

Chapter 78 Annexations

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11-78-1: Purpose

This Chapter establishes uniform procedures for annexation of property not within the City limits and subsequent zoning of that property.

11-78-2: Initiation of Annexations

Applications for annexation shall be made in the office of the Planning Division on a form provided by the city and shall be accompanied by the required fee.

11-78-3: Procedures

A. Process.

1. Requests for annexation by any owner of property located outside the City limits shall be made in the Planning Division in accordance with [Section 11-67-3](#), Application Forms, Supporting Materials and Fees.
2. Upon compliance with State statutes and City regulations and processes, annexation applications shall be forwarded to the City Council for the public hearing required by Arizona Revised Statutes 9-471.A.3 prior to release of the annexation petition.
3. If the City Council accepts the request for annexation, official annexation petitions shall be prepared by staff to be circulated by the requesting property owners following the public hearing for the release of the petition.

4. When all provisions of ARS § 9-471 *et seq.* have been complied with, the City Council shall hold the required public hearings to consider an ordinance authorizing annexation of the property into the City.
- B. **Zoning of Annexed Properties.** Areas under consideration for annexation may be zoned at the time of annexation or within 6 months after the annexation to City zoning districts comparable to, but not greater in intensity than the County zoning applicable to the property immediately preceding annexation. In the event that City zoning is not established with annexation, the area shall be considered to be zoned as shown on the Official Maricopa County Geographic Information Systems (GIS) Portal Zoning Map of the Maricopa County Planning and Zoning Commission until City zoning is applied to the property.
- C. **Construction and Building Permits.**
1. Maricopa County Building Permits validly issued pursuant to County requirements not more than 60 days prior to the effective date of annexation, shall be accepted by the Building Official as valid permits for a period of 60 days after the effective date of annexation. If construction has not commenced on or before the 60th day after the effective date of annexation, a City building permit shall be required.
 2. For buildings under construction with a valid building 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 Official shall require that buildings constructed under such County building permit shall be structurally safe and shall conform to pertinent County zoning regulations in effect at the time the County permit was issued.

11-78-4: Existing Uses and Structures

- A. Any use or activity conducted contrary to County zoning regulations at the effective date of annexation and not constituting a legal non-conforming use under the County zoning regulations shall not be considered a legal non-conforming use by the City.
- B. Any use or activity conducted in conformance with County zoning regulations at the effective date of annexation and not in conformance with this Ordinance shall be considered a legal non-conforming use by the City.

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- C. 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, may continue for the remainder of the time limit. Any extension of this time limit requires City approval of a Conditional Use Permit pursuant to Chapter 70, Conditional Use Permits, of this Ordinance. The type of Conditional Use Permit required shall be determined according to the regulations for the City zoning district where the use is located. If, after the expiration of the Maricopa County Use Permit, no Conditional Use Permit is specified or approved for that activity, then the property shall require rezoning to a conforming zoning district permitting the activity, or the activity may continue only as a legal nonconforming use, subject to the requirements of [Chapter 36](#), Nonconforming Uses, Structures, and Lots.
- D. Any legal 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 City of Mesa Zoning District shall apply.
- E. 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.

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