



City Council Report

Date: June 16, 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 (**Form-Based Code Amendments**)- Proposed amendments to Chapters 56, 57, 58, 59, 60, 63, and 64 of the Mesa City Code.**(Citywide)**

Recommendation

Staff recommends that City Council adopt the proposed Mesa Zoning Ordinance (MZO) Form-Based Code (FBC) text amendments.

On May 28, 2025, the Planning and Zoning Board recommended (vote 6-0) that City Council adopt the proposed Mesa Zoning Ordinance (MZO) Form-Based Code (FBC) text amendments.

Purpose

Staff is recommending certain amendments to Chapter 56 – Form-Based Code Overview; Chapter 57 – Maps; Chapter 58 – Building Form Standards; Chapter 59 – Building Type Standards; Chapter 60 – Private Frontage Standards; Chapter 63 – Smart Growth Community Plans; and Chapter 64 – Definitions.

The City adopted the FBC over 10 years ago, and in that time the City has granted a number of variances, which has revealed areas of the Form-Based Code that need refinement to better align with practical development patterns, contemporary planning best practices, and the evolving needs of the community.

Collectively, the proposed amendments are intended to improve clarity of the FBC, reduce the need for variances, and ensure the FBC more effectively supports the intended form, character, and functionality of development across the City. Details of the proposed text amendments are attached in Exhibit 1 – Form Based Code Amendments.

Specifically, the proposed text amendments:

1. Reformat chapters and modify language to improve clarity, useability, and organization of the FBC;

2. Modify the FBC Land Use Table to remove the requirement for public hearings for certain recreation, retail, and service uses;
3. Modify certain Building Form, Building Type, and Private Frontage Type standards;
4. Modify the modifications eligible for administrative review and approval;
5. Modify the process for modifying FBC Transect Zone standards for Smart Growth Community Plans; and
6. Modify certain land use definitions and terms.

Discussion

1. Reformat chapters and modify language to improve clarity, useability, and organization of the FBC.

Staff recommends several updates to existing Code sections to improve clarity, usability, and organization of the FBC. These changes include:

- Refining purpose and intent statements to more clearly articulate specific goals;
- Removing redundant sections and conceptual overviews to streamline the structure; and
- Reformatting tables to improve readability; and
- Modifying language for consistency with other chapters of the MZO.

2. Modify the FBC Land Use Table to remove the requirement for public hearings for certain recreation, retail, and service uses.

Section 11-58-3(B) of the MZO provides regulatory standards governing land use within FBC Transect Zones. These regulations are intended to ensure that proposed development is compatible with existing and future development on neighboring properties.

Currently, several low-intensity recreation, retail, and service uses require approval of either a Special Use Permit (SUP) or Administrative Use Permit (AUP). These permits are intended to evaluate potential adverse impacts on surrounding properties and to mitigate those impacts through conditions of approval. An SUP requires review and approval by the Board of Adjustment through the public hearing; whereas an AUP is reviewed and approved administratively by the Planning Director.

A review of past applications has shown that these low-intensity uses rarely result in adverse impacts when they comply with the Building Form standards established of the specific Transect Zone. As such, staff recommends modifying the required processes for specific low-intensity recreation, retail, and service uses to streamline the development review process—specifically, by removing the requirement for a public hearing.

In addition, to comply with House Bill 2720, staff recommends adding Accessory Dwelling Units as a permitted use in the T4MS, T5N, T5MSF, T5MS, and T6MS

Transect Zones where single residence uses are permitted.

Table 1: Summary of Modifications to Table 11-58-3.A

Land Use	Transect Zone(s)	Current	Proposed
Medium, Indoor Commercial Recreation Facility	T5MS and T6MS	SUP/AUP*	AUP/P*
Health & Fitness Facilities ≤3,000sf	T4NF and T5MF	AUP	P*
Health & Fitness Facilities ≤3,000sf	T4MS, T5MS, and T6MS	AUP/P*	P*
Health & Fitness Facilities >3,000sf	T5MS and T6MS	SUP/AUP	AUP/P*
Medical/Dental Clinic	T5MSF	AUP	P*
Accessory Dwelling Unit	T4MS, T5N, T5MSF, T5MS, and T6MS	Not Permitted	P

*Allowed only on upper floor(s) or behind an allowed ground floor use

3. Modify certain Building Form, Building Type, and Private Frontage Type standards.

The FBC establishes standards for Building Form, Building Type, and Private Frontage Types in Chapters 58, 59, and 60 of the MZO. These standards serve distinct but interconnected purposes:

- Building Form standards regulate the physical placement of structures and associated improvements, such as parking.
- Building Type standards regulate the massing of buildings, including maximum width and depth.
- Private Frontage Type standards guide the transition between public spaces (e.g., streets and sidewalks) and private spaces (e.g., yards, stoops, and building entries) helping to create walkable and cohesive street environments.

Through the implementation and application of these standards, staff has identified several challenges that have resulted in the need for variances or administrative modifications. To address these issues and better support the intended urban form, staff recommends certain amendments to reduce conflicts and increase flexibility.

Amendments Applicable to All Transect Zones:

- Remove minimum lot width and depth requirements;
- Remove the unique dimensional requirements for access drives on side streets and alleys; allow modifications when required for Fire or Solid Waste access;
- Remove location requirements for private open space; and
- Add reference to Accessory Dwelling Unit standards.

Building Form Amendments:

- Reduce minimum front parking setback (T3N, T4N, T4NF, T5MS);
- Reduce minimum side street setback (T3N, T4NF, T5MS);
- Increase permissible building height (T4N, T4NF, T4MS, T5MSF, T5MS);
- Decrease required ground-floor depth (T4NF, T5MSF, T5MS);
- Remove corner entry requirement (T4MS, T5MSF);
- Remove entry separation requirements for upper floors (T4MS, T5N, T6MS, T5MS, T6MS);
- Allow encroachment into side setbacks (T5N, T6MS);
- Allow encroachments into public alleys within the Downtown Pedestrian Area with approval of an encroachment permit (T4NF, T4MS, T5N, T5MSF, T5MS, and T6MS).
- Increase maximum ground floor entry requirements (T4NF); and
- Remove maximum parking access drive width for parking lots with over 40 spaces (T6MS).

Building Type Amendments:

- Remove minimum lot area requirements (Single-Unit House [Village] and Single-Unit House [Cottage]);
- Add requirement for structured parking (Mid-Rise and High-Rise);
- Reduce minimum separation between the main building and a Carriage House (Carriage House); and
- Add “Dooryard” as an allowed frontage type (Apartment House).

Frontage Type Amendments:

- Increase maximum height allowed for Gallery coverings (Gallery).

4. Modify the modifications eligible for administrative review and approval.

Chapter 56 of the MZO allows for certain administrative modifications to FBC standards to be reviewed and approved during the Zoning Clearance process. Staff recommends updates to the list of modifiable standards to reflect changes made in

other sections of the FBC and to address select standards where broader modifications were not proposed.

Specifically, staff recommends the removal of administrative modification allowances for lot depth and private open space location, as these requirements are proposed to be removed.

Additionally, staff recommends allowing a 20% reduction to the minimum ceiling height requirement for building types with 12 or fewer units. The intent of the ceiling height standard is to support the potential for commercial use; but smaller-scale buildings with fewer units are generally residential in nature and less likely to accommodate commercial space. Allowing limited flexibility in these cases will better reflect actual development patterns while maintaining the overall intent of the standard.

5. Modify the process for modifying FBC Transect Zone standards for Smart Growth Regulating Plans.

The use of the FBC is an optional development tool available in downtown and in Temple/Pioneer Park Neighborhoods, where it was applied as a floating zone in 2012 with the adoption of the FBC. In these areas, the FBC becomes effective for a property through completion of an opt-in process to the designated Transect Zone.

Outside of these mapped floating zone areas (i.e., downtown and Temple/Pioneer Park Neighborhoods), properties may also use the FBC, but must first obtain City Council approval of a Smart Growth Community Plan and rezone to one or more Transect Zones.

Currently, Chapter 63: Smart Growth Community Plans requires any modification or addition to a Transect Zone's Building Form standards to be approved by the City Council. In 2019, Chapter 56 of the FBC was amended to allow certain administrative modifications to standards within the mapped floating zone (i.e., downtown and Temple/Pioneer Park Neighborhoods) to reduce the need for variances and encourage the utilization of the FBC. These amendments were not made to Chapter 63, for areas outside the mapped floating zone.

To provide consistency and increase flexibility, staff recommends allowing administrative modifications to Building Form Standards for Transect Zones established through a Smart Growth Community Plan, in accordance with the procedures in Section 11-56-4 of the MZO.

Any modification or addition that does not qualify as an administrative modification would continue to require City Council approval as an amendment to the Smart Growth Community Plan.

6. Modify certain land use definitions and terms.

Staff recommends modifying the following land use terms and definitions to correct errors and ensure consistency with Article 8 – Land Use Classifications and

Definitions of the MZO. The proposed modifications are outlined below.

- **Build-to Line (BTL).** A line parallel to a property line or right-of-way where a building ~~façade~~ FAÇADE must be placed. The BTL may appear graphically on the regulating plan or be stated as a maximum setback dimension from the property line or right-of-way. Examples 1 and 2 below depict how to calculate the percent of BTL Defined by a Building and percent of Building at the BTL as may be required in the Building Form Standards. Minor deviations from the BTL are allowed for Architectural Features, recessed entries, and recessed balconies. These minor deviations do not count against the calculations of percent of BTL defined by a building or percent of Building Façade at the BTL.
- **Dwelling, Dwelling Unit, or Housing Unit.** A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis. **ROOM OR SUITE OF ROOMS INCLUDING PERMANENT PROVISIONS FOR LIVING, SLEEPING, EATING, SANITATION, AND COOKING, AND DESIGNED OR OCCUPIED AS SEPARATE LIVING QUARTERS.**
- **ACCESSORY DWELLING UNIT. AN ATTACHED OR DETACHED SELF-CONTAINED LIVING UNIT THAT IS ON THE SAME LOT OR PARCEL AS A SINGLE-FAMILY DWELLING OF GREATER SQUARE FOOTAGE THAN THE ACCESSORY DWELLING UNIT, THAT INCLUDES ITS OWN SLEEPING AND SANITATION FACILITIES AND THAT MAY INCLUDE ITS OWN KITCHEN.**

Citizen Participation

Developers Advisory Forum:

The proposed text amendments were presented to and discussed with the DAF Focus Group on January 16, 2025, and again with the larger DAF on May 13, 2025.

Open House:

Property owners within a 500-foot radius of the mapped FBC floating zone (i.e., downtown and Temple/Pioneer Park Neighborhoods) were invited to both an in-person and virtual public meeting to discuss the proposed text amendments.

- The virtual public meeting was held on April 24, 2025 via Zoom.
 - 2 people attended the open house
- The in person public meeting was held on April 28, 2025 at The Post.
 - 5 people attended the open house
- Attendees had the following questions and/or comments:
 - Do the amendments modify Solid Waste requirements, such as drive lane widths and turnarounds?
 - Can the FBC be applied outside of downtown area?

- Will the amendments impact properties within historic districts?
- Appreciation was expressed for the proposed amendments and recognition that they address major challenges.
- Staff provided the following responses:
 - Solid Waste requirements are not regulated within the Zoning Ordinance; therefore, the proposed amendments do not modify those standards.
 - The FBC may be applied outside the downtown area but require City Council approval of a rezone and approval of a Smart Growth Community Plan.
 - The proposed amendments apply to historic properties subject to the FBC and must also comply with the requirements of the Historic Preservation Ordinance.

Implementation

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

Exhibits

Exhibit 1 – Form Based Code Ordinance

Exhibit 2 – 2025 Form Based Code Amendments