



Planning and Zoning Report

Date: May 28, 2025

To: Planning and Zoning Board

Through: Marc Heirshberg, Deputy City Manager

From: Nana Appiah, Development Services Director
Mary Kopaskie-Brown, Planning Director
Rachel Phillips, Assistant Planning Director

Subject: Mesa Zoning Ordinance text amendment (**Subdivision Regulation Amendments**)- Proposed amendments to Chapters 30, 66, and 87 of the Mesa City Code. (Citywide)

Recommendation

Staff recommends that Planning and Zoning Board recommend that City Council adopt the proposed amendments to Chapters 30, 66, and 87 of the Mesa Zoning Ordinance (MZO) related to Subdivision regulations.

Purpose

Staff is recommending certain amendments to Section 11-30-6: Lots and Subdivision; Section 11-66-2(C): Authority and Duties of the Planning & Zoning Board; and Chapter 87 – Definitions related to the division of land.

Mesa's Subdivision regulations, adopted in 1989, have largely remained in their original format and as a result contain several outdated standards, exhibits, and procedures in need of modernization. Additionally, recent changes in state law have created a new mandate for administrative approvals. On March 3, 2023, Governor Hobbs signed Senate Bill 1103, authorizing municipalities to administratively review and approve land divisions, lot line adjustments, lot ties, preliminary plats, final plats, and plat amendments. This authority became a requirement on March 31, 2025, when House Bill 2447 was signed into law, amending A.R.S. § 9-500.49 to require every city to adopt an ordinance authorizing administrative personnel to approve these actions without a public hearing.

Staff is recommending City Council repeal and replace Title 9 (Public Ways and Property) Chapter 6 (Subdivision Regulations) and adopt a new Chapter 6 (Land Division Regulations). In conjunction with these amendments, staff is recommending certain

modifications to the MZO. Details of the proposed text amendments are attached in Exhibit 1 – Land Division Ordinance. Specifically, the proposed text amendments:

1. Modify MZO Section 11-30-6: Lots and Subdivision to improve clarity and to be consist with Title 9, Chapter 6: Land Division Regulations.
2. Remove the Planning and Zoning Board's authority over Preliminary Plats from Section 11-66-2(C).
3. Update land use definitions for consistency with Title 9, Chapter 6: Land Division Regulations.

Discussion

1. **Modify MZO Section 11-30-6: Lots and Subdivision to improve clarity and to be consistent with Title 9, Chapter 6: Land Division Regulations.**

Staff recommends several amendments to Section 11-30-6 of the MZO to improve the clarity of the regulations and ensure consistency with proposed updates to Title 9, Chapter 6: Land Division Regulations.

Key modifications include removing the current requirement that private streets may only be approved through specific zoning districts such as a Planned Area Development, Bonus Intensity Zone, Infill District, or Planned Community District. This change broadens flexibility and streamlines the approval process for private streets.

Additionally, the proposed amendments clarify that when there is a discrepancy between a setback or yard shown on a recorded plat and the setback or yard required by the base zoning district per the MZO, the standards of the MZO will take precedence.

2. **Remove the Planning and Zoning Board's authority over Preliminary Plats from Section 11-66-2(C).**

The proposed text amendments remove Section 11-66-2(C)(4) of the MZO, which currently assigns the Planning and Zoning Board the responsibility of reviewing and deciding upon Preliminary Plats.

This revision is in response to the recent passage of House Bill 2447, which amends A.R.S. § 9-500.49 to require all municipalities to adopt an ordinance authorizing administrative personnel to approve land divisions, including Preliminary Plats, without a public hearing.

3. **Update land use definitions for consistency with Title 9, Chapter 6: Land Division Regulations.**

Staff recommends modifying certain definitions in Chapter 87 of the MZO to ensure consistency with the definitions in Title 9, Chapter 6: Land Division Regulations. The proposed definitions are provided below.

- **Street, Frontage:** ~~A local street parallel and adjacent to an arterial route which intercepts minor residential streets and controls access to an arterial route.~~ **THE LINEAR DISTANCE THAT A LOT, PARCEL, OR DEVELOPMENT SITE ABUTS A PUBLIC OR PRIVATE STREET, MEASURED ALONG THE PROPERTY LINE THAT DIRECTLY BORDERS THE STREET RIGHT-OF-WAY.**
- **Yard:** ~~An open space on the same lot or parcel of land, other than a court, unoccupied and unobstructed from the ground upward, except as otherwise permitted by this Title 11.~~ **A MINIMUM REQUIRED OPEN AREA ADJACENT TO A LOT LINE TO BE FREE FROM ANY STRUCTURE, EXCEPT AS OTHERWISE PERMITTED BY THIS TITLE 11 OF THE MESA CITY CODE.**

Citizen Participation

Developers Advisory Forum (DAF):

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.

Members of the DAF Focus Group expressed support of the proposed changes and inquired about the anticipated timeline for City Council consideration. There were no questions or comments from the larger DAF group on the proposed amendments.

Implementation

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

Exhibits

Exhibit 1 – Land Division Ordinance

Exhibit 2 – 2025 Amendments to Mesa City Code Title 9, Chapter 6: Land Division Regulations