DRAFT INFILL 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 (35, 15, 9, 7, and 6), 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.

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4. ***Infrastructure Availability.*** The lot or parcel is served by, or has direct access to, existing utility systems, including water and sewer and shall not rely on private or alternative systems, such as septic systems, in lieu of available public services.

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:

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 systems, including water and sewer and shall not rely on private or alternative systems, such as septic systems, in lieu of available public services.

4. ***Property Condition.*** The lot or parcel satisfies one (1) of the following:

a. *Vacant By-Passed Parcel.* The lot or parcel is vacant, and at least 75% of its perimeter abuts developed property or is separated from developed property only by a public street or other public right-of-way.

b. *Redevelopment Need or Condition.* The property satisfies at least two (2) of the following:

i. *Building 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.

ii. *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.

iii. *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.

iv. *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. ***Single Residence Dwellings***. An IRDP shall not be used to expand, remodel, or reconstruct an existing single residence dwelling.

2. ***RSL Zoning.*** Properties with Residential Small Lot Single Dwelling District zoning are not eligible for an IRDP.

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3. ***Other Entitlements.*** An IRDP shall not be permitted on any property subject to, or proposed to be developed with special development regulations or entitlements, including a Planned Area Development Overlay, Planned 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) or Subsection (D)(4) 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.

G. **Legal Nonconformities.** Existing legal nonconformities may remain and shall not be required to be brought into conformance as a condition of IRDP approval.

1. Development approved under an IRDP shall not require a separate Substantial Conformance Improvement Permit.
2. Approval of an IRDP shall not legalize existing nonconformities or authorize the creation of any new nonconformity.

11-72-3: - RELATIONSHIP TO OTHER REGULATIONS

A. **Community Benefit Exchange.**

1. A project developed under this Chapter may request a Community Benefit Exchange in accordance with Chapter 71 to further modify the development standards identified in Section 11-72-5, subject to the eligibility requirements and limitations of Chapter 71.
2. A Community Benefit Exchange shall not be used to modify the permitted, conditional, or prohibited land uses of the underlying zoning district.

B. **Technical Alternative Compliance.**

1. ***Eligibility and Applicability.*** A property determined eligible under Section 11-72-2 is eligible to request Technical Alternative Compliance to the following provisions:
    a. Right-of-way dedication and improvement, per Title 9 of the Mesa City Code and the Engineering and Design Standards.
    b. Storm water retention, per the City's Engineering and Design Standards.
    c. Fire apparatus access, per the Mesa Fire Code.
    d. Means of egress, per the Mesa Building Code.
    e. Solid waste collection, per the City's Engineering and Design Standards.
2. ***Administration.***

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a. Each provision identified in Subsection (B)(1) 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.

b. 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.

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.

   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 percentage points.

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. *Interior Side and Rear Setback Reduction.* Required interior side and rear setbacks may be reduced by up to 50% subject to the following:

      i. The resulting rear setback shall not be less than seven and one half (7.5) feet, except for structures approved as a zero-lot line or common wall dwellings.

      ii. The resulting interior side setback shall not be less than five (5) feet, except for structures approved as a zero-lot line or common wall dwellings.

      iii. The additional setback requirements of Section 11-5-5(B)(1) shall remain in effect, except that multi-story buildings in the RM-5 District adjacent to an RS District shall comply with the minimum setback requirements for

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the RM-5 District in Table 11-5-5, based on the number of dwelling units per lot, in lieu of Section 11-5-5(B)(1)(b).

b. *Front and Street-Facing Side Setback Reduction – Non-Single Residence Developments.*

i. Required front and street-facing side setbacks for non-single residence development may be reduced to a minimum of 15 feet.

ii. Parking shall not be located between the front of any building and the street.

c. *Front Setback Reduction – Single Residence Developments.* The minimum required front setback may be reduced to reflect the existing development pattern along the blockface, subject to the following:

i. Where two (2) or more lots on the blockface contain principal buildings, the required front setback may be reduced to the average front setback of those buildings, but shall not be reduced by more than 25% of the minimum required by the underlying zoning district;

ii. Where fewer than two (2) lots on the blockface contain principal buildings, the required front setback may be reduced by up to 25% of the minimum required by the underlying zoning district;

iii. The front façade and primary entrance of the building shall face the street of address and be consistent with the prevailing orientation of structures on the blockface;

iv. All garage and carport openings shall be set back a minimum of 20 feet from the street right-of-way.

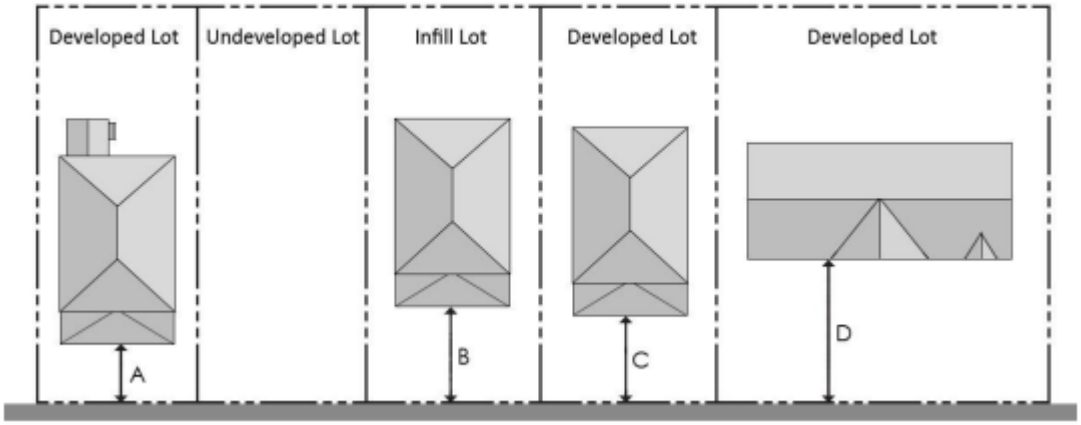


FIGURE 11-72-5.A.1: AVERAGE SETBACK

d. *DR-3 District.* The front yard setback requirements of Section 11-8-3(A)(1) shall not apply to development approved under the IRDP.

3. ***Landscaping Requirements.*** Landscaping requirements may be modified as follows:

a. *Landscape Yard Dimensions.* Required landscape yard dimensions may be reduced by up to 50%, subject to the following:

i. Except for single residence lots or approved zero-lot-line configurations, the resulting landscape yard shall not be less than seven and one-half (7.5) feet in depth.

ii. In no instance shall the required landscaped yard width exceed the required building setback along the same property line.

iii. Any reduction in landscape yard dimensions shall maintain sufficient planting area to accommodate the required landscape materials, unless an alternative landscape design is approved in accordance with this Section.

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% subject to the following:

a. *Minimum Building Separation.* The minimum separation between buildings on the same lot shall not be less than five (5) feet, unless the buildings are attached and comply with all applicable fire-resistance rating requirements of the adopted Building and Fire Codes.

b. *Fire and Solid Waste Access.* Building separation shall not be reduced below the minimum distance necessary to maintain required fire access and solid waste collection access.

c. *Parking Canopies.* A reduction in the required separation between a building and a parking canopy shall not result in noncompliance with applicable foundation base requirements.

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:

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a. *Minor Land Division Required.* The creation of a flag lot shall require approval of a Minor Land Division in accordance with the requirements and procedures established in Title 9, Chapter 6 of the Mesa City Code.

b. *Survey Map Required.* As part of the land division application, the applicant shall submit a survey map prepared by a registered land surveyor depicting the proposed flag lot, the remaining parent parcel, and all existing and proposed improvements necessary to demonstrate compliance with this Section and all other applicable City codes, standards, and regulations.

c. *Number of Flag Lots.* No more than one (1) flag lot shall be created from a single parent parcel. Two (2) adjoining flag lots may be permitted where each flag lot is created from a separate parent parcel and all applicable requirements of this Section are satisfied.

d. *Subsequent Division.* A flag lot created pursuant to this Section shall not be further divided to create additional flag lots. A parent parcel or remaining parcel shall not be subsequently divided or reconfigured for the purpose of creating additional flag lots beyond the limitation established in Subsection (c).

e. *Permitted Dwelling Types.* Only Single Residence Detached and Duplex dwelling types shall be permitted on flag lots.

f. *Development Standards.* The flag lot and remaining parent parcel shall comply with all applicable development standards of the underlying base zoning district, except as expressly provided in this Section. The modifications authorized by Subsections (A)(1) (Lot Size, Dimension, and Coverage) and (A)(2) (Minimum Setbacks) above shall not apply to either the flag lot or remaining parent parcel.

g. *Flagpole Width and Access.* Each flag lot shall be connected to a public street by a recorded access easement or dedicated tract ("flagpole") with a minimum width of 30 feet. Two (2) adjoining flag lots may each provide a flagpole with a minimum width of 15, provided the flagpoles are contiguous, establish a combined access corridor of not less than 30 feet in width, and shared access is provided by a recorded access easement or dedicated tract.

h. *Shared Access.* 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.

i. *Maximum Flagpole Length*. 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 the point where the flagpole connects to the main body of the flag lot.

j. *Setback Measurements.* For purposes of measuring setbacks on a flag lot, the boundary between the flagpole and the buildable portion of the flag lot 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.

k. *Access and Circulation.* Flag lots shall comply with all applicable circulation and access requirements for vehicles such as emergency services and solid waste collection.

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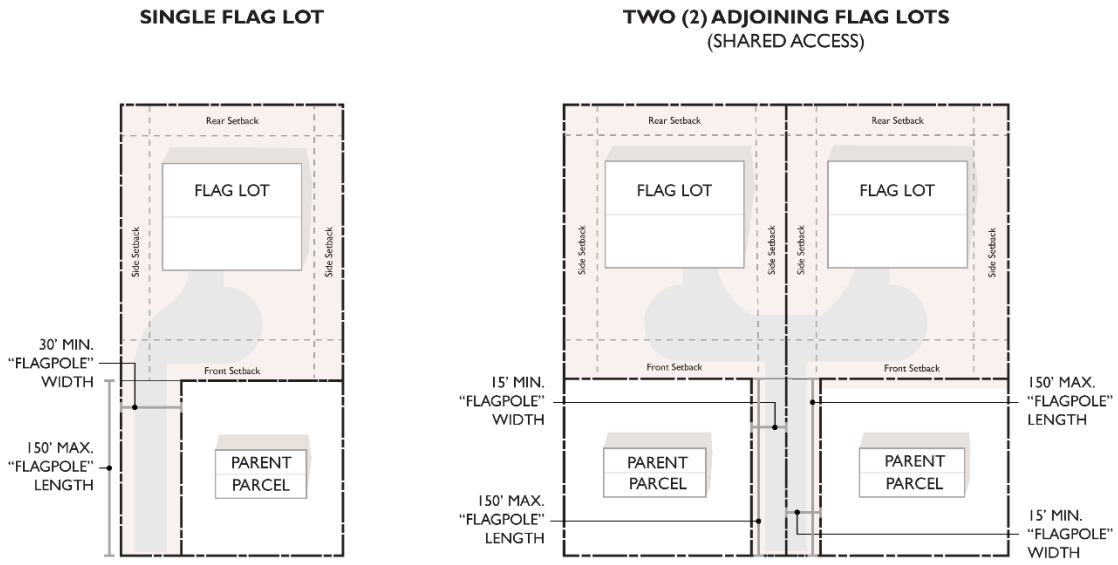


FIGURE 11-72-5.A.2: FLAG LOT

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. *Downtown Business Districts.* The building height transition requirements of Subsection (a) of this section shall apply in lieu of the building height step-back requirements of Section 11-8-5(A).

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 Reduction.*

      i. Required front and street-facing side setbacks may be reduced to a minimum of 15 feet.

      ii. Parking shall not be located between the front of any building and the street.

   b. *Interior Side and Rear Setback Reduction.*

      i. Required interior side and rear setbacks may be reduced by up to 50%.

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ii. The resulting setback shall not be less than seven and one half (7.5) feet, except for structures approved as a zero-lot line or common wall dwellings.

c. *RM-5 District.* For multi-story development within the RM-5 District adjacent to an RS District, the additional setback requirements of Section 11-5-5(B)(1)(b) shall not apply. Instead, the applicable minimum interior side and rear setbacks established for the RM-5 District in Table 11-5-5 may be reduced in accordance with Subsection b above.

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 subject to the following:

a. *Minimum Building Separation.* The minimum separation between buildings on the same lot shall not be less than five (5) feet, unless the buildings are attached and comply with all applicable fire-resistance rating requirements of the adopted Building and Fire Codes.

b. *Fire and Solid Waste Access.* Building separation shall not be reduced below the minimum distance necessary to maintain required fire access and solid waste collection access.

c. *Parking Canopies.* A reduction in the required separation between a building and a parking canopy shall not result in noncompliance with applicable foundation base 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 permitted under Subsection (B)(3) above. Except for single residence lots or approved zero-lot-line configurations, the resulting landscape yard shall not be less than seven and one-half (7.5) feet in depth.

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%.

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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.

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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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