

RESOLUTION NO. 11603

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK ENTITLED "2020 – CHAPTER 69 SITE PLAN REVIEW, TITLE 11 ZONING ORDINANCE" AND IDENTIFIED FOR CODIFICATION AS CHAPTER 69, TITLE 11, ZONING ORDINANCE, OF THE MESA CITY CODE.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA AS FOLLOWS:

Section 1: That certain document entitled "2020 – Chapter 69 Site Plan Review, Title 11 Zoning Ordinance" and identified for codification as Chapter 69 of Title 11, Zoning Ordinance, of the Mesa City Code, three copies of which are on file in the office of the City Clerk, is hereby declared a public record, and said copies are ordered to remain on file with the City Clerk for public use and inspection.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 16th day of November, 2020.

APPROVED:



Mayor

ATTEST:


City Clerk

2020 - CHAPTER 69 SITE PLAN REVIEW, TITLE 11 ZONING ORDINANCE

Chapter 69 Site Plan Review

Sections:

11-69-1:	Purpose
11-69-2:	Applicability
11-69-3:	Application Requirements
11-69-4:	Initial Site Plan Review Procedures
11-69-5:	Review Criteria
11-69-6:	Action & Conditions of Approval
11-69-7:	Modifications to Approved Site Plans
11-69-8:	Appeals
11-69-9:	Effective Date, Renewal and Lapse of Approval

11-69-1: Purpose

This Chapter establishes objectives, standards, and procedures for reviewing new site plans (“Initial Site Plan”) as well as modifications to approved site plans (“Site Plan Modification”). The specific purpose of the site plan review process is to:

- A. Ensure the proposed development plan is in compliance with the provisions of this Ordinance.
- B. Eliminate or minimize potential land use conflicts and provide effective transitions between abutting parcels appropriate to the context of the circumstance.
- C. Mitigate any adverse impacts on adjacent developments or land uses that may be caused by specific proposed land uses.
- D. Ensure high-quality development and encourage development options that are designed in an aesthetically pleasing manner and incorporate public spaces that are integral to the project.
- E. Ensure a safe and efficient traffic circulation system, foster the provision of adequate off-street parking and off-street loading facilities, bicycle facilities and pedestrian amenities, and support a multi-modal transportation system. Encourage improved connectivity between abutting residential, commercial, educational, employment and recreational uses.
- F. Achieve goals, objectives, and policies of the General Plan, sub-area plans and other policies adopted by the City Council.

11-69-2: Applicability

The following development proposals are required to go through the site plan review process. This Section applies to both Initial Site Plan reviews and Site Plan Modifications.

- A. A project that includes multiple residence, three (3) or more attached single residences, or more than two (2) dwelling units per lot. Site plan review is not required for a project with only one (1) detached single residence.
- B. A project that includes mixed use, commercial or industrial uses and either has frontage on an arterial or collector street or is part of a larger development or center, or both, that has frontage on an arterial or collector street.
- C. Mixed use, commercial or industrial projects that have more than 20,000 square feet of gross floor area.
- D. A modification to an existing commercial or industrial development that either has frontage on an arterial street or is part of a larger development or center, or both, that has frontage on an arterial street; and the modification includes either:
 - 1. A change in the required parking or the site's circulation, including access points, or the addition of a drive-thru;
 - 2. A change in use, occupancy designation, or density; or
 - 3. A change in outside storage or outside display area, irrespective of whether the building or primary use has expanded.
- E. Parking garages.
- F. Municipal Projects. All fire stations and libraries, parking lots with over 50 spaces, and any municipal building or project of the City of Mesa that meets the criteria in this Section.
- G. The project is located on property in which the ordinance adopting the zoning, rezoning or Council Use Permit is conditioned upon site plan review.
- H. Any other projects identified in this Ordinance as requiring site plan review.

11-69-3: Application Requirements

An application for an Initial Site Plan review or Site Plan Modification must be filed with the Planning Division in accordance with the application procedures in Chapter 67, Common Procedures. In addition, an Initial Site Plan or Site Plan Modification shall comply with the citizen participation and public notice requirements in Chapter 67.

11-69-4: Initial Site Plan Review Procedures

A project that is required to go through the site plan review process under Section 11-69-2 and is located on property, or a portion thereof, that does not have a previously approved site plan or the approved site plan has expired is required to submit for and obtain approval of an Initial Site Plan. The applicable governing body, as set forth in this Section, will review the Initial Site Plan following the procedures described herein. The Zoning Administrator shall determine if a request is for an Initial Site Plan review. A site plan that is not considered an Initial Site Plan by the Zoning Administrator is a Site Plan Modification and subject to the procedures and review processes in Section 11-69-7.

A. **Eligibility for Administrative Review.** In certain circumstances an Initial Site Plan may be administratively approved. An Initial Site Plan is not entitled to the administrative review and approval process but may qualify if the Zoning Administrator determines the Initial Site Plan is eligible. An Initial Site Plan is eligible for administrative review and approval if the Zoning Administrator determines the Initial Site Plan satisfies all of the following:

1. Complies with all applicable requirements in this Ordinance and any adopted sub-area plans;
2. Complies with all conditions of approval or stipulations on the property (regardless of whether the condition of approval was approved by ordinance, resolution, or otherwise);
3. The proposed development does not require a Rezone, Planned Area Development Overlay (PAD), Council Use Permit (CUP), Bonus Intensity Overlay Zone (BIZ), Development Incentive Permit (DIP), or Special Use Permit (SUP);
4. The proposed development associated with the Initial Site Plan does not require a public hearing under this Ordinance or state statute; and
5. The proposed development will not have an adverse impact on adjacent properties.

B. **Administrative Review Process.** Administrative review of an Initial Site Plan may be conducted by the Planning Director or the Planning Director's designee. The Planning Director or designee shall use the review criteria set forth in Section 11-69-5 to evaluate the Initial Site Plan and may take action on, or impose conditions upon, the Initial Site Plan as set forth in Section 11-69-6. The Planning Director, in the Planning Director's sole discretion, may require an Initial Site Plan go through the public hearing process as set forth in Section 11-69-4(D) below.

C. **Requirements for Review by City Council and Planning & Zoning Board.** If the Zoning Administrator determines an Initial Site Plan is not eligible for administrative approval under Section 11-69-4(A), the Initial Site Plan must go through the public hearing review and approval process in Section 11-69-4(D).

D. **Public Hearing Review Process.**

1. **Planning & Zoning Review.** The following Initial Site Plans are reviewed by the Planning & Zoning Board through the public hearing process:

- a. An Initial Site Plan associated with a proposed development that only requires a Special Use Permit.
- b. The proposed development (associated with the Initial Site Plan) requires a public hearing under this Ordinance or state statute as determined by the Planning Director or the Initial Site Plan may have an adverse impact on adjacent properties.
- c. An Initial Site Plan eligible for administrative review but referred to the Planning & Zoning Board by the Planning Director.

The Planning & Zoning Board shall use the review criteria set forth in Section 11-69-5 to evaluate the Initial Site Plan and may take action on, or impose conditions upon, the Initial Site Plan as set forth in Section 11-69-6.

- 2. **City Council Review.** The following Initial Site Plans are subject to recommendation by the Planning & Zoning Board and review and approval by the City Council.
 - a. An Initial Site Plan associated with a Rezone, Planned Area Development Overlay (PAD), Council Use Permit (CUP), Bonus Intensity Overlay Zone (BIZ), or Development Incentive Permit (DIP).
 - b. An Initial Site Plan that does not comply with a condition of approval or stipulation on the property (regardless of whether the condition of approval was approved by ordinance, resolution, or otherwise).
 - c. Any Initial Site Plan not eligible for administrative review and not subject to approval by the Planning & Zoning Board in Section 11-69-(D)(1).
- 3. The City Council shall use the review criteria set forth in Section 11-69-5 to evaluate the Initial Site Plan and may take action on, or impose conditions upon, the Initial Site Plan, as set forth in Section 11-69-6.

11-69-5: Review Criteria

When conducting an Initial Site Plan review or Site Plan Modification, the Planning Director or Planning Director's designee, the Planning & Zoning Board, and the City Council shall evaluate and determine if the project satisfies all of the following criteria:

- A. The project is consistent with and conforms to the adopted General Plan and any applicable sub-area or neighborhood area plans (except no analysis of the use if it is permitted in the zoning district on the property), is consistent with the development standards of this Ordinance, and is consistent with and meets the intent of any applicable design guidelines.
- B. The project is consistent with all conditions of approval imposed on the property whether by ordinance, resolution or otherwise.

- C. The overall design of the project, including but not limited to the site layout, architecture of the buildings or structures, scale, massing, exterior design, landscaping, lighting, and signage, will enhance the appearance and features of the site and surrounding natural and built environment.
- D. The site plan is appropriate to the function of the project and will provide a suitable environment for occupants, visitors, and the general community.
- E. Project details, colors, materials, and landscaping are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.
- F. The project is compatible with neighboring development by avoiding big differences in building scale and character between developments on adjoining lots in the same zoning district and providing a harmonious transition in scale and character between different districts.
- G. The project contributes to the creation of a visually interesting built environment that includes a variety of building styles and designs with well-articulated structures that present well designed building facades, rooflines, and building heights within a unifying context that encourages increased pedestrian activity and promotes compatibility among neighboring land uses within the same or different districts.
- H. The streetscapes, including street trees, lighting, and pedestrian furniture, are consistent with the character of activity centers, commercial districts, and nearby residential neighborhoods.
- I. Street frontages are attractive and interesting for pedestrians and provide for greater safety by allowing for surveillance of the street by people inside buildings and elsewhere.
- J. The proposed landscaping plan is suitable for the type of project and site conditions and will improve the appearance of the community by enhancing the building and site design; and the landscape plan incorporates plant materials that are drought-tolerant, will minimize water usage, and are compatible with Mesa's climate.

11-69-6: Action & Conditions of Approval

The Planning Director or Planning Director's designee, the Planning & Zoning Board, and the City Council may approve, modify, approve with conditions, or deny an Initial Site Plan or Site Plan Modification. Conditions of approval that may be imposed include:

- A. Additional building setbacks;
- B. Additional landscaping;
- C. Height and area limitations of structures;
- D. Limited vehicular access;
- E. Walls, fences, and screening devices;

- F. Noise attenuation construction; or
- G. Any other restriction or requirement necessary to protect adjacent properties, preserve neighborhood character, or mitigate adverse environmental impacts.

11-69-7: Modifications to Approved Site Plans

A change to a previously approved site plan or a site plan that is not considered an Initial Site Plan by the Zoning Administrator is a Site Plan Modification. Depending on the degree and type of change, the modification will be classified as minor or major and reviewed by the applicable governing body as provided in this Section. The Zoning Administrator shall determine if the proposed modification is minor or major by using the criteria set forth in this Section 11-69-7.

- A. **Minor Modifications to an Approved Site Plan and Eligibility for Administrative Review.**
In certain circumstances a Site Plan Modification may be administratively approved. A Site Plan Modification is not entitled to the administrative review and approval process but may qualify if the Zoning Administrator determines the modification is minor. A modification to an approved site plan will be considered minor if the Zoning Administrator determines the modification involves:

1. A change to the design that does not deviate from any applicable design review requirements or adopted design guidelines; or
2. A change in landscape area or open space area that is less than 10% and not greater than 2.5 acres; or
3. A change in the total building footprint (floor area, height, or dimensions) that is 10% or less and no more than 5,000 square feet; or
4. A minimal adjustment to: i) the building footprint, location, or orientation; ii) the pad location; iii) the configuration of a parking lot or drive aisles; iv) project amenities such as, but not limited to, recreational facilities, pedestrian amenities, fencing or other screening material; v) residential density; or vi) the approved phasing plan; and
5. The change satisfies all of the following criteria:
 - a. Complies with all applicable requirements in this Ordinance and any adopted sub-area plans;
 - b. Complies with all conditions of approval or stipulations on the property (regardless of whether the condition of approval was approved by ordinance, resolution, or otherwise);
 - c. Is consistent with the purpose and intent of the approved site plan;
 - d. The proposed development does not require a Rezone, Planned Area Development Overlay (PAD), Council Use Permit (CUP), Bonus Intensity

Overlay Zone (BIZ), Development Incentive Permit (DIP), or Special Use Permit (SUP);

- e. The proposed development does not require a public hearing under this Ordinance or state statute;
- f. The change will not have an adverse impact on adjacent properties; and
- g. The change has not previously been determined to be a major site plan modification.

B. **Administrative Review Procedures for Minor Site Plan Modifications.** Modifications to a previously approved site plan that are determined minor by the Zoning Administrator can be reviewed administratively by the Planning Director or the Planning Director's designee. The Planning Director or designee shall use the review criteria set forth in Section 11-69-5 to evaluate the Site Plan Modification and may take action on, or impose conditions upon, the Site Plan Modification, as set forth in Section 11-69-6. The Planning Director, in the Planning Director's sole discretion, may require a minor Site Plan Modification go through the public hearing process as set forth in Section 11-69-7(D).

C. **Major Modifications to an Approved Site Plan.** If the Zoning Administrator determines a Site Plan Modification is not minor and therefore not eligible for administrative approval under Section 11-69-7(A), the modification is considered major and must go through the public hearing review and approval process set forth in Section 11-69-7(D).

D. **Public Hearing Review Process for Major Site Plan Modifications.** The Site Plan Modifications identified in this Section are considered major. Major modifications to an approved site plan must go through the public hearing process as set forth below.

1. **Site Plan Modifications Reviewed by the Planning & Zoning Board and Approved by City Council.** The following Site Plan Modifications are subject to recommendation by the Planning & Zoning Board and review and approval by the City Council:

- a. A Site Plan Modification for a project that requires a Rezone, Planned Area Development Overlay (PAD), Council Use Permit (CUP), Bonus Intensity Overlay Zone (BIZ), or Development Incentive Permit (DIP), or other City Council action.
- b. A modification to a site plan approved by City Council and the requested modification does not meet the criteria in Section 11-69-7(A).
- c. A Site Plan Modification that does not comply with or eliminates a condition of approval of the zoning ordinance authorizing the zoning on the property requires a rezoning to amend, modify or remove the condition of approval. The rezoning must be approved by City Council prior to, or concurrently with, City Council's review of the Site Plan Modification.

- d. A modification to an approved site plan and the requested modification was previously submitted to the City and determined by the City to require a rezoning. The rezoning must be approved by City Council prior to, or concurrently with, City Council's review of the Site Plan Modification.
- e. A modification that is substantially similar (as determined by the Planning Director) to a modification the City previously reviewed and determined required a rezoning will also require a rezoning. The rezoning must be approved by City Council prior to, or concurrently with, City Council's review of the Site Plan Modification.

The Planning & Zoning Board and the City Council shall use the review criteria set forth in Section 11-69-5 to evaluate the Site Plan Modification and may take action on, or impose conditions upon, the Site Plan Modification, as set forth in Section 11-69-6.

- 2. **Site Plan Modifications Reviewed and Approved by the Planning & Zoning Board.** A minor Site Plan Modification that is eligible for administrative review but referred to the Planning & Zoning Board by the Planning Director and all major modifications not listed in Section 11-69-7(D)(1) are reviewed and approved by the Planning & Zoning Board. The Planning & Zoning Board shall use the review criteria set forth in Section 11-69-5 to evaluate the Site Plan Modification and may take action on, or impose conditions upon, the Site Plan Modification as set forth in Section 11-69-6.

11-69-8: Appeals

Any decision on an Initial Site Plan, Site Plan Modification, or determination under this Chapter 69 is subject to the appeal provisions of Chapter 77, Appeals, and Section 11-67-12.

11-69-9: Effective Date, Renewal and Lapse of Approval

An approved Initial Site Plan or major Site Plan Modification is only effective for a period of two years from the date of approval and shall lapse and expire after the two-year period as provided in Section 11-67-9 unless the two-year period is extended as provided in Section 11-67-9. A minor Site Plan Modification does not extend the two-year period an Initial Site Plan is effective. A minor Site Plan Modification is only effective for a period of two years from the date the Initial Site Plan associated with the minor Site Plan Modification was approved. If an approved Initial Site Plan or Site Plan Modification (minor or major) lapses or expires, any proposed development on the property must submit a new application and go back through the site plan review process as outlined in this Chapter.