
PLEASE READ THE FOLLOWING CAREFULLY

- Ordinance No. 5813 (“Ordinance”) approved by the City Council on October 16, 2023 and effective November 15, 2023 (“Effective Date”) set forth the process by which a property owner may request a waiver of the land use laws applicable to Drive-thru Facilities contained in Section 1 of the Ordinance (“Waiver”) (i.e., a waiver of the requirement to obtain a Council Use Permit (“CUP”) for Drive-thru Facilities). Please refer to Section 9 of the Ordinance for more detailed information.
- A request for a Waiver must be submitted in writing either by submitting this form or separate attachments to this form.
- A written request for a Waiver must be completed, signed, and submitted by the owner who legally owned the specific parcel of land for which the Waiver is being requested (“Property”) on the Effective Date (“Owner”) or by the legal representative of the Owner (please provide verification).
- A written request for a Waiver must be submitted to the City of Mesa Planning Division within three years of the Effective Date.
- Please submit a **hard copy of this waiver and support materials** to: Planning Division, P. O. Box 1466, Mesa, AZ 85211-1466.
- If a written request is not submitted within three years of the Effective Date, the Property is subject to the Ordinance in its entirety.
- Verification and evidence (e.g., a deed (may include an unofficial copy) of legal ownership of the Property on the Effective Date must be submitted with the written request for a Waiver.
- An Owner or their legal representative may only submit a written request for a Waiver for property located in the Neighborhood Commercial (NC), Planned Employment Park (PEP), Light Industrial (LI), General Industrial (GI), or Heavy Industrial (HI) district on the Effective Date. If the property was rezoned on or after the Effective Date to a zoning district other than as listed above, the property is not eligible for a Waiver.

PLEASE COMPLETE THE FOLLOWING INFORMATION

Address of the Property: _____

Assessor’s Parcel Number(s) (APNs) of the Property: _____

Owner/Legal Representative Information (if individual)

Name: _____

Address: _____

Owner/Legal Representative Information (other than individual)

Legal name: _____

Name and title of legal representative: _____

Address: _____

Attach evidence (e.g., a deed (may include an unofficial copy) that the Owner owned the Property on the Effective Date.

The specific amount of just compensation demanded: _____

A statement that the rights to use, divide, sell, or possess, and that the fair market value of, the Property were reduced by the enactment or applicability of the requirement in Section 1 of the Ordinance to obtain a CUP for Drive-thru Facilities:

PLEASE COMPLETE THE OWNER VERIFICATION

The undersigned is, and was on the effective date of Ordinance No. 5813, the owner(s) of the Property that is identified on this form or is the legal representative of the person(s) who owned the Property on the effective date of Ordinance No. 5813. The undersigned has applied for and seeks the City’s approval of a waiver of the land use laws applicable to Drive-thru Facilities contained in Section 1 of Ordinance No. 5813 on the Property. The undersigned represents and warrants: (1) to being the owner of fee title to the Property or to being a person who has legal authority to bind all fee title owners of the Property to this Waiver, and (2) all information provided on this form and with the written request for a Waiver is true and correct. The Owner or the legal representative of the Owner consents to the recordation of this Waiver with the City of Mesa.

OWNER/LEGAL REPRESENTATIVE:

OWNER/LEGAL REPRESENTATIVE:

Print Name

Print Name

Sign Name

Sign Name

Date

Date

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this ___ day of ___ 20_, before me, the undersigned Notary Public, personally appeared _____, who acknowledged that this document was executed for the purposes therein contained.

Notary Public

My Commission Expires:

COMPLETED BY THE CITY - WAIVER

Based on a review of the supporting materials submitted to request a Waiver:

[] the request for a Waiver is denied for the following reasons:

[] as permitted by A.R.S. § 12-1134 and Section 9 of Ordinance No. 5813, a Waiver is granted for the Property.

Staff Reviewer Signature: _____
Staff Reviewer Name: _____
Staff Reviewer Title: _____
Date: _____

This Waiver only waives the requirement of the Mesa Zoning Ordinance to obtain a CUP for a Drive-thru Facility on the Property. This Waiver does not waive or modify any other laws in the Mesa City Code, including development standards or design guidelines. This Waiver is only applicable to the Property. This Waiver runs with the land and is binding upon all subsequent landowners, unless terminated as set forth in the next sentence. This Waiver automatically terminates when the Property is rezoned. This Waiver does not limit or prevent, with a rezoning, a development agreement, and does not alter or affect an existing development agreement, that restricts or prohibits certain land uses including Drive-thru Facilities. This Waiver is subject to all the terms, conditions, and limitations of Section 9 of Ordinance No. 5813.