

ADMINISTRATIVE REVIEW – EXPIRATIONS AND EXTENSIONS

Section 1: That Mesa City Code Title 11 Section 11-1-6 is hereby amended as follows:

11-1-6: - EFFECT ON PREVIOUSLY APPROVED PROJECTS AND PROJECTS IN PROGRESS

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B. Projects with LAND USE Approvals or BUILDING Permits.

1. ***DEVELOPMENT PLANS, SITE PLANS OR Design Review Approved Prior to Effective Date of ~~the~~This Ordinance.*** ~~A project which has received Design Review approval prior to the effective date of the this Ordinance may file an application for a building permit in compliance with the approved Design Review plan and conditions of approval, even if the project does not comply with the provisions of the this Ordinance. Upon approval of the construction plans, a building permit may be issued. The Design Review approval for projects approved prior to the effective date of this Ordinance shall be valid for 3 years from the effective date of approval of this Ordinance. No time extensions shall be permitted.~~
 - A. **A PROJECT WHICH HAS RECEIVED DEVELOPMENT PLAN, SITE PLAN, OR DESIGN REVIEW APPROVAL PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE MAY FILE AN APPLICATION FOR A BUILDING PERMIT IN COMPLIANCE WITH THE APPROVED DEVELOPMENT PLAN, SITE PLAN, OR DESIGN REVIEW PLANS AND CONDITIONS OF APPROVAL, EVEN IF THE PROJECT DOES NOT COMPLY WITH THE PROVISIONS OF THE ZONING ORDINANCE**
 - B. **DEVELOPMENT PLANS, SITE PLANS, AND DESIGN REVIEWS APPROVED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE ARE SUBJECT TO THE EXPIRATION AND EXTENSION PROVISIONS OF SECTION 11-67-9 OF THE ZONING ORDINANCE.**
 - C. **REQUESTS TO MODIFY DEVELOPMENT PLANS, SITE PLANS, OR DESIGN REVIEW PLANS APPROVED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE SHALL COMPLY WITH THE CURRENT ZONING ORDINANCE IN EFFECT.**
2. ***Preliminary ~~Subdivision~~ Plat Approved Prior to Effective Date of ~~the~~This Ordinance.*** ~~A project which has a preliminary plat approved prior to the effective date of the this Ordinance may file an application for a final subdivision plat and improvement plan approval, even if the subdivision does not fully comply with the provisions of the this Ordinance. If a final plat application is not filed within 1 year, unless extended as provided by the Subdivision Regulations, of the date of preliminary plat approval, the preliminary plat shall expire. No time extensions shall be permitted. Subsequent preliminary plat applications shall comply with this Ordinance.~~
 - A. **PRELIMINARY PLAT APPROVED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE A CONSTITUTES AUTHORIZATION FOR THE**

APPLICANT TO PROCEED WITH PREPARATION OF THE FINAL PLAT, ENGINEERING PLANS, AND SPECIFICATIONS FOR PUBLIC IMPROVEMENTS EVEN IF THE SUBDIVISION DOES NOT FULLY COMPLY WITH THE PROVISIONS OF THE THIS ZONING ORDINANCE.

B. PRELIMINARY PLAT APPROVED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE IS SUBJECT TO THE EXPIRATION AND EXTENSION PROVISIONS OF SECTION 9-6-2(B)(5) OF TITLE 9 OF THE CITY CODE.

3. ***Conditional Use Permit Approved Prior to Effective Date of this Ordinance, No DEVELOPMENT PLAN REVIEW ~~Design Review Required~~.*** ~~A project which has received a conditional use permit (including Special Use Permits or Council Use Permits prior to the effective date of this Ordinance may file an application for a building permit, even if the project does not fully comply with the provisions of the this Ordinance. If a building permit application is not filed within 1 year of the date of the conditional use permit approval, the use permit shall expire. No time extensions shall be permitted.~~

A. A PROJECT WHICH HAS RECEIVED A CONDITIONAL USE PERMIT (INCLUDING SPECIAL USE PERMITS OR COUNCIL USE PERMITS) PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE MAY FILE AN APPLICATION FOR A BUILDING PERMIT, EVEN IF THE PROJECT DOES NOT FULLY COMPLY WITH THE PROVISIONS OF THE ZONING ORDINANCE.

B. A CONDITIONAL USE PERMIT APPROVED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE IS SUBJECT TO THE EXPIRATION AND EXTENSION PROVISIONS OF SECTION 11-67-9 OF THE ZONING ORDINANCE.

4. ***Conditional Use Permit Approved Prior to Effective Date of this Ordinance, DEVELOPMENT PLAN REVIEW, SITE PLAN REVIEW, OR Design Review Required.*** ~~A project which has an approved conditional use permit (including Special Use Permits or Council Use Permits may file an application for Design Review even if the use does not fully comply with the provisions of the this Ordinance. If a Design Review application is not filed within 1 year of the date of the conditional use permit approval, the conditional use permit shall expire. If an application is made for design review approval within 1 year and that approval is received, the conditional use permit shall remain valid for a period of 1 more year provided a building permit is applied for and construction commences within that year. No time extensions shall be permitted. Subsequent applications for design review shall comply with this Ordinance.~~

A. A PROJECT WHICH HAS AN APPROVED CONDITIONAL USE PERMIT (INCLUDING SPECIAL USE PERMITS OR COUNCIL USE PERMITS) MAY FILE AN APPLICATION FOR DEVELOPMENT PLAN REVIEW EVEN IF THE USE DOES NOT FULLY COMPLY WITH THE LAND USE REGULATIONS OF THE ZONING ORDINANCE. HOWEVER, THE DEVELOPMENT PLAN REVIEW APPLICATION MUST COMPLY WITH ALL OTHER PROVISIONS OF THE ZONING ORDINANCE.

- B. A CONDITIONAL USE PERMIT APPROVED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE IS SUBJECT TO THE EXPIRATION AND EXTENSION PROVISIONS OF SECTION 11-67-9 OF THE ZONING ORDINANCE EXCEPT AS PROVIDED IN SUBSECTION 11-1-6(C) BELOW.
 - C. IF AN ASSOCIATED DEVELOPMENT PLAN IS APPROVED BEFORE THE EXPIRATION OF THE CONDITIONAL USE PERMIT, THE CONDITIONAL USE PERMIT SHALL REMAIN VALID FOR THE DURATION OF THE EFFECTIVE PERIOD OF THE ASSOCIATED DEVELOPMENT PLAN, SITE PLAN, OR DESIGN REVIEW.
5. *Building Permit Application Filed Prior to Effective Date of ~~this~~ Ordinance.* ~~Any building, structure, or sign for which a completed building permit application is filed prior to the effective date of the this Ordinance may be issued a building permit and may be constructed in compliance with the building permit and other applicable approvals, permits and conditions, even if such building, structure or sign does not fully comply with the this Ordinance. If construction has not commenced in compliance with the applicable permit terms, the Building Official may grant an extension pursuant to the provisions of the building code. If the building, structure, or sign has not been completed before the building permit or any extension of the permit expires, then the building, structure, or sign shall be constructed, completed or occupied only in compliance with the this Ordinance.~~
- A. ANY BUILDING, STRUCTURE, OR SIGN FOR WHICH A COMPLETED BUILDING PERMIT APPLICATION IS FILED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE MAY BE ISSUED A BUILDING PERMIT AND MAY BE CONSTRUCTED IN COMPLIANCE WITH THE BUILDING PERMIT AND OTHER APPLICABLE APPROVALS, PERMITS AND CONDITIONS, EVEN IF SUCH BUILDING, STRUCTURE OR SIGN DOES NOT FULLY COMPLY WITH THE ZONING ORDINANCE.
 - B. IF CONSTRUCTION HAS NOT COMMENCED IN COMPLIANCE WITH THE APPLICABLE PERMIT TERMS, THE BUILDING OFFICIAL MAY GRANT AN EXTENSION PURSUANT TO THE PROVISIONS OF THE BUILDING CODE.
 - C. IF THE BUILDING, STRUCTURE, OR SIGN HAS NOT BEEN COMPLETED BEFORE THE BUILDING PERMIT OR ANY EXTENSION OF THE PERMIT EXPIRES, THEN THE BUILDING, STRUCTURE, OR SIGN SHALL BE CONSTRUCTED, COMPLETED OR OCCUPIED ONLY IN COMPLIANCE WITH THE ZONING ORDINANCE.
6. *Building Permit Issued Prior to Effective Date of ~~this~~ Ordinance.* ~~Any building, structure, or sign for which a lawful building permit is issued prior to the effective date of this Ordinance may be completed in conformance with the permit and other applicable permits and conditions, even if such building, structure or sign does not fully comply with this Ordinance. If construction has not commenced in compliance with the applicable permit terms, the Building Official may grant an extension pursuant to the provisions of the building code. If the building, structure, or sign has not been completed in conformance~~

~~with the building permit and any extension thereof, then the building, structure, or sign shall be constructed, completed or occupied only in compliance with this Ordinance.~~

- A. ANY BUILDING, STRUCTURE, OR SIGN FOR WHICH A LAWFUL BUILDING PERMIT IS ISSUED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE MAY BE COMPLETED IN CONFORMANCE WITH THE PERMIT AND OTHER APPLICABLE PERMITS AND CONDITIONS, EVEN IF SUCH BUILDING, STRUCTURE OR SIGN DOES NOT FULLY COMPLY WITH THE ZONING ORDINANCE.
- B. IF CONSTRUCTION HAS NOT COMMENCED IN COMPLIANCE WITH THE APPLICABLE PERMIT TERMS, THE BUILDING OFFICIAL MAY GRANT AN EXTENSION PURSUANT TO THE PROVISIONS OF THE BUILDING CODE.
- C. IF THE BUILDING, STRUCTURE, OR SIGN HAS NOT BEEN COMPLETED IN CONFORMANCE WITH THE BUILDING PERMIT AND ANY EXTENSION THEREOF, THEN THE BUILDING, STRUCTURE, OR SIGN SHALL BE CONSTRUCTED, COMPLETED OR OCCUPIED ONLY IN COMPLIANCE WITH THE ZONING ORDINANCE.

C. ~~Planning~~ LAND USE Applications Filed Prior to the Effective Date of ~~†~~This Ordinance.

- 1. ~~Applications for Design Review, Site Plan Review and Preliminary Plats, or Modifications to Previously Approved Applications, Submitted Prior to the Effective Date of this Ordinance.~~ Complete LAND USE applications, INCLUDING MODIFICATIONS TO PREVIOUSLY APPROVED APPLICATIONS, filed prior to the effective date of this Ordinance may be approved under the provisions of the Zoning Ordinance in place prior to the effective date of this Ordinance, IF DEEMED COMPLETE, MEANING THAT:

- A. A PRE-SUBMITTAL CONFERENCE WAS HELD, IF REQUIRED;
- B. ALL REQUIRED APPLICATION MATERIALS WERE SUBMITTED;
AND
- C. ALL REQUIRED FEES WERE PAID.

- 2. Applicants may elect to develop under the provisions of this Ordinance, but in that case shall comply with all provisions of this Ordinance. ~~If a building permit application is not filed within 3 years of the date of approval of the Design Review, or 1 year after the approval of the preliminary plat, the approval shall expire. No time extensions shall be permitted, unless approval of the preliminary plat is extended, based on the requirements of the Subdivision Regulations (Title 9, Chapter 6 of the Mesa City Code).~~

- 2. ~~Applications for Conditional Use Permit Submitted Prior to the Effective Date of this Ordinance.~~ Complete applications filed prior to the effective date of this Ordinance may be approved under the provisions of the Zoning Ordinance in place prior to the effective date of this Ordinance. Applicants may elect to develop under the provisions of this Ordinance, but in that case shall comply with all provisions of this Ordinance. If a building

~~permit application is not filed within 1 year of the date of approval of the use permit, the approval shall expire. If the building permit application expires, or once issued, the building permit expires, the conditional use permit approval shall also expire. No time extensions shall be permitted.~~

- ~~3. **Applications for Rezoning Filed Prior to the Effective Date of this Ordinance.** Rezoning applications filed prior to the effective date of this Ordinance shall be governed by the provisions of the Zoning Ordinance in place prior to the effective date of this Ordinance. The applicant may elect to comply with this Ordinance by submitting a written preference when filing the application for rezoning with the Planning Division office, but in that case shall comply with all provisions of this Ordinance. If a building permit application is not filed within 3 years of the date of the effective date of this Ordinance, the approval to use the provisions of the previous Zoning Ordinance shall expire. If the building permit application expires, or once issued, the building permit expires, then any plans adopted as part of the approved rezoning shall be modified to comply with the provisions of this Ordinance. No time extensions shall be permitted.~~

- C. **Partially Constructed Project.** ~~If a project has begun construction or has been issued a building permit based on conditions described in Paragraphs B or C of this Section (above), but has started and stopped construction midway through the development of the site without receiving a completed certificate of occupancy, or has not completed all requirements associated with the project, such as installation of perimeter landscaping or completion of paving requirements, then such projects shall be allowed 3 years from the effective date of this Ordinance to restart and complete the remainder of the project based on the approved plan and construction permit(s). In the event the project is not restarted, or actively under construction before the 3 year period specified expires, the project shall have the option to be brought entirely into compliance with requirements of this Ordinance, or to apply for and be subject to all conditions and requirements of an approved Substantial Compliance Improvement Permit (SCIP), as specified in Title 11, Chapter 73 of this ordinance.~~

1. **IF A PROJECT HAS A VALID BUILDING PERMIT AND CONSTRUCTION HAS STARTED BUT HALTED PRIOR TO COMPLETION, AND A CERTIFICATE OF OCCUPANCY HAS NOT BEEN ISSUED, THE PROJECT SHALL, WITHIN THREE (3) YEARS FROM THE EFFECTIVE DATE OF THIS ORDINANCE, RESUME WORK AND COMPLETE ALL REMAINING ELEMENTS IN ACCORDANCE WITH THE APPROVED PLAN AND BUILDING PERMIT(S).**
2. **IN THE EVENT THE PROJECT IS NOT RESTARTED, OR ACTIVELY UNDER CONSTRUCTION BEFORE THE THREE (3) YEAR PERIOD SPECIFIED LAPSES, THE PROJECT SHALL HAVE THE OPTION TO BE BROUGHT ENTIRELY INTO COMPLIANCE WITH REQUIREMENTS OF THIS ORDINANCE, OR TO APPLY FOR AND BE SUBJECT TO ALL CONDITIONS AND REQUIREMENTS OF AN APPROVED SUBSTANTIAL COMPLIANCE IMPROVEMENT PERMIT (SCIP), AS SPECIFIED IN CHAPTER 73 OF THIS ORDINANCE.**

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Section 2: That Mesa City Code Title 11 Section 11-11-7 is hereby amended as follows:

11-11-7: - DEVELOPMENT PLAN EXPIRATIONS AND EXTENSIONS ~~RENEWAL OF SITE PLAN REVIEWS~~

THE EXPIRATION AND EXTENSION OF DEVELOPMENT PLAN APPROVALS FOLLOW ANY PROCEDURES SET FORTH IN THE APPLICABLE COMMUNITY PLAN, OR, IF NOT ADDRESSED IN THE APPLICABLE COMMUNITY PLAN, THE COMMON PROCEDURES FOR APPROVALS AND EXTENSIONS IN SECTION 11-67-9 OF THE ZONING ORDINANCE.

- A. ~~Expiration.~~** The approval of a site plan shall expire ~~2 years following the date of the approval, unless a building permit has been issued and construction diligently pursued.~~
- B. ~~Extension.~~** Site plan approval may be extended once for a period of not more than an additional ~~two years by the Planning Director. Application for an extension shall be made in writing not less than 30 days after and not more than 60 days before the expiration of the original approval.~~ The Planning Director may extend a site plan approval if the site plan remains consistent with the purpose and intent of this Chapter, the Community Plan, and the applicable Development Unit Plan.
- C. ~~New Application.~~** If the approval of a site plan expires and an extension to the approval is not, or cannot, be granted, a new application for Site Plan Review shall be filed.

Section 3: That Mesa City Code Title 11 Section 11-20-2 is hereby amended as follows:

11-20-2: - LAND USE REGULATIONS

- A.** The Age-Specific ~~o~~Overlay ~~d~~District is to be used in conjunction with an underlying residential zoning district, thereby permitting the same uses as the underlying base zoning district.
1. Each dwelling unit, if occupied, shall be occupied by at least **ONE (1)** person not less than 55 years of age. Unless a person of not less than 55 years of age also occupies the residence, no person less than 55 years of age shall reside in any dwelling unit for a period of time exceeding 90 days, unless except pursuant to an Administrative Use Permit issued in accordance with Chapter 70, Conditional Use Permits. Evaluation and Issuance of the Administrative Use Permit shall be based on the following criteria:
 - ~~(a)~~**A.** The residence has been occupied by some person of not less than 55 years of age within the last 12 months.
 - ~~(b)~~**B.** The person that is less than 55 years of age is a spouse or blood relative related to the previous occupant mentioned in (a), above, or listed as a recipient of the estate or trust of the previous occupant.
 2. Administrative Use Permit~~S shall be issued for a period no greater than one year, and shall be renewable.~~**ARE SUBJECT TO THE EXPIRATION, EXTENSION, MODIFICATION, AND APPEAL PROVISIONS OF CHAPTER 67, COMMON PROCEDURES AND CHAPTER 77, APPEALS.**

Section 4: That Mesa City Code Title 11 Section 11-34-5 is hereby amended as follows:

11-34-5: - GENERAL PROVISIONS

A. **Locations Outside of Parks and Subdivisions.**

1. Permitted uses for Manufactured Homes or Recreational Vehicles outside of a park or subdivision are limited to the following:
 - a. As a sales office for Manufactured Home or Recreational Vehicle sales.
 - b. With approval of a Special Use Permit pursuant to Chapter 70 – Conditional Use Permits, as quarters for a night watchman or caretaker, provided no person other than the night watchman or caretaker shall occupy the unit.
 - c. As a construction field office for use by contractors while a permanent building is under construction.
 - d. As a temporary place of business for the owner or lessee during the course of construction of a new building on the site, or during remodeling of an existing building or tenant space.
 - e. As a temporary sales office for the sale of homes in a conventional subdivision.
 - f. As staff residences for Comprehensive Youth Residences as defined by Chapter 87, Definitions, limited to Manufactured Homes only, and subject to the approval of a Special Use Permit in accordance with Section ~~44-5-811-31-39~~, Comprehensive Youth Residence, and Chapter 70 Conditional Use Permits.
2. Prior to the use of a Manufactured Home or Recreational Vehicle for Items ~~1.b~~, 1.c, 1.d, and 1.e (above) enumerated in this Section, an Administrative Use Permits ~~for the unit~~ shall be obtained ~~from the Building Safety Division~~, and the **ADMINISTRATIVE** Use Permit shall be nontransferable from one owner or lessee to another.
 - a. Except Item 1.d (above), the **ADMINISTRATIVE** Use Permit shall expire on December 31 of each year, unless earlier revoked. ~~A Use Permit fee shall be collected when the Use Permit is issued.~~
 - b. **AN ADMINISTRATIVE** Use Permits issued for Item 1.d (above) shall be valid for the duration that a building permit associated with the **building CONSTRUCTION or remodeling** activity remains active. In the event that no building permit is required, then the **ADMINISTRATIVE** Use Permit shall remain valid for a maximum of **SIX (6)**-months, and may be renewed once if the applicant can demonstrate to the Zoning Administrator that the remodeling activity remains on-going and active.
- C. **IN NO CASE SHALL AN ADMINISTRATIVE USE PERMIT ISSUED FOR A PURPOSE LISTED IN THIS SECTION BE TRANSFERRED FROM ONE (1) OWNER OR LESSEE TO ANOTHER.**

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Section 5: That Mesa City Code Title 11 Section 11-42-2 is hereby amended as follows:

11-42-2: - PORTABLE SIGN ALLOWANCES BY ZONING DISTRICT FOR DEVELOPED PROPERTY

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H. Downtown Pedestrian Area.

1. The ~~d~~**Downtown PEDESTRIAN Area (DPA)** is an intense pedestrian area with buildings built to the property line, thus requiring some allowance for signage in or over the right-of-way. The sign requirements and allowances have been adjusted for the downtown to meet the unique needs of this area.



FIGURE 11-42-2.H.1: DOWNTOWN PEDESTRIAN AREA

2. A business owner within the DPA, can display portable signs within the right-of-way subject to all of the following conditions:
 - a. Annually apply for and obtain an Administrative Use Permit (AUP) from the City of Mesa Planning Director or designee. The AUP is valid for one (1) year from the date of issuance.
 - b. ~~A R~~**RenewAL APPLICATION FOR the AUP MUST BE SUBMITTED** ~~within thirty (30) days of~~ **PRIOR TO** the expiration date of the current AUP. The Planning Director shall renew the AUP provided that, on the date of application, the business owner is in compliance with all provisions of the Sign Ordinance and further provided that, on the date of application, the use of portable signs within the DPA is still an allowed use under the Sign Ordinance.

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Section 6: That Mesa City Code Title 11 Section 11-46-3 is hereby amended as follows:

11-46-3: - COMPREHENSIVE SIGN PLANS

- A. **Authorization.** The ~~Zoning Administrator Hearing Officer or the~~ Board of Adjustment may approve a ~~c~~Comprehensive ~~s~~Sign ~~p~~Plan for a proposed or existing development or building in conjunction with the granting of a Special Use Permit in accordance with Chapters 67 and 70 of the Zoning Ordinance.
- B. **Purpose and Intent.** The purpose of a ~~c~~Comprehensive ~~s~~Sign ~~p~~Plan is to provide for the establishment of signage criteria that are tailored to a specific development or location, and which may vary from specific Sign Ordinance provisions. The intent is to provide for flexible sign criteria that promote superior design through architectural integration of the site, buildings, and signs. This does not allow for ~~consideration of sign types allowed~~ **THAT ARE NOT PERMITTED** within a zoning district.
- C. **Minimum Required Elements of Comprehensive Sign Plan.** A ~~c~~Comprehensive ~~s~~Sign ~~p~~Plan shall include the location, size, height, construction material, color, type of illumination, and orientation of all proposed permanent and portable signs, and any other document(s) necessary to determine if the plan meets the review criteria.
- D. **Review Criteria.** The Zoning Administrator Hearing Officer or the Board of Adjustment may approve a ~~c~~Comprehensive ~~s~~Sign ~~p~~Plan containing elements which exceed the permitted height, area, and number of signs specified in this Sign Ordinance if the ~~c~~Comprehensive ~~s~~Sign ~~p~~Plan conforms to the required findings in 11-70-5 of the Zoning Ordinance and upon a finding that:
1. The development site contains unique or unusual physical conditions, such as topography, proportion, size, or relation to a public street that would limit or restrict normal sign visibility; or
 2. The proposed or existing development exhibits unique characteristics of land use, architectural style, site location, physical scale, historical interest, or other distinguishing features that represent a clear variation from conventional development; or
 3. The proposed signage incorporates special design features such as lighting, materials and craftsmanship, murals, or statuary that reinforce or are integrated with the building architecture.
- E. **Sign Permit Required.** A sign permit is required for the construction and placement of individual signs contained in an approved ~~c~~Comprehensive ~~s~~Sign ~~p~~Plan.
- F. **~~Modification and~~ COMPREHENSIVE SIGN PLAN Expiration AND EXTENSIONS.** ~~An approved comprehensive sign plan expires in accordance with Section 11-67-9 of the Zoning Ordinance. If a plan expires, the sign allowance for the property is based on the provisions in Chapters 42 and 43 of this Sign Ordinance unless a new comprehensive sign plan is approved. THE EXPIRATION AND EXTENSION OF COMPREHENSIVE SIGN PLAN APPROVALS FOLLOWS THE COMMON PROCEDURES FOR APPROVALS AND EXTENSIONS IN SECTION 11-67-9 OF THE ZONING ORDINANCE.~~

Section 7: That Mesa City Code Title 11 Section 11-67-4 is hereby amended as follows:

11-67-4: - REVIEW OF APPLICATIONS

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- F. **Conditions Requiring Mandatory Supermajority Vote by City Council.** In the event the City Council is asked to decide upon any proposed Rezoning Amendment, Council Use Permit, Development Unit Plan, ~~Site~~**DEVELOPMENT** Plan Review or ~~Site~~**DEVELOPMENT** Plan Modification, amendments to such proposals, or appeals of any such proposals, and upon evidence that all conditions described in subsections 1. and 2. below, have been satisfied, then the proposal shall become effective only by favorable vote of three-fourths ($\frac{3}{4}$) of all members of the City Council. If any members of the City Council are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths ($\frac{3}{4}$) of the remaining membership of the City Council, provided that such required number of votes shall in no event be less than a majority of the full membership of the Council. For the purposes of this section, the required number of votes shall be rounded to the nearest whole number.

1. A written protest, signed by the property owners opposing the proposal is filed by the owners of 20%-~~percent~~ or more of the area and number of lots, tracts, and condominium units within the zoning area, as defined in A.R.S. § 9-462.04.
2. Signed written protests must be filed in the office of the City Clerk by no later than 12:00 noon the Monday of the week prior to the City Council meeting at which the proposal is scheduled to be considered, unless City offices are closed on that Monday because of a local, State or national holiday, then the protest must be filed by 12:00 noon the next business day.

G. **INACTIVE AND EXPIRED APPLICATIONS.**

1. **INACTIVE APPLICATION. AN APPLICATION SHALL BE DEEMED INACTIVE IF THE CITY DOES NOT RECEIVE THE REQUIRED RESUBMITTAL WITHIN 12 MONTHS OF REVIEW COMMENTS BEING PROVIDED TO THE APPLICANT. THE REQUIRED RESUBMITTAL MAY INCLUDE ANY OR ALL OF THE FOLLOWING:**
 - A. **WRITTEN RESPONSES TO EACH REVIEW COMMENT FROM THE APPLICANT OR THE APPLICANT'S AUTHORIZED REPRESENTATIVE;**
 - B. **REVISED PLANS, DRAWINGS, REPORTS, OR DOCUMENTS; AND**
 - C. **PAYMENT OF REQUIRED FEES.**
2. **COURTESY NOTICE OF INACTIVITY. IF A RESUBMITTAL HAS NOT BEEN RECEIVED WITHIN NINE (9) MONTHS OF CITY REVIEW COMMENTS BEING ISSUED, THE CITY MAY SEND A WRITTEN NOTICE TO THE APPLICANT AT THE LAST ADDRESS OR EMAIL ON FILE STATING THAT THE APPLICATION WILL BE CLOSED IF THE REQUIRED ACTION IS NOT TAKEN WITHIN THREE (3) MONTHS OF THE NOTICE DATE.**
3. **EXPIRED AND WITHDRAWN APPLICATION. IF THE REQUIRED RESUBMITTAL IS NOT RECEIVED WITHIN 12 MONTHS AFTER THE CITY ISSUES REVIEW COMMENTS REQUESTING REVISIONS, THE APPLICATION SHALL BE DEEMED EXPIRED AND WITHDRAWN, AND PROCESSING SHALL CEASE.**

4. **NEW APPLICATION REQUIRED. ANY FURTHER REVIEWS WILL REQUIRE A NEW APPLICATION, PAYMENT OF APPLICABLE FEES, AND COMPLIANCE WITH ALL ORDINANCES, STANDARDS, AND FEES IN EFFECT AT THE TIME OF REFILING.**

Section 8: That Mesa City Code Title 11 Section 11-67-5 is hereby amended as follows:

11-67-5: - PUBLIC NOTICE

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- B. **Administrative ~~Site~~DEVELOPMENT Plan.** Each initial ~~site~~DEVELOPMENT plan or minor ~~site~~DEVELOPMENT plan modification that is eligible for administrative approval shall:
 1. Provide notice by first class mail, to all owners of property located within 500 feet of the exterior boundary of the property that is the subject of the application, based on the last assessment. Notice must be within 15 days after the date the planning division determines the application is complete (i.e., eligible for administrative approval).
 2. The public has ~~ten~~(10) days from the postmark on the notice to submit comments on the proposed request to the Planning Division.

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Section 9: That Mesa City Code Title 11 Section 11-67-7 is hereby amended as follows:

11-67-7: - RECORDS OF ACTIONS TAKEN

Unless otherwise specified in this Ordinance, the minutes of the meeting where a decision is made shall be the official record of any action taken or decision made to approve, approve with conditions, modify, revoke or deny any discretionary permit or discretionary approval (e.g., ~~Site~~DEVELOPMENT Plan Review, Certificate of Appropriateness) under this Ordinance.

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Section 10: That Mesa City Code Title 11 Section 11-67-8 is hereby amended as follows:

11-67-8: - EFFECTIVE DATES

- A. **Approvals Subject to Appeal.** A final decision on an application for any discretionary approval subject to appeal (e.g., a use permit, variance, or ~~site~~DEVELOPMENT plan approval) shall become effective after the expiration of the appeal period following the date of action, unless an appeal is filed. In accordance with paragraph B, below, no building permit or business license shall be issued until the day following the expiration of the appeal period, unless the applicant signs a waiver explaining that they understand and accept the risk of proceeding before the appeal period ends.

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Section 11: That Mesa City Code Title 11 Section 11-67-9 is hereby amended as follows:

11-67-9: - EXPIRATIONS AND EXTENSIONS

A. Expirations.

1. The Planning and Zoning Board, Planning **DIRECTOR**, Hearing Officer, Zoning Administrator acting as a Hearing Officer, Board of Adjustment, or City Council, in the granting of any **CONDITIONAL USE** ~~p~~Permit, (also referred to as discretionary approval), or **CONDITIONAL USE** ~~p~~Permit modification, for which the body has authority, may specify the time within which the proposed use must be undertaken and actively and continuously pursued. The ~~Planning and Zoning Board, Planning Hearing Officer, Zoning Administrator acting as a Hearing Officer, Board of Adjustment, or City Council,~~ **APPROVING AUTHORITY** may impose upon the **CONDITIONAL USE** ~~p~~Permit a term of such period of time as is found to be consistent with the purposes of the use and necessary to safeguard the public safety, health, and welfare. If no time period is otherwise specified, any **CONDITIONAL USE** ~~p~~Permit granted under this **ZONING** Ordinance may be declared expired and of no further force and effect if it is not exercised or extended within ~~one~~ **FIVE (5)** year**S** of its issuance. The **CONDITIONAL USE** ~~p~~Permit is considered exercised by completion of one **(1)** of the following:
 - a. ~~A permit for the use of a building or a property is exercised when, if required, a valid City business license, IF REQUIRED, has been issued, and the permitted use has commenced on the property in reliance on that permit.~~
 - b. ~~A **BUILDING** permit for the construction of a building, structure, or sign is exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced in reliance upon that permit.~~
2. Approved Variances may be declared expired and of no further force and effect if it is not exercised or extended within ~~1~~ **FIVE (5)** year**S** of the date of approval. The ~~v~~**Variance** is considered exercised when a valid city building permit, if required, is issued, ~~and construction has lawfully commenced in reliance upon that permit.~~
3. An approved **DEVELOPMENT PLAN**, ~~i~~Initial ~~s~~Site ~~p~~Plan, ~~m~~Major ~~s~~Site ~~p~~Plan ~~m~~Modification, or ~~d~~Design ~~r~~Review expires and is no longer in effect if it is not exercised or extended within ~~two~~ **FIVE (5)** years of the date of approval. A **MINOR DEVELOPMENT PLAN MODIFICATION**, ~~m~~Minor ~~s~~Site ~~p~~Plan ~~m~~Modification is effective for a period of ~~two~~ **FIVE (5)** years from the date the **INITIAL DEVELOPMENT PLAN, OR i**Initial ~~s~~Site ~~p~~Plan associated with the **MINOR DEVELOPMENT PLAN MODIFICATION OR m**Minor ~~s~~Site ~~p~~Plan ~~m~~Modification was approved. An approved **INIITAL DEVELOPMENT PLAN, i**Initial ~~s~~Site ~~p~~Plan, ~~s~~Site ~~p~~Plan ~~m~~Modification or ~~d~~Design ~~r~~Review is considered exercised by completion of one **(1)** of the following:
 - a. A valid city business license, if required, ~~is~~ **HAS BEEN** issued, and the permitted use has commenced on the property.

- b. A valid city building permit, if required, is **HAS BEEN** issued, ~~and construction has lawfully commenced.~~

B. **Extensions.** The ~~Zoning Administrator~~ **ORIGINAL APPROVING BODY** may approve a one-**(1)** year extension of any permit or approval granted under this Ordinance, ~~upon receipt of an~~ **PROVIDED THAT A COMPLETE** application ~~with~~ **AND** the required fee ~~prior to the~~ **ARE SUBMITTED NO LATER THAN 90 DAYS AFTER THE** expiration date. ~~All other extensions shall require approval by the original approving body.~~

Section 12: That Mesa City Code Title 11 Section 11-67-10 is hereby amended as follows:

11-67-10: - MODIFICATIONS TO APPROVED PLANS

For those sections of this Ordinance that provide a modification or amendment process, such as Chapter 69: ~~Site~~**DEVELOPMENT** Plan Review and Chapter 76: Amendments to Zoning Map, this section does not apply. This section only applies if this Ordinance does not provide a modification or amendment process. This section sets forth the criteria for minor and major modifications. It also provides the review and approval process for minor modifications.

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Section 13: That Mesa City Code Title 11 Section 11-70-7 is hereby amended as follows:

11-70-7: - APPEALS; EXPIRATION AND EXTENSION; MODIFICATION

CONDITIONAL Use ~~p~~**Permits** are subject to the expiration, extension, modification, and appeal provisions of Chapter 67, Common Procedures and Chapter 77, Appeals.

Section 14: That Mesa City Code Title 11 Section 11-72-5 is hereby amended as follows:

11-72-5: - APPEALS; EXPIRATION AND EXTENSIONS; MODIFICATIONS

DIPS ARE SUBJECT TO THE EXPIRATION, EXTENSION, MODIFICATION, AND APPEAL PROVISIONS OF CHAPTER 67, COMMON PROCEDURES AND CHAPTER 77, APPEALS.

A. ~~DIPs are subject to the appeal provisions of Chapter 77, Appeals.~~

B. ~~DIPs are subject to the expiration and extension provisions of Section 11-67-9, Expiration and Extension.~~

C. ~~A minor modification of a DIP granted pursuant to this Chapter may be approved under Section 11-67-10(A), Modifications of Approvals. Changed plans, including changes in conditions of approval of a DIP shall be treated as a new application; see Section 11-67-10(B), Changed Plan.~~

Section 15: That Mesa City Code Title 11 Section 11-73-5 is hereby amended as follows:

11-73-5: - APPEALS; EXPIRATION AND EXTENSIONS; MODIFICATIONS

SCIPS ARE SUBJECT TO THE EXPIRATION, EXTENSION, MODIFICATION, AND APPEAL PROVISIONS OF CHAPTER 67, COMMON PROCEDURES AND CHAPTER 77, APPEALS.

A. ~~SCIPs are subject to the appeal provisions of Chapter 77, Appeals.~~

~~B. — SCIPs are subject to the expiration and extension provisions of Section 11-67-9, Expiration and Extensions.~~

~~C. — A minor modification of a SCIP granted pursuant to this Chapter may be approved under Section 11-67-10(A), Modifications of Approvals. Changed plans, including changes in conditions of approval of a variance shall be treated as a new application; see Section 11-67-10(B), Changed Plan.~~

Section 16: That Mesa City Code Title 11 Section 11-80-6 is hereby amended as follows:

11-80-6: - APPEALS; EXPIRATION AND EXTENSIONS; MODIFICATIONS

VARIANCES ARE SUBJECT TO THE EXPIRATION, EXTENSION, MODIFICATION, AND APPEAL PROVISIONS OF CHAPTER 67, COMMON PROCEDURES AND CHAPTER 77, APPEALS.

~~A. — Variances are subject to the appeal provisions of Chapter 77, Appeals.~~

~~B. — Variances are subject to the expiration and extension provisions of Section 11-67-9, Expiration and Extensions.~~

~~C. — A minor modification of a variance granted pursuant to this Chapter may be approved under Section 11-67-10. Changed plans, including changes in conditions of approval of a variance shall be treated as a new application; see Section 11-67-10(B).~~

Section 17: That Mesa City Code Title 11 Section 11-81-8 is hereby amended as follows:

11-81-8: - APPEALS; EXPIRATION AND EXTENSIONS; MODIFICATIONS

A. **Appeals.** Adaptive Reuse Permits are subject to the appeal provisions of Chapter 77, Appeals, in this Ordinance.

B. **Expiration and Extensions.** An Adaptive Reuse Permit is not subject to the expiration and extension requirements of Section 11-~~76~~**67**-9 of this Ordinance.

C. **Modifications to an Approved Adaptive Reuse Permit.** Proposed modifications to an approved Adaptive Reuse Permit, including change of use or modifications to approved plans, shall be submitted to the Planning Division for review to ensure conformance with the eligibility criteria in this Chapter and required processes.