



# City Council Report

**Date:** September 8, 2025  
**To:** City Council  
**Through:** Marc Heirshberg, Assistant City Manager  
**From:** Nana Appiah, Development Services Director  
Mary Kopaskie-Brown, Planning Director  
Rachel Phillips, Assistant Planning Director  
**Subject:** Mesa Zoning Ordinance text amendment (**Employment Opportunity District Amendments**)- Proposed amendments to Chapters 14 and 86 of the Mesa City Code. (**Citywide**)

## Recommendation

Staff recommends that City Council adopt the proposed Mesa Zoning Ordinance (MZO) Employment Opportunity District text amendments.

On August 13, 2025, the Planning and Zoning Board voted 6-0 to recommend that City Council adopt the proposed Mesa Zoning Ordinance (MZO) Employment Opportunity District text amendments.

## Purpose

The Employment Opportunity (EO) District was adopted by the City Council in 2016 to facilitate development projects that provide significant employment by providing a tailored zoning framework and streamlined entitlement process.

Through a rezone to an EO District and approval of an EO Development Plan, an applicant may specify which land uses are permitted, require a Conditional Use Permit, or are prohibited; establish property-specific development standards; and have all site plans reviewed and approved administratively by the Planning Director.

Staff is recommending certain amendments to the EO District to enhance its utility and encourage its use for large, mixed-use projects undertaken by political subdivisions of the State of Arizona by establishing a regulatory framework that both recognizes political subdivision exemptions for governmental purposes and municipal zoning authority over development that is not for a governmental purpose.

Details of the proposed text amendments are attached in Exhibit 1 – Employment Opportunity District Ordinance and Exhibit 2 – Chapter 14: Employment Opportunity District. Specifically, the proposed text amendments:

1. Modify general plan references to align with the current Mesa 2050 General Plan.

2. Modify the minimum area requirements to establish an EO District.
3. Establish standards specific to Political Subdivisions.
4. Modify the structure and language within Chapter 14: Employment Opportunity District to improve clarity, useability, and organization.
5. Modify language in Section 11-86-1 to clarify the Zoning Administrator's authority to interpret a land use when not specifically listed within the Zoning Ordinance.

## **Discussion**

### **1. Modify general plan references to align with the current Mesa 2050 General Plan.**

Per Section 11-14-2(A)(1) of the MZO, EO Districts may only be established within areas designated "Employment" and/or "Employment/Mixed Use Activity District", which are character areas in the previous 2040 Mesa General Plan.

Staff recommends updating these references to "Regional Center" and "Regional Employment Center," which are Placetype designations in the current Mesa 2050 General Plan. These Placetypes are specifically designed to accommodate large-scale, mixed-use employment developments that align with the EO District's purpose.

### **2. Modify the minimum area requirements to establish an EO District.**

Per Section 11-14-2(A)(2) of the MZO, the minimum area required for an EO District is 160 contiguous acres. Staff recommends lowering this threshold to 140 contiguous acres for Political Subdivisions that own both the land and improvements. This 20-acre reduction provides Political Subdivisions added flexibility while keeping districts large enough to meet the vision for the EO District as an economic hub with significant employment generation.

Staff also recommends adding a new provision to allow additional contiguous land to be incorporated into any approved EO District without a minimum area requirement for the added parcels. This change maintains the EO District's focus on substantial employment-generating developments while providing the ability for future expansions.

### **3. Establish standards specific to Political Subdivisions.**

Under Arizona law, Political Subdivisions performing governmental functions are generally exempt from municipal zoning; however, projects not directly related to those functions remain subject to municipal authority. To accommodate mixed-use institutional campuses, staff proposes targeted amendments to EO District regulations for Political Subdivisions.

Currently, per Chapter 14 of the MZO, an EO District may either take effect immediately as the new zoning designation, or be adopted as a "floating zone," under which the existing non-EO zoning designation remains until the property owner elects to opt-in to the EO District. For Political Subdivisions, the proposed amendments would require immediate application upon approval to ensure a unified regulatory framework.

Under the proposed amendments, a Political Subdivision seeking EO District approval must execute an IGA, intergovernmental development agreement, or similar agreement concurrently with EO Development Plan approval, ensuring ongoing coordination of infrastructure, services, and development standards.

Per Chapter 14 of the MZO, an applicant may specify which land uses are permitted, conditional, and prohibited within their EO District. The proposed amendments would allow Political Subdivisions, through an approved EO Development Plan and an intergovernmental agreement

(IGA), to designate categories of land uses, development activities, projects and sites that are exempt from the regulations of the EO District and MZO regulations.

Similarly, Chapter 14 allows applicants to establish unique development standards for an EO District and outlines the process for amending the development standards approved through an EO Development Plan. The proposed amendments would allow a Political Subdivision, through an EO Development Plan, to define what constitutes minor versus major amendments to development standards and establish the corresponding amendment procedures.

Currently the EO District allows site plans to be reviewed and approved administratively by the Planning Director or designee. The proposed amendment would allow a Political Subdivision to identify uses, activities, projects, and sites exempt from City site plan review when those items are subject to the Political Subdivision's own review and approval procedures. Any alternative review process must be explicitly defined in the approved EO Development Plan and memorialized in an IGA, including eligibility criteria, oversight mechanisms, performance/quality standards, submittal requirements, and coordination protocols.

Lastly, the proposed amendments specify that a Political Subdivision must comply with both the EO Development Plan sign standards and the MZO (including Billboard and Freeway Landmark provisions), unless exempt under Arizona law.

**4. Modify the structure and language within Chapter 14: Employment Opportunity District to improve clarity, useability, and organization.**

The proposed amendments include several structural and language modifications to improve readability, flow, and create a more user-friendly outline for both applicants and staff. The amendments restructure several sections to group related topics which eliminate redundancies.

The modifications also break up topics into smaller subsections with descriptive headings for clearer organization.

**5. Modify language in Section 11-86-1 to clarify the Zoning Administrator's authority to interpret a land use when not specifically listed within the Zoning Ordinance.**

Section 11-86-1 of the MZO authorizes the Zoning Administrator to interpret land uses not expressly listed in the Zoning Ordinance and to determine whether they are (1) encompassed within an existing land use classification; or (2) not included in any land use classification. The proposed amendments describe the factors the Zoning Administrator may consider when making his/her determination—including, but not limited to, functional characteristics, scale and intensity, external impacts (traffic, parking, noise, odor, light), hours of operation, and compatibility with the purpose of the zoning district and surrounding uses.

The amendments also clarify that if the Zoning Administrator determines a proposed use is equivalent to a specifically listed use, it will be subject to the same regulatory requirements as the equivalent use, including land use regulations, conditional use permits, development standards, and design requirements. It further clarifies that if a use is determined not to be within a land use classification that it is prohibited in the City. These changes provide greater predictability for applicants and clearer direction for staff, while ensuring that unlisted uses are appropriately regulated according to their actual impacts and characteristics.

## **Public Participation**

A virtual public meeting was held on July 21, 2025, to discuss the proposed text amendments. There was one attendee of the public meeting. Staff discussed the proposed amendments with the attendee the process a political subdivision of the State of Arizona (such as Arizona State University) would undergo if the amendments were adopted and an EO District requested.

## **Implementation**

Staff recommends the ordinance approving the proposed text amendments become effective 30 days from the date of City Council approval.

## **Exhibits**

Exhibit 1 – Employment Opportunity District Ordinance

Exhibit 2 – Chapter 14 - Employment Opportunity District