

ZONING INTERPRETATION RECORD

Subject of Interpretation:

Accessory Use for Retail Space

Zoning Ordinance Section Number:

Chapter 11-6 (Pre-2011 Zoning Ordinance)

Title of Section:

Commercial and Mixed Use Districts

Cause for Interpretation:

The applicant wanted to determine if outdoor storage is an accessory use to a retail space in a C-2 zoning district.

Interpretation:

Currently, the location of the applicant's store is classified as a "group commercial center", and is located in a C-2 zoning district. Also, the "bone yard" or outdoor storage area described by the applicant is on a separate parcel, which is zoned C-1 (the zoning district changes at the north property line of the commercial center, just south of the "bone yard" site). This is important because the two parcels are considered two individual development sites. The zoning districts for both parcels were adopted for separate uses with separate site plans under separate zoning cases.

As a result, the outdoor storage area is considered a primary use for the north or back parcel rather than an accessory use for the front parcel. If the bone yard site remains "outdoor", i.e. 6' high fence and no roof, a minimum M-2 zoning district is required. If the zoning of this back parcel remains C-1, a fully enclosed building will need to be constructed, and then operated as a retail store and not as a warehouse.

The Zoning Administrator (ZA) doubts that an M-2 district would be approved at the location in question. Such a zoning request would be contrary to the Mesa 2025 General Plan, as well as contrary to Arizona Revised Statutes that prohibit so-called "spot" zoning districts (zoning districts that have no land use relationship to neighboring parcels and permit incompatible uses to be adjacent to one another).

Therefore, the "bone yard" may not be used for outdoor storage or display. Significant changes to the zoning district, site plan and proposed use would need to be authorized before any indoor retail display could be approved.