

ORDINANCE NO. 5996

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING ZONING ORDINANCE, MESA CITY CODE TITLE 11, CHAPTERS 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 14, 20, 21, 22, 30, 31, 32, 33, 34, 35, 42, 46, 56, 63, 66, 67, 69, 70, 71, 72, 73, 76, 80, 81, 86, AND 87 PERTAINING TO ADMINISTRATIVE REVIEWS AND APPROVALS. THE AMENDMENTS INCLUDE, BUT ARE NOT LIMITED TO: REPEALING IN ITS ENTIRETY SECTION 11-3-1(C): COMMUNITY CHARACTER DESIGNATORS; REPEALING IN ITS ENTIRETY SECTION 11-5-3: DEVELOPMENT STANDARDS FOR THE RS AND RSL DISTRICT AND ADOPTING A NEW "SECTION 11-5-3: DEVELOPMENT STANDARDS FOR THE RS AND RSL DISTRICTS;" REPEALING IN ITS ENTIRETY SECTION 11-5-4: RESERVED AND ADOPTING A NEW "SECTION 11-5-4: SITE PLANNING AND DESIGN STANDARDS FOR THE RS AND RSL DISTRICTS;" REPEALING IN ITS ENTIRETY SECTION 11-5-5: DEVELOPMENT STANDARDS FOR THE RM DISTRICT AND ADOPTING A NEW "SECTION 11-5-5: DEVELOPMENT STANDARDS FOR THE RM DISTRICTS;" REPEALING IN ITS ENTIRETY SECTION 11-5-6: ADDITIONAL STANDARDS FOR RM DISTRICTS WITH URBAN COMMUNITY CHARACTER DESIGNATOR (-U) AND ADOPTING A NEW "SECTION 11-5-6: SITE PLANNING AND DESIGN STANDARDS FOR THE RM DISTRICTS;" REPEALING IN ITS ENTIRETY SECTION 11-5-7: RESERVED AND ADOPTING A NEW "SECTION 11-5-7: ALTERNATIVE COMPLIANCE;" REPEALING IN ITS ENTIRETY SECTION 11-5-8: COMPREHENSIVE YOUTH RESIDENCE AND ADOPTING A NEW "SECTION 11-31-39: COMPREHENSIVE YOUTH RESIDENCE;" REPEALING IN ITS ENTIRETY SECTION 11-5-9: REVIEW OF PLANS; REPEALING IN ITS ENTIRETY CHAPTER 6: COMMERCIAL AND MIXED-USE DISTRICTS AND ADOPTING A NEW "CHAPTER 6: COMMERCIAL AND MIXED-USE DISTRICTS;" REPEALING IN ITS ENTIRETY CHAPTER 7: EMPLOYMENT DISTRICTS AND ADOPTING A NEW "CHAPTER 7: EMPLOYMENT DISTRICTS;" REPEALING IN ITS ENTIRETY CHAPTER 8: DOWNTOWN DISTRICTS AND ADOPTING A NEW "CHAPTER 8: DOWNTOWN DISTRICTS;" REPEALING IN ITS ENTIRETY SECTION 11-30-3(C): ADDITIONAL EXCEPTIONS; REPEALING IN ITS ENTIRETY SECTION 11-32-3(H): CREDIT FOR ON-STREET SPACES; REPEALING IN ITS ENTIRETY CHAPTER 69: SITE PLAN REVIEW AND ADOPTING A NEW "CHAPTER 69: DEVELOPMENT PLAN REVIEW;" REPEALING IN ITS ENTIRETY CHAPTER 71: DESIGN REVIEW; REPEALING IN ITS ENTIRETY CHAPTER 76: AMENDMENTS TO ZONING MAP AND ADOPTING A NEW "CHAPTER 76: AMENDMENTS TO ZONING MAP;" MODIFYING TERMS RELATED TO SITE PLAN, SITE PLAN REVIEW, AND DESIGN REVIEW; MODIFYING RULES OF MEASUREMENT FOR LOT WIDTH, LOT DEPTH, FLOOR AREA, AND YARDS; MODIFYING NAMES AND ABBREVIATIONS FOR OVERLAY ZONES; MODIFYING BASE ZONING GROUP NAMES AND ACRONYMS; MODIFYING STANDARDS FOR THE EXPIRATION AND EXTENSIONS OF LAND USE CASES; MODIFYING GENERAL SITE DEVELOPMENT STANDARDS FOR FENCES AND FREE STANDING WALLS, LIGHTING AND ILLUMINATION, OUTDOOR STORAGE, PEDESTRIAN CONNECTIONS, SCREENING, SETBACKS AT INTERSECTIONS, TRASH AND REFUSE COLLECTION AREAS, AND VISIBILITY AT INTERSECTIONS; MODIFYING STANDARDS FOR ACCESSORY DWELLING UNITS, AUTOMOBILE/VEHICLE WASHING, LARGE COMMERCIAL DEVELOPMENT, OUTDOOR EATING AREAS, PLACES OF WORSHIP, SCHOOLS, AND SERVICE

STATIONS; MODIFYING STANDARDS FOR CIRCULATION AND SAFETY AND ALTERNATIVE COMPLIANCE WITH MINIMUM PARKING REQUIREMENTS; MODIFYING STANDARDS FOR GENERAL LANDSCAPING REQUIREMENTS AND PERIMETER LANDSCAPING; MODIFYING STANDARDS FOR FOUNDATION BASE, MODIFYING STANDARDS FOR RECREATIONAL VEHICLE ACCESSORY STRUCTURES AND MANUFACTURED HOME ACCESSORY STRUCTURES, RECREATIONAL VEHICLE AND MANUFACTURED HOME PARKS AND SUBDIVISIONS; REMOVING REFERENCES TO “CHARACTER DESIGNATORS”; MODIFYING THE REVIEW PROCESS FOR ZONING CLEARANCES; MODIFYING REQUIREMENTS FOR PRE-APPLICATION AND PRE-SUBMITTAL CONFERENCES; ADDING STANDARDS FOR INACTIVE AND EXPIRED APPLICATIONS; MODIFYING THE DEFINITIONS OF “ACCESSORY DWELLING UNIT,” “YARD,” “FLOOR AREA,” “FRONT YARD,” AND “INTERIOR SIDE YARD,” REMOVING DEFINITIONS FOR “SIDE/REAR YARD” AND “CORNER SIDE YARD;” ADDING DEFINITIONS FOR “CHANGE OF USE,” “DEVELOPMENT PLAN CONDITION,” “DEVELOPMENT PLAN REVIEW,” “GENERAL PLAN AMENDMENT,” “GOOD NEIGHBOR POLICY,” “KITCHEN AREA,” “PLAN OF OPERATION,” “REZONING,” “SETBACK,” “FRONT SETBACK,” “INTERIOR SIDE SETBACK,” “REAR SETBACK,” “STREET-FACING SETBACK;” PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF; AND PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS WHICH HAVE ALREADY BEGUN THEREUNDER.

WHEREAS, on March 31, 2025, the Governor signed House Bill 2447 that amends A.R.S. § 9-500.49 to, in part, require every city by ordinance to authorize administrative personnel to review and approve site plans and development plans without a public hearing.

WHEREAS, House Bill 2447 further requires every city by ordinance to authorize administrative personnel to review and approve design review plans based on objective standards without a public hearing.

WHEREAS, this Ordinance repeals, replaces, and amends multiple chapters and sections of Title 11 to implement House Bill 2447 by establishing administrative processes and eligibility for reviewing and approving site plans, development plans, and design review plans pursuant to objective and verifiable standards.

WHEREAS, the City of Mesa desires to ensure full compliance with House Bill 2447 by revising the Zoning Ordinance to incorporate objective standards and clarify the roles of City staff, the Planning and Zoning Board, the Design Review Board, and City Council in the administrative development review process.

WHEREAS, further clarification and revision of the duties and responsibilities of the Planning and Zoning Board and Design Review Board, contained in Ordinance No. 5997, which align with and implement these administrative updates was adopted by City Council on January 26, 2026.

WHEREAS, the proposed text amendments are intended to maintain high-quality development, protect public health, safety, and welfare, and ensure transparency and consistency in development review processes while adhering to state law.

WHEREAS, on December 10, 2025, the Planning and Zoning Board recommended that the City Council adopt the proposed amendments with the condition that staff clarify the meaning of “Change of Use” as it pertains to Section 11-69-5 and related sections.

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

Section 1: REPEAL; ADOPTION BY REFERENCE.

- A. REPEAL. The following portions of Title 11 of the Mesa City Code are hereby repealed in their entirety: Section 11-5-3 titled “Development Standards for the RS and RSL District;” Section 11-5-4 titled “Reserved;” Section 11-5-5 titled “Development Standards for the RM District;” Section 11-5-6 titled “Additional Standards for RM Districts with Urban Community Character Designator (-U);” Section 11-5-7 titled “Reserved;” Section 11-5-8 titled “Comprehensive Youth Residence;” Chapter 6 titled “Commercial and Mixed-Use Districts;” Chapter 7 titled “Employment Districts;” Chapter 8 titled “Downtown Districts;” Chapter 69 titled “Site Plan Review;” Chapter 71 titled “Design Review;” and Chapter 76 titled “Amendments to Zoning Map.”
- B. ADOPTION BY REFERENCE. That the certain document known as “Administrative Review Amendments – Replaced Sections and Chapters” that was made a public record on February 23, by Resolution No. 12463, of the City of Mesa, Maricopa County, Arizona, three copies of which are on file and available for public use and inspection with the City Clerk, is hereby adopted by reference and made a part hereof as if fully set forth in this Ordinance, and its provisions declared to be inserted into the following portions of Title 11 of the Mesa City Code: Section 11-5-3 titled “Development Standards for the RS And RSL Districts;” Section 11-5-4 titled “Site Planning and Design Standards for the RS And RSL Districts;” Section 11-5-5 titled “Development Standards for the RM Districts;” Section 11-5-6 titled “Site Planning and Design Standards for the RM Districts;” Section 11-5-7 titled “Alternative Compliance;” Chapter 6 titled “Commercial and Mixed-Use Districts;” Chapter 7 titled “Employment Districts;” Chapter 8 titled “Downtown Districts;” Chapter 69 titled “Development Plan Review;” Chapter 71 titled “RESERVED;” and Chapter 76 titled “Amendments to Zoning Map.”

Section 2: REPEAL.

The following portions of Title 11 of the Mesa City Code are hereby repealed in their entirety: Section 11-5-9 titled “Review of Plans;” Section 11-30-3(C) titled “Additional Exceptions;” Section 11-32-3(H) titled “Credit for On-Street Spaces.”

Section 3: EXPIRATIONS AND EXTENSIONS; ADOPTION BY REFERENCE.

That additions and deletions set forth in that certain document known as “Administrative Review – Expirations and Extensions”, which was made a public record on February 23, 2026, by Resolution No. 12463, of the City of Mesa, Maricopa County, Arizona, three copies of which are on file and available for public use and inspection with the City Clerk, are hereby referred to, adopted, and incorporated as amendments in Section 11-1-6: Effect on Previously Approved Projects and Projects in Progress; Section 11-11-7: Renewal of Site Plan Review; Section 11-20-2: Land Use Regulations; Section 11-34-5: General Provisions; Section 11-42-2: Portable Sign Allowances By Zoning District For Developed Property; Section 11-46-3: Comprehensive Sign Plans; Section 11-67-4: Review of Applications; Section 11-67-5:

Public Notice; Section 11-67-7: Records of Actions Taken; Section 11-67-8: Effective Dates; Section 11-67-9: Expirations and Extensions; Section 11-70-7: Appeals; Expirations and Extensions; Modification; Section 11-72-5: Appeals; Expirations and Extensions; Modifications; Section 11-73-5: Appeals; Expirations and Extensions; Modifications; Section 11-80-6: Appeals; Expirations and Extensions; Modifications; and Section 11-81-8: Appeals; Expirations and Extensions; Modifications.

Section 4: DEVELOPMENT STANDARD MODIFICATIONS; ADOPTION BY REFERENCE.

That additions and deletions set forth in that certain document known as “Administrative Review – Development Standard Modifications,” which was made a public record on February 23, 2026, by Resolution No. 12463, of the City of Mesa, Maricopa County, Arizona, three copies of which are on file with the City Clerk, are hereby referred to, adopted, and incorporated as amendments in Section 11-1-5: Consistency with the General Plan; Section 11-2-3: Rules of Measurement; Section 11-3-1: Districts Established; Section 11-4-5: Agriculture-Based Entertainment; Section 11-10-3: Development Standards; Section 11-11-2: Land Use and Development Regulations; Section 11-11-3: Application Requirements; Section 11-11-4: Community Plan Required; Section 11-11-6: Site Plan Review; Section 11-11-7: Expiration and Renewal of Site Plan Reviews; Section 11-11-10 Supplemental Provisions; Section 11-12-5: Infill Incentive Plan (IIP); Section 11-14-3: Application Requirements; Section 11-14-4: Community Plan Required; Section 11-14-6: Site Plan Review; Section 11-14-8: Administrative Noticing, Process, and Appeals; Section 11-21-5: Review of Plans; Section 11-22-1: Planned Area Overlay District; Section 11-30-4: Fences and Freestanding Walls; Section 11-30-5: Lighting and Illumination; Section 11-30-7: Outdoor Storage; Section 11-30-8: Pedestrian Connections; Section 11-30-9: Screening; Section 11-30-10: Setbacks at Intersections; Section 11-30-12: Trash and Refuse Collection Areas; Section 11-30-13: Truck Docks, Loading, and Service Areas; Section 11-30-14: Visibility at Intersections; Section 11-31-3: Accessory Dwelling Unit; Section 11-31-5: Automobile Rentals; Automobile/Vehicle Sales and Leasing; Section 11-31-7: Automobile/Vehicle Washing; Section 11-31-9: Commercial Uses in any Residence District; Section 11-31-16: Large Commercial Development; Section 11-31-18: Drive-thru and Pick-up Window Facilities; Section 11-31-19: Outdoor Eating Areas; Section 11-31-20: Outdoor Display; Section 11-31-22: Places of Worship; Section 11-31-24: Schools; Section 11-31-25: Service Stations; Section 11-31-31: Residential Uses in Commercial Districts; Section 11-32-3: Parking Spaced Required; Section 11-32-4: Parking Area Design; Section 11-32-5: Shared Parking; Section 11-32-7: Alternative Compliance with Minimum Parking Requirements; Section 11-33-1: Purpose and Applicability; Section 11-33-2: General Requirements; Section 11-33-3: Perimeter Landscaping; Section 11-33-5: Foundation Base; Section 11-33-7: Alternative Landscape Plan; Section 11-34-2: Permitted Uses; Section 11-34-3: Zoning, Area, Density, Yard, Recreational, and Parking Regulations; Section 11-34-4: Development Requirements; Section 11-35-2: Applicability; Exceptions; Section 11-42-2: Portable Sign Allowances by Zoning District for Developed Property; Section 11-56-4: Permit Processing, Rezoning, and Administration; Section 11-63-11: Incentives; Section 11-66-5: Planning Hearing Officer; Section 11-67-2: Applications, Supporting Materials, and Fees; Chapter 86: Use Types; and Chapter 87: Definitions.

Section 5: That Mesa City Code Title 11 is hereby amended by adding a new Section 11-31-39: titled “Comprehensive Youth Residence” as follows:

**11-31-39: - COMPREHENSIVE YOUTH RESIDENCE**

A. **General Requirements.** Comprehensive Youth Residences are allowed in the RS-90 District upon approval of a Special Use Permit, provided all of the following items are present:

1. The site contains at least 20 contiguous acres;
2. The facility is licensed by the State of Arizona;
3. The number of beds provided by the facility exceeds 25;
4. The facility provides on-site counseling, education, and recreation catering specifically to the resident population; and
5. All applicable setbacks and building height requirements for the RS-90 District are maintained.

**B. Accessory Uses.**

1. ***Permitted Accessory Uses.*** Comprehensive Youth Residences may include the following accessory uses, which relate to and support the operation of the Comprehensive Youth Residences:
  - a. An on-site retail store(s);
  - b. Offices;
  - c. Indoor or outdoor recreation facilities, including equestrian facilities; and
  - d. Detached staff residences, including manufactured housing.
2. ***Limitations to On-Site Retail and Office Uses.*** If provided, accessory retail and accessory office uses, in aggregate, shall not exceed 10% of the total gross floor area of all buildings on site.
3. ***Temporary or Seasonal Staff Quarters.*** Spaces with utility connections may be provided for recreational vehicles for use by temporary or seasonal volunteers as temporary quarters, provided:
  - a. No recreational vehicle park models are used;
  - b. No space is used for longer than six (6) months out of a 12-month calendar year by an individual or family; and
  - c. No recreational vehicle accessory structures, as defined in Chapter 87, are constructed.

Section 6: RECITALS. The recitals above are fully incorporated in this Ordinance by reference, and each recital represents a finding of fact and determination made by the City Council.

Section 7: PRESERVATION OF RIGHTS AND DUTIES. This Ordinance does not affect suits pending, rights and duties that matured or were existing, or penalties that were incurred or proceedings that were initiated prior to the effective date of this Ordinance.

Section 8: EFFECTIVE DATE. The effective date of this Ordinance is thirty (30) days after the adoption of this Ordinance.

Section 9: SEVERABILITY. If any term, provision, section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the material adopted herein by reference is for any reason held to be invalid, unenforceable, or unconstitutional by the decision of a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in effect.

Section 10: “Change in Use” or “Change of Use,” as used in this Ordinance and the Zoning Ordinance, is defined in Title 11, Chapter 87 of the Mesa City Code. A Change in Use occurs when the proposed use changes so that it is properly classified as a different land use type than the use previously approved or legally established for the site or tenant space under Title 11, Chapter 86. A Change in Use is determined by the specific use type and any separately defined subtypes, not by the broader “Classification” headings in Chapter 86 (such as “Residential Use Classifications” or “Commercial Use Classifications”). If the proposed use changes from one separately defined use type (or subtype) to another, it is a Change in Use, even if both uses appear under the same broader classification heading.

By way of example only:

1. Day Care Group Home to Assisted Living Facility. This is a Change in Use because there are separate definitions, even though both are listed under the “Residential Use Classifications” in Section 11-86-2.
2. Business Services to Personal Services. This is a Change in Use because there are separate definitions, even though both are listed under the “Commercial Use Classifications” in Section 11-86-4.
3. Full Service Restaurant to Bar and Grill Restaurant. This is a Change in Use because both are separately defined subtypes, even though both are types of Eating and Drinking Establishments and both are listed under the “Commercial Use Classifications” in Section 11-86-4.
4. Banks and Financial Institutions to Banks and Financial Institutions with Drive-Through Facilities. This is a Change in Use because “With Drive-Through Facilities” is a separately defined subtype of “Banks and Financial Institutions” in Section 11-86-4.
5. Sporting Goods Store to General Pharmacy. This is not a Change in Use because both uses are classified as General Retail Sales in Section 11-86-4.

Section 11: LEGISLATIVE NATURE OF CONDITIONS OF APPROVAL.

- A. City Council acts in its legislative capacity and sets land use policies through its decisions establishing or modifying zoning classifications, rezoning, amending the Mesa Zoning Map, or council-adopted development plans by ordinance.
- B. Conditions of approval on an ordinance adopted by the City Council in conjunction with its legislative zoning decisions (be it enacted through a zoning ordinance, rezoning, zoning amendment, or Council-adopted development plan) are material, integral, and inseparable components of the legislative act.
- C. City Council’s legislative acts are based on the specific conditions, stipulations, and representations presented and adopted at the time of approval of the ordinance. The Council finds that if such conditions or stipulations had been added, removed, or modified, the legislative outcome may have differed, including denial or approval under different terms.
- D. Conditions of approval or stipulations on an ordinance imposed as part of a legislative act establish binding land use policy applicable to the subject property and are not merely interpretive, illustrative, or advisory in nature.
- E. Because the adoption of zoning conditions constitutes the exercise of legislative discretion and policy-making authority, any action that adds, removes, relaxes, replaces, or otherwise modifies a legislatively adopted condition of approval on an ordinance is itself legislative in nature.

- F. Accordingly, any such modification shall be considered a rezoning and may be approved only by the City Council through legislative act, following the procedures applicable to rezonings.

Section 12: PENALTY. Penalties for a violation are set forth in the Mesa Zoning Ordinance Sections 11-79-4 and 11-79-5 which are as follows:

11-79-4 CIVIL PENALTIES:

- A. Any owner, occupant or responsible party who is found responsible for a civil violation of this Ordinance, whether by admission, default, or after a hearing, shall pay a civil sanction of not less than \$150 or more than \$1,500, per citation. A second finding of responsibility within 24 months of the commission of a prior violation of this Chapter shall result in a civil sanction of not less than \$250 or more than \$2,500. A third finding of responsibility within 36 months of the commission of a prior violation of this Chapter shall result in a civil sanction of not less than \$500 or more than \$2,500. In addition to the civil sanction, the responsible party shall pay the applicable fees and charges set forth in the City's Development and Sustainability Department (Code Compliance) Schedule of Fees and Charges and may be ordered to pay any other applicable fees and charges.
- B. The 36-month provision of subsection (A) of this Section shall be calculated by the dates the violations were committed. The owner, occupant, or responsible party shall receive the enhanced sanction upon a finding of responsibility for any violation of this Chapter that was committed within 36 months of the commission of another violation for which the owner or responsible party was convicted or was otherwise found responsible, irrespective of the order in which the violations occurred or whether the prior violation was civil or criminal.
- C. Each day in which a violation of this Ordinance continues, or the failure to perform any act or duty required by this Ordinance or by the Civil Hearing Officer continues, shall constitute a separate civil offense.

11-79-5 HABITUAL OFFENDER:

- A. A person who commits a violation of this Ordinance after previously having been found responsible for committing 3 or more civil violations of this Ordinance within a 24-month period — whether by admission, by payment of the fine, by default, or by judgment after hearing — shall be guilty of a class 1 criminal misdemeanor. The Mesa City Prosecutor is authorized to file a criminal class 1 complaint in the Mesa City Court against habitual offenders. For purposes of calculating the 24-month period under this paragraph, the dates of the commission of the offenses are the determining factor.
- B. Upon conviction of a violation of this Subsection, the Court may impose a sentence or incarceration not to exceed 6 months in jail; or a fine not to exceed \$2,500, exclusive of penalty assessments prescribed by law; or both. The Court shall order a person who has been convicted of a violation of this Section to pay a fine of not less than \$500 for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of a sentence required by Subsection except on the condition that the person pay the mandatory minimum fines as provided in this Subsection.
- C. Every action or proceeding under this Section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to criminal misdemeanors and the Arizona Rules of

Criminal Procedure

Passed and adopted by the City Council of the City of Mesa, Arizona, this 9th day of March, 2026.

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Mark Freeman, Mayor

ATTEST:

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Holly Moseley, City Clerk