

**ARTICLE 7**  
**ADMINISTRATION**

*MESA ZONING ORDINANCE*

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## Chapter 66 Planning Agency

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### 11-66-1: Purpose

This Chapter identifies the bodies, officials, and administrators with designated responsibilities under various parts and chapters of the Zoning Ordinance. Subsequent chapters of this article provide detailed information regarding various procedures, applications, and permits including zoning, and General Plan text and map amendments, fees, and enforcement. When carrying out their assigned duties and responsibilities, all bodies, administrators, and officials shall interpret and apply the provisions of this Ordinance as minimum requirements adopted to implement the policies and achieve the objectives of the General Plan and Zoning Ordinance.

### 11-66-2: Planning and Zoning Board

- A. **Establishment and Organization of the Planning and Zoning Board.** The Planning & Zoning Board is established by Section 406 of the Mesa City Charter and Section 2-1-1 of the Mesa City Code. The Board's organization and duties are described in Title 2 - Boards and Commissions, Chapter 1, Planning and Zoning Board, of the Mesa City Code.
- B. **Meetings.**
1. Meetings of the Board shall be open to the public and the minutes of its proceedings, showing the votes of each member and records of its examinations and other official actions shall be kept and filed in the Planning Division Office as a public record. The Secretary of the Board shall be the Planning Director, or a member of the Planning Division staff as designated by the Planning Director.
  2. At least 4 members shall be present to conduct a meeting. No matter shall be considered unless there are at least 4 members present who are eligible and qualified to vote on the matter.

3. The concurring vote of a majority of the Board members present shall be necessary to pass a motion.
4. Elect a chair and vice-chair from among its members, annually.
5. The Chair, or in the Chair's absence the Vice Chair, shall lead the meeting, maintain order, and be the final decision maker for all meeting management questions.

C. **Authority and Duties of the Planning and Zoning Board.** The Planning & Zoning Board shall:

1. Recommend action to the City Council on requests for amendments to the Zoning Map and to the Zoning Ordinance, on requests for Council Use Permit, and amendments to the General Plan, except for those cases referred to the Planning Hearing Officer or the Planning Director by this Ordinance.
2. Hear and take action on Special Use Permits only when requested in conjunction with another request requiring action or recommendation by the Planning and Zoning Board, as authorized by this Sub-section C. Any Planning and Zoning Board approval of a SUP that requires the associated request to be approved by the City Council shall be conditioned upon Council approval of the associated request. In the event the City Council denies the associated request, the SUP shall also be considered denied.
3. Hear and take action on requests for Site Plan Reviews and Site Plan Modifications when not otherwise conditioned for review and approval by City Council, or the request does not involve the need to amend a condition of approval as stated in the adopting ordinance.
4. Consider and decide preliminary plats as part of the platting procedures and requirements described in the Subdivision Regulations, Title 9, Chapter 6, of the Mesa City Code.
5. Hear, make recommendations and/or decide matters relating to a PC District, as specified in Chapter 11 of this Ordinance, and the applicable Community Plan as adopted by City Council and including all approved amendments to the Community Plan.
6. Review and make recommendations to the City Council regarding joint public/private projects in designated redevelopment areas.
7. Hold public hearing and make recommendations to the City Council on proposed redevelopment plans or amendments to adopted plans.

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8. Propose redevelopment actions to the council which are consistent with adopted plans and stated redevelopment goals.
9. Hear and make recommendations on other matters as directed by the City Council.
10. The Board may adopt rules for the conduct of its business.

### **11-66-3: Board of Adjustment**

- A. **Establishment and Organization of the Board of Adjustment.** A Board of Adjustment is hereby established pursuant to ARS § 9-462.06 and Section 409 of the City Charter. The Board shall elect a chair and vice-chair, annually, who shall have power to administer oaths and to take evidence.
- B. **Meetings.**
  1. Meetings of the Board shall be open to the public and the minutes of its proceedings, showing the votes of each member and records of its examinations and other official actions, shall be kept and filed in the Planning Division as a public record. The Secretary of the Board shall be the Zoning Administrator, or a member of the Planning Division staff as designated by the Planning Director.
  2. No Variance, Special Use Permit, Substantial Conformance Improvement Permit, Development Incentive Permit, or appeal of an interpretation of the Zoning Ordinance or other provision of the City Code shall be acted upon until a public hearing has been held.
  3. Not less than 4 members of the Board shall be present to conduct a hearing. No matter shall be considered unless there are at least 4 members present who are eligible and qualified to vote on the matter.
  4. The concurring vote of 4 members of the Board shall be necessary to reverse any order or decision of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass or to effect any variation from the terms and conditions of this Zoning Ordinance or of the City Code within the jurisdiction of the Board as authorized by the City Council.
  5. The Chair, or in the Chair's absence the Vice Chair, shall lead the meeting, maintain order, and be the final decision maker for all meeting management questions.

**C. Authority and Duties of the Board of Adjustment.**

1. The Board of Adjustment shall:
  - a. Hear and decide appeals in which it is alleged there is an error in an order, requirement, or decision made by the Zoning Administrator in the enforcement of the provisions of this Ordinance or other sections of the City Code within the jurisdiction of the Zoning Administrator.
  - b. Hear and decide appeals from the action of the Zoning Administrator, acting in either an administrative role or the Hearing Officer role, in the interpretation of the provisions of this ordinance.
  - c. Hear and decide appeals from the action of the Zoning Administrator as the Hearing Officer in the granting or denying of variances, the issuance of Special Use Permits, Substantial Conformance Improvement Permits (SCIPs) or Development Incentive Permits (DIPs).
  - d. Hear and decide the issuance of Special Use Permits (SUPs), Substantial Conformance Improvement Permits (SCIPs) or Development Incentive Permits (DIPs), required by the City Code.
  - e. Authorize variances from the terms of this zoning ordinance pursuant to the provisions of ARS § 9-462.06.
  - f. Hear and decide all matters referred to the Board by the Zoning Administrator.
  - g. Take any and all actions referred to the Board by the City Council, or as specified by ARS § 9-462.06; or Section 409 of the City Charter.
2. The Board shall prescribe in connection with any Special Use Permit, Development Incentive Permit, Substantial Conformance Improvement Permit, interpretation, or variance, such conditions as the Board may deem necessary in order to fully carry out the provisions and intent of this Zoning Ordinance.
3. The Board of Adjustment shall not make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the Zoning Ordinance; provided that the restriction in this paragraph shall not affect the authority to grant variances.
4. The Board of Adjustment may adopt rules for the conduct of its business.

**11-66-4: Historic Preservation Board**

- A. **Establishment and Organization of the Historic Preservation Board.** Historic Preservation Board is established and organized as established in Title 2 - Boards and Commissions, in the Mesa City Code. The duties of the Historic Preservation Board shall be in conformance with those established in Title 2 - Boards and Commissions, in the Mesa City Code.
- B. **Meetings.**
1. Meetings of the Board are open to the public and the minutes of its proceedings are kept and filed in the office of the Historic Preservation Officer as a public record. The Secretary of the Board is the Historic Preservation Officer or his/her designee.
  2. At least 4 members of the Board shall be present to conduct a meeting. No matter shall be considered unless there are at least 4 members present who are eligible and qualified to vote on the matter and an affirmative vote of a majority of the quorum present and voting shall be required to pass a motion.
  3. The Board shall meet at least 4 times per calendar year.
  4. The Chair, or in the Chair's absence the Vice Chair, shall lead the meeting, maintain order, and be the final decision maker for all meeting management questions.
- C. **Authority and Duties of the Historic Preservation Board.** The Historic Preservation Board shall have the powers and duties described in Title 2 - Boards and Commissions, in the Mesa City Code.
1. Hear and/or make recommendations on other matters as directed by the City Council.
  2. The Board may adopt rules for the conduct of its business.

**11-66-5: Planning Hearing Officer**

- A. **Establishment of the Planning Hearing Officer.** The Planning Hearing Officer is hereby established in the Mesa Planning Division. The Planning Hearing Officer shall be appointed by the City Manager on the basis of training and experience regarding the conduct of hearings, knowledge of the General Plan and knowledge of the Zoning Ordinance.
- B. **Authority and duties of the Planning Hearing Officer.** When referred by the Planning Director, the Planning Hearing Officer shall:
1. Recommend action to the City Council on requests for amendments to the Zoning Map, on requests for Council Use Permit, Subdivision Plat Approvals, Applications

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for Site Plan Review and Site Plan Modifications, when such requests are determined by the Planning Director as appropriate to be heard by the Planning Hearing Officer pursuant to the Planning Hearing Officer guidelines.

2. Hear and take action on requests for Site Plan Reviews and Site Plan Modifications when not otherwise conditioned for review and approval by City Council, or the request does not involve the need to amend a condition of approval as stated in the adopting ordinance.
3. Consider and decide preliminary plats as part of the platting procedures and requirements described in the Subdivision Regulations, Title 9, Chapter 6, of the Mesa City Code.
4. Hear, make recommendations and/or decide matters relating to a PC District, as specified in Chapter 11 of this Ordinance, and the applicable Community Plan as adopted by City Council and including all approved amendments to the Community Plan.
5. Hear and make recommendations on other matters as directed by the City Manager or City Council.

#### **11-66-6: Design Review Board**

A. **Establishment and Organization of the Design Review Board.** The Design Review Board is established by Title 2 - Boards and Commissions, Design Review Board of the Mesa City Code.

1. ***Qualification of Members:*** The composition of the Board shall include: 2 licensed architects; 2 from other design professions (e.g.: architecture, landscape architecture, engineering, urban planning, interior design or similar design related profession); 1 contractor or developer; and 2 citizens selected at-large from the community.
2. ***Rules of Conduct:*** The Board shall adopt rules for the conduct of its business. The Board may, in such rules, delegate certain responsibilities and/or tasks to be performed by a subcommittee or subcommittees of the Board.

B. **Meetings.**

1. Meetings of the Board are open to the public and the minutes of its proceedings are kept and filed in the Planning Division office as a public record. The Secretary of the Board is the Planning Director or a member of the Planning Division staff designated by the Planning Director.
2. At least 4 members of the Board shall be present to conduct a meeting and an affirmative vote of a majority of the quorum present and voting shall be required to

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pass a motion.

3. The concurring vote of 4 of the Board members present is necessary to pass a motion to approve an appeal of a decision of the Planning Director.
  4. The Chair, or in the Chair's absence the Vice Chair, shall lead the meeting, maintain order, and be the final decision maker for all meeting management questions.
  5. The Board shall meet as needed.
- C. **Authority and Duties of the Design Review Board.** In addition to the powers and duties established in Title 2 - Boards and Commissions, Design Review Board of the Mesa City Code, the Design Review Board shall:

1. Hear and decide:
  - a. Appeals of decisions of the Planning Director or staff as delegated by the Planning Director regarding methods to satisfy Mesa's aesthetic and design-related development requirements and to ensure that any proposed alternatives are at least equivalent to the City's development requirements or as previously approved by the City Council.
  - b. Requests to utilize architectural forms to screen a parking structure as provided in Section 11-32-2(F), Structured Parking.
  - c. Hear and decide requests for building height exceptions, pursuant to Section 11-30-3.
  - d. Hear and decide requests for exterior building illumination, pursuant to Section 11-30-5(C).
2. Review and recommend proposed changes in design and development standards to the City Council, including but not limited to design and development standards that relate to and reinforce the architectural qualities, landscape patterns and design character of sub-areas of the City.
3. Review and make recommendations to the City Council regarding City staff implementation of design-related standards.
4. Upon request, review and make recommendations to the Zoning Administrator on requests for exceptions or variances to height limits.
5. Review and advise the Planning Director regarding development proposals involving the following:
  - a. Buildings 4 or more stories in height.
  - b. Multiple-residence projects that exceed the standard density in excess of

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- 15 dwelling units per acre.
- c. Mixed-use, commercial and/or industrial projects that have frontage on an arterial or collector street or that are part of an existing or planned development that has frontage on an arterial or collector street.
  - d. Mixed-use, commercial and/or industrial projects that have, or will have, greater than 20,000 square feet of gross floor area.
  - e. Modifications to existing commercial or industrial projects having frontage on an arterial street or that are part of an existing or planned development having frontage on an arterial street that involve:
    - i. A change in the distinguishing traits or primary features of the use of a building or land as evidenced by increased parking requirements, change in occupancy designation, change in outside storage, or other features.
    - ii. The predominant primary architectural features or materials of existing buildings, such as changes to horizontal or vertical elements of exterior walls, building trim, roof shape or composition, detailing, building height or roof line, and parapets.  
  
Such review is limited to the specific architectural building features proposed for modification.
  - f. Parking garages.
6. Hear and make recommendations or decisions on matters as specified in an adopted Community Plan for a PC District.
  7. Review and decide Municipal projects of the City of Mesa, including fire stations, libraries, parking lots with over 50 spaces, and any building or facility meeting the above height, size, or location criteria set forth in Item 5 of this sub-section, above. Projects not subject to Board review include streets, walls and fences, well sites, and road widening projects.
  8. Review and make recommendations, upon request by the Planning Director, regarding methods to satisfy Mesa's aesthetic and design-related development requirements and guidelines of this Ordinance.
  9. Hear and decide appeals from the Zoning Administrator regarding Alternative Landscape Plans pursuant to Section 11-33-7.
  10. Hear and make recommendations on other matters as directed by the City Council.
  11. The Board may adopt rules for the conduct of its business.

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**11-66-7: Zoning Administrator**

- A. **Establishment of the Office of the Zoning Administrator.** The office of Zoning Administrator is hereby established in the Mesa Development Services Department. The Zoning Administrator shall be designated by the Development Services Department Manager and serves under the direction of the Planning Director.
- B. **Authority and Duties of the Zoning Administrator.** The Zoning Administrator is the city official established pursuant to ARS § 9-462.05 and charged with responsibility for enforcement of the Zoning Ordinance. In addition, the Zoning Administrator acts in either an administrative role or as a Hearing Officer and shall have the following duties and authorities:
1. Zoning Administrator in Administrative Role:
    - a. Accomplish all administrative actions required by this Ordinance, including the giving of notice, scheduling of hearings, preparation of reports, and receiving and processing appeals.
    - b. Interpret the Zoning Ordinance to the public, City Departments and other branches of government, and subject to general and specific policies established by the City Council. The Zoning Administrator may determine which requests for interpretations may be decided through an administrative process or reviewed and decided through a public hearing process as described in Item 2, below.
    - c. Undertake preliminary discussions with, and provide advice to, applicants requesting assistance.
    - d. Serve as Secretary to the Board of Adjustment, or delegate such duties to qualified parties.
    - e. Make recommendations on changes and improvements in Ordinance regulations and procedures.
    - f. Determine the location of any district boundary shown on the Zoning Map adopted as part of this ordinance when such location is in dispute.
    - g. Review, consider and decide exceptions and alternative plans or alternative standards as authorized by this ordinance, based strictly upon the limitations and criteria specified for that exception, alternative standard or alternative plan.
    - h. Review, consider and decide Zoning Permits, Administrative Use Permits, and Temporary Use Permits as authorized by this ordinance,

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based strictly upon the limitations and criteria specified for Zoning Permits, Administrative Use Permits, and Temporary Use Permits.

- i. Interpret any provisions of this ordinance.
  - j. Make decisions on other sections of the City Code which are within the jurisdiction of the Zoning Administrator.
  - k. Refer any matter within the Zoning Administrator's authority to the Board of Adjustment.
2. As a Hearing Officer conduct public hearings to:
- A. Interpret any provisions of this Ordinance when the Zoning Administrator, acting in administrative role, refers an interpretation to the Hearing Officer
  - B. Hear and decide Special Use Permits, Development Incentive Permits, and Substantial Conformance Improvement Permits as required by the City Code.
  - C. Authorize variances from the terms of this Zoning Ordinance pursuant to the provisions of ARS § 9-462.06.
  - D. Prescribe in connection with any Special Use Permit, Development Incentive Permit, Substantial Conformance Improvement Permit, or any Variance such conditions as deemed necessary in order to fully carry out the provisions and intent of this Ordinance.
  - E. Refer any matter within the Zoning Administrator Hearing Officer's authority to the Board of Adjustment.
- C. **Limits to Authority and Duties.** The Zoning Administrator shall not make any changes in the uses permitted in any zoning classification or zoning district, or make any change in the terms of the Zoning Ordinance; provided that the restriction in this paragraph shall not affect the authority to grant variances.

**11-66-8: Downtown Development Committee**

- A. The Downtown Development Committee. The Downtown Development Committee has been decommissioned by deletion of Section 2-20-1 of the Mesa City Code pursuant to Ordinance 4960, dated December 7, 2009.
  
- B. Modifications: All decided applications for which a condition of approval requires a future revision or modification of that decision to be reviewed by the Downtown Development Committee for either recommendation or decision shall instead be reviewed by the Planning & Zoning Board or Design Review Board, as determined by the Planning Director. The determination shall be based on the type of modification or revision requested.