

ORDINANCE NO. 4832

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA,  
MARICOPA COUNTY, ARIZONA, AMENDING SECTION 11-18-2  
ANNEXATIONS TO ADD REQUIREMENTS FOR BRINGING EXISTING  
IMPROVEMENTS INTO COMPLIANCE WITH CITY REGULATIONS AS  
PART OF THE ANNEXATION PROCESS.

PENALTIES AS DESCRIBED UNDER SECTION 11-1-5.

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

Note: <b>BOLD AND ALL CAPS</b> --- indicates proposed addition <del>Strikethrough</del> --- indicates deletions
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Section 1. That Section 11-18-2 Annexations shall be amended to read as follows:

11-18-2: ANNEXATIONS:

(A) Process.

1. Requests for annexation by any property owner(s) not within the City limits shall be made in the Planning Division in accordance with Section 11-18-2 ~~(B)~~.
2. Upon compliance with State **ANNEXATION** statutes, City regulations **AND CITY ANNEXATION GUIDELINES** such requests for annexation shall be forwarded to the City Council.
- ~~3. If the City Council accepts the request for annexation, official annexation petition shall be prepared by staff to be circulated by the requesting property owners.~~
3. **FOR ALL ANNEXATION CASES, EACH IMPROVEMENT OR DEDICATION REQUIRED BY STAFF IN CONNECTION WITH THE ANNEXATION REQUEST SHALL MEET THE CONDITIONS IN ONE OF THE FOLLOWING PARAGRAPHS BEFORE THE FILING OF A BLANK ANNEXATION PETITION:**
  - a. **APPLICANT AGREES TO CONSTRUCT THE IMPROVEMENT OR MAKE THE DEDICATION ON THE PROPERTY TO BE ANNEXED THAT THE CITY**

MANAGER OR HIS DESIGNEE DETERMINES IS COMPLIANT WITH APPLICABLE CITY REGULATIONS AND DEVELOPMENT STANDARDS.

b. APPLICANT AGREES TO CONSTRUCT THE IMPROVEMENT OR MAKE THE DEDICATION ON THE PROPERTY TO BE ANNEXED THAT THE CITY MANAGER OR DESIGNEE DETERMINES IS IN THE BEST INTEREST OF THE CITY TO ACCEPT.

c. APPLICANT AGREES TO CONSTRUCT THE IMPROVEMENT OR MAKE THE DEDICATION ON THE PROPERTY TO BE ANNEXED AS DECIDED BY THE CITY COUNCIL. THE CITY COUNCIL'S DETERMINATION IS CONDITIONED UPON THE APPLICANT'S SUBMISSION OF THE ANNEXATION REQUEST TO THE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE FOR POSSIBLE MODIFICATION OF THE REQUIRED IMPROVEMENT OR DEDICATION. UPON A FAVORABLE RECOMMENDATION FROM THE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE, THE MODIFICATION REQUEST MAY BE HEARD BY THE CITY COUNCIL. THE CITY COUNCIL MAY MODIFY, ELIMINATE OR APPROVE ALTERNATIVES FROM THE REQUIREMENTS OF THE CITY CODE IN ORDER TO PROMOTE THE INTERESTS OF THE CITY OF MESA.

4. IF THE CITY COUNCIL ACCEPTS THE REQUEST FOR ANNEXATION, AN OFFICIAL ANNEXATION PETITION SHALL BE PREPARED BY STAFF TO BE CIRCULATED BY THE REQUESTING PROPERTY OWNERS.

5. When all the provisions of State annexation laws have been complied with, the City Council shall hold the required public hearings to consider an ordinance for annexation.

(B) Application:

1. Applications for requests for annexation shall be made in the office of the Planning Division on a form provided and shall be accompanied by an **APPLICATION FEE** as adopted by Council Resolution following recommendation of the Planning and Zoning Board. No part of any such **APPLICATION FEE** shall be ~~returnable~~ **REFUNDABLE** after an application is filed and such fee paid, except the ~~Development Services Manager~~ **CITY MANAGER OR DESIGNEE**, for good cause shown, may waive **A PORTION OF** such fee.

2. **APPLICATIONS FOR ANNEXATION OF DEVELOPED PROPERTY SHALL ALSO BE ACCOMPANIED BY AN ANNEXATION EQUITY FEE AS ADOPTED BY COUNCIL RESOLUTION FOLLOWING RECOMMENDATION OF THE PLANNING AND ZONING BOARD. SUCH FEE SHALL BE PAID BEFORE THE INTRODUCTION OF THE ANNEXATION ORDINANCE FOR THE AFFECTED PROPERTY. IF THE REQUEST IS WITHDRAWN BEFORE THE ORDINANCE IS CONSIDERED BY THE CITY COUNCIL, OR IF THE ORDINANCE IS CONSIDERED AND DENIED, THE ANNEXATION EQUITY FEE SHALL BE REFUNDED IN FULL.**

(C) Zoning of Annexed Properties. Areas under consideration for annexation may be zoned at the time of annexation or within six (6) months after the annexation to City zoning districts comparable to, but not greater in intensity than, that permitted in the County. In the event that City zoning is not established with annexation, the area shall be considered to be zoned as shown on the official Zoning Map of the Maricopa County Planning and Zoning Commission.

(D) Construction and Building Permits.

1. Maricopa County building or use permits validly issued pursuant to County requirements not more than sixty (60) days prior to the effective date of annexation shall be accepted by the Superintendent of Building Inspections as valid permits for a period of sixty (60) days after the effective date of annexation. If construction has not commenced on or before the sixtieth (60th) day after the effective date of annexation, a City building permit or use permit shall be required.
2. For buildings under construction with a valid building or use permit issued by Maricopa County prior to the effective date of an annexation ordinance, a City building permit shall not be required, but the Building Inspector shall require that buildings constructed under such County building or use permit shall be structurally safe and shall conform to pertinent County zoning regulations in effect at the time the County permit was issued.

(E) Existing Use, Activity, or Structure.

1. Any use or activity conducted contrary to County zoning regulations at the effective date of annexation and not constituting a nonconforming use under the County zoning regulations shall not be considered a nonconforming use and shall constitute a violation of this Ordinance.
2. Any use, activity, or structure that is existing at the effective date of annexation under a Maricopa County use permit with a time limit imposed shall not be a nonconforming use but may continue for the extent of the time limit. Such use permits may not be extended without City approval.
3. Any lot or parcel of land duly recorded in the Maricopa County Recorder's Office prior to the effective date of this Ordinance and having an area, width, depth, or street frontage less than that required in the zoning district regulations in which such lot or parcel is situated shall be deemed to be a lot and may be used as a building site, provided that all other regulations for the zoning district shall apply.
4. Building setbacks established by Maricopa County overlay zoning or Special Use Permit for residential developments including manufactured home parks and subdivisions shall be enforced. Conventional residential developments without County overlay zoning or Special Use Permit shall have setbacks as specified in this Zoning Ordinance.

Section 2. Effective Date.

The effective date of this Ordinance shall be July 1, 2008.

Section 3. Severability.

If any 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 or unconstitutional by the decision of a Court of competent jurisdiction such decision shall not affect the validity of the remaining portions thereof.

Section 4. Penalty.

Penalties shall be as prescribed in Section 11-1-5.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MESA,  
MARICOPA COUNTY, ARIZONA, THE 5<sup>th</sup> DAY OF May, 2008.

APPROVED:

Keno L. Hawker  
MAYOR

ATTEST:

Jinda Crocker  
CITY CLERK

