

PROJECT OVERVIEW

To: Honorable Mayor Price and Members of the City Council;
City Manager Gregory Rose

From: Dana Burkhardt

Date: Oct. 21, 2014

RE: City of Maricopa Zoning Code & Design Guidelines: RES 14-36, ORD 14-12,
RES 14-44, RES 14-45, RES 14-46. **Public Hearing, Discussion and
Action**

PUBLIC HEARING

This item is on the Mayor and Council's agenda in compliance with statutory requirements pursuant to amending or adopting changes to the City's Zoning Code, Arizona Revised Statutes Article 6.1 - "Municipal Zoning". Authorization for the city to adopt zoning regulations is given in the Arizona Revised Statutes, Section 9-462.01 et. seq., as amended. State law requires that all amendments to the Zoning Code are to be delivered to the City Council for review and final approval, only after a receiving a recommendation from the Planning & Zoning Commission.

On September 22, the Planning & Zoning Commission held a public hearing in compliance with statutory notification requirements. After receiving no public comment, the Commission unanimously forwarded a recommendation to approve Ordinance #14-12 "Chapter 16 City of Maricopa Zoning Code" and accompanying design guidelines.

PROJECT HISTORY

The Zoning Code Rewrite project was initiated by the City Council in 2012 to update Maricopa's Zoning Code to effectively address contemporary development patterns and land uses. The current Zoning Code was largely carried forward from the County's zoning ordinance at the time of incorporation in 2003, which does not fully implement the objectives of the 2006 General Plan, among other things. The objective for this project is to produce an innovative and integrated Zoning Code by expanding upon, modifying and deleting from existing policy documents as necessary, within the restrictions of applicable State law, and create a Maricopa Zoning Code that:

- Is progressive, utilizing best practices from other jurisdictions and codes, and intelligently integrates principles of balanced land use and orderly growth to promote a diverse economic base, livable neighborhoods, and sound resource management;

- Is consistent with the Maricopa General Plan 2006, responsive to the City Council's Strategic Plan 2012-2015, and cognizant of anticipated amendments to the General Plan, including the potential for annexation;
- Provides for flexibility, where needed and appropriate, consistent with the City development policies;
- Is logically organized, easy to read and understandable, and can be quickly updated to respond to changing market and socioeconomic conditions;
- Includes graphics and tables to illustrate key points and minimize the amount of text;
- Is consistent in terms of processes and requirements with the City Code and relevant provisions of Federal and State law, particularly Proposition 207 and related legislation;
- Is comprehensive;
- Is tailored to local and regional climate, ecology, history and culture;
- Is integrated with and cross-references other land use related ordinances and regulations, including but not limited to the Subdivision Ordinance, Heritage District Design Guidelines, Redevelopment Area Plan, and other policies;
- Applies overlay districts, where appropriate, to areas that warrant distinct treatment such as the Heritage District and other areas with unique characteristics;
- Includes mixed-use zoning districts and attendant regulations for both built-up areas of the city as well as lands at the urban edge; and
- Incorporates land use-based (Euclidean), incentive and performance-based, as well as form-based zoning provisions, where appropriate, that address land use and urban design standards (text and graphics) as deemed necessary, by the City.

The Zoning Code Rewrite process undertaken includes considerable public outreach, informational and working public meetings, and a detailed analysis with stakeholders on key provisions of the Code. The rewrite began in January 2013 with initial stakeholder interviews and a public open house workshop. On February 5, 2013 the Mayor formed the Zoning Code Rewrite Task Force Committee to steer the consultant and staff in developing the draft code. The Task Force membership includes 12 members consisting of a broad cross section of the community, including five Board of Adjustment Members, two Planning & Zoning Commissioners, one Councilmember, two members from the real-estate and development community, and two active citizens.

This initial outreach was culminated in the *Diagnosis and Evaluation Working Paper* which identifies the overarching issues provided from the public and stakeholders, and defines the high level goals for the City's new Zoning Code.

Diagnosis and Evaluation Working Paper

The *Diagnosis and Evaluation Working Paper* is the culmination of the first stage of the Zoning Code Rewrite, which consisted of a background review of current City policy, goals, and needs. In January 2013, Maricopa's consultant team, led by Dyett & Bhatia, Urban and Regional Planners, began this effort with a field reconnaissance, including a tour of

Maricopa, and a series of interviews with stakeholders and City Officials intended to gather concerns and suggestions for the Zoning Code Rewrite. This task also involved a community workshop and interviews with City staff and officials, community leaders, developers, business owners, and private parties who make extensive use of the Zoning Code. The result of this research was the production of the *Community Kickoff Workshop and Stakeholders Interview Report* (Attachment A), which put forward the overarching recommendations of residents participating in the workshop and Code users, organized thematically.

Ensuing conversations with City officials and staff, as well as detailed assessments of the General Plan, existing regulations, and case files, have led to the findings and recommendations presented in the *Diagnosis and Evaluation Working Paper* (Attachment B). On May 7, 2013, the City Council accepted the paper as the primary directive for the new zoning code upon receiving affirmative recommendations from the Zoning Code Rewrite Task Force, Planning & Zoning Commission, and the Heritage District Advisory Committee.

The following are recommendations of the *Diagnosis and Evaluation Working Paper*, and elements of the proposed code that support those recommendations are shown in *italics*:

Recommendation No. 1: Making Zoning Easier to Understand and Use

- 1-A Develop a Consistent and Uniform Approach to Organizing and Displaying Use Regulations, Standards, and Review Procedures

The 200 Series Base Zoning Districts specify the use and development regulations for each set of base districts with a consistent overall code structure throughout the district classifications. This Series specifies the land uses permitted or conditionally permitted in each District in a table format, and includes special requirements or limitations, if any, that are applicable to specific uses. Base Zoning District regulations also include easy to read tables identifying the physical development standards in one table for all districts of a single classification. This allows the reader to quickly compare the regulations for size, height, bulk, location, and appearance of structures, as well as minimum lot dimensions within a class of zoning districts, ie commercial, residential, etc.

- 1-B Consolidate Standards

A single section is provided for reference to common standards, such as Article 103 Rules of Measurement, 400 Series Regulations applying in Multiple Districts, and Article 502 Common Procedures for applications.

- 1-C Simplify, Refine, or Eliminate Unnecessary Regulations and Procedures

Tables are included throughout the draft Zoning Code to provide a single location to reference common regulations and procedures.

- 1-D Add New Zoning Districts as Necessary to Implement General Plan Policies

Mixed Use Districts, Open Space Districts, and Overlay Districts are included to further implement the Land Use policies specified in the General Plan

- 1-E Integrate Components of the Subdivision Ordinance

The draft Zoning Code closely compliments (and incorporates where appropriate) the provisions of the existing Subdivision Ordinance. For example, the residential zoning district standards are mirrored and the PAD/MPD requirements of the Subdivisions Ordinance are the foundation for PAD provisions in the draft Zoning Code. The Subdivision Ordinance is also referenced for

required buffer yards between differing land uses, and the landscape standards in the draft code compliment the Subdivision Ordinance, among other things.

1-F Use Graphics to Reduce Wordiness and Improve Clarity

Graphic illustrations and tables are provided throughout the draft to further specify the intent of certain code provisions

1-G Tabulate and Cross-Reference Regulations

A number of tables are provided throughout to cross reference related regulations

Recommendation No. 2: Streamlining Development Review and Approval

2-A Create a Set of Common Procedures for Zoning Administration

Article 502

2-B Reduce Reliance on Council-Level Discretionary Review

Final discretionary approval is delegated to the Planning & Zoning Commission for Development Review Permits (formerly known as Site Plan Reviews) and Conditional Use Permits (with appeal to the City Council if requested by the applicant). A Hearing Officer position is incorporated to provide more discretionary authority on minor requests for deviations from the code that are not considered Variances, and for approval of waivers.

2-C Clarify the Roles of the Planning & Zoning Commission and City Council

See 2-B above

2-D Allow Additional Flexibility to Get Relief from Standards for Infill Development such as in the Heritage District

Considerable flexibility is included in the Mixed Use – Heritage Overlay District to encourage improvements to existing properties and allow for redevelopment of sites not currently served by sewer or other public improvements. The proposed code allows for waivers to encroach into EXISTING building setbacks if the existing Heritage District Design Guidelines are met. Additional use regulations are provided to permit home-based businesses in the Heritage District.

2-E Recognize Differences among Nonconforming Uses and Structures

Article 406 provides a mechanism to classify nonconforming uses with opportunities to expand certain uses and to receive a use permit to allow the continuation of such uses.

2-F Implement a Village Planning Committee Process to Provide Additional Opportunities for Public Input

The Task Force and staff determined the city currently does not have the population, development demands, or geographical complexities to justify a Village Planning Committee organization. However, the Heritage Advisory Committee is established as a standing body in the draft Code. The Committee theoretically functions as a Village Planning Committee tasked with advising on proposals for land use and development in the Heritage District.

Recommendation No. 3: Addressing Mixed Use and Other Development Opportunities

3-A Establish Standards and Incentives for Mixed Use, Urban Villages, and Infill Development

Three mixed use zoning Districts are established in the draft Code: Mixed Use – General (MU-G) Mixed Use - Neighborhood (MU-N), and the Mixed Use – Heritage (MU-) Overlay. These

districts permit considerable flexibility for development of retail, office, residential, and civic uses. Incentives are provided in the code to grant flexibility in site development standards if sustainable elements are provided. The code also allows an increase in density when multifamily uses are proposed with exceptional open space (207.04 B).

3-B Support Future Transit Corridors

Article 302, Transportation Corridor Overlay District, is established to encourage auto-oriented business and development along the major transportation corridors within the City. This overlay is anticipated to extend 150' from the ROW's of John Wayne Parkway, SR 238, and Maricopa-Casa Grande Highway. The goal of this overlay is to encourage and provide for uses that are dependent on high volumes of traffic and visibility, and to encourage indoor operations and clean outdoor uses to create a visually appealing streetscape. The district prohibits certain uses that may conflict with a visually appealing streetscape and community image. The district requires additional attention to landscape and frontage design at the gateways to the City, and encourages the placement of buildings closer to the ROW to be more visible and reduce the need for additional signage along the transportation corridors.

3-C Rethink Buffering and Transitional Requirements to Avoid Constraining Development

The draft Code incorporates the existing buffer requirements contained in the Subdivision Ordinance. The Code also provides building height restrictions in transitions between differing land uses, such as single family homes to mixed use and commercial development.

Recommendation No. 4: Achieving a High Level of Design Quality and Sustainable Practices

4-A Create Design Standards for Residential and Non-Residential Development

Residential Design Guidelines are proposed in conjunction with the draft Code.

Some general building design criteria is incorporated in the development standards of commercial, mixed use, and office uses, such as minimum ceiling heights to accommodate a variety of potential businesses and tenants, and requirements for windows along roadway frontages to encourage visibility into businesses for merchandising, safety, and an inviting pedestrian atmosphere. Landscaped parking areas with clearly defined and shaded pedestrian ways and gathering areas are encouraged.

4-B Require Landscaping that is Appropriate to Development Type and is Environmentally Sustainable

Upon recommendation from the Task Force, the proposed landscape requirements are consistent with the minimum standards of peer communities and are not much different from the City's existing practices. Only drought tolerant landscaping is permitted, however, the new Code permits to consideration of Alternative Landscape Plans.

4-C Mandate Outdoor Living Area and Usable Open Space in Multi-family Residential Development

Article 204.03 G. establishes requirements for Outdoor Living Areas. Open space requirements are reduced from that currently required in the Subdivision Ordinance for the purpose of encouraging multi-family development.

4-D Provide Incentives for Sustainable Design

Article 411

Recommendation No. 5: Promoting Housing Variety and Choice

5-A Allow a Mix of Housing Types Where and When Appropriate

Upon direction from the Task Force, single-family housing diversity requirements are deferred to the existing Subdivision Ordinance requirements for variety of lot sizes. A density bonus incentive is provided in the proposed PAD Zoning District to encourage multifamily development. The proposed Mixed-Use Districts also provide for live/work housing and residential over commercial and office uses.

5-B Create a New Zoning District or New Regulations for Small-Lot Single-Family Development

Article 202.03 D provides standards for clustered housing.

5-C Create More Housing Choice with a Density Bonus Program

The City has no land specifically designated for High Density Residential (>6 du/ac) in the current General Plan. The majority of the City's approved PAD zoning provides for single family residential with some opportunities for cluster detached and attached housing. Staff determined the inclusion of 207.04 B, which allows an increase in density if multi-family is proposed in a PAD, is the best opportunity to encourage increased density and alternative housing types in compliance with the current General Plan.

5-D Allow Upgrades to Older Residential Properties (Manufactured Homes)

Article 202.04 of the draft Code establishes a Manufactured Home Park (RMHP) Zoning District with contemporary development standards. Also, the Mixed Use – Heritage Overlay District allows for improvements to existing homes that are legal nonconforming due to their location into the existing minimum building setbacks.

Recommendation No. 6: Supporting Economic Growth

6-A Provide Incentives for Job-Generating Uses

The proposed Zoning code provides two new zoning districts designed to encourage development of new employment space. The General Office (GO) zoning district and Industrial Park (IP) districts are designed to accommodate large scale employers. These districts provide minimal development standards and design criteria to make it easy to develop, and allow needed flexibility in use and building type. Additionally, all industrial zoning districts have very limited development regulations, with incentives to provide sustainable development features.

The majority of business licenses in Maricopa are for home occupations. The proposed home occupation standards have been greatly relaxed relative to the existing code and the regulations of our peer communities. The home occupation criteria permits a limited amount of employees unrelated to the home occupant with an opportunity to expand with approval of a use permit. Other opportunities for affordable business space are included in the Mixed Use - Heritage Overlay District to meet the current demands for commercial space as well as encourage investment into older areas of the community.

Additional flexibility is also provided to allow retailers the ability to have outdoor displays and hold special outdoor sales events, farmers markets, and outdoor seasonal sales.

6-B Allow Limited Commercial Development in Appropriate Residential Districts

The rural zoning districts permit convenience markets and other rural oriented business uses. The residential districts allow small family daycare facilities (in addition to home daycare), Convenience

Markets less than 2,500 sq ft with no sales of alcohol, Supportive and Transitional Housing facilities, and Senior Care facilities.

6-C Create Mixed-Use Districts

Three mixed use zoning Districts are established in the draft Code: Mixed Use – General (MU-G) Mixed Use - Neighborhood (MU-N), and the Mixed Use – Heritage (MU-) Overlay.

6-D Create a Planned Development Base District

See Article 207 Planned Area Development District and procedures for establishing said district in Article 510

6-E Provide for the Adoption of Development Agreements for Large, Employment-Generating Uses

Upon further review, staff determined the best option for the City is to exclude provisions to regulate Development Agreements from the Zoning Ordinance. The City has the greatest flexibility to authorize Development Agreements under statute, no further policy is necessary at this time.

ZONING CODE REWRITE TASK FORCE

The Zoning Code Rewrite Task Force provided review and guidance on the annotated outline and draft “Code Modules” to steer the initial draft of the Zoning Code. The draft Modules, Task Force meeting materials, and all comments received through the process are available on the Zoning Code rewrite website (<http://www.maricopa-az.gov/zoningcode/>) documents page and listed under the meetings dates they are discussed (or introduced.) Please refer to the proceeding meeting following the Module introduction for the comments received on each respective module. For quick reference, meeting dates and topics are as follows:

April 3 & May 1, 2013 – *Diagnosis & Evaluation Working Paper*

June 5, 2013 – Annotated Outline and Module 1, Part 1: Base and Overlay District Regs. (Series 200 & 300 of current draft code)

June 26, 2013 – Module 1, Part 2: Standards for Special Uses and Development Standards (Series 410-412 of current draft code, see also Oct 30th, below)

July 24, 2013 – Module 2: Administration & Permits (Series 500 of current draft code)

August 14, 2013 – Module 3: Regulations Applying in Multiple Districts (Series 400-409 of current draft code)

Sept 25, 2013 – Discussion on Module 3 (Series 400-409)

Oct. 16, 2013 – Residential Development Standards & Arch Guidelines discussion

Oct. 30, 2013 – Standards for Specific Uses (Series 200 & 300 permitted uses tables and 410-412)

The resulting draft Zoning Code was released in February 2014 and was introduced at two Open House events. Upon Task Force review and discussion, three revisions of the draft code were prepared. The Task Force meetings and comments for each draft are as follows:

March 5, 2014 – Public Review Draft v1, dated February, 2014

May 7, 2014 – Public Review Draft v2, dated April 16th, 2014

June 11 and August 6, 2014 – Public Review Draft v3, dated June 2, 2014

On August 6, 2014 the Zoning Code Rewrite Task Force unanimously recommended the City Council approve the Zoning Code and design guidelines included with this agenda item.

HERITAGE ADVISORY COMMITTEE

On May 8, 2014 the Heritage Advisory Committee recommended the City Council adopt the Mixed – Use Heritage Overlay District (MU-H) as provided in Ordinance 14-12.

PLANNING & ZONING COMMISSION

On August 21, 2014 the Planning & Zoning Commission initiated the current Public Hearing Draft for text amendment and Public Hearing. On September 22, 2014 the Commission held a public hearing on Ordinance 14-12 and received no public comment. The Commission recommended the City Council approve the Zoning Code and design guidelines, which are identified in your agenda as follows:

- ORD #14-12 & RES #14-36: “Article 16 City of Maricopa Zoning Code”
- RES #14-44: Single Family Residential Design Guidelines
- RES #14-45: Heritage District Design Guidelines
- RES #14-46: Design Standards for Wireless Communication Facilities

STAFF

Staff recommends that the Mayor and City Council formally adopt Ordinance 14-12 City of Maricopa Zoning Code by reference as Article 16 of the Maricopa City Code, authorizing the Development Services Director to make administrative corrections to scrivener’s errors as identified from time to time and providing for severability and the effective date thereof.

Staff recommends the City Council adopt the Single Family Design Guidelines, RES #14-44. Staff also recommends the City Council re-adopt the Design Standards for Wireless Communication Facilities (unchanged from the prior adoption of Article 36 Wireless Communication Facilities Ordinance,) RES #14-46, and the Heritage District Design Guidelines (which is updated by removing the comment cards previously included in the document,) RES #14-45.

- Attachments: A) *Community Kickoff Workshop and Stakeholders Interview Report*
B) *Diagnosis and Evaluation Working Paper*