is designed to blend into the surrounding environment by means of screening, concealment, or camouflage. The antenna and supporting antenna equipment are either not readily visible beyond the property on which they are located, or, if visible, appear to be part of the existing landscape or environment rather than identifiable as a wireless communications facility. Stealth

Technically Feasible: In light of technical feasibility, radio signal transmitting and receiving requirements, aesthetics, electromagnetic fields, costs, landowner permission, facility owner permission, and all necessary approvals under this Chapter.

Tower: Means any structure that is designed or constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.

Wireless communications facility: Personal wireless service facilities as defined by the federal Telecommunications Act of 1996 including, but not limited to, facilities that transmit and/or receive electromagnetic signals for cellular radio telephone service, personal communications services, enhanced specialized mobile services, paging systems, and related technologies. Such facilities include antennas, microwave dishes, parabolic antennas, and all other types of equipment used in the transmission or reception of such signals; telecommunication towers or similar structures supporting said equipment; associated equipment cabinets and/or buildings; and all other accessory development used for the provision of personal wireless services. These facilities do not include radio and television broadcast towers and government-operated public safety networks.

TRANSIT RELATED DEFINITIONS:

Bus-Rapid Transit (BRT): The use of regularly scheduled passenger bus service along a major transportation corridor, typically arterial streets, with limited stops or stations typically occurring at intersecting in proximity to arterial and/or collector streets.

Light-Rail: The use of regularly scheduled passenger service utilizing trains on fixed-rail along a major transportation corridor, typically arterial streets, with limited stops or stations typically occurring at street intersections in proximity to arterial and/or collector streets.

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Station: The stopping place in a transportation system designed or intended to be used for the receiving or discharging of passengers and cargo, but shall not provide for the storage of the conveyance vehicle and shall not include any appurtenant facilities other than a shelter and ticketing facilities for passengers. Stations include train stations, bus stations, and similar transit stations.

Stop: Locations designated by the transit authority in which patrons may access or exit from regularly scheduled light rail, BRT or bus service.

Terminal: Means any facility designed or intended to be used for the receiving or discharging of passengers or cargo and providing for the temporary or permanent storage of the conveyance vehicle. Terminals include train terminals, airports, bus terminals, freight terminals, harbor terminals, or any combination of the above commonly referred to as multipurpose terminals.

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.

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

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.

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

Warehousing: A business in which goods and/or merchandise are stored as a principle activity, including shipping or distribution activities.

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

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

YARD-RELATED DEFINITIONS:

Yard: An open space on the same lot or parcel of land, other than a court, unoccupied and unobstructed from the ground upward, except as otherwise permitted by this Title 11.

Yard, Front: A yard extending across the full width of the lot or parcel of land. On corner lots, the front yard shall be located across the narrower frontage of the lot.

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Yard, Rear: A yard extending across the full width of the lot or parcel of land.

Yard, Side/Rear: That portion of a lot or parcel in which the rear and side yards extended overlap, typically occurring in the extreme rear corner(s) of the lot.

Yard, Side, Corner: A yard bounded by a highway or street, extending from the required front yard, or the highway 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, Side, Interior: A yard extending from the required front yard, or the highway 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 on other than a corner side yard.

Zone or Zoning District: 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.

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