

CHAPTER 14 - EMPLOYMENT OPPORTUNITY DISTRICT

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11-14-1: - PURPOSE

The purpose of the Employment Opportunity District (EO District) is to:

- A. Facilitate entitlements for the development of projects aligned with City Council adopted plans and policies, particularly those projects that attract industries providing significant employment opportunity;
- B. Accommodate large-scale, unified and planned employment developments that encourage and promote innovative and sustainable land uses;
- C. Allow flexibility that accommodates market changes while providing incentives for high-quality development that is consistent with the goals of both the Mesa General Plan and any applicable sub-area plans;
- D. Establish planning and development criteria tailored to the opportunities and constraints of the property;
- E. Encourage creative and high-quality design, and establish standards leading to an efficient, aesthetic, sustainable, and desirable development; and
- F. Allow flexibility that promotes unified, mixed-use development on land and improvements owned by political subdivisions of the State of Arizona.

11-14-2: - APPLICABILITY AND AUTHORITY

- A. **Applicability to Qualified Political Subdivisions of the State of Arizona.** This Chapter contains requirements, standards, exceptions, and exemptions specific to political subdivisions of the State of Arizona that own all the land and all the improvements on the land that is within the area to be designated as an EO District (referred to in this Chapter as a “Qualified Political Subdivision”). If a political subdivision of the State of Arizona does not own all the land and all the improvements on the land that is within the area to be designated as an EO District, the political subdivision cannot utilize the provisions in this Chapter that are for Qualified Political Subdivisions.
- B. **Eligibility.** An EO District shall only be established for an area when the City Council finds that the property meets the following requirements:
 - 1. **General Plan.** EO Districts may be established within areas designated in the Mesa General Plan as Regional Center or Regional Employment Center, or any combination thereof.
 - 2. **Minimum Area.** The minimum area required to establish an EO District is 160 contiguous acres, except:
 - a. *Qualified Political Subdivisions.* The minimum area required to establish an EO District is 140 contiguous acres.
 - b. *Adding Land to an Approved EO District.*
 - i. After an EO District is approved, additional contiguous land may be added to the EO District following the procedures in this Chapter.
 - ii. There shall be no minimum area required for additional land to be added to an approved EO District.

- iii. Execution of a development agreement, intergovernmental agreement, or similar agreement, or an amendment to an existing agreement may be required to add additional land to an approved EO District.

C. **Designation of Employment Opportunity District and Optional Use of a Floating Zone.** City Council's approval of an EO District shall either:

1. Apply immediately as the zoning district on a property; or
2. Create a floating zone over the property that:
 - a. Retains the existing non-EO zoning district as the active zoning district until a property owner opts-in to the EO District.
 - b. All requirements of the existing non-EO zoning district remain in effect until a property owner opts-in to the EO District.
 - c. The property owner may be required to execute a development agreement, intergovernmental agreement, intergovernmental development agreement, or similar agreement, or amend such agreement prior to opting-in to the EO District.
3. An EO District for a Qualified Political Subdivision cannot be created as a floating zone over the property and shall apply immediately as the zoning district on the property.

D. **Opt-In Procedures.**

1. When an EO District is approved by City Council as a floating zone, a property owner may opt-in to the EO District and EO Development Plan as follows:
 - a. The property owner must sign before a notary public the City's Employment Opportunity Development Plan Opt-In Form ("Opt-In Form") and submit the signed and notarized Opt-In form to the City.
 - b. The property owner must comply with all conditions of approval of the EO District.
 - c. A signed development agreement, intergovernmental agreement, intergovernmental development agreement, or similar agreement, or an amendment to such agreement, if required by the City, must be submitted to the City.
2. The Opt-In Form shall state, at a minimum:
 - a. The EO District standards are in effect for the identified parcels(s) as of the signature date of the Opt-In Form;
 - b. The requirements of the previous zoning district are no longer applicable for the identified parcel(s); and
 - c. Any future development on the identified parcel(s) shall conform with the standards of the applicable EO Development Plan.
3. The City of Mesa Planning Division shall maintain an official record of the Opt-In Forms and shall update the Official Zoning Map of the City to reflect the agreed change to the zoning district.

E. **Effect Before and After Opt-In to an EO District.**

1. ***Compliance with Existing Zoning Until Opt-In.*** When an EO District is approved as a floating zone, the development and use of the property shall remain in compliance with the

existing non-EO zoning district until a property owner opts-in to the EO District pursuant to the opt-in procedures in this Chapter.

2. ***Compliance After Opting-In.*** Once the Opt-In Form is signed and notarized, in no case may any subsequent development for the parcel(s) included in the EO District:
 - a. Be based upon the standards of the former non-EO zoning district; or
 - b. Be developed using standards of the former, non-EO zoning district combined with the EO District or EO Development Plan at the same time.
 3. ***Effects on Existing Development and Land Uses After Opt-In to an EO District.***
 - a. *Complies with EO Development Plan.* Existing development and land uses that comply with all applicable requirements of the approved EO Development Plan may continue to operate and shall only be altered or replaced in compliance with the requirements of the applicable EO Development Plan.
 - b. *Non-compliance with EO Development Plan.* Any existing development or land use that was lawfully built in conformance with the Zoning Ordinance requirements that does not comply with the requirements of the approved EO Development Plan shall be considered legal nonconforming and may continue to operate in compliance with the City's regulations for nonconformities to the Zoning Ordinance (Chapter 36).
- F. **Other Agreements.** If the Zoning Administrator, in consultation with the City Attorney's Office, determines there is a conflict between the requirements of the approved EO District, EO Development Plan, or applicable standards approved by City Council as part of any other agreement, the more restrictive requirements shall apply.

11-14-3: - LAND USE REGULATIONS AND DEVELOPMENT STANDARDS

- A. **Zoning.**
1. Once the EO District becomes effective on a property, either directly by City Council action, or through the opt-in procedures in this Chapter, the approved EO District and EO Development Plan are the zoning for the property.
 2. The approved EO Development Plan shall be the principal reference for implementation and review of future development within the boundary of the overall site.
 3. All development that takes place within the boundaries of an EO District shall be governed by and built in accordance with the approved EO Development Plan and approved amendments, and any development agreement, intergovernmental agreement, intergovernmental development agreement, or similar agreement that was executed as a condition of the EO District.
- B. **Land Uses.** The permitted, conditional, and prohibited land uses for an EO District shall be listed in, and established by, an approved EO Development Plan.
1. Permitted, conditional, and prohibited land uses may be based in whole or in part on the land use classification descriptions in the Zoning Ordinance or based on land use classification descriptions or Land Use Groups (LUGs) established in an EO Development Plan.
 - a. The EO Development Plan may establish land uses are not listed in the Zoning Ordinance.

- b. If a proposed land use is not listed in an approved EO Development Plan, it is prohibited unless the Zoning Administrator determines the proposed land use is within or equivalent to a permitted land use in the approved EO Development Plan as identified in Section 11-86-1: Purpose and Applicability.
 - 2. ***Land Uses for Qualified Political Subdivisions.*** In addition to Section 11-14-3(A) and 11-14-3(B), an EO Development Plan for a Qualified Political Subdivision may, with the approval of both an EO Development Plan and an intergovernmental agreement, intergovernmental development agreement, or similar agreement, establish:
 - a. Categories of land uses, development activities, projects, and sites.
 - b. Exemptions from the regulations in the Zoning Ordinance, the EO Development Plan, or both, that are based on the category of land use, development activity, project, or site.
 - i. Any exemption shall be expressly set forth in the EO Development Plan; and
 - ii. Exemptions shall be subject to further regulation in, and compliance with, an intergovernmental agreement, intergovernmental development agreement, or other similar agreement.
 - c. Flexibility in defining minor and major adjustments to permitted, prohibited, and restricted land uses, and an administrative review and approval process for such requests.
- C. **General Development Standards.** The EO Development Plan shall expressly set forth the General Development Standards (as defined in Chapter 87 of the Zoning Ordinance) for the EO District.
 - 1. ***Application of the General Development Standards.*** General Development Standards, including those amended by the EO Development Plan, shall apply to all development in the EO District.
 - 2. ***Zoning Ordinance Standards as Default Standards.***
 - a. A default standard base zoning district shall be selected as part of the EO Development Plan.
 - b. Any General Development Standards not specified within the approved EO Development Plan shall conform with the standards set forth in the Zoning Ordinance.
 - 3. ***Adjustments to the General Development Standards in an approved EO Development Plan.*** A request for an adjustment to any General Development Standard in an approved EO Development Plan for a specific project or site will be reviewed and processed as follows:
 - a. ***Minor Adjustments.***
 - i. The Planning Director may administratively evaluate requests for minor adjustments to the General Development Standards for a specific development project or site and may grant the minor adjustment if it complies with the criteria in this Section.
 - ii. A minor adjustment is an adjustment that is less than 20% of the required number, dimension, or measurement, as determined by the Planning Director.
 - iii. The Planning Director shall use, at a minimum, the following criteria when evaluating a request for a minor adjustment:

- (1) The minor adjustment is consistent with the application of design requirements designated in the approved EO Development Plan;
- (2) The minor adjustment is consistent with the implementation of the EO Development Plan;
- (3) The minor adjustment will result in a project design that meets or exceeds the design goals and guidelines in the approved EO Development Plan;
- (4) The minor adjustment will result in a building of equivalent quality and architectural design, as determined by building form and massing, use of materials and colors, relationship of the development project to the project context, and relationship of the building to the building site; and
- (5) The minor adjustment is in accordance with the Mesa Building Code (Title 4 of the Mesa City Code), adopted Engineering Division requirements, and associated requirements of the City of Mesa, as may be applicable.

b. *Major Adjustments.*

- i. A major adjustment is an adjustment that is either 20% or greater than the required number, dimension, or measurement or an adjustment that the Planning Director determines does not meet the criteria for a minor adjustment in this Section.
- ii. A request for a major adjustment to the General Development Standards for a specific development project or site will be reviewed and processed as per Chapter 67 of the Zoning Ordinance.

4. ***Flexibility in the Review Process for Adjustments to General Development Standards.***

- a. An EO Development Plan may establish administrative processes and review criteria for approving requests for adjustments to the General Development Standards that may be different than the requirements in this Section and may include different processes and review criteria for adjustments based on the category of land use, development activity, project, or site.
- b. The process must be expressly set forth in the EO Development Plan and may be subject to further regulation in, and compliance with, a development agreement, intergovernmental agreement, intergovernmental development agreement, or other similar agreement.

5. ***Compliance Required with FAA Requirements.*** In addition to the requirements in Section 11-14-3(C), any General Development Standards or review process and review criteria for adjustments to General Development Standards are subject to the following:

- a. Any modification to a height requirement must comply with Federal Aviation Administration (FAA) Code of Federal Regulations (CFR) Title 14 Part 77.
- b. Any modification must comply with all requirements and standards in Chapter 19, Airfield Overlay District, of the Zoning Ordinance.
- c. Any other requirements that are set forth in a development agreement, intergovernmental agreement, intergovernmental development agreement, or similar agreement and compliance with such agreement.

11-14-4: - APPLICATION REQUIREMENTS

A. Pre-Submittal Conference.

1. A Pre-Submittal Conference that includes the Planning Director, or their designee(s), is required prior to submittal of an application for EO District zoning.
2. The applicant shall provide: a description of the boundary of the proposed EO District; a project narrative with proposed Land Use Groups (“LUGs”); and proposed General Development Standards.

B. Application and Submittal Requirements.

1. In addition to the requirements for rezoning amendments in Chapter 76 of the Zoning Ordinance, applications for the EO District shall be accompanied by all the following information:
 - a. A complete application and payment of required fees.
 - b. A map showing the ownership of the property within the proposed EO District, as listed in the records of the Maricopa County Assessor's Office.
 - c. A general description of the proposed EO District boundary including bordering streets and canals.
 - d. A project narrative describing and explaining how the proposed EO District and associated EO Development Plan comply with the purpose, intent, and requirements of both the Mesa General Plan and the EO District. This narrative shall be separate from the EO Development Plan.
 - e. An EO Development Plan, which shall include all the minimum required elements listed in Section 11-14-5.
2. A submittal that fails to include all the information in Subsection (B)(1) above shall be considered incomplete and will not be scheduled for consideration.

C. Evaluation. The Planning and Zoning Board and City Council shall consider, at a minimum, the following goals and objectives when evaluating a proposed EO Development Plan. The proposed EO Development Plan shall:

1. Conform to applicable policies, land use map designations, and land use definitions of the Mesa General Plan, any Sub-area plans, and/or strategic plans and policies of the City Council;
2. Conform to the purpose of the EO District as required in this Chapter;
3. Provide a combination of land uses that are designed to be integrated with other land uses in the immediate surrounding area, the planned thoroughfare system, and other public facilities such as water and sewer systems, parks, schools, transit routes, and utilities;
4. Promote development that creates concentrated areas of employment; and
5. Provide a level of detail adequately describing high-quality development and design themes that will implement the built environment described by the EO Development Plan.

D. Conditions. In approving an EO District, the City Council may place conditions for its approval, and the approval of the associated EO Development Plan. Such conditions of approval may include, but are not limited to:

1. Conditions to ensure implementation of the EO Development Plan in accordance with the Mesa General Plan, and other applicable plans and policies adopted by the City;

2. Conditions to achieve the purpose of this Chapter;
3. Conditions requiring additional or different approval processes for site plans within the EO District; and
4. Conditions requiring execution of a development agreement, intergovernmental agreement, intergovernmental development agreement or similar agreement, or an amendment to an existing agreement.

E. **Intergovernmental Agreement for Qualified Political Subdivisions.**

1. In addition to the conditions above, a Qualified Political Subdivision that is applying for an EO District will be required to enter into an intergovernmental agreement, intergovernmental development agreement, or similar agreement concurrently with the EO Development Plan and the execution of such agreement(s) will be a condition of approval for the EO District.
2. After an EO District is approved, if a Qualified Political Subdivision wishes to add additional land to the approved EO District or make major modifications to an approved EO Development Plan, in addition to the conditions above, the Qualified Political Subdivision will be required to enter into an intergovernmental agreement, intergovernmental development agreement, or similar agreement, or amend an existing agreement, concurrently with the amendment to the EO Development Plan and the execution of such agreement(s) will be a condition of approval for the EO District.

11-14-5: - EO DEVELOPMENT PLAN CONTENTS

An EO Development Plan shall be submitted concurrently with the application for the EO District, and shall include, at a minimum, the following:

- A. **EO Development Plan Map.** A map, which may consist of multiple sheets, drawn to a suitable scale, which includes the following elements:
 1. The boundary of the proposed EO District.
 2. The approximate location of proposed freeways, parkways, arterial and other streets, and other transportation facilities which provide connectivity to surrounding development.
 3. An EO Development Plan may consist of one (1) or more LUGs. The EO Development Plan Map shall include approximate locations of differing LUGs, if used.
- B. **Development Goals.**
 1. The EO Development Plan shall contain a list of goals and objectives, and a narrative explanation of these goals, that are to be accomplished through approval and implementation of the EO Development Plan.
 2. This description may include graphic and photographic examples and shall include descriptions of the anticipated types of development envisioned for the property that will meet the intent of the zoning district and associated economic development benefits.
- C. **Land Use Regulations.** The EO Development Plan shall contain permitted, conditional, and prohibited land uses, as described in Section 11-14-3.
- D. **General Development Standards.** The EO Development Plan shall expressly set forth the General Development Standards as required in Section 11-14-3.
- E. **Design Guidelines and Standards.** The EO Development Plan shall contain design standards and guidelines for the development of the property. The guidelines must include the following items as applicable:

1. Broadly based design or architectural themes and concepts, sufficient to convey an idea and general pattern of development.
2. Written standards and guidelines for proposed architectural, urban design, streetscape, and landscape concepts, thematic design elements such as architectural materials, building colors and landscape plants.
3. Any proposed variation from Chapter 30, General Site Development Standards.
4. The guidelines may include supplementary narrative and/or graphic formats.

F. Sign Regulations.

1. The EO Development Plan shall specify temporary and permanent sign requirements, using one (1) or a combination of the following:
 - a. Providing sign allowances for LUGs by citing requirements of identified default base zoning districts, or by citing sections of the Mesa Sign Ordinance; or
 - b. Identifying specific sign allowances for permanent signs that differ from standard allowances for identified base zoning districts; or
 - c. Specifying that a Comprehensive Sign Plan shall be required for developments governed by that specific EO Development Plan. The requirement for a Comprehensive Sign Plan may apply to all development sites governed by the EO Development Plan or may be limited to a few selected development sites.
2. ***Sign Regulations for Qualified Political Subdivisions.*** Qualified Political Subdivisions are subject to the Mesa Sign Ordinance (including without limitation Billboards and Freeway Landmark Monuments regulations) and the sign regulations above, unless exempt under Arizona law.

G. Site Specific Requirements Based on Location. An EO Development Plan shall include any measures necessary to address compatibility with surrounding properties and provide for appropriate transitions.

H. EO Development Plan Requirements for Qualified Political Subdivisions. To evaluate the land use regulations and General Development Standards being proposed by a political subdivision of the State of Arizona, the Planning Director may eliminate, modify, or expand the minimum EO Development Plan content requirements, and the Qualified Political Subdivision shall provide such information that the Planning Director deems necessary to review its application.

11-14-6: - SITE PLAN REVIEW

A. Pre-Submittal Conference.

1. A Pre-Submittal Conference with the Planning Director and City Engineer, or their designee(s), is required prior to submittal of a site plan application; except
2. A Pre-Submittal Conference may be waived for Qualified Political Subdivisions if expressly set forth in the approved EO Development Plan.

B. Site Plan Approval Required.

1. All development within an EO District shall require Site Plan Review approval from the City of Mesa; except
2. The requirement for Site Plan Review may be waived for Qualified Political Subdivisions if expressly set forth in the approved EO Development Plan and the intergovernmental

agreement, intergovernmental development agreement, or similar agreement for the EO District.

C. **Required Information.** Unless exempt from Site Plan Review, development applications within an approved EO District shall include:

1. Identification of the proposed range of land use classifications, or, when used, the LUGs specified for the development site by the EO Development Plan;
2. Drawings (drawn to scale), including a site plan, landscape plan, and building elevations;
3. Other supporting materials and documents, as determined by the EO Development Plan; and
4. Additional materials and plans may be requested by the Planning Director to determine full compliance with the EO Development Plan, and compatibility of the project to neighboring development.

D. **Land Use Boundaries Set by Site Plan Review.**

1. When distinct, multiple LUGs are used in an EO Development Plan, the site plan approved for a specific location or land parcel will set boundaries and shall designate which LUG applies.
2. All future use and development of that site shall conform to the requirements of that specified LUG unless a different LUG is otherwise approved by the Planning Director as a part of a subsequent Site Plan Review application.

E. **Site Plan Review Process.**

1. Unless exempt under an approved EO Development Plan, site plans shall be reviewed and approved by the Planning Director or designee(s), through the administrative process unless a site within the EO Development Plan area is otherwise designated for review by public hearing by the approved EO Development Plan.
2. ***Exemptions for Qualified Political Subdivisions.***
 - a. A Qualified Political Subdivision may identify in the EO Development Plan and the intergovernmental agreement, intergovernmental development agreement, or similar agreement for the EO District, the categories of land uses, development activities, projects, and sites that are exempt from the City's site plan review and approval process and which site plans are subject to the Qualified Political Subdivision's review and approval processes (including site plan modification and renewal processes), and site plan expiration timeframes.
 - b. Any exemption must be expressly set forth in the EO Development Plan and is subject to further regulation in, and compliance with, an intergovernmental agreement, intergovernmental development agreement, or similar agreement.
3. Unless specifically exempt from the City's Site Plan Review process, no building permit shall be issued for a site until there is a site plan approved by the City.

F. **Review and Conditions.**

1. Site plans shall be reviewed for consistency with the requirements of the EO District and the approved EO Development Plan.
2. Conditions may be imposed on the approval of any site plan as may be deemed necessary by the Planning Director to ensure that the site is designed in a way to facilitate

compatibility with adjacent property, and to ensure that the development will be built in accordance with the approved EO Development Plan.

3. The EO Development Plan may establish additional criteria for such conditions. Consistent with this Chapter and any additional criteria established in the EO Development Plan, such conditions may include:
 - a. Revised building setbacks;
 - b. Revised landscaping;
 - c. Revised on-site parking and loading spaces;
 - d. Height and area limitations on structures;
 - e. Limited vehicular access;
 - f. Placement and/or installation of walls, fences and screening devices;
 - g. Installation of noise attenuating devices or construction;
 - h. Off-site improvements in public rights-of-way adjacent to the subject property; and
 - i. Placement of all detached signs.

F. Expiration and Renewal of Site Plan Approvals.

1. **Expiration.** The approval of a site plan located within an approved EO District shall expire two (2) years following the date of the approval, unless a building permit has been issued and construction diligently pursued.
2. **Extension.**
 - a. Site plan approval may be extended once for a period of not more than an additional two (2) years by the Planning Director.
 - b. Application for an extension shall be made in writing not more than 60 days before and not more than 30 days after the expiration of the original approval.
 - c. The Planning Director may extend a site plan approval if the site plan and any minor revisions approved since the initial adoption of the Site Plan Review remain consistent with the purpose and intent of this Chapter, and the applicable EO Development Plan.
3. **New Application.** If the approval of a site plan expires and an extension to the approval is not, or cannot, be granted, a new application for Site Plan Review shall be required.

11-14-7: - AMENDMENTS TO AN APPROVED EO DISTRICT

- A. **Amendments.** The Planning Director shall determine if a proposed amendment to an approved EO District (including an amendment to an EO District for a Qualified Political Subdivision) constitutes a major or minor amendment.

1. **Major Amendments.**
 - a. If the Planning Director determines an amendment to be major, the amendment request shall be processed as an amendment to the EO District and EO Development Plan, which shall require review and approval by both the Planning and Zoning Board and the City Council in accordance with the requirements of Chapter 67 of the Zoning Ordinance.

- b. An amendment will be deemed major if it involves a change or modification to any of the following:
 - i. The overall EO District boundary;
 - ii. The permitted, conditional, or restricted land uses in the EO District as listed in the EO Development Plan;
 - iii. The General Development Standards not deemed as minor by the Planning Director; or
 - iv. Any change to the EO Development Plan that substantively alters one (1) or more components or required elements of the EO District or EO Development Plan as determined by the Planning Director.
- 2. **Minor Amendments.** Amendments not meeting the criteria listed in Subsection A(1)(b), above, shall be considered minor. If the Planning Director determines the amendment to be minor, the Planning Director may administratively act on the amendment and attach stipulations or conditions of approval thereto.

11-14-8: - ADMINISTRATIVE NOTICING, PROCESS, AND APPEALS

- A. **Administrative Actions.** The following requests shall be reviewed on an administrative basis:
 - 1. Site Plan Reviews unless a site within the EO Development Plan area is otherwise designated for review by public hearing by the approved EO Development Plan;
 - 2. Site Plan Modifications;
 - 3. Minor Adjustments to General Development Standards; and
 - 4. Minor Amendments to the EO Development Plan.
- B. **Notice of Administrative Action Requests.**
 - 1. Letters delivered by first-class mail shall be sent to owners of those properties located within 750-feet of the exterior boundaries of the property that is the subject of the administrative action.
 - 2. The notice letters shall be mailed a maximum of five (5) working days after the application for administrative action is received.
 - 3. The notice letter shall:
 - a. Provide a brief narrative summary of the requested action.
 - b. Provide copies of any graphic plans and drawings submitted by the applicant in support of the requested action.
 - c. Provide the following information in order that the recipient of the notice letter may communicate with the applicant and the Mesa Planning Division staff planner assigned to manage the request:
 - i. Telephone numbers;
 - ii. E-mail addresses; and
 - iii. Street addresses.
 - d. Provide an explanation that the intended recipient of the notice letter, or their assigned representative, may:
 - i. Express interest in, and be notified of, the decision made on request.

- ii. Provide comments expressing support or concern regarding the request and list the basis for the support or concern.
- e. Specify that the recipient has ten (10) days from the postmark on the notice letter to submit comments on the proposed request to the Mesa Planning Division.

C. Administrative Decision Process.

- 1. The Planning Director or Zoning Administrator, as applicable, shall review the application and make a decision, which may include conditions of approval.
- 2. Notice of the decision shall be sent to the applicant and those owners of properties within 750 feet of the exterior boundaries of the application site that have expressed written interest in being notified of the decision by the filing date described in Subsection B, above.
- 3. Included with the decision notice, there shall be a statement of the ability to file an appeal of the decision, a description of the appeal process, and a deadline by which to file an appeal.

D. Appeals to the Planning and Zoning Board.

- 1. A Planning Director action or decision on a site plan, site plan modification, minor EO Development Plan amendment, or minor General Development Standards adjustment may be appealed by the applicant, or by an owner of property located within 750 feet of the property that is the subject of the Planning Director's decision.
- 2. A written notice of appeal shall set forth the information required in Section 11-77-4(B) and shall be filed within 15 calendar days from the date of the Planning Director's decision and shall be heard by the Planning and Zoning Board.

E. Appeals to the Board of Adjustments. A decision by the Zoning Administrator in determining an equivalent land use may be appealed by the applicant, or by a property owner located within 750 feet of the property that is the subject of the Zoning Administrator's decision. A written notice of appeal shall set forth the information required in Section 11-77-4(B) and the appeal shall be filed within 15 calendar days from the date of the Zoning Administrator's decision and shall be heard by the Board of Adjustment.

F. Evaluation of Administrative Action Appeals. An appeal of an administrative decision shall be evaluated based on the same criteria used by the Planning Director or Zoning Administrator when making the decision that is the subject of the appeal.

G. Notice of Appeals.

- 1. Notice of any appeal shall be sent to the property owner of the project, and any property owner filing the appeal.
- 2. Notice of appeals to the Planning and Zoning Board shall be in the same manner as described in Section 11-67-5(A)(1).
- 3. Notice of appeals to the Board of Adjustment shall be in the same manner as described in Section 11-67-5(A)(2).

H. Further Appeals. Any further appeals of the decision of the Planning and Zoning Board or the decision of the Board of Adjustment shall be in accordance with Section 11-67-12 and Chapter 77 of this Ordinance.