

MEMO

To: Chairman Whitehead & Zoning Code Rewrite Task Force
From: Dana Burkhardt, Planning Consultant
Date: June 11, 2014
RE: Zoning Code Final Review Draft Discussion

The Zoning Code Rewrite Task Force requested an update to the Draft Zoning Code to incorporate the comments and discussion from the May 7, 2014 Task Force meeting. The Zoning Code Rewrite Public Review Draft dated June 2, 2014 has been revised to incorporate:

- 1) the staff recommended revisions included in the May 7 Staff Memo;
- 2) general edits to the terminology and definitions as requested by the City's legal counsel;
- 3) the Task Force recommendation to delete Article 402 Adequate Public Facilities;
- 4) clarification of the proposed PAD Zoning provisions to apply to all "new" applications or "new" requests to amend existing PAD's; and
- 5) direction from the Heritage Advisory Committee to modify the Mixed-Use Heritage Zoning District to an Overlay Zoning District, and modify the provision (304.03 I.3.a) that would permit existing residential properties in the Heritage District to encroach into existing setbacks with compliance to Pinal County Health Department septic system requirements.

At their regular meeting held on May 8, 2014, the Heritage Advisory Committee unanimously recommended the Planning & Zoning Commission and City Council approve the proposed "Mixed Use – Heritage" Overlay Zoning District language. The Advisory Committee recommended approval with an amendment to Article 304.03 I.3(a.2 & 3) to defer future requests to improve existing residential properties to the Pinal County Health Department for requirements and regulations applying to septic systems.

In the event the Task Force wishes to forward a recommendation on the proposed Zoning Code Draft, a formal motion and action is requested. At the conclusion of the Task Force discussion, a Task Force member may make a motion and another must second to begin Task Force discussion on the motion. Any member may then amend the motion if they wish to improve the motion; another member is needed to second the amendment to the motion, and so on. I have attached an illustrative to further explain this procedure.

Attachments: Draft Meeting Minutes from May 7, 2014 (due to formal action)
Roberts Rules Illustration of Motion Procedure

Zoning Code Rewrite Task Force – DRAFT Minutes for 5/7/14

1.0: Call to Order	Ernest Whitehead called the meeting to order at 6:07 p.m.
2.0: Roll Call	Task Force members present included Councilwoman Chapados, Ronald Batt, Ernest Whitehead, Vincent Manfredi, Bob Marsh, Ted Yocum, JoAnne Miller and Linda Cheney. Committee members absent were Phyllis VonFleckinger, Julie Stanfill and Ryan Atwood. Staff members present were Michael Dyett, Code Consultant, Dana Burkhardt – Planning Consultant, Kazi Haque – Zoning Administrator, Rudy Lopez – Senior Planner, and Michael Winer – Economic Development Management Analyst. Please see attached sign-in sheet for a list of guests in attendance.
Agenda Item 3.1: <u>Zoning Code Final Draft Review Discussion</u>	<p>Chairman Whitehead introduced the item. Planning Consultant Dana Burkhardt then gave an overview of the Staff memo and the topics of the Zoning Code Final Review Draft requested for discussion. The Task Force then discussed each topic and provided final direction to staff as follows:</p> <ol style="list-style-type: none"> 1) User’s Guide/District Comparison Table: OK as proposed by staff 2) Existing PAD Overlays & Transitions: Increase prior approved Site Plan Review Expirations to 2 years after new code adoption – Ok as proposed 3) Modifications to Rules of Measurement: OK as proposed 4) Mixed Use – Heritage Overlay District: OK as proposed 5) Items 6&7 – MP Overlay & TOD Overlay: OK as proposed 6) Item 8-Adequate Public Facility: Keep as is 7) Proposed Landscape Code Revisions: Revise to remove the 36” box tree requirement, the rest is OK as proposed 8) Item 10 Admin & Permits Article & PAD procedure: Keep as proposed 9) Item 12 PAD’s: Add language to §510.06 A. “Expiration” to identify this provision only applies to PAD’s approved under the new Code. 10) Item 13 – Definitions & Zoning Map: Ok as recommended for modifications and updates by staff
Agenda Item 3.2: <u>Zoning Code Final Draft Review Public Comment</u>	<p>Chairman Whitehead introduced the item and opened the meeting up for public comment.</p> <p>Jackson Moll, Deputy Director of Municipal Affairs, HBACA: 2 issues:</p> <ol style="list-style-type: none"> 1) Discussion of Residential Design Guidelines and Design Standards- Appreciates moving he language out of the Code and into Guidelines. Tendency of Cities and Towns to simply attach an acceptance by the Planning Staff or Design Review Board, to the Building permit to make the procedure streamlined. Approvals outside of the context of the Zoning Code 2) Adequate Public Facility ordinance is concerning. Case law suggests City cannot hold up a project for School District service agreements. Other public utilities and services are reviewed by other agencies, and the City has adopted impact fees to address this issue. Remove this section as the assurances are provided by other agencies and could delay project approvals. <p>Kelly Anderson, Former Mayor and State Transportation Board Member issues:</p> <ol style="list-style-type: none"> 1) Master Planned Overlay is concerning, don’t understand why his property has the MP-overlay hatching, when he has adequate sewer and water and public facilities. Maybe the city can take a look at it and reconsider the designation. 2) Heritage District Overlay – Adequate Public Facility requirement to redevelop – getting discriminatory – may cause undue financial hardship for people residing there and should be further looked at.

	<p>Councilwoman Chapados: Task Force should consider options to implement CEPTED guidelines or policies.</p> <p>Member Cheney – Happy to help with furthering CEPTED policy</p>
<p>Agenda Item 3.3: <u>Zoning Code Final Draft Review Discussion and Action</u></p>	<p>Chairman Whitehead introduced the next item, 3.3. He mentioned there are some items noted for revision and asked the Task Force for a motion to move the Zoning Code forward. Member Miller commented that VonFleckinger and Cheney still have questions and she is in favor of one more meeting to see the final revisions incorporated in the draft. Member Batt, Yocum, Chapados, Marsh, and Manfredi agreed to have another short review on the revisions.</p> <p>Member Manfredi requested to remove the Adequate Public Facilities.</p> <p>Chairman Whitehead made a MOTION to recommend the P&Z Commission and City Council approve the Zoning Code with the recommended amendments from staff. MOTION fails for lack of a SECOND.</p> <p>Member Yocum made MOTION to hold one more meeting to review the finalize changes. MOTION was SECONDED by Chapados. Motion PASSES unanimously.</p> <p>Member Manfredi MOTIONED to recommend the Adequate Public Facility Section be removed from the Code. Motion SECONDED and PASSES with a 6-2 vote.</p> <p>Next meeting scheduled for June 11, 2014, 6PM in the Council Chambers</p>
<p>Agenda Item 4: <u>Adjournment</u></p>	<p>Chairman Whitehead Adjourned the meeting at 8:20PM</p>

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Zoning Code Rewrite Task Force Committee of the City of Maricopa held on the 7th day of May 2014. I further certify that the meeting was duly called and held and that a quorum was present.
 Dated 12th of May, 2014

 Dana Burkhardt, Staff Liaison, Zoning Code Rewrite Task Force Committee, City of Maricopa.

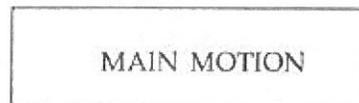
AMENDMENTS ILLUSTRATED

Any main motion or resolution may be amended by:

1. Adding at the end
2. Striking out a word or words
3. Inserting a word or words
4. Striking out and inserting a word or words
5. Substitution

A member rises, addresses the chair, receives recognition, and states the motion:

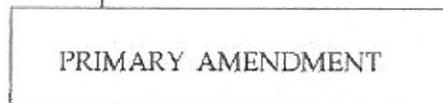
"I move that. . ."



Another member seconds the motion.

The Chair repeats the motion and says, "Is there any discussion?"

To improve the motion, a member rises, receives recognition and says, "I move to amend the motion by . . ."



Another member seconds the amendment.

The Chair repeats the amendment and says, "Is there any discussion on the amendment?"

To improve the amendment, a member rises, receives recognition, and says, "I move to amend the amendment by . . ."

Another member seconds the amendment.

The Chair repeats the amendment to the amendment and says, "Is there any discussion on the amendment to the amendment?"

- When discussion ceases, the Chair says, "Those in favor of the amendment to the amendment say 'Aye.' Those opposed say 'No.'"
- If the vote was in the affirmative, the amendment is included in the primary amendment. The Chair then says, "Is there any discussion on the amended amendment?"
- If there is no discussion, a vote is taken on the amended amendment. If the vote in the affirmative, the amendment is included in the main motion. The chair then says, "Is there any discussion on the amended motion?"
- At this place, the motion can again be amended.
- If there is no further discussion, a vote is taken on the amended motion.
- Even though the amendments carried in the affirmative, the main motion as amended can be defeated.