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**STAFF REPORT**

**CASE # TXT24-02**

<b>To:</b>	Honorable Mayor and City Council
<b>Through:</b>	Rodolfo Lopez, Development Services Director
<b>From:</b>	Rick Williams, Planning and Zoning Manager
<b>Meeting Date:</b>	May 21, 2024

**REQUEST**

**PUBLIC HEARING: TXT24-01, Massage Establishments Text Amendments;** A request by the City of Maricopa for review and approval of a proposed text amendment to the City of Maricopa City Code, Section 5.15.060, Massage Establishments – Special Requirements by reference to Exhibits B. **DISCUSSION AND ACTION.**

**APPLICANT/OWNER**

City of Maricopa  
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**COUNCIL PRIORITIES CONSIDERED**

- Quality of Life
- Economic Sustainability
- Managing the Future
- Public Safety

**AMENDMENT INFORMATION**

This is a request to formally amend the Maricopa City Code by requesting comprehensive revisions to Section 5 and Section 18 of the Maricopa City Code. The City initiated text amendments will allow for continued refinement of the City Code to reflect changes in policies and procedures, allow for clerical corrections, and address the overall accuracy and usability of the code. More specifically, the proposed amendments would accomplish the following:

- Brings the current code in compliance with Arizona Revised Statutes (ARS).
- Updates multiple sections of the city code to be consistent with current development trends and standards.
- Addresses the requirements of the recently passed, House Bill 2547.

## **Arizona House Bill 2547**

Arizona House Bill 2547 was passed into legislation on April 18, 2023, which amended Section 9-462.01, Arizona Revised Statutes, Relating to Municipal Zoning. More specifically, the revised bill mandates that the legislative body of a municipality shall consider a housing impact statement regarding the impact of the proposed zoning ordinance or zoning ordinance text amendment, prior to taking final action on the item. The revised bill states that the impact statement shall include the following:

1. A general estimate of the probable impact on the average cost to construct housing for sale or rent within the zoning districts to which the zoning ordinance or text amendment applies.
2. A description of any data or reference material on which the proposed zoning ordinance or text amendment applies.
3. A description or any less costly or less restrictive alternative methods of achieving the purpose of the proposed zoning ordinance or text amendment.

## **Section 5.15.060 Massage Establishments – Special Requirements**

This amendment recognizes massage establishments as a home-based business and clarifies the conflicting requirements for such an establishment in a commercial zoning district with that of a home-based business in a residential zoning district. More specifically, the current code requires specific signage for a massage establishment in commercial districts which conflicts with City of Maricopa home-based business requirements. In a commercial zoning district, a massage establishment is required to permanently affix a sign at the main entrance of the business identifying the business as a massage establishment. Current home-based business requirements prohibit any signage displayed on site promoting the business. Additionally, in a commercial zoning district, it is prohibited for any person to knowingly use said establishment as living or sleeping quarters. In a home-based business setting, those requirements would not be applicable.

*\*Housing Impact Statement: No housing impact is expected with this proposed amendment.*

## **ADHERENCE TO THE GENERAL PLAN**

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The text amendments to the Zoning Code is in conformance with the following goals and objectives outlined in the General Plan (Planning Maricopa).

### **B. Land Use Element**

- Objective B1.4.5: Update and consistently enforce the community’s development codes, including zoning, subdivision, and related regulations.
- Objective B2.2: Identify and use available tools, including area specific plans, zoning and subdivision standards, to promote housing diversity in both type and lot size for existing and future PAD’s

### **F. Economic Development Element**

- Objective F1.2.9: Streamline and simplify governmental permitting processes to assist businesses in locating or expanding within the community.

## **CITIZEN PARTICIPATION:**

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As required per the City’s Zoning Code Sec. 18.140.060, notification via a public hearing process is required. The Public Participation Plan included a legal notice in the local newspaper circulator and posting on the city’s website, both at a minimum of 15 days prior to a public hearing. The following is the public notification posting timeline:

- March 28, 2024 – Website Posting.
- March 28, 2024 – Public Hearing Posted
- April 2, 2024 – Newspaper Notice in the Casa Grande Dispatch.
- April 22, 2024 – Planning and Zoning Commission meeting.
- As of the writing of this report, there has been no additional correspondence received by staff.

**FINDINGS:**

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As required by Sec. 18.175.040 of the City’s Zoning Code, The Planning & Zoning Commission made the following findings in their recommendation to the City Council:

1. The amendment is consistent with the General Plan;
2. The amendment will promote the growth of the City in an orderly manner and protect the public health, safety, peace, comfort and general welfare.
3. Planning and Zoning Commission recommended (7-0) to send the application to Council with a favorable recommendation.

**STAFF RECOMMENDATION:**

Staff recommends Council concur with the Planning and Zoning Commission and approve Case No. **TXT24-02.**

**EXHIBITS**

- Exhibit A – Section 5.15.060 Massage Establishments (Proposed Changes)
- Exhibit B – Section 5.15.060 Massage Establishments (Final Text)

-- End of staff report --