

DRAFT INFILL AND REDEVELOPMENT PERMIT ORDINANCE TEXT AMENDMENTS

~~CHAPTER 72 – DEVELOPMENT INCENTIVE PERMITS (Repeal and Replace)~~

CHAPTER 72 – INFILL AND REDEVELOPMENT PERMIT

11-72-1: - PURPOSE

The purpose of the Infill and Redevelopment Development Permit (IRDP) is to promote and facilitate the development and redevelopment within established areas of the city by providing targeted modifications to development standards that address physical, regulatory, and site-specific constraints commonly associated with infill and redevelopment projects. The IRDP is intended to encourage reinvestment in underutilized properties, promote the efficient use of land and existing public infrastructure, support compatible development, and provide a clear, objective, and predictable administrative review process.

It is the intent of this Chapter to:

- A. Encourage the development of vacant, bypassed, underutilized, and redevelopment sites within established areas of the City.
- B. Remove physical and regulatory barriers that may otherwise discourage infill and redevelopment while maintaining compatibility with surrounding development.
- C. Promote efficient use of existing public infrastructure and services.
- D. Encourage reinvestment and redevelopment in established neighborhoods, commercial corridors, employment areas, and mixed-use activity centers.
- E. Support high-quality redevelopment that strengthens neighborhood character, economic vitality, housing opportunities, and long-term community investment.
- F. Provide objective development standards and streamlined administrative review procedures that promote certainty, predictability, and timely project approvals.

11-72-2: - APPLICABILITY

- A. **General Applicability.** An IRDP may only be approved for property meeting the eligibility requirements of either Subsection C (Infill Eligibility) or Subsection D (Redevelopment Eligibility.)
- B. **Administrative Approval.** An IRDP is an administrative permit that may be approved by the Planning Director upon determining that the application complies with the requirements of this Chapter.
- C. **Infill Eligibility.** A lot or parcel is eligible to use the infill development standards for the IRDP if it meets all of the following criteria:
 - 1. **Zoning.** The lot or parcel is zoned Single Residence, Multiple Residence, or Downtown Residential.
 - 2. **Vacancy.** The lot or parcel is vacant.
 - 3. **Size.** The lot or parcel does not exceed 10 net acres.

4. **Infrastructure Availability.** The lot or parcel is served by, or has direct access to, existing utility distribution facilities.
 5. **By-Passed Parcel.** At least 75% of the perimeter of the lot or parcel abuts developed property or is separated from developed property only by a public street or other public right-of-way.
- D. **Redevelopment Eligibility.** A lot or parcel is eligible to use the redevelopment development standards for the IRDP if it meets all of the following criteria:
1. **Zoning.** The lot or parcel is zoned Multiple Residence, Commercial, Mixed-Use, Downtown (DB-1, DB-2, or DC), or Employment zoning district.
 2. **Street Frontage.** The property has frontage on an arterial or collector street as designated in the Transportation Master Plan, or is located within a City-designated Redevelopment Area.
 3. **Infrastructure Availability.** The lot or parcel is served by, or has direct access to, existing utility distribution facilities.
 4. **Redevelopment Need or Condition.** The property satisfies at least two (2) of the following:
 - a. **Vacancy.** A principal building, principal tenant space, or at least 25% of the total gross floor area of the development has remained vacant or unoccupied for a continuous period of at least two (2) years.
 - b. **Age of Development.** A principal building or substantial portion of the existing development was constructed at least 20 years prior to the date of application.
 - c. **Reinvestment in Existing Development.** The property contains existing buildings or site improvements that are proposed to be substantially rehabilitated, reused, replaced, expanded, or reconfigured as part of the proposed development.
 - d. **Underutilized Development Site.** At least 25% of a previously developed property consists of vacant or undeveloped land, excess surface parking, or other areas not occupied by principal buildings or active uses and is proposed for additional development or active use.
- E. **Exclusions.** The provisions of this Chapter shall not apply to any of the following:
1. **Legal Nonconformities.** An IRDP shall not be used to legalize existing nonconformities.
 2. **Single Residence Dwellings.** An IRDP shall not be used to expand, remodel, or reconstruct an existing single residence dwelling.
 3. **Other Entitlements.** An IRDP shall not be used in conjunction with special development regulations, including a Planned Area Development Overlay, Planned Area Development District, Bonus Intensity Zone, Planned Community District, Employment Opportunity District, an Infill Incentive Plan, Form-Based Code regulating plan, Adaptive Reuse Permit, Middle Housing application, or a Council-adopted area plan establishing development standards for the property.
- F. **Prevention of Intentional Deterioration.** A condition under Subsection (C)(2) that results from demolition, removal, or alteration of a principal building occurring on or after [Hold for effective date of Ordinance] shall not be counted toward eligibility unless the demolition, removal, or alteration:
1. Was ordered by the City;

2. Was required to abate a condition declared unsafe under the Mesa Building Code or Mesa Fire Code; or
3. Was performed by a prior property owner and occurred more than five (5) years prior to the submission of an application under this Chapter.

11-72-3: - TECHNICAL ALTERNATIVE COMPLIANCE

- A. **Eligibility and Applicability.** A property determined eligible under Section 11-72-2 is eligible to request Technical Alternative Compliance to the following provisions:
1. Right-of-way dedication and improvement, per Title 9 of the Mesa City Code and the Engineering and Design Standards.
 2. Storm water retention, per the City's Engineering and Design Standards.
 3. Fire apparatus access, per the Mesa Fire Code.
 4. Means of egress, per the Mesa Building Code.
 5. Solid waste collection, per the City's Engineering and Design Standards.
- B. **Administration.**
1. Each provision identified in Subsection A above is administered by the official designated in the applicable code or standards. A request for Technical Alternative Compliance shall be reviewed and decided in accordance with the procedures and approval criteria established therein.
 2. This Section establishes eligibility only. Eligibility under this Section does not constitute approval of a request for Technical Alternative Compliance or modify the procedures or approval criteria otherwise applicable to that request.

11-72-4: - LAND USES

Permitted land uses are established by the underlying base zoning district. The use of an IRDP shall have no effect on the permissible or conditional land uses for a zoning district.

11-72-5: - DEVELOPMENT STANDARDS

Development shall comply with the development standards of the underlying base zoning district and the standards for specific uses and activities found in Chapter 31, except as expressly modified by this Section. Only the development standards listed in this Section may be modified through an IRDP.

The modifications authorized by this Chapter are intended to facilitate infill and redevelopment by providing targeted flexibility in the application of development standards. Nothing in this Chapter shall be interpreted as increasing the permitted land use(s), density, building height, or development intensity otherwise allowed by the underlying zoning district.

A. **Infill Standards.**

1. ***Lot Size, Dimensions, and Coverage.*** Minimum lot size, lot dimensions, and lot coverage may each be modified as follows:
 - a. ***Minimum Lot Area.*** The minimum lot area required by the underlying base zoning district may be reduced by up to 20% for qualifying lots, subject to the following:

- i. The overall density (dwelling units per net acre) of the subdivision or development shall not exceed the maximum density permitted by the underlying base zoning district.
 - ii. The resulting average lot area for the subdivision or development shall not be less than the minimum lot area required by the base zoning district.
 - iii. Areas reserved as common open space may be included in the average lot area and density calculations, provided the open space is located within 600 feet of every lot in the subdivision or development.
 - b. *Lot Width and Depth.* The minimum lot width and lot depth required by the underlying base zoning district may be reduced by up to 20% for qualifying lots; however, each such reduction shall not exceed 10 feet.
 - c. *Lot Coverage.* Maximum lot coverage permitted by the underlying base zoning district for qualifying lots may be increased by up to 10%.
2. ***Minimum Setbacks.*** Minimum setbacks may be modified as follows, provided no building or structure is located within a Public Utility Easement (PUE) or Public Utility and Facilities Easement (PUFE).
- a. *Side, Street Facing Side, and Rear Setback Reduction.* Required side, street facing side, and rear setbacks may be reduced by up to 50%. In no case shall a setback be reduced to less than five (5) feet except for structures approved as a zero-lot line or common wall dwellings.
 - b. *Front Setback Reduction – Single Residence.* Front setbacks may be reduced below the minimum required by the underlying base zoning district, provided that:
 - i. The proposed setback is not less than 75% nor more than 125% of the average front setback of existing principal structures on the blockface;
 - ii. Buildings are oriented so that the front façade and primary entrance face the street of address and are consistent with the prevailing orientation of structures on the blockface;
 - iii. All garage and carport openings are set back a minimum of 20 feet from any street right-of-way; and
 - iv. Where a lot is located on a blockface with fewer than two (2) developed lots, the minimum front setback required by the base zoning district may be reduced by up to 25%.

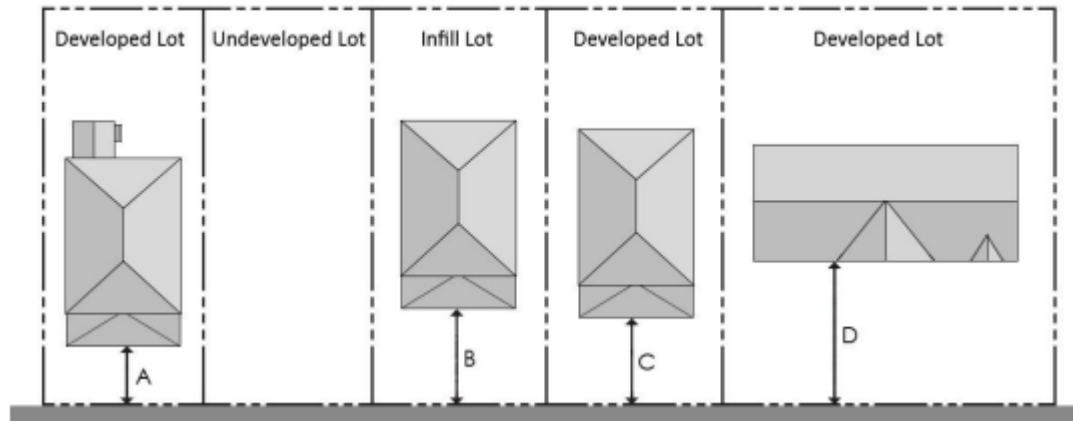


FIGURE 11-72-5.A.1: AVERAGE SETBACK

- c. *Front Setback Reduction – Multiple Residence.* Front setback(s) required by the underlying zoning district may be reduced by up to 50%, provided that no parking is located between the front of any building and the street.
3. **Landscaping Requirements.** Landscaping requirements of Chapter 33 may be modified as follows:
 - a. *Landscape Yard Dimensions.* Required landscape yard dimensions may be reduced commensurate with setback reductions under Subsection (A)(2) above. In no case shall a landscape yard be less than five (5) feet in depth unless a zero-lot line or common wall dwelling configuration is approved.
 - b. *Landscape Material Requirements.* Where conflicts exist with site visibility triangles, utility easements, or overhead utility lines, the required quantity and type of plant materials may be modified, subject to the approval of the Planning Director (or designee), to ensure compatibility with such constraints while maintaining the intent of Chapter 33.
4. **Building Separation Requirements.** The minimum separation between buildings on the same lot required by the underlying base zoning district may be reduced by up to 50%.
5. **Open Space Requirements.** Private open space requirements may be waived if the project provides an onsite amenity that qualifies for two (2) additional points beyond what is required for the development per Section 11-5-5(B)(8)(e).
6. **Parking Requirements.** Minimum parking requirements may be modified as follows:
 - a. *Covered Parking Reduction – Single Residence Detached.* Where the average number of covered parking spaces provided by existing principal dwellings on the blockface is one (1) or fewer, a new Single Residence Detached dwelling may provide a minimum of one (1) covered parking space.
 - b. *On-street Parking – Multiple Residence.* On-street parking spaces located along local and collector streets with a minimum width of 34 feet and directly adjacent to the proposed multiple residence development may be counted towards the minimum parking requirements for the development.
7. **Flag Lots.** A flag lot, as defined in Chapter 87, may be created in accordance with the following standards. The flag lot and each adjacent lot from which it is created shall comply

with all applicable development standards of the underlying base zoning district, except as specified below. The modifications authorized by Subsections A.1 and A.2 above shall not apply to the flag lot or to any adjacent lot from which it is created.

- a. As part of the land division application, the applicant shall submit a survey map prepared by a registered land surveyor that depicts the proposed flag lot, including all existing and proposed improvements necessary to demonstrate compliance with this Section and all other applicable City codes, standards, and regulations.
- b. No more than two (2) flag lots shall be created from a single parent parcel.
- c. Only Single Residence Detached and Duplex dwelling types shall be permitted on flag lots.
- d. The flag lot shall be connected to a public street by a recorded access easement or tract ("flagpole") with a minimum width of 30 feet.
- e. The maximum flagpole length (i.e., access easement or tract) shall be 150 feet, measured along the centerline of the pole from the right-of-way to where the flagpole connects to the main body of the flag lot.
- f. For purposes of measuring setbacks on a flag lot, the boundary between the flagpole and the buildable flag portion shall be deemed the front property line. The rear property line shall be the property line opposite the front property line, and the remaining property lines of the buildable flag portion shall be considered side property lines.
- g. The flag lot shall comply with all applicable circulation and access requirements for vehicles such as emergency services and solid waste collection.
- h. Where two (2) adjoining flag lots are proposed, the Planning Director may require shared access and a common driveway to reduce curb cuts, minimize turning conflicts, and limit impervious surface area.

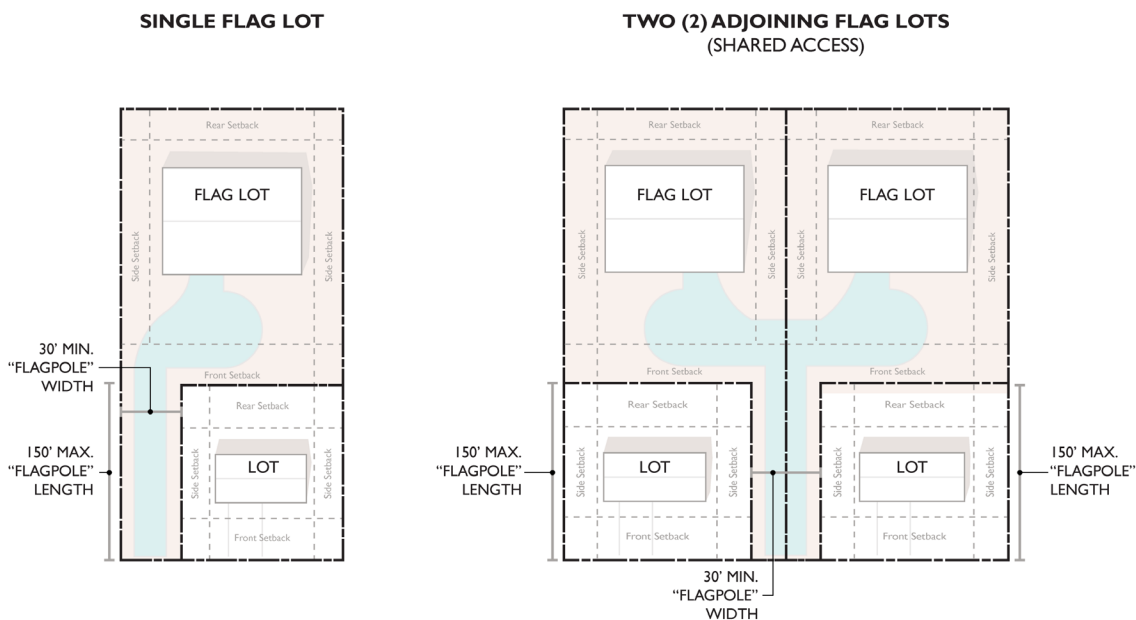


FIGURE 11-72-5.A.2: FLAG LOT

B. **Redevelopment Standards.**

1. **Maximum Density.** Maximum density may be increased by up to 25% of the maximum allowed for the underlying base zoning district.
2. **Maximum Building Height.** The maximum building height permitted by the underlying zoning district may be increased by up to 12 feet subject to the following:
 - a. *Single Residence Transition.* Where a building is adjacent to a Single Residence zoning district or existing Single Residence use, the building height shall not exceed 30 feet at the applicable minimum building setback from the common property line. The building height may increase by two (2) feet for each additional one (1) foot of building setback from the common property line, up to the maximum building height permitted through the IRDP.
 - b. *RM Districts.* For development within an RM District, compliance with Subsection A above shall apply in lieu of the additional setback requirements of Section 11-5-5(B)(1), Additional Setback Adjacent to RS District.
3. **Minimum Setbacks.** Minimum setbacks may be modified as follows, provided no building or structure is located within a Public Utility Easement (PUE) or Public Utility and Facilities Easement (PUFE).
 - a. *Front and Street Facing Side Setback Reduction.* Required front and street-facing side setbacks may be reduced by up to 50%.
 - b. *Interior Side and Rear Setback Reduction Adjacent to Non-Single Residence District.* Required interior side and rear setbacks abutting non-Single Residence Districts may be reduced by up to 60%.
 - c. *Interior Side and Rear Setback Reduction Adjacent to Single Residence District.* Required interior side and rear setbacks abutting Single Residence Districts may be reduced by up to 50%.
4. **Building Separation Requirements.** The minimum separation between buildings on the same lot may be reduced by up to 50% of that required by the base zoning district, provided the reduced separation complies with all applicable fire access and fire separation requirements.
5. **Setback of Cross Drive Aisles and Parking Spaces.** The required setback for parking spaces and intersecting drive aisles along a main drive aisle connecting directly to a street may be reduced to 20 feet.
6. **Landscaping Requirements.** Landscaping requirements of Chapter 33 may be modified as follows:
 - a. *Landscape Yard Dimensions.* Required landscape yard dimensions may be reduced commensurate with setback reductions under Subsection (B)(3) above. In no case shall a landscape yard be less than five (5) feet in depth unless a zero-lot line configuration is approved.
 - b. *Landscape Material Requirements.* Where conflicts exist with site visibility triangles, utility easements, or overhead utility lines, the required quantity and type of plant materials may be modified, subject to the approval of the Planning Director (or designee), to ensure compatibility with such constraints while maintaining the intent of Chapter 33.

7. ***Parking Requirements.*** An applicant may utilize one (1) or more of the parking modifications and alternatives provided in this Subsection to satisfy the minimum off-street parking requirements of Chapter 32, subject to the standards applicable to each.
- a. ***Base Parking Reduction.*** Development may reduce the minimum number of off-street parking spaces required by Chapter 32 (On-site Parking, Loading, and Circulation) by up to 25%.
 - b. ***Shared Parking.*** The Planning Director may approve a shared parking arrangement in accordance with Section 11-32-5 of this Ordinance. A separate Administrative Use Permit shall not be required.
 - c. ***Historic Parking Credit.***
 - i. A site lawfully developed in compliance with the parking requirements in effect at the time of development may receive a historic parking credit equal to the number of parking spaces required for the lawfully established uses under the applicable Zoning Ordinance at the time the site was developed.
 - ii. The historic parking credit applies only to the continued lawful use of an existing building and to alterations or expansions of that building that do not involve a change of use and which alterations or expansions are in compliance with Title 11.
 - iii. A change of use, or the establishment of a new use, shall comply with the parking requirements of Chapter 32 and shall not be eligible for a historic parking credit.
 - d. ***Parking Drive Aisle Dimensions.*** The minimum drive aisle widths of Chapter 32 may be reduced for parking areas that do not serve as required fire access roads or solid waste collection routes as follows:
 - i. ***One-way Drive Aisles.***
 - (1) The minimum width may be reduced to 20 feet for 90-degree parking.
 - (2) All other parking angles may be reduced by two (2) feet.
 - ii. ***Two-way Drive Aisles.*** The minimum drive aisle width for two-way drive aisles may be reduced by two (2) feet for all parking angles.

11-72-6: - APPEALS; EXPIRATION AND EXTENSIONS; MODIFICATIONS

- A. Infill and Redevelopment Permits (IRDPs) are subject to the appeal provisions of Chapter 77, Appeals.
- B. Infill and Redevelopment Permits (IRDPs) are subject to the expiration and extension provisions of Section 11-67-9: Expiration and Extension.
- C. Modifications to an IRDP shall be processed in accordance with Section 11-69-5: Development Plan Modification.

11-72-7: - REVOCATION

An IRDP at any time if granted under this Chapter may be revoked if any of the conditions or terms of such permit are violated, if any law or ordinance is violated in connection therewith, or if the Planning Hearing Officer makes any of the findings in Subsection D.

- A. **Initiation of Proceeding.** The City, following a recommendation from the Planning Director, may initiate revocation proceedings.
- B. **Public Notice.** Notice that the possible revocation of the Infill and Redevelopment Permit has been scheduled for hearing before the Planning Hearing Officer shall be made pursuant to the requirements of Section 11-67-5, Notice of Public Hearing.
- C. **Public Hearing.** The public hearing regarding the revocation of a use permit or variance shall be conducted pursuant to requirements of Section 11-67-6, Conduct of Public Hearings.
- D. **Decision of the Board.** The Planning Hearing Officer may revoke the Infill and Redevelopment Permit if it makes any of the following findings:
 - 1. The permit was approved based upon materially false or misleading information;
 - 2. Development is not proceeding in substantial conformance with the approved plans;
 - 3. That there is or has been a violation of or failure to observe the terms or conditions of the permit, or the use has been conducted in violation of the provisions of this Ordinance, law or regulation; or
 - 4. The development creates a condition that is detrimental to or endangers public health, safety, and welfare, or so as to be a nuisance.

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CHAPTER 87 – DEFINITIONS

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BLOCK: A PIECE OR PARCEL OF LAND OR GROUP OF LOTS ENTIRELY SURROUNDED BY PUBLIC STREETS, STREAMS, RAILROADS, PARKS, OR A COMBINATION THEREOF.

BLOCKFACE: THE PORTION OF A BLOCK FACING THE SAME SIDE OF A SINGLE STREET AND LYING BETWEEN THE CLOSEST INTERSECTING STREETS.

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Lot, Flag: A lot or parcel of land NOT MEETING MINIMUM LOT WIDTH REQUIREMENTS WHERE ACCESS TO A PUBLIC OR PRIVATE STREET IS PROVIDED by a strip OF LAND.