



ZONING CODE REWRITE

Module 1, Part 2 and Module 2 Discussion

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July 24, 2013

PRESENTATION AGENDA

- 1. Review Comments and Responses related to Proposed Annotated Outline and Module 1: Part 2 Standards for Special Uses and Development Standards**
 - Policy issues identified by City Staff*
 - Additional issues or concerns*
- 2. Presentation – Module 2: Administration & Permits**
- 3. Task Force Discussion**
- 4. Next Steps; Public Comment**



1 Home Occupations

- **Issue: Prohibiting employees in home based businesses**
 - *Many peer communities do this or restrict the number of non-resident employees or independent contractors to one. We recommend retaining as “best practices”, or allowing only one individual, as having 2 or more employees on-site may not be compatible with promoting a residential environment because of parking issues and related activity that this would create*
- **Issue: Restriction of direct sales or exchange from the premises is onerous and should be struck from the code**
 - *We recommend retaining as “best practices” to protect neighborhoods from too much commercial activity*
- **Issue: Traffic and Parking language should be deleted from the code**
 - *We recommend retaining as “best practices”, but could envision deleting if no more than one employee or independent contractor were permitted on-site*



2 Housing Diversity

- **Issue: Variety of lot sizes and clustering options**
 - *Proposed Code would allow for Small Lot Subdivisions*
 - *Table 3 has draft development standards*
 - *Design criteria for review and approval also proposed*
- **PAD Diversity requirements**
 - *Apply to large projects, over 500 lots*
 - *10% of lots at least 20% larger than median size*
 - *10% of lots for attached housing or variations from conventional housing types/lots (e.g. lots less than 6,000 sq.ft.)*



3 Separation Requirements

- **Issue: Current standard distance from sensitive uses is 500 feet**
 - *Specific spacing can vary; idea is to establish a reasonable distance between like uses and from sensitive uses*
 - *Could increase this requirement to 1,000 feet*
- **Issue: Parking spaces/security staff ratio**
 - *May make more sense to delete provision and rely on Police Department for security and enforcement*
- **Issue: Instead of “Minimum Separation” allow clustering**
 - *Task Force Policy; City Staff and consultants prefer a separation standard*



3 Separation Requirements (continued)

- **Issue: Size limits for Adult oriented businesses**
 - *Limiting the square footage is an option; courts generally uphold spacing and location criteria, and limitations on signage and exterior displays more often than outright size limits*
- **Issue: Off-Track Betting Establishments (OTB)**
 - *Possibility of no separation/keeping OTBs in clusters or all in one district is a potential alternative*
 - *Should OTB be prohibited or regulated, and to what extent?*
 - *Could just be allowed as an accessory use, similar to the Mesa code, and City business licensing requirements can be adopted for this use*



4 Transitions

- **Issue: Manufactured Home Parks**
 - *Allow replacement or upgrading of mobile homes to enable continued use as affordable housing*
 - *Don't set "sunset" clauses to force upgrading in the Code; this is a General Plan policy issue.*
- **Issue: Transitions Adjacent to RS Zones/ RS and inclusion of rural zones**
 - *Can expand rules to apply to and protect rural zones and establish reasonable transition and buffering requirements*



4 Transitions (continued)

- **“45 degree daylight plane”**
 - *Definitions and illustrations will be included*
 - *Possibility of using the concept of “a 20-foot maximum height within 20 feet of a single-family residential zone, which height may be increase one foot for each additional one foot of upper story building setback to the maximum permitted height”*



5 Live/Work Space

- **Language will be added to this section to clarify that live/work units can be all “live” but not all “work”**
- **Issue: Leasing spaces to non-residents**
 - *Allowing for “subdivision” and leasing of portions of a Live/Work unit could become problematic on upper floors as it is formally introducing a commercial component into a mixed use setting, which could cause conflicts with neighbors*
 - *Not normally offered in peer communities*
 - *Could allow for ground floor uses/occupations (sale or rental separately)*



6 Day Care

- **Issue: 300 foot separation**
 - *Minimizes on street parking and circulation conflicts with drop-off and pick-up activities and ensures neighborhood character*
- **Issue: Time restrictions**
 - *Restrictions for outdoor activities will be 7:00am - 8:00pm to match existing codes governing concrete trucks and heavy equipment through residential areas*
- **Issue: Hours**
 - *More flexible time frames will accommodate parents who commute to work*
- **Issue: Day Care as a standalone facility**
 - *Code will not allow new Day Care Centers in GC or SC zoned strip centers, which are on major transportation corridors*



7 Multi-family Design Standards

- **Issue: Building entrances/Orientation requirements are too restrictive**
 - *Since the City has not had much multi-family housing built, providing design guidance in terms of orientation and related site planning to the street may be helpful to integrate projects into neighborhoods*
 - *Language could be softened to suggest orientation to local and collector roads to implement the idea of street fronting architecture and pedestrian orientation*



8 Other Issues

- **Issue: Calculating density in PADs**
 - *More flexibility is provided with a gross density, without deducting land for street, washes, and drainage*
 - *Code to be revised accordingly*
- **Issue: Vehicle Sales Restricted to Dealer Lots**
 - *Will include clarification that offering multiple cars for sale is not acceptable, but individual sales are not prohibited*



Additional Topics

- **Issue: Garage Sales - two per year is too limiting**
 - *8 per year seems like too many*
 - *City Staff and consultants prefer 4 per year*
- **Issue: Subdivision regulations and the new Zone Code**
 - *Will revise zoning to avoid conflicts with other regulations*
 - *Will recommend revisions where appropriate, but in the event of a conflict, the more restrictive code should apply*



PART 2: OTHER ISSUES?



Module 2: Administration and Permits



Review Authorities

- **City Council**
- **Planning & Zoning Commission**
- **Board of Adjustment**
- **Development Services Director**
- **Hearing Officer**
- **Zoning Administrator**
- **Heritage District Advisory Committee**
- **Technical Advisory Committee**
- **Other Agencies**



Review Authority

TABLE 501.11: REVIEW AUTHORITY				
<i>Application or Action</i>	<i>Article</i>	<i>Advisory Body</i>	<i>Decision-Maker</i>	<i>Appeal Body</i>
Ministerial Actions				
Zoning Permit	503	n/a	Zoning Administrator	Board of Adjustment*
Minor Changes to an Approved Use Permit	503	n/a	Zoning Administrator	Board of Adjustment
Discretionary Quasi-Judicial Actions				
Minor Use Permit	503	n/a	Hearing Officer	Board of Adjustment
Temporary Use Permit	503	n/a	Hearing Officer	Board of Adjustment
Conditional Use Permit	503	Hearing Officer	Planning & Zoning Commission	City Council
Development Review Permit <i>Major (5Ks/f+)</i> <i>Minor</i>	504	<i>Major:</i> Development Services Director <i>Minor:</i> n/a	<i>Major:</i> Planning & Zoning Commission <i>Minor:</i> Zoning Administrator	<i>Major:</i> City Council <i>Minor:</i> Board of Adjustment
Changes to an Approved Development Review Permit	504	Development Services Director	<i>Major:</i> Planning & Zoning Commission <i>Minor:</i> Zoning Administrator	<i>Major:</i> City Council <i>Minor:</i> Board of Adjustment
Waiver from Dimensional Standards	506	Zoning Administrator	Hearing Officer	Board of Adjustment
Variances	505	Zoning Administrator	Hearing Officer	Board of Adjustment
Permit Revocation	502	Zoning Administrator	Original decision-making body	n/a
Heritage Area Development Permit	501	Heritage District Advisory Committee	<i>Major:</i> Planning & Zoning Commission <i>Minor:</i> Zoning Administrator	<i>Major:</i> City Council <i>Minor:</i> Board of Adjustment
General Plan Text and Map Amendments	507	Planning & Zoning Commission	City Council	Superior Court
Zoning Code and Map Amendments	508	Planning & Zoning Commission	City Council	Superior Court
Planned Development Districts	509	Planning & Zoning Commission	City Council	Superior Court



Common Procedures

- **Application Submittal and Preliminary Review**
- **Neighborhood Notification and Meetings**
- **Multiple Applications**
- **Conduct of Public Hearings**
- **Ex Parte Communications**
- **Findings Required**
- **Conditions of Approval**
- **Effective Dates; Modifications**
- **Revocation of Permits**
- **Appeals**
- **Interpretations and Determinations**



Notification Requirements

TABLE 502.06: NOTIFICATION REQUIREMENTS					
Application or Action	Article	Decision-Making Body	Type of Notice	Notice Requirements	Applicable Projects
Zoning Permit	503	Zoning Administrator	Notice of Pending Action	<u>Mailed</u> : 10 days, 300 ft owners and occupants <u>Poster</u> : 10 days before final action <u>Ad</u> : n/a	All projects permitted 'as-of-right'; labeled "P" <u>Note</u> : Project may be subject to Design Review and other requirements
Minor Changes to an Approved Use Permit	503	Zoning Administrator	n/a	n/a	Alterations that result in a de minimis change as determined by the Zoning Administrator
Minor Use Permit	503	Hearing Officer	Notice of Pending Action <i>If Hearing Requested:</i> Hearing Notice	<u>Mailed</u> : 10 days, 300 ft owners and occupants <u>Poster</u> : 10 days before final action <u>Ad</u> : 10 days <i>If Hearing Requested:</i> <u>Mailed</u> : 15 days, 300 ft owners and occupants <u>Poster</u> : 15 days <u>Ad</u> : 15 days	All projects subject to a MUP; labeled "M"
Conditional Use Permit	503	Planning & Zoning Commission	Hearing Notice	<u>Mailed</u> : 15 days, 300 ft owners and occupants <u>Poster</u> : 15 days <u>Ad</u> : 15 days	All projects subject to a CUP; labeled "C"
Temporary Use Permit	503	Hearing Officer	Notice of Approval	<u>Mailed</u> : 10 days, 300 ft owners and occupants <u>Poster</u> : 7 days after permit issued <u>Ad</u> : n/a	All projects requesting a Temporary Use Permit



Notification Requirements

Development Review Permit	504	<i>Major:</i> Planning & Zoning Commission	<i>Major:</i> Hearing Notice	<i>Major:</i> <u>Mailed:</u> 15 days, 300 ft owners and occupants <u>Poster:</u> 15 days <u>Ad:</u> 15 days	<i>Major:</i> <ul style="list-style-type: none"> Projects over 5,000 s/f Façade Alterations more than 10% of surface area Otherwise required by Code
		<i>Minor:</i> Zoning Administrator	<i>Minor:</i> Notice of Pending Action	<i>Minor:</i> <u>Mailed:</u> 10 days, 300 ft owners and occupants <u>Poster:</u> 10 days before final action <u>Ad:</u> 10 days	<i>Minor:</i> <ul style="list-style-type: none"> Projects under 5,000 s/f or 20% of existing building area Façade Alterations more than 10% of surface area <p>Otherwise required by Code</p>
Changes to an Approved Development Review Permit	504	<i>Major:</i> Planning & Zoning Commission	<i>Major:</i> Hearing Notice	<i>Major:</i> <u>Mailed:</u> 15 days, 300 ft owners and occupants <u>Poster:</u> 15 days <u>Ad:</u> 15 days	
		<i>Minor:</i> Zoning Administrator	<i>Minor:</i> Notice of Pending Action	<i>Minor:</i> <u>Mailed:</u> 10 days, 300 ft owners and occupants <u>Poster:</u> 10 days before final action <u>Ad:</u> 10 days	
Waiver from Dimensional Standards	506	Hearing Officer	Notice of Pending Action	<u>Mailed:</u> 10 days, 300 ft owners and occupants <u>Poster:</u> 10 days before final action <u>Ad:</u> n/a	All Waiver Applications
Variances	505	Hearing Officer	Hearing Notice	<u>Mailed:</u> 15 days, 300 ft owners and occupants <u>Poster:</u> 15 days <u>Ad:</u> 15 days	All Variance Applications



Notification Requirements

Permit Revocation	502.14	Original decision-making body	Hearing Notice	<p><u>Mailed</u>: 15 days, 300 ft owners and occupants</p> <p><u>Poster</u>: 15 days</p> <p><u>Ad</u>: 15 days</p>	All Revocations
Heritage Area Development Permit	501	<p><i>Major:</i> Planning & Zoning Commission</p>	<p><i>Major:</i> Hearing Notice</p>	<p><i>Major:</i> <u>Mailed</u>: 15 days, 300 ft owners and occupants</p> <p><u>Poster</u>: 15 days</p> <p><u>Ad</u>: 15 days</p>	<p><i>Major:</i></p> <ul style="list-style-type: none"> Projects over 5,000 s/f Façade Alterations more than 10% of surface area Otherwise required by Code
		<p><i>Minor:</i> Zoning Administrator</p>	<p><i>Minor:</i> Notice of Pending Action</p>	<p><i>Minor:</i> <u>Mailed</u>: 10 days, 300 ft owners and occupants</p> <p><u>Poster</u>: 10 days before final action</p> <p><u>Ad</u>: 10 days</p>	<p><i>Minor:</i></p> <ul style="list-style-type: none"> Projects under 5,000 s/f or 20% of existing building area Façade Alterations more than 10% of surface area <p>Otherwise required by Code</p>
General Plan Text and Map Amendments	507	<p><i>Recommendation:</i> Planning & Zoning Commission</p> <p><i>Final Action:</i> City Council</p>	Hearing Notice	<p><u>Mailed</u>: 15 days, 300 ft owners and occupants</p> <p><u>Poster</u>: 15 days</p> <p><u>Ad</u>: 15 days</p>	All General Plan Applications, including those initiated by the City Council or Planning & Zoning Commission
Zoning Code and Map Amendments	508	<p><i>Recommendation:</i> Planning & Zoning Commission</p> <p><i>Final Action:</i> City Council</p>	Hearing Notice	<p><u>Mailed</u>: 15 days, 300 ft owners and occupants</p> <p><u>Poster</u>: 15 days</p> <p><u>Ad</u>: 15 days</p>	All Zoning Code Applications, including those initiated by the City Council or Planning & Zoning Commission
Planned Development Districts	509	<p><i>Recommendation:</i> Planning & Zoning Commission</p> <p><i>Final Action:</i> City Council</p>	Hearing Notice	<p><u>Mailed</u>: 15 days, 300 ft owners and occupants</p> <p><u>Poster</u>: 15 days</p> <p><u>Ad</u>: 15 days</p>	All PAD Applications, including those initiated by the City Council or Planning & Zoning Commission



Appeal Bodies & Time Limits

TABLE 502.15: APPEAL BODIES AND TIME LIMITATIONS

<i>Application or Action</i>	<i>Appeal Submittal Deadline</i>	<i>Decision-Making Body</i>	<i>Appeal Body</i>
Zoning Permit	10 working days	Zoning Administrator	Board of Adjustment
Minor Changes to an Approved Use Permit	10 working days	Zoning Administrator	Board of Adjustment
Minor Use Permit	10 working days	Hearing Officer	Board of Adjustment
Temporary Use Permit	10 working days	Hearing Officer	Board of Adjustment
Conditional Use Permit	20 working days	Planning & Zoning Commission	City Council
Development Review Permit	<i>Major:</i> 20 working days <i>Minor:</i> 10 working days	<i>Major:</i> Planning & Zoning Commission <i>Minor:</i> Zoning Administrator	<i>Major:</i> City Council <i>Minor:</i> Board of Adjustment
Changes to an Approved Development Review Permit	<i>Major:</i> 20 working days <i>Minor:</i> 10 working days	<i>Major:</i> Planning & Zoning Commission <i>Minor:</i> Zoning Administrator	<i>Major:</i> City Council <i>Minor:</i> Board of Adjustment
Waiver from Dimensional Standards	10 working days	Hearing Officer	Board of Adjustment
Variances	10 working days	Hearing Officer	Board of Adjustment
Permit Revocation	n/a	Original decision-making body	n/a
Heritage Area Development Permit	<i>Major:</i> 20 working days <i>Minor:</i> 10 working days	<i>Major:</i> Planning & Zoning Commission <i>Minor:</i> Planning Director	<i>Major:</i> City Council <i>Minor:</i> Planning & Zoning Commission
General Plan Text and Map Amendments	30 working days	City Council	Superior Court
Zoning Code and Map Amendments	30 working days	City Council	Superior Court
Planned Development Districts	30 working days	City Council	Superior Court



Zoning and Use Permits

- **Zoning Permit**
- **Minor Use Permits**
- **Conditional Use Permits**
- **Required Findings**
- **Conditions of Approval**
 - *Limit the hours, days, place and/or manner of operation*
 - *Require site or architectural design features that minimize impacts*
 - *Require landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas*
 - *Designate vehicle access points or parking areas*
 - *Require attritional setbacks and planting if deemed necessary*
 - *Limit building height, size or lot coverage, location on the site*



Zoning and Use Permits (continued)

- **Temporary Use Permits**
- **Protected Uses**
- **Expiration and Extension**
- **Modification**
- **Revocation**
- **Appeals**



Development Review Permit

- **Minor Development Review Permit**
- **Major Development Review Permit**
- **Scope of Development Review**
 - *Building proportions, massing, and architectural details*
 - *Site design, orientation, location and architectural design*
 - *Circulation design and arrangement*
 - *Exterior colors and materials*
 - *Fences, walls and screen plantings*
 - *Location and screening of mechanical equipment & refuse storage*
 - *Location and design of exterior lighting features*
 - *Location and type of landscaping*
 - *Location, type, and materials of all signs*



Development Review Permit (continued)

- **Required Findings**
- **Conditions of Approval**
 - *Modification of materials*
 - *Additional building setbacks*
 - *Additional landscaping*
 - *Height and area limitations of structures*
 - *Limited vehicular access*
 - *Walls, fences and screening devices*
 - *Noise attenuation construction*
- **Expiration and Extension; Modification; Revocation**
- **Appeals**



Variations

- **Public Hearing**
- **Required Findings**
- **Use Variations Prohibited**
- **Conditions of Approval**
 - *Achieve general purposes of Code or specific purposes of the zoning district*
 - *Protect the public health, safety, and general welfare*
 - *Ensure operations and maintenance of use is compatible with existing and potential uses*
- **Expiration and Extension; Modification; Revocation**
- **Appeals**



Waivers and Reasonable Accommodations

- **Procedures for Staff Approval**
- **Required Findings**
- **Conditions of Approval**
 - *Achieve general purposes of Code or specific purposes of zoning district*
 - *Implement the findings for the waiver granted*
 - *Other conditions to ensure compliance with the General Plan*
- **Expiration and Extension; Modification; Revocation**
- **Appeals**



Amendments to General Plan & Zoning

- **Initiation of Amendments**
- **Public Notice and Review Procedures**
- **Public Hearing**
- **Planning & Zoning Commission Action**
- **City Council Action**
- **Findings Required**



Planned Area Development

- **Streamlined Procedures**
- **Required Findings; Conditions of Approval**
- **Expiration and Renewal**
- **Amendments of Approved Plans**
 - *Changed Plans*
 - *Major Amendments*
 - *Minor Amendments*
 - *Pre-Existing PAD Modifications*
 - Changes in phasing
 - Changes in the location of a school site
 - Changes in the location of individual park sites
- **Development Plan Review**
- **Revocation or Modification of Planned Development Permit**



Annexation Procedure

- **Initiation of Annexations**
- **Procedures**
- **Existing Use and Structures**



Enforcement

- **Enforcement Responsibilities**
- **Nuisance Defined**
- **Penalties**
- **Remedies**
- **Nuisance Abatement**
- **Recording a Notice and Order**



Policy Questions

- **Planning and Zoning Commission**
 - *Should the Code include qualification requirements for members as a “best practice”?*
- **Hearing Officer – Board of Adjustments**
 - *Should a new Hearing Officer role be incorporated into Maricopa’s regulatory system to assist in the streamline of the approval process?*
- **Heritage Areas/ Redevelopment Areas**
 - *Does Maricopa wish to incorporate historic preservation controls in the revised code?*
- **Notice**
 - *1. Newspaper notice: Should this requirements be removed for certain types of permits?*
 - *2. Electronic notice: Should language be added allowing optional electronic notification for certain types of permits?*
 - *3. Notice for ‘Minor’ Permits: Should a traditional space notice prior to an action on Zoning Permits, Minor Use Permits, Minor Development Review Permits and Waivers be included?*
- **Revocation of Permits**
 - *Does Maricopa wish to have a full notice and public hearing for all permit revocations?*
- **Temporary Use Permits**
 - *Should there be a ‘Notice of Approval’?*
- **Development Review Permits**
 - *1. Major and Minor Permit Thresholds: Do the thresholds provided capture the types of projects that can be approved by development staff?*



DISCUSSION



NEXT STEPS

- **Continue Drafting Preliminary Regulations:**
 - *Supplemental standards, including parking, landscaping, and green building standards*
 - *Definitions and rules of measurement*
 - *Enforcement*
 - *Amendment procedures*
- **Design zoning graphics:**
 - *Illustrations of selected standards and guidelines and review procedures*
- **Zoning Map**



OPPORTUNITY FOR PUBLIC COMMENTS

Are there other issues to address?



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ZONING CODE REWRITE

Diagnosis and Evaluation Working Paper

Prepared by Dyett & Bhatia
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