

## Article 303 Mixed Use – Heritage Overlay District

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### Sections:

303.01	Purpose
303.02	Land Use Regulations
303.03	Development Standards
303.04	Review of Plans

### **303.01 Purpose**

The purpose of the Mixed Use - Heritage Overlay District is to:

- A. Promote pedestrian-oriented infill development, intensification, and reuse of land consistent with the General Plan and the Heritage District Redevelopment Area Plan;
- B. Implement the Heritage District Design Guidelines to develop a strong identity as a mixed use urban core for the City which reflects the rich culture and historical character of Maricopa;
- C. Encourage diverse, and attractive redevelopment to support a mix of residential, pedestrian, and neighborhood serving uses in order to achieve an active social environment within a revitalized streetscape while also respecting the existing character;
- D. Encourage investment in adequate public facilities through quality redevelopment and improvements;
- E. Offer additional housing opportunities for residents seeking to live and work in an urban environment; and
- F. Ensure that new development and redevelopment are designed to minimize traffic, parking and impacts on surrounding residential neighborhoods, and create walkable environments.

More specifically, this Overlay District is intended to allow for the transformation of the Heritage District into a vibrant, pedestrian-oriented, mixed use neighborhood, consistent with

the Redevelopment Area Plan, the Heritage District Design Guidelines, and mixed use development standards. The adaptive reuse of existing buildings for residential and commercial uses is supported with a focus on active home based businesses, storefronts, and where viable, upper-floor residences and pedestrian- and transit-oriented development that encourages pedestrian activity and connectivity to adjacent areas. New construction will be designed to be compatible with the Heritage District Design Guidelines in terms of size, scale, materials, and details, and a broad range of residential and commercial uses is allowed. Standards will create high quality building design, ensure compatibility in land use and building form, and support mixed commercial and residential uses.

### 303.02 Land Use Regulations

Table 303.02 below prescribes the land use regulations for the MU-H Overlay District. The regulations are established by letter designations as follows:

"P" designates permitted uses.

"A" designates use classifications that are permitted after review and approval of an Administrative Use Permit.

"C" designates use classifications that are permitted after review and approval of a Conditional Use Permit by the Planning & Zoning Commission.

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table.

"X" designates uses that are not permitted.

<b>Table 303.02 Mixed Use – Heritage Overlay District Land Use Regulations</b>		
Use	MU-H	Additional Standards
<b>Agricultural</b>		
Animal and Crop Production		
Urban Agriculture	P	
<b>Residential</b>		
Single Unit Dwelling	P(1)	
Multiple Unit Dwelling	P(2)	
Senior and Long-term Care	C	
<b>Family Day Care</b>		
Small	C	Section 410.11, Family Day Care Facilities
Large	C	
Residential and Group Care Home	A	Section 410.24, Residential and Group Care Homes
Supportive Housing	C	Section 410.27, Supportive and Transitional Housing Facilities
Transitional Housing	C	

Public and Semi-Public		
Community Assembly	A	Section 410.07, Community Assembly
Cultural Facilities	A	
Child Care Centers	P	
Government Buildings	P	
Hospitals and Clinics		
Clinic	A	Section 410.13, Hospitals and Clinics
Parks and Recreation Facilities, Public	P	
Public Safety Facility	P	
Social Service Facility	P	
Commercial		
Animal Sales, Care and Services		
Animal Sales and Grooming	P	Section 401.03, Animal Keeping
Small Animal Day Care	P	
Banks and Financial Institutions		
Banks and Credit Unions	P	
Non-Institutional Banking	C	Section 410.20, Non-Institutional Banking
Business Services	P	
Commercial Entertainment and Recreation		
Small Scale Facility	A	
Theaters	C	
Club or Lodge	A	
Eating and Drinking Establishments		
Bars and Lounges	A	Section 410.03, Alcoholic Beverage Sales Section 410.10, Eating and Drinking Uses Section 410.19, Outdoor Dining and Seating
Restaurants, Full Service	P	Section 410.03, Alcoholic Beverage Sales Section 410.10, Eating and Drinking Uses Section 410.19, Outdoor Dining and Seating
Restaurants, Limited Service (including Fast Food)	P	Section 410.03, Alcoholic Beverage Sales Section 410.10, Eating and Drinking Uses Section 410.19, Outdoor Dining and Seating
Restaurant, Take Out Only	P	Section 410.03, Alcoholic Beverage Sales Section 410.10, Eating and Drinking Uses Section 410.19, Outdoor Dining and Seating
Food and Beverage Sales		
Convenience Market	P	Section 410.03, Alcoholic Beverage Sales
General Market	P(4)	
Liquor Store	C(3)	
Specialty Food Sales and Facilities	P	
Instructional Services	P(2)	
Live-Work Quarters	P(2)	Section 410.14, Live/Work Units
Lodging		
Hotel and Motels	P	
Maintenance and Repair Services	P(3)	
Mobile Food Vendor	A	Section 410.17, Mobile Food Vendor
Office		
Business and Professional	P	

Medical and Dental	P	
Walk-In Clientele	P	
Personal Services		
General Personal Services	P	Section 410.21, Personal Services and Restricted Personal Services (A); Section 410.25, Restricted Retail Uses
Restricted Personal Services	X	
Retail Services		
General Retail, Small Scale	P	(A); Section 410.25, Restricted Retail Uses
General Retail, Large Scale	X	
Industrial		
Artists Studio and Production	P	
Bus/Rail Passenger Facility	P	
Transportation, Communication, Utility		
Communication Facilities		
Antennas and Transmission Towers	P	Article 412, Telecommunication Facilities
Facilities within Buildings	P	
Recycling Facility		
Recycling Collection Facility	P	Section 410.23, Recycling Facilities
Utilities		
Minor	P	
Accessory Uses	Subject to the same permitting requirements of the principal use unless additional review is established in Section 410.01, Accessory Uses. Home-based businesses also are subject to the additional requirements of (C) below.	
Temporary Uses	Requires a Temporary Use Permit, unless exempt; see Section 410.26, Temporary Uses	
Nonconforming Uses	Article 406, Nonconforming Uses & Structures	
1. Pre-existing lots only. 2. Non-Residential uses on ground floors only unless approved by the decision-making body. 3. Small-scale, less than 1,000 square feet. 4. Less than 40,000 square feet.		

A. **Outdoor Retail Sales and Merchandise Display.**

1. **Location.** Outdoor retail sales and merchandise displays shall not obstruct ingress and egress to a building, obstruct fire lanes, interfere with vehicular circulation or sight distance, or be located in landscaped areas. Outdoor retail sales and merchandise display areas shall be adjacent to the structure containing the business selling the merchandise.
2. **Maximum Area.** Outdoor retail sales and merchandise displays shall not exceed five percent of the total gross floor area of the business, or 200 square feet, whichever is less.
3. **Height.** Display merchandise shall not exceed a height of six feet above finished grade.

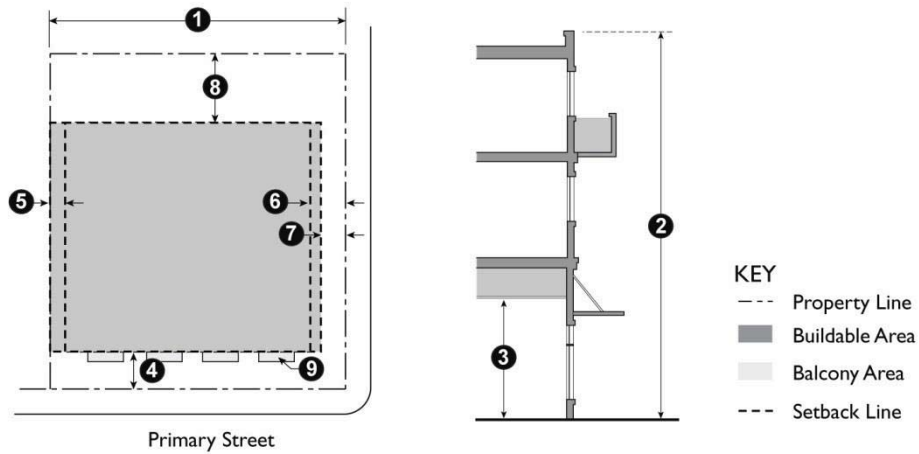
B. **Temporary Use of Parking Area.** The temporary use of a parking area for sales and display is permitted, subject to 410.26 of this Code.

- C. **Home-based Business.** Home-based businesses may be permitted administratively within the MU-H Overlay District. Home-based businesses are not home occupations and may consist of on-site employees and a limited number of visits from clients, patrons, and deliveries related to the business. The business operation is not limited to a certain amount of floor or lot area unless conditionally approved with such limitations. The Zoning Administrator may approve or conditionally approve a home-based business, subject to providing minimum necessary site improvements. These improvements may consist of screen walls for approved outdoor storage areas, frontage and screen buffer landscaping and irrigation, dust-proof surfacing for driveways walkways and other exterior areas, and on-site parking and maneuvering improvements necessary to accommodate and serve the proposed home-based business.
1. All home-based business uses are subject to the land use regulations in Table 204.02.
  2. The owner or operator of the home-based business is not required to be a full-time resident of the home.
  3. The Zoning Administrator shall consider the nature of the proposed use, the number of proposed on-site employees, and the proposed hours of operation to determine necessary conditions of approval. The Zoning Administrator may require neighbor notification when outdoor business activities are proposed or if it is determined the proposed use has the potential to disrupt the existing character of the surrounding properties.
  4. Home-based businesses are permitted to have one professionally made ground mounted sign not to exceed 3.5 feet in height and 12 square feet in area.

### 303.03 Development Standards

Table 303.03, below, prescribes development regulations for the MU-H Overlay District. The first three columns establish minimum requirements for permitted and conditional uses. Letters in parenthesis in the “Additional Standards” column refer to regulations following the schedule. The letter “Y” in the district column means that the Additional Standard applies. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table. Regulations applicable to multiple districts are in the 400 Series.

**TABLE 303.03: DEVELOPMENT STANDARDS - MIXED USE – HERITAGE OVERLAY DISTRICTS**



Use	Type	Additional Standards	#
	MU-H		
Lot and Density Standards			
Minimum Lot Area (s/f)	7,000		
Minimum Lot Width (ft.)	50		1
Maximum Density (Units/net acre)	24		
Maximum Floor Area Ratio (FAR)	1.2	(A)	
Building Form and Location			
Maximum Building Height (ft.)	40		2
Minimum Building Height (stories)	2		
1 <sup>st</sup> Floor Ceiling Height, Non-residential Uses (ft. clear)	12		3
Minimum Setbacks (ft.)			
Front	10		4
Interior Side, Residential Uses Only	5	(B)	5
Interior Side	0	(B)	5
Street Side	10	(C)	7
Rear	20	(B)	8
Maximum Front Setback (ft.)	20	(D)	
Location of Parking	Y	(E)	
Other Standards			
Building Design	Y	(F)	
Outdoor Living Area (s/f per unit)	100	(G)	9
Outdoor Storage	N	(H)	
Sewer Service and Adequate Public Facility	Y	(I)	

<b>TABLE 303.03: DEVELOPMENT STANDARDS - MIXED USE – HERITAGE OVERLAY DISTRICTS</b>			
Participation Agreements			
Transitions	Y	(J)	
Transparency for Ground-floor Frontages, Non-Residential Uses	Y	(K)	
<b>Additional Standards</b>			
Accessory Structures		Section 401.02, Accessory Building or Structures	
Exceptions to Height Limits		Section 401.08, Exceptions to Height Limits	
Fences and Walls		Section 401.09, Fences and Freestanding Walls	
Landscaping		Section 404, Landscaping	
Lighting		Article 405, Lighting	
Off-Street Parking and Loading		Article 407, On-Site Parking and Loading	
Outdoor Storage		Section 401.10, Outdoor Storage	
Projections into Required Setbacks		Section 401.04, Building Projections into Yards	
Screening		Section 401.11, Screening	
Signs		Article 409, Signs	
Swimming Pools		Section 401.12, Swimming Pools and Spas	
Visibility at Driveways		Section 401.15, Visibility at Intersections and Driveways	

- A. **Increased FAR for Mixed Use Buildings.** The maximum allowable FAR may be increased by up to 25 percent for buildings that contain a mix of residential and non-residential uses through the provision of one or more of the following elements beyond what is otherwise required, subject to Conditional Use Permit approval:
1. Car-share or electric car facilities;
  2. Additional public gathering space or contribution to a city parks fund supporting new or improved public parks within walking distance;
  3. Provision of off-site improvements. This may include off-site amenities and/or infrastructure (other than standard requirements and improvements) such as pedestrian or right-of-way improvements, public safety facilities, libraries, senior centers, community meeting rooms, or child care; and
  4. Provision of green roofs, solar panels, and other green building measures.
- B. **Required Side and Rear Yards for Residential Uses.** In order to provide light and air for residential units and additional separation for rooms that contain areas that require additional privacy considerations, the following minimum setbacks apply to any new building wall containing windows and facing an interior side or rear yard. When the site is adjacent to a Residential Use, the project must comply with whichever standard results in the greater setback. The required setbacks apply to that portion of the building wall containing and extending three feet on either side of any window.

1. For any wall containing living room or other primary room windows, a setback of at least 15 feet shall be provided.
  2. For any wall containing sleeping room windows, a setback of at least 10 feet shall be provided.
  3. For all other walls containing windows, a setback of at least five feet shall be provided.
- C. **Reduced Street Side Setback.** Along local streets only, the street side setback may be reduced to five feet from the lot line if the setback area is completely landscaped.
- D. **Maximum Building Setbacks.** The street-facing facades of buildings must be located no farther from street-facing property lines than the maximum setback distance specified in Table 303.03. The following additional provisions apply:
1. **Corner Properties.** Where a property fronts on two or more streets, the maximum setback shall be met according to the following provisions.
    - a. *Frontage on Two Primary Streets.* New buildings on sites with frontage on two streets may be constructed to the maximum setback line on both frontages.
    - b. *Frontage on Three or More Streets.* Properties with frontage on three or more streets must build to the maximum setback lines of at least two of the streets.
  2. **Sites with More than One Building.** Where there is more than one building on a site, the maximum setback standard must be met for at least 50 percent of the combined ground-level, street-facing facades of all buildings.
  3. **Building Additions.** For any addition to a building that increases the width of a street-facing facade, 100 percent of the addition must be located on or within the maximum setback until the maximum setback standard for the entire building is met, or as otherwise recommended by the Zoning Administrator to meet the intent of this Code.
  4. **Exceptions to Building Placement Requirements.** The following exceptions to the build-to requirement are permitted.
    - a. *Articulated Building Street Face.* Where a portion of the building is set back from the maximum setback to provide an entry or other feature creating variation in the facade, the total area of the space created by the setback must be less than the area of one square foot per linear foot of building frontage.
    - b. *Outdoor Eating Areas.* Where an outdoor eating area will be installed on the street frontage, a portion of the building may be set back up to 12



feet farther than the maximum setback line, if at least 40 percent of the building facade is at the setback line.

- c. *Residential Uses.* For buildings or portions of buildings that are in residential use, open porches located at or within the maximum setback shall count toward meeting the requirement if such porches are at least 10 feet wide and six feet deep.
- E. **Location of Parking.** On-site parking areas shall be set back a minimum of 25 feet from streets. Exceptions may be granted for short-term customer parking and drop-off spaces and for pre-existing uses.
- F. **Building Design and Signage.** In the MU-H Overlay District, the Heritage District Design Guidelines apply and all additions, new development, and rehabilitation of existing structures and commercial business are subject to review and recommendation of compliance by the Heritage District Advisory Committee to determine whether the Guidelines have been met. In addition, the exterior design of all buildings, including all facades and all signage, shall be coordinated with regard to color, materials, architectural form, and detailing to achieve design harmony, continuity, and horizontal and vertical relief and interest.
- G. **Outdoor Living Areas.** As part of the open space required by the Subdivision Ordinance, private or common areas for outdoor living shall be provided for upper-level residential units. Outdoor living areas include balconies, decks, common open space, and rooftop open space.
  - 1. ***Minimum Dimensions.***
    - a. *Private Open Space.* Private open space located above ground level (e.g., balconies) shall have no horizontal dimension less than six feet.
    - b. *Common Open Space and Rooftop Open Space.* Common open spaces and rooftop open spaces with a minimum horizontal dimension of 20 feet shall count towards the open space calculation.
  - 2. ***Minimum Area Required - Private Open Space.***
    - a. 100 square feet per unit.
    - b. The amount of outdoor living area provided for individual units may vary based on unit size and location within a project, as long as the average area per unit meets the applicable standard, or as acceptable by the Zoning Administrator to meet the intent of this ordinance.
- H. **Outdoor Storage.** Outdoor storage areas for non-residential uses shall be only for retail and live/work uses and shall comply with the following requirements.

1. **Area.** Five percent of the gross floor area of the use or 200 square feet, whichever is less.
  2. **Hours.** Outdoor storage during business hours only.
- I. **Sewer Service and Adequate Public Facility Participation Agreements.** Sites within the MU-H Overlay District shall be permitted to develop or redevelop only after the Owner agrees in writing to participate in paying its proportionate share of public facility improvement costs, including sanitary sewer services, in a manner acceptable to the City Engineer.
1. The City Engineer may require financial guarantees in the form of bonds or letters of credit or allow payment of fees in lieu to participate in paying the proportional cost of adequate public facilities to serve the site proposed for development.
  2. The City Engineer may approve interim solutions, such as on-site waste water treatment facilities, in lieu of providing sanitary sewer service, should Pinal County Health Department permit such interim solution.
  3. All requests for improvements to existing residential properties within the MU-H Overlay District that do not include a commitment or assurance to participate in a proportionate share of the public facility improvements shall conform to the Base Zoning District development standards for setbacks, lot coverage and other requirements.
    - a. The Hearing Officer may approve a waiver to encroach into the required setback area or exceed the lot coverage established for the Base Zoning District for additions and improvements which: 1) conform to the Heritage District Design Guidelines; 2) comply with current Pinal County Health requirements for improving existing septic systems to accommodate the proposed improvements; 3) meet outdoor screening and storage requirements of this Code; and 4) comply with the minimum development standards of the most comparable residential zone of this Code based on existing lot size and dimensions. The GR District development standards shall be applied for all existing lot or parcel greater than 35,000 square feet.
- J. **Transitional Standards.** Where this Overlay District adjoins an interior lot line in a RS District, the following standards apply:
1. The maximum height within 30 feet of an RS District is 30 feet. From this point, the building height may be increased one foot for each additional foot of upper story building setback to the maximum building height.
  2. The building setback from an RS District boundary shall be 25 feet for interior side and rear yards.

- K. **Transparency on Ground Floor Frontages for Non-Residential Uses.** Windows, doors, or other openings shall be provided for at least 50 percent of the building wall area located between three and seven feet above the elevation of the sidewalk. No wall may run in a continuous plane for more than 20 feet without an opening. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
1. ***Exception for Structured Parking Facilities.*** Multi-level parking garages, where permitted, are not required to meet the ground-floor transparency requirement.
  2. ***Sites with Multiple Buildings.*** On sites that contain multiple buildings, the building ground-floor transparency requirement does not need to be met along street-facing facades of buildings that are located behind other buildings and not visible from the adjacent public street.
  3. ***Reduction through Development Plan Review.*** The transparency requirement may be reduced or waived by the Zoning Administrator upon finding that:
    - a. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater or communications facility; and
    - b. Street-facing building walls will exhibit architectural relief and detail, or will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.
- L. **Truck Docks, Loading, and Service Areas.** Truck docks, loading, and service areas are not permitted within 25 feet of the boundary of any Residential District. In addition, such loading and service areas must be located on the side or rear of buildings, and may not face a public street or a private street functioning as a public road.
- M. **Pedestrian Access.** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, to sidewalks, and to any on-site open space areas or pedestrian amenities. Direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.
1. Walkways shall be a minimum of six feet wide, hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
  2. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.

3. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb, bollards, or other physical barrier.

#### **303.04 Review of Plans**

Permit and review procedures shall follow the standards and approval criteria in the 500 Series, Administration and Permits.



EXHIBIT: MIXED-USE HERITAGE DISTRICT OVERLAY

