

ZONING INTERPRETATION RECORD

Subject of Interpretation:

Requirements for a Gravel and Mining Operation

Zoning Ordinance Section Number:

N/A

Title of Section:

N/A

Cause for Interpretation:

The applicant requested information about the zoning status about a property that is used for gravel and mining operations

Interpretation:

The site of the property is presently used for sand and gravel mining operations, and for mixing concrete at an on-site batch plant. The zoning history of the site points out that the annexation of this area took place in 1983, and the existing City of Mesa zoning pattern of general and limited industrial districts was subsequently carried forward intact from a similar zoning pattern previously established while under Maricopa County jurisdiction.

The Mesa City Council's adopted the 2011 Zoning Ordinance Update, which became effective on September 3, 2011. As part of this Zoning Ordinance Update, the existing zoning districts for the property were changed from M-1, Limited Industrial and M-2, General Industrial, to LI - Limited Industrial and GI - General Industrial, respectively.

During the Zoning Ordinance Update, the minimum zoning district requirement that permits sand and gravel mining, and concrete batch plants in industrial districts was shifted from the M-2 zoning district (now known as the GI district) to a minimum of the HI - Heavy Industrial zoning district. As noted by the applicant, the site in question has "strips" of the LI zoning district along the northern 300-feet and the eastern 300-feet of the 149-acre site, while the remainder of the 149 acre site is located within the GI district. Neither of these activities were considered permitted in the pre-2011 M-1 zoning district, and continue to be prohibited uses in the present LI district.

Because the extraction of sand and gravel from the site, and the mixing of concrete in batch plant equipment were established as a land uses in 1983, well before the recent 2011 change to minimum zoning district requirements for these land uses, the continuation of these activities on this Property within the area presently zoned GI are considered legal, but non-conforming uses of the site. Sand and gravel mining operations and the cement batch plant activity may both continue to operate on the Property provided that both activities remain limited to that portion of the site that is zoned GI, and are not expanded or begin to occur in the portions of the site that are located in the LI district. Further, both activities are required to remain active. If either of these activities becomes inactive for a period of time of one year or longer, then the legal, nonconforming status of

the inactive use will be considered abandoned, and the associated rights to continue that activity will expire.

It is important to note that the use of the property for sand and gravel mining, and the mixing of concrete are considered distinct from the pieces of equipment required to complete these activities. Any equipment used for these activities may be replaced as a matter of routine maintenance, including the batch plant equipment used for the concrete mixing. However, if mining operations cease for a period of one-year or more, or the batch plant equipment is removed and not replaced within one-year, then the rights to replace the equipment related to these activities will also expire.

In summary, the use of the 149-acre site is presently zoned GI and LI. The mining of sand and gravel from this site and the operation of a concrete batch plant: 1) are considered legal, but non-conforming uses, 2) are limited to the GI district, and 3) may continue as legal but non-conforming uses provided these activities do not expand in size, or otherwise do not cease to be operated for a period of one-year or more.