

MEMO

To: Chairman Whitehead & Zoning Code Rewrite Task Force

From: Dana Burkhardt, Interim Zoning Administrator

Date: May 7, 2014

RE: Zoning Code Final Review Draft Discussion

The purpose of this agenda item is to discuss and confirm the Zoning Code Rewrite Public Review Draft incorporates the direction provided by the Task Force on the Module's and the Public Review drafts. Task Force Member and Stakeholder comments received on the Zoning Code Final Review Draft are included with this memorandum for your review.

The format for this meeting is to review and discuss any outstanding questions and concerns of the Task Force on the Zoning Code Draft. Member Cheney, Member Von Fleckinger, and Stakeholder Chris Webb have provided their final comments on the draft code and identified the items they would like the Task Force to discuss. At the conclusion of each discussion item, the Task Force may discuss consensus on the provisions of the Code and any recommended amendments or needed changes.

The primary areas of discussion are as follows:

- 1) User Guide
- 2) Preservation of Existing Zoning and Existing Zoning with PAD Overlays
- 3) Rules of Transition (Article 101.06)
- 4) Rules of Measurement (Article 103.03)
- 5) Heritage "Mixed Use Zoning District" (MU-H) (Article 204) moving to an Overlay District (300 Series)
- 6) MP Master Plan Overlay District (Article 301)
- 7) TOD Transit-Oriented Development Overlay District (Article 303)
- 8) Adequate Public Facilities (Article 402)
- 9) Landscaping (Article 404) & Peer Community Comparison
- 10) Administration and Permits (Article 500) – changes to the roles of P&Z and the Board of Adjustment
- 11) Development Review (Site Plan) Permit (Article 505) – Expirations
- 12) Planned Area Development District Procedure (Article 510)
- 13) Definitions (Article 602.02)
- 14) Draft Zoning Map

In the event the Task Force would like to take action on the proposed Zoning Code Draft, formal action is necessary. At the end of the discussion, a Task Force member may make a



motion to forward a recommendation to the Planning & Zoning Commission and City Council, with any amendments. An additional Task Force member would need to second the amendment and the Task Force may then hold further discussion on the motion and amendment, and take action by an affirmative vote of the majority of the Task Force members present. In addition to the Task Force recommendations, Staff has prepared the following list of recommended amendments to the Public Review Draft Code:

- 1) Review, confirm and replace “User Guide Comparison Table” with Member Cheney’s version included in the Task Force packets. This document will not be a part of the adopted Zoning Code, but will serve as a zoning district comparison for the public and staff in determining like for like zoning districts and land use compatibility with the old zoning designations.
- 2) Revise Section 101.04 (J) to clearly identify existing and future Development Agreements may include provisions that supersede the provisions of the Zoning Code and Subdivision Ordinance.
- 3) Revise 103.03 (D) to clearly indicate how distance separations are measured
- 4) Revise exhibit 103.03 F to correctly reflect the method to calculate lot width
- 5) Revise Landscape provisions and exhibits as presented to the Task Force.
- 6) Revise 202.03(B) to update single family open space requirement for lots less than 9000 sf to provide 20% of open space for subdivisions less than 100 lots, and 22 % for subdivisions of 100 lots or greater to be consistent with the Sub Ordinance
- 7) Correct all Tables to incorporate edits as submitted to Dyett and Bhatia
- 8) Sign Code shall allow a major entry feature/monument sign on each arterial frontage. Currently the code is restricted to 2 monuments per development.
- 9) 409.12 D.3.h – delete “within 20’ of a permanent wall sign”
- 10) 410.24 – Revise Group Home /Residential Care Facilities to be more inclusive of similar adult care facilities in a single family residence.
- 11) Provide criteria for locating propane tanks for retail filling and for locating donation drop boxes on commercial properties.
- 12) Revise Section 502.05 F.2 Neighborhood Meetings to eliminate the requirement for newspaper advertisement
- 13) Remove all unused terms from the definitions section
- 14) Update all remaining scrivener errors within document

Article 404 Landscaping

Sections:

- 404.01 ~~Specific Purposes~~ ~~Specific Purposes~~
- ~~404.02~~ ~~404.02~~ ~~Applicability and Exemptions~~ ~~Applicability and Exemptions~~
- ~~404.03~~ ~~404.03~~ General Requirements
- ~~404.04~~ ~~404.04~~ ~~Site Landscaping~~ ~~Site Landscaping~~ on Non-Single Family Lots
- ~~404.05~~ ~~404.05~~ Parking Lot Landscaping
- ~~404.06~~ ~~404.06~~ Alternative Compliance

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404.01 Specific Purposes

The specific purpose of this Article is to establish standards for landscaping. The landscaping standards are intended to:

- A. Improve the appearance of the community by requiring aesthetically pleasing landscaping on public and private sites;
- B. Soften the appearance of urban development;
- C. Ensure appropriately designed and maintained landscaping elements that allow natural surveillance;
- D. Generate and preserve community identity to reinforce a sense of place that is unique to various neighborhoods and districts throughout the City;
- E. Encourage the use of drought-tolerant, native or adapted plant species and demonstrate appropriate design and maintenance techniques and discourage the use of non-native invasive plants which require more water and have a negative impact to the City's natural environment; and
- F. Provide environmental improvements, such as mitigating air and storm water pollution, providing shade, and reducing the effects of the urban heat island.

404.02 Applicability and Exemptions.

- A. **Applicability.** The regulations of this Article shall apply to:

1. **Proposed Developments.** All buildings and uses of land, except active agricultural buildings located further than 100 feet from public rights-of-way.
2. **Existing Properties.** After the effective date of this Code, any proposed change to the primary exterior features of a building, such as alterations to entranceways, porches, driveways, and front yards, or exterior additions that project into the front yard, an increase in parking, or a change in use or building occupancy designation, the standards of this Article apply.

B. **Exempt Projects.** The requirements of this Article do not apply to:

1. Interior or upper-story additions to existing nonresidential or residential construction that add less than 20 percent to the existing floor area;
2. The establishment of an accessory use on the same lot as an existing primary use, such as the installation of an accessory office space, with no expansion of floor area or outdoor area occupied; and
3. A change in occupancy of a building that does not involve a change in the use type (e.g. the use classification).

404.03 General Requirements

- A. **Landscaped Areas.** Required landscaped areas shall be maintained free from encroachment by any use, structure, vehicle, or feature not a part of the landscaping design, except for the fire hydrants and related fire protection devices, mailbox clusters, pedestals, poles, cabinets, utility-housing boxes, or other permanent fixtures as approved for emergency or service access. Required plant materials shall comply with the Subdivision Ordinance Appendix A – Landscape Plant List.
1. Where turf abuts decomposed granite or similar inorganic landscape material, a hardscape edging material such as brick or concrete curb/mowstrip shall be provided.
 2. Where vehicular cross-access is provided between adjoining properties that are not part of group commercial, office, industrial development, a 15-foot-wide perimeter landscape yard except where drive aisle occurs shall be provided.
- B. **Tree Size.** Required trees shall meet the growth dimensions specified in the Arizona Nursery Association “Recommended Tree Specification” latest edition, a copy of which will be maintained on file by the Planning Division and available upon request. The Zoning Administrator may approve deviations from these minimum specifications based on availability, if a deviation is requested prior to installation.
- C. **Shrubs.** Required shrubs shall have a minimum mature growth height of 18 inches. At least 50 percent of required shrubs shall be a minimum of five gallons in size upon installation, but in no case shall any shrub be less than one-gallon size.

- D. **Ground Cover.** Required ground cover may be of two types:
1. Vegetative ground cover consisting of living plant materials characterized by horizontal, as well as vertical growth, generally not exceeding 18 inches in height.
 2. Inert ground cover consisting of gravel, decomposed granite, crushed rock, desert tree mulch, or other approved materials. The use of “desert cobble” that looks like the desert floor, consisting of natural desert covers and seed mix, is encouraged. Minimum depth of inert material shall be 2.5 inches.

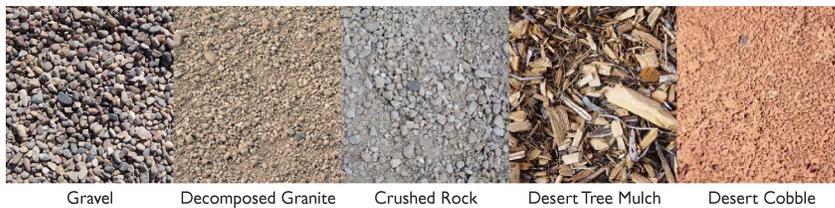


FIGURE 404.03.D: GROUND COVER TYPES

- E. **Irrigation Systems.** Required irrigation systems shall be underground automatic watering systems, unless the lot is served by functioning flood irrigation. Irrigation and plantings within three feet of public utilities, such as but not limited to electrical transformers, light poles and fixtures, and communication services shall be limited to drip systems as to not overspray to cause undue corrosion to utility structures.
- F. **Paving and Hardscape Materials.** Paving and ground treatment shall be an integral part of site and landscape design.

404.04 Site Landscaping on Non-Single Family Lots

- A. **Landscaping in Visible Yards.**
1. **Standards.** Offsite street landscaping and onsite landscape buffer setback standards must comply with Subdivision Ordinance §14-6-5. Street facing yards, parking areas, and onsite landscaping shall comply with this Code.
 2. **Allowable Uses.** Yards that are visible from public streets and not used for parking lanes, or pedestrian walkways or allowable outdoor facilities shall be exclusively maintained as landscaped areas with plant materials and may include monument signs, parking screen walls, and retention basins as well as utility boxes and related equipment.
 3. **Exceptions.** Outdoor seating for restaurants and cafés may encroach:

- a. In NC Districts, up to 50 percent of the width of the required landscape area; and
 - b. In Mixed Use Districts, the entire width of the required landscape area. The City encourages the use of tree wells and planters to help define outdoor seating areas and to enhance urban spaces.
4. **Numbers of Plants:** Except as otherwise required by the Subdivision Regulations, the required planting ~~in street-facing yards for non-residential~~ Multiple-Family, Mixed-Use, Commercial, and Institutional developments ~~is as~~ shall include a minimum of 1 tree and 6 shrubs per 650 square feet of landscaped area, with 40% ground cover. Industrial developments shall provide 1 tree and 6 shrubs per 1000 square feet of landscaped area, with 25% ground cover. shown in Table 406.04.A.4. Where conflict occurs between the provisions of this Code and the Subdivison Ordinance, the more restrictive provision shall apply.

TABLE 404.04.A.4: REQUIRED NUMBER OF PLANTS BY STREET TYPE FOR NON RESIDENTIAL DEVELOPMENT	
<i>Street Right-of-Way</i>	<i>Minimum Required Plants</i>
Arterial and Collector Streets	1 Tree and 6 Shrubs per 20 Linear Feet of Street Frontage (4 trees and 24 shrubs per 100 ft.)
Local and Neighborhood Streets	1 Tree and 4 Shrubs per 20 Linear Feet of Street Frontage (4 trees and 16 shrubs per 100 ft.)
Public or Private Local Streets	1 Tree and 4 Shrubs per 20 Linear Feet of Street Frontage (4 trees and 16 shrubs per 100 ft.)
All Fractional Amounts shall be rounded up to the next whole number (Example 2.15 trees rounds up to 3 trees)	

5. **Minimum Size.** In addition to minimum landscaping required in §14-6-5 of the Subdivision Code, minimum size of plant materials shall be as follows:
- a. *Trees.*
 - ~~(1) A minimum of 25 percent of the total required trees shall be 36 inch or larger box trees.~~
 - ~~(2)~~ (1) A minimum of 50 percent of the total required trees shall be 24-inch box trees.
 - ~~(3)~~ (2) No trees shall be smaller than 15-gallon size.
 - b. *Shrubs.*
 - (1) A minimum of 50 percent of the total required shrubs shall be 5-gallon size or larger.
 - (2) No shrubs shall be less than 1-gallon size.

- c. *Substitutions.* Substitutions for the above requirements may be made according to the following table.

TABLE 404.04.A.5.C: TREE SUBSTITUTIONS		
<i>Tree to be placed on site</i>	<i>15-gallon tree equivalent</i>	<i>24-inch box tree equivalent</i>
24-inch box tree	2 trees	-
36-inch box tree	3 trees	2 trees
48-inch box tree	4 trees	3 trees
60-inch or larger box tree	-	4 trees

6. **Ground Cover.** All landscape areas shall be covered with materials such as decomposed granite, desert varnish or cobble, desert tree mulch, turf, in combination with supplemental shrubs and ground covers, accents, flowers, and vines.
7. **Retention Basins.** Retention basins may not occupy more than 50 percent of the minimum required front yard and street side yard setback landscape areas. Basins shall be incorporated into the landscape plan and designed to appear natural or integrated with the site plan and architecture of the site.

B. Adjacent Lot Lines.

1. **Buffer Zones Adjacent to Residential Zoning Districts and Open Space.**

- a. *Requirement.* Properties located adjacent to Residential Districts, community trail systems, and open space areas shall have a landscaped buffered area with a minimum width of 25 feet for Commercial and Mixed Use Districts, and 40 feet for Industrial Districts. In no case shall it exceed a 3:1 slope. At a minimum, buffer areas shall contain a minimum of one tree and two shrubs every 25 feet, or portion thereof, to provide visual screening between uses [in addition to the minimum required landscaping onsite.](#)
- b. *Ground Treatment.* The buffer zone except for pedestrian walkways shall be covered with materials such as decomposed granite, desert varnish or cobble, desert tree mulch, turf, in combination with supplemental shrubs and ground covers, accents, flowers, and vines.
- c. *Areas Visible from R.O.W.'s, Public Parking or Drive Aisles.* ~~A minimum of 20 shrubs per 100 linear feet of adjacent property line shall be provided in addition to the required regulations.~~ [Landscape material placement shall be designed to concentrate plantings in areas of high visibility to screen parking, loading, and trash enclosures from adjacent Rights-of-Ways, properties, and pedestrian areas.](#)

C. Landscaping of Interior Setbacks. Where a lot located in a Commercial or Mixed Use District is adjacent to an RS District, at least 25 (per Subdivision Code Section 14-6-5) feet

of the depth of such setbacks must be landscaped, and remain free from parking, driveways, and encroachment by any structures that are not part of the landscaping design. Properties that are adjacent to non-residential districts, at least 15 feet of the depth of interior setbacks must be landscaped, unless specified elsewhere in this Code.

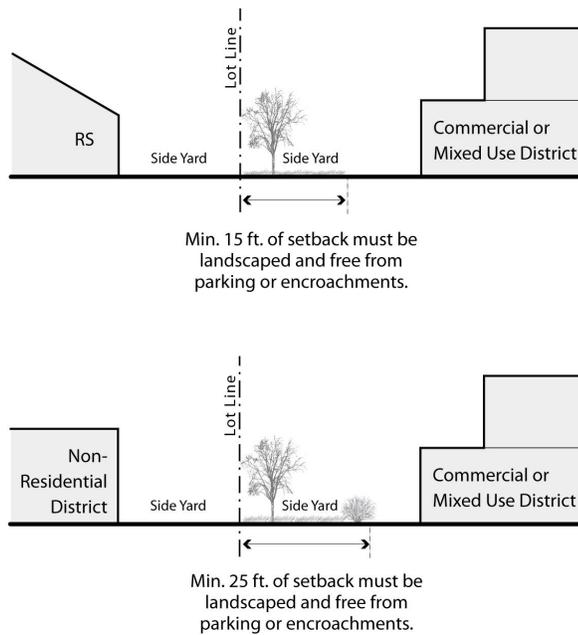


FIGURE 404.04.C: LANDSCAPING OF INTERIOR SETBACKS

404.05 Parking Lot Landscaping

- A. **Applicability.** The interior parking lot landscaping standards of this Section apply to all off-street parking lots containing 10 or more parking spaces with exceptions where shade structures are provided for parking spaces. They do not apply to readapted residential properties in the MU-H District or vehicle/equipment storage lots or vehicle and equipment sales lots.
- B. **Landscape Islands.**
 - 1. Parking lot landscape islands shall be installed at each end of a row of stalls and in between for maximum ~~six~~ eight contiguous parking spaces. ~~The distance may be increased to eight contiguous spaces by the Zoning Administrator if it is found that~~

~~the overall amount of landscaping proposed is increased by at least 10 percent from that required on the entire development site.~~

2. Landscape islands shall be a minimum of eight feet wide and 15 feet in length for single-row and 30 feet in length for double-row parking. All measurements are to face of curb. Projects may be eligible for Sustainable Development Bonus Incentives if increased landscaping is provided.
3. Radius curbing shall be provided along drive aisles with a minimum four-foot radius.
4. For rows of more than 16 parking spaces, landscape islands shall be staggered.

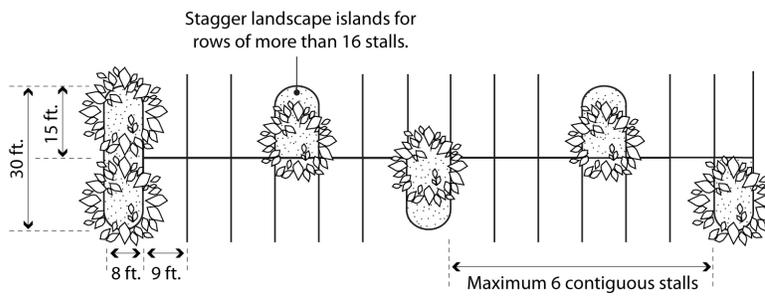


FIGURE 404.05.B: LANDSCAPE ISLANDS

5. The maximum length of a covered parking canopy shall be 15 contiguous parking spaces. Landscape islands within a row of parking may be eliminated when a conflict with the covered parking canopy occurs. However, landscape islands must be installed at the end of all parking rows.
6. When parking canopies are adjacent to each other in a single row, the total length of each canopy shall not exceed 15 parking stalls and the adjoining canopies shall be separated by at least a 24-foot-wide landscape island as depicted in the following illustration.

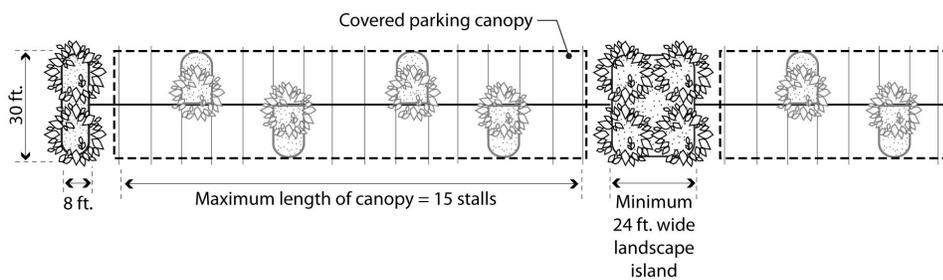


FIGURE 404.05.B.6: ADJACENT CANOPIES

7. For parking lots containing more than 200 spaces, one eight-foot-by-15-foot staggered landscape island may be replaced with two landscape islands of at least 25 square feet clear landscape area each. Each landscape island/planter shall contain at least one tree and three shrubs. These landscape islands/planters may be designed in any combination of shape and size provided the minimum clear landscape area dimension is five feet.

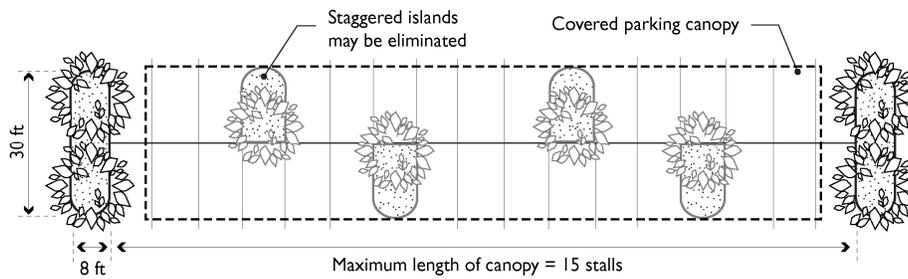


FIGURE 404.05.B.7: COVERED CANOPIES

- C. **Medians.** Where divider medians occur adjacent to head-in parking, vehicle overhang shall be as follows:

1. **Single-Row Parking.** A minimum seven-foot (or nine feet if a two-foot overhang is provided) landscape area is required. The required median width does not include a sidewalk.

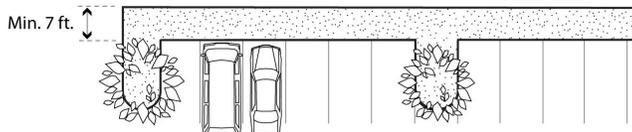


FIGURE 404.05.C.1: SINGLE-ROW PARKING

2. **Double-Row Parking.** A minimum eight-foot landscape area (or 11 feet if a two foot overhang is provided on both sides of median) measured from face of curb to face of curb is required where the median width does not include a sidewalk.

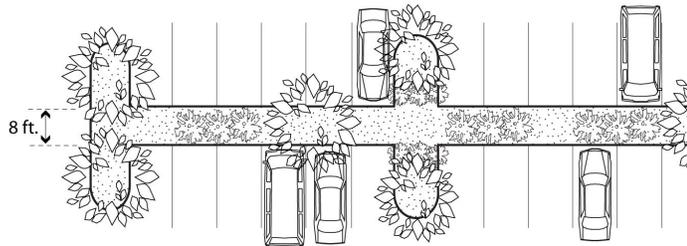


FIGURE 404.05.C.2: DOUBLE-ROW PARKING

3. **Medians with Sidewalks.** When a sidewalk is located within a median, shade trees should be placed so that at least 25 percent of the sidewalk is shaded at noon. The sidewalk shall be no less than four feet in width.

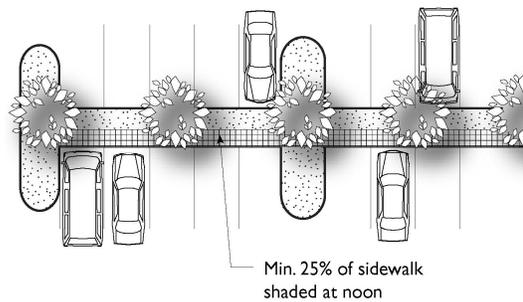


FIGURE 404.05.C.3: MEDIANS WITH SIDEWALKS

D. Plant Materials.

1. **Number of Plants.**
 - a. **Parking Lot Landscape Islands.** One shade tree and three shrubs shall be provided for every 15-foot parking island.
 - b. **Parking Lot Divider Medians.** In addition to the above requirements, minimum one shade tree and six shrubs shall be provided for every eight parking spaces.
2. **Size of Plants.** A minimum 10 percent of the required trees for parking lot interior landscaping shall be 36-inch box. 60 percent of the required trees shall be at least 24-inch box, and the remaining can be a minimum of 15 gallon box. Substitution based on plant size is not permissible for trees planted within the interior of a parking lot.
3. **Ground Cover.** All landscape planting areas that are not dedicated to trees or shrubs shall be permeable. No hardscape materials are permitted in designated planting areas.

404.06 Alternative Compliance

An applicant who can demonstrate that the intent of this Article can be exceeded, in whole or in part, may submit an Alternative Landscape Plan (ALP) prepared in accordance with this Section. The ALP shall include a narrative that clearly details the modifications being requested and explains how they enhance the landscape design principles listed below.

- A. **Required Elements.** In order to qualify for consideration, an ALP shall demonstrate compliance with the following:
1. ***Use of Drought-Tolerance or Native Vegetation.*** Preservation or incorporation of drought-tolerance or native vegetation.
 2. ***Compatibility with Surrounding Uses and Desert Environment.*** A greater degree of compatibility with surrounding uses and the desert environment than a standard landscape plan would offer. The number of shrubs and trees proposed depends on the type of shrub or tree planted and size at full maturity.
 3. ***Water Efficiency.*** Use of water-efficient irrigation systems and xeriscaping at appropriate locations is essential.
- B. **Approval and Required Findings.** ALPs may be submitted in conjunction with any development application, including PAD plans. An ALP may be approved by the reviewing body upon finding that:
1. There are unique characteristics of the property, site design, stormwater management, or use that warrant special consideration to modify or deviate from the requirements of this Article and that these characteristics are not self-created.
 2. The ALP meets or exceeds the minimum standards for plant materials of this Article, while recognizing the unusual site design or use restraints on the property and specific characteristics of the landscape design justify declaration from specific members or pre-approved plans established for standard landscape plans.
 3. Approval of an ALP will provide for both increased consistency and compatibility with adjacent properties and the natural desert environment.
 4. The ALP demonstrates innovative use of plants and efficient use of water.

Required Landscape Peer Community Comparison

City:	Standard: Min. Required Tree & Shrub Sizes	Parking Lot Landscape Required	Landscape strip at Property boundary and Landscape Buffer Requirements	Residential Common Open Space and Retention Areas	Commercial, Office & Institutional	Industrial
Chandler	Arterials & collector ROW's - 1 tree + 6 shrubs every 30 lineal feet + 50% ground cover Commercial fronting Arterials: 24" box (50% of required trees), 36" box (25% of required trees), 48" box (25% of required trees) Commercial non arterial & other: 15 gal (50% of required trees), 24" box (50% of required trees), shrubs - 5 gal, ground cover - 1 gal	10% of total parking interior surface; Min. 9'w x19'd planters w/ 1 tree + 5 shrubs, or 5sf diamond islands w/ 1 tree; Industrial- 1 planter ea. 20 spaces, Com & Office - 1 planter & 2 diamonds ea. 12 spaces, MF Res - 1 planter ea. 10 spaces;	10' wide, w 1 tree and 6 shrubs every 30 lineal feet; Buffer yards between dissimilar uses - 20' on center and 5 shrubs per 100 lineal feet (behind screen wall)	min. 1 tree and 6 shrubs per 500 sf (22.4' x 22.4') of Open Space and ground cover to cover min. 50% of total landscaped area with shrubs and ground cover;	1 tree + 6 shrubs per 750 sf (27.4' x 27.4') + 50% ground cover;	1 tree + 6 shrubs per 1000 sf + 50% ground cover
Queen Creek	ROW frontages - 1 tree per 30 lineal feet, 50% of required trees are 24" box or larger, 15 gallon otherwise; 50% shrubs & ground covers are 5 gal., 1 gallon for rest;	10% of parking lot w < 50 parking spaces, 15% for lots with >50 spaces; 1 tree per 8 spaces, excludes perimeter and in addition to other required plantings. 5'x5' diamonds are required every 8 spaces. All parking islands are min. 100 sf ;see page 5-48, requires more trees and shrubs if parking lot abuts arterial or collector roadway	See very detailed and dense buffer requirements on pg. 529 & 5-30	1 tree + 10 shrubs per 500 sf of landscaped area, <u>except buffer yards</u> ; 30% ground cover on frontages;		
Gilbert	Arterial & Collector ROW's - 1 tree per 25 lineal feet of frontage, 50 % min 24" box, 50% 15 gallon + 3 shrubs, min 5 gal. + ground cover covering 25%	Minimum of 10% of interior parking area must be landscaped, 1 tree per 8 parking spaces, all 24" box min.; planters min. 5' wide w/54 sf; diamonds are 36 sf (6x6');	3 - 24" box trees + 5 (5 gal) shrubs + 20% ground cover (1gal.) per every 1000 sf			
Currently Proposed for Maricopa	ROW Arterial & Collector (Existing in Sub Code) - 1 tree + 3 shrubs or ground cover every 30 lineal feet; 50% of required shrubs are min. 5 gallon; Onsite: Arterial & Collector frontages - 1 tree + 6 shrubs every 20 lineal feet; All other street frontages - 1 tree + 4 shrubs per 20 lineal feet; Min Tree size: 24" box (50% of required trees), 36" box (25% of required trees), 15 Gallon (25% of required trees)	1 island every 6 spaces, 8 spaces with ZA approval for plans exceeding min by 10% - 1 tree + 3 shrubs per island	Required buffers per Sub. Ord. - Multi-Family - 1 tree + 2 shrubs every 25 lineal feet; Properties located adjacent to Residential Districts, community trail systems, and open space areas shall have a landscaped buffered area with a minimum width of 25 feet for Commercial and Mixed Use Districts, and 40 feet for Industrial Districts. At a minimum, buffer areas shall contain a minimum of one tree and two shrubs every 25 feet, or portion thereof, to provide visual screening between uses. (reflects Sub Ordinance)	No min. provision other than MF buffer yards in Sub Code		
Proposed Revisions for Maricopa	Onsite: revise onsite landscape requirements (404.04) as follows: Multi-Family, Commercial, and Institutional sites - 1 tree + 6 shrubs per 650 sf + 40% ground cover, Industrial Sites shall provide 1 tree + 6 shrubs per 1000 sf + 30% ground cover. 50% of all required trees shall be 24" box minimum, no trees shall be smaller than 15 gallon.	Parking Lot Landscape: Revise to require 10% of total interior parking area to be landscaped ,with 1 tree + 3 shrubs per 8 parking stalls. Delete reduction of required islands for excessive plantings				

Article 204 Mixed Use - Heritage Overlay District

Sections:

- 204.01 Purpose
- 204.02 Land Use Regulations
- 204.03 Development Standards
- 204.04 Review of Plans

204.01 Purpose

The purposes 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. Encourage the development of mixed-use centers and corridors with a vibrant concentration of goods and services, multi-unit housing, and community gathering and public spaces at strategic locations;
- C. Transform auto-oriented roadways and corridors into diverse, and attractive corridors that 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 existing character;
- D. Reduce the need for private automobile use to access shopping, services, and employment;
- 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.

Additional purposes of the Mixed Use – Heritage Overlay District:

MU-H Heritage Overlay District Mixed Use. This 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

PROPOSED CHANGE TO MIXED USE – HERITAGE DISTRICT

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.

204.02 Land Use Regulations

Table 204.02 below prescribes the land use regulations for the NU-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 commission.

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

"X" designates uses that are not permitted.

Table 204.02 Mixed Use – Heritage District Land Use Regulations		
<i>Use</i>	<i>MU-H</i>	<i>Additional Standards</i>
Agricultural		
Animal and Crop Production		
<i>Urban Agriculture</i>	P	
Residential		
Single Unit Dwelling	P(1)	
Multiple Unit Dwelling	P(2)	
Group Residential	C	
Senior and Long-term Care	C	
Family Day Care		
<i>Small</i>	C	Section 410.11, Family Day Care
<i>Large</i>	C	
Residential Care Facility	C	
Supportive Housing	C	
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

PROPOSED CHANGE TO MIXED USE – HERITAGE DISTRICT

Table 204.02 Mixed Use – Heritage District Land Use Regulations		
Use	MU-H	Additional Standards
		Clinics
<i>Parks and Recreation Facilities, Public</i>	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
<i>Small Animal Day Care</i>	P	
Banks and Financial Institutions		
<i>Banks and Credit Unions</i>	P	
Non-Institutional Banking	C	Section 410.20, Non-Institutional Banking
Business Services	P	
Commercial Entertainment and Recreation		
<i>Small Scale Facility</i>	A	
Theaters	C	
<i>Club or Lodge</i>	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	
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		

PROPOSED CHANGE TO MIXED USE – HERITAGE DISTRICT

Table 204.02 Mixed Use – Heritage District Land Use Regulations		
<i>Use</i>	<i>MU-H</i>	<i>Additional Standards</i>
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. **Home-based Business.** Home-based businesses may be permitted administratively within the MU-H 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

PROPOSED CHANGE TO MIXED USE – HERITAGE DISTRICT

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.
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.

204.03 Development Standards

Table 204.03, below, prescribes development regulations for the Mixed Use Districts. The first four columns establish minimum requirements for permitted and conditional uses. Letters in parenthesis in the “Additional Regulations” column refer to regulations following the schedule. The letter “Y” in the district column means that the Additional Regulation 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 204.03: DEVELOPMENT STANDARDS - MIXED USE DISTRICTS			
	<i>Type</i>	<i>Additional Standards</i>	<i>#</i>
<i>Use</i>	MU-H		
Lot and Density Standards			
Minimum Lot Area (s/f)	7,000		

PROPOSED CHANGE TO MIXED USE – HERITAGE DISTRICT

TABLE 204.03: DEVELOPMENT STANDARDS – MIXED USE DISTRICTS			
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 st Floor Ceiling Height, Non-residential Uses (ft. clear)	12		3
Minimum Setbacks (ft.)			
<i>Front</i>	10		4
<i>Interior Side, Residential Only</i>	5	(B)	5
<i>Interior Side, Non-Residential or Mixed-Use</i>	0	(B)	5
<i>Street Side</i>	10	(C)	7
<i>Rear</i>	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 Retail Sales and Merchandise Display		(H)	
Outdoor Storage	N	(I)	
Sewer Service and Adequate Public Facility Participation Agreements	Y	(J)	
Transitions	Y	(K)	
Transparency for Ground-floor Frontages, Non-Residential Uses	Y	(L)	
Additional Standards			
Accessory Structures	Section 401.02, Accessory 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		

PROPOSED CHANGE TO MIXED USE – HERITAGE DISTRICT

- A. **Sewer Service and Adequate Public Facility Participation Agreements – MU-H Zoning District.** Sites within the MU-H Zoning District shall be permitted to develop or redevelop only after the landowner agrees in writing to participate in paying for a fair share of adequate 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 for providing sanitary sewer service, should Pinal County permit such interim solution.
 3. All requests for improvements to existing residential properties within the MU-H District that do not include a commitment or assurance to participate in adequate public facility improvements shall conform to the GR 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 GR District for additions and improvements which: 1) conform to the Heritage District Design Guidelines; 2) will not add additional water fixtures or require an increase in water meter size; 3) will not result in additional bedrooms on the lot; 4) meet outdoor screening and storage requirements of this Code; and 5) are consistent with the minimum development standards of the most appropriate and compatible residential zone of this Code based on lot size and dimensions. The GR District development standards shall be applied for all existing lot or parcel greater than 35,000 square feet.

204.04 Review of Plans

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

Comparison of Proposed Zoning Districts, General Plan Land Use Designations, and Existing Zoning Districts						
New Zoning Districts		Corresponding General Plan Land Use Designation, Densities and Potential Zoning ⁽²⁾			Corresponding Existing Zoning District (See notes at bottom of Table for explanation of different text colors)	
Map Symbol	Full Name	Land Use Name	Residential Density	Potential Zoning ⁽³⁾	Map Symbol	Full Name
Rural Districts						
RA	Rural Agricultural (min. 3 acres)	Agriculture (AG)	1 or less du/ac (min. 1 acre)	GR-10	GR-10 (min. 10ac)	General Rural (GR, GR-5 & GR-10)
				GR-5	GR-5 (min. 5 ac)	
				GR	GR (min. 54,450 sq ft)	
				SR	SR (min. 3.30 ac)	Suburban Ranch (SR & SR-1)
				SR-1	SR-1 (min.3.30 ac)	
				-	SH (min. 2 ac)	Suburban Homestead (duplex dwelling allowed)
				-	CAR (min. 4 ac)	Commercial Agriculture Ranch (used as buffer classification in areas where Heavy Industry (CI-2) is located)
GR	General Rural (min. 1.25 acres)	Rural (R)	1 or less du/ac (min. 1 acre)	GR-10	GR-10 (min. 10ac)	General Rural (GR, GR-5 & GR-10)
				GR-5	GR-5 (min. 5 ac)	
				GR	GR (min. 54,450 sq ft)	
				SR	SR (min. 3.30 ac)	Suburban Ranch (SR & SR-1)
				SR-1	SR-1 (min.3.30 ac)	
				SH	SH (min. 2 ac)	Suburban Homestead
				Residential Districts		
RS-1	Single Unit, Low Density Residential (18,000 sf)	Low Density Residential (LDR)	1-2 du/ac	CR-1A	CR-1A (min. 1 acre)	Single Family Residence (CR-1A & CR-1)
				CR-1	CR-1 (min. 20,000 sq ft)	
					CR-2 (min. 12,000 sq ft)	Single Family Residence
RS-2	Single Unit, Medium/Low Density (12,000 sf)	Medium (MDR) & Low Density Residential (LDR)	2-6 du/ac & 1-2 du/ac	CR-1	CR-1 (min. 20,000 sq ft)	Single Family Residence (CR-1 & CR-2)
				CR-2	CR-2 (min. 12,000 sq ft)	
				CR-3	CR-3 (min. 7,000 sq ft)	Single Family Residence (CR-3)
					TR	Transitional (if developed as CR-3 single family residential & park, school or church)

Comparison of Proposed Zoning Districts, General Plan Land Use Designations, and Existing Zoning Districts						
New Zoning Districts		Corresponding General Plan Land Use Designation, Densities and Potential Zoning ⁽²⁾			Corresponding Existing Zoning District (See notes at bottom of Table for explanation of different text colors)	
Map Symbol	Full Name	Land Use Name	Residential Density	Potential Zoning ⁽³⁾	Map Symbol	Full Name
RS-3	Single Unit, Medium Density (9,000 sf)	Medium Density Residential	2-6 du/ac	CR-1	CR-1 (min. 20,000 sq ft)	Single Family Residence (CR-1 & CR-2)
				CR-2	CR-2 (min. 12,000 sq ft)	
				CR-3	CR-3 (min. 7,000 sq ft)	Single Family Residence (CR-3)
					TR	Transitional (if developed as CR-3 single family residential & park, school or church)
RS-4	Single Unit, Medium Density (7,000 sf)	Medium Density Residential	2-6 du/ac	CR-1	CR-1 (min. 20,000 sq ft)	Single Family Residence (CR-1 & CR-2)
				CR-2	CR-2 (min. 12,000 sq ft)	
				CR-3	CR-3 (min. 7,000 sq ft)	Single Family Residence (CR-3)
					TR	Transitional (if developed as CR-3 single family residential & park, school or church)
RS-5	Single Unit, Medium Density (5,000 sf)	Medium Density Residential	2-6 du/ac	CR-1	CR-1 (min. 20,000 sq ft)	Single Family Residence (CR-1 & CR-2)
				CR-2	CR-2 (min. 12,000 sq ft)	
				CR-3	CR-3 (min. 7,000 sq ft)	Single Family Residence (CR-3)
					TR	Transitional (if developed as CR-3 single family residential & park, school or church)
RM	Multiple Unit (6,000 sf & 6 to 12 un/ac)	High Density Residential	> 6 du/ac	CR-4	CR-4 (min. 7,000 sq ft)	Multiple Residence
				CR-5	CR-5 (min. 7,000 sq ft)	Multiple Residence
				TR	TR	Transitional (if developed as CR-4 & CR-5 multiple residence)
RH	High Density (6,000 sf & 12 to 20 un/ac)	High Density Residential	> 6 du/ac	CR-4	CR-4 (min. 7,000 sq ft)	Multiple Residence
				CR-5	CR-5 (min. 7,000 sq ft)	Multiple Residence
				TR	TR	Transitional (if developed as CR-4 & CR-5 multiple residence)
					MH	Per zoning district description and Table 202.02 manufactured home / mobile home does no belong in this zone district
					RV	Per zoning district description and Table 202.02 recreational vehicle homesite does no belong in this zone district

Comparison of Proposed Zoning Districts, General Plan Land Use Designations, and Existing Zoning Districts						
New Zoning Districts		Corresponding General Plan Land Use Designation, Densities and Potential Zoning ⁽²⁾			Corresponding Existing Zoning District (See notes at bottom of Table for explanation of different text colors)	
Map Symbol	Full Name	Land Use Name	Residential Density	Potential Zoning ⁽³⁾	Map Symbol	Full Name
RHMP	Residential Manufactured Home Park (2,500 sf & max 12 un/ac) Note - Parks & recreation facilities are marked as not permitted on Table 202.02. Private Parks should be allowed, please correct.	High Density Residential ????? (the General Plan does not discuss manufactured homes)	> 6 du/ac	N/A	MHP (min. 4,000 sq ft / space) PM/RVP (min. 2,000 sq ft / space)	Manufactured/Mobile Home Park & Park Model/Recreational Vehicle Park Note - please verify correct Existing Zoning designation is identified
Commercial Districts						
NC	Neighborhood Commercial	Commercial	N/A	CB-1	CB-1	Local Business
					TR	Transitional (non-residential uses)
GC	General Commercial	Commercial	N/A	CB-2	CB-2	General Business
					TR	Transitional (non-residential uses)
SC	Shopping Center	Commercial	N/A	CB-2	CB-2	General Business
GO	Office	Commercial	N/A	CB-1	CB-1	Local Business
				CB-2	CB-2	General Business
					TR	Transitional - office & medical
Mixed Use Districts						
MU-N	Neighborhood Mixed Use	Mixed Use	> 6 du/ac	CB-1	CB-1	Local Business
					TR	Transitional
MU-G	General Mixed Use	Mixed Use	> 6 du/ac	CB-1	CB-1	Local Business
				CB-2	CB-2	General Business
					TR	Transitional - office & medical
MU-H	Heritage Mixed Use	Old Town Redevelopment District Area Plan (Heritage District)	N/A	Design Guidelines recommended <u>Heritage District Zoning Overlay</u> w/ amendments to existing zoning	Design Guidelines do not provide zoning??? See Figure 20 of Redevelopment District Plan existing zoning mix of C1-2, GR, MH, CB-1, CB-2, CR-3	N/A

Comparison of Proposed Zoning Districts, General Plan Land Use Designations, and Existing Zoning Districts						
New Zoning Districts		Corresponding General Plan Land Use Designation, Densities and Potential Zoning ⁽²⁾			Corresponding Existing Zoning District (See notes at bottom of Table for explanation of different text colors)	
Map Symbol	Full Name	Land Use Name	Residential Density	Potential Zoning ⁽³⁾	Map Symbol	Full Name
Industrial Districts						
LI	Light Industrial	Light Industrial	N/A		CB-1	Local Business
					CB-2	General Business
					CI-B	Industrial Buffer
					CI-1	Light Industry & Warehouse
GI	General Industrial	Employment / Industrial	N/A	CB-2	CB-2	General Business - Uses such as medical laboratory, engineering & scientific research, light manufacturing & assembly & vehicle repair, sales & leasing
				CI-B	CI-B	Industrial Buffer Zone - scientific laboratories, wholesale and warehousing product assembly & light manufacturing in
				CI-1	CI-1	Light Industrial and Warehouse
				CI-2	CI-2	Industrial
IP	Industrial Park	Research / Development	N/A	CB-1	CB-1	Local Business
				CI-B	CI-B	Industrial Buffer Zone
				CI-1	CI-1	Light Industrial and Warehouse
Open Space Districts & Public-Institutional District						
OS-PPR	Public Park & Recreation Open Space - City owned parks and recreation facilities	Parks / Open Space	≤ 1 du/ac	GR	GR & TR	General Rural & Transitional (Typically City owned public parks are on GR & TR zoned properties)
OS-PO	Privately-Owned Open Space - open space, drainage channels, retention ponds and parks and trails that are privately-owned, typically by a Home Owners Association.	Parks / Open Space	≤ 1 du/ac		CR-2, CR-3 & TR	Single Family Residence & Transitional Zones (typically HOA private parks are on CR-2, CR-3 or TR zoned property)
OS-C	Conservation Open Space - Public or private open space that is preserved, such as environmentally sensitive lands, wildlife corridors, creeks and rivers.	Parks / Open Space	≤ 1 du/ac		N/A	Conservation Open Space is not addressed in the existing Zoning Code
PI	Public-Institutional	Public / Institutional	N/A	GR	GR	General Rural (school, college, library, museum, government building, & clinic)
					TR	Transitional (college, government building, library, museum, school, community service agency & clinic)

Comparison of Proposed Zoning Districts, General Plan Land Use Designations, and Existing Zoning Districts						
New Zoning Districts		Corresponding General Plan Land Use Designation, Densities and Potential Zoning ⁽²⁾			Corresponding Existing Zoning District (See notes at bottom of Table for explanation of different text colors)	
Map Symbol	Full Name	Land Use Name	Residential Density	Potential Zoning ⁽³⁾	Map Symbol	Full Name
Other Districts						
PAD	Planned Area Development	Master Planned Community	Overall 3-10 du/ac		PAD Overlay	Planned Area Development Overlay - zoned property, such as CR-2, CR-3, TR, CB-1 & CB-2, with an Overlay District that alters the minimum lot sizes, setbacks, coverage, building height & sometimes permitted uses.
<p>1. A comprehensive Comparison Table of the New Zoning Districts, the General Plan Land Uses and the Original Zoning Districts is on file at the City Development Services Department in the Planning & Zoning Division and the Maricopa Public Library.</p> <p>2. AS identified in the January 2006 General Plan Land Use Element, pages 19 - 25</p> <p>3. Table 6 - Land Use Designations of the 2006 General Plan, identifies the potential/appropriate Zoning Districts that correspond to the General Plan Land Use Designations.</p> <p>Corresponding Existing Zoning Districts - color coding for 2nd review, colors will be removed once finalized.</p> <p>Zoning categories in RED identified in General Plan as appropriate zoning, but not identified on 1st version of this Comparison Table.</p> <p>Existing Zoning Categories in GREEN are considered appropriate/corresponding Zoning Districts because of same allowed uses, but were not identified on 1st version of this Comparison Table.</p> <p>Zoning categories in BLUE are questionable if they are appropriate under new Zoning District Classifications and land use descriptions.</p> <p>Colors for General Plan Land Use Names match the color coding on the General Plan Future Land Use Map.</p>						

Subject: RE: commentary from draft...more at May 7th meeting

Zoning Code Rewrite Task Force Public Review Draft Comments: Member Phyllis Von Fleckinger

Source	#	Page/Section	Comment	Suggested Action	Final Action
			I hope the concerns that the task force has addressed over the last year plus will be addressed in the latest draft to be presented. When I look around the city of Maricopa I don't see that chapter 16 was so problematic that it took 300 pages of new restrictions to correct them. This suppose to a more simple document; It is not, it is not development friendly, business friendly and intrusive and prohibitive to private property rights.		
		201-01 D. pg 2-3	Discourage...limit...etc.	change lanuage to address cities intent without restrcting property rights	
		201-01 RA pg 2-3	This district intended to preserve agriculture and resource conservation area	Land use attorney advise up to interpretation and to restrictive-remove	
		Table 201-02 pg2-4	Under residential: GR guest quarters and residences C(2) Incidental to farm and agriculture operations only	Restricts private property rights by prohibiting building a house in the "country" just as a primary residence. There is no agriculture operations any where in 7 Ranches	
		Same table and page as above	Commercial: Animal keeping RA Kennel C	Seems unreasonable a stakeholder can have corrals full of buffalo but has to get a permit to have dogs.	
		Table201-03 pg 2-6	Additional standards lumps every thing into one size fits all which just doesn't work in GR and RA: Section 401.09 Fences and walls 404 Landscaping 401.10 out door storage 401.04 Building Projections into yards I have two flat/sloped roof accessory buildings that have 4 ft overhangs, designed for economical shade.	Barb wire is a common material used for animal control in rural areas especialla single strand along the top of a no-climb fence. Keeps the good ones in and the bad ones (coyotes) out. Landscaping requirements on acreage is	

		just ridiculous. Outdoor storage what about horses trailers, flatbed trailers, garden tractors, wood piles, hay stacks have to be screened
		fence. This keeps the good animals in and the bad (coyotes) out. Outdoor storage has to be screened. Define? Horsetrailers? Flatbed Trailers? Equipment haulers, golf cart RV, boat haystack etc!!
Table 201-01 pg 2-10	RMHP We had this discussion at a task force meeting: This is another one size does not fit all. There three distinct types of parks. #1. Parks for RV's, travel trailers, Motor Homes, in AZ usually seasonal and temporary. According to my local research lots can vary from 21' to 40' feet wide amenities vary according to rental fees set by private ownership, many variable. #2 is the Park Model, small unit around 400 sq ft, usually permanent, accessory uses and amenities usually dictated by private ownership of park and rental income. Park models can rent space or fee simple ownership. Lots average 35-64 ft. #3 Subdivisions for full size manufacture homes; Check Buena Vista Park in Buckeye, 400+ lots, gated community, family friendly, many amenities, family friendly, CCRS no Hoa \$370.00 and up to rent or you can buy. Residential detached prohibited in RMHP clarify and explain.....Family Day care not allowed in RMHP. WHY? If you have a subdivision with standard size lots why don't those residents have the same rights as the residents in RS RH and RM	It is difficult to get financing on a manufacture home in this market unless it is on a stem wall, or ground set so having it a requirement is a moot point, should not apply to park models because they aren't always permanent
Table 202.2 pg 2-10 and 2-11	Public and Semi-public: Conditional use permit in all zones: Center For Law and Justice say this could be challenged under <i>The land use provisions of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 2000cc, et seq., protect individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws (for information on RLUIPA's institutionalized persons provisions, please refer to the Civil Rights Division's Special Litigation Section).</i>	It seems that a lot of the code dealing with Manufactured home/ Rv parks was copied and pasted and not a lot of thought or effort went into it by the consultant
Table 202 pg 2-11 Religious Facility		See complete RLUIPA: http://www.justice.gov/crt/about/hce/rluipaexplain.php
Page 2.14 F. 4	Drives ways for three or more cars serving forward facing garages shall incorporate alternative paving design elements.. Of the recommended design elements, a local licensed contractor estimate the cost from \$5,000 to 12,000 dollars depending on selection	This cost will be passed on to home buyer. Is this necessary to a remedy that seems to be a personal preference for impervious surfaces.
Article 400 Landscaping pg. 4-28 thru 4-36	Commercial: It was my understanding that the landscaping requirements were going to be scaled back. We are in the desert, water is scarce and will become more scarce with growth and development. <i>By definition: An urban heat island (UHI) is a metropolitan area that is significantly warmer than its surrounding rural areas due to human activities, not a unshaded spot in a parking lot.</i> As long as we have over 100 days a year over a 100 degrees, tile roofs, 30 or 40 thousand automobile trips a day, black top roads and parking lots it is going to be HOT. According to Whitfill Nurseries: a 36" inch box with a desert tree is \$600, a 24" box with a desert tree is \$249.00 a 10 to 15 gallon container is \$35 to \$100 There is a substitution table on page 4-31 but then on page 4-35 it says no substitutions for interior parking lots. <u>This entire section needs to be reworked and discussed AGAIN!</u> <i>Despite concerns raised about its possible contribution to global warming, comparisons between urban and rural areas show that the urban heat island effects have little influence on global mean temperature trends.</i> [http://www.uapress.arizona.edu/catalogs/dlg_show_excerpt.php?id=1338 Landscaping continued. The aforementioned web site has water requirements to establish new trees and supplemental watering once established and the advantages of using smaller containers as opposed to boxes.	Fry's Market on JohnWayne park way has two single rows of parking 23 spaces each..NO Trees. Six double rows of 23 parking spaces....One or two trees on the ends closest to the building(East). One tree mid row and one or two trees on west end of parking. No median walkways, little other vegetation. Driving around the East vally this is standard for Fry's I can't find it now but there is somewhere in here to increase desert landscaping requirements by 20% which computes to 20% more water...remember THIS IS THE DESERT!

ARTICLE 204 Mixed Use Districts pg 2-34 thru 2-44

There is confusion on page 2-38 C Home Based Business: # 1 refers you to table 204.02 that refers you to page 410.12 which is Home "Occupation" which is different than Home "Based" which created confusion because the allowed and prohibited uses are different. Needs clarified. page 2-40 under other Standards: Sewer Service and Adequate Public Facility Participation Agreements. Global Water has the only sewer facilities in the city. They will not go into an area where they don't own the water. Maricopa Water District will not sell to Global because they will "rape" the existing MWD water users the same way they are doing to their own customers. You are expecting people to sign an agreement to pay their "fair" share of a service they don't have..may not ever have or if and when they do..they have no idea of the cost down the road. Fully explained on page 2-43 I. and #1. #3a on the same page: The consequences for not signing look a little like extortion to me. a.-2 What legal mechanism can the City use to prohibit MWD from selling more water to their customers? How can you regulate that. That enclave includes the home of Don Pierce the founding father of this community over 50 years ago and you are going to legislate zoning that prevents him expanding his water usage or add a bedroom to his house. I am appalled at the intrusion on private property rights that are going on in this code for Heritage District.

their existing customers. **Don Pierce is the founding father of this community and he lives in that enclave and you are going legislate zoning that prevents him from more water usage or adding a bedroom. I am appaled at the over reach of this code in what you have named the Heritage district.**

Article 303 MP Master Planned Required Overlay District PG.3-3 thru3-5

At our last task force meeting the question came up to explain the difference between this and a PAD. Bob Goodhue was at that meeting and he explained (I am paraphrasing a little because there are no minutes available to that meeting)That it was a little ambitious and sophisticated at the point the City is in development and growth. Bob Marsh ask why do we need it? Councilwoman Chapodos would not allow answer then So: I am asking now? **Why is it needed now?**

Article 302 TC Transportaion Corridor district. Pg 302.08 thru pg3-11

302.02 Boundries: Boundries and locations of the TC are established and shown on zoning map. This hasn't happened yet but 302.04 has a list of 10 things already prohibited. # 4 light industrial uses, already zoned and exist on the CG highway #7 Off track betting already approve in the new draft...common and logical place is in a liquor establishment/bar..location already existing on John Wayne Parkway. #8 Salvage and wrecking already located Hiway 238 #9 Storage and warehouse facilities..mini storage already existing on Johnway Parkway #10 Tobacco and paraphernalia. already located on JohnWayne Parkway. He should be excited: He is grandfathered in and won't have any competion:<)

The ridiculousness of this is fairly obvious

Article 303 TOD Transit Oriented Development Overlay District\pg 3-12 thru 3-25

14 pages were devoted to this overlay.How many years and how big did the vally have to get before they had light rail and athe last time I looked to the railroad south of me I had a hard time visualizing a BART station in the alfalfa field and vacated feed lot.

I have spent more hours than I can count as I know Linda Cheny has also. There are several things I have not covered in the 400 series in this spread sheet...I will have notes at the May 7th meeting. With all of the items that have been ignored omitted and are problematic with this draft I cannot possibly see it will be ready for P and Z and Council with out at least on more discussion meeting after May 7th. I haven't even attempted the 500 series, a lot of that is out of my expertise and experience. I am presuming those with more experience i.e Task Force Member Cheney , Chris Webb/Rose Law Group for PRI stakeholder will have input on these areas. I am looking forward to the draft that will format in some manner items discussed and changed so we "The Task Force will not have to read this entire document again.

Respectfully, Phyllis Von Fleckinger Task Force Member

Zoning Code Rewrite Task Force Member Cheney - Final Comments

Comments on Feb 2014 First Draft of Zoning Code			Have Comments Been Addressed in 'Redline' Second Draft or 4/30/14 meeting?	Comments on April 2014 'Redline' Second Draft and 4/30/14 meeting on Zoning Code
Source	#	Page/Section	NO	YES /
Member Cheney	1	General Comment		
	2	General Comment	PARTIALLY - NEED AS TASK FORCE DISCUSSION ITEM	There are still a number of standards and regulations in this draft Code that do not belong in a Zoning Code. Some of the regulations, such as <u>Adequate Public Facilities</u> (Art 402) are already fully covered by State Statute. Further, the Transit-Oriented Development Overlay District (promoting "future" light and heavy rail transit stations) is <u>extremely premature</u> and should be added to the Zoning Code, only after the City Council makes decisions regarding the kind of transit stations it needs and the location of the future transit stations. In addition, the Master Plan Required Overlay District is Michael Dyett's brainchild and not suited for Maricopa. These two Overlay Districts should not be forced on properties in Maricopa. Is this really what the City Council wants for Maricopa?
	3	Comparison Chart / pg 2 & 3	NOT RESOLVED - NEED AS TASK FORCE DISCUSSION TOPIC	Same comment as before. The Comparison Chart in the User Guide is inaccurate, incorrect and very misleading. Please correct per information already provided and the attached simplified version of the Comparison Table.
	4	General Comment	YES	I believe this concern has been resolved per meeting held on 4/30/14. I will want to see the new and revised text regarding the grandfathering of the existing zoned properties, including those with existing PAD Overlays.
	5	continuation of above comment	YES	

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6	Draft Zoning Map dated 2-12-14	There are major issues with the draft Zoning Map. As an example, three(3) of the four (4) RA (Rural Agricultural) areas and the north portion of the fourth (4th) RA area (Neely property) identified on the Draft Zoning Map are actually currently zoned GR (General Rural). The equivalent new zoning code district is still GR (General Rural), rather than RA (Rural Agricultural). Is the change to RA, rather than GR, deliberate or an oversight? If deliberate please justify the zone change from GR to RA, rather than GR to GR. There are several other properties identified on the draft Zoning Map where the proposed zone districts are not equivalent to the existing zoning on the properties. Another example is the area along the MCG Hwy west of Porter Rd that is currently zoned CI-1 Light Industry and Warehouse with PAD overlay (Homestead Village South and the zoning for that same area is now proposed as SC Shopping Center. What happened to the PAD overlay? The corresponding/equivalent new zone district to the existing zone CI-1 district is LI Light Industrial, rather than SC Shopping Center. Similarly, the parcels immediately east of Porter Road within the same Homestead Village South PAD are currently zoned CI-2 Industrial with PAD overlay and are depicted on the draft Zoning Map as LI Light Industrial. Wouldn't the more appropriate and corresponding zone district for this area east of Porter Rd be GI General Industrial or perhaps, and my preference, the label on the draft Zoning Map should be PAD wherever there are PAD Overlays and the PAD designation should cover the entire PAD overlay land area, including the commercial and industrial parcels. If the intent is to rezone these various properties and remove the PAD overlay with the adoption of the new Zoning Code and Zoning Map, have the property owners been properly notified of the zone change per ARS 9-462.01E and/or 9-462.04A.3? The Rules of Transition 101.06 indicate that properties zoned with a PAD overlay prior to the effective date of the new Zoning Code shall be developed in accordance with the approved zoning PAD overlay. Hence, there seems to be a conflict. Further, Article 207.03 indicates that all existing PADs will be designated as PAD followed by a number or the name of the PAD. The draft Zoning Map does not identify the PAD name or number. I am not comfortable with the approved hard zoning that exists with the PAD Overlays going away and/or being replaced with the new zoning designations, upon adoption of the new code and zoning map and without notification and written approval from the property owner.	YES	See comment above.
7	Art. 102.02 & Draft Zoning Map dated 2-12-14 / pg 1-12 & 1-13	A large number of properties within the City's Planning Area received zoning approval prior to the adoption of the General Plan in November 2006. In some instances, the Land Use Classifications depicted on the General Plan Land Use Map are not consistent with the earlier approved hard Zoning. As example, there are several properties along both sides of the MCG Hwy, where the general plan land use is identified as E Employment/Industrial when in fact the hard zoning approved for the same property is CR-3 Residential with a PAD overlay. Table 102.01 lists the new Zoning Districts and provides the corresponding General Plan Land Use Designation. Per this Table the General Plan "Employment/Industrial" land use designation corresponds to the new GI General Industrial zoning district. To further complicate this matter, the draft Zoning Map now depicts these same areas as PAD without any reference to the approved underlying hard zoning (CR-2 & CR-3). These discrepancies will cause confusion, interpretation issues and potential conflicts in the future. What can be done now in this new Code to eliminate these discrepancies and hence, minimize conflicts in the future? Can we please have this subject as a discussion item at our next Task Force meeting?	NO	There are still a number of properties that were zoned prior to the adoption of the General Plan that are in conflict with the Land Use Map of the GP. This issue cannot be resolved with the adoption of the Zoning Map, but rather with an update to the General Plan.
8	Draft Zoning Map dated 2-12-14	An area (133 acres) south of the City owned City Hall property and the City owned property (145 acres) were rezoned in November 2006 from GR to CR-3 with PAD overlay (See attached Ord. 06-16). The PAD was called Neely Estates. The City 145 acres was rezoned in 2011 (Ord. 11-07) from CR-3 Single Family Residential to TR Transitional, but the remaining 133 acres of the Neely Estates kept the CR-3 PAD zone status (see attached staff report 7-11-11. Hence, the 133-acre parcel immediately south of the City owned property is currently zoned CR-3 Residential PAD and not RA Rural Agricultural. Is it the City's intent to rezone this 133 acres with the adoption of the new Zoning Code and if so, has the property owner been notified of the rezone in compliance with ARS 9-462.01E and/or 9-462.04A.3.	PARTIALLY	The properties north and south of the City owned 145 acres (City Hall Complex) are correctly shown on the latest version of the Zoning Map. However, I am opposed to the City rezoning the 145 acres to Mixed Use General (MU-G) and the Copper Sky - City owned property on Hwy 347 with the adoption of the Zoning Map. I believe the adjacent property owners should be notified by mail of these proposed rezones; that there should be neighborhood meetings; a citizens participation plan and public hearings specific to these rezones separate from the pending public hearings for the adoption of the new Zoning Code and the Zoning Map.
9	Draft Zoning Map dated 2-12-14 & Art. 207 PAD District / pg 2-56 & 2-57	Upon adoption of the Zoning Code the PAD designation will be a zoning district, rather than an overlay district. Will this apply to projects that have existing hard zoning with a PAD overlay? If so, clarification language is needed. The term "Planned Development" is used several times in the document and is referenced at the bottom of the Zoning District comparison chart. However, the proposed zoning district is a Planned Area Development, rather than a Planned Development. Please correct.	MAYBE	I believe this concern has been resolved per meeting held on 4/30/14. I will want to see the new and revised text regarding the grandfathering of the existing zoned properties, including those with existing PAD Overlays.
10	Art. 102.01 / pg 1-11	Table 102.01 Base Zoning Districts - Last row on the Table - should this be the Planned Area Development District, rather than a Planned Development?	YES	Corrected.
11	Art. 101.06	Rules of Transition - This is the first time the Task Force has seen the language on rules of transition. The Rules of Transition as they are currently drafted are onerous and will cause huge negative impacts to the development community. I have repeatedly asked in the Task Force meetings over the past 9 to 10 months, what will happen to the existing zoned properties, especially the larger zoned projects with the PAD Overlays. I was told that those projects would be grandfathered. That apparently is not the case. Expirations with no extensions simply do not work. There are legitimate reasons why projects in Maricopa have been at a standstill for the last five to six years and have not made any "meaningful progress". We just experienced a devastating recession and recovery is still in process. Why would the City of Maricopa want to impose such an onerous regulation and financial hardship that in essence forces the expiration of prior approved Preliminary Plats, Final Plats, Site Plans and Building Permits, especially in the depressed market we have been experiencing? By the time a property obtains these levels of approvals in the entitlement process, huge dollar amounts have been expended to get to those approvals. It does not make sense that these approvals would expire without any ability to request and receive extensions. Please see more specific comments below. As a Task Force member I cannot support the Rules of Transition as they are currently written. Can we please have this as a discussion item at our next Task Force meeting?	NEED AS TASK FORCE DISCUSSION ITEM	The redline revised second draft on Rules of Transition, specifically the expiration and only limited allowed extensions requiring compliance with provisions of the new Zoning Code on already approved Site Plans, Preliminary Plats, Permits and existing approved PAD Overlays is still not acceptable. This will cause significant issues with the a Development Community and may very well be a deterrent to the economic development that Maricopa needs and desires to achieve. I will provide 'different text' to the Rules of Transition that I believe accomplishes what City staff wants and at the same time allows City Council the flexibility to review the circumstances of each project to determine if prior approvals should expire or be allowed to continue.

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12	Art. 101.06 / pg 1-8	Clarification needs to be provided on a number of the items in this section. For instance, item B4 Preliminary Subdivision Plat Approved Prior to Effective Date of Zoning Code, if a final plat is filed before the expiration of the preliminary plat does that mean the preliminary plat never expires? There are a number of Maricopa residential projects where final plats and improvement plans were filed with the City, but were not approved by Council and/or recorded because of the downturn of the housing market. In those cases, preliminary plat extensions were required even though final plats and plans were filed with the City. Item B4 seems to indicate that once a final plat is filed with the City that the Preliminary plat does not expire. If this is not the case and a preliminary plat extension is required, why would we not want to allow the extension? Please explain the intent of "No Extension"? This same concern would apply to items B3, B5, B6, C1.	NO	See above comment on Rules of Transition.
13	pg 1-8 & 1-9	In item D Development of Projects with an Existing Planned Area Development Overlay, please provide clarification on the meaning of "the development standards and requirements of this (the new) Zoning Code shall apply only if not specifically modified by the PAD Code". Please provide specific examples of this, so the Task Force can understand what standards and requirements of the new Zoning Code would apply to existing zoned properties with PAD overlays. The word "CODE" at the end of the sentence does not make sense. Should the word "Overlay" be used instead of "Code"? The last sentence reads "City Council may rescind or amend prior approved Zoning or PADs if no meaningful progress is made to develop in accordance with the approval in a timely manner." Please explain why this is statement is necessary? Who determines "meaningful progress" and "in a timely manner"? Please provide additional language to clarify this section. The State Statutes (ARS 9-462.01E.) identifies when and how a City Council may rescind or amend the approved zoning on a property. Why not just refer to the State Statute such that this sentence would read: "City Council may rescind or amend prior approved Zoning or PADs per ARS 9-462.01E" or include the entire Statute, which reads as follows:	NO	See above comment on Rules of Transition.
14	ARS 9-462.01E.	E. The legislative body may approve a change of zone conditioned upon a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, the legislative body, after notification by certified mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.	YES	These provisions on revoking existing zoning are now included in Article 502.13 Revocation of Permits and Approvals.
15	pg 1-9	Item E. Planning Applications Filed After the Effective Date of the Zoning Code reads: "All applications for Rezoning, Development Review Permits, Use Permits, Planned Area Development (PAD) zoning or PAD Plan approval, and preliminary subdivision plats filed after the effective date of this Zoning Code, including modifications and amendments, shall conform to the provisions of this Code. Additional clarification of the meaning of this provision is needed. For example, if a property with existing hard zoning and a PAD overlay requests a rezone of several parcels within the PAD from the Transitional (TR) zone district to the new Neighborhood Mixed Use (MU-N) zone district, would the entire PAD then be required to conform to the new Zoning Code or just the parcels associated with the zone change from TR to MU-N? Why are preliminary subdivision plats required to conform to the provisions of the new Zoning Code if the zoning w/ PAD overlay was approved before the adoption of the new Zoning Code? Please explain why this is necessary. What is the difference between PAD Zoning and PAD Plan? What if an existing PAD overlay requires a modification such as an adjustment to a roadway alignment or a modification to a zoning stipulation, how would those modifications conform to the new Code? Or what if a PAD has an approved preliminary subdivision plat and during the final plat and improvement plan design process a modification to the lot count is required, say a reduction, how would a lot count modification conform to the new Code? Again, can we please have this section Rules of Transition as a discussion item at our next Task Force meeting?	NO	See above comment on Rules of Transition.
16	Art. 102 / pg 1-10 & 1-11	<u>Table 102.01</u> - Please revise table as follows: There is no RS district. There are only subcategories RS 1 - RS 5. Hence, please revise table by removing the line item 'RS, Single Unit, Low Density Residential'. Public and Institutional Districts and Other Districts - This is confusing ... are the Open Space districts (PR, POS & C) a subcategory of the Public and Institutional Districts or a separate category lumped into Other Districts with the PAD District ? If the Open Space districts are to be included with the Public and Institutional Districts then the Base Zone District name should be revised to Public and Private Open Space and Public Institutional Districts . It would be less confusing if there were two separate Base Zone Districts, i.e., Public and Institutional Districts and Open Space Districts . The Other Districts could then be called the Planned Area Development District . Please note, the existing zoned properties with PAD Overlays should be grandfathered and should be identified as such in this Code . Please also see additional comments under Article 206 and 207 below.	PARTIALLY	I believe this concern has been resolved per meeting held on 4/30/14. I will want to see the new and revised text regarding the grandfathering of the existing zoned properties, including those with existing PAD Overlays. The three Open Space Districts must be identified in Table 102.01 in the same manner the rest of the Zone Districts are identified, i.e. the PPR-OS - Public Parks & Recreation Open Space, the PO-OS - Privately-owned Open Space and the C-OS - Conservation Open Space identified as line items on the Table and the name needs to be revised to "Open Space and Public-Institutional Districts". Identifying the three Open Space Districts as a footnote is not acceptable.
17	Art. 103.03 / pg 1-15	<u>Rules of Measurement</u> - PLEASE SEE COMMENTS BY HILGART WILSON (Planning and Engineering consultant firm) of 2-26-14 and those from Rose Law Group.	PARTIALLY - NEED AS TASK FORCE DISCUSSION ITEM	Per meeting on 4/30/14, Measuring Lot Width and Depth on curved streets needs to be corrected. Measuring Building Height, Measuring Height of Other Structures, and Determining Average Slope all need to be revised to include measuring methodologies that are commonly used in Arizona. I will provide alternate Measuring Methodologies for these items.
18	Art. 201 / pg 2-3	<u>Rural Districts</u> - Purpose Item A. Please provide a definition for "resource conservation areas". Item D. Discourage premature development and limit development in rural areas until suitable infrastructure and subarea plans are in place to facilitate development in a manner consistent with the General Plan. Who determines "premature development" and what does "limit development in rural areas until suitable infrastructure and subarea plans are in place to facilitate development" mean? Please define <u>subarea plan</u> . I have reviewed the Maricopa General Plan Land Use Element Goals and Objectives and nowhere does it include this kind of language. Why can't this simply say "Develop in a manner consistent with the General Plan"?	YES	

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19	Art 202 / pg 2-8	Residential Districts - Purpose Item A. Provide for a variety of residential development to suit the spectrum of individual lifestyles and space needs and ensure the continued availability of the range of housing opportunities necessary to meet the needs of all segments of the community consistent with the General Plan. Wow! Please explain what this means and how this will be determined. For example, who determines if a residential development "suits" the spectrum of individual lifestyles and space needs; the developer and/or homebuilder who understands the home buyer market or City staff? And how does anyone "ensure" the continued availability of the range of housing opportunities necessary to meet the needs of all segments of the community? Again, the General Plan does not have this language. Why can't the Purpose simply restate some of the goals and objectives from the General Plan Residential Land Use Element? Item D. Where did the statement "upgrade the quality of multi-unit housing" come from? Does Maricopa currently have multi-unit housing that needs upgrading?	NO	Please read 202.01 A and re-review the original comment. Item A. is the only issue. Items B thru E are fine. An acceptable purpose statement for item A would be: "Provide for a variety of residential developments and provide for a range of housing opportunities necessary to meet the needs of the community consistent with the General Plan."
20	Art 202.02 / pg 2-10	Table 202.02 under Residential (RS) - Guest Quarters and Granny Flats P(2) - Permitted in detached garages only. Why only in a detached garage? this does not match the General Terms for Use Classifications, pg 6-4, where it states that a second unit may be within the primary structure or in a separate structure on the lot. Please correct. We discussed this at a task force meeting. Lennar Homes has a product they call Next Generation. Following is an excerpt from an article on this home: "Of the approximately 312 million people living in America today, it is estimated that 49 million people are living with an extended family member and as the baby boomer generation gets older, it is widely expected that the number of people who have an extended family member living with them will continue to rise. When faced with choices related to caring for an elderly parent, let's face it: having grandma move into your daughter's bottom bunk isn't high on anyone's list of options. But at least one home builder is providing a revolutionary idea when building homes with an area designed to accommodate an expanded family – Lennar Homes. Lennar Homes has recently introduced the Next Gen Casita option to some of its communities in the Maricopa county area, and with the number of senior citizens who already call Arizona home, don't be surprised to see many other home builders attempt to copy this idea." Why would the City of Maricopa want to prohibit guest or family quarters inside the home? By the way, my son and daughter-in-law are in the process of buying one of Lennar's Next Gen Homes. Please visit the Lennar website to view a video of the home or the floor plan. It is extremely well done. Why are 'Hospital' and 'Clinic' indented and in italics on the Table? These uses are not a subset of Education Facilities. Why is 'Convenience Market' a subset of Commercial Entertainment and Recreation when it is a subset of Food and Beverage Sales? Please correct these items on the Table.	PARTIALLY	Changed Educational Facility from Permitted (P) for Public and Conditional (C) for Private to all Conditional (C). Public Schools by State Statute are exempt from City regulations and are not required to obtain a Conditional Use Permits, Site Plan approval or Building Permits. Please change this back to the way it was. The Convenience Market is still depicted as a subset of Commercial, Entertainment and Recreation and needs to be revised to be a subset of Food and Beverage Sales. Per 4/30/14 meeting this will be corrected.
21a	Art. 202.02 / pg 2-11	Table 202.02 under Public and Semi-Public Uses - Educational Facility - School Administrative Buildings should be excluded from the Residential (RS) categories and allowed in the Commercial Districts. Please add footnote or clarify in Use Classifications Art. 601. Why do Private Park and Recreation Facilities require a Conditional Permit and Public ones do not? Private parks and amenities are reviewed as a part of the subdivision review and may include a site plan. Why are these not included as a Permitted Use? The Public Safety Facility use in the RS Districts should have a limit to the square footage similar to the limit on square footage in the Mixed Use, MU-N and MU-G, district Table 204.02 footnotes. Outdoor storage at Public Safety Facilities in the RS categories should be prohibited, similar to footnote (6) on Table 203.02. Why are Religious Facilities a Conditional Use in the RS districts? Why not an Administrative Use Permit (A)?	YES	Per meeting of 4/30/14 these items will be addressed.
21b	Art 202.03 / pg 2-12 thru 2-16	Table 202.03 Development Standards for Residential Districts - The additional regulations C thru H were removed and will be placed in Guidelines. Please remove lettering C thru H from Table.	YES	Per meeting of 4/30/14 the Table will be corrected.
22a	202.03 / pg 2-13	Item B. RS-5 Districts Open Space, Lot Size Variation Allowed. "Open Space for projects with lots less than 7,000 square foot lot average shall be a minimum of 22 percent of the total net acres. RS-5 minimum lot area is 5,000 Sq Ft. What is the 7,000 sq ft criteria doing in the RS-5 district? This does not make sense and is in conflict with the subdivision code, see Table 1 (MPD and PAD) Sec. 14-5-3. Per the Subdivision Code Table 1 Open space is 20% for densities of 3.2 to 4.0 du/ac. A 60' x 115' lot = 6,900 sq ft and the typical density for a 60' wide lot subdivision is 3.2 to 3.4 du/ac. A 50' x 115' lot = 5,750 sq ft and the typical density is 3.4 to 3.9 du/ac. Hence the Open Space should be 20% for both of these examples, both of which are less than 7,000 sq ft. Why is there now a 22% Open Space requirement in the zoning code? What is the justification for this and why introduce a requirement that conflicts with the Subdivision Code? Up to 25 percent of the lots in a subdivision may be smaller than the minimum lot size (5,000 sq ft), with a minimum width of 45 feet. No lot shall be less than 4,500 square feet." A 45' x 115' lot = 5,175 sq ft. It is rare to have a conventional lot, even a small lot, with less than 115 feet of depth. Hence, where does the 25% limitation come in? If this provision is intended for non-conventional auto cluster and "Z" Lot type developments, the 25% may be problematic? However, keep in mind a non-conventional residential development has a much higher open space requirement of 25% to 30% and therefore the trade off for the smaller lot is the additional open space. Additionally, the word "subdivision" in this context is not the same as in the definition section of the code. Please make the distinction here of what is meant by "subdivision". Does it mean a single final platted residential parcel or all of the residential parcels in a phase of a PAD or MPD of the Subdivision Code.	YES	The 22% Open Space requirement is per the existing Subdivision Code and applicable to residential zoning without a PAD Overlay.
22b	202.03 / pg 2-12	New Item C. Residential Design Approval - Last sentence the Task Force was told via the last Task Force meeting and conversations with staff that the "zoning Permit" requirement had been removed. Approval of "standard home plans" should not require issuance of a "zoning permit", but rather the issuance of a "building permit".	NEW - NEED AS DISCUSSION ITEM	This is a new item inserted because the Residential Guidelines were removed from the Code and will be implemented in Guidelines. I am not sure if a Zoning Permit is the appropriate approval mechanism for obtaining home plan approval. I will check to see what other Arizona communities are doing with the "Home Plan approvals".

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23	202.03 / pg 2-16	Table 202.03.I. <u>Clustered Development Standards</u> - 60% lot coverage on a small lot cluster development is too low. Often the lots are very small and the house occupies almost the entire lot. The only yard area is typically a decent size courtyard or patio. Everything outside of the auto cluster (lots and common driveway) is open space with interconnecting trails, amenities and very nice landscaping. Many consumers like this product because there is no yard maintenance, lower land and improvements costs, which equals lower home price, and access to open space and trails right outside the door. Lot coverage on these type of small lot auto clusters is in the range of 65% to 75%.	YES	For cluster development the lot coverage was lowered from 60% to 50%, but is calculated as a percentage of the entire site and not per Lot.
24	202.03 / pg 2-18	<u>Clustered Development Item 1.7.c. Entries and Porches</u> - Requiring that 35% of the homes must include entries and porches extending along 50% of the homes front, excluding the width of garages needs some clarification. This may work for some larger lot cluster developments, but it will not work for a certain type of auto-cluster product where 6 to 8 homes share a common private driveway/courtyard to access the garages. In this type of cluster the garage occupies almost the entire face of the home and if that is considered the front of the home, the 35% could never be met. However, if the opposite end of the lot is considered the front of the house for this provision, then the 35% of the home front having a entries, porches and/or patio/ courtyard would work. Please revise the text to include this type of auto-cluster product.	YES	The front of the house on an auto-court cluster development is considered to be on the opposite end of the house from the garage facing auto-court.
25	202.04 / pg 2-22	Table 202.04 Development Standards - High Density Residential Item E. 1 & 2. - Private outdoor open space raises the rental price by \$150 to \$250/month. Many individuals cannot afford this additional monthly cost, especially those on the lower income spectrum. Why would Maricopa want to require this for every single unit in an apartment complex? This was discussed at a task force meeting and the suggestion was to require that 33% of the units have private outdoor open space and that the minimum required open space be calculated on a per bedroom basis, such that a one-bedroom unit would have 60 SF, a 2 bedroom 120 SF and 3 bedroom 180 SF. The comment matrix response to this suggestion was "Great points, will review peer communities and can provide detail based on number of bedrooms and more flexibility". Why then was this ignored?	MAYBE	Where did the square footage per ground, first and second floor requirements come from? Why not require the square footage of private open space based on the number of bedrooms? Per meeting on 4/30/14 Staff is considering revising this to open space square footage based on number of bedrooms. Referring to item 2.a. <u>Minimum area required for private open space</u> the text is confusing. Is the 35% of all units requirement for the entire project or 35% for each floor? Please edit text to make the intent understandable. In addition, the Table has an item I. identified on the Open Space line, but there is no item I in the standards. Per 4/30/14 meeting this will be corrected.
26a	Art. 203.02 / pg 2-26 thru 2-29	Table 203.02 Commercial Districts - Please clarify the difference between the category of Government Buildings and Public Safety Facility? Isn't the Public Safety Facility a subcategory of the Government Buildings? Should both of these have a square footage limit in the Neighborhood Commercial category? Why are Religious Facilities not allowed in the Commercial categories? Why not as a Conditional Use?	YES	
26b	Art 203.03 / pg 2-30 thru 2-33	Table 203.03 Development Standards for Commercial Districts & items A thru I - Item B. the last sentence needs to be completed, i.e. accomplished with what? In Item F. Pedestrian Access please define what "off-site" sidewalks means. Does this provision require construction of sidewalks off of the property being developed in order to "connect" to an existing sidewalk? If so, then remove the word "off-site". The City cannot require a developer to construct sidewalks or other improvements on someone else's property. Item I. is not on the Table. Please add line item Transitions Adjacent to R Districts. Is the intent to have Transitions next to the Rural and Residential Districts or just one of them? If so, which one and please clarify. Why does the Neighborhood Commercial allow Multi-Unit Dwellings? Is the same term used in the RM Multi-Unit Residential (6 to 12 units) or is it intended to also include RH High Density Residential? I'm not sure I agree with allowing residential in the Commercial Zone. The Task Force needs additional dialogue and understanding on this item. If residential is allowed in the Neighborhood Commercial zone, then it should have the same Outdoor Living Requirements (item E) and Private Storage Space Requirements (Item G) as the RM Residential Multi-Unit Zone or RH High Density Zone.	YES	Per meeting on 4/30/14 the "off-site" sidewalk will remain. The intent is that on-site internal sidewalks will connect to existing "off-site" sidewalks and not that the developer will be required to construct "off-site" sidewalks, if they are not already there.
27a	Art. 204.02 / pg 2-36 thru 2-38	Table 204.02 Mixed Use Districts - Government Buildings in all of the Mixed Use Districts seems inappropriate. There should be a square footage limit and no outdoor storage footnote for the MU-N district. Perhaps there should also be a Conditional Use Permit requirement for the MU-N category so the neighbors have a chance to comment. Please provide clarification in the General Terms and/or Definitions the difference between the Public Institution (PI) Zone and the Government Buildings, Public Safety Facility and Colleges and Trade Schools (Public). Government Buildings are allowed in all zone districts, except the Rural, Residential and Private and Conservation Open Space Zones, so why is the Public Institutional zone even needed? This is confusing. Please provide clarification. Per Article 410 pg 4-116 Medical Marijuana Dispensary Facilities are allowed in the MU-G zone district, but it is not on this Table. Please either add to Table or remove from pg 4-116. What does footnote (2) "Residential on Upper floors only" mean on the line item "Instructional Services"? Footnote (5) "Restricted to ground floor" is not anywhere on the Table. Please either remove or add (5) where appropriate.	YES	Resolved.
27b	Art 204.03 / pg 2-40 & 2-43	Table 204.03 Development Standards for Mixed Use Districts & items A. thru M. - The requirement (H) for Outdoor Retail Sales and Merchandise Display does not exist and item (M) Pedestrian Access is not included on the Table. Please either add the (H) provision or re-letter the remaining requirements, so the letters H thru L or M match up to correct line items on the Table. Item A. Increased FAR for Mixed Use Buildings - the sub-items 1. thru 4. are <u>incentive Based</u> and to be consistent with the rest of the Code should be in Article 411 Sustainable Development Incentive Program, rather hidden in the Development Standards for the Mixed Use Districts. In addition, item A. 3. "off-site improvements" does not make sense and needs clarification and needs to be more specific. Item G.2. Minimum Private Open Space Required - Please revise the requirements so they are consistent with the revisions made to the private open space for the RM and RH Residential Districts, see also comment #25 above.	NO	This item was missed in the meeting on 4/30/14. I am requesting that this be looked at and revised accordingly.

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27c	Art 204.03 / pg 2-40 & 2-43	Heritage District (MU-H) Sewer Service and Adequate Public Facility Participation Agreements (204.03 Development Standard I. 1 .thru 3a.) Item 3. The inserted phrase "existing residential" and the added text at the end of 3.a. added more confusion rather than clarification. Is item 3 and 3a. now only applicable to "existing residential" properties? If so, what is the process for requesting a waiver on non-residential properties within the Heritage District? What are the other "inadequate public facility improvements, in addition to the sanitary sewer, that the Participation Agreement is expected to cover?	NO	Per 4/3/14 meeting the Mixed Use Heritage (MU-H) District will be deleted and replaced with a Heritage Overlay District. Is the rest of the Task Force okay with the way the "inadequate Sewer and Public Facilities" within the Heritage District is being dealt with in the Code? There may be other options that have not been explored, i.e. grants and/or special assessment district.
28	Art. 205.02 / pg 2-46 thru 2-48	Table 205.02 Industrial Districts - Why are Colleges and Trade Schools (Public) depicted as (A) Administrative Use Permit? Doesn't the State Statute exemption allow a (P) Permitted Use for Public Colleges and Schools? Same comment as in Art 204 above, why have the PI district when government buildings allowed almost everywhere. Under the various Automobile uses there is a P(3), but there is not a footnote (3). Please correct. The "Cultivation" line item should be subcategory under the "Medical Marijuana Uses", rather than under the "Mobile Food Vendor Use". Also, per 410.16 page 4-116 Cultivation is allowed under the LI category, it is depicted a prohibited on this Table. Please correct these items.	YES	Resolved.
29	Art. 206 / pg 2-52 & Draft Zoning Map	Public and Institutional Districts - The name of this use category is deceiving in that it implies that it covers properties that are publically owned. However, it also includes privately owned open space. Suggest revising the title. Per this section no use is permitted in the OS-C (Conservation Open Space) district, except trails, and there are no development standards. Where are the Use Classifications/descriptions in Article 601 for these Open Space Districts? The Article 602 Definitions do not match up to the zone district designation, which will cause confusion and misinterpretations in the future. For instance does the zone district OS-PR (Parks & Recreation) include both public and private owned recreation parks or are the Private Owned Parks included in the OS-POS category? Please add more clarification in Articles 206, 601 and 602. There are several projects with existing Zoning & PAD Overlays, including built-out and partially built-out projects, that do not have any of the zoning districts described in this section, because they currently do not exist. The draft Zoning Map now depicts these new districts, PI, OS-C and OS-PR, on areas that currently have either residential (CR-2, CR-3, etc.) or transitional (TR) hard zoning and some of the areas labeled as OS-PR are actually privately owned OS-POS. Is the intent that with the adoption of the code and map that these areas will be rezoned to the new PI, OS-PR, OS-POS and OS-C districts? If so, I am adamantly opposed to this. This could be considered a 'taking' and warrant a claim of diminution of value. Further, the State Statutes (ARS 9-962.04 I.) prohibits the rezoning of land for Open Space unless the owner of the land consents to the rezoning in writing. Can we please have this as a discussion item at our next Task Force meeting? Suggest placing the Open Space (PR, POS & C) Districts in their own category called Public & Private Open Space. See comment under Article 102, or if left with the PI district, call this category Public & Private Open Space and Public Institutional Districts. In 206.01 A. add at the end "as well as provide privately owned (property owner or HOA) parks, recreation amenities and open space. In item B change "Semi-public" to "Private". Semi-public implies that the public can use the facility. In the case of HOA owned open space and amenities, those facilities are only open to the residents of the HOA, unless there is a separate use and additional fee agreement. Under the "Additional purposes for the Open Space Districts create three subcategories of Open Space - (1) PPR-OS Public Parks and Recreation Open Space, (2) P-OS Privately-Owned Open Space (only used by HOA residents) and (3) C-OS Conservation Open Space (which can only be zoned as such with written permission from owner) and provide a separate description for each, similar to the other district categories. This will provide needed clarification and eliminate confusion and interpretation questions in the future. Change labeling on Table to PPR-OS, P-OS, and C-OS. Under PI description on pg 2-53 change "corporation yards" to "public works equipment maintenance and storage yards" and these should only be allowed in the PI and GI categories.	PARTIALLY - NEED AS TASK FORCE DISCUSSION ITEM	This was discussed in 4/30/14 meeting, but not completely resolved. I believe if we are going to lump the Open Space categories with the Public-Institutional category the name of Article 206 should be "OPEN SPACE AND PUBLIC-INSTITUTIONAL DISTRICT". Using the term "OPEN SPACE, PUBLIC AND INSTITUTIONAL DISTRICT" implies that there is only one (1) Open Space district, one Public district and one Institutional district, when in fact there are three (3) Open Space sub districts and only one (1) Public-Institutional district. Under Additional purposes of each Open Space and the Public-Institutional District, please provide separate purpose & description of each of the three Open Space subcategories just as was done with the other sub districts. For additional clarification please use the following "names" and "letter designation" for the Open Space categories: Public Parks & Recreation Open Space (PPR-OS or OS-PPR) - then provide purpose, description & examples; Privately Owned Open Space (PO-OS or OS-PO) - then provide purpose, description & examples, i.e. typically HOA owner and maintained open space and parks for the use of residents of HOA & private golf course would also fall under this category; and Conservation Open Space (C-OS or OS-C) - then provide purpose, description & examples. Under Public-Institutional - if Public Works Yards (also sometimes referred to as Fleet Maintenance Yards) are allowed in the PI district, then 'Outdoor Equipment & Material Storage' should be identified separately from "Government Buildings" or as a subcategory and there needs to be additional development standards because of compatibility issues with all the Residential and Mixed Use Districts (i.e. screened buffer areas, noise attenuation, height restrictions, etc.) or there should be restrictions on the locations of Public Works Yards, such that they can't be located adjacent to any Residential or Mixed Use Districts Please also clarify, are Public Works Yards allowed in any of the Industrial Zones? Public Works Yards should not be allowed in the PI District, if additional restrictions or standards are not imposed. Per 4/30/14 meeting this will be addressed.
30	Art. 207 / pg 2-57	Planned Area Development District - Please see applicable General comment above. For existing zoned properties with a PAD overlay what portions of the PAD narrative and exhibits is considered to be the PAD Plan? Please include this in definitions. What is a valid PAD Plan? Please define. In 207.05 the Article referenced should be Article 510 and not 509. There are several other incorrect references like this through out the document. I have a major concern about how the existing zoned properties with PAD overlays are being swept under the rug with this rewrite. This is not acceptable and as a Task Force member I cannot support this. Can we please have this as a discussion item at our next Task Force meeting?	PARTIALLY - NEED AS TASK FORCE DISCUSSION ITEM	Pre-existing (original or old) zoned properties with a Planned Area Development (PAD) Overlay <u>cannot</u> be lumped into the same category as the new Planned Area Development (PAD) District. The PAD Overlays are not Pre-existing PAD Districts and must be treated separately in the Code. The new Code needs to have a <u>separate Article or section with an existing Article</u> that addresses and discusses that the properties that have been rezoned under the old or original Maricopa Zoning Code retain the 'pre-existing Zoning and pre-existing PAD Overlay' along with the associated permitted uses and site development standards. In other words, the pre-existing zoned properties are grandfathered from the New Zoning Code, unless the property owner elects to apply for a Rezone to one of the new Zoning Districts. This Article also needs to explain that a rezone from a parcel from the pre-existing zone district to a new zone district does not require a complete rezone of the entire property covered by a PAD Overlay nor does it negate the PAD Overlay, if there is one. <u>The retention of the pre-existing Zone Districts on already zoned properties including the PAD Overlays must be addressed in this Code.</u> I believe this concern has been resolved per meeting held on 4/30/14. I will want to see the new and revised text regarding the grandfathering of the existing zoned properties, including those with existing PAD Overlays.
31	Art 207.04 / pg 2-57	Item B. Residential Unit Density - Where in this Zoning Code are there "voluntary density bonus regulations"? If not in this Code do they currently exist? If not, this reference should be removed from this item B.	YES	

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	32	Art. 301 / pg 3-3		
		<p><u>MP Master Plan Required Overlay District</u> - Please identify where and when this overlay district would be applied and required and give examples? I have <u>major concerns</u> regarding this 'Required' Overlay District. What is meant by 'Required'? What do the 301.01 Purposes B., C. and D. mean? As example, <u>Item 301.01.C.</u> states "<u>Avoid premature or inappropriate development that would result in incompatible uses or create public service demands exceeding the capacity of existing or planned facilities</u>";. Who determines these items? Is this Master Plan Required Overlay District meant to imply "growth management" or "growth boundaries"? In 301.06 Required Plan and Materials please explain/justify the reason for requiring items F. & G. at the time of zoning and explain why a second opinion from a City-approved engineer may be required at the discretion of the City Engineer? If an Arizona registered professional engineer prepares the report and it is good quality and covers the required elements, why would the City Engineer require a second opinion from a City-approved engineer? If the report lacks the required elements or if clarification or edits are required the report should be sent back to the preparing engineer with the City comments and the engineer should address those comments. Again, why would the City Engineer require a second opinion from a City-approved engineer? Please provide justification why this requirement should stay in the zoning code. The term 'site plan' is used in this section as well as other sections of the code. Please provide a definition of what this means, as it could be interpreted several completely different ways. This will eliminate the need for interpretations in the future.</p>	PLEASE HAVE THIS AS A TASK FORCE DISCUSSION ITEM	Most of these comments were ignored. The <u>Master Plan Required Overlay District</u> is not appropriate for Maricopa. This Overlay Districts should not be forced on properties in Maricopa. I am opposed to keeping this in the Zoning Code.
	38	Art. 302 / pg 3-8 to 3-11		
		<p><u>Transportation Corridor Overlay District</u> - Task Force did not decide to include this in the new Code, but rather to have a place holder for future addition to the Code. Where is the TC Overlay proposed on the Zoning Map?</p>	NO	Per 302.03 Planned Area Development "Overlays" (Areas needs to be changed to Overlays) are exempt, as well as Open Space Parks and Recreation Districts. The City can impose this Overlay District onto to already hard zoned properties that do not have a PAD Overlay, but can exempt its Copper Sky Park and Recreation property that only has hard zoning and no PAD Overlay. How fair is that?
	39	Art. 303 / pg 3-12 to 3-24		
		<p><u>Transit-Oriented Development Overlay District</u> - Task Force did not decide to include this in the new Code, but rather to have a place holder for future addition to the Code. This Zoning Overlay is way too premature for Maricopa. Where is the TOD Overlay proposed on the Zoning Map?</p>	NO	The Transit-Oriented Overlay District should be a place holder only in the New Code. Only after the City knows for sure that it will have a high-capacity transit station(s), should it adopt the Overlay regulations
	40	Art. 401.05 / pg 4-9		
		<p><u>Construction Material and Waste Management Plan</u> - Why make this mandatory? Why not encourage construction entities to do this, rather than dictate? The majority of homebuilders and most apartment and commercial construction companies are already doing this at some level on their own, so why not go with the 'light touch' and encourage as Guidelines? My notes from the Sept 25th meeting was that the Task Force requested that this be removed from the Zoning Code and developed as Guidelines instead.</p>	YES	401.05 was removed.
	41a	Article 402 & 602 Terms & Definitions/pg 6-26		
		<p><u>Adequate Public Facility - related terms</u> - Please refer to the 9-19-13 Module 3 Comment Matrix on this subject, including significant comments from other stakeholders, and the responses to those comments. The State Statutes (9-463.05 Development Fees), ADWR, ACC, ADEQ, and ADRE (via Public Report) already regulate that a project must have adequate public facilities. Where in ARS 9-462.01 covering zoning and land use does it allow a city the authority to require the determination of adequate public facilities prior to granting land use/zoning approval (see Art. 402.02A)? We discussed this section at some length at the 9-25-13 task force meeting and my notes reflect that the Task Force requested that the Article on "Adequate Public Facilities" be removed or at a minimum that staff remove the Queen Creek code and instead perhaps incorporate applicable/reasonable portions of Tempe's code on Public Infrastructure. It appears that the Tempe code was copied almost verbatim. Further, while the Tempe code was cut and pasted into this Article 402, the Definitions in Article 602.02 for Adequate Public Facilities still corresponds to the Queen Creek Code and hence several definitions must be removed and/or revised. I do not think that Maricopa's zoning code should include requirements/provisions for Adequate Public Facilities, since that subject matter is already covered in the State Statutes and governed by the above mentioned State agencies. Please have this as a discussion item at our next Task Force meeting.</p>	NEED AS TASK FORCE DISCUSSION ITEM	Again, I am opposed to the Adequate Public Facilities being included in the Zoning Code. They are already covered under the State Statutes and by the various State Departments - ADWR, ADEQ, ACC, ADRE, etc. This is over regulation and absolutely not necessary. Following are comments provided by HBACA, Jackson Moll, "Generally - It is unclear whether the City has the power under A.R.S. 9-462.01 to include an Adequate Public Facilities Ordinance ("APFO") in its zoning ordinance. Cities do not possess unlimited zoning authority. Arizona courts have consistently stated that since cities derive the power to zone from the state legislature, their zoning ordinances must be consistent with the enabling act. The APFO does not define the type of land use that is permitted within a particular zone nor does it regulate the type of building that may be located within a particular zone. Rather, the APFO ties approval of a specific development to a certification that adequate public facilities exist, which is not one of the 12 ways in which a city or own can regulate land use in a zoning ordinance under A.R.S. 9-462.01."
	41b	402.01 B / Pg 4-22		
		<p><u>Applicability</u> - I am opposed to the following statement that was inserted into the Code with this latest draft. <u>New developments may be required to assess and provide documentation as to the adequacy of existing Public Safety and Public Education infrastructure and facilities intended to serve the proposed development. All new development in the City shall meet the minimum established service levels for new development.</u> Why was this statement inserted into the Code since the first draft? Who requested that it be inserted and why? Please explain what is meant by "Public Safety" and "Public Education" infrastructure? These terms are not defined anywhere in the Code. What are the City's <u>minimum established service levels for new development</u>? Please provide this <u>information</u> to the entire Task Force. Again, this does not belong in the Zoning Code. New development is required to pay for necessary public services via ARS 9-463.05 Development Fees, which is located in the Subdivision Regulations and not the Zoning Regulations of the State Statutes. Further, the State Statutes 9-463.05 T. 7. defines "Necessary Public Service" as facilities that are owned and operated by or on the behalf of the municipality. Hence, public schools are not included, nor are water and sewer facilities since they are not owned by the City.</p>	NEED AS TASK FORCE DISCUSSION ITEM	REMOVE THIS INSERTED STATEMENT (That wasn't in the first draft) from the Code. Per comments provided by HBACA, Jackson Moll, "Schools - As we understand this proposal, the APFO will require a certification from a school district that the school system has adequate public facilities to accommodate new demand from new construction. If the district determines that it does not have adequate facilities, the developer or builder will be required to pay a substantial sum to the school district to secure its approval or follow one of the other means of mitigate the inadequate facilities. From this description it is quite clear that the operation of this ordinance will be very similar to the mandatory school impact fee struck down by the Arizona Court of Appeals in Home Builders Association of Central Arizona v. City of Apache Junction, 198 Ariz. 493, 11 P.3d 1032 (2000). In Apache Junction, the Court held that cities and towns have "no authority or responsibility for public school matters" under A.R.S. 9-463.05 (impact fees) or any other statute. Id. Rather, the Arizona Constitution and case law has explicitly declared that "the legal responsibility for financing Arizona's public schools rests with the legislature and school districts, not with municipalities."

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42	Art. 402.03 / pg 4-24	<u>Item L. Private Streets</u> - Please provide justification why the City needs a 'warranty' on a private street that will not be owned or maintained by the City?	NO	Comment ignored. This item was not discussed in the 4/30/14 meeting. I am asking that it be addressed in the next draft.
43	Art. 402.04 / pg 4-25	<u>Item C. Underground Facilities</u> - Not all utility easements are 'exclusive'. Gas, electrical, telephone and cable are typically placed in an 8' public utility easement. Please insert the word 'public' so that it reads ...within public or exclusive easements... In addition, water, sewer and effluent lines are most often installed within the street ROW, sewer and effluent lines under the pavement and water under the pavement or behind the curb and sidewalk. Hence 'public ROW' should be added to the sentence as well.	NO	The comment was only partially addressed with the insertion of "public utility easement". "Public ROW" also needs to be inserted to item C. because GLOBAL's water and sewer mains are in the Public ROW. I am asking that it be addressed in the next draft.
44	Art. 404 / pg 4-30	<u>Landscaping</u> - The non-residential street right-of-way planting requirements in Table 404.04.A.4. were not toned back from the Module 3 draft. A comparison of six other Arizona cities identified that the Maricopa standards were excessive, i.e. 1 tree and 3 to 4 shrubs per 25 to 30 feet was the norm, while the proposed in Maricopa is 1 tree and 6 shrubs per 20 feet. The current Subdivision Ordinance 14-6-5 for Arterial and Collector Streets requires 1 tree and 3 shrubs per 30 feet. In addition, the minimum tree box and shrub gallon sizes are also excessive compared to other cities. The landscape requirements for parking lots does not appear to have been reduced at all. Please justify why the proposed landscape requirements, which are excessive compared to other cities and contrary to the goal of conservation of water, are necessary? Please have this as a discussion item at our next Task Force meeting. Please provide a comparison of the Landscape requirements being proposed with other cities in the valley.	NEED AS TASK FORCE DISCUSSION ITEM	Landscape Comparison was provided. The Task Force needs to decide if the staff recommendations of toning the landscape requirements back is acceptable or if further editing is required.
45	Art. 405 / pg 4-37	<u>Lighting Standards</u> - Have the proposed lighting standards been reviewed and approved by ED3?	NO	Comment ignored. Has ED3 been consulted?
46	Art. 408 / pg 4-67	<u>Performance Standards</u> - Do performance standards belong in the Zoning Code or in a separate section of the City Code?	NO	I still question whether performance standards belong in the Zoning Code, but I will let this one go if the rest of the TASK FORCE believes it should stay in.
47	Art. 410.08 / pg 4-106	<u>Standards for Specific Uses - Day Care Facilities E. Screening of Outdoor Play Areas, item 2. does</u> "... perimeter landscaping that has been configured to result in either: (i) a public space or amenity that is accessible from the public ROW or (ii) a natural drainage system, such as combined swales, retention basins, detention basins or rain gardens, to reduce stormwater runoff." These two provisions (i) and (ii) do not make sense in the context of screening outdoor play areas of a Day Care Facility. Please review and edit accordingly.	YES	Comment addressed and provision corrected.
48	Art. 410.09 / pg 4-107	<u>Table 410.09 Drive-Through Facility Stacking Space Requirements</u> - What city did these requirements come from? Five spaces per teller for bank drive-through and 3 spaces per window for fast food beginning from call box seems excessive. I cannot think of any facilities I use that meet this criteria.	YES	Resolved.
49	Art. 410.14 / pg 4-112	<u>Live / Work Units, item C.</u> - "Live/Work Units may contain only residential uses, but they are not permitted to contain only "work" or commercial uses." The 'may contain only residential uses' appears to conflict with Table 204.04 (Mixed Use) & footnote 2., which restricts residential to upper floors only. And Table 203.02 (Commercial) footnote 1. indicates upper floors only, if available. (What does if available mean?) I'm not understanding how "may contain only residential uses" fits into the concept of "Live/Work Units". Please clarify.	YES	Resolved.
50	Art. 410.14 / pg 4-112	<u>Live / Work Units, item D.</u> - Prohibited sale or rental of portions of Unit above the ground level - I am not understanding why sale or rental should be prohibited. Can we please have a discussion on this topic.	YES	Resolved.
51	Art. 410.16 / pg 4-116	<u>Medical Marijuana Uses</u> - There are discrepancies between this section and the Land Use Regulations Tables for Commercial, Mixed Use and Industrial. The Tables do not indicate that dispensaries are allowed in General Mixed Use nor that infusion and cultivation facilities are allowed in the Light Industrial zone. Please correct.	YES	Resolved.
52	Art. 410.17 / pg 4-119	<u>Mobile Food Vendors, item H.</u> - 24 square feet seems rather large for a vendor sign.	PARTIALLY	Please identify what size sign is allowed on the a food vender vehicle.
53	Art. 411 / pg 4-129	<u>Sustainable Development Incentive Program</u> - My notes from the Task Force meeting was that it was premature to include this Green-Building Incentive Program in the Zoning Code. The thought was that it would be better to develop the Program in a Guideline. Why is this still in the Code?As discussed at our March 5th Task Force meeting, a residential density bonus is not one of the Development Incentives listed on Table 411.03. Was it the intent to have a residential density bonus?	NO	I still question whether this belongs in the Zoning Code or in Guidelines. I will let this one go if the rest of the TASK FORCE believes it should stay in.

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54	Article 500	The <u>Administration and Permits</u> section of a Zoning Code is its heart and soul, its foundation. It communicates to the development community, if the Code is truly streamlined and user-friendly or if it is onerous and problematic. It either encourages or discourages the development community to come to Maricopa, to bring housing, new businesses, employment and industry, which all generate economic development. Having now read through the Administrative and Permits section of the draft Code, I have to say this is not at all the direction I thought the Zoning Code was going in. It has been represented that this new Code would be streamlined and simplified and that the regulations would have a 'light touch'. Instead, this Administration and Permits section goes above and beyond what is required in the State Statutes and hence, overregulates . It creates layers of unnecessary applications, fees and permits. I may be completely wrong, but I think the current City Council wants this Code to be truly user-friendly and streamlined and wants it to encourage economic development in Maricopa, rather than discourage it. Can the Task Force have this as a discussion item?	NEED AS TASK FORCE DISCUSSION ITEM	What does the rest of the Task Force think about the revisions that were made to this Article?
55	Art. 500	<u>All Tables in Article 500</u> - Why are the Overlay Districts excluded from these Tables? Please include.	NO	Not addressed.
56	Art 501.02 / pg 5-4	<u>Item 2.b. - Zoning Code Map or Text Amendments</u> . The City Council shall have the power to initiate applications without owner authorizations for either Zoning Code Map or text amendments. This seems to imply that the City could also approve Zoning Code Map amendments, effectively rezoning an owners property, without notification or authorization. There are some circumstances where an owner's written approval is required, see ARS 9-462.04.I. which states: "... a parcel of land shall not be rezoned for open space, recreation, conservation or agricultural unless the owner of the land consents to the rezoning in writing."	YES	Addressed.
57	Art. 502.02 / p 5-15	<u>Item B.3. Claim for Diminution of Value</u> - I strongly disagree that all applications must include a waiver of Claims for Diminution of Value. Requiring the Waiver defeats the intent of the State Statute. ARS 12-1134 item I. provides for a City and a private property owner <u>reaching an agreement</u> to waive a claim for diminution of value. However, requiring a Waiver of Claims of Diminution of Value to be submitted with every application and if not submitted, the application is deemed incomplete, is not <u>reaching an agreement</u> , rather it is coercion and extraction.	NO	I disagree with this provision being included in the Zoning Code.
58	Art. 502.05 / pg 5-18	<u>Neighborhood Meetings and Notifications - Item B. Applicability</u> - A neighborhood meeting is required for the following types of applications..... The current Zoning Code on citizen participation/neighborhood meetings requires that this be done on every application that requires a public hearing. The State Statute 962.03 requires the citizen review on all zoning and specific plan applications, as well as General Plan and Annexations. Why is the new code now requiring it for applications that do not require public hearing, i.e. Variances, Site Plan? <u>Please remove the Neighborhood meeting requirement if it is not required by State Statute.</u>	YES	Addressed.
59	Art. 502.05 / pg 5-19	<u>Item E.1, Neighborhood notice and meeting materials must be submitted with the project application</u> . Why? Currently, the neighborhood notice & meeting materials are submitted, once staff indicates that the application materials are ready for approval. Often times the application supporting materials and reports are revised before staff is ready to approve. Hence, requiring the neighborhood notice and meeting materials at the time of application, especially for large or complicated projects, is premature as both the notice and the materials would require revising as the application materials are revised. Please change this onerous requirement.	YES	Addressed.
60	Art. 502.05 / pg 5-20	<u>Item F.4. Notification Requirements - Electronic Notice</u> - The second sentence states that an electronic notice may be substituted for an <u>advertised notice</u> and then the third sentence indicates that electronic notice may be substituted for <u>mailed notice</u> . Which is it or is it both? Please clarify.	YES	Addressed.
61	Art. 502.06 / pg 5-21	<u>Public Notification</u> - Item C.5. Electronic Notice - Same comment as immediately above. If the Public Notification for the public hearing is provided in the Neighborhood Meeting Notification, is it necessary to send a second Public Notification for the same public hearing? This 502.06 seems to imply that. Please review the requirements for both the <u>Neighborhood Meetings and Notification</u> and the <u>Public Notification</u> and consolidate or provide text that clarifies when, if ever, two notifications are required for the same public hearing.	YES	Addressed.
62	Art. 502.06 / pg 5-25	<u>Table 502.06 Notification Requirements</u> - Why Aren't Overlay Districts included on the Table? Please include. For Minor Development Review Permits, under the 'Applicable Projects' column, shouldn't the bullet point on Facade Alterations read; "Facade Alterations <u>less</u> than 10% of surface area", rather than " <u>more</u> "? Please also see specific comments to each type of permit below.	NO	Why aren't the Overlay Districts on this Table?

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63	Art. 502.09 pg 5-27	<u>Ex Parte Communications - Disclosure of Communications</u> - Where did this language come from? Please specify where this came from in the response to comments. I'm sorry but this provision the way it is written is way too restrictive. If I want to meet with a City Council member to discuss an issue or matter, that issue or matter should not have to be documented and made a public record, unless the communication applies to formal rulemaking. I believe this goes above and beyond what the law requires. Please have the City's legal department look at this and revise accordingly.	YES	This was deleted from the Code.
64	Art 502.10 / pg 5-28	<u>Item A. Date of Action</u> - The second part of the first sentence reads "... or if no public hearing is required, within the time period required by this Code" but the second sentences says "the date of action shall be the date of the hearing". Please define in the last sentence the <u>date of action</u> when there is no public hearing.	YES	Addressed.
65	At. 502.11 / pg 5-29	<u>Conditions of Approval, Item A. Authority</u> - The second part of the first sentence states "... or to fulfill an identified need for public services ." Please include a definition of necessary 'public services' in the definitions Article 602 and please make sure that the definition is consistent with the State Statute ARS 9-463.05.T.7. Additionally, in <u>Item B. Contract for Conditions</u> - Please specify when a land use approval requires a recorded " Contract " that includes the Conditions of Approval " and when a land use approval does not require a recorded Contract. I need to understand when this would be applicable and when it would not and reserve the ability to comment on the provision once the applicability is defined. A Contract used in this context is more often referred to as a Development Agreement . The term Development Agreement is defined in the Definitions Article 602, but Contract is not. Please use consistent terminology throughout the document to avoid confusion and unnecessary Zoning Administrator Interpretations. Suggest using the more common terminology of Development Agreement . <u>Item E. Modification or Removal of Conditions</u> - States: " <i>Modification or removal of conditions of approval may be sought on appeal or as a new application. Such proposals shall be processed through the same procedure that was used to impose the conditions.</i> " In the context of this sentence what does <u>sought on appeal</u> mean? Please clarify. Does <u>new application</u> mean a new zoning application? Why? An existing stipulation which, because of circumstances that are beyond the owners control or perhaps because of a change in the development policy of the City, needs to be modified should not constitute a New Application, but if significant should be considered a Major Amendment and should follow the notification and public hearing process. There should be a different application fee associated with a Major and Minor Zoning Amendment as compared to a New Zoning application. Please refer to ARS 9-462.04. Why would City Council want to restrict themselves in this way by requiring a modification of a stipulation to be a New Application? Please also see comment below on Minor and Major Zoning Amendments.	NO	This section needs additional editing to clarify the meaning. See original comment. Examples Define CONTRACT & CONDITIONS OF APPROVAL (not Conditional Approval) in the definitions.
66	502.12 & 502.14 / pg 5-30 & 5-31	<u>502.12. Effective Dates Item A. Expiration Permit & 502.14 Revocation of Permits</u> - If these two sections are specifically addressing the expiration and/or revocation of " Permits " and not the expiration and/or revocation of approved " Zoning ", I believe I am okay with it, except that 502.12 A. end of last sentence, should also include " or the time period as approved by the original decision making body. " If however, expiration or revocation of a permit implies or means that the Zoning reverts to the prior zoning on the property, I adamantly oppose this provision. Per ARS 9-462.01 E. <u>The legislative body may approve a change of zone conditioned upon a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, the legislative body, after notification by certified mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.</u> Hence, the expiration or revocation of a permit does not revert or revoke the zoning on a property.	NEED AS TASK FORCE DISCUSSION ITEM	Several Sections in this Article were revised. Specifically Article 502.13 (previously 502.14) was revised to include all APPROVALS, which then also includes ZONING APPROVAL. The Revocation language follows the language in the State Statute (ARS 9-462.01E., on the process for revoking Zoning, which is great. However, some conflicts still remain between this Article 502.12 and several places dealing with EXPIRATIONS. Article 510.06 indicates that the PAD District and PAD Overlay "Plans" both expire after two years, if the project has not progressed. The EXPIRATION at the end of two years forces the REVOCATION provisions identified in 510.10, which refers to 502.13. The EXPIRATION provision on the surface seems to be reasonable. However, if interpreted the way I understand it to read, could force the City Council to go through the timely and costly procedures required by State Statute in order to revoke Zoning, even when there are mitigating circumstances why the Zoning should not be revoked. I am opposed to the EXPIRATION and required RENEWAL provisions in 510.06. If a project is zoned and has not progressed with platting and/or site plan and there is not a good reason for not progressing, then staff can request that City Council initiate the revocation process and this can be done without the EXPIRATION and RENEWAL provision. Article 510.06 is an onerous and unnecessary provision and could have negative unintended consequences.

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Source #	Page/Section		NO	YES /
67	510.07 / pg 5-69 to 5-71	<p>Amendments to PAD Districts and PAD Overlays - How Amendments are defined are one of the most significant provisions in a Zoning Code. Hence, if Maricopa wants to attract economic development this provision should be as flexible and developer friendly as possible, while remaining in compliance with the State Statutes. Minor Amendments are approved administratively by the Zoning Administrator and Major Amendments are required to go back through the notification and public hearing process. No where in the State Statutes (ARS 9-462) does it require that a Major Amendment be a "New Zoning Application", which requires full Zoning application fees and suggests a complete redo of the Zoning case. Following is what ARS 9-462.04.A.4. says regarding zoning Amendments: "<u><i>In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by paragraph 5</i></u> (paragraph 5 requires the notification and public hearing process):</p> <p><u><i>(a) A ten per cent or more increase or decrease in the number of square feet or units that may be developed.</i></u></p> <p><u><i>(b) A ten per cent or more increase or reduction in the allowable height of buildings.</i></u></p> <p><u><i>(c) An increase or reduction in the allowable number of stories of buildings.</i></u></p> <p><u><i>(d) A ten per cent or more increase or decrease in setback or open space requirements.</i></u></p> <p><u><i>(e) An increase or reduction in permitted uses.</i></u>"</p> <p>I have investigated how other municipalities in the Valley have defined Minor vs. Major Zoning Amendments. Amendments are most often requested on Master Planned Communities (MPC) or Planned Area Developments (PAD) where conditions occur after zoning is approved that requires an Amendment, such as an adjustment to a street or drainage channel alignment that then requires adjustment of the zoning boundaries. Developer friendly municipalities use some variation of the below listed parameters to define a Major Amendment. I respectfully request that the Maricopa Code include similar parameters. An Amendment will be deemed Major by the Zoning Administrator if it involves any one of the following:</p> <p><u><i>(1) A ten percent (10%) or more increase in the total number of approved dwelling units or gross leasable area (GLA) for the overall Planned Area Development (PAD) or Master Planned Community (MPC) from what was approved in the Zoning Case.</i></u></p> <p><u><i>(2) An increase of ten percent (10%) or more of the approved number of projected dwelling units or gross leasable area (GLA) for the zoned parcel as approved in the Zoning Case, if applicable.</i></u></p> <p><u><i>(3) A change in the overall PAD or MPC boundary.</i></u></p> <p><u><i>(4) A significant change to the boundary of one or more zoned parcels from that approved in the Zoning case, as determined by the Zoning Administrator. A change to an individual zoned parcel generally shall be deemed to be significant if it represents a ten percent (10%) or more increase or decrease to the gross area of the zoned parcel as approved in the Zoning Case.</i></u></p> <p><u><i>(5) Any change, which could have significant negative impact on areas adjoining the boundary of the PAD or MPC as determined by the Zoning Administrator.</i></u></p> <p><u><i>(6) Any change, which could significantly increase traffic impact on roadways adjacent or external to the PAD or MPC, as determined by the City Transportation Engineer.</i></u></p> <p><u><i>(7) Any significant revision of a Condition of Approval as determined by the Zoning Administrator or the removal of a Condition of Approval.</i></u></p> <p>The Amendment will be deemed Minor, if the Zoning Administrator determines the Amendment does not meet the criteria established for Major Amendments. If it is determined that the Amendment request is Major, the request shall be processed in the manner set forth in Article 509. The application shall be considered a Major Amendment and shall not be treated as a New Zoning application, unless the request includes a rezone from one Zoning District to another.</p>	NEED AS TASK FORCE DISCUSSION ITEM	<p>This comment was only partially addressed. First, a new PAD District and a pre-existing PAD Overlay are NOT the same thing, but are lumped into Article 510 and treated as if they are. If both of these PADs are to be covered in Article 510, then text distinguishing the difference between the two must be provided at the beginning of the Article and where there are provisions that are applicable to both PADs the provision needs to state "PAD District and PAD Overlay". Where there are provisions that are specific to only the new PAD District, such as in 510.01 Purpose, "This Article provides procedures for establishing a PAD District to facilitate orderly development of larger sites in the City consistent with the General Plan", there should also be a statement specific to the pre-existing PAD Overlays, such as "This Article also provides procedures for Amending the pre-existing PAD Overlays". Similar, The PAD Overlays already exist, so the provisions for adoption of the PAD District would not apply. Hence, Articles 510.03 Procedures, 510.04 Required Findings, 510.05 Conditions, and even 510.06 Expiration and Renewal (if it remains in the Code) would not apply to the PAD Overlays, because they already exist and because they are grandfathered (see general comment #4 above on existing zoned properties with PAD Overlays). Articles 510.07 Amendments of Approved Plans, 510.08 PAD Plan Review, 510.09 Failure to Comply with Conditions and 510.10 Revocation or Modification of PAD would apply to both the new PAD Districts and the pre-existing PAD Overlays. I strongly believe the Code should either address the differences between the PAD District and the PAD Overlays in this manner or at the beginning of Article 510 clearly state that the PAD Overlays are exempt from this Article, because they are grandfathered and hence the procedures for everything regarding the pre-existing PAD Overlays are those identified in the originally adopted Maricopa Zoning Code (i.e. old Pinal County Zoning Code).</p> <p>With regard to Article 510.07 Amendments, both #4 under Major Amendments and #2 under Minor Amendments need to be deleted. These two items are not items identified in the State Statute that require an Amendment. Further, neither PAD Districts or PAD Overlays are responsible for providing Public, City owned, Parks and Recreational Facilities, but rather Private, typically HOA owned and maintained, Parks and Recreational Facilities. As long as the PAD meets the Park and Amenity requirements of the Subdivision Code and the Parks and Trails Master Plan, a Major Amendment should not be required and adjusting the location of a Park within the PAD should not constitute a Major Amendment. Further, as has already been discussed in my comments and the HBACA comments, the Court held that Arizona cities and towns have "no authority or responsibility for public school matters" under A.R.S. 9-463.05 or any other Statute. Rather, the Arizona Constitution and case law has explicitly declared that the "legal responsibility for financing Arizona's public schools rests with the legislature and school districts, not with municipalities." Hence, the City cannot force a PAD to provide land or facilities for the School District (Major Amendment) or require approval from the School District for changing the location or size of a school site. Typically, both of these items are already addressed in the School Agreement of which the City has no authority. And most certainly, a School Agreement between a developer and the School District does not address the "classroom space". That is an item covered by the State School Facilities Board and the School District. Again, both of these items need to be deleted. If they are deleted, I can support the provisions in Article 510.07 Amendments.</p>
69	Art. 502.14 / pg 5-31	<p>Revocation of Permits - Does Revocation apply only to permits, i.e. Zoning, Administrative Use, Conditional Use, Temporary Use and Development Review (Site Plan Review) Permits and not Rezones? This section is not addressing revocation of approved Zoning, General Plan Amendments or PAD District, correct? Please provide clarification.</p>	YES	Addressed.

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70	Art. 503 / pg 5-35	<u>Zoning Permit</u> - I do not understand why a Zoning Permit is necessary, if the use is permitted as-of-right. Is the Zoning Permit synonymous with the Zoning approval or is the Zoning Permit issued separately from the Zoning approval and is there a separate and additional fee required for the Zoning Permit from the Rezone application fee? <u>Under the current zoning code please outline the process of zoning through site plan approval and subdivision preliminary plat approval and then identify when and how often in each of those processes a 'zoning permit' would be required? Please identify what an owner must provide in the way of support materials (502.02B.2.), beyond the materials that are required for Zoning approval, to obtain a Zoning Permit.</u> A zoning permit is not required under the current process, hence why is it necessary under the new Zoning Code? Please identify the peer communities that require a Zoning Permit and those that do not. Please provide clarification and justification for this permit. I may have additional comments and questions, once clarification is provided. If zoned property is being used for Agricultural purposes (leased to a farmer) until entitlements are completed and development is ready to occur, does section 503.02 require a zoning permit to continue use of the land for farming or is the agricultural use grandfathered?	NO	Task Force was told that the Zoning Permit requirement would be removed, but it is still in the Code. What is the reasoning behind changing the Sign permit to a Zoning Permit? If there something wrong with the current Sign Permit process in the City? Why do Home Occupations now require a Zoning Permit? Please address these comments.
71	Art. 503.05 / pg 5-36	<u>Exceptions</u> - Based on the exceptions that are identified, please give examples of when a zoning permit would not be required.	YES	Addressed.
72	Art. 504.04 / pg 5-38	<u>Administrative Use Permits</u> - Are both a Zoning Permit and an Administrative Use Permit required, as an example, in a Residential District for a Convenience Market or is just the Administrative Use Permit required? Please clarify.	YES	Addressed.
73	Art. 504.09 B. / pg 5-43	<u>Expiration and Extensions; Modification; Revocation</u> - item B last sentence - <i>Changed plans, including changes in conditions or approval (stipulations), shall be treated as a new application.</i> Why a new application? Why not treat as a MAJOR Amendment?	NO	Please correct 504.09 A. <u>Administrative Use</u> (should not be in bold) Permits, Why a two year expiration?
74	Art 505.02 / pg 5-44	<u>Development Review Permit Applicability</u> - <i>The provisions of this section may apply to projects that do not require review under the Subdivision Code.</i> What is meant by "may"? This is worded funny and I am confused. Is a Development Review Permit required on a residential project that requires review under the Subdivision Code? Where there are conflicts between the Zoning Code and Subdivision Code the more restrictive regulation shall govern - this is just a excuse to not find the majority of conflicts and address them now prior to the Zoning Code adoption. Are both a Zoning Permit and a Development Review (Site Plan) Permit required for a commercial zoned property? The last two sentences state: <i>"The Development Review Permit process is intended to replace the prior Zoning Code "Site Plan Review" procedures. Site Plan approval under the previous Code shall expire within one year of the adoption of this Code, or at a time specified as a condition of approval, whichever comes first."</i> Why are we changing the terminology of Site Plan to Development Review? Why not use "Site Plan", which is a term owners and developers are familiar with? <u>Please justify why a prior approved "Site Plan" expires one year from adoption of the Code? Is an extension of an existing site plan allowed? Again, this is another provision that is not a 'light touch' and is very onerous to the land owner.</u> Under the existing zoning code do all <u>Site Plans</u> require notification, neighborhood meeting and public hearing? Also, please clarify <u>whether or not</u> a residential project that requires review under the Subdivision Code falls under the requirements of Development Plan Review and Development Plan Review Permit.	NEED AS TASK FORCE DISCUSSION ITEM	Task Force needs to discuss the Expirations. I do not agree with this provision.
75	Art. 505.05 B. / pg 5-46	<i>The issuance of a Major Development Review Permit may require that the <u>existing development site</u> be brought into substantial conformance with the terms and standards of this Code.</i> Please provide clarification as to the intent of this provision and when it applies. As an example, if Shea Commercial moves forward with development of the remaining buildings associated with the site plan that was approved associated with the existing Wal Mart (The Wells), does this provision mean that the Site Plan would have to be redone to bring it into compliance with the new Code? Does it also mean that the existing 'Wal Mart' development site, if it does not currently comply with the new Code would have to now comply? If so, please identify what does not comply and what would have to be changed/redone to bring it into compliance. <u>My concern with a provision like this is that the financial consequences could be huge to the commercial developer. The cost alone of redoing the parking lot to bring it into compliance with the new landscape requirements would be very expensive and onerous.</u> Would this provision also require modifications to the Wal Mart building? If so, I do not agree with a blanket provision like this one.	NEED AS TASK FORCE DISCUSSION ITEM	Comment not addressed.
76	Art. 505.09 / pg 5-48	<u>Expiration and Extensions; Modifications; Revocation</u> <u>Item A.</u> Development Review (Site Plan) permit expires in two years if a building permit is not issued. Where is the provision for requesting Extensions or is the intent that the permit cannot be extended? I believe there should be the ability to request an extension. <u>Item B.</u> - <i>Changed plans, including changes in conditions or approval (stipulations), shall be treated as a new application.</i> Why a new application? Why not treat as a MAJOR Amendment?	NEED AS TASK FORCE DISCUSSION ITEM	Task Force needs to discuss the Expirations and Extensions. I do not agree with this provision.

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77	Art. 506.06 / pg 5-50	<u>Variations - Required Findings Items A. thru D.</u> - Arizona Revised Statutes (ARS) 9-462.06 Items G. 2. and H. 2. identify the findings required for the granting of a variance. The proposed items A. thru D. are not consistent with required findings identified in the State Statutes. As an example, the proposed item D. is not a 'required finding' in ARS 9-462.06. Suggest using the below Variance 'Approval Criteria' from the City of Tempe Zoning Code.	YES EXCEPT ITEM D.	Item D is not a "required finding" under the State Statutes and should be deleted.
79	Articles 506.09 & 507.07 / pages 5-51 & 5-55	<u>Expiration and Extensions; Modification; Revocation</u> - These two sections on Variations and Waivers do not address the ability to request Extensions. Please include text that allows for extensions that are tied to the applicable permit extension, i.e. if a variance is associated with a specific Building Permit and an extension is granted for the building permit, the variance is granted the same time period of extension. Example text would read: "The period of approval is extended upon the time set forth with the building permit extension."	NEED AS TASK FORCE DISCUSSION ITEM	Task Force needs to discuss the Expirations and Extensions. I do not agree with this provision.
80	Art 510/ pg 5-63	<u>Planned Area Development District</u> - Why are there two separate & different Purpose (207.01 & 510.01) statements for the PAD District? Items 5 c. 'site plan' (did you mean Land Plan?), e. Lighting Plan and f. Signage Program are not typically required elements for zoning. See also General comment above. Can we have this item for discussion at the next Task Force meeting? Please also provide a section that addresses the existing PAD Overlays; that they will be grandfathered after adoption of the new code; procedures for amending (both minor and major) existing zoned property within the PAD overlay boundary, etc. I will provide additional comments upon review of this new section of the draft Code and will also provide comments on Article 510 on new PAD's.	NEED AS TASK FORCE DISCUSSION ITEM	Existing PAD Overlays cannot be lumped in with the PAD District. They are two entirely different approvals. One is a District meaning hard zoning and one is an Overlay amending development standards. See comments #4, 16 and 30 above on Existing Zoned properties with and without PAD Overlays.
81	Art 601 Use Classifications/ pg 6-3	<u>Rural and Agricultural Use Classifications</u> - Small Scale ... less than 5 acres & Urban Ag... less than one half acre - Per my comments 52 and 53 of 6-19-13 comment matrix where I had suggested that we stay consistent with ADWR definitions and that the Small Scale should be not less than 10 acres and the Urban Ag. less than 1 acre - the responses were 'will do' and 'ok'. Is there a reason why these did not get changed?	YES	
82	pg 6-7	Please provide distinct definitions for all three Open Space categories - Public Park & Recreation Open Space, Privately-Owned Open Space (typically HOA owned, but this would also include private golf courses, swimming pools, open space and recreation facilities associated with a resort, etc.) and Conservation Open Space.	NO	Please provide distinct definitions for all three Open Space categories - Public Park & Recreation Open Space, Privately-Owned Open Space (typically HOA owned, but this would also include private golf courses, swimming pools, open space and recreation facilities associated with a resort, etc.) and Conservation Open Space.
83	pg 6-13	<u>Live-Work</u> - 'occupied and used by a single household' - does this mean that the owner of the property could not lease or rent out either the living or the work area to a tenant and that the live-work has to remain under the same ownership? The response to this question (#29) in the comment matrix of 7-18-13 was in part - 'It might make more sense to promote this type of development, but only allow separate sale for ground floor space to be used as commercial. Upper floors to be restricted for residential only for the time being.' Is there a reason why this was not addressed in the definition?	YES	
84	pg 6-16	<u>Retail Sales</u> - Where does a retail store between 25,000 and 80,000 sq ft in size fit into the two categories of small-scale less than 25,000 sq ft and large-scale over 80,000 sq ft?	YES	
85	pg 6-18	<u>Personal Storage</u> - where are these allowed? What zoning districts?	YES	
86	pg 6-19	<u>Utilities, Major</u> - Can you please add water treatment and wastewater treatment facilities?	YES	
87	pg 6-19	<u>Utilities, Minor</u> - Can you please add water booster/pump station and water wells?	NO	Please add water booster/pump station and water wells to the Minor Utilities definition.
88	Article 602 Definitions General Comment	<u>Definitions</u> - Please include definitions for the following - <u>Site Plan and Site Plan Review</u> (The <u>Development Review</u> , Major or Minor, now replaces the <u>Site Plan Review</u> . Why? The State Statutes defines the final approval of a nonresidential or multi-family development as an approved <u>Site Plan</u> . Changing the terminology just adds confusion? The only place I can find where this significant change in terminology, <u>Site Plan versus Development Review</u> , is discussed is on page 5-45. Please eliminate the confusion and call this <u>Site Plan Review & Site Plan Review Permit (Major & Minor)</u> , rather than <u>Development Review / Development Review Permit</u> ? If the rest of the Task Force agrees with the term <u>Development Review</u> , then at minimum please include Site Plan/Site Plan Review and Development Review/Development Review Permit in the definitions (Article 602) and cross reference each. In addition, there are numerous terms in the definitions (Article 602) that are never used in the Zoning Code. I have found a number of them, but there are probably more. This does not make sense. Why would there be terms in the definitions section of the Code that are never used in the Code? Please do a word search and delete all terms that are not used in the Zoning Code.	NO to the first part of the comment and PARTIALLY to the second.	Please include Site Plan/Site Plan Review and Development Review/Development Review Permit in the definitions (Article 602) and cross reference each. This will eliminate confusion, since this new zoning code is changing the commonly used terminology of "Site Plan", which is also defined in the State Statutes, to "Development Review". Can you please also provide an explanation / justification why it is <u>necessary</u> to change the terminology from "Site Plan" to "Development Review"? With regard to second part of this comment, there are still terms defined in the definitions that are not used anywhere in the Code. I have added the additional terms that I found doing a word search at the bottom of this matrix. They all need to be removed. I am disappointed that I had to spend several hours finding these unused terms. I had asked the consultant or staff to do this.
89	pg 6-26	<u>Abutting</u> - Definition of abutting is adjacent to something <u>along one side</u> . What is the justification for the definition to include <u>where two or more lots adjoin only at a corner</u> ?	YES	
90	pg 6-26 - 6-27	<u>Adequate Public Facility-related terms</u> - These are terms used in the Queen Creek Code and are no longer applicable. Please remove these terms and insert terms associated with the current proposed Adequate Public Facilities provisions. Again, I am opposed to the Adequate Public Facilities being included in the Zoning Code. They are already covered under the State Statutes and by the various State Departments - ADWR, ADEQ, ACC, ADRE, etc.	NO	Again, I am opposed to the Adequate Public Facilities being included in the Zoning Code. They are already covered under the State Statutes and by the various State Departments - ADWR, ADEQ, ACC, ADRE, etc.

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91	pg 6-29	<u>Area, net</u> - Please identify where or when the term 'Area, net' is used in the Zoning Code. How is this term used in relation to the Subdivision Code definition of Net Area?		YES	
92	pg 6-35	<u>Density, net</u> - The term Net Density needs to match the definition in the Subdivision Code. This one does not. Please revise.		?	
93	pg 6-35	<u>Density Bonus</u> - There is no need for this definition in the Zoning Code. The Code does not have any density bonus provisions.		YES	City added density bonus provision.
94	pg 6-35	<u>Development</u> - Please clarify in the definition that disturbance of land for planting and harvesting of agricultural crops is not considered Development.		YES	
95	pg 6-37	<u>Floodway</u> - Why is this definition in the Zoning Code? It does not make sense.		YES	
96	pg 6-40	<u>Highway</u> - I disagree with the definition including a Parkway as a highway.		NO	A Parkway is not considered a highway. Per page 12 of the MCDOT Arizona Parkway Guidelines, a Parkway is a "principal arterial with the indirect left-turn intersection treatment." Both the City's RTP and the County's RSRSM incorporate this same definition. Remove the word "Parkway" from this definition.
97	pg 6-41	<u>Income</u> - four definitions, where are these used in the zoning code? If not used, delete from definitions.		YES	
98	pg 6-44	<u>Lot, corner</u> - Please explain the purpose of the not more than 135 degree angle of intersection streets in this definition.		NO	Not addressed. Please provide illustration so that intent is clear.
99	pg 6-44	<u>Lot coverage</u> - Why use the roof outline for all outer dimensions? The roof overhang should not count towards lot coverage. This definition is not consistent with Figure 103.03.J on pg 1-21. Please correct.		YES	
100	pg 6-44	<u>Lot line, rear</u> - Please review this definition. It does not make sense.		PARTIAL	Please provide illustration to go along with the definition.
101	pg 6-45	<u>Lot splits</u> - Please delete this definition from the code. I did a word search and it is not ever used in the Zoning Code. Lot splits, which are actually 'Land Splits' as defined in ARS 463.3, are already defined in the Subdivision Code. By the way, the definition here does not match the definition in the Subdivision Code. See also, the definition below for Minor Land Division. <u>Why would we want to include a definition in the Zoning Code that is not even used in the Code and that does not match the definition in Subdivision Code?</u>		NO	This was missed and should have been deleted, just as Minor Land Division was deleted.
102	pg 6-46	<u>Rectangular Lots</u> - A lot is not "rectangular" if the side lots lines are not parallel. Suggest calling this a "non-rectangular lot". Delete the bold term Rectangular Lots and then this makes sense under the heading "Lot width" means:		NO	All you have to do is delete the bold term "Rectangular Lots" and the definition them makes sense.
103	pg 6-46	<u>Curved Lots</u> - delete this bold term and the definition makes sense.		YES	
104	pg 6-47	<u>Major Highway</u> - Since when is an arterial street with four or more lanes considered a highway? The Zoning Code should not conflict with the City's Transportation/Street network classifications. Please revise definition.		YES	
105	pg 6-47	<u>Master Plan Development</u> - Is this definition referring to the MPD Overlay or the MPD definition in the Subdivision Code? If the MPD Overlay District than call it that. Since when did this Overlay become mandatory? If this is referring to the MPD from the Subdivision Code then state so right after the heading. There will always be confusion if we have a separate Master Plan Development designation from the subdivision code and a Master Plan Overlay in the Zoning Code. Suggest calling the Zoning Code MP Overlay something different in order to avoid confusion. The Subdivision Regulations are in Chapter 14 of the City Code, not Chapter 17.		NO	There will always be confusion caused by the similar terms "Master Plan Development (MPD)", a Subdivision Ordinance term and "Master Plan (MP) Overlay District". I am opposed to the "Master Plan (MP) Overlay District" and would like it deleted from the Zoning Code. However, if it remains, please come up with a term other than " <u>Master Plan (MP)</u> " for this Overlay District.
106	pg 6-48	<u>Minor Land Division</u> - Please delete this definition from the code. I did a word search and it is not ever used in the Zoning Code. A Minor Land Division is defined in the Subdivision Code. By the way, the definition here does not match the definition in the Subdivision Code and the definition in the Subdivision Code.		YES	
107	pg 6-48	<u>Natural Features, significant & Natural wash, desert</u> - Please delete these definitions from the code. I did a word search and they are not ever used in the Code.		NO	Prior comment was ignored or missed. Please delete these terms as they are not ever used in the Zoning Code.
108	pg 6-47	<u>On-site</u> - Please expand the definition to not only include 'lot' but also 'parcel' or 'property'		NO	Please address this comment. The definition as it is currently written is not correct.
109	pg 6-47	<u>Open Space, natural area & Open Space, useable</u> - Please delete these definitions from the code. I did a word search and they are not ever used in the Code.		NO	Prior comment was ignored or missed. Please delete these terms as they are not ever used in the Zoning Code. If the term is not used in the Zoning Code, there should not be a definition for the term.
110	pg 6-48	<u>Parkway</u> - This definition does not match the City's definition of 'Parkway' in its Transportation Studies. They are two totally different type of roads. In doing a word search the only place the word "Parkway" comes up is the definition section. Hence it is not used anywhere in the body of the code. I suggest deleting it from the definitions and the five or six other places in the definitions section where it is used.		NO	Delete this definition. It is in conflict with common definition used for "Parkway" in Arizona. Use the definition of "Parkway" from the City's RTP. See also comment above on definition of <u>Highway</u> .
111	pg 6-48	<u>Permit</u> - Remove " <u>Zoning Permit</u> " from the definition since it will no be required and will be removed from the zoning code.		NO	Prior comment was ignored or missed. Please delete the term "Zoning Perm it" as the Task force was told it would no longer required in the Zoning Code.
112	pg 6-48	<u>Planned Area Development (PAD)</u> - This is the definition from the Subdivision Code. Please state so in the definition, so the reader does not think he/she is reading the definition of the Zoning Code PAD District and/or PAD Overlay District. This will eliminate confusion.		NO	Please edit as requested.
113	pg 6-49	<u>Plot Plan or plan</u> - The term "Plot Plan" is not used anywhere in the Zoning Code and the term "Plan" is used through out the document sometimes referring to the General Plan or a Development Plan. This definition is not necessary and should be removed. "Site is Plan" already has a separate definition.		NO	Please remove from Code as this will cause confusion.
114	pg 6-49	<u>Preliminary approval</u> - Please delete this definition from the code. I did a word search and it is not ever used in the Zoning Code.		NO	Please remove as requested.
115	pg 6-50	<u>Protected Development Rights Plan</u> - Please delete this definition from the code. I did a word search and it is not ever used in the Zoning Code.		YES	
116	pg 6-51	<u>Room, habitable</u> - Please review the definition. The term 'enclosing subdivision' in the definition dos not make sense. Please correct.		NO	Please edit as requested previously.
117	pg 6-52	<u>Secondary highway & Service easement,</u> - Please delete these definitions from the code. I did a word search and they are not ever used in the Code.		NO	Please remove as requested.

Comments on Feb 2014 First Draft of Zoning Code				Have Comments Been Addressed in 'Redline' Second Draft or 4/30/14 meeting?	Comments on April 2014 'Redline' Second Draft and 4/30/14 meeting on Zoning Code
Source #	Page/Section			NO	YES /
118	pg 6-52	<u>Setback</u> - Aren't swimming pools and other rear yard structures such as kids playstructures and small storage sheds allowed in the rear yard set back? This definition would not allow them. Please revise definition.		YES	
119	pg 6-52	<u>Sidewalk</u> - Remove the 'usually separated from the street' from the definition. Sidewalks attached to the street curb are allowed and are very common in Maricopa. Please revise definition.		NO	Please remove the phrase "usually separated from the street" or insert the phrase "except in residential developments".
120	pg 6-55	<u>Sketch plan, Solid fill & Staging area</u> - Please delete these definitions from the code. I did a word search and they are not ever used in the Code.		NO	The term sketch plan was deleted, but the terms 'solid fill' and 'staging area'. Please deleted as they are not used in the Code.
121	pg 6-56	<u>Street-related terms, Arterial Street</u> - I do not think County and State Highways are classified as Arterial Streets in Arizona. Please remove from definition. Please also verify that the rest of the street terms match the definitions in the City's Regional Transportation Plan and Design Manual.		NO	Why was this comment ignored? Please use the same definitions that are in the Subdivision regulations and the City's RTP. It doesn't make any sense to have conflicting definitions. As an example the definition for 'Arterial Street' is not correct and does not match the definition in the Subdivision regulations. Please correct.
122	pg 6-57	<u>Subdivision</u> - This definition must match the State Statute definition in ARS 9-463.02. Remove the words "or conveyance" from the first sentence and the word "patio home" from the last sentence and the definition will match the State Statutes.		NO	Please edit as requested. Also, the State Statutes 9-463.01 T. specifically states that regulating the <u>subdivision of land</u> "does not include authority to regulate the terms or condition of the sale or lease <u>nor does it include the authority to regulate the sale or lease of tracts or parcels that are not the result of land splits</u> as defined in 9-463. Land splits are defined as the <u>division of land and whose area is 2 1/2 acres or less into 2 or 3 tracts or parcels</u> of land for the purpose of sale or lease. Hence, the City does not have the authority to regulate land sales of more than 2 1/2 acres and less than four lots, tracts or parcels are being sold, unless a new street is involved, by requiring a minor land division or final subdivision plat. Nor does the City have the authority to require a minor land division if a parcel of land has a tax parcel established by the county and is being divided (sold) into 2 or 3 lots, tracts or parcels. Please revise definitions accordingly.
123	pg 6-60	<u>Utility</u> - This definition does not belong under the Telecommunications-related term, but rather should be a definition before Utility Services.		YES	
124	pg 6-61	<u>Usable lot area</u> - Please delete this definition from the code. I did a word search and it is not ever used in the Zoning Code.		NO	Please remove as requested.
125	pg 6-62	<u>Variance</u> - This definition is not consistent with Section 506 Variances, which also defines Variances. Please either delete this definition or revise it to match 506.06.		NO	Please revise to match the definition in 506.06.
126		<u>View Fencing - Full and Partial</u> - Please delete this definition from the code. I did a word search and it is not ever used in the Zoning Code.		NO	Please remove as requested.
127	pg 6-62	<u>Water supply, assurance 100 years</u> - Please delete this definition from the code. I did a word search and it is not ever used in the Zoning Code.		NO	Please remove as requested.
128	pg 6-63	<u>Yard</u> - This definition is not consistent with the text in the Code, see Section 404.02 F & G and others. Please delete the definition. The text of Code adequately describes what a 'yard' is and what can and cannot be placed in a yard, i.e. a rear yard can have an accessory structure and/or a swimming pool. Hence, a 'yard' cannot be defined as being unoccupied and unobstructed from the ground upwards.		NO	Please remove as requested.
	pg 6-27 -29	<u>Defined terms under Adequate Public Facility - Related Terms</u> - Again, I am opposed to this entire section staying in the zoning Code (see comments above in items 41 & 41a. If the rest of the Task Force decides to keep this unnecessary requirement in the Zoning Code, then the defined terms must be used in Section 402.			
129	pg 6-27	<u>Available Capacity</u> - Not used anywhere in Code. Please delete from Code.		NO	Remove
130	pg 6-27	<u>Capacity</u> - Not used anywhere in Code. Please delete from Code.		NO	Remove
131	pg 6-27	<u>Committed development</u> - Not used anywhere in Code. Please delete from Code.		NO	Remove
132	pg 6-28	<u>Public Facilities</u> - Remove "School Facilities" from this definition. We had this discussion in a Sept 2013 Task Force meeting. Requiring development to provide for adequate school facilities was the subject of a lawsuit (see also comments in #41 & 41a above on Article 402). The Arizona Constitution and case law has explicitly declared that the legal responsibility for financing Arizona's public schools rests with the legislature and school districts and not with the cities.		NO	Remove "School Facilities: from this definition.
133	pg 6-28	<u>Utility Representative</u> - Not used anywhere in Code. Delete from Code.		NO	Remove
134	pg 6-29 & 30	<u>Airport Related Terms</u> - Remove the terms "Airport Hazard", "DNL" and "Noise Level Reduction". These terms are not used anywhere in the Code. Move the term "Noise Sensitive Uses" out of the Airport Related Terms. This term is used in Performance Standards in 408.05 I. under Noise and is not related in that context to airports.		NO	Remove and make revision.
135	pg 6-31	Revise the definition of <u>Arterial Street</u> to match the definition used in the Subdivision Regulations and the Regional Transportation Plan.		NO	Revise definition.
136	pg 6-32	Not sure why <u>Basin, Retention</u> as removed. It is used in the Code. Detention Basins are not often used in valley cities, but it is still used in this Code. Hence, both should remain.		NO	Please correct.
137	pg 6-32	<u>Bicycle Parking, Long Term & Short Term</u> - Neither of these terms are used in the Code		NO	Remove
138	pg 6-32	<u>Block</u> - This term and definition is not used in the Code.		NO	Remove
139	pg 6-33	<u>Caretaker</u> - This term and definition is not used in the Code.		NO	Remove
140	pg 6-35	<u>Condition of Approval</u> - This term is not used in the Code.		NO	Remove
141	pg 6-35	<u>Conventional Development</u> - This term is not used in the Code.		NO	Remove
142	pg 6-37	<u>Dripline</u> - This term is not used in the Code.		NO	Remove
143	pg 6-38	<u>Flood Hazard Zone</u> - This term is not used in the Code.		NO	Remove
144	pg 6-40	<u>Grade Plane</u> - There is definition with an illustration, but doing a word search of the Code reveals that this term is not used anywhere.		NO	Remove
145	pg 6-40	<u>Improvement Plans</u> - This term is not used anywhere in the Code. However, the word "Plans" is used throughout and it is not always used in the context of "improvement plans".		NO	Either remove the definition or go through the entire Code and insert the word "Improvement" in front of the word "Plans" whenever the text is referring to improvement/construction plans per the definition.
146	pg 6-42	<u>Improvement Standards</u> - This term is not used in the Code.		NO	Remove
147	pg 6-43	<u>Light Trespass</u> - This term is not used in the Code.		NO	Remove
148	pg 6-43 to 45	<u>All "Lot" related definitions</u> - There are a number of these definitions that are not consistent with the definitions in the Subdivision Ordinance.		NO	Please revise definitions to match the same definitions in the Subdivision Ordinance. There should be no discrepancies.

Comments on Feb 2014 First Draft of Zoning Code			Have Comments Been Addressed in 'Redline' Second Draft or 4/30/14 meeting?	Comments on April 2014 'Redline' Second Draft and 4/30/14 meeting on Zoning Code
Source #	Page/Section		YES / NO	
148	pg 6-43	<u>Lot</u> - This definition is inaccurate. In the context of this Zoning Code, the Subdivision Regulations and the State Statutes there are several types of "Lots" - There are "Preliminary Plat Lots", which are recognized upon the approval of a Preliminary Plat; "Platted Lots" which are established by the approval & recording of a subdivision plat; "Site Plan Approved Lots" (see ARS 9-463.05 T.4.,) which do not typically require recording of a subdivision plat or minor land division; and "Improved Lots" which are recorded-platted Lots that have paved streets that have been accepted the City. The definition provided only recognizes the "Improved Lot" as a "Lot". However, the term ":Lot" used in the Zoning Code depending on the context of where it is used actually refers to all of these types of Lots.	NO	Revise definition to include all of the types of lots or create separate definitions for each type of Lot and then insert the applicable type of Lot into the appropriate text of the Code.
149	pg 6-44	<u>Lot area</u> - "Public way" should be change to "Public Right of Way"	NO	Revise.
151	pg 6-44	<u>Plat</u> - The state Statutes defines a <u>Plat as a map of a subdivision (9-463. 6.)</u> and not a <u>map that provides for change in land use or ownership</u> . Why were the various plat related definitions deleted? The various plat terms are used throughout the Zoning Code. What is the reasoning for removing them?	NO	Please revise to match the State Statute definition(s).

Zoning Code Rewrite Stakeholder Comments: Chris Webb / PRI

Source	#	Page/Section	Comment	Suggested Action	Final Action
	1	Pages 2 - 3	REPEATED COMMENT: The table on these pages needs to be revised to be consistent with the changes made to Table 102.01 on pages 1-10 and 1-11 (see "RS" and "OS" districts).	Table will be updated	
	2	Page 3	REPEATED COMMENT: The references in the table on this page to PAD's needs to be revised. The new base district is not "PD" or "Planned Development", but rather "PAD" or "Planned Area Development". Also, there is no existing PAD base zoning district.	Table will be updated	
	3	Page 1-6, Section 101.04.J	REPEATED COMMENT: This section needs to be re-written. As written it implies that the new ZO would supersede a development agreement if the restrictions imposed by the new ZO are greater. This is totally inaccurate. In most cases development agreements will specifically state that the subject property is governed by the ZO and other regulations in effect at that time. Perhaps the inclusion of "agreements" in this section can be qualified by excluding development agreements with the City. This is a very important point that needs to be fixed.	clarity for DA's will be provided	
	4	Page 1-8, Section 101.06.B.4	REPEATED COMMENT: For Preliminary Plats approved prior to the Effective Date of the ZO, which then expire, a subsequent Preliminary Plat application isn't automatically subject to the new ZO. Many projects have development agreements in place that lock in the existing ZO for the term of the agreement. Suggest adding language to provide an exception for projects with such development agreements.	Development Agreements sometimes amend provisions of City regulations, including Subdivision and Zoning Code provisions if specified. Above Section J will be revised to acknowledge this.	
	5	Page 1-9, Section 101.06.D	REPEATED COMMENT: The attempt to fix the 2nd to last sentence is just confusing. It would less confusing to simply say that for projects with PAD's approved prior to the new ZO, the standards of the existing base zoning district apply or as modified by the existing PAD. You can't say that anything in the new ZO that is not specifically modified by the existing PAD or base zoning district will then apply to a property. That's not how it works. The last sentence needs to be deleted entirely. The City Council can't revoke your PAD because they decide no "meaningful" progress has been made. What does "meaningful" even mean? That's a terribly subjective term. And unless that PAD approval in question has conditions attached to it that aren't being met and allow for it to be revoked, what is being described in this section would constitute a "taking".	The City has several undeveloped PAD's, many of which were approved prior to the adoption of the City's updated zoning regulations and the adoption of the Subdivision Ordinance and no condition of approval to perform. Statute allows the City Council to rescind a zoning approval. The City Council should determine what meaningful progress is when necessary.	
	6	Page 1-9, Section 101.06.E	REPEATED COMMENT: This should be re-written as its not true in all cases. If you file a new pre-plat application, but you have a pre-approved PAD and/or development agreement, then your pre-plat application would be subject to those, not the new ZO.	This will be clarified by amending response #4 above	
	7	Page 1-15, Section 103.02.F	REPEATED COMMENT: Can this section clarify if time periods include the day of the subject event(s)?	The specific provisions for special events and time sensitive permits specify terms based on the code provision, or would be specified as a condition of approval. No changes are necessary	
	8	Page 1-16, Section 103.03.D	REPEATED COMMENT: Is this measured to the lot line or structure of the other use? Please clarify.	will clarify this provision and identify the closest dimension between properties is the min. dimension	
	9	Page 1-18, Section 103.03.F	REPEATED COMMENT: This section and the figure on the following page actually depict the opposite thing. Please correct so they are consistent.	Exhibit has been corrected and will be included in next draft	
	10	Page 1-22, Section 103.04	REPEATED COMMENT: Need to add language to provide that all Zoning Administrator interpretations are appealable. This is very important.	this is included in Table 502.14	
	11	Page 2-6, Table 201.03	REPEATED COMMENT: Recommend making minimum lot size in GR 43,560 SF	No, would like to keep as written	
	12	Page 2-7, Section 201.03.A	REPEATED COMMENT: This comment is typical as this transition standard topic occurs all over the document; it is confusing as written. What does it mean by "interior lot line". Should it just say it applies when it abuts the other district?	Upon explanation to stakeholder, text to remain	
	13	Page 2-11, Table 202.02	REPEATED COMMENT: Religious facilities should be allowed by right in the Residential districts.	Upon explanation to stakeholder, text to remain	
	14	Page 2-12, Table 202.03	REPEATED COMMENT: In most jurisdictions, an additional 5% lot coverage is allowed for single-story homes. This needs to be added and distinguished. Further, the lot coverage listed for RS-2 and RS-3 is too low to be competitive. Bump what is listed by 5% and then add 5% more to each district for single-story homes.	Upon explanation to stakeholder, text to remain	
	15	Page 2-13, Table 202.03	REPEATED COMMENT: Footnote 1 should apply to all of the RS districts if Maricopa wants to be competitive with other jurisdictions.	Upon explanation to stakeholder, text to remain	
	16	Page 2-13, Section 202.03.B	REPEATED COMMENT: Are we seriously going to require 22% open space for projects with lots less than 7,000 SF? That's not even remotely competitive with other jurisdictions. 15% might be a reasonable standard.	Subdivision ordinance requires this, however, inclusion will be made for projects under 100 units per Sub Code	
	17	Page 2-31, Section 203.03.D.1	REPEATED COMMENT: What about the use of liner buildings for screening?	code allows and encourages it, just does not use this terminology	
	18	Page 2-39, Table 204.03	REPEATED COMMENT: The minimum lot sizes and widths listed are too large.	Keeping as is, consistent with others	
	19	Page 2-52, Section 206.01	REPEATED COMMENT: There is not enough information regarding the POS district. What does it apply to? Will open space areas within master planned subdivisions be designated as OS-POS? It should be clarified that it only applies to large community parks of a certain size.	Private Open Space Zoning District is a voluntary district for private development	
	20	Page 2-59, Section 207.03	Pre-existing PAD's would not be shown with "PAD" on the Zoning Map, but rather with their underlying base zoning. This section should also clarify that pre-existing PAD's will retain their underlying base zoning.	text to remain	
	21	Page 2-59, Section 207.04.A	REPEATED COMMENT: Is "PAD Plan" defined somewhere? For existing PAD's, does the existing PAD document become the "valid PAD Plan"?	yes in procedures for PAD's	
	22	Page 2-59, Section 207.04.B	REPEATED COMMENT: This section still needs to be re-written. This still gives PAD's a net density as compared to the General Plan. This is not competitive with other jurisdictions. It should be a gross density based on gross acreage and densities allowed by the General Plan.	Upon explanation, text to remain	
	23	Page 3-3, Section 301	REPEATED COMMENT: In general, this whole overlay is a completely unnecessary step and process and completely contrary to the stated goal of streamlining the development process. We already have a tool to accomplish the stated purposes in this section; PAD's.	Task Force Discussion item	
	24	Page 3-4, Section 301.02	REPEATED COMMENT: The stated minimum size of 5 acres is completely contrary to the stated purpose of this overlay. If the overlay is going to stay, it should be a minimum size of at least 640 acres.		
	25	Page 3-4, Section 301.05	REPEATED COMMENT: This allows the City to impose this overlay on any piece or pieces of property even if there are several property owners. We were told at a Task Force meeting that it would only apply to property under single ownership. Otherwise, one owner that wants to move forward has to come in with a Master Plan for all the rest of the acreage he doesn't own and get the other owners to buy off on it. This doesn't work.		
	26	Page 3-5, Section 301.06.F-H	REPEATED COMMENT: This should not be required. This is far too detailed for this stage of the process. It is an onerous requirement on property owners.		
	27	Page 3-6, Section 301.10.A	REPEATED COMMENT: If one of the stated purposes of this overlay is to prevent premature development then it stands to reason that properties that have a Master Plan put in place aren't going to be ready to develop for several years. So how can you put a two-year expiration on the Master Plan? Should be 5-10 years.		
	28	Page 3-9, Section 302.04.A	REPEATED COMMENT: What about pay day/title loans?	Its included as Non-Chartered Financial Institutions	
	29	Page 3-18, Section 303.03.D	REPEATED COMMENT: This contains a lot of very subjective language that should be changed.	Keeping language as is	
	30	Page 4-13, Section 401.09.D	REPEATED COMMENT: The visibility triangle should platted with the key lot. Otherwise who will own and maintain it?	Ok as is	
	31	Page 4-31, Section 404.01.A.7	REPEATED COMMENT: This 50% restriction is difficult to work with. Should be able to exceed this if its well landscaped.	Keeping, as its consistent with Peer Communities	

	32	Page 5-20, Section 502.05.F.2	REPEATED COMMENT: You should not have to advertise a neighborhood meeting in the paper. It is a "neighborhood" meeting not a community meeting. Advertising in the paper encourages anyone in the City to attend. This is not the purpose of the meeting.	Will be removed for Neighborhood meetings	
	33	Page 5-32, Section 502.15.C	REPEATED COMMENT: Need to define what it means for a person to be "aggrieved". Need to define how one has standing to file an appeal.	Common language, up to applicant to make argument of how they are aggrieved	
	34	Page 5-66, Section 510.02	The new Zoning Code would apply to PAD Amendments only with respect to the items being amended and only if the project doesn't have a development agreement vesting its right to develop under the existing code. This should be clarified.	Amendments to existing PAD's and there effect on other portions of the PAD are unknown and we reserve the right for the ZA to review on a case by case basis	
	35	Page 5-69, Section 510.06.A	REPEATED COMMENT: Initial approval period should be longer than 2 years and should not require building permits to be pulled to avoid expiration. Suggest instead tying to submittal of subdivision plats.	will ad a reference to section 510.10 - Revocation	
	36	Page 5-69, Section 510.06.B	REPEATED COMMENT: Make renewal an administrative function.	This should be a City Council decision	