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language.

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language to be  
deleted.

ORDINANCE NO. 5249

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, PERTAINING TO THE ZONING ORDINANCE OF THE MESA CITY CODE; AMENDING TITLE 11, CHAPTER 87, AND SECTIONS 11-4-2, 11-5-2, 11-6-2, 11-7-2 AND 11-30-16 REGARDING THE DEFINITION, ALLOWANCE REQUIREMENTS FOR USE OF PORTABLE STORAGE CONTAINERS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the widespread use of shipping containers has provided opportunities to use these devices in alternative manners; and

WHEREAS, one alternative use of shipping containers is as a temporary or permanent storage device; and

WHEREAS, the City Council has determined that the widespread use of the these devices for secure storage may be appropriate in specified circumstances with reasonable conditions and limits on location, duration of use, and exterior design; and

THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

**Section 1:** That Title 11, Chapter 87 of the Mesa City Code is hereby amended to include insertion of the following terms and definitions, as written below, in alphabetical order as appropriate; with the language for the existing terms and definitions remaining intact and as presently stated.

Chapter 87: DEFINITIONS OF TERMS:

**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.

**Section 2: That Table 11-4-2 of Section 11-4-2 of the Mesa City Code is hereby amended as follows:**

**11-4-2 LAND USE REGULATIONS**

| <b>Table 11-4-2: Agricultural District</b>   |           |  |
|--|-----------|--|
| <i>Proposed Use</i>  | <i>AG</i> | <i>Additional Use Regulations</i>                      |
| <b>Specific Accessory Uses</b>   |           |  |
| <u>Animal Keeping</u>  | P         | <u>Sections 11-4-4(B) and 11-31-4, Animal Keeping</u>  |
| <u>Accessory Dwelling Unit</u>   | P (2, 3)  | <u>Section 11-31-3, Accessory Dwelling Unit</u>        |
| <u>Agriculture-based Entertainment</u>   | SUP(2)    | <u>Section 11-4-5, Agriculture-based Entertainment</u> |
| <u>Farm Stands</u>   | SUP(2)    |  |
| <u>Home Occupations</u>  | P (2)     | <u>Section 11-31-33, Home Occupations</u>              |
| <u>Medical Marijuana Caregiver or Patient Cultivation</u>  | P (2,4)   | <u>Section 11-31-34, Medical Marijuana Facilities</u>  |
| <b>PORTABLE STORAGE CONTAINERS</b>   | <b>P</b>  | <b>SECTION 11-30-16, PORTABLE STORAGE CONTAINERS</b>   |
| <ol style="list-style-type: none"> <li>The following agricultural uses are permitted by right (subject to the standards of this chapter): aviaries and apiaries; plant nurseries and greenhouses; poultry, bird, and egg farms; commercial breeding, training, and grazing of horses, cattle, sheep, goats, ostriches and other livestock. Dairies and feedlots require a <u>Special Use Permit</u>.</li> <li>Use not permitted when the property is subject to the <u>AOA 1 overflight area</u>, see Section <u>11-19-2</u>, Runway Protection Zones and Airport Overflight Areas.</li> <li>Use not permitted when the property is subject to the <u>AOA 2 overflight area</u>, see Section <u>11-19-2</u>, Runway Protection Zones and Airport Overlay Areas.</li> <li>Required to be minimum distance of 25-miles from a registered medical marijuana dispensary</li> </ol> |           |  |

**Section 3: That Table 11-5-2 of Section 11-5-2 of the Mesa City Code is hereby amended as follows:**

**Section 11-5-2 Land Use Regulations**

| <b>Table 11-5-2: Residential Districts</b>                  |                   |                |                |   |
|---|-------------------|----------------|----------------|---|
| <i>Proposed Use</i>   | <i>RS</i>         | <i>RSL</i>     | <i>RM</i>      | <i>Additional Use Regulations</i>                     |
| <b>Specific Accessory Uses</b>                              |                   |                |                |   |
| <u>Animal Keeping</u>                                       | P(3)              | --             | --             | <u>Section 11-31-4, Animal Keeping</u>                |
| <u>Accessory Dwelling Unit</u>                              | P/SUP (19)        | --             | P(9)           | <u>Section 11-31-3, Accessory Dwelling Unit</u>       |
| <u>Accessory Uses</u>                                       | P                 | P              | P              | <u>Section 11-31-2</u>                                |
| <u>Farm Stands</u>  | SUP(5)            | --             | --             | <u>RS-43 and RS-35 Only</u>                           |
| <u>Medical Marijuana Patient and Caregiver Cultivations</u> | P(13, 18)         | P(13, 18)      | P( 13, 18)     | <u>Section 11-31-34, Medical Marijuana Facilities</u> |
| <b>PORTABLE STORAGE CONTAINERS</b>                          | <b>P (21, 22)</b> | <b>-- (21)</b> | <b>-- (21)</b> | <b>SECTION 11-30-16</b>                               |

**21: TEMPORARY USE OF PORTABLE STORAGE CONTAINERS IS PERMITTED, BUT LIMITED TO THE CIRCUMSTANCES DESCRIBED AND REQUIREMENTS SPECIFIED IN SECTION 11-30-16.**

**22: PERMANENT USE OF PORTABLE STORAGE CONTAINERS IS LIMITED TO THE RS-43 AND RS-90**

**ZONING DISTRICTS.**

**Section 4:** That Table 11-6-2 of Section 11-6-2 of the Mesa City Code is hereby amended as follows:

Section 11-6-2 Land Use Regulations

| <b>Table 11-6-2: Commercial Districts</b>                      |                            |                            |                            |                            |                  |                                   |
|--|----------------------------|----------------------------|----------------------------|----------------------------|------------------|-----------------------------------|
| <b>Proposed Use</b>  | <b><u>NC</u><br/>(C-1)</b> | <b><u>LC</u><br/>(C-2)</b> | <b><u>GC</u><br/>(C-3)</b> | <b><u>OC</u><br/>(O-5)</b> | <b><u>MX</u></b> | <b>Additional Use Regulations</b> |
| <b>Specific Accessory Uses</b>                                 |                            |                            |                            |                            |                  |                                   |
| <u>Caretakers' Residences</u>                                  | SUP                        | SUP                        | SUP                        | SUP                        | P                |                                   |
| <u>Garden Center</u>   | --                         | SUP                        | P                          |                            | SUP (6.7)        |                                   |
| <u>Outdoor entertainment or activities</u>                     | SUP                        | SUP                        | SUP                        | SUP                        | SUP              |                                   |
| <u>Outdoor display, not specified by other classifications</u> | --                         | --                         | SUP                        | --                         | SUP (19)         |                                   |
| <b>PORTABLE STORAGE CONTAINERS</b>                             | - (28)                     | P/SUP                      | P/SUP                      | -- (28)                    | -- (28)          | <b>SECTION 11-30-16</b>           |

**28: TEMPORARY USE OF PORTABLE STORAGE CONTAINERS IS PERMITTED, BUT LIMITED TO THE CIRCUMSTANCES DESCRIBED AND REQUIREMENTS SPECIFIED IN SECTION 11-30-16.**

**Section 5:** That Table 11-7-2 of Section 11-7-2 of the Mesa City Code is hereby amended as follows:

Section 11-7-2 Land Use Regulations

| <b>Table 11-7-2: Employment Districts</b>                      |                   |                            |                            |                  |                                   |
|--|-------------------|----------------------------|----------------------------|------------------|-----------------------------------|
| <b>Proposed Use</b>  | <b><u>PEP</u></b> | <b><u>LI</u><br/>(M-1)</b> | <b><u>GI</u><br/>(M-2)</b> | <b><u>HI</u></b> | <b>Additional Use Regulations</b> |
| <b>Specific Accessory Uses and Facilities</b>                  |                   |                            |                            |                  |                                   |
| <u>Outdoor Storage</u>   | --                | P(5)                       | P                          | P                |                                   |
| <u>Caretakers' Residences</u>                                  | --                | P(10, 11)                  | P (10, 11)                 | P (10,11)        |                                   |
| <u>Outdoor entertainment or activities as an accessory use</u> | SUP (10, 11)      | P (10, 11)                 | P (10, 11)                 | --               |                                   |
| <u>Outdoor Display</u>   | --                | P                          | P                          | P                |                                   |
| <b>PORTABLE STORAGE CONTAINERS</b>                             | <b>SUP (16)</b>   | <b>P/SUP</b>               | <b>P</b>                   | <b>P</b>         | <b>SECTION 11-30-16</b>           |

**16: TEMPORARY OR PERIODIC USE ONLY, LIMITED TO THE CIRCUMSTANCES AND REQUIREMENTS LISTED IN SECTION 11-30-16.**

**Section 6:** That Section 11-30-16 be amended as follows:

Section 11-30-16 ~~(Reserved)~~PORTABLE STAORAGE CONTAINERS (PSC)

**PORTABLE STORAGE CONTAINERS ARE PERMITTED ONLY IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:**

- A. MINIMUM STANDARD. THE CONSTRUCTION OF THE PSC SHALL CONFORM TO REQUIREMENTS SET BY THE INTERNATIONAL STANDARDS ORGANIZATION FOR PORTABLE SHIPPING CONTAINERS, ISO 6346.**
  
- B. TEMPORARY USE DURING CONSTRUCTION. PSCS ARE PERMITTED AS A TEMPORARY STORAGE DEVICE FOR USE DURING CONSTRUCTION, REMODELING, OR REDEVELOPMENT OF PERMANENT ON-SITE BUILDINGS AND FACILITIES:**
  - 1. WHEN EITHER OF THE FOLLOWING OCCURS:**
    - A. IN ALL AGRICULTURE (AG), MULTIPLE RESIDENCE (RM), ALL COMMERCIAL AND ALL INDUSTRIAL ZONING DISTRICTS, AND FOR NON-RESIDENTIAL USES IN MIXED USE (MX) AND ALL TRANSECT DISTRICTS, IF NO BUILDING PERMIT IS REQUIRED FOR THE TYPE OF CONSTRUCTION TAKING PLACE, THE TEMPORARY USE OF THE PSC IS SUBJECT TO THE ISSUANCE OF AN ADMINISTRATIVE USE PERMIT BY THE DEVELOPMENT SERVICES DIVISION IN ACCORDANCE WITH REQUIREMENTS OF CHAPTER 70 OF THIS ZONING ORDINANCE.**
  
    - B. IN ALL ZONING DISTRICTS, WHEN A BUILDING PERMIT IS REQUIRED FOR THE TYPE OF CONSTRUCTION TAKING PLACE, THE TEMPORARY USE OF USE OF THE PSC MAY BE AUTHORIZED IN CONJUNCTION WITH THE ISSUANCE OF A BUILDING PERMIT IN ACCORDANCE WITH TITLE 4 OF THE MESA CITY CODE.**
  
  - 2. APPLICATIONS FOR A BUILDING PERMIT OR ADMINISTRATIVE USE PERMIT, AS APPLICABLE (ITEM 1, ABOVE), SHALL INCLUDE A PLAN WHICH SPECIFIES THE NUMBER, SIZE, AND LOCATION OF THE STORAGE CONTAINERS.**
  
  - 3. THE TEMPORARY USE OF PSCS IS LIMITED TO THE LESSER OF THE FOLLOWING TIME PERIODS:**
    - A. WHEN AUTHORIZED IN CONJUNCTION WITH THE ISSUANCE OF A BUILDING PERMIT, THE TEMPORARY USE SHALL BE LIMITED TO THE TIME IN WHICH THE CONSTRUCTION, REMODELING, OR REDEVELOPMENT OF PERMANENT ON-SITE BUILDINGS AND FACILITIES IS ACTIVELY TAKING PLACE; OR**
  
    - B. WHEN AUTHORIZED WITH THE ISSUANCE OF AN ADMINISTRATIVE USE PERMIT, THE TEMPORARY USE SHALL BE LIMITED TO 6-MONTHS, OR UNTIL SUCH TIME AS THE CONSTRUCTION, REMODELING, OR REDEVELOPMENT ACTIVITY IS COMPLETED, WHICHEVER OCCURS FIRST. IF THE CONSTRUCTION, REMODELING, OR REDEVELOPMENT ACTIVITY REMAINS ACTIVE AND EXTENDS BEYOND 6-MONTHS, THEN THE USE PERMIT MAY BE RENEWED, BUT NO MORE THAN 2 TIMES.**
  
  - 4. THE PSC SHALL BE REMOVED WITHIN 7-DAYS OF THE COMPLETION OF:**
    - A. THE CONSTRUCTION, REMODELING, OR REDEVELOPMENT ACTIVITIES;**

**B. THE CONSTRUCTION ACTIVITIES AUTHORIZED BY THE CONSTRUCTION PERMIT; OR**

**C. THE EXPIRATION OF THE USE PERMIT.**

- 5. IN ALL SINGLE RESIDENCE (RS) AND SINGLE RESIDENCE-SMALL LOT (RSL) DISTRICTS, PSCS USED DURING CONSTRUCTION WITH THE ISSUANCE OF A BUILDING PERMIT SHALL BE LIMITED TO NO MORE THAN ONE PSC PER RESIDENTIAL LOT.**
- 6. PSCS SHALL NOT BE LOCATED IN RETENTION BASINS, DRIVE AISLES, FIRE LANES, LOADING ZONES, OR ANY OTHER LOCATION THAT MAY CAUSE HAZARDOUS CONDITIONS, OR CONSTITUTE A THREAT TO PUBLIC SAFETY.**

**C. TEMPORARY OR PERIODIC COMMERCIAL STORAGE. IN THE LC AND GC COMMERCIAL DISTRICTS, AND IN THE PEP AND LI INDUSTRIAL DISTRICTS, PSCS MAY BE USED AS A PERIODIC, INTERMITTENT, OR ISOCHRONAL USE FOR A TEMPORARY PERIOD OF TIME AND ACCESSORY TO A PRIMARY PERMITTED USE, SUBJECT TO THE APPROVAL OF A SPECIAL USE PERMIT IN ACCORDANCE WITH CHAPTERS 67 AND 70 OF THIS ZONING ORDINANCE. IN ADDITION TO SPECIFYING AND LIMITING THE NUMBER, SIZE, LOCATION, AND DURATION OF THE STORAGE CONTAINERS, THE SPECIAL USE PERMIT MAY REQUIRE ADDITIONAL MEASURES TO ENSURE COMPATIBILITY WITH ADJACENT LAND USES, SUCH AS INCREASED SETBACKS, SCREEN WALLS, LANDSCAPING, EXTERIOR MATERIALS AND COLOR.**

**D. PERMANENT STORAGE IN INDUSTRIAL DISTRICTS. IN THOSE INDUSTRIAL DISTRICTS FOR WHICH OUTDOOR STORAGE IS EXPRESSLY ALLOWED (I.E., LI, GI AND HI DISTRICTS), PSCS MAY BE USED FOR PERMANENT OUTDOOR STORAGE, SUBJECT TO:**

- 1. ALL REQUIREMENTS FOR THE PLACEMENT OF OUTDOOR STORAGE SPECIFIED FOR THE APPLICABLE ZONING DISTRICT; AND**
- 2. COMPLIANCE WITH ALL REQUIREMENTS OF SECTION 11-30-7 WITH REGARD TO PLACEMENT AND SCREENING OF OUTDOOR STORAGE; AND**
- 3. PLACEMENT OF THE PSC IN A MANNER SUCH THAT IT IS NOT LOCATED IN LANDSCAPE AREAS, DESIGNATED OPEN SPACE, RETENTION BASINS, DRIVE AISLES, FIRE LANES, REQUIRED PARKING SPACES, LOADING ZONES, OR ANY OTHER LOCATION THAT MAY CAUSE HAZARDOUS CONDITIONS, OR CONSTITUTE A THREAT TO PUBLIC SAFETY.**

**E. PERMANENT STORAGE IN DOWNTOWN BUSINESS DISTRICT 2. IN THE DB-2 DISTRICTCONSTRUCTION, A PSC SHALL ONLY BE USED FOR OUTDOOR STORAGE, SUBJECT TO:**

- 1. APPROVAL OF A SPECIAL USE PERMIT IN ACCORDANCE WITH CHAPTERS 67 AND 70 OF THIS ZONING ORDINANCE; AND**
- 2. COMPLIANCE WITH ALL REQUIREMENTS FOR THE PLACEMENT OF OUTDOOR STORAGE SPECIFIED BY SECTION 11-30-7 WITH REGARD TO PLACEMENT AND SCREENING OF OUTDOOR STORAGE.**

3. **PLACEMENT OF THE PSC IN A MANNER SUCH THAT IT IS NOT LOCATED IN LANDSCAPE AREAS, DESIGNATED OPEN SPACE, RETENTION BASINS, DRIVE AISLES, FIRE LANES, REQUIRED PARKING SPACES, LOADING ZONES, OR ANY OTHER LOCATION THAT MAY CAUSE HAZARDOUS CONDITIONS, OR CONSTITUTE A THREAT TO PUBLIC SAFETY.**
- F. **TEMPORARY USE IN RESIDENTIAL DISTRICTS FOR LOADING AND UNLOADING OF HOUSEHOLD GOODS. IN RESIDENTIAL DISTRICTS (RS, RSL AND RM), DOWNTOWN RESIDENCE (DR-1, DR-2 AND DR-3), AND RESIDENTIAL USES IN ALL TRANSECT DISTRICTS (T3N, T4N, T4NF, T4MS, T5N, T5MSF, AND T6MS), THE TEMPORARY PLACEMENT OF A PORTABLE STORAGE CONTAINER ON A RESIDENTIAL LOT FOR THE PURPOSE OF LOADING AND UNLOADING HOUSEHOLD CONTENTS IS ONLY PERMITTED FOR A PERIOD OF TIME NOT EXCEEDING SEVEN (7) DAYS IN A CALENDAR YEAR.**
- G. **PERMANENT USE IN SINGLE RESIDENCE AND AGRICULTURE DISTRICTS. THE PERMANENT USE OF PSCS IS PERMITTED ONLY IN THE RS-43, RS-90 AND AG ZONING DISTRICTS, AND ONLY IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:**
1. **THE PLACEMENT, FLOOR AREA, AND SIZE OF THE PORTABLE STORAGE CONTAINERS SHALL BE IN CONFORMANCE WITH THE SAME REQUIREMENTS SPECIFIED FOR DETACHED ACCESSORY BUILDINGS IN SECTION 11-30-17.**
  2. **A BUILDING PERMIT IS REQUIRED BEFORE INSTALLATION, WITH A FIELD INSPECTION FOLLOWING INSTALLATION.**
  3. **THE PSC SHALL BE PLACED UPON AN ELEVATED PAD THAT IS A MINIMUM OF 4-INCHES ABOVE AVERAGE NATURAL GRADE OF THE GROUND WITHIN A 4-FOOT RADIUS OF THE EXTERIOR WALLS OF THE PSC.**
  4. **ONE OR MORE OF THE FOLLOWING AESTHETIC TREATMENTS TO THE EXTERIOR PHYSICAL APPEARANCE OF THE PSC ARE REQUIRED. AT MINIMUM:**
    - A. **A VENEER OF A DURABLE BUILDING MATERIAL SIMILAR TO AND CONGRUOUS IN APPEARANCE WITH THE PRIMARY DWELLING SHALL BE ATTACHED TO THE PSC; OR**
    - B. **LANDSCAPING OF SUFFICIENT DENSITY IS INSTALLED AND MAINTAINED SO AS TO BLOCK THE VISIBILITY OF THE PSC FROM ACROSS PROPERTY LINES OF ALL DIRECTLY ABUTTING PROPERTIES, OR FROM ACROSS A RIGHT-OF-WAY FROM A PROPERTY THAT WOULD OTHERWISE DIRECTLY ABUT THE SITE. THIS LANDSCAPING SCREENING MAY BE THROUGH THE USE OF A HEDGE OR OTHER LANDSCAPING GROWING ADJACENT OR ON THE PSC. IF THIS ALTERNATIVE IS USED, THE PSC SHALL BE PAINTED A COLOR CONSIDERED COMPATIBLE WITH THE COLOR OF THE ASSOCIATED PRIMARY RESIDENCE; OR,**
    - C. **A COMBINATION OF PARTIAL VENEER TREATMENTS, COMPATIBLE PAINT COLORS, AND/OR LANDSCAPE TREATMENTS THAT RESULT IN THE APPEARANCE OF THE PSC BEING AESTHETICALLY CONGRUOUS WITH THE PRIMARY RESIDENCE, AND**

**UNDISCERNIBLE FROM A DETACHED ACCESSORY BUILDING OF STANDARD CONSTRUCTION.**

- 5. OPENINGS CREATED FOR PLACEMENT OF DOORS AND/OR WINDOWS IN THE PSC ARE ONLY PERMITTED IF NO CUTS OR STRUCTURAL ALTERATIONS ARE MADE TO THE PRIMARY STRUCTURAL FRAME OF THE PSC.**

**Section 7: Severability**

If any section, subsection, sentence clause, phrase or portion of this Ordinance or any part of the material adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of a Court of competent jurisdiction such decision shall not affect the validity of the remaining portions thereof.

**Section 8: Penalty**

**CIVIL PENALTIES:**

- A. Any owner, occupant or responsible party who is found responsible for a civil violation of this Ordinance, whether by admission, default, or after a hearing, shall pay a civil sanction of not less than \$150 or more than \$1,500, per citation. A second finding of responsibility within 24 months of the commission of a prior violation of this Chapter shall result in a civil sanction of not less than \$250 or more than \$2,500. A third finding of responsibility within 36 months of the commission of a prior violation of this Chapter shall result in a civil sanction of not less than \$500 or more than \$2,500. In addition to the civil sanction, the responsible party shall pay the applicable fees and charges set forth in the City's Development and Sustainability Department (Code Compliance) Schedule of Fees and Charges, and may be ordered to pay any other applicable fees and charges.
- B. The 36 month provision of subsection (A) of this Section shall be calculated by the dates the violations were committed. The owner, occupant, or responsible party shall receive the enhanced sanction upon a finding of responsibility for any violation of this Chapter that was committed within 36 months of the commission of another violation for which the owner or responsible party was convicted or was otherwise found responsible, irrespective of the order in which the violations occurred or whether the prior violation was civil or criminal.

**EACH DAY SEPARATE VIOLATION:**

Each day in which a violation of this Ordinance continues, or the failure to perform any act or duty required by this Ordinance or by the Civil Hearing Officer continues, shall constitute a separate civil offense.

**HABITUAL OFFENDER:**

- A. A person who commits a violation of this Ordinance after previously having been found responsible for committing 3 or more civil violations of this Ordinance within a 24 month period — whether by admission, by payment of the fine, by default, or by judgment after hearing — shall be guilty of a class 1 criminal misdemeanor. The Mesa City Prosecutor is authorized to file a criminal class 1 complaint in the Mesa City Court against habitual offenders. For purposes of

calculating the 24-month period under this paragraph, the dates of the commission of the offenses are the determining factor.

- B. Upon conviction of a violation of this Subsection, the Court may impose a sentence or incarceration not to exceed 6 months in jail; or a fine not to exceed \$2,500, exclusive of penalty assessments prescribed by law; or both. The Court shall order a person who has been convicted of a violation of this Section to pay a fine of not less than \$500 for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of a sentence required by this Subsection except on the condition that the person pay the mandatory minimum fines as provided in this Subsection.
- C. Every action or proceeding under this Section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to criminal misdemeanors and the Arizona Rules of Criminal Procedure.

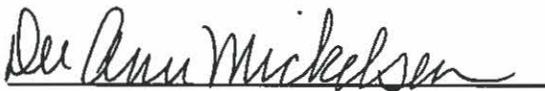
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, this 6<sup>th</sup> day of October, 2014.



APPROVED:

  
MAYOR

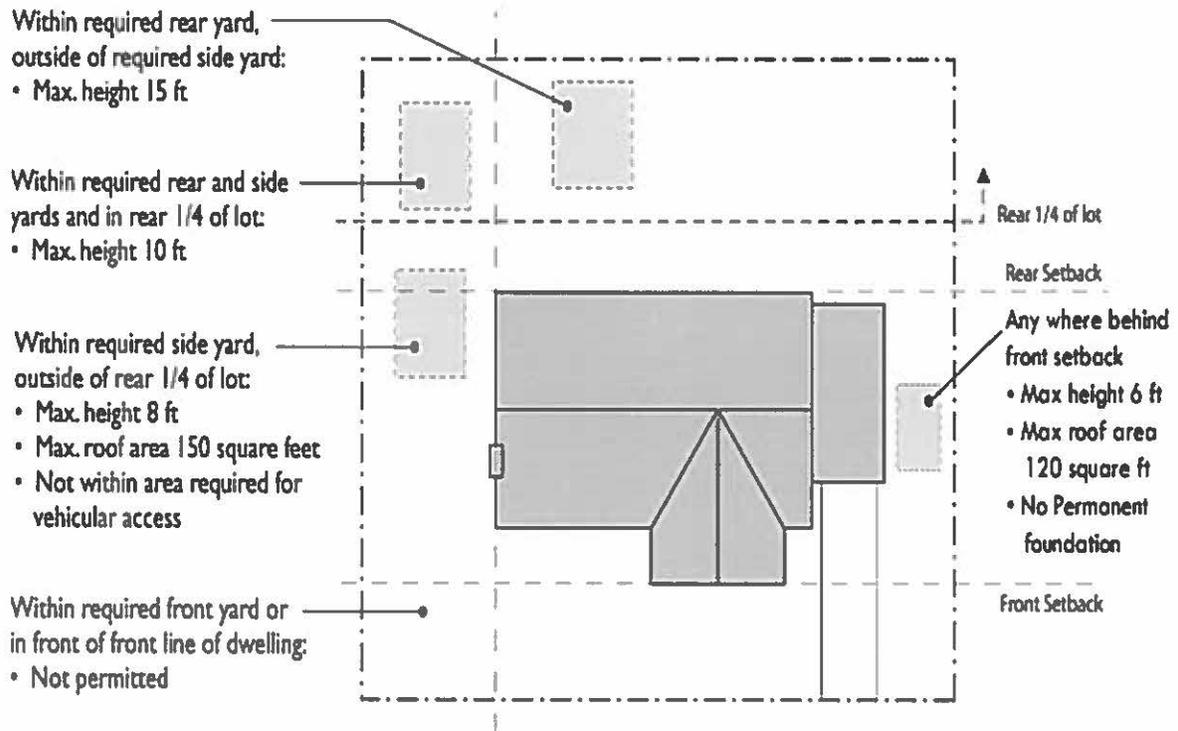
ATTEST:

  
CITY CLERK

EFFECTIVE DATE: November 5, 2014

**Appendix A: Existing Requirements for Detached Accessory Buildings (Section 11-30-17)**

Proposed locations for placement of PSCs in the larger lot residential districts would follow the same requirements as are in place for detached accessory buildings. The diagram below summarizes these requirements.



# Appendix B: Draft Amendment Language for Portable Storage Containers

## Chapter 87: Definitions

**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.

### Section 11-30-16: Portable Storage Containers (PSC)

Portable Storage Containers are permitted only in accordance with the following requirements:

- A. **Minimum Standard.** The construction of the PSC shall conform to requirements set by the International Standards Organization for portable shipping containers, ISO 6346.
- B. **Temporary Use during Construction.** PSCs are permitted as a temporary storage device for use during construction, remodeling, or redevelopment of permanent on-site buildings and facilities:
  1. When either of the following occurs:
    - a. In all Agriculture (AG), multiple residence (RM), all commercial and all industrial zoning districts, and for non-residential uses in Mixed Use (MX) and all Transect districts, if no building permit is required for the type of construction taking place, the temporary use of the PSC is subject to the issuance of an Administrative Use Permit by the Development Services Division in accordance with requirements of Chapter 70 of this Zoning Ordinance.
    - b. In all zoning districts, when a building permit is required for the type of construction taking place, the temporary use of use of the PSC may be authorized in conjunction with the issuance of a building permit in accordance with Title 4 of the Mesa City Code.
  2. Applications for a building permit or Administrative Use Permit, as applicable (Item 1, above), shall include a plan which specifies the number, size, and location of the storage containers.
  2. The temporary use of PSCs is limited to the lesser of the following time periods:
    - a. When authorized in conjunction with the issuance of a building permit, the temporary use shall be limited to the time in which the construction, remodeling, or redevelopment of permanent on-site buildings and facilities is actively taking place; or

## Appendix B: Draft Amendment Language for Portable Storage Containers

- b. When authorized with the issuance of an Administrative Use Permit, the temporary use shall be limited to 6-months, or until such time as the construction, remodeling, or redevelopment activity is completed, whichever occurs first. If the construction, remodeling, or redevelopment activity remains active and extends beyond 6-months, then the use permit may be renewed, but no more than 2 times.
  3. The PSC shall be removed within 7-days of the completion of:
    - a. The construction, remodeling, or redevelopment activities;
    - b. The construction activities authorized by the construction permit; or
    - c. The expiration of the use permit.
  4. In all Single Residence (RS) and Single Residence-Small Lot (RSL) districts, PSCs used during construction with the issuance of a building permit shall be limited to no more than one PSC per residential lot.
  5. PSCs shall not be located in retention basins, drive aisles, fire lanes, loading zones, or any other location that may cause hazardous conditions, or constitute a threat to public safety.
- C. **Temporary or Periodic Commercial Storage.** In the LC and GC commercial districts, and in the PEP and LI industrial districts, PSCs may be used as a periodic, intermittent, or isochronal use for a temporary period of time and accessory to a primary permitted use, subject to the approval of a special use permit in accordance with Chapters 67 and 70 of this Zoning Ordinance. In addition to specifying and limiting the number, size, location, and duration of the storage containers, the special use permit may require additional measures to ensure compatibility with adjacent land uses, such as increased setbacks, screen walls, landscaping, exterior materials and color.
- D. **Permanent Storage in Industrial Districts.** In those industrial districts for which outdoor storage is expressly allowed (i.e., LI, GI and HI districts), PSCs may be used for permanent outdoor storage, subject to:
  1. All requirements for the placement of outdoor storage specified for the applicable zoning district; and
  2. Compliance with all requirements of Section 11-30-7 with regard to placement and screening of outdoor storage; and
  3. Placement of the PSC in a manner such that it is not located in landscape areas, designated open space, retention basins, drive aisles, fire lanes, required parking spaces, loading zones, or any other location that may cause hazardous conditions, or constitute a threat to public safety.
- E. **Permanent Storage in Downtown Business District 2.** In the DB-2 district, a PSC shall only be used for outdoor storage, subject to:

## Appendix B: Draft Amendment Language for Portable Storage Containers

1. Approval of a Special Use Permit in accordance with Chapters 67 and 70 of this Zoning Ordinance; and
  2. Compliance with all requirements for the placement of outdoor storage specified by Section 11-30-7 with regard to placement and screening of outdoor storage.
  3. Placement of the PSC in a manner such that it is not located in landscape areas, designated open space, retention basins, drive aisles, fire lanes, required parking spaces, loading zones or any other location that may cause hazardous conditions, or constitute a threat to public safety.
- F. **Temporary Use in Residential Districts for Loading and Unloading of Household Goods.** In residential districts (RS, RSL and RM), Downtown Residence (DR-1, DR-2 and DR-3), and residential uses in all Transect districts (T3N, T4N, T4NF, T4MS, T5N, T5MSF, and T6MS), the temporary placement of a portable storage container on a residential lot for the purpose of loading and unloading household contents is only permitted for a period of time not exceeding seven (7) days in a calendar year.
- G. **Permanent Use in Single Residence and Agriculture Districts.** The permanent use of PSCs is permitted only in the RS-43, RS-90 and AG zoning districts, and only in accordance with the following requirements:
1. The placement, floor area, and size of the portable storage containers shall be in conformance with the same requirements specified for detached accessory buildings in Section 11-30-17.
  2. A building permit is required before installation, with a field inspection following installation.
  3. The PSC shall be placed upon an elevated pad that is a minimum of 4-inches above average natural grade of the ground within a 4-foot radius of the exterior walls of the PSC.
  4. One or more of the following aesthetic treatments to the exterior physical appearance of the PSC are required. At minimum:
    - a. A veneer of a durable building material similar to and congruous in appearance with the primary dwelling shall be attached to the PSC; or
    - b. Landscaping of sufficient density is installed and maintained so as to block the visibility of the PSC from across property lines of all directly abutting properties, or from across a right-of-way from a property that would otherwise directly abut the site. This landscaping screening may be through the use of a hedge or other landscaping growing adjacent or on the PSC. If this alternative is used, the PSC shall be painted a color considered compatible with the color of the associated primary residence; or,
    - c. A combination of partial veneer treatments, compatible paint colors, and/or landscape treatments that result in the appearance of the PSC being aesthetically

## **Appendix B: Draft Amendment Language for Portable Storage Containers**

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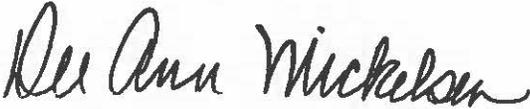
congruous with the primary residence, and undiscernible from a detached accessory building of standard construction.

5. Openings created for placement of doors and/or windows in the PSC are only permitted if no cuts or structural alterations are made to the primary structural frame of the PSC.

## *Affidavit of Posting*

I, DEE ANN MICKELSEN, THE DULY APPOINTED, QUALIFIED AND ACTING CITY CLERK OF THE CITY OF MESA, MARICOPA COUNTY, STATE OF ARIZONA, DO HEREBY CERTIFY THAT THE ATTACHED ORDINANCE WAS DULY ADOPTED BY THE CITY COUNCIL OF SAID CITY ON THE 6<sup>TH</sup> DAY OF OCTOBER, 2014 AND SIGNED BY THE MAYOR AND ATTESTED BY THE CITY CLERK WITH THE SEAL OF SAID CITY; THAT SAID ADOPTED ORDINANCE WAS DULY PUBLISHED BY PUBLICATION IN THE ARIZONA REPUBLIC; AND THAT SAID ADOPTED ORDINANCE WAS POSTED BY THE CITY CLERK OF SAID CITY IN THREE PUBLIC PLACES WITHIN THE CITY, VIS-A-VIS: ON A BULLETIN BOARD IN THE LOBBY OF THE MUNICIPAL BUILDING; ON A BULLETIN BOARD AT THE MESA PUBLIC LIBRARY; AND ON A BULLETIN BOARD AT THE NORTH SIDE OF THE COUNCIL CHAMBERS, ON THE 13<sup>TH</sup> DAY OF OCTOBER, 2014.

WITNESS MY HAND AND SEAL OF SAID CITY THIS 13<sup>TH</sup> DAY OF OCTOBER, 2014.



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DEE ANN MICKELSEN  
CITY CLERK