

Appendix:
Amendments to Chapters 66, 67, 69, 71, 74, and 77 of the Mesa Zoning Ordinance

Text written in **BOLD ALL CAPS** indicates new language.
~~Strikethrough~~ **BOLD** fonts indicate deletions.

Item No.	Subject, Section Number(s)	Addition, Deletion and/or Correction
1	<p>Clarify the authority and duties of the Board of Adjustment.</p> <p>Sec. 11-66-3.C</p>	<p>C. Authority and Duties of the Board of Adjustment.</p> <p>1. The Board of Adjustment shall:</p> <p>a. Hear and decide appeals in which it is alleged there is an error in an order, requirement, or decision made by the Zoning Administrator in the enforcement of the PROVISIONS OF THIS Zoning Ordinance OR OTHER SECTIONS OF THE CITY CODE WITHIN THE JURISDICTION OF THE ZONING ADMINISTRATOR.</p> <p>B. HEAR AND DECIDE APPEALS FROM THE ACTION OF THE ZONING ADMINISTRATOR, ACTING IN EITHER AN ADMINISTRATIVE ROLE OR THE HEARING OFFICER ROLE, IN THE INTERPRETATION OF THE PROVISIONS OF THIS ORDINANCE.</p> <p>C. b. C. b. Hear and decide appeals from the action of the Zoning Administrator AS THE HEARING OFFICER in the granting or denying of variances, the issuance of Special Use Permits, Substantial Conformance Improvement Permits (SCIPs) or Development Incentive Permits (DIPs), or in the interpretation of the provisions of this Ordinance.</p> <p>D. HEAR AND DECIDE THE ISSUANCE OF SPECIAL USE PERMITS (SUPS), SUBSTANTIAL CONFORMANCE IMPROVEMENT PERMITS (SCIPs) OR DEVELOPMENT INCENTIVE PERMITS (DIPS), REQUIRED BY THE CITY CODE.</p> <p>E. AUTHORIZE VARIANCES FROM THE TERMS OF THIS ZONING ORDINANCE PURSUANT TO THE PROVISIONS OF ARS § 9-462.06.</p> <p>F. e. Hear and decide all matters referred to the Board by the Zoning Administrator.</p> <p>G. d. Take any and all actions referred to the Board by the City Council, or as specified by ARS § 9-462.06, or Section 409 of the City Charter.</p> <p>2. The Board shall prescribe in connection with any Special Use Permit, Development Incentive Permit, Substantial Conformance Improvement Permit, interpretation, or variance, such conditions as the Board may deem necessary in order to fully carry out the provisions and intent of this Zoning Ordinance.</p>

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		<p>3. The Board of Adjustment shall not make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the Zoning Ordinance; provided that the restriction in this paragraph shall not affect the authority to grant variances.</p> <p>4. The Board of Adjustment may adopt rules for the conduct of its business.</p>
2	<p>Remove redundant language: Appeals to the Board of Adjustment and Appeals to Superior Court.</p> <p>Sec. 11-66-3.D and 11-66-3.E</p>	<p>D. Appeals to the Board of Adjustment.</p> <p>1. Appeals to the Board shall be made in conformance with ARS § 9-462.06.</p> <p>2. Appeals to the Board may be submitted by an aggrieved person, as defined by Chapter 87, or by officers, department or Board of the City affected by any decision of the Zoning Administrator, when acting as a Hearing Officer, within 30 days by filing with the Zoning Administrator a written notice of appeal specifying the grounds. No fee is required for this appeal. The Zoning Administrator shall transmit to the Board all the papers constituting the records upon which the action appealed from was taken.</p> <p>3. The appeal stays all proceedings in the matter appealed from, unless the Zoning Administrator certifies to the Board that a stay would cause imminent peril to life or property, consistent with state law.</p> <p>4. The Board shall fix a reasonable time for the hearing of the appeal and give notice thereof to the parties in interest and the public by publication in a newspaper of general circulation at least 15 days prior to the public hearing and by posting the property which is the subject of the application, in conformance with ARS § 9-462.04, at least 5 days prior to the hearing. It shall be the responsibility of the applicant to maintain the posting once erected until after the hearing.</p> <p>E. Appeals to Superior Court. Any person aggrieved by a decision of the Board of Adjustment or an officer or department of the City of Mesa affected by a decision of the Board may, at any time within 30 days after the Board has rendered its decision, file a complaint of special action in Superior Court to review the Board's decision in conformance with ARS § 9-462.06. Filing the complaint does not stay proceedings on the decision sought to be reviewed, but the court may, on application, grant a stay, and on final hearing, may affirm or reverse in whole or in part, or modify the decision reviewed.</p>
3	<p>Remove reference to Title 2 Chapter on Historic Preservation Board.</p> <p>Sec 11-66-4</p>	<p>11-66-4: Historic Preservation Board</p> <p>A. Establishment and Organization of the Historic Preservation Board. Historic Preservation Board is established and organized as established in Title 2 - Boards and Commissions, Chapter 23, Historic Preservation Board, in the Mesa City Code. The duties of the Historic Preservation Board shall be in conformance with those established in Title 2 - Boards and Commissions, Chapter 23, Historic Preservation Board, of IN the Mesa City Code.</p>

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		<p>B. Meetings.</p> <ol style="list-style-type: none"> 1. Meetings of the Board are open to the public and the minutes of its proceedings are kept and filed in the office of the Historic Preservation Officer as a public record. The Secretary of the Board is the Historic Preservation Officer or his/her designee. 2. At least 4 members of the Board shall be present to conduct a meeting. No matter shall be considered unless there are at least 4 members present who are eligible and qualified to vote on the matter and an affirmative vote of a majority of the quorum present and voting shall be required to pass a motion. 3. The Board shall meet at least 4 times per calendar year. 4. The Chair, or in the Chair's absence the Vice Chair, shall lead the meeting, maintain order, and be the final decision maker for all meeting management questions. <p>C. Authority and Duties of the Historic Preservation Board. The Historic Preservation Board shall have the powers and duties described in Title 2 - Boards and Commissions, Chapter 23, Historic Preservation Board, in the Mesa City Code.</p> <ol style="list-style-type: none"> 1. Hear and/or make recommendations on other matters as directed by the City Council. 2. The Board may adopt rules for the conduct of its business.
4	<p style="text-align: center;">Clarify authority and duties of the Planning Hearing Officer.</p> <p>Sec. 11-66-5</p>	<p>11-66-5: Planning Hearing Officer</p> <p>A. Establishment of the Planning Hearing Officer. The Planning Hearing Officer is hereby established in the Mesa Planning Division. The Planning Hearing Officer shall be appointed by the City Manager on the basis of training and experience regarding the conduct of hearings, knowledge of the General Plan and knowledge of the Zoning Ordinance.</p> <p>B. Authority and duties of the Planning Hearing Officer. WHEN REFERRED BY THE PLANNING DIRECTOR, ¶The Planning Hearing Officer shall:</p> <ol style="list-style-type: none"> 1. Recommend action to the City Council on requests for amendments to the Zoning Map, on requests for Council Use Permit, Subdivision Plat Approvals, Applications for Site Plan Review and Site Plan Modifications, when such requests are determined by the Planning Director as appropriate to be heard by the Planning Hearing Officer pursuant to the Planning Hearing Officer guidelines. 2. Hear and take action on requests for Site Plan Reviews and Site Plan Modifications when not otherwise conditioned for review and approval by City Council, or the request does not involve the need to amend a condition of approval as stated in the adopting ordinance. 3. Consider and decide preliminary plats as part of the platting procedures and requirements described in the Subdivision Regulations, Title 9, Chapter 6, of the Mesa City Code.

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		<p>4. Hear, make recommendations and/or decide matters relating to a PC District, as specified in Chapter 11 of this Ordinance, and the applicable Community Plan as adopted by City Council and including all approved amendments to the Community Plan.</p> <p>5. Hear and make recommendations on other matters as directed by the City Manager or City Council.</p>
5	<p style="text-align: center;">Clarify authority and duties of the Design Review Board and remove duties that are not applicable</p> <p>Sec. 11-66-6.C</p>	<p>C. Authority and Duties of the Design Review Board. In addition to the powers and duties established in Title 2 - Boards and Commissions, Design Review Board, of the Mesa City Code, the Design Review Board shall:</p> <ol style="list-style-type: none"> 1. Hear and decide: <ol style="list-style-type: none"> a. Appeals of decisions of the Planning Director or staff as delegated by the Planning Director regarding the use of alternative materials or methods to satisfy Mesa's aesthetic and design-related development requirements and to ensure that any proposed alternatives are at least equivalent to the City's development requirements or as previously approved by the City Council. b. Requests to utilize architectural forms to screen a parking structure as provided in Section 11-32-2(F), Structured Parking. c. Hear and decide requests for building height exceptions, pursuant to Section 11-30-3. d. Hear and decide requests for exterior building illumination, pursuant to Section 11-30-5(C) 2. Review and recommend proposed changes in design and development standards to the City Council, including but not limited to design and development standards that relate to and reinforce the architectural qualities, landscape patterns and design character of sub-areas of the City. 3. Review and make recommendations to the City Council regarding City staff implementation of design-related standards. 4. Upon request, review and make recommendations to the Zoning Administrator on requests for exceptions or variances to height limits. 5. Review and advise the Planning Director regarding development proposals involving the following: <ol style="list-style-type: none"> a. Buildings 4 or more stories in height.

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		<p>b. Multiple-residence projects that exceed the standard density in excess of 15 dwelling units per acre.</p> <p>c. Mixed-use, commercial and/or industrial projects that have frontage on an arterial or collector street or that are part of an existing or planned development that has frontage on an arterial or collector street.</p> <p>d. Mixed-use, commercial and/or industrial projects that have, or will have, greater than 20,000 square feet of gross floor area.</p> <p>e. Modifications to existing commercial or industrial projects having frontage on an arterial street or that are part of an existing or planned development having frontage on an arterial street that involve:</p> <p style="padding-left: 40px;">i. A change in the distinguishing traits or primary features of the use of a building or land as evidenced by increased parking requirements, change in occupancy designation, change in outside storage, or other features.</p> <p style="padding-left: 40px;">ii. The predominant primary architectural features or materials of existing buildings, such as changes to horizontal or vertical elements of exterior walls, building trim, roof shape or composition, detailing, building height or roof line, and parapets. Such review is limited to the specific architectural building features proposed for modification.</p> <p>f. Parking garages.</p> <p>6. Hear and make recommendations or decisions on matters as specified in an adopted Community Plan for a PC District.</p> <p>7. Review and decide Municipal projects of the City of Mesa, including fire stations, libraries, parking lots with over 50 spaces, and any building or facility meeting the above height, size, or location criteria set forth in Item 5 of this sub-section, above. Projects not subject to Board review include streets, walls and fences, well sites, and road widening projects.</p> <p>8. Hear REVIEW and make recommendations, on appeals UPON REQUEST BY THE PLANNING DIRECTOR, REGARDING METHODS TO SATISFY MESA'S AESTHETIC AND DESIGN-RELATED DEVELOPMENT REQUIREMENTS AND GUIDELINES to the following sections of this Ordinance.</p> <p style="padding-left: 20px;">a. 11-5-5: Development Standards in the RM District;</p> <p style="padding-left: 20px;">b. 11-5-6: Supplemental Standards Applicable for All Residential Districts;</p> <p style="padding-left: 20px;">c. 11-6-4: Development Standards in the Commercial and Mixed Use Districts;</p> <p style="padding-left: 20px;">d. 11-6-5: Additional Standards for Districts with U Character Designator;</p> <p style="padding-left: 20px;">Standards and Criteria for Commercial Shopping Centers;</p>

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		<p> e. 11-7-3: Development Standards for Employment Districts; f. 11-8-4: Development Standards for Downtown Residence Districts; g. 11-8-5: Development Standards for Downtown Business Districts; h. 11-8-6: Development Standards for Downtown Core Districts; i. 11-8-7: Supplemental Standards for All Downtown Districts; j. 11-10-3: Development Standards for Public and Semi-Public Districts. </p> <p>9. Hear and decide appeals from the Zoning Administrator regarding Alternative Landscape Plans pursuant to Section 11-33-7.</p> <p>10. Hear and make recommendations on other matters as directed by the City Council.</p> <p>11. The Board may adopt rules for the conduct of its business.</p>
6	<p>Arrange the authorities and duties of the Zoning Administrator into administrative and Hearing Officer;</p> <p>Update the Development Services Department name;</p> <p>Remove the Zoning Administrator duty to decide appeals pertaining to dedication of rights-of-way;</p> <p>Remove findings for Special Use</p>	<p>11-66-7: Zoning Administrator</p> <p>A. Establishment of the Office of the Zoning Administrator. The office of Zoning Administrator is hereby established in the Mesa Development SERVICES and Sustainability Department. The Zoning Administrator shall be designated by the Development SERVICES and Sustainability Department Manager and serves under the direction of the Planning Director.</p> <p>B. Authority and Duties of the Zoning Administrator. The Zoning Administrator is the city official established pursuant to ARS § 9-462.05 and charged with responsibility for enforcement of the Zoning Ordinance. In addition, the Zoning Administrator shall ACTS IN EITHER AN ADMINISTRATIVE ROLE OR AS A HEARING OFFICER AND SHALL HAVE THE FOLLOWING DUTIES AND AUTHORITIES:</p> <p>1. ZONING ADMINISTRATOR IN ADMINISTRATIVE ROLE:</p> <p>A. 4. Accomplish all administrative actions required by this Ordinance, including the giving of notice, scheduling of hearings, preparation of reports, and receiving and processing appeals.</p> <p>B. 2. Interpret the Zoning Ordinance to the public, City Departments and other branches of government, subject to the supervision of the Planning Director and subject to general and specific policies established by the City Council. In consultation with the Planning Director, The Zoning Administrator may determine which requests for interpretations may be decided through an administrative process; or reviewed and decided through a public hearing process as described in Item 2 6, below.</p> <p>C. Undertake preliminary discussions with, and provide advice to, applicants requesting assistance.</p> <p>D. Serve as a Hearing Officer and as a Secretary to the Board of Adjustment, or delegate such duties to qualified parties subject to the concurrence of the Planning Director.</p>

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	<p>Permit approvals and replace with reference to Ordinance requirements;</p> <p>Remove redundant Subsection: Appeals to the Zoning Administrator.</p> <p>Sec. 11-66-7</p>	<p>E. Make recommendations to the Planning Director on changes and improvements in Ordinance regulations and procedures.</p> <p>F. DETERMINE THE LOCATION OF ANY DISTRICT BOUNDARY SHOWN ON THE ZONING MAP ADOPTED AS PART OF THIS ORDINANCE WHEN SUCH LOCATION IS IN DISPUTE.</p> <p>G. REVIEW, CONSIDER AND DECIDE EXCEPTIONS AND ALTERNATIVE PLANS OR ALTERNATIVE STANDARDS AS AUTHORIZED BY THIS ORDINANCE, BASED STRICTLY UPON THE LIMITATIONS AND CRITERIA SPECIFIED FOR THAT EXCEPTION, ALTERNATIVE STANDARD OR ALTERNATIVE PLAN.</p> <p>H. REVIEW, CONSIDER AND DECIDE ZONING PERMITS, ADMINISTRATIVE USE PERMITS, AND TEMPORARY USE PERMITS AS AUTHORIZED BY THIS ORDINANCE, BASED STRICTLY UPON THE LIMITATIONS AND CRITERIA SPECIFIED FOR ZONING PERMITS, ADMINISTRATIVE USE PERMITS, AND TEMPORARY USE PERMIT.</p> <p>I. INTERPRET ANY PROVISIONS OF THIS ORDINANCE</p> <p>J. MAKE DECISIONS ON OTHER SECTIONS OF THE CITY CODE WHICH ARE WITHIN THE JURISDICTION OF THE ZONING ADMINISTRATOR.</p> <p>K. REFER ANY MATTER WITHIN THE ZONING ADMINISTRATOR'S AUTHORITY TO THE BOARD OF ADJUSTMENT.</p> <p>2. 6. As a Hearing Officer conduct public hearings to:</p> <p>A. Decide appeals that may be taken by any person or any officer, department or board of the City when there is an alleged error in any order, requirements or decision made by an administrative official in the enforcement of the provisions of this Ordinance and other sections of the City Code within the jurisdiction of the Zoning Administrator as authorized by the City Council, and reverse or affirm in whole or in part, or modify the order or decision appealed.</p> <p>A. b. Interpret any provisions of this Ordinance and other sections of the City Code which may be in doubt, and which are within the jurisdiction of the Zoning Administrator. WHEN THE ZONING ADMINISTRATOR, ACTING IN ADMINISTRATIVE ROLE, REFERS AN INTERPREATION TO THE HEARING OFFICER.</p> <p>B. c. Grant HEAR AND DECIDE Special Use Permits, DEVELOPMENT INCENTIVE PERMITS AND SUBSTANTIAL CONFORMANCE IMPROVEMENT PERMITS AS required by the City Code. upon a finding that the use covered by the permit, the manner of conducting the same, and any use or building which is involved:</p> <p>i. Will be in conformance with the intent of this Zoning Ordinance;</p>

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		<p style="text-align: center;">ii. Will be consistent with specified plans and policies adopted by the City Council, including the goals and objectives of the General Plan;</p> <p style="text-align: center;">iii. Will be compatible with and not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.</p> <p style="text-align: center;">d. Grant Development Incentive Permits and Substantial Conformance Improvement Permit as authorized by this Ordinance.</p> <p style="text-align: center;">C. e. Authorize variances from the terms of this Zoning Ordinance within the jurisdiction of the Zoning Administrator pursuant to the provisions of ARS § 9-462.06.</p> <p style="text-align: center;">D. f. Prescribe in connection with any Special Use Permit, Development Incentive Permit, Substantial Conformance Improvement Permit, or any Variance such conditions as deemed necessary in order to fully carry out the provisions and intent of this Ordinance.</p> <p style="text-align: center;">E. REFER ANY MATTER WITHIN THE ZONING ADMINISTRATOR HEARING OFFICER'S AUTHORITY TO THE BOARD OF ADJUSTMENT.</p> <p style="text-align: center;">7. Determine the location of any district boundary shown on the Zoning Map adopted as part of this Ordinance when such location is in dispute.</p> <p style="text-align: center;">8. Decide appeals from Section 9-1-1 of the City Code pertaining to dedication of rights of way, pursuant to ARS § 9-500.12.</p> <p style="text-align: center;">9. Review, consider and decide Exceptions and Alternative Plans or Alternative Standards as authorized by this Ordinance, based strictly upon the limitations and criteria specified for that Exception, Alternative Standard or Alternative Plan.</p> <p style="text-align: center;">10. Review, consider and decide Zoning Permits, Administrative Use Permits, and Temporary Use Permits as authorized by this Ordinance, based strictly upon the limitations and criteria specified for Zoning Permits, Administrative Use Permits, and Temporary Use Permit.</p> <p style="text-align: center;">C. Limits to Authority and Duties. The Zoning Administrator shall not make any changes in the uses permitted in any zoning classification or zoning district, or make any change in the terms of the Zoning Ordinance; provided that the restriction in this paragraph shall not affect the authority to grant variances.</p> <p style="text-align: center;">D. Appeals to the Zoning Administrator.</p> <p style="text-align: center;">1. Appeals to the Zoning Administrator may be taken by any person aggrieved, or by officers, department, or board of the City affected by any decision of any administrative official, by filing with the Zoning Administrator within the time period prescribed by this Ordinance, a notice of appeal on a form provided therefore.</p>

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		<p>2. The appeal stays all proceedings in the matter appealed unless the officer from whom the appeal is taken certifies to the Zoning Administrator that a stay would cause imminent peril to life or property.</p> <p>3. The Zoning Administrator shall fix a reasonable time for the hearing of the appeal and shall give notice thereof to the parties in interest and the public by publication in a newspaper of general circulation at least 15 days prior to the public hearing and by posting notice of the public hearing on the site that is the subject of the application, in conformance with ARS § 9-462.04, at least 5 days prior to the hearing. It shall not be the responsibility of the Applicant or to maintain the posting once erected until after the hearing.</p> <p>4. The Zoning Administrator may refer any matter on which he is authorized to rule directly to the Board of Adjustment.</p> <p>5. Appeals based on a decision made by the Zoning Administrator, acting in an administrative capacity, such as those involving interpretations of the Zoning Ordinance, shall be referred directly to the Board of Adjustment.</p> <p>Any person aggrieved by a decision of the Zoning Administrator may appeal this decision to the Board of Adjustment within a period of 30 days from the time that the decision is made in the manner specified in Section 11-67-11, and Chapter 77.</p>
7	<p>Modify application process and requirements;</p> <p>Add pre-submittal to be consistent with Planning process;</p> <p>Update the Development Services Department Name;</p> <p>Remove list of application types.</p>	<p>11-67-2: ApplicationS Forms, Supporting Materials and Fees</p> <p>A. Applicants. The following persons may file AN application:</p> <ol style="list-style-type: none"> 1. The owner of the subject property; or 2. An agent representing the owner, duly authorized to do so in writing by the owner. <p>B. ApplicationS Forms. Applications REQUIRED BY THIS ORDINANCE shall be filed in WITH the office of the Planning Division on a form provided by the city and shall be accompanied by the required fee AND INCLUDE ALL OF THE FOLLOWING:</p> <ol style="list-style-type: none"> 1. Application Forms. The Zoning Administrator shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Ordinance. AN APPLICATION, PROVIDED BY THE CITY. 2. THE REQUIRED DOCUMENTS AND INFORMATION IN A FORM ACCEPTABLE TO THE PLANNING DIVISION. 3. 2. Supporting Materials. ADDITIONAL MATERIALS, AS REQUIRED. The Zoning Administrator may require the submission of supporting materials as part of the application, including but not limited to, statements, photographs, plans, drawings, renderings, models, material samples and other items necessary to describe existing conditions and the proposed project. Unless otherwise specified, all renderings shall

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	Sec. 11-67-2.A through 11-67-2.J	<p>depict the proposed structure, landscaping, other improvements, and surrounding land uses as they would appear after project completion.</p> <p>3. <i>Availability of Materials.</i> All material submitted in support of a specific application becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. At any time, upon reasonable request and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the Planning Division offices. Unless barred by law, copies of such materials shall be made available at a reasonable cost to be established by the City.</p> <p style="text-align: center;">4. THE REQUIRED FEE.</p> <p>C. Pre-application OR PRE-SUBMITTAL Conference Required. Before filing any applications described by paragraphs E through H, below, the applicant shall submit a preliminary description of the proposal, accompanied by a fee specified by the adopted fee schedule, for review and comment by Planning Division staff. This preliminary description shall include, at minimum, a site plan and project narrative; both of sufficient scope and detail so as to allow a basic review of location, land area, land use, land use intensity, traffic generation and adjacent streets, stormwater drainage, utility service, and previous case history. The Planning Director or a Planning Division staff member designated by the Planning Director shall return comments to the applicant based on this preliminary review in writing, and orally at a subsequent conference between the applicant, Planning Division staff, and staff members of other City departments submitting comments. The need for the conference and fee may be waived by the Planning Director if it is determined sufficient information already exists regarding the request and case site.</p> <p>D. Payment, Waiver and Refund of Application Fees.</p> <ol style="list-style-type: none"> 1. <i>Schedule of Fees.</i> The City shall establish fees for all application types. Payment of the fee is required in order for an application to be complete. No application shall be processed without payment of the applicable fee unless a fee waiver or deferral has been approved by the Development SERVICES and Sustainability Department Director. 2. <i>Fee Waiver or Deferral.</i> No fee shall be required when the applicant is the City, or if it is waived or deferred by the Development SERVICES and Sustainability Department Director based upon a finding of unique financial hardship or in unique circumstances where it would be unreasonable to impose the normal fee, or to impose such fee at the usual time. 3. <i>Refund of Fees.</i> Once an application is filed with the Planning Division, no part of any application fee shall be refundable, unless the Development SERVICES and Sustainability Department

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		<p>Director determines such a refund is justified on the basis of unique financial hardship and factual circumstances. No refund shall be made for any application that has been denied.</p> <p>E. Applications Requiring City Council, or Planning and Zoning Board Approval. Applications for Annexation, Rezoning Amendments, Site Plan Modifications, General Plan Amendments, Site Plan Reviews, Council Use Permit, or any other application or discretionary permit, relating to development and requiring City Council approval, shall be made in the office of the Planning Division, on a form provided and shall be accompanied by the required fee.</p> <p>F. Applications Requiring Board of Adjustment or Zoning Administrator Hearing Officer Approval. Applications for variances, Special Use Permit, Development Incentive Permits (DIPs), Substantial Conformance Improvement Permit (SCIPs), interpretations determined by the Zoning Administrator to require a public hearing, or any other application or discretionary permit relating to development and requiring approval of the Board of Adjustment or Zoning Administrator Hearing Officer, shall be made in the office of the Planning Division on a form provided and shall be accompanied by the required fee.</p> <p>G. Applications Requiring Design Review Board Approval. Applications for items specified as requiring approval of the Design Review Board, or any other application or discretionary permit relating to development and requiring approval of the Design Review Board shall be made in the office of the Planning Division on a form provided and shall be accompanied by the required fee.</p> <p>H. Applications Requiring Historic Preservation Board Approval. Applications for items specified as requiring approval of the Historic Preservation Board as listed in Chapter 74 or any other application or discretionary permit relating to development and requiring approval of the Historic Preservation Board shall be made in the office of the Planning Division on a form provided and shall be accompanied by the required fee.</p> <p>I. Applications Requiring the Approval of the Planning Director or Zoning Administrator. Applications for administrative revisions to approved plans, product review of PAD subdivisions, Administrative Use Permits, Temporary Use Permits, Zoning Permits, or administrative interpretations of the Zoning Ordinance shall be made in the office of the Planning Division on a form provided and shall be accompanied by the required fee.</p> <p>J. Applications Requiring Approvals From Multiple Authorities. If, at the time of a Pre-Submittal Conference, it is determined that a particular request requires reviews and approvals by more than one governing body or authority, and the Planning Director agrees the applications to each reviewing authority can be consolidated under one development entitlement application, then one application requesting review and approval by each</p>

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		<p>applicable authority shall be made in the office of the Planning Division and shall be accompanied by a total application fee calculated by summing the individual fees for each request as specified by the fee schedule, and then discounting that sub-total by 33%.</p>
8	<p>Modify public notice requirements including when public notice applies, notice requirements, and contents of notice.</p> <p>Sec 11-67-5</p>	<p>11-67-5 Notice of Public Hearings-NOTICE</p> <p>A. ANY AApplications to the City Council, Planning and Zoning Board, and OR THE Planning Hearing OfficeR. Any amendments, Site Plan Modifications, Site Plan Reviews, Council Use Permits, or any other land use change shall provide:</p> <ol style="list-style-type: none"> 1. PROVIDE TThe same notice of Public Hearing as required by ARS § 9-462.04 (a)(4); AND 2. POST THE SUBJECT PROPERTY NO LESS THEN 15 DAYS PRIOR TO THE FIRST SCHEDULED HEARING; AND 3. PROVIDE AAdditional notice BY FIRST CLASS MAIL sent a minimum of 1415-days PRIOR TO the FIRST scheduled hearing date by first class mail to all owners of property located within 500-feet of the exterior boundary of the property that is the subject of the application, based on the last assessment. <p>B. ANY AApplications to the Board of Adjustment or Zoning Administrator ACTING AS THE Hearing Officer. Any variances, Special Use Permits, Development Incentive Permits (DIPs), Substantial Conformance Improvement Permits (SCIPs), and interpretations determined by the Zoning Administrator to require a public hearing, shall provide:</p> <ol style="list-style-type: none"> 1. The same notice of public hearing-as required by ARS § 9-462.06 (F); and: 2. Additional notice BY FIRST CLASS MAIL sent a minimum of 1415-days PRIOR TO the scheduled hearing date by first class mail to all owners of property located within the following distances of the exterior boundary of the property that is the subject of the application, based on the last assessment: <ol style="list-style-type: none"> a. For any single residence, duplex, or single lot RV or manufactured home: 150-feet. b. For any other request: 500-feet. <p>C. ANY APPLICATION TO THE DESIGN REVIEW BOARD SHALL SEND NOTICE BY FIRST CLASS MAIL A MINIMUM OF 15-DAYS PRIOR TO THE SCHEDULED MEETING OR WORK SESSION DATE TO ALL OWNERS OF PROPERTY LOCATED WITHIN 500-FEET OF THE EXTERIOR BOUNDARY OF THE PROPERTY THAT IS THE SUBJECT OF THE APPLICATION, BASED ON THE LAST ASSESSMENT.</p> <p>D. C. Contents of PUBLIC Notice. Any notice of public NOTICE hearing shall include the following information:</p>

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		<ol style="list-style-type: none"> 1. A general description of the proposed project or action and the location of the real property, if any, that is the subject of the application; 2. The date, time, location, and purpose of the public hearing or the date of action when no public hearing is required; 3. The identity of the hearing body or officer; 4. The names of the applicant and OR the owner of the property that is the subject of the application; AND 5. The location and times at which the complete application and project file may be viewed by the public; IN ADDITION TO THE ITEMS LISTED ABOVE, MAILED NOTICE SHALL INCLUDE THE FOLLOWING: <ol style="list-style-type: none"> A. A COPY OF THE PROPOSED PLANS; B. A STATEMENT THAT ANY INTERESTED PERSON OR AUTHORIZED AGENT MAY APPEAR, AND BE HEARD; AND C. A STATEMENT DESCRIBING HOW TO SUBMIT WRITTEN COMMENTS. 6. IT SHALL BE THE RESPONSIBILITY OF THE APPLICANT TO MAINTAIN THE POSTING ONCE ERECTED UNTIL AFTER THE LAST HEARING. 6. A statement that any interested person or authorized agent may appear and be heard; and 7. A statement describing how to submit written comments. E. D. Notwithstanding the notice requirements of this Section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the City of Mesa for which the notice was given.
9	<p>Clarify the expiration and extension of permits, approvals, and variances;</p> <p>Add expiration period for Site Plans and Design Review approval;</p>	<p>11-67-9: ExpirationS and ExtensionS</p> <p>A. ExpirationS.</p> <ol style="list-style-type: none"> 1. The PLANNING AND ZONING BOARD, PLANNING HEARING OFFICER, ZONING ADMINISTRATOR ACTING AS A HEARING OFFICER, BOARD OF ADJUSTMENT, OR City Council, in the granting of any permit, or the Zoning Administrator or the Board of Adjustment, in the granting of any permit or (ALSO REFERRED TO AS discretionary approval), or permit modification, or adjustment for which the Administrator or BoardBODY has authority, may specify the time within which the proposed use must be undertaken and actively and continuously pursued. The PLANNING AND ZONING BOARD, PLANNING HEARING OFFICER, ZONING ADMINISTRATOR ACTING AS A HEARING OFFICER, BOARD

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	<p>Remove redundant Subsection 11-67-9.C: Appeals.</p> <p>Sec. 11-67-9</p>	<p>OF ADJUSTMENT, OR City Council, Board of Adjustment, or Zoning Administrator may impose upon the permit a term of such period of time as is found to be consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare. If no time period is otherwise specified, any permit granted under this Ordinance may be declared lapsed EXPIRED and of no further force and effect if it is not exercised or extended within 1 year of its issuance. THE PERMIT IS CONSIDERED EXERCISED BY COMPLETION OF ONE OF THE FOLLOWING:</p> <ul style="list-style-type: none"> a. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property in reliance on that permit. b. A permit for the construction of a building, or structure, OR SIGN is exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced in reliance upon that permit. <p>2. Approved applications for Council Use Permits (CUPs), Variances, Special Use Permits (SUPs), Substantial Compliance Improvement Permits (SCIPs) and Development Incentive Permits (DIPs) MAY BE DECLARED shall expire AND OF NO FURTHER FORCE AND EFFECT IF IT IS NOT EXERCISED OR EXTENDED WITHIN 1 year OF THE DATE OF APPROVAL. in the event no action has commenced relating to the development associated with the approved application unless this time limit is otherwise extended at the time the application is being considered by the approving authority. THE VARIANCE IS CONSIDERED EXERCISED WHEN A VALID CITY BUILDING PERMIT, IF REQUIRED, IS ISSUED, AND CONSTRUCTION HAS LAWFULLY COMMENCED IN RELIANCE UPON THAT PERMIT.</p> <p>3. APPROVED SITE PLAN REVIEW AND DESIGN REVIEW MAY BE DECLARED EXPIRED AND OF NO FURTHER FORCE AND EFFECT IF IT IS NOT EXERCISED OR EXTENDED WITHIN 2 YEARS OF THE DATE OF APPROVAL. THE SITE PLAN REVIEW OR DESIGN REVIEW IS CONSIDERED EXERCISED BY COMPLETION OF ONE OF THE FOLLOWING:</p> <ul style="list-style-type: none"> A. A VALID CITY BUSINESS LICENSE, IF REQUIRED, IS ISSUED, AND THE PERMITTED USE HAS COMMENCED ON THE PROPERTY. B. A VALID CITY BUILDING PERMIT, IF REQUIRED, IS ISSUED, AND CONSTRUCTION HAS LAWFULLY COMMENCED. <p>B. Extensions. The Zoning Administrator may approve a one-year extension of any permit or approval granted under this Ordinance upon receipt of a written application with the required fee within one year PRIOR TO THE EXPIRATION DATE of the date of the approval. All other extensions shall require approval by the ORIGINAL APPROVING BODY City Council.</p> <p>C. Appeals. Permits may be declared lapsed by the Zoning Administrator upon 15 days written notice to the permit holder. The Zoning Administrator's determination that a permit has</p>

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		lapsed may be appealed to the Board of Adjustment in the same manner as any action by the Zoning Administrator.
10	Modify appeals to apply to all final decisions. Sec. 11-67-12	11-67-12: Appeals A final decision on any discretionary permit is subject to appeal according to the standards in Chapter 77 - Appeals. Table 11-67-12 summarizes the appeal process for each body issuing a discretionary permit FINAL DECISION.
11a	Part 1, Modify Site Plan Review Sections titles Sec. 11-69: Sections	Sections: 11-69-1: Purpose 11-69-2: Applicability 11-69-3: Application Requirements 11-69-4: Procedures 11-69-5: Review Criteria 11-69-6: Minor and Major Modifications 11-69-7: Appeals, EXPIRATIONS AND EXTENSIONS 11-69-8: Lapse of Approval; Modifications; Renewal
11b	Part 2, clarify public notice requirement for Site Plan Review. Sec. 11-69-3	11-69-3: Application Requirements Applications for SPR shall be filed with the Planning Division in accordance with the application procedures in Chapter 67, Common Procedures. Public notice shall be provided for all projects subject to Site Plan Review AS REQUIRED IN CHAPTER 67.
11c	Part 3, Reorganize expiration and extension language for Site Plan Review and modify language to require compliance with Chapter 67, Common Procedures Sec. 11-69-7 through	11-69-7: Appeals, EXPIRATIONS AND EXTENSIONS A. Site Plan Review decisions by the Planning Director and the Planning & Zoning Board are subject to the appeal provisions of Chapter 77, Appeals, and Section 11-67-12. B. SITE PLAN REVIEW APPROVALS ARE SUBJECT TO THE EXPIRATION AND EXTENSION PROVISIONS OF SECTION 11-67-9, EXPIRATIONS AND EXTENSIONS. 11-69-8: Lapse of Approval; Modifications; Renewal Site Plan Review approvals are effective for a period of two years and may only be extended or modified as provided for in Chapter 67, Common Procedures.

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	11-69-8	
12a	Part 1, Modify Design Review Sections titles. Sec. 11-71: Sections	Sections: 11-71-1: Purpose 11-71-2: Applicability 11-71-3: Application Requirements 11-71-4: Public Notice 11-71-5: Procedures 11-71-6: Review Criteria 11-71-7: Minor and Major Modifications 11-71-8: Appeals, EXPIRATIONS AND EXTENSIONS 11-71-9: Lapse of Approval, Modifications, Renewal
12b	Part 2, clarify public notice requirements for Design Review. Sec. 11-71-4	11-71-4: Public Notice In addition to notice required for public meetings, additional Public Notice shall be provided for all projects subject to Design Review SUBJECT TO PROVISIONS OF SECTION 11-67-5, PUBLIC NOTICE. by mailing notice to all property owners within 300 feet of the exterior boundaries of the property at least 15 days prior to the Design Review Board work session or public meeting.
12c	Part 3, reorganize and clarify Design Review appeals, expirations and extensions language. Sec. 11-71-8 through 11-71-9	11-71-8: Appeals, EXPIRATIONS AND EXTENSIONS A. Design Review decisions by the Planning Director and OR the Design Review Board are subject to the appeal provisions of Chapter 77, Appeals. B. DESIGN REVIEW APPROVALS ARE SUBJECT TO THE EXPIRATION AND EXTENSION PROVISIONS OF SECTION 11-67-9, EXPIRATIONS AND EXTENSIONS. 11-71-9: Lapse of Approval, Modifications, Renewal Design Review approvals are effective and may only be extended or modified as provided for in Chapter 67, Common Procedures.
13	Remove "Committee" and replace with "Board" Sec. 11-74-2.D	D. Minutes. Minutes of the meeting will be kept and findings of the Historic Preservation Committee BOARD forwarded to the Planning & Zoning Board. Copies of the minutes will be kept with the permanent record of the application.

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14	<p>Refer appeals of historic preservation decisions to Chapters 67 and 77.</p> <p>Sec. 11-74-5</p>	<p>11-74-5: Appeals</p> <p>A. Appeals from the HPO. Decisions of the HPO with regards to interpretation of Overlay District Design Guidelines, Certificate of Appropriateness, and demolition requests may be appealed to the HPB. A request for an appeal shall be made in writing in the Historic Preservation Office. All such appeals shall be forwarded to the HPB which shall consider the matter at a public hearing. Notice of the public hearing shall be provided as prescribed Chapter 67, Common Procedures. APPEALS ARE SUBJECT TO THE APPEAL PROVISIONS OF CHAPTER 77, APPEALS AND SECTION 11-67-12.</p> <p>B. Appeals from the HPB. Decisions of the HPB ARE SUBJECT TO THE APPEAL PROVISIONS OF CHAPTER 77, APPEALS, AND SECTION 11-67-12. may be appealed to the City Council only when such appeal is submitted in writing to the Historic Preservation Office within 30 days of the HPB decision.</p>
15	<p>Update appeal processes including filing requirements, public notice, and appeals to the Board of Adjustment.</p> <p>Sec. 11-77-4.A through 11-77-4.D</p>	<p>11-77-4: Procedures</p> <p>A. Proceedings Stayed by Appeal. The timely filing of an appeal may stay all City-related proceedings in the matter appealed including, but not limited to, the issuance of demolition permits, building permits, and business licenses. Proceedings in which an appeal has been filed to County, State or federal courts or jurisdictions may only be stayed by action from those jurisdictions.</p> <p>B. Filing of Appeals.</p> <ol style="list-style-type: none"> 1. Appeals of Specified Decisions. All decisions of the Historic Preservation Officer, Planning Director, Zoning Administrator ACTING IN AN ADMINISTRATIVE OR Zoning Administrator Hearing Officer ROLE, Planning and Zoning Board, Planning Hearing Officer, Design Review Board, and Historic Preservation Board may be appealed to the appropriate body as specified in Chapter 67 by filing a written NOTICE OF appeal accompanied by payment of the appropriate fee. The notice of appeal shall set forth, in concise language, the following: <ol style="list-style-type: none"> a. Date of appeal; b. Name of person filing the appeal (appellant) and any individual representing appellant; c. Address to which notices shall be sent; d. Contact information such as telephone number and/or e-mail address of appellant or representative to be contacted regarding the appeal; e. Action or decision being appealed and the date of such action or decision; f. Description of requested outcome if the appeal is granted; g. Grounds for appeal, if required by this Ordinance; and, h. Address and case number involved.

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		<p>2. Appeals of Board of Adjustment Decisions. Any person aggrieved by the decision of the Board of Adjustment, or officer or department of the City of Mesa affected by a decision of the Board may, AT ANY TIME WITHIN 30 DAYS AFTER THE BOARD HAS RENDERED ITS DECISION, file a complaint of special action in Superior Court to review the Board's decision. Filing the complaint does not stay proceedings on the decision sought to be reviewed, but the court may, on application, grant a stay, and on final hearing, may affirm or reverse, in whole or in part, or modify the decision reviewed.</p> <p>C. Public Notice. Notice of an appeal heard by the City Council, Planning and Zoning Board, Board of Adjustment, OR Design Review Board, or Historic Preservation Committee shall be:</p> <ol style="list-style-type: none"> 1. Provided in the same manner required IN CHAPTER 67, FOR THE APPROPRIATE HEARING BODY for the action that was the subject of the appeal, and 2. Provided to all persons who spoke on the matter at any prior hearings on the same matter, if such persons provided their names and addresses at the time they spoke at the prior hearing. <p>D. Appeals to the Board of Adjustment.</p> <ol style="list-style-type: none"> 1. APPEALS TO THE BOARD SHALL BE MADE IN CONFORMANCE WITH ARS § 9-462.06. 2. 4. Board of Adjustment Action. The Board of Adjustment shall conduct a public hearing <i>de novo</i>, and shall review all relevant information, including but not limited to the application, plans, related project materials that were the subject of the original decision, any additional materials as may be presented at the appeal hearing, and any written correspondence submitted after the appeal has been filed, information observed by a site visit if made, and may take one of the following actions: <ol style="list-style-type: none"> a. Make a decision; or b. Remand the matter to the Zoning Administrator to cure a deficiency in the record or proceedings. 3. 2. Board of Adjustment Decision. The Board of Adjustment may approve, approve with conditions, or deny an appeal, and may prescribe reasonable conditions in connection with its decision as may be necessary in order to fully carry out the purpose and intent of the provisions of this Zoning Ordinance.