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1. Purpose

The purpose of this License Review Time Frame Policy is to ensure the city's development review application processing procedures comply with the Regulatory Bill of Rights as codified in Title 9, Chapter 7, Article 4 of the Arizona Revised Statutes. The Regulatory Bill of Rights were signed into law in 2011, and apply to all Arizona municipalities and counties.

The law regulates licensing time frames and requires cities and counties to publish processing time frames and refund fees if those time frames are not met. The law identifies and allows for an administrative review for application completeness and two substantive reviews for compliance. After two substantive reviews, the application must be approved or denied. The law also requires the applicant be informed about procedures to be followed upon denial, including an appeal process.

2. Applicability

This policy applies to all of the Planning & Development Department (P&D) application review procedures which result in outcomes that qualify as "licenses;" defined Section 5 of this policy and not otherwise exempted by Section 3 of this Policy.

3. Exemptions

A.R.S. §9-835(K) includes an exemption for any development review application or permit that is issued within 7 days of application or expires within 21 days of issuance. For P&D, this exemption applies to Over the Counter Permits, Permits by Inspector, Permits by Appointment, Express Pass Site Plan Reviews and Administrative Temporary Use Permits.

4. Review Choices

P&D has consistently supported and practiced expeditious and concurrent review of applications and will continue to do so under the time frames set forth in this Policy. P&D will continue to engage in process improvements to review various applications in the most expeditious way possible and will continue to work with customers to review their applications in a manner that:

- assures the public health and safety;
- provides flexibility when needed; and
- allows a customer that complies with the city's development regulations to achieve their permitting and development goals in a timely manner.

To further this goal and to provide applicants with additional flexibility and choice, the city will continue to provide concurrent reviews when appropriate and each license will be separately considered and accounted for in accordance with the regulations in A.R.S. §9-835. This will be known as the “**Standard Process**.”

Should applicants desire to have an “overall” time frame for an entire construction project including all licenses required to obtain certificate of occupancy, they may opt to choose the “**Customized Process**.” This process requires a coordinated submittal from the applicant that provides the city with all the individual license applications to be submitted simultaneously. In addition, all responses to requests for additional information must be submitted simultaneously. All licenses submitted must be approved after the second substantive review or the entire submittal package may be denied.

5. Definitions

Administrative Review – a preliminary review of an application to ensure all necessary information is submitted in order to provide a comprehensive substantive review. This review will occur at the Development Center prior to logging in any plans for substantive review. [Checklists for administrative compliance](#) will be used by staff to verify completeness. At the conclusion of the administrative review, staff will issue a written Notice of Deficiency or accept the plans as administratively complete and log them in for substantive review.

License - the following development review applications fall under the definition of “license”:

- All construction plans which result in a permit
- All site plan reviews which result in an approval
- Other processes or plans which result in an approval including, but not limited to: abandonments, dedications, lot splits, plats, dustproofing, zoning, planning hearing office actions, and zoning adjustments
- Processes requiring Zoning Administrator decision
- Appeals, Code Modifications, Code Interpretations
- All other applications that result in “license” as defined in A.R.S. §9-831(2).

Substantive Review – Only two substantive reviews are allowed under A.R.S. §9-835 provisions. The first substantive review will result in a comprehensive request for additional materials and/or corrections. The second substantive review will consist of reviewing all additional information and/or corrections made to the first submittal. If the re-submittal is still not in compliance, is missing information, or if the design has changed and requires additional corrections, the application will be denied. Prior to denial, customer has the options to:

- Enter into an agreement to allow the city to request additional information;
- Enter into an agreement for time extension (see Section 10, Time Frame Extension Process);

At the conclusion of the Substantive Review, the city must issue the permit or issue a denial. Upon denial, the customer has the option to do one of the following:

1. [Appeal](#) the city's application or [interpretation of code](#). Items not in compliance with code will be listed on the Application Denial Letter.
2. Resubmit the application for another substantive review. Resubmittal fees will vary based upon the extent of the additional staff work necessary to approve the new application.

6. Required Information

With every project, P&D shall provide the following information as required by A.R.S. §9-836:

- A. List of all required steps in the application/approval process;
- B. Applicable time frames;
- C. Contact person (name and telephone number);
- D. Website address;
- E. Notice for opportunity to clarify ordinances/regulations; and
- F. Appeal process for denial of license

7. Regulatory Clarifications

An applicant may request from the city clarification of a regulation affecting the procurement of a license. A request must be in writing, must identify the regulation, and include all information required by A.R.S. §9-839. In compliance with A.R.S. §9-839, the city will provide a written response within 30 days of receipt of the request.

8. Review Time Frame Requirements

A.R.S. § 9-835 requires the city to have in place an overall timeframe during which the city will either grant or deny license applications. The time frame requirements for application review for applicable procedures are listed on the [Planning & Development website](#).

9. Related Applications

If, during the course of review of a pending application, the applicant submits one or more additional applications that are related to the pending application, then and in such event, the substantive review time frame shall be reset on all related applications. In this event there shall be one applicable substantive review time for all of the related applications and the time frame shall be revised to be the longest substantive review time frame that was applicable to any one of the related applications. As a result, the entire substantive review time frame for the related applications shall start over, and a fee may be charged.

10. Time Frame Suspensions

The overall time frames listed on the [Planning & Development website](#) are suspended for the following time periods:

- From the date of a notice to the applicant of specific deficiencies in an application to the date that the city receives the missing information from the applicant
 - Upon mutual agreement with the customer, the city can make supplemental requests for information (after the first request) and the time frame will be suspended until the customer provides the requested information
- Time for completion of processes not controlled by the P&D Department staff. Such processes may include public hearings, permits or approvals from other city departments, city council, state, or federal agency approval.

11. Time Frame Extension Process

- A. For substantive reviews of a license application, the city shall make no more than one comprehensive request for additional materials and corrections (unless customer, in a separate agreement, allows the city to make supplemental requests).
- B. If the re-submittal after the one comprehensive request is still not in compliance with the city regulations and policies, the application shall be denied.
- C. The city shall give notice of approval or denial by either electronic or written mail.
- D. The notice shall include citations of the pertinent regulations that justify an application denial and shall explain the applicant's rights to appeal.
- E. Unless otherwise prohibited by the City Code, upon receiving an application denial, the applicant may appeal the denial or submit a new application to the city for further reviews.
- F. Under ARS § 9-835(H), by mutual written or electronic agreement, the city may extend the substantive review time frame and the overall time frame.
- G. The extensions shall not exceed 50% of the overall time frame. An applicant requiring more time must submit a new application.

12. Notice of Administrative Completeness

The city shall review applications for administrative completeness. If the application is administrative complete, the city shall send the administrative completeness notice to the

applicant within the mandatory timeframes. If the application is incomplete, the city shall send a deficiency notice listing all deficiencies and reference the applicable regulation or policy, and inform the applicant that the city's mandatory timeframe is suspended pending receipt of requested corrections or any missing information. If the city fails to provide deficiency notice to the applicant within the mandatory timeframe, the application is then deemed administrative complete. A.R.S. §9-835(D) to (F).

13. Refunds

If the city does not send notice to an applicant regarding approval or denial within the overall time frame or any mutually agreed extension thereof, the city shall refund the application fees within 30 days of the expiration of the overall time frame or any mutually agreed extension thereof and waive any additional fees to complete the application. The city shall not require the applicant to submit an application for refund. The city shall generate the refund and complete the review process for the application. A.R.S. §9-835(J).