

To: Planning & Zoning Commission
Through: Robert Goodhue, Development Services Director
From: Dana Burkhardt, Planning Consultant
Date: July 14, 2014
Re: Zoning Code Rewrite Draft Review (**DISCUSSION and ACTION**).

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

The Zoning Code Rewrite project was initiated to update **Maricopa's** Zoning Code to accommodate contemporary development patterns and land uses. The current Zoning Code was largely carried forward from the **County's** zoning ordinance at the time of incorporation in 2003. The objective for this project is to produce an innovative and integrated Zoning Code by expanding upon, modifying and deleting from existing policy documents as necessary, within the restrictions of applicable State law, and create a Maricopa Zoning Code that:

- Is progressive, utilizing best practices from other jurisdictions and codes, and intelligently integrates principles of balanced land use and orderly growth to promote a diverse economic base, livable neighborhoods, and sound resource management;
- Is consistent with the Maricopa General Plan 2006, responsive to the **City Council's Strategic Plan 2012-2015**, and cognizant of anticipated amendments to the General Plan, including the potential for annexation;
- Provides for flexibility, where needed and appropriate, consistent with the City development policies;
- Is logically organized, easy to read and understand and can be quickly updated to respond to changing market and socioeconomic conditions;
- Includes graphics and tables to illustrate key points and minimize the amount of text;

- Is consistent in terms of processes and requirements with the City Code and relevant provisions of Federal and State law, particularly Proposition 207 and related legislation;
- Is comprehensive;
- Is tailored to local and regional climate, ecology, history and culture;
- Is integrated with and cross-references other land use related ordinances and regulations, including but not limited to the Subdivision Ordinance, Heritage District Design Guidelines, Redevelopment Area Plan, and other policies;
- Applies overlay districts, where appropriate, to areas that warrant distinct treatment such as the Heritage District, Seven Ranches, and other areas with unique characteristics;
- Includes mixed-use zoning districts and attendant regulations for both built-up areas of the city as well as lands at the urban edge; and
- Incorporates land use-based (Euclidean), incentive and performance-based, as well as form-based zoning provisions, where appropriate, that address land use and urban design standards (text and graphics) as deemed necessary, by the City.

Diagnosis and Evaluation Working Paper

The *Diagnosis and Evaluation Working Paper* is the culmination of the first stage of the Zoning Code Rewrite, which consisted of a background review of current City policy, goals, and needs. In January 2013, Maricopa’s consultant team, led by Dyett & Bhatia, Urban and Regional Planners, began this effort with a field reconnaissance, including a tour of Maricopa, and a series of interviews with stakeholders and City Officials intended to gather concerns and suggestions for the Zoning Code Rewrite. This task also involved a community workshop and interviews with City staff and officials, community leaders, developers, business owners, and private parties who make extensive use of the Zoning Code. The result of this research was the production of the *Community Kickoff Workshop and Stakeholders Interview Report* (Attachment B), which put forward the overarching recommendations of residents participating in the workshop and Code users, organized thematically.

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

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

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

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

The 200 Series Base Zoning Districts specify the use and development regulations for each set of base districts with a consistent overall code structure throughout the district classifications. This Series specifies the land uses

permitted or conditionally permitted in each District in a table format, and includes special requirements or limitations, if any, that are applicable to specific uses. Base Zoning District regulations also include easy to read tables identifying the physical development standards in one table for all districts of a single classification. This allows the reader to quickly compare the regulations for size, height, bulk, location, and appearance of structures, as well as minimum lot dimensions within a class of zoning districts, ie commercial, residential, etc.

1-B Consolidate Standards

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

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

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

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

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

1-E Integrate Components of the Subdivision Ordinance

The draft Zoning Code closely compliments (and incorporates where appropriate) the provisions of the existing Subdivision Ordinance. For example, the residential zoning district standards are mirrored and the PAD/MPD requirements of the Subdivisions Ordinance are the foundation for PAD provisions in the draft Zoning Code. The Subdivision Ordinance is also referenced for required buffer yards between differing land uses, and the landscape standards in the draft code compliment the Subdivision Ordinance, among other things.

1-F Use Graphics to Reduce Wordiness and Improve Clarity

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

1-G Tabulate and Cross-Reference Regulations

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

Recommendation No. 2: Streamlining Development Review and Approval

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

Article 502

2-B Reduce Reliance on Council-Level Discretionary Review

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

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

See 2-B above

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

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

2-E Recognize Differences among Nonconforming Uses and Structures

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

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

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

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

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

Three mixed use zoning Districts are established in the draft Code: Mixed Use – General (MU-G) Mixed Use - Neighborhood (MU-N), and the Mixed Use – Heritage (MU-) Overlay. These districts permit considerable flexibility for development of retail, office, residential, and civic uses. Incentives are provided in the code to grant flexibility in site development standards if sustainable elements are provided. The code also allows an increase in density when multifamily uses are proposed with exceptional open space (207.04 B).

3-B Support Future Transit Corridors

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

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

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

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

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

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

Some general building design criteria is incorporated in the development standards of commercial, mixed use, and office uses, such as minimum ceiling heights to accommodate a variety of potential businesses and tenants, and requirements for windows along roadway frontages to encourage visibility into businesses for

merchandising, safety, and an inviting pedestrian atmosphere. Landscaped parking areas with clearly defined and shaded pedestrian ways and gathering areas are encouraged.

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

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

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

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

- 4-D Provide Incentives for Sustainable Design

Article 411

Recommendation No. 5: Promoting Housing Variety and Choice

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

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

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

Article 202.03 D provides standards for clustered housing.

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

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

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

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

Recommendation No. 6: Supporting Economic Growth

- 6-A Provide Incentives for Job-Generating Uses

The proposed Zoning code provides two new zoning districts designed to encourage development of new employment space. The General Office (GO) zoning district and Industrial Park (IP) districts are designed to accommodate large scale employers. These districts provide minimal development standards and design

criteria to make it easy to develop, and allow needed flexibility in use and building type. Additionally, all industrial zoning districts have very limited development regulations, with incentives to provide sustainable development features.

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

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

6-B Allow Limited Commercial Development in Appropriate Residential Districts

The rural zoning districts permit convenience markets and other rural oriented business uses. The residential districts allow small family daycare facilities (in addition to home daycare), Convenience Markets less than 2,500 sq ft with no sales of alcohol, Supportive and Transitional Housing facilities, and Senior Care facilities.

6-C Create Mixed-Use Districts

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

6-D Create a Planned Development Base District

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

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

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

ZONING CODE REWRITE TASK FORCE

The Zoning Code Rewrite Task Force held their final meeting on July 2, 2014 to approve their meeting minutes from June 11, formalizing their recommendation to the Planning & Zoning Commission and City Council. The meeting minutes were unanimously approved with one amendment from member Cheney to include a reference to the letter of concerns received from Cameron Artigue of Gammage and Burnham , PLC dated June 10, 2014. The amendment is included in the approved meeting minutes of the Task Force, Attachment D.

Further background on the Zoning Code Rewrite Project, including the project history, process and references can be reviewed in the memorandum to the Planning & Zoning Commission dated June 23, 2014. The memorandum and staff presentation provided to the Planning & Zoning Commission on June 23rd is attached for reference, refer to Attachment E.

The Zoning Code Rewrite Task Force recommends the Planning & Zoning Commission and City Council adopt the draft Zoning Code Rewrite dated June 2, 2014, with the proposed tracked revisions shown in the draft and the following eight (8) amendments:

- 1) Revise Article 302 to apply the TC Overlay to the first 150 feet of properties fronting John Wayne Parkway (SR 347), Smith Enke Road west of John Wayne Pkwy (SR 238), and Maricopa-Casa Grande Hwy unless requested by property owner to increase beyond **150 feet.; and Amend Section 302.04.A “Prohibited Uses”,** by removing item 7, Off-Track Betting Establishments from the list of prohibited uses, and amend 302.04.A.2 - General Industrial Uses are permitted, however, only indoor business activities and uses, parking, landscaping, and other improvements and uses determined to meet the intent of this code by the Planning & Zoning Commission may occur within the Transportation Corridor Overlay.
- 2) Remove Article 301, Master Land Use Plan Required Overlay District, in its entirety, along with all references with in the Code.
- 3) Remove Article 402, Adequate Public Facilities, in its entirety, along with all references with in the Code.
- 4) **Article 502.11 B. “Extensions”** , delete the word “approval” in first sentence, and **modify Article 502.13 “Revocation of Permits and Approvals” opening paragraph** by inserting before the last sentence, the following:
“Zoning revocation shall only be processed in the same manner prescribed by ARS 9-462.01E”
- 5) Amend Tables 501.11, 502.06 and 502.14 to consistently describe the criteria distinguishing a Major and Minor Development Review Permit by footnote within each respective table.
- 6) **Article 511.03 B. “Zoning of Annexed Properties”, delete and replace existing text** with reference to ARS provision for zoning annexed land (ARS 9-471 (L) and 9-462.04 E.)
9-462.04 E. A municipality may enact an ordinance authorizing county zoning to continue in effect until municipal zoning is applied to land previously zoned by the county and annexed by the municipality, but in no event for longer than six months after the annexation.
- 7) Further exploration and clarification by staff of the Rules of Transitions for existing Preliminary Plats, Article 101.06 and provide recommendations to allow City Council to determine the time frames for extending existing approvals, as to not jeopardize an existing preliminary plat.
- 8) In addition to the review and further clarification of 101.06 Rules of Transitions for existing preliminary plats, provide further clarification and review to the language to grandfather existing Planned Area Development (PAD) Overlays.

DISCUSSION

Staff requests the Planning & Zoning Commission provide direction on five (5) outstanding policy items of the Task Force recommendation. Four (4) of the topics in need of direction

are listed in the above listed amendments, and include amendment numbers two (2), three (3), (7), and (8). Amendments seven (7) and eight (8) are combined For the purposes of discussion. The ensuing staff analysis discusses the topics concurrently:

- Article 101.06, Rules of Transition: Effect of this Code on Approved Projects and Projects in Process
- Task Force amendment to remove Article 402 the Adequate Public Facilities
- Task Force Amendment to remove Article 301 Master Land Use Plan Required Overlay District
- Revisions to the Single Family Residential Design Guidelines

The final discussion topic, “Single Family Design Guidelines” has been further reviewed by staff and some minor restructuring and additional clarity is proposed. Refer to the discussion for further details.

ARTICLE 101.06, RULES OF TRANSITION DISCUSSION

Some development community stakeholders have expressed concerns over how the provisions of the new code will be applied to existing zoned properties and preliminary plat approvals. Staff recognizes the City has 10 planned developments that were approved in the **mid 2000’s, accounting for approximately 8,626 acres of land which is equivalent to over 30,000 new homes.** These previously approved projects are in various stages of tentative approval, i.e. they have not received final plats, for various reasons. Article 101.06, Rules of Transition applies to these tentative development approvals, which are planned to double the cities current population, or accommodate an additional +60,000 people and supporting services.

In accordance with the Zoning Code Rewrite Task Force recommended amendments 7 & 8, staff has further evaluated the provisions for transitioning existing preliminary plats and PAD approvals. Staff’s evaluation included a meeting with the stakeholders to further discuss their concerns, including a review of proposed language provided by the stakeholders. Much of the ideas and language provided are incorporated in the attached draft recommended for the Planning & Zoning Commission, see Attachment F. However, the stakeholder proposed modifications in its entirety would restrict the current and future Planning & Zoning Commission and City Councils’ ability to apply substantive provisions of the new code on existing tentatively entitled land. The Commission and Council are the approval bodies for the vast majority of requests that are covered by the Rules of Transition provisions, and the stakeholder language would limit their ability to implement the city’s future policies.

Pursuant to the Task Force recommendation, further evaluation of the Rules of Transitions includes a peer review of 14 other zoning codes from communities within our market area and throughout Arizona. Staff found that the current language for Rules of Transition is considerably more extensive than all other codes reviewed (refer to Rules of Transition Peer Review in Attachment G). The current language provides detailed application procedures, and narrowly defines the application of the new code provisions to existing zoning approvals. This in itself can lead to confusion to users of the code. The practice of peer communities to utilize simple language gives much greater flexibility to staff, Planning & Zoning Commission and City Council to support the desires of the development community all the while implementing current and future city policy.

Applications to pursue development under prior approvals, such as plan approvals within existing PAD Overlays, extensions for existing preliminary plats, site plan approvals, and use permits are the authority of the Planning & Zoning Commission. Should an applicant disagree with an interpretation or application of the provisions of this code on pre-existing approvals, appeal procedures are in place and the final decision authority is held by the Planning & Zoning Commission and City Council.

Article 101.06 Rules of Transition Recommendation:

Staff recommends the Planning & Zoning Commission include the language proposed in Attachment F, or direct staff to simplify the language to be more consistent with peer communities, in a motion to initiate an ordinance of the draft Zoning Code. See draft amendment 2 in the Conclusion & Recommendation at the end of this report

ARTICLE 301 MASTER LAND USE PLAN REQUIRED OVERLAY DISCUSSION

The Zoning Code Rewrite Task Force recommended amendment number two (2), the deletion of Article 301 Master Land Use Plan Required Overlay from the draft Zoning Code. The primary reason for removal of this article is due to the fact that it does not accomplish its stated purpose. The code essentially requires preliminary conceptual planning for large areas of contiguously owned land for the purposes of avoiding piecemeal development and unplanned subdivisions of large vacant land holdings. With exception to the heritage District, Seven Ranches, and Red Valley Ranch, the majority of land in Maricopa was consolidated by developers and Master Planned. The concern is that the few remaining large and undeveloped land holdings, and future annexed areas, may develop in a piecemeal fashion, without planned infrastructure, transportation networks or integrated land uses and open space.

The overlay would only be located over land owned or controlled by a single entity with a minimum of 320 contiguous acres. The intent is to encourage a comprehensive conceptual design responsive to surrounding development and in accordance with the General Plan. This includes connectivity to adjacent transportation networks, open spaces and other coordinated city planning efforts. This is a very basic mechanism for those property owners who do not wish to prepare a PAD land use plan, but ensures a coordinated land use design to avoid wildcat development scenarios.

Mayor Anderson, among others requested this overlay be deleted and/or not mapped over their land holdings.

Article 301 Master Land Use Plan Required Overlay Recommendation:

Staff recommends the Planning & Zoning Commission include the language proposed in the draft Zoning Code, with the following proposed change:

The draft Zoning Code language be revised to delete Article 301.01 Specific Purposes, items B & C, and add the following in place: **“Ensure that existing and future City plans and policies are implemented through the orderly and comprehensive planning of tracts of land, and to discourage unplanned, piecemeal development, which may disregard the General Plan and city planning efforts for the area”**

ARTICLE 402, ADEQUATE PUBLIC FACILITIES DISCUSSION

In their June 11 meeting, the Task Force among others, specifically recommended Article 402- Adequate Public Facilities (APF) be removed from the Zoning Code Rewrite. Staff is submitting the following APF analysis based on the historical precedents Maricopa traditionally enforced since incorporation, and as it relates to public health, safety and welfare. In addition, staff is including by reference **the 2006 City of Maricopa's** voter-approved General Plan provisions that place importance on adequate public facilities. Also, the existing Zoning Code and Subdivision Ordinance regulations that require staff reviews for adequacy compliance of public facilities (fire, water, sewer, street, floodplain, drainage, school etc.).

The specific purpose of Article 402 is to ensure the timely provision of adequate infrastructure, and promote orderly and efficient development, consistent with the General Plan. APF is intended to assure that proposed development will not adversely affect the public health, safety, and welfare. It also encourages new development to occur in areas of the City where public facilities are being provided and which are designated in the voter-approved **General Plan**. The adequate public facility requirements among others, may include, water, sewer, drainage, floodplain, street, school, fire, and public safety issues.

Since incorporation in 2003, the City had to rely on private utility providers for sewer, water, **gas, the Maricopa Fire District and Pinal County Sheriff's Office** for public safety. Also, the City relied heavily on Pinal County to oversee the drainage, flooding, hazard mitigation and air quality nonattainment issues. Furthermore, prior to the incorporation when the County was rezoning properties within the current City limits, the County through zoning stipulations, enforced and made it mandatory for developers to comply with public facilities requirements- i.e., school, fire, street, water, sewer, drainage, flood, parks and trails were adequately met for conformity.

Currently, the water and sewer services are provided by the private sector. However, the City coordinates routinely by holding monthly Technical Advisory Committee meetings (TAC) with the local utility providers to ensure the public facilities are keeping pace with growth and new developments. APF ordinances are timing devices that can be a useful tool for cities and towns and can help ensure that needed facilities and services are available for new development and can signal to planners and elected officials what types of infrastructure, in which particular growth areas, are in need of additional capital improvement spending.

More importantly, from Maricopa's experience, the APF can serve as an important point of reference or checklist for staff and the Commission to verify that the proposed new developments/ infrastructures are in line and consistent with the Council approved General Plan Goals and Objectives, as well as meeting other policies and requirements (zoning and subdivision ordinances). The City of Maricopa has its fair share of challenges regarding commitment, installation, and payment for the public facilities improvements. During the housing boom of the early and mid-2000's, several large scale master planned developments received zoning approvals. Many of these approvals inconstantly address and sometimes defer public facility improvement (bridges, roads, etc.) costs and responsibilities. The intention of the adequate public facility ordinance is to consistently implement **the City's** existing and future policies for minimum levels of service. Article 402 also provides a level of certainty to the development community, utility providers, city staff and citizens that a minimum level of service is planned for and provided concurrent with development.

Staff has identified two other cities in Arizona that use APF regulations- they are the Town of Queen Creek and City of Tempe, Arizona. Queen Creek has stringent Level of Service requirements in their APF Code; City of Tempe is much less **stringent as Queen Creek's** adequate public facilities regulations and is the basis for the code proposed for the City of Maricopa.

The existing City policies related to adequate public facilities can be found in various City Council approved Plans (see below), such as the current Zoning Code, Subdivision Ordinance, Regional Transportation Plan, the Parks, Trails and Open Space Master Plan, floodplain ordinance and the police, fire, emergency services, sewage, refuse disposal, drainage, local utilities, rights-of-way, easements and the required public facilities. These existing policies will enable Maricopa to meet its future population expectations and accelerate growth in desired areas of the community. **Maricopa's** existing public facility requirements are well defined, but adding it to the Zoning Code will provide opportunity to implement APF requirements within the framework of the overall development plan, and directly or indirectly, these policies are a tool for the City Council, Planning and Zoning Commission, and staff for plan implementation and policy consistency.

- City of Maricopa General Plan Section II. A: “Land Use Element” of the General Plan provides Land Use Recommendations, the first recommendation **listed is to “Ensure** land use planning and approvals go hand-in-hand with infrastructure planning, financing and construction. APF Ordinance would assist in the implementation of this recommendation.
- City of Maricopa General Plan Section II. E: “Public Services and Facilities Element” of the General Plan provides guidance for the Planning Commission and the City **Council, ensuring adequate public facilities and services demonstrate the City’s and the community’s commitment to orderly growth.**
- City of Maricopa General Plan Section I. E: “Plan Administration” (1)(a) Major Amendment Infrastructure Criteria, this policy clearly outlines the impacts of land use changes, rezoning and amendments to the General Plan can have on public infrastructure, and would place significant cost burdens on regional, municipal or private utility systems. A major amendment is required when infrastructure (roads, bridges, overpasses and drainage) demands are not offset by private investment or extensions to public systems.
- City of Maricopa Zoning Code Article 33, Section 3304 c (6 & 7) - Timing of Development; Public Utilities and Services requirements.
- City of Maricopa Subdivision Ordinance, Section 14-1-3 Purpose and Intent (A) states... to ensure adequate vehicular and pedestrian traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions, and public facilities; to achieve individual property lots of reasonable utility and livability; to secure adequate provisions for water supply, drainage, flood protection, sanitary sewerage, and other health and safety requirements; to ensure consideration for adequate sites for schools, open space, recreation areas, and other public facilities; to help ensure that emergency services such as fire, ambulance and police services can be provided to all developed land.

- Forces the community to link its general plan land use with its capital improvement program, a principle of good planning that is often ignored.
- Can encourage contiguous or even infill development because of its proximity to existing urban infrastructure and services. To the extent that land in facility-provided areas is limited, it will encourage developers to build at higher densities in the existing and future core areas of the community.

Article 402 Adequate Public Facilities Recommendation:

Staff recommends the Planning & Zoning Commission include the language proposed in the draft code for Article 402 in a motion to initiate an ordinance of the draft Zoning Code.

REVISIONS TO SINGLE FAMILY RESIDENTIAL DESIGN GUIDELINES DISCUSSION

The Residential Design Guidelines were removed from the Zoning Code upon recommendation of the Zoning Code Rewrite Task Force, and moved to a separate, standalone document. The draft Zoning Code defines the Single Family Residential Design Guidelines and references the document throughout the Code, similar to the existing Wireless Communication Facilities Design Guidelines and Heritage District Design Guidelines. The intent is to format all of these documents in a similar brand and appear as a cohesive library of City Design Guides. As the city grows, additional design guidelines may be added to address other types of land uses, such as multi-family, commercial, and special planning areas intended to have a unique and distinct character.

The Single Family Residential Design Guidelines were developed in collaboration with the Task Force members, homebuilding community stakeholders, and city staff. Extensive research and analysis was prepared and can be reviewed in the October 16, 2013, Zoning Code Rewrite Task Force meeting materials. The proceeding discussion and recommendations are outside of the Task Forces recommendations and are intended to only enhance with minor modifications to the Task Force recommended Single Family Design Guidelines.

The proposed amendments are intended to organize the document into several sections as it relates to architectural design. Additional language is proposed to further emphasize the need of diverse architecture and discourage certain elements that create garage dominant neighborhoods. The following discussion is a narrative of the proposed changes to the Task Force recommended guidelines. Refer to Attachment H for the actual Single Family Residential Design Guidelines, tracked changes are included with additions in red text, notations are included for reference and deleted or moved items are shown with a strike through.

1. General Comment: In comparison to other municipal residential design guidelines staff recommends that the overall outline of the structure is revised to the following:
 - A. Introduction
 - B. Applicability
 - C. General Design Guideline Principles
 1. Building Form Garage and Driveways
 2. Covered Patios and Porches
 3. Location

- 4. Windows and Doors
 - 5. Colors and Materials
 - 6. Roof Architecture
 - 7. Crime Prevention through Environmental Design
- D. Standard Plan Submittal Requirements

- 2. General Comment: Staff recommends adding example images throughout the document to reinforce certain guidelines.
- 3. Section C, General Design Guideline Principles: Staff recommends additional statements within the Building Form section to further expand the need for diverse housing elevations.
- 4. Section C, General Design Guideline Principles: Subsection 1g and 1h are recommended to be removed from the design guidelines and added to Zoning Code Table 202.03 and section 202.03.
- 5. Section C, General Design Guideline Principles: Subsection 2f, staff recommends the statement to be removed and added to Zoning Code section 202.03.
- 6. Section C, General Design Guideline Principles: Subsection 2g, staff modified the existing language.
- 7. Section C, General Design Guideline Principles: Subsection 2j, staff recommends restricting the maximum width of a garage in comparison to the overall width of the house to reduce the impact of garage dominant architecture. City by city comparison shows that this requirement is in line with other municipalities (see Attachment I).

City Comparison – Garage Width Restriction

Buckeye	Casa Grande	Chandler	Mesa	Phoenix	Queen Creek	Surprise
10,000 SF lots and greater - 30% 6,000 – 10,000 – 40% Less than 6,000 – 50%	No more than 50% of the house width	No more than 1/3 (33.33%) of the house	No more than 50% of the house width	Lots 59 feet in width, no more than 50% of the house width	No more than 40% of the house width	No more than 45% of the house width

****No regulation found within Gilbert, Goodyear and Peoria****

- 8. Section C, General Design Guideline Principles: Subsection 2K, staff recommends the statement to be removed and added to Zoning Code section 202.03.
- 9. Section C, General Design Guideline Principles: Subsection 3a, staff recommends the deletion of providing an option for not providing a rear outdoor shaded patio cover. Standard usable patio is recommended for floor plans. Below is a city by city comparison (see Attachment H for actual language).

City Comparison – Covered Patio

Casa Grande	Chandler	Goodyear	Queen Creek	Surprise
Required	Required	Required	Required	Required

****No regulation found within Phoenix, Buckeye, Mesa and Peoria****

10. Section C, General Design Guideline Principles: Subsection 3b, staff recommends a minimum size for covered patios.
11. Section C, General Design Guideline Principles: Subsection 3c, staff recommends requiring porches within the front elevation with minimum size.

City Comparison – Front Porches

Casa Grande	Chandler	Goodyear	Queen Creek	Mesa	Surprise
Semi-Required	Required	Recommended	Required	Required	Required for one (1) floor plan per submittal

****No regulation found within Phoenix, Buckeye, and Peoria****

12. Section C, General Design Guideline Principles: Subsection 4a-e, staff relocated a portion of this section subsection 8 Roof Architecture.
13. Section C, General Design Guideline Principles: Subsection 4f, staff relocated this section to subsection 5 Location.
14. Section C, General Design Guideline Principles: Subsection 4g, staff relocated this section to subsection 7 Colors and Materials.
15. Section C, General Design Guideline Principles: Subsection 4h, staff relocated this section to subsection 6 Windows and Doors.
16. Section C, General Design Guideline Principles: Subsection 4i, staff relocated this section to subsection 9 Architectural Features.
17. Section C, General Design Guideline Principles: Subsection 4j, staff relocated this section to subsection 3 Covered Patios and Porches.
18. Section C, General Design Guideline Principles: Subsection 4k, staff relocated this section to subsection 3 Covered Patios and Porches.
19. Section C, General Design Guideline Principles: Subsection 4l, staff relocated this section to subsection 9 Architectural Features.
20. Section C, General Design Guideline Principles: Subsection 4m, staff relocated this section to subsection 6 Windows and Doors.

21. Section C, General Design Guideline Principles: Subsection 4n, staff relocated this section to subsection 9 Architectural Features.
22. Section C, General Design Guideline Principles: Subsection 5a, staff recommends minor deletion to the statement.
23. Section C, General Design Guideline Principles: Subsection 6a, staff revise the statement to enhance the intent.
24. Section C, General Design Guideline Principles: Subsection 6b, staff recommends minor deletion to the statement.
25. Section C, General Design Guideline Principles: Subsection 7a, staff revise the statement to enhance the intent.
26. Section C, General Design Guideline Principles: Subsection 8, staff added the following section, Roof Architecture.
27. Section C, General Design Guideline Principles: Subsection 8a, staff revise the statement to enhance the intent.
28. Section C, General Design Guideline Principles: Subsection 9e, staff recommends the statement to be removed and added to Zoning Code section 202.03.
29. Section C, General Design Guideline Principles: Subsection 10, staff added the proposed section with subsection language to address crime prevention through environmental design.
30. Section C, General Design Guideline Principles: Subsection 11, staff revised the title and added the proposed language to meet the intent of the subsection.
31. Section C, General Design Guideline Principles: Subsection 11a, staff revise the statement to enhance the intent and a portion of the statement was moved to subsection 8 Roof Architecture.
32. Section C, General Design Guidelines Principles: Subsection 11a-e, staff added criteria for minimum color schemes to submit per floor plan.

CONCLUSION AND RECOMMENDATION

Based on the above discussion and recommendations, staff recommends the Planning & Zoning Commission approve a MOTION to initiate an ordinance for the draft Zoning Code dated June 2, 2014 with the following amendments:

- 1) Accept all current tracked changes in the June 2, 2014 draft Zoning Code including all edits recommended by the Planning & Zoning Commission on July 14, 2014
- 2) Revise Article 101.06 Rules of Transition, to include the language proposed in Attachment F, or direct staff to simplify the language to be more consistent with peer communities
- 3) Revise Article 302 to apply the TC Overlay to the first 150 feet of properties fronting John Wayne Parkway (SR 347), Smith Enke Road west of John Wayne Pkwy (SR 238), and Maricopa-Casa Grande Hwy unless requested by property owner to increase beyond 150

feet.; and Amend Section 302.04.A “Prohibited Uses”, by removing item 7, Off-Track Betting Establishments from the list of prohibited uses, and amend 302.04.A.2 - General Industrial Uses are permitted, however, only indoor business activities and uses, parking, landscaping, and other improvements and uses determined to meet the intent of this code by the Planning & Zoning Commission may occur within the Transportation Corridor Overlay.

- 4) Revise Article 301, Master Land Use Plan Required Overlay District language by deleting **Article 301.01 Specific Purposes items B & C, and add the following in place: “Ensure that existing and future City plans and policies are implemented through the orderly and comprehensive planning of tracts of land, and to discourage unplanned, piecemeal development, which may disregard the General Plan and city planning efforts for the area”**
- 5) The draft Zoning Code language be revised to delete Article 301.01 Specific Purposes items **B & C, and add the following in place: “Ensure that existing and future City plans and policies are implemented through the orderly and comprehensive planning of tracts of land, and to discourage unplanned, piecemeal development, which may disregard the General Plan and city planning efforts for the area”**
- 6) Maintain Article 402, Adequate Public Facilities, in its entirety, along with all references with in the Code.
- 7) **Article 502.11 B. “Extensions”** , delete the word “approval” in first sentence, and modify **Article 502.13 “Revocation of Permits and Approvals”** opening paragraph by inserting before the last sentence, the following:

“Zoning revocation shall only be processed in the same manner prescribed by ARS 9-462.01E”
- 8) Amend Tables 501.11, 502.06 and 502.14 to consistently describe the criteria distinguishing a Major and Minor Development Review Permit by footnote within each respective table.
- 9) Modify Article 510 PAD Procedures language, refer to Attachment M for changes
- 10) **Article 511.03 B. “Zoning of Annexed Properties”**, delete and replace existing text with reference to ARS provision for zoning annexed land (ARS 9-471 (L) and 9-462.04 E.)
- 11) Accept all proposed revisions to the Single Family Residential Design Guidelines as proposed in this report.

- Attachments:
- A) ARS 9-462.01 “Zoning regulations; public hearing; definitions”
 - B) *Community Kickoff Workshop and Stakeholders Interview Report*
 - C) *Diagnosis and Evaluation Working Paper*
 - D) Zoning Code Rewrite Task Force June 11 Approved Meeting Minutes
 - E) P&Z Commission Memo and Staff Presentation - June 23, 2014
 - F) Staff Proposed Edits and Revisions to Article 101.06 Rules of Transition
 - G) Rules of Transition Peer Review
 - H) Draft Revisions to Single Family Residential Design Guidelines
 - I) Garage width restrictions from other municipalities
 - J) Outdoor Patio language from other municipalities
 - K) Front Porch language from other municipalities
 - L) Residential Design Guideline Comparison Chart
 - M) Modifications to PAD Procedures Article 510

ATTACHMENT A



Fifty-first Legislature - Second Regular Session

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9-462.01. Zoning regulations; public hearing; definitions

A. Pursuant to this article, the legislative body of any municipality by ordinance may in order to conserve and promote the public health, safety and general welfare:

1. Regulate the use of buildings, structures and land as between agriculture, residence, industry, business and other purposes.
2. Regulate signs and billboards.
3. Regulate the location, height, bulk, number of stories and size of buildings and structures, the size and use of lots, yards, courts and other open spaces, the percentage of a lot which may be occupied by a building or structure, access to incident solar energy and the intensity of land use.
4. Establish requirements for off-street parking and loading.
5. Establish and maintain building setback lines.
6. Create civic districts around civic centers, public parks, public buildings or public grounds and establish regulations therefor.
7. Require as a condition of rezoning public dedication of rights-of-way as streets, alleys, public ways, drainage and public utilities as are reasonably required by or related to the effect of the rezoning.
8. Establish floodplain zoning districts and regulations to protect life and property from the hazards of periodic inundation. Regulations may include variable lot sizes, special grading or drainage requirements, or other requirements deemed necessary for the public health, safety or general welfare.
9. Establish special zoning districts or regulations for certain lands characterized by adverse topography, adverse soils, subsidence of the earth, high water table, lack of water or other natural or man-made hazards to life or property. Regulations may include variable lot sizes, special grading or drainage requirements, or other requirements deemed necessary for the public health, safety or general welfare.
10. Establish districts of historical significance provided that:
 - (a) The ordinances may require that special permission be obtained for any development within the district if the legislative body has adopted a plan for the preservation of districts of historical significance which meets the requirements of subdivision (b) of this paragraph, and the criteria contained in the ordinance are consistent with the objectives set forth in the plan.
 - (b) A plan for the preservation of districts of historical significance shall identify districts of special historical significance, state the objectives to be sought concerning the development or preservation of sites, area and structures within the district, and formulate a program for public action including the provision of public facilities and the regulation of private development and demolition necessary to realize these objectives.
 - (c) The ordinance establishing districts of historical significance shall set forth standards necessary to preserve the historical character of the area so designated.
 - (d) The ordinances may designate or authorize any committee, commission, department or person to designate structures or sites of special historical significance in accordance with criteria contained in the ordinance, and no designation shall be made except after a public hearing upon notice of the owners of record of the property so designated. The ordinances may require that special permission be obtained for any development respecting the structures or sites.
11. Establish age specific community zoning districts in which residency is restricted to a head of a household or spouse who must be of a specific age or older and in which minors are prohibited from living in the home. Age specific community zoning districts shall not be overlaid over property without the permission of all owners of property included as part of the district unless all of the property in the district has been developed, advertised and sold or rented under specific age restrictions. The establishment of age specific community zoning districts is subject to all of the public notice requirements and other procedures prescribed by this article.

12. Establish procedures, methods and standards for the transfer of development rights within its jurisdiction. Any proposed transfer of development rights from the sending property or to the receiving property shall be subject to the notice and hearing requirements of section 9-462.04 and shall be subject to the approval and consent of the property owners of both the sending and receiving property. Before any transfer of development rights, a municipality shall adopt an ordinance providing for:

(a) The issuance and recordation of the instruments necessary to sever development rights from the sending property and to affix development rights to the receiving property. These instruments shall be executed by the affected property owners and lienholders.

(b) The preservation of the character of the sending property and assurance that the prohibitions against the use and development of the sending property shall bind the landowner and every successor in interest to the landowner.

(c) The severance of transferable development rights from the sending property and the delayed transfer of development rights to a receiving property.

(d) The purchase, sale, exchange or other conveyance of transferable development rights prior to the rights being affixed to a receiving property.

(e) A system for monitoring the severance, ownership, assignment and transfer of transferable development rights.

(f) The right of a municipality to purchase development rights and to hold them for resale.

(g) The right of a municipality at its discretion to enter into an intergovernmental agreement with another municipality or a county for the transfer of development rights between jurisdictions. The transfer shall comply with this paragraph, except that if the sending property is located in an unincorporated area of a county, the approval of the development rights to be sent to a municipality shall comply with section 11-817.

B. For the purposes prescribed in subsection A of this section, the legislative body may divide a municipality, or portion of a municipality, into zones of the number, shape and area it deems best suited to carry out the purpose of this article and articles 6, 6.2 and 6.3 of this chapter.

C. All zoning regulations shall be uniform for each class or kind of building or use of land throughout each zone, but the regulations in one type of zone may differ from those in other types of zones as follows:

1. Within individual zones, there may be uses permitted on a conditional basis under which additional requirements must be met, including requiring site plan review and approval by the planning agency. The conditional uses are generally characterized by any of the following:

(a) Infrequency of use.

(b) High degree of traffic generation.

(c) Requirement of large land area.

2. Within residential zones, the regulations may permit modifications to minimum yard lot area and height requirements.

D. To carry out the purposes of this article and articles 6 and 6.2 of this chapter, the legislative body may adopt overlay zoning districts and regulations applicable to particular buildings, structures and land within individual zones. For the purposes of this subsection, "overlay zoning district" means a special zoning district that includes regulations which modify regulations in another zoning district with which the overlay zoning district is combined. Overlay zoning districts and regulations shall be adopted pursuant to section 9-462.04.

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.

F. All zoning and rezoning ordinances or regulations adopted under this article shall be consistent with and conform to the adopted general plan of the municipality, if any, as adopted under article 6 of this chapter. In the case of uncertainty in construing or applying the conformity of any part of a proposed rezoning ordinance to the adopted general plan of the municipality, the ordinance shall be construed in a manner that will further the implementation of, and not be contrary to, the goals, policies and applicable elements of the general plan. A rezoning ordinance conforms with the land use element of the general plan if it proposes land uses, densities or intensities within the range of identified uses, densities and intensities of the land use element of the general plan.

G. No regulation or ordinance under this section may prevent or restrict agricultural composting on farmland that is five or more contiguous acres and that meets the requirements of this subsection. An agricultural composting operation shall notify in writing the legislative body of the city or town and the nearest fire department of the location of the composting operation. If the nearest fire department is located in a different city or town from the agricultural composting operation, the agricultural composting operation shall also notify in writing the fire department of the city or

town in which the operation is located. Agricultural composting is subject to sections 3-112 and 49-141. Agricultural composting may not be conducted within one thousand three hundred twenty feet of an existing residential use, unless the operations are conducted on farmland or land leased in association with farmland. Any disposal of manure shall comply with section 49-247. For the purposes of this subsection:

1. "Agricultural composting" means the controlled biological decomposition of organic solid waste under in-vessel anaerobic or aerobic conditions where all or part of the materials are generated on the farmland or will be used on the farmland associated with the agricultural composting operation.

2. "Farmland" has the same meaning prescribed in section 3-111 and is subject to regulation under section 49-247.

H. For the purposes of this section:

1. "Development rights" means the maximum development that would be allowed on the sending property under any general or specific plan and local zoning ordinance of a municipality in effect on the date the municipality adopts an ordinance pursuant to subsection A, paragraph 12 of this section respecting the permissible use, area, bulk or height of improvements made to the lot or parcel. Development rights may be calculated and allocated in accordance with factors including dwelling units, area, floor area, floor area ratio, height limitations, traffic generation or any other criteria that will quantify a value for the development rights in a manner that will carry out the objectives of this section.

2. "Receiving property" means a lot or parcel within which development rights are increased pursuant to a transfer of development rights. Receiving property shall be appropriate and suitable for development and shall be sufficient to accommodate the transferable development rights of the sending property without substantial adverse environmental, economic or social impact to the receiving property or to neighboring property.

3. "Sending property" means a lot or parcel with special characteristics, including farmland, woodland, desert land, mountain land, floodplain, natural habitats, recreation or parkland, including golf course area, or land that has unique aesthetic, architectural or historic value that a municipality desires to protect from future development.

4. "Transfer of development rights" means the process by which development rights from a sending property are affixed to one or more receiving properties.

ATTACHMENT B

CITY OF **MARICOPA**[®] ZONING CODE REWRITE



Community Kickoff Workshop and Stakeholders Interviews Report

PREPARED FOR
CITY OF MARICOPA BY:
DYETT & BHATIA
Urban and Regional Planners

AND
KYLE MOYER & COMPANY

JANUARY 29, 2013

CITY OF
MARICOPA[®]
ZONING CODE REWRITE

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Maricopa Zoning Code Rewrite

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I Introduction

In early 2013, the City of Maricopa began the City's Zoning Rewrite process to implement the General Plan. The Zoning Rewrite will articulate a long-term vision for Maricopa and outline policies and programs to realize this vision. Since incorporation, the City has used an ordinance adapted from Pinal County, with only minimal refinements to reflect City policies and concerns. Updating the Zoning will enable the City to implement its General Plan policies; create a foundation for community involvement and informed decision-making; and react to recent and on-going regional housing, environmental and transportation planning efforts as well as the City's interest in creating jobs, promoting economic development and achieving housing diversity.

The project team conducted a community workshop and interviewed community leaders to discuss important issues and concerns in Maricopa, and is in the process of collecting information and preparing a report on existing regulations and a proposed framework for the new zoning ordinance.

This report summarizes community input from the first community workshop, which focused on identifying planning issues and a vision for Maricopa in the future and the stakeholder interviews. This will serve as a valuable reference to guide the Zoning Rewrite Task Force ("Task Force"), appointed by the Mayor, City staff, the consultant team and others, as the rewrite proceeds.

The Zoning Rewrite work program is proceeding as follows:

- Kickoff Meeting
- Community Leader Interviews
- Community Workshop
- Technical Analysis and Evaluation Report
- Annotated Outlines; Modules of Preliminary Regulation
- Public Review Draft Code and Map
- Users Guide
- Memorandum on Policy and Code Amendments
- Adopted Code



1.1 Community Workshop #1



Participants signing in at the Southern Dunes Golf Course.

The first community workshop conducted as part of the Zoning Rewrite was held on June 21, 2013 from 6:00 to 8:00 p.m. at the Southern Dunes Golf Course in Maricopa. The objectives of the workshop were the following:

- To initiate dialogue with community members on the future of Maricopa over the next 20 years, issues and priorities for the Zoning Rewrite, and engage people in the process;
- To provide a discussion forum where all attendees could participate and be heard; and
- To begin to identify visions, concerns, and specific topics to be addressed in Maricopa's Zoning Rewrite.

Approximately 12 community members attended, along with City officials and staff. The Mayor welcomed residents and participated in the activities. The workshop agenda is summarized in the following pages, and included as Appendix A.

WELCOME AND BACKGROUND



The workshop began with a welcome from the Mayor and the City's Interim Zoning Administrator and project manager for the Zoning Rewrite. Consulting planner Michael Dyett, FAICP followed with an introductory presentation on the purpose and scope of the Zoning rewrite; the schedule of the Rewrite process and the role of public input; and an overview of zoning and how choices and community input will be addressed. His presentation is included in Appendix B.

ACTIVITY #1 – PLANNING ISSUES

Workshop attendees received “post-it” notepads and pens as they signed in. After the opening presentation, attendees were asked to provide quick, written responses to questions read by Mr. Dyett. Questions were organized around the themes of Identity and Vision; Zoning Issues and Priorities; Economic Development; Housing, and Problem Uses. Participants then got up and posted the notes on exhibits along a wall of the meeting room.

ACTIVITY #2 – 2030 VISION FOR MARICOPA



After the first activity, participants relocated to round tables for the remainder of the workshop. People were given blank covers for a mock monthly news magazine called “Arizona Magazine” with the subtitle “Special Report: Maricopa.” The facilitator explains that a reporter has visited Maricopa in the year 2030 to report on the City's extraordinary accomplishments since incorporation, and then asks people to write/illustrate the headline for the cover story, focusing on what zoning did in the process. The facilitator then asked people to share their headline and recorded them on the flip chart. Appendix C features a number of these imagined covers.

SMALL GROUP DISCUSSIONS



The magazine covers activity led into discussions at each table of the key issues and priorities for the Zoning Rewrite. Facilitators sought to ensure that everyone at the table was heard, and recorded comments on large flip pads. Finally, each group was asked to identify their top priorities to the larger assembly at the end of the workshop.

1.2 Stakeholders' Interviews

Over a two day period (January 22-23), the consultant team interviewed 40 stakeholders identified by City staff as community leaders who could contribute insights and suggestions for the Zoning Rewrite. These informal discussions were open-ended, but generally covered the following questions:

- What are the major problems and issues with the Maricopa Zoning Code? Which of these are critical or most important to you?
- What changes would you like to see made in the City's zoning?
- What should not be changed in the Zoning Code or in City procedures?
- What about specific issues, such as zoning map designations of districts, coordination with other City programs, such as the Heritage District, development projects or regulations?
- What are your priorities with this Code rewrite?
- Do you want to see more "by right" zoning with standards, or still have review for certain types of uses or projects?
- What other issues and concerns would you like to share with us?

The results of these interviews have been synthesized and are reported for reference, to guide subsequent discussions about the Code Rewrite.

1.3 Next Steps

The Zoning Rewrite project team will incorporate the issues identified in the community workshop and interviews with research and fieldwork to produce the report on Evaluation and Proposed Framework for Zoning. This report will be presented to the Task Force, Planning Commission, and Maricopa City Council, and serve as the springboard for drafting new zoning.

By moving from agreement on general approaches to the outline of specific regulations and then agreement on specific sections (“modules”), the work program for the zoning code rewrite involves the City-appointed Task Force, City staff, stakeholders, City officials, and the community as a whole in the rewrite process. The objective will be to generate a sense of ownership and commitment to the new regulations. The primary emphasis will be addressing issues related to implementing the General Plan, focusing on changes to the existing Pinal County zoning regulations that staff and decision-makers believe most important to meeting the City’s needs.

Maricopa Zoning Code Rewrite

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2 Zoning Issues and Community Vision

As noted in the Introduction, the first community workshop involved two individual activities, and a small group discussion period that synthesized the activities' themes, focusing on what zoning can do to help achieve the community's vision. Highlights of the activities are summarized below, followed by a discussion of priorities that emerged from each small group. The number in parenthesis refers to the number of respondents who responded with the same word(s).

2.1 Activity #1: Issues and Vision

We posed Activity #1's six questions as a warm-up exercise on what issues are facing the city today and would be important to the Zoning Rewrite. Similar responses have been grouped, and focus on the larger patterns of responses and the themes that emerged.

IDENTITY AND VISION: WHAT NEEDS TO IMPROVE THE MOST

Two questions were posed to address aspects of Maricopa's identity and draw out ideas about a vision for the city's future development and ways that the Zoning Rewrite could help achieve this vision.

What word best defines Maricopa?

- Community
- Friendly
- Multi-complex
- New
- Privacy
- Progressive
- Promise
- Sleepy
- Small town

What needs to improve the most?

- Buildings
- Communication
- Enterprise zones
- Identity
- Infrastructure
- Job opportunities (2)
- Requirements for potential business
- Roads into and out of Maricopa
- Water prices

The imagery evoked in the responses to the first question underscores the sense of the pride that incorporation has created, and the Code Rewrite must be sensitive to and reflect these values. Turning to the second question, much can be done on a number of the topics listed; however, as zoning deals primarily with development of private land, it is not the best tool to address transportation, and it cannot do anything about Global Water's pricing.

ZONING CHANGES

The next question was posed to address zoning changes.

What one zoning change do you want made?

- Add incentive-based options
- Better, clear street alignment (i.e., RR)
- Building heights
- Do not restrict meeting/religious purposes
- Flexibility
- Industrial zone–flexible regulations for “non-traditional” industry
- More streetlights
- Maintain low light ordinances
- More jobs (2)
- More open space
- Open space requirements on new development HOAs

All of these suggestions are valid and will be considered. How far to go with changes to the City's low light ordinance (also known as the “Dark Sky” ordinance) will warrant further discussion as opinions are split on what should be done.

JOBS, ECONOMIC DEVELOPMENT AND HOUSING

One question was posed to draw out ideas about how economic development should be addressed in the Zoning; a second to explore housing options desired in the community.

What types of new employers or businesses do you want to target for new jobs?

- Advanced business and professional services (office/technology)
- Agricultural/Biotech
- Internet-based entrepreneurs
- Light industrial
- Manufacturing
- Mid-level skills
- More restaurants
- Office (white collar), commercial, light manufacturing
- Strip malls and anchor stores

The broad range of responses suggests the economic diversity is important, and no single use or industry should be favored. This makes sense, and is consistent with the General Plan.

What kind of new homes do you want for the future?

- Apartments/condos (3)
- Communities and horse properties
- Custom homes
- Eco-friendly, electricity-saving
- Large lots; one to 20 units; rural
- Single-family (2)
- Traditional

Housing diversity, with opportunities for all economic segments of the community, to be able to live in Maricopa is clearly the underlying theme here. Interestingly, tract housing, the predominant type built in the City, was only noted by two participants, while three wanted apartments/condos. Zoning can do much to ensure a broad range of housing types.

PROBLEM USES

The last question related to problem uses that Zoning should address.

What types of problem uses need to be regulated as the city grows?

- Adult businesses/Sexually-oriented businesses (3)
- Agricultural use (dust)
- Heavy manufacturing
- More lighting
- No smelly ones
- Off-track betting
- Smoke shops (3)

These messages are clear: regulate adult businesses and smoke shops and keep out noxious uses. This is consistent with the emphasis on family and small-town character.

Some participants listed access to Maricopa, electricity, traffic, sewer, and water pricing, but these are not "problem uses" that zoning can control.

2.2 Activity #2: 2030 Vision for Maricopa

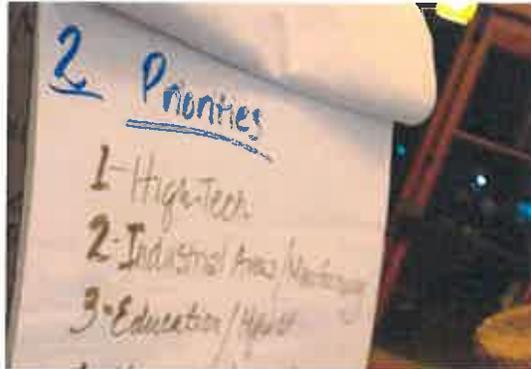
After the first activity, workshop participants moved to small-group tables. At the tables, participants were given blank magazine covers for a hypothetical special issue in the year 2030, celebrating Maricopa. They were asked to provide headlines or illustrations which captured their vision for Maricopa in twenty years.

The headlines are summarized below, a selection of the actual magazine covers created is provided in Appendix C.

MAGAZINE HEADLINES

- “Back to the future—time stood still in Maricopa but the City had all the conveniences of the new decade. A place everyone wanted to go to. To remember and to dream. Perfect blending of past and future.”
- “From a small town to big city. Maricopa, the town that started from dusty trails and a few homes and stores, has become a friendly town and moved into a modern town. Traffic with stop-and-go traffic lights, dirt roads to Fort.”
- “Maricopa voted U.S. top boomer haven of the decade. Maricopa-Phoenix light rail tops 20,000 daily users. Maricopa solar AZ business of the decade. University of Arizona Maricopa tops 8,000 students. Microsoft Maricopa Test Division tops 10,000 employees.”
- “Maricopa: a travel through time from copper, cattle, cotton, citizens.”
- “Maricopa: Come one come all. See how dedication, planning and forethought made Maricopa the most progressive city in Arizona. Where the sun always shines.”
- “Maricopa: Epicenter of High Tech Industry. A city that is less than thirty years old has converted itself from a small rural city and bedroom community to a high tech magnet. Businesses can’t get enough of Maricopa and they have brought jobs with them, many jobs. The city has been able to attract jobseekers from the valley. Even though housing prices have been climbing over the past decade, it has been a different picture than the boom years earlier in the century. Maricopa continues to be the envy of Arizona and the western region.”
- “Maricopa: the last 25 years have seen some exciting changes in Maricopa. What was once a bedroom community has grown into a diversified community. We have seen businesses relocate to Maricopa, bringing jobs, shopping, and entertainment. Something to appeal to everyone. What will the next 25 year bring?”
- “Maricopa: Where the 22nd century meets the Wild West. Maricopa 22nd century Boomtown.”
- “Small town feel, big city attitude. Thriving community of entrepreneurs. Ample outdoor recreation. Balance of business, community, and tradition. Focal point: London Bridge, Fountain Hills, Dublin obelisk.”
- “Steady growth proves a winner for Maricopa.”
- “The City of Maricopa in year 2030. As you drive in the city, entrance is very narrow, entrance at John Wayne highway. Going down the street you will see a hotel on the left side of the street, maybe a train station where we will have a hub for people to make connections to Phoenix or other destinations.”
- “Welcome to Maricopa Silicon and Industrial Valley. #1 in specializing in the future, ongoing technology, and industries in the U.S.”

SMALL GROUP DISCUSSIONS



Facilitators at each table asked participants to share their sense of the most important issues for the Zoning to address, in order to reach the visions expressed in the magazine cover exercise. Discussions at each table culminated in an effort to identify the issues most of them seemed to agree upon. One person from each table then shared these with the full workshop audience. The priorities from small-group discussions were recorded by a facilitator. They are summarized below in the order presented.

Table #1

- Diversity, Value, and Balance – we want to try and achieve all three as we progress.
- Develop different housing types – multi-family and condos. For us to be able to support a higher education environment, we need to have more variety and appropriate housing types.
- We don't want to be pigeon-holed. We want to be a destination, not a bedroom community.
- We want people to come down and start a business and create jobs.
- We want a diversity of demographics, different ages, different backgrounds that can take advantage of different housing types.
- We need to pay attention to diverse needs of our community; seniors are an important age group in the community.
- Open space requirements should be adjusted (the City used to require grass, that doesn't make sense in this climate and with the water limitations). Don't go lower in overall requirements, but adjust what qualifies as open space—a multi-use open space system.
- Develop an urban village around a college campus to draw the youthful crowd around the college (food, shopping, recreation, etc.).
- Continue cooperative effort with educational institutions, tribes, HOAs, service providers, companies.
- Transportation is a critical issue in Maricopa. Consider diversity of transportation options, rail crossings, and traffic.
- Heritage District poses a lot of challenges.
- Balance density and space.

Maricopa Zoning Code Rewrite

Table #2

- Bring jobs to Maricopa–High tech, industrial areas/manufacturing (as long as it's compatible).
- Education–higher education, cooperate with Central Arizona Campus, work in conjunction with school.
- Provide a place in town for the skilled workforce to work.
- Retain youth, so they become educated and want to stay and raise their kids here.
- Put growth in appropriate places.
- Traffic and transportation – address hiccups caused by lights and Amtrak.
- Retail and restaurants – there is only so much you can buy at the stores in town.
- Attract a five-star restaurant or another type of restaurant that people will wait in line for – could be located in the Heritage District.
- Address water cost and availability.
- Height of buildings and multifamily dwellings – needs to be regulated.
- Give options.
- Inform and educate people about development projects.
- Amusement park – attract one and make it a destination!
- Hospitals and healthcare–locate them in appropriate areas; think of impacts (helicopters, ambulances) on adjacent neighborhoods.
- Central Arizona College nursing program–may be attractive to hospitals.
- Address lighting and light pollution.
- Expand use of solar.
- There is no cemetery or mausoleum.
- Community education and cooperation – make sure all levels of schools are on the same page (elementary, middle school, and high school).
- Provide and protect open spaces, including possibly a bird sanctuary.

3 Stakeholders' Concerns

Key issues and suggestions made by stakeholders are organized in a topical fashion and then alphabetically, reflecting the principle that all viewpoints have merit at this stage in the process.

3.1 Overall Issues with Current Code

An overriding concern is that the County zoning was not revised and adapted to the City's needs. While the City has made strides in improving staffing and review procedures and setting up an independent body, the Board of Adjustment, to deal with variances, many thought more could be done to resolve technical issues ranging from cell towers to landscaping, lighting, parking, and permitting procedures.

- ADOT has its rules, and this creates problems with deep setbacks.
- Animal control: number of dogs in a house – really an HOA issue, but zoning should address as well.
- Architecture: City has approved four different styles for architectural (four types), incorporate these into new Code.
- City is still dealing with huge tracts of land: not always sure where the ultimate development site would be – developers want bubble approvals.
- City made a huge mistake with the 100 percent open-space rule for multi-family development.
- Code enforcement – big problem; the City is not consistent.
- Current code is confusing: City just substituted names (Maricopa for Pinal), making it disjointed. It is not user friendly; needs a comprehensive rewrite.
- Entitlements: 80-85 percent of the City is already entitled with planned development platted out and approved under County jurisdiction. As a result, the City no authority over the developments. The City had to work and negotiate to get appropriate amenities (i.e. schools, parks) for the City.
- Family-friendly development needed, with bigger houses, street lights, and character. Children should be a priority, protect them from adverse uses.
- Family-type restaurants are not supported; too many fast food restaurants.
- Focus energy on fixing core issue of the problem. Pick one thing and focus on that.

Maricopa Zoning Code Rewrite

- Focus on developing healthy, educated children. In order to support the children, parents need to be able to work locally.
- General Rural – has its problems. Outside utility grid, but may still be needed.
- Give P&Z a little more authority, following staff recommendations.
- Go beyond minimal subdivision design standards.
- Height limits are too low.
- Housing types: original zoning was for single family, nothing for rental or duplexes or quads.
- Incorporation – brought together old school agricultural interests, new residents, and developers going gang-busters, with no direction from zoning.
- Many changes in the code have been reactions to a single issue; be comprehensive.
- No vision – Code permits different housing styles in different areas.
- PAD Overlay – County always assumed an underlying zone – unwieldy, not working well.... not true that “PAD” provides flexibility, really it offers no flexibility.
- Parks and planting strips – these help create a family-friendly look.
- Pre-schools should be in neighborhoods too, not on the 347 corridor.
- Procedures are too long. Coffee shop application took six months!
- Regulate smoke shops near a pre-school: community was upset that this type of use could open that close to a critical facility... owner says “only place that community would allow him.” Concern that rules could allow this to occur.
- Senior services are needed – hospital, “comfort keepers” and clinics.
- Slow path for new constructions; archaic rules; City should be an attraction to create jobs, recreation, other amenities; create a more competitive environment.
- Standards: not problematic in general. They are straightforward, about right in relation to what others in the Valley require.
- Start with the children. Create an environment that is supportive of children and then businesses, environment, development, services, etc. will follow.
- Urban village concept not recognized: some want flexibility to do mixed use, with apartments above.
- Value new construction: in 2003 a Maricopa planning consultant drew the zoning ordinances based on a Scottsdale/Chandler-type plan; it simply replicated other city’s work; there is an overriding sense of “prevention” dominating the culture in Maricopa; some people want to dictate what could/will be developed on other’s properties – private property rights issues.
- Variety of housing makes sense.

HERITAGE DISTRICT

- Allow more flexibility for home occupations in the Heritage District, including being able to have two employees. Continue to limit the number of customers, storage, signage, etc.
- Heritage District is a euphemism. What makes it 'heritage'? Zoning should support that. It may be OK to shrink the actual size of the district. Make sure that existing homes and livelihoods are protected, but the current vision for the future of the Heritage District also should be preserved. It makes sense to narrow the district down. It's easier to polish a smaller area and make it really great than to improve such a broad area.
- Heritage District may be too big. May want to tie boundaries to water district boundaries. Focus on the core of the Heritage District.
- Heritage District needs to be targeted for redevelopment. Water district can serve redevelopment but there is no sewer service.
- Heritage District should be the 'downtown' focus of Maricopa. Don't force people out, but provide for achievement of vision. Set up zoning so that people who are there can stay and when there is a change of ownership or intention for commercial development, that should be allowed without a zone change.
- Many of the people in the Heritage District have been there for a long time and want to retain things that others may look at as eyesores (trailers, tractors, etc.). It has been a very tight community, one that isn't used to barriers and things such as walls to divide areas.
- Not all of the Heritage District will be developed with housing over shops but it's good to start in some areas.
- One issue in the Heritage District is there is no sewer. The area is still on septic. The City wants the area to connect to sewer but it's financially prohibitive to hook up to Global Water sewer system. People are on fixed incomes and can't afford it.
- Owners in Heritage District are trying to upgrade and ease into a new era.
- People don't want change in the Heritage District too quickly. If things are eased into change, it is ok. There is a lot of vacant land where change can happen first, don't start in areas where people are displaced.
- Some lots in the Heritage District are bigger so they are harder to maintain. Also, some neighbors are older and not able to do a lot of yard maintenance.
- Allow home businesses in areas as a transition toward commercial uses. Enable and encourage sites to convert to commercial use and improve their physical character.
- City needs to be more accommodating and flexible for business and create a supportive business environment that goes beyond common sense.
- Permit more "mom and pop" businesses initially; this may change to franchise/corporate retail and office.
- Do not dictate land uses; support free market enterprise.
- Modify Sign Code to allow the painting of the historic water tower.

- Create an open space recreation opportunity for large flood corridors similar to Scottsdale's Indian Bend Wash.
- Allow developers to build mechanic and light industrial service bays for individual lease – there is a lack of automotive and farm equipment repair locations in town.
- Allow electronic repair shops and more medical services, such as an oral surgeon's office.
- Enforce prohibitions of junk storage in Heritage District.

SEVEN RANCHES

- Encroachment is a big issue. Make sure City doesn't encroach too much into Seven Ranches.
- Part of the big issue in Seven Ranches is the visual clutter. May not need to encroach too much into Seven Ranches if the clutter issue is addressed.
- Residents want to be part of the city for infrastructure services but don't want to be subject to other development standards.
- Until there is sewer there, an estate equestrian ranch development would fit the character well.

CELL TOWERS

- Cell towers are needed to support tech businesses that the City wants to attract. Many people say they don't want them in their back yards but it is necessary if we want to attract the businesses.
- Cell towers, it is sensible to require collocation, stealth design, and prioritize siting on city land to provide income.
- City does not have a strong 'stealth design' requirement or a clear way of measuring height.
- Collocation is the first priority, then stealth design.
- This issue got residents out. Cell towers need certain zoning.

PARKING, LANDSCAPING AND LIGHTING

- Parking code is out dated. A local landowner received a letter indicating there was not enough parking in a strip commercial center. Parking requirements are calculated for each individual use on a site. There are no provisions for shared use and no way to adjust parking to account for varying hours of operation. There is not enough flexibility. The parking code should look at how uses relate to each other.
- Parking requirements should consider how uses relate to each other. Churches and Charter schools have a high parking demand. These uses are often located in strip malls with other uses. The parking code should make allowances to consider how the parking demands of individual uses complement each other.

- Street trees are needed: Rancho loop, example of no street trees,
- Zoning should allow for higher light poles.

SIGNS

- No consistency, especially for signs. Too much sign clutter – enforcement is an issue, but also older areas that are excluded/grandfathered in Heritage district often have A-frame and banner signs – not great looking.
- No temporary signs should be allowed to become permanent.
- Sign code is a problem. Much of the ordinance was driven by builders. There is a need for exposure but there needs to be a balance. Concerns with limitations on banner signs. The City also lacks having a City marquee. The sign code needs to allow for some City announcement. The sign code should give the right to market but in a reasonable way.
- Sign throwers (human billboards) should be banned. Temporary events can have someone with a sign directing people to the events but they should be located somewhere safe (not in median island of the road).
- Signs: A-frame signs should be banned. Banners should be limited to 30 days.

3.2 Proposed Zoning Changes

Most of the proposed changes in zoning follow logically from the issues identified and technical concerns. In a couple of cases, such as the Dark Sky Ordinance and A-frame signs, stakeholders had different opinions about how far to go; on many other topics, a consensus seemed to emerge that provides a fairly clear picture about what is desired. This will need to be confirmed with the Task Force, P&Z and Council.

OVERALL

- Allow development scenarios that support a mix of uses in close proximity so people don't need a car for everything. People want to be able to walk to get a bagel or a coffee.
- Animals: Someone wanted an animal rescue in their house but was limited in the number of animals they could keep.
- City has missed taking broad perspective on town planning and breaking Maricopa up into master planned communities. There are no commercial hubs and small nodes. All commercial and services is planned along John Wayne. Need to encourage more master planned areas.
- Current code is so outdated that just about every project is done under a PAD because the standards don't work.
- Dark sky ordinance: reconsider what it means for development in the future. It may not be in our best interest to retain that ordinance as it is. Look at what Phoenix is doing in revising their ordinance for LED.

Maricopa Zoning Code Rewrite

- Day care should be in neighborhoods, not on the 347 corridor. It should be in an area close to small restaurants and businesses. Day care should be part of the urban village.
- Flood plain regulations need updating.
- Get quality employers; more progressive minds; more institutional experience.
- Have zoning that responds to unique needs of Seven Ranches and Heritage District and treats the other parts of the City a different way.
- Height limitations along 347 are important.
- Keep the GR General Rural zone.
- Knit the community together with parks, open space, and trails.
- Land use regulations: use types in the Code adopted from the county are outdated (e.g. sanitarium) and don't account for modern uses. There is no true mixed use zoning in the current code.
- Limit fast food.
- Offer incentive for land donation for certain uses – this might be worth keeping and possibly improving. It was controversial at the time; it was included in design guidelines but probably not used.
- Open Space: now that City is developing its park system, there can be less emphasis on each individual community developing its own set of facilities. Therefore, there is much less need for turf throughout neighborhoods.
- Private property rights: Don't change "General Rural" which would mean can't sell to another similar user – may be highest and best use today.
- Provide flexibility as well as a clear vision.
- Provide zoning to keep current residents way of life (in Seven Ranches and Heritage District) but provide for options when residents decide to change.
- Put flexibility into the standards, so that small adjustments can be made without going through a public review process.
- Requirements versus incentives: push for standards, otherwise developers won't perform.
- Seniors: would like adult centers.
- Setbacks: P&Z is concerned about how to get wider, but not as deep lots; encourage variable setbacks, with alleys and other options to break up the monotony.
- Seven Ranches does not have a lot of services or paved roads. People there want to be able to do what they want to do without others opinions.
- Shade: consider performance standards to get more of this.
- Solar: provide incentives.
- Take care of people's needs without being overly restrictive.
- Where there is a pleasant gathering area where the community can interact.

- Rewrite should start with current General Plan; put some good concepts in place, recognizing that the General Plan does need to be rewritten.
- Urban village concept is a fantastic idea close to the college and close to City Hall.

HOUSING

- Affordable housing: changes needed in the private open space standard for multifamily (100 percent of floor area). This raises costs unnecessarily and is exclusionary; it keeps out lower and medium income households. That is pitiful. "I am passionate that this be changed... allow this type of housing to be built."
- Community is deficient in apartments and multi-family development. There is no place for a single person who does not want to own a home to live. There are no opportunities for people who don't want responsibilities of taking care of yard. There are no apartments for college students or temporary housing for people who just move to the City but have not yet found the house they want to live in.
- Housing for all income groups!
- May be OK to require a mix of housing types at a certain scale. "I cringe at the word dictate." Have options available to developers.
- Offer incentives to create diversity.
- Provide for small lot, condo, and multi-family development to accommodate varied living demands. Demand for housing types is market driven; it can't be dictated. Zoning should allow for a mix of housing types.
- Support concept of housing diversity.
- Require a mix of housing types with large scale residential development.
- Townhomes and zero lot line development are attractive as housing types because people can have their own lot and own home without a lot of land to maintain. It's difficult to do this in AZ without an HOA because storm water retention is required and need to have HOA to maintain it.
- Townhouse development is great, especially when near a neighborhood park. People don't need as much individual, private space.

COMMERCIAL, MIXED USE AND INDUSTRIAL ZONING

- Allow for small corner stores in residential neighborhoods.
- Allow higher building heights for certain uses (offices, performing arts center, steeples).
- Don't like the fast food corridor. There is a lack of family restaurants in the area. There are too many chain restaurants. Encourage or insist on local restaurants.
- Establish mixed-use zoning. This is a hole in the current code.
- Support mixed-use development with nonresidential on the ground floor and other uses above.

- Support retail development: pad development and/or site plans represent a footprint that is a reflection of the tenant; often w/retail it's hard to create a "hard" site plan at the time rezoning; a certain amount of reasonable flexibility in retail site plans is necessary. Height, density, and set backs are fine standards, but not the specific site plan. Chandler and Goodyear are examples of cities that are good to work with on this issue. Specific conformance in site plans versus general conformance to site plan—empower staff to handle administrative decisions.

LANDSCAPING

- Current standards can be overly restrictive and limit parking options, but generally the overall amount required is about right.
- HOA requirements often are more stringent, as a result, projects look nice, well maintained.
- May not be viable to limit the amount of turf, but don't require turf. Ask for water budgets and xeriscaping early so it can be factored into the development.
- Require trees should be watered with buried pipes so roots grow down versus drip irrigation on the surface which encourages roots to grow on the surface.

LIGHTING AND PARKING

- Establish pole standards higher for larger lots, such as automatically going to 40 feet, and 50 feet for playgrounds (16 feet today).
- Parking for residential – no tandem, why not? Allow this.
- Provisions for shared uses are needed.
- Requests for parking variances: parking requirements don't account for complimentary uses. Don't go too far, but have a mechanism that allows a center to be treated as a unit.

SIGNS

- A-frames: Prohibit everywhere (versus continue to allow in 347 corridor; see below on what should not be changed).
- Allow banners and balloons – these restrictions are not business friendly; Allow LED lighting.
- Evaluate requirements for landscaping around signage. Too much landscaping hides the sign.
- Review sign heights and lighting: look at Sedona, which is a very nice model.
- Some restrictions go too far; violations seen, not much enforcement, window signs for example 25 percent, including all interior signs within six feet of the window – this is Draconian....goes too far!

WATER

- Ask for a comprehensive plan in large projects to deal with effluent, and potentially require a recharge plan.
- Require dual plumbing for grey water. It's not a big expense if builders and developers know ahead of time.
- Use less turf and more recharge to deal with effluent.

PERMITTING PROCEDURES, ENTITLEMENTS AND ENFORCEMENT

- Agree 100 percent that many projects can be reviewed by staff and if they meet the standards, they can be approved by-right.
- Allow administrative approval for small "tweaks" to approved projects as long as it's all internal. Have two categories for adjustments ("major" and "minor"), one of which is an administrative process and the other has public review.
- Citation authority needed.
- Delegation of authority: Staff is very qualified to make decisions. More decisions should be made by staff or P&Z than Council.
- Entitlements: address how existing zoned and platted projects are integrated with the new zoning. What is the process for amending existing platted projects once zoning is rewritten?
- Timing of applications (processing) is critical – zoning, site plan, and design review all in one step for an expedited case or conversely, the flexibility to approach each element step-by-step over a greater period of time (speculative development or building). Put a time limit on development so that you prevent the up-zoning and flipping. Certain corridors should be identified for greater height (downtown, hospitals, and hotels).

3.3 What Should Not Be Changed

Many stakeholders supported the idea of continuing the current administrative responsibilities for administering zoning, through City staff, the P&Z and the Board of Adjustment (BOA). Cautions, by some, were expressed about revisiting the Dark Sky Ordinance, other than for minor adjustments, and the sign ordinance, which was the result of significant effort by the P&Z.

- BOA is important and the appropriate body to review adjustments.
- City has spent a lot of time updating the subdivision design requirements, so only minimal changes should be made.
- City processes and committee structure work well. City makes sure people aren't on too many committees, which is good.
- Dark sky ordinance: it requires fully shielded fixtures. These are deliberate requirements set in the ordinance by the P&Z. Adjustments may be warranted to address: 1) lighting

for the statues; 2) fact that families with children need more lighting for safety; and 3) teenagers riding bikes at night without helmets.

- Dark Sky Ordinance: retain it. This is a must! Yes, it's difficult to see house numbers. If the Dark Sky Ordinance needs to be adjusted to have lighted street numbers, it should.
- Kiosk program: this has been successful; allow it to continue, support it.
- Private rights: Don't change "General Rural" which would mean can't sell to another similar user – may be highest and best use today. Many would like to keep the GR.
- Sign controls: A-frames are needed to market businesses – studies show that "90 percent of business in the 347 corridor came because of A-frames." Can't see the permanent signs; they are set too far away.
- The three party review system (P&Z, BOA, CC) should be retained.

3.4 Priorities for the Code Rewrite

After discussing specific issues and concerns, stakeholders were asked for their priorities as a way of distilling what is important and should be a focus for the Code Rewrite. Taken together, these priorities are largely consistent and support the overall objectives for the project, with in some cases, a bit more detail, which will help in Code drafting.

- Accommodate historical mindset but look forward to achieving Maricopa's vision.
- Allow cluster subdivisions. Need to have process to allow that type of subdivision. Need to have opportunity to allow it. Maybe reduce open area requirement as an incentive.
- Allow for ranch subdivisions where people can keep horses and have other ranch related features.
- Avoid legislating a certain strata (e.g. setting certain home prices in certain areas, every shopping center developer must apply a certain bit to low-priced homes) don't legislate against free-market conditions (e.g. holding housing starts to one percent annual increases).
- Be responsive to the market.
- Broaden the definition of "usable" open space.
- Downtown is back in flood plain based on FEMA mapping.
- Establish an enterprise zone set up to attract businesses.
- Get rid of cookie cutter building types. Everything looks the same. Need to allow different heights for different areas.
- Have adequate public facilities checked. Make sure we expand logically.
- Have clear rules in place so there are consistent interpretations and there is balance.
- Have zoning ready to implement the vision. Let people maintain current zoning but incorporate tools into the code so they are available if people want to use them.

- Having a regional flood control option in lieu of on-site retention may make sense in some cases.
- Keep the bar for development high.
- Keep value of property. Don't want to lose any property rights or value through the zoning rewrite.
- Look at agricultural zoning and allowances for small scale agricultural uses.
- Make sure that landscaping provisions should respond to local conditions. Gallon trees should be planted to give root systems a chance to establish themselves.
- Make sure the zoning code follows the General Plan, with very limited exception; make sure we're not devaluing property in the process.
- Make the code business friendly, developer friendly, clear, and well thought out.
- Make the zoning code as simple as possible. The City should set parameters for 'typical' development. If they meet criteria, approval should be straight forward. Larger, more unique developments need another level of review.
- Make zoning serve the community as well as bring people into the community and support the City.
- Minimize need for lighting variances.
- Organization and presentation: simplify it; make sure everyone finally understands it. Make it clear and easy to use.
- Provide periodic view sheds. Offer incentives to maintain view corridors.
- The 20 percent open space requirement may need to be reevaluated. HOAs cannot afford to water the open space. Do not require the open space to be turf. Can't afford to water grass.
- Streamline the review process. All of the people involved in the review of a project should be at the table together.
- Water recharge is important.

"BY RIGHT" ZONING VERSUS REVIEW FOR CERTAIN TYPES OF USES OR PROJECTS

- Get away from use of Temporary Use Permits for businesses, which have no development standards. Temporary Use Permits should be used for uses that are truly temporary in nature, such as special events, fairs, etc.
- Keep permits at P&Z level, not going up to Council. Great time-saver!
- Large uses, with mixed use – hearing may be needed.
- Minor use permits that are approved by staff may still be discretionary and appealable to P&Z.
- Small commercial uses – allow by right.

- Typical uses and projects should be allowed by right with high standards. Some projects require more discretion and public review. People may have concerns with certain uses near their home. Seven Ranches is an example of what requires public review.

PLANNING RECOMMENDATIONS

- In keeping with the idea of an open-ended interview, a number of suggestions made raise broader planning issues and probably are more properly addressed in the General Plan rewrite rather than in the Code Rewrite. To the extent that zoning can address some of these, it will.
- Commercial land use: not enough CI-1 and CI-2 land to be competitive with surrounding areas. Need to have a large inventory of that land in order to keep land costs at a level that businesses can afford and they will want to locate there.
- Create additional overlay districts if they are appropriate. Phoenix has Sonoran Preserve Edge Treatment Guidelines as an overlay district. Maricopa can adopt a similar approach of applying standards that apply in a distinct area but not citywide through overlays, but General Plan guidance may be needed.
- Have more pedestrian venues. It would be nice to have a bridge over 347 that allows pedestrian and bikes to cross and also acts as a gateway signage. "Welcome to Maricopa."
- Master Planned Communities: allow for the development of a traditional employment center in addition to traditional neighborhoods or retail center in order to increase availability of land for employment uses.
- Open Space Plan: look at it in relation to current market economics.
- Parks: seven acres per 1,000 residents may not be realistic – consider level of service analysis; check numbers that would apply to a specific standard.
- Parks: Are standards overly specific for recreational amenities? Allow flexibility with a level of service analysis.
- Provide better senior facilities. Seniors can't all afford senior housing areas in the City.
- Provide bicycle, equestrian, and pedestrian facilities. Especially to connect areas where kids go (e.g. Heritage District to school and other areas where kids need to cross).
- Small churches are consistent with neighborhood character and can be located in residential areas. Larger churches should be located in a planned development or on major roads.
- Special events in too close proximity can lead to circulation problems.

OTHER ISSUES AND CONCERNS

- City can be more proactive in helping developers or organizations such as XP Ministries who are serving not only the community, but also attract people to the community.
- Emphasize community character!
- Maricopa residents are passionate about their city; recognize this in this rewrite.

Report on Community Workshop #1

- Mom's perspective – Facebook is best way to get word out, need multi-faceted approach for zoning rewrite, geared to out-commuters.
- There are a lot of churches in the City but not a lot of places to meet. There should be allowances for a church complex with a mix of uses –church, meeting rooms, coffee shop, bookstore, small businesses, weddings, catering. Zoning should make sure that type of development could work.

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4 Looking Forward

The visions and planning issues highlighted by community members at the first workshop and by stakeholders will help to set the course of the Zoning Rewrite. The Task Force will comment on community input, together with the findings of peer communities' "best practices" and discussions with community leaders. Periodic reports on the Zoning Rewrite, including the results of this workshop, will be presented to the Planning Commission and City Council, and all of the community priorities that can be addressed by zoning regulations will be evaluated as part of the planning process for the Zoning Rewrite.

Maricopa Zoning Code Rewrite

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Appendix A:
Workshop Materials: Agenda and FAQs

Maricopa Zoning Code Rewrite

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MARICOPA

ZONING CODE

Community Workshop #1 AGENDA

- I. **Welcome**
Dana Burkhardt; Others
- II. **Introductory Presentation of Project Background and Key Issues**
Michael Dyett, Dyett & Bhatia
- III. **Activity #1: Zoning Issues**
Michael Dyett, Dyett & Bhatia
- IV. **Table Count-Off**
- V. **Short Break, Relocate to Tables**
- VI. **Report on Activity #1**
Michael Dyett
- VII. **Activity #2: 2030 Vision and Priorities for Maricopa Zoning**
Michael Dyett and Facilitators
- VIII. **Groups Report on Activity #2**
- IX. **Wrap-Up and Next Steps**
Michael Dyett
- X. **Adjournment**

*Tuesday, June 22, 2013
6:00 - 8:00 p.m.*



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MARICOPA[®]

ZONING CODE

Frequently Asked Questions about Zoning

WHAT IS ZONING?

Zoning determines what use you can have on a property, such as a house or business. It also determines how high a building can be or how far away from the street it should be. It says how many signs a business can have and how big they can be. Zoning also specifies the type and design of growth that will be permitted in undeveloped areas of the city.

The purpose of zoning is to achieve a community's overall vision for its physical look and feel, and the shape of its future development. This is expressed in the General Plan, adopted in 2006. The City Council adopted County zoning as an interim policy, pending completion of a zoning code update – this project.

WHAT TYPES OF RULES DOES ZONING INCLUDE?

Zoning will do the following:

- Specify what **uses** are permitted, what uses are required to meet specified standards, and what uses are prohibited. In this way, zoning will aim to ensure that adjacent uses are compatible, and define how intense these uses can be.
- Establish **development and design standards** that control the height and bulk of buildings, their street-facing qualities, the location of parking and driveways, and landscaping needs.
- Include standards that control the “**performance**” of uses with regard to noise, glare, vibration, traffic, and adequate public facilities, to ensure compatibility between new development and existing uses.
- Provide neighbors and developers with **predictability**. Zoning allows neighbors to be assured of what land uses are permitted and at what scale. Developers benefit from knowing exactly what can be done. The need for case-by-case review of development applications is reduced.

CAN ZONING DICTATE ARCHITECTURAL DESIGN?

No. Zoning can only control the building “envelope” and features of a building, such as how it relates to a street, how parking and landscaping are handled, and in commercial areas, what can be done to make a building engaging for pedestrians, with views into stores and display windows. It can set limits to a building's height, set maximum build-to lines to the front, sides and rear, direct where a building is placed on the lot in relationship to streets and other properties, and define the maximum amount of building area – the amount of floor space. The architectural style or detailed design elements, such as colors and finish materials, are not addressed by zoning. However, the zoning may include guidance on design and refer to design guidelines for areas, such as the Heritage District, where more careful coordination of building design will support General Plan concepts and work of the Heritage District Commission.

DOES ZONING INTERFERE WITH THE FREE MARKET?

By regulating land use, zoning plays a role in shaping the outcomes of real estate development, affecting the “supply” side of the equation. This role is justified by the inability of the market to always ensure that



public health, safety and welfare would be adequately protected without a set of rules. Zoning regulations allow communities to coordinate public investments in infrastructure with expected development patterns set in the General Plan, and provides predictability to residents, businesses, property owners, and investors alike. Zoning cannot create a market for new development. For example, it cannot determine the exact mix of tenants in a private development. It can, however, create opportunities for new development that the City wants under the General Plan or reduce barriers for desirable uses. It also can regulate “problem” uses and keep nuisances out of neighborhoods.

CAN ZONING TAKE AWAY MY PROPERTY RIGHTS?

No. Legal precedent ensures that land use regulations do not “take” from property owners the right to develop their property. This is particularly important in Arizona under Proposition 207. Zoning can control the extent and type of development that may be permitted. In other words, an owner will not be able to develop a shopping center on property zoned for housing and vice versa. Limitations on the extent of development are most likely to become an issue in areas where sensitive environmental resources need to be protected or flood hazards exist. In such cases, regulations will be limited to what is needed to protect the resource or limit development that might be subject to hazards. If complete preservation is necessary, the property must be bought by an entity wishing to preserve it.

WHY DOES MARICOPA NEED TO UPDATE ITS ZONING ORDINANCE?

Maricopa’s current Zoning Code was inherited from Pinal County upon incorporation and does not reflect best zoning and planning practices that are appropriate for a growing city. It is not effective in implementing the land use and design goals in Maricopa’s General Plan (adopted in 2006) and other City policies. The purpose of the zoning update is to create an innovative, integrated Code that shapes future growth according to the community’s vision, is clear and easy to use, and provides objective standards and criteria that result in high quality development.

WILL YOU BE REZONING MY PROPERTY?

The Maricopa zoning code update is expected to result in revised procedures, revised zoning districts, revised development standards, and revised zoning districts. This means that the rules that govern development may be expected to be changed throughout the city. A New Zoning Map will be needed, and a draft will be presented for public review later in the process.

It is reasonable to expect that zoning changes will be least in established neighborhoods and planned residential subdivisions, where little or no new development not already provided for in adopted subdivision plans is expected to occur. If you live in an established neighborhood, zoning changes will probably be minimal.

The update will also identify areas where “form-based” codes or overlay districts should be considered. These areas will most likely be in the Heritage District and possible in large undeveloped areas where new development could be regulated more based on its physical character and planned community design concepts than by its uses. If your property is in an area that will develop in the future, the zoning update will affect you.

HOW CAN I PARTICIPATE?

The Maricopa zoning code update project kicked off in January 2013. A Task Force will be formed by the City Council to provide direction and feedback to the project team. The project team will be conducting a detailed evaluation of the current zoning code, studying typical types of development projects, discussing technical issues that commonly arise using the current code, and making field visits. As the project progresses, the community will be kept informed through a project website and newsletters. There will be opportunities to make your voice heard at public meetings, and potentially through social media.



Appendix B: Workshop Presentation

Maricopa Zoning Code Rewrite

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City of Maricopa
City Zoning Code Update Services



Community Outreach Presentation
January 12, 2012

Agenda

- Introductions
- Objectives for Code Update
- Overview of Work Program and Products
- Issues and Priorities
 - Activity 1
- Small Group Discussions
- Reporting Out and Feedback

Purpose of Zoning

- Implement the General Plan
- Minimize the adverse effects that buildings or using one property can have on neighbors
- Encourage optimal land use and development patterns and activities within a community, as expressed in planning policies
- Achieve economic and fiscal sustainability

Meeting Maricopa's Needs

- Zoning should perform - it should implement the City's planning policies and the Council's Strategic direction;
- Zoning should be positive and design friendly;
- Community character, particularly in neighborhoods, should be respected;
- Zoning must recognize economic reality and offer real, tangible benefits for development and business in Maricopa; and
- Zoning must reflect a willingness to rethink traditional assumptions, not only about what gets built but also with respect to the review and approval process.

Zoning Can Make a Difference

- Clear rules and standards increase certainty and encourage investment in the community;
- Reduce constraints and offer incentives to encourage green design and construction and spur economic development;
- Reduce case-by-case review by reaching agreement on necessary standards and requirements now and streamlining the process;
- Incorporate flexibility so the City can say yes to the development and types of firms it wants to attract;
- Make the community attractive for residents, visitors, real estate investors and businesses; and
- Implement sound planning and sustainability concepts with long-term economic benefits.

Objectives for This Zoning Update

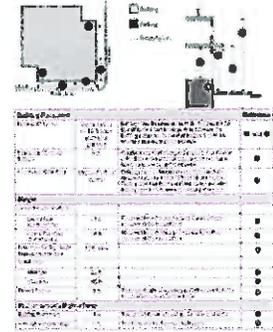
- Implement the General Plan and City Council Strategic Plan, including new districts, refined standards, and streamlining
- Craft provisions that will promote Maricopa's small town atmosphere, "complete" neighborhoods, and shopping and employment opportunities and protect the environment
- Create a streamlined development review process with clear rules providing certainty, flexibility and finality, including bonus/incentive provisions, if appropriate
- Facilitate smooth transition to new regulations and procedures; minimize nonconformities and address Proposition 207
- Ensure consistency with State and Federal law
- Be enforceable

Build on What's Been Done

- **General Plan Policy Direction: Goals and Objectives**
 - Land Use and Circulation
 - Economic Development
 - Parks, Recreation and Open Space; Public Services and Facilities
- **City Council Strategic Plan: Current and Future Objectives**
 - Economic Sustainability
 - Quality of Life
 - Transportation
 - Public Safety
 - Quality Municipal Services
- **Ordinances amending County Code – carrying forward what makes sense, which will support economic development**

Designing a Viable Zoning Framework

- Organization, presentation, user friendly form
- Analysis of options – Annotated Outline
- Testing of standards
- Clarity and simplicity
- Graphics
- Structured to facilitate administration and amendment



Types of Zoning

Types	Description
Euclidean (most common)	Separates the city into districts/zones where certain uses and intensities are specified (in use in Emeryville)
Incentive	Relaxes certain requirements in exchange for amenities (e.g. the proposed height/FAR bonus)
Performance-Based	Applies of objective and quantifiable standards to reduce impacts and promote land use compatibility
Physical Form-Based	Prescribes design of buildings and street typologies (typically through generic prototypes/illustrations)
Hybrid	Combines physical and performance regulations into conventional zoning to create a character-based or contextual ordinance

How Much By Right Zoning?

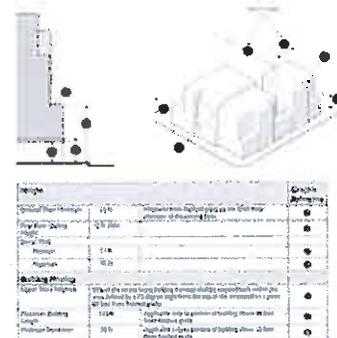
- Set standards and limitations to eliminate case-by-case review
- Reserve "Conditional use Permits" for development where there may be unforeseen conditions which could have impacts on neighbors, infrastructure or the environment
- Balance certainty and flexibility



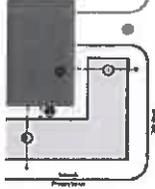
Inputs

- General Plan Review
- Project Review & Field Trip
- Stakeholder/Community Leader Interviews and Community Meetings
- Review of Existing Zoning and Subdivision Regulations
- Review of Staff Reports, Variances and Standard Conditions
- City Council, Planning Commission and Task Force Guidance
- Follow-up Focus Group Interviews, As Needed

Development Standards



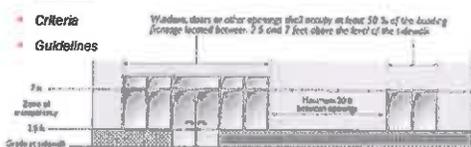
Development Standards



Building and Land Use	Code	Reference
For Existing Buildings	406	Building that is over 4000 sq ft must be placed with parking spaces adjacent to the building, or on the same lot as the building.
New Buildings	406	Allow ground parking only for those with 4000 sq ft or more for residential buildings reported in 2010. Maximum 100 sq ft. Application on the ground level.
Multi-Use	406	Allow use for multi-use projects.
Multi-Use	406	Allow use for multi-use projects.
Building and Land Use	406	Allow use for multi-use projects.
Building and Land Use	406	Allow use for multi-use projects.
Building and Land Use	406	Allow use for multi-use projects.

Analysis of Standards

- Sample projects and field trips
 - Are the City's standards doing the job?
 - What new standards are needed? Will they impose unnecessary costs on development?
- How to address design?
 - Standards
 - Criteria
 - Guidelines



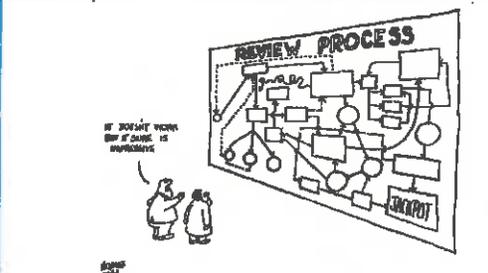
Windows, doors or other openings shall occupy at least 50% of the building facade located between 7.5 and 7 feet above the level of the sidewalk.

Learn from Real Projects



Building Design

Streamlining Permitting Process



REVIEW PROCESS

Balancing Flexibility & Certainty

- Creating rules and standards by which new development is judged
- Allowing for innovative responsive designs, particularly on unique infill sites

Zoning Users	Users' Perspective
Developer Applicants	Rules, timeframe, flexibility/relief
Design Professionals	Flexibility to allow for creativity
Planning Staff and Planning Commission	Implementation tool for the GP, addressing community concerns, reconciling competing priorities
Residents and Business Owners	Understanding—as both neighbors and potential applicants—what can and cannot be built

Components

- Analysis of existing procedures: what's working and what's not; options for improvement
 - City officials and staff
 - Stakeholders
- Common procedures and rules of measurement
- Permit review process
- Architectural design and environmental review
- Bonuses/incentives – discretionary vs. by-right provisions
- Enforcement

Web-based Interactive Ordinance

- Easy access to information on zoning and links to forms and checklists; Pop-up definitions
- Search for zoning by address or parcel number
- Navigation systems to be able to find all regulations and standards that apply:
 - To a use
 - To a site



Proposition 207

- Avoiding potential negative consequences
- Successfully addressed in Mesa and Phoenix and ongoing work of Mariscal Weeks
- The Mandate
- How and when does it affect zoning updates?
- What are procedural and substantive remedies?
- Reasonable benefit determinations

Schedule and Public Outreach

Schedule



Public Participation Principles

- Creating multiple opportunities for two-way communication
 - Public Workshops
 - Stakeholder interviews
 - Steering Committee
 - Website
 - Newsletter
 - Media releases
- Enriching participation through education and small group dialogue
- Structuring the process to achieve results
- Focus on what zoning can do to implement the General Plan and City Council Strategic Plan and achieve sustainability objectives



Opportunities for Participation

- Community and Stakeholder interviews
- Task Force Meetings
- Newsletters
- Website; on-line comment forms
- Community meetings; open houses
- Planning Commission/City Council Meetings
- Presentations to Key Interest Groups
- Stakeholder Briefings
- Press and Media Releases



Relate Zoning to Community

- What is zoning?
- How does it affect me?
- How much will it cost?
- What is the benefit?

Task Force Meetings

- Council-appointed Working Group with Broad Commission and Community Representation
- Providing direction at Key Stages of the Code Drafting Process – Check-in Opportunities on specific topics
 - Economic development incentives
 - Environmentally-friendly design principles; Sustainability
 - Crime Prevention through Environmental Design
 - Safe Streets
 - Signs
 - Areas for Urban Design and Form-based Standards

City Council and Planning Commission

- Briefings on Diagnosis Report and Recommendations
 - Best Practices; Economic Development Opportunities
 - Prop 207 and related ARS limitations
 - Tailoring a Code to meet Maricopa's Needs
- Study Sessions
 - Modules and "test mapping"
- Public Hearings and Adoption
- Phase 2: Form-based coding or Incentive Programs for specific areas

Activity 1 – Kickoff Questions

1. What word do you think best defines Maricopa?

2. What needs to be improved the most?

3. What one zoning change do you want made?

4. What types of new employers and businesses do you think the City's zoning should help attract?

5. What kinds of new homes should zoning allow in the future?

6. What types of problem uses need to be regulated as the City grows?

Small Group Discussions

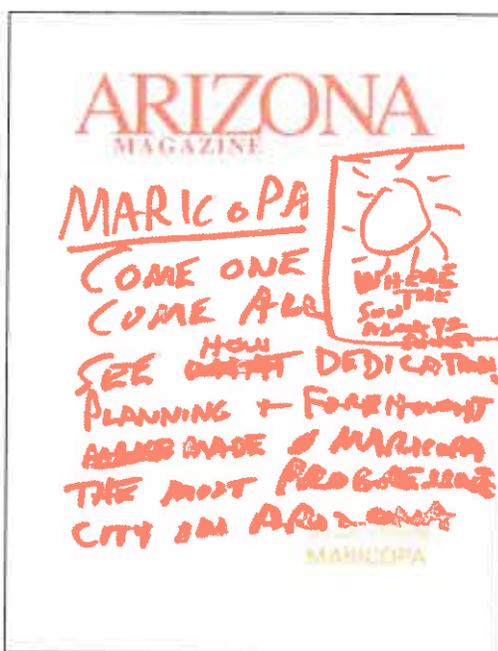
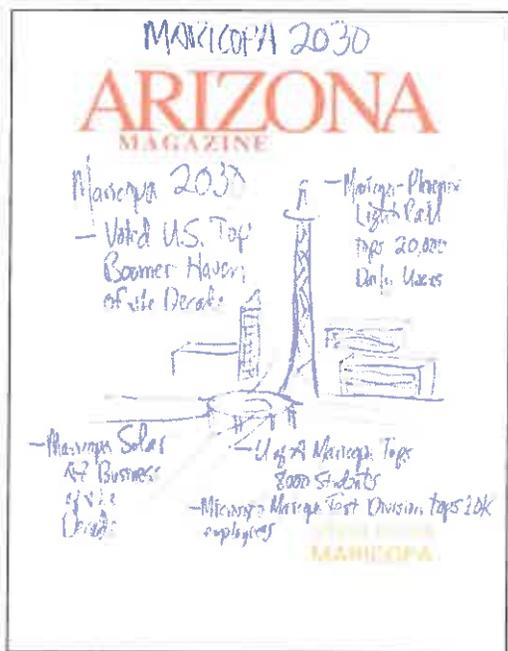
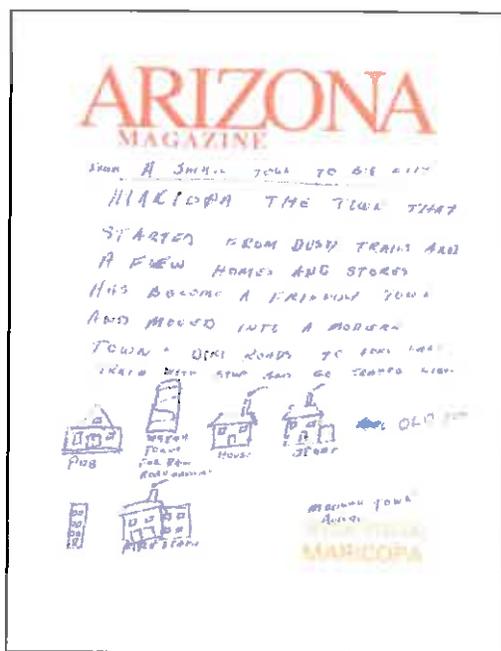
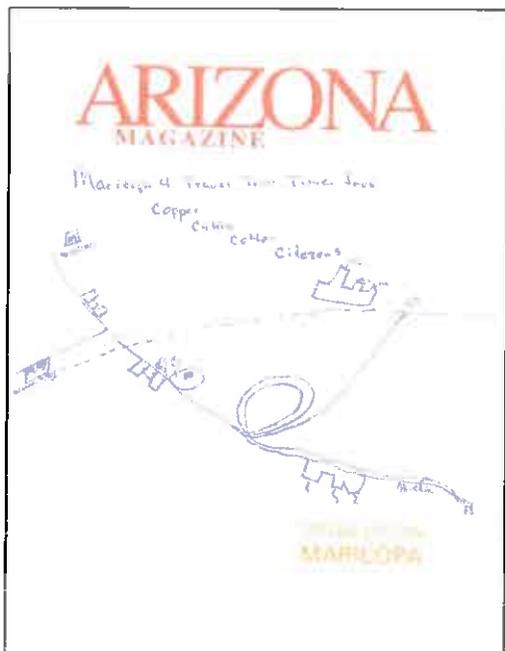
Discussion Questions

- "Arizona Today" headline for "Special Report: Maricopa."
 - *The City's extraordinary accomplishments since incorporation, enabled by new zoning*
- What are the key issues and your priorities for the Code Rewrite?
- Are there any specific concerns about the process of getting a permit?

Appendix C: Selected Covers

Maricopa Zoning Code Rewrite

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Maricopa Zoning Code Rewrite

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Appendix D: Participants

WORKSHOP ATTENDEES

- Deanna Alkateeb
- Naji Alkateeb
- David Alley
- MikeBondarenko
- Danielle Casey
- Grace Gomez
- Pauline Goudas
- Julia Gusse
- Joan Koczor
- Ray Koczor
- Bob Marsh
- Shirley McKibbon
- JoAnne Miller
- Leon Potter
- Christina Sampson
- Ted Yocum

STAKEHOLDERS INTERVIEWED

- Kelly Anderson
- Torri Anderson
- Francisco Arboleda
- Scott Bartle
- Ron Batt
- Tom Bradbury
- Amy Buckley
- Peggy Chapados
- Linda Cheney
- Christina Clark
- Bill Collins
- Steve Cook
- Brian Foose
- Grace Gomez
- Tony Gray
- Bart Hadaway
- Kelly Hall
- Mike Hathorne
- Rob Hotchkin
- Patricia King
- Joan Koczor
- Mike Mancini
- Vincent Manfredi
- Bob Marsh
- Sally Mehl
- Debbie Oleskow
- Danny Owen
- Jerry Owens
- Don Pearce
- Joel Saurey
- David Scholl
- Julie Stanfill

Maricopa Zoning Code Rewrite

- Nisa Tristaino
- Courtney Tyler
- Edward Viser
- Phyllis VonFleckinger
- Robert VonFleckinger
- Chris Webb
- Ernest Whitehead
- Ted Yocum

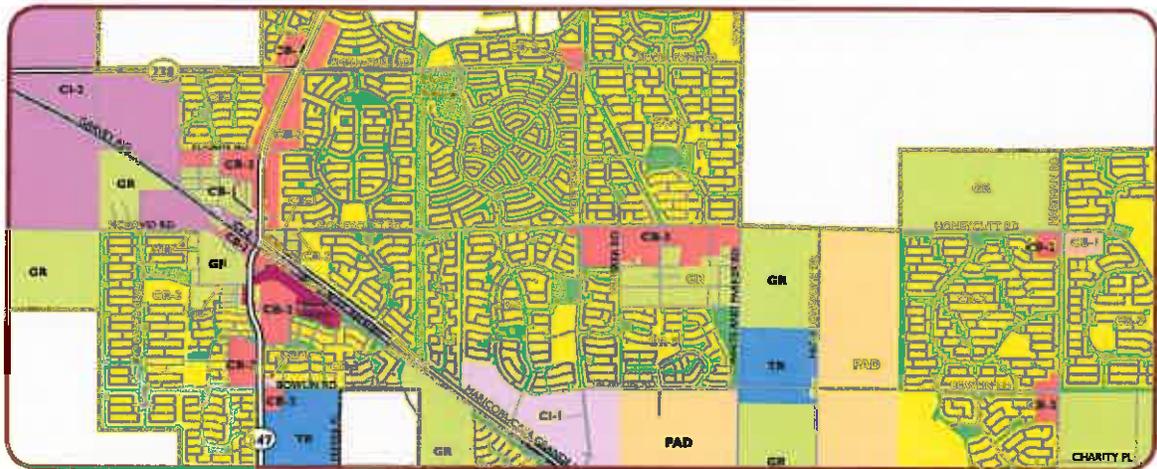
DYETT & BHATIA
Urban and Regional Planners

755 Sansome Street, Suite 400
San Francisco, California 94111
☎ 415 956 4300 📠 415 956 7315

ATTACHMENT C

CITY OF MARICOPA®

PROUD HISTORY • PROSPEROUS FUTURE



ZONING CODE REWRITE

*Diagnosis and Evaluation
Working Paper*

PREPARED FOR
CITY OF MARICOPA BY:

DYETT & BHATIA
Urban and Regional Planners

MARCH 22, 2013



ZONING CODE REWRITE
Diagnosis and Evaluation
Working Paper

**PREPARED FOR
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Executive Summary

The Zoning Code Rewrite project (Rewrite) was initiated to rewrite Maricopa's Zoning Code, which was largely carried forward from the County's ordinance at the time of incorporation in 2003. The objective for this project is to produce an innovative and integrated Zoning Code by expanding upon, modifying and deleting from existing documents as necessary within the restrictions of applicable State law and create a Maricopa Zoning Code that:

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

The Rewrite project consists of three phases. Phase 1 will include all of the work needed to put in place a clearly defined application and project review process, with less reliance on case-by-case review, which is the case under current zoning. Depending on City direction, the Phase 2 work would expand on form-based standards in Phase 1 and include a regulating plan map for designated areas and more detail on physical parameters for streets and sidewalks, public landscaping and architectural design, block and lot patterns, pedestrian street designations, and standards for the public realm as well as private development standards,

incentives, standards and bonuses, to provide for more guidance than the existing zoning. Phase 2 will also include form-based overlay provisions for specific areas, which may include performance- and incentive-based zoning, integrated with the overall Code to facilitate administration and tailored to Maricopa's needs. Phase 3 consists of a web-based interactive zoning code and map.

As the first step of this effort, Maricopa's consultant team is evaluating the City's current approach to regulating development inherited from the County and determining if there are alternative approaches that would better implement the General Plan, attract high quality development meeting community needs, and respond to State and federal mandates.

The City's consultant team's work has included field reconnaissance of recent development in Maricopa; interviews with City staff and community stakeholders; a community meeting to identify residents' priorities and concerns for the Rewrite; an assessment of existing regulatory tools and design guidelines used by the City and "peer" communities in the metropolitan area; and preliminary recommendations for a new zoning framework.

This working paper summarizes the principal findings and conclusions of the consultant team's work and recommends a number of ways that the current ordinance could be improved to meet the overall objectives of the Rewrite. This paper is intended to form the conceptual framework for further discussion of these issues with the Task Force and City Council. After the Task Force and City Council review this paper, the consultant team will further refine the recommendations and prepare a final Annotated Outline to guide actual drafting of the new regulations, which will be reviewed in "modules" by the Task Force, and other interested committees and organizations.

PRINCIPAL CONCLUSIONS AND RECOMMENDATIONS

Overall, the administrative framework for Maricopa's zoning regulations and review procedures are sound. However, these regulations and procedures must be updated to reflect new land use regulations and development standards that are tailored to the City's needs and implement the General Plan. It should be noted that a wholesale restructuring of the City's review process or a major shift in approach is not necessary to achieve the policy objectives of encouraging desirable development. More delegation of responsibility from the City Council to the Planning & Zoning Commission (P&Z) and City staff, coupled with more "as of right" zoning may make sense. It could be advantageous for Maricopa to have an ordinance that combines different approaches to zoning to provide an effective tool to implement the General Plan. Instituting the changes that the following recommendations embody could help to accomplish Maricopa's goals and lead to greater ease of use, higher-quality design, clearer standards, and support for new types of development that will enhance and preserve the City's resources.

Recommendations

The recommendations proposed for City staff and Task Force review and City Council consideration are grouped into the six topical areas summarized below. These recommendations do not all carry the same weight; some are more important and will have more far-reaching effects than others. These differences are discussed in the body of the paper.

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

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

- 1-C Simplify, Refine, or Eliminate Unnecessary Regulations and Procedures
- 1-D Add New Zoning Districts as Necessary to Implement General Plan Policies
- 1-E Integrate Components of the Subdivision Ordinance
- 1-F Use Graphics to Reduce Wordiness and Improve Clarity
- 1-G Tabulate and Cross-Reference Regulations

Recommendation No. 2: Streamlining Development Review and Approval

- 2-A Create a Set of Common Procedures for Zoning Administration
- 2-B Reduce Reliance on Council-Level Discretionary Review
- 2-C Clarify the Roles of the Planning & Zoning Commission and City Council
- 2-D Allow Additional Flexibility to Get Relief from Standards for Infill Development such as in the Heritage District
- 2-E Recognize Differences Among Nonconforming Uses and Structures
- 2-F Implement a Village Planning Committee Process to Provide Additional Opportunities for Public Input

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

- 3-A Establish Standards and Incentives for Mixed Use, Urban Villages, and Infill Development
- 3-B Support Future Transit Corridors
- 3-C Rethink Buffering and Transitional Requirements to Avoid Constraining Development

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

- 4-A Create Design Standards for Residential and Non-Residential Development
- 4-B Require Landscaping that is Appropriate to Development Type and is Environmentally Sustainable
- 4-C Mandate Outdoor Living Area and Usable Open Space in Multi-family Residential Development
- 4-D Provide Incentives for Sustainable Design

Recommendation No. 5: Promoting Housing Variety and Choice

- 5-A Allow a Mix of Housing Types Where and When Appropriate
- 5-B Create a New Zoning District or New Regulations for Small-Lot Single-Family Development
- 5-C Create More Housing Choice with a Density Bonus Program
- 5-D Allow Upgrades to Older Residential Properties (Manufactured Homes/Trailer Parks)

Recommendation No. 6: Supporting Economic Growth

- 6-A Provide Incentives for Job-Generating Uses

- 6-B Allow Limited Commercial Development in Appropriate Residential Districts
- 6-C Create Mixed use Districts
- 6-D Create a Planned Development Base District
- 6-E Provide for the Adoption of Development Agreements for Large, Employment-Generating Uses

Introduction

Begun in December 2012, the Zoning Code Rewrite will evaluate Maricopa's regulation of land use and development, including design standards and related guidelines. A Rewrite is opportune because it will allow the City to adopt regulations affecting many issues that are not adequately addressed in the current Zoning Code, including incentives for job-generating development, provision for a variety of housing types, the way the City conducts design review, and protections on the unique character of the Heritage District. It also offers an opportunity to assess the permit process and see how it might be streamlined. Through the Rewrite, the City will ensure that its zoning provisions respond to community needs, implement General Plan policies, and reflect recent changes in State and federal law affecting land use regulations, including Proposition 207 and SB 1598 (Regulatory Bill of Rights).

OBJECTIVES OF THE ZONING CODE REWRITE

The Zoning Code Rewrite is taking a critical look at City policies to see how zoning can best provide a roadmap for future development and protection of resources. Overall, the revision will strive not only to ensure that regulations are relevant to today's concerns, but also to produce a code that is understandable and easy to use. The objective for this project, as defined by the City, is to produce an innovative and integrated Zoning Code by expanding upon, modifying and deleting from existing documents as necessary within the restrictions of applicable State law and create a Maricopa Zoning Code that:

- Is progressive, utilizing best practices from other jurisdictions and codes, and intelligently integrates principles of balanced land use and orderly growth to promote a diverse economic base, livable neighborhoods, and sound resource management;
- Is consistent with the Maricopa General Plan of 2006, coordinated with the WHICH General Plan and General Plan Progress Report, responsive to the City Council's Strategic Plan 2012-2015, and cognizant of anticipated amendments to the General Plan, including the potential for annexation;
- Provides for flexibility, where needed and appropriate, consistent with the City development policies;
- Is logically organized, easy to read and understand, and can be quickly updated to respond to changing market and socioeconomic conditions;
- Includes graphics and tables to illustrate key points and minimize the amount of text;
- Is consistent in terms of processes and requirements with the City Code and relevant provisions of Federal and State law, particularly Proposition 207 and related legislation;
- Is comprehensive;
- Is tailored to local and regional climate, ecology, history and culture;
- Is integrated with and cross-references other land use related ordinances and regulations, including but not limited to the Subdivision Ordinance, Heritage District Design Guidelines, and other policies;

- Includes mixed use zoning districts and attendant regulations for both built-up areas of the city as well as lands at the urban edge; and
- Incorporates land use-based (Euclidean), incentive and performance-based, as well as form-based zoning provisions, where appropriate, that address land use and urban design standards (text and graphics) as deemed necessary by the City.

The final code will improve procedures, introduce options, and create a more logical and transparent body of regulations. It will likely retain many of the prescriptive elements that are in the existing code, combined with form-based components that will be applied to specific portions of the city. The result will be a Zoning Code that creates certainty in terms of land uses and development but provides flexibility of built form and design. It will be tailored to the current needs of Maricopa while anticipating future growth and development. Most importantly, it will contain clear processes and standards for review. Because the goals are to improve procedures, introduce options, and create a logical and transparent body of land use regulations rather than imposing new limitations on land use and development, the outcome should not create any potential liability under Proposition 207 or any of the State's previously adopted property rights provisions. Timelines and related provisions called for by SB 1598, which enacted the "Regulatory Bill of Rights", also will need to be incorporated into the Rewrite.

ISSUES ADDRESSED IN THIS WORKING PAPER

The City of Maricopa's existing regulatory framework may be interfering with the City's ability to achieve its vision, implement the planning policies of the City's General Plan, and get the highest and best type and quality of development. When the City was annexed from Pinal County in 2003, the Zoning Code was not updated to reflect the city's future needs. Rather, it retained the County's regulations, which dated from the 1960's. Based on stakeholder and City staff and City leaders' interviews, a community workshop, and the objectives noted above, the following themes provide a framework for the *Diagnosis and Evaluation Working Paper*—running through all of them is the idea of ensuring consistency with the General Plan:

- Making Maricopa's regulatory tools easier to locate, use, and understand;
- Addressing infill development opportunities in the Heritage District and other special areas;
- Establishing expectations for high quality community design and pedestrian-oriented development to enhance the character of neighborhoods, corridors, and districts and to promote efficient development;
- Allowing a mix of uses to enhance urban vitality and support economic development;
- Promoting a range of housing types meeting the needs of all economic segments of the community;
- Reserving places for industry and commerce to support economic growth and diversity;
- Providing for the needs of individual neighborhoods and growth area;
- Conserving and enhancing historic resources and environmentally sensitive areas;
- Connecting people and places by improving the fit between land use and transportation systems and supporting transit-oriented development; and
- Streamlining development review and approval, while also continuing to provide a transparent and participatory process.

Each of these issues is addressed in subsequent sections of this Working Paper. Specific topical and technical issues, such as religious uses, housing for persons with disabilities, telecommunications facilities and Proposition 207 and SB 1598, also are discussed at the end of this paper.

PROCESS – HOW THIS PAPER WAS PREPARED

The *Diagnosis and Evaluation Working Paper* is the culmination of the first stage of the Zoning Code Rewrite, which consisted of a background review of current City policy, goals, and needs. In January 2013, Maricopa’s consultant team, led by Dyett & Bhatia, Urban and Regional Planners, began this effort with a field reconnaissance, including a tour of Maricopa, and a series of interviews with stakeholders and City Officials intended to gather concerns and suggestions for the Zoning Code Rewrite. This task also involved a community workshop and interviews with City staff and officials, community leaders, developers, business owners, and private parties who make extensive use of the Zoning Code. The result of this research was the production of the *Community Kickoff Workshop and Stakeholders Interview Report* (January 2013), which put forward the overarching recommendations of residents participating in the workshop and Code users, organized thematically.

Ensuing conversations with City officials and staff, as well as detailed assessments of the General Plan, existing regulations, and case files, have led to the findings and recommendations presented in this Working Paper.

Relation to the General Plan

The strategies presented in this paper respond directly to the goals and policies of the General Plan, and all recommendations are intended to be consistent with it. Some suggestions for refinement of General Plan policy were noted separately, for City staff follow-up when the City begins the scheduled General Plan update in late 2013 or early 2014.

NEXT STEPS

This paper will be the basis for a kickoff meeting with the Task Force and then a study session with the City Council. Comments by the Task Force and Council members and further work with City staff will guide preparation of an Annotated Outline of the Zoning Code and initial drafts of preliminary regulations. They will be presented in “modules” for subsequent review, and additional workshops will be scheduled with the Task Force to review milestone products.

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Approaches to Zoning

American cities use zoning to accomplish a number of purposes. Some of these purposes are well established—such as the maintenance of stable residential areas and the prevention of health and safety hazards. Others—such as promoting transit-oriented development, maintaining aesthetic values, encouraging infill development, protecting historic areas, spurring job-generating development, achieving community benefits, and creating walkable communities—are newer. All of the purposes and powers of zoning are rooted in the police powers that the State grants to local governments.

Zoning, subdivision controls, and other regulations also are intended to implement City plans, visions, and goals. A zoning code, such as Chapter 16 of the Maricopa Municipal Code, translates the policies of a comprehensive land use plan into parcel-specific regulations. As such, zoning is used to implement land use, urban design, and open space plans, rather than to serve in itself as the primary planning tool to resolve local traffic circulation issues, provide services to seniors, implement parks master plans, protect sensitive habitat, or create new neighborhoods.

Zoning regulations traditionally have been used to separate incompatible land uses, minimize nuisance impacts and environmental harm, and coordinate or time development intensity with supporting public infrastructure. Zoning is also effective for dealing with the geographic location of activities and for regulating the three-dimensional aspects of development with height, bulk, setback, and architectural design standards. Zoning is a way to make explicit a City's policies for development, urban design, and resource management, to ensure fairness (so all lots in a given zone may be developed to similar intensities and are subject to similar restrictions and public contributions), and to avoid abuses of discretion.

In recent decades, zoning has been called on to address an increasingly diverse variety of public policy goals related to environmental protection, sustainability, economic development, historic preservation, neighborhood revitalization, aesthetics, public safety, and transportation mode choice. Cities and counties have also used zoning to address market issues (e.g., controls on “fast food” operations or large-format retail stores). While zoning can mandate the physical form and uses of land, it is not as effective in realizing public policy goals. Another limitation of zoning is that it works on an incremental basis, as individual parcels develop or redevelop. The General Plan, by contrast, can and should take the lead in providing guidance for citywide development patterns

In sum, a zoning code deals with two basic concerns:

- How to minimize the adverse effects that buildings or the use of a property can have on its neighbors; and
- How to encourage optimal development patterns and activities within a community, as expressed in General Plan policies.

TYPES OF ZONING

Three main types of zoning codes are in use in the U.S. today: Euclidean, performance-based, and physical form codes. The pros and cons of these basic types of zoning are summarized in the table on the following page. In this table, the term “prescriptive” describes a rule-making process and the degree to which clear and objective standards for land use and development provides certainty to landowners, developers and the general public.

Other types of zoning include:

- *Incentive zoning* involves trade-offs between the City and the developer/property owner: the City relaxes certain zoning requirements in exchange for providing particular amenities, such as public open spaces, or a public benefit, such as better transit station access or affordable housing. Incentive zoning is particularly effective in achieving community benefits defined in a General Plan.
- *Hybrid zoning* schemes such as contextual or character-based zoning, seek to integrate physical design (form-based) standards and performance regulations into otherwise conventional zoning codes, while often downplaying use-based regulatory strategies. Character-based zoning may offer particular promise for communities grappling with inappropriate development, and can be combined with other approaches that make sense in newly developing areas, where more flexibility may be appropriate.

TABLE 1: COMPARISONS OF TYPES OF ZONING CODES	
Type of Zoning Codes	Pro's and Con's
<p>Euclidean: Named after Euclid Ohio's zoning code, Euclidean zoning schemes divide jurisdictions into districts or zones, wherein certain types and intensities of uses are allowed. These districting schemes typically have separate zones for residential, commercial and industrial uses, and aim to segregate incompatible uses. More recently, Euclidean codes have been used to create mixed use zoning districts. Euclidean zoning codes typically specify allowed uses, maximum residential density limits, and bulk and dimensional standards.</p>	<p>Euclidean codes tend to be largely prescriptive and work best at preventing the basic problems or nuisances in a community. They are less effective in dealing with fine-grain neighborhood character and design issues that often arise in places where infill and redevelopment are most common.</p> <p>Within newly developing areas, Euclidean codes need to be linked to <i>land division or subdivision regulations</i>. These regulations often play a very important role in supporting zoning because they provide the statutory basis and standards for decisions on street networks, pedestrian connections, and the location of parks, open spaces, and civic facilities.</p>
<p>Performance-based: Performance-based codes include objective, quantifiable standards that are applied to uses to reduce impacts of development and to promote land use compatibility. The regulations and review procedures in these codes generally focus on how uses operate. These codes contain basic performance standards that directly limit impacts (e.g., noise and shading standards) as well as standards that control indirect impacts by constraining the intensity of operations (e.g., floor area, residential density).</p>	<p>Performance-based codes are somewhat less prescriptive than form-based codes in terms of design, and allow for more architectural creativity and context-based solutions. They may be more complicated to administer than conventional Euclid zoning or form-based codes, but can provide more certainty as to use and density/intensity. As such, they tend to be favored by the development community and neighborhood organizations over codes that prescribe architectural design or rely on discretionary procedures involving public hearings and conditions of approval to ensure land use compatibility.</p>
<p>Physical form-based: Form-based codes prescribe the design or type of building, street, or neighborhood subarea, with limited or no restrictions on use. They typically include generic design prototypes for housing and commercial buildings and their relation to the street and to each other. This approach may differentiate neighborhoods, districts, and corridors; provide for a mixture of land uses and housing types within each; and provide specific measures for regulating relationships between buildings and between buildings and outdoor public areas, including streets.</p>	<p>Form-based codes tend to be highly prescriptive and are therefore thought of as very predictable. They are a way to express what is desired rather than what is discouraged or prohibited. These codes address matters outside those traditionally thought of as zoning (e.g., street design, sidewalks, parks, and civic spaces), and are often portrayed as more "holistic" than conventional Euclid or performance-based zoning. They provide a way to bring planning and design considerations into zoning. These codes are effective where strong design guidance is needed and limitations on use and intensity are not critical.</p>

WHAT TYPE OF ZONING DOES MARICOPA HAVE?

Maricopa's Zoning Code primarily follows a Euclidean scheme which was the approach taken in the Pinal County's Code. The majority of use districts within Maricopa's zoning classification system separate types of uses (residential, commercial, rural, etc.), although the GR (General Rural) zones do allow for a mix of uses. The City also developed design guidelines and standards that apply to the Heritage District and cellular installations.

As part of the Zoning Code Rewrite, the City may want to consider adopting a more hybrid approach to zoning classification. Form-based districts may help implement certain General Plan goals and be particularly appropriate for the Heritage District and other special areas. For example, a district that allows a mix of uses with design standards to ensure pedestrian-friendly development may be appropriate around Central Arizona

College or in the Route 347/John Wayne Parkway and Maricopa-Casa Grande Corridors. Maricopa may also decide to adopt more contextual zoning as it attempts to preserve the unique character of the Heritage District.

THE BASIC DILEMMA: FLEXIBILITY VS. CERTAINTY

As Maricopa considers how to improve its zoning regulations, one issue will be how to find the right balance between flexibility and certainty that will best implement the General Plan. The dichotomy between these concepts creates tension, not only for City officials and staff who use the code on a day-to-day basis, but also for homeowners, business owners, and others who may only come into contact with zoning a few times over the years they may live or work in the City. Everyone wants to know what the rules and standards by which new development will be judged—how are decisions made to approve, conditionally approve, or reject applications? And, for many, knowing the timeframe as well as the criteria for approval also is important—who has appeal rights, and when is a decision final so a project can proceed.

For others, flexibility is important: the site or existing building(s) may be unique and require an individualized approach, or the design is innovative and contextual yet does not adhere to the requirements of the code. Conversely, the public benefits of a project are so great that they outweigh the impacts. All situations require flexibility and some relief from underlying requirements. Perspectives of code users may help inform the discussion about this issue.

Users' Perspectives

Expectations about what zoning should or should not do, and how far it should go, are different, depending on individual perspectives. Applicants view zoning differently than design professionals, and City planning staff perspectives are not always the same as those of residents or other City officials. At the risk of oversimplification, we offer the following set of expectations for different code users, which are based on the stakeholders' interviews, as a starting point for thinking about regulatory options.

Applicants

Individuals applying to the City for a zoning approval through a permit or land use review generally want to know:

- **What are the rules that the City follows for development review?** These include use regulations, design guidelines and standards, and development requirements, review procedures, and criteria for decision-making.
- **What is the timeframe for decision-making and when is a decision final?** Is it the day the approval is granted, or is there some stated time they have to wait before they know they can proceed with the next steps, refine an architectural design, solicit bids, and initiate construction? Users also need to know how much time they have to obtain a building permit or business license.
- **What relief can they request if a regulation or standard constrains a design solution or otherwise limits what they would like to do with their property or building?** In thinking about relief, it often is useful to distinguish concerns about what the allowable uses are (recognizing that use variances should not be granted, and the only way to accommodate different uses would be through a zoning code or zoning map amendment) from concerns about how to accommodate a building or landscape design or improvement on a lot. Relief may be needed from physical development standards (e.g., setbacks or height limitations) or from

performance requirements that relate primarily to the impact of a use or building design on an adjacent lot (e.g., on-site detention or screening of a cell tower).

- **How important are neighbor concerns in the decision-making process?** If an applicant follows the rules, including Citizen Participation Requirements and community meetings with neighbors, does the City have the right to require changes to a design solely because of a neighbor's objections? Are there limitations on conditions of approval or are all elements of a project "negotiable"? Does the City distinguish "as-of-right" development applications from those requesting exceptions to the standards in weighing how far to go to respond to community concerns?

Design Professionals

Architects and other design professionals typically want to know the answer to the same questions applicants pose, but because of their specific role in a project, they often want to know more specifically how much flexibility the code allows for site planning and architectural design. If the City wants to mandate certain design solutions, as opposed to "encouraging" a type of design, the code should say so to avoid misunderstandings during the development review process.

An example of a mandated design solution is a requirement for windows and transparency and a prohibition of blank walls on retail frontages. In this context, design professionals also want to know whether the mandate is a guideline or a regulation. If it's a regulation and the proposed building design doesn't benefit from adding windows and transparency, it will be necessary to request administrative relief, which could be a variance or a design modification, in order to deviate from the dimensional requirements. By contrast, if the mandate is a design guideline, it may be possible to propose an alternative design solution that meets the guideline's objective without applying for a variance or use permit to waive design standards if the Zoning Code provides for alternative ways to comply with a guideline. The current code does not contain these types of provisions.

The flexibility that a design professional typically seeks includes:

- Relief from prescriptive standards, including setbacks, building height, bulk and articulation, landscaping, parking, and design standards (e.g., colors, finishes, roof pitches, etc.);
- Relief for buildings with historic or architectural character; and
- Relief for uses or activities with unique needs (e.g., theater scenery lofts, Internet server farms, pharmacy drive-through windows, etc.).

Planning Staff and Officers

City planning staff also wants flexibility for a number of reasons:

- To respond to community concerns;
- To implement the General Plan and to further public policies;
- To reconcile competing priorities, as is frequently the case with a General Plan and a growing community;
- To facilitate the ease of review and approval of development projects; and
- To protect unique and special resources, which may range from environmental resources to historic buildings, Tribal lands, and special retail uses.

Maricopa Residents and Business Owners

While planners and City officials strive to respond to community concerns, residents and business owners don't always have the same perspective on zoning, particularly if they feel their self-interest is not served. Many critical issues were decided when the General Plan was prepared; however, as implementation details are worked out, community thinking about General Plan direction may evolve, and there may not be consensus on all of the regulatory solutions initially proposed to implement the plan.

Neighbors want to know with some certainty what can be built, so there are no surprises once construction begins. However, if they have concerns, they would like to know what the process is for community input – how much flexibility the City has to condition approval and what they can do to affect the final result.

Business owners likewise want to know whether they can expand or adapt space to new uses or activities. The ability to adaptively reuse historic buildings to current uses is needed. This was a particularly important issue in the Heritage District where there are a large number of vacancies and abandoned properties and where property owners have expressed concern about current zoning not really implement planning concepts for the area. Being able to respond quickly to changing markets is important, and lengthy review times are an anathema to that objective.

At the community workshop held in January 2013, residents of Maricopa expressed many priorities and concerns for the Zoning Code Rewrite. These recommendations generally fell into a number of topical areas, as listed below:

- Address lighting and light pollution.
- Adjust open space requirements for multi-family housing.
- Allow flexibility in the height of buildings.
- Amusement park – attract one and make it a destination!
- Balance density and open space.
- Bring jobs to Maricopa - High tech, industrial areas/manufacturing (as long as it's compatible).
- Continue cooperative effort with educational institutions, tribes, HOAs, service providers, companies.
- Develop an urban village around a college campus to draw the youthful crowd around the college (food, shopping, recreation, etc.)
- Develop different housing types.
- Diversity, Value, and Balance – we want to try and achieve all three as we progress.
- Expand use of solar.
- Inform and educate people about development projects.
- Locate hospitals and healthcare in appropriate areas; think of impacts (helicopters, ambulances) on adjacent neighborhoods.
- Make Maricopa a destination, not a bedroom community.
- Pay attention to diverse needs of our community.
- Provide and protect open spaces, including possibly a bird sanctuary.

- Streamline the review process.

Tradeoffs

As the City considers the next steps for regulatory reform, discussion of choices could address these **basic philosophical issues**:

- **Flexibility vs. predictability:** Is the zoning ordinance intended as a rule of law or a rule of individuals? Should the area for negotiation be wide or narrow? To what extent should this be determined by the Ordinance or by practice?
- **Flexibility vs. administrative cost:** What are the costs to the applicant, to opponents, and to the City's interest in providing a streamlined process?
- **Development cost vs. quality:** Standards should be written with an understanding of their effect on developers' and consumers' costs and on the quality of the environment for both user and community at large.
- **Preservation vs. development:** Will a particular regulation stimulate or dampen change in uses, users, or appearance? A related issue is whether adopting a new standard will result in a proliferation of nonconforming situations, which could also discourage investment.
- **Under-regulation vs. over-regulation:** How does the city accommodate and facilitate new development with the adequate amount of review? Is there a risk of impeding development through overly strict regulations and procedures or are the risks of inappropriate development through lax regulations too great?

Striking the right balance will not be easy, and lessons from similar communities that have recently amended their zoning and design guidelines can enable the City to avoid mistakes others have made.

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

The need to make Maricopa's Zoning Code more user-friendly and concise was one common observation noted during interviews with stakeholders and at the community workshop. Many code users commented that the text of the code is complex and hard to interpret, largely because it was adapted from the County when the city was incorporated in 2003; others said that the document is difficult to navigate and the new Code should rely more extensively on helpful examples and have clear references that direct users to appropriate regulations. This section contains general observations about the code's organization, format, and usability, as well as strategies for improving them.

EXISTING ORGANIZATION AND STYLE

The City of Maricopa's Zoning Code comprises numerous articles of nearly equal importance, with no clear structure tailored to the City's needs. These chapters follow an organizational logic similar to the zoning codes of most counties. The text first discusses general zoning regulations and standards and allowable uses in the traditional base zoning districts—agricultural, residential, commercial, and industrial. The district chapters are followed by supplementary zoning provisions and specific provisions for parking and loading, sign, and finally administration.

The code has few features that enhance its usability. The text is careful to provide cross-references so that County regulations apply within the City. However, none of these regulations have been supplemented with graphics in order to provide greater clarity, and few include tables that present requirements in a format that allows fast and easy access to information.

Overall, the structure of Maricopa's Zoning Code is poor. The Rewrite should address the organizational problems with a comprehensive restructuring. As part of this effort, the City also may wish to consider a number of specific structural changes to enhance usability. These issues and recommendations are outlined below.

THE ISSUES

The following observations summarize the concerns raised by Maricopa staff, frequent code users, and community members, as well as independent evaluations made by the consultant team.

Organizational Irregularities

Although the original organization of the County's ordinance was generally consistent and logical, as adapted by the City, it does not always present information where users may expect to find it. In particular, the first chapter of the ordinance contains a number of detailed items that are not typically found in introductory provisions, including amendments to Planned Area Developments (PAD) zoning for specific projects—sections that are typically found in a separate article or are included in conditions of approval of a planned development map. The introductory chapter also contains a number of rules and definitions, yet the list is not comprehensive. Further, definitions are found in various other sections of the ordinance and have not been systematically compiled. Because definitions are scattered throughout the Code text, users may have to look in a number of places before finding the meaning of a particular term. This creates confusion and can result in errors of implementing code provisions.

Other organizational aspects may also be impeding usability. Maricopa's zoning contains a number of regulations that apply differently to geographic areas and PADs. Most code users turn to the ordinance only to find applicable regulations for a particular zoning district. A more user-focused approach would place these standards in the district chapters where they apply, so that users can access a more comprehensive list of applicable regulations without having to turn to other parts of the ordinance. Finally, a comprehensive table of contents and index are needed to facilitate smooth navigation of ordinance sections.

Specification of "Permitted" Uses and Cumulative Zoning

The way that Maricopa defines allowable uses in each of its zoning districts, with cumulative provisions (e.g., CR-5 incorporates use regulations of CR-4 and CR-3) has the potential of leading to unnecessary confusion regarding development possibilities. Cumulative zoning provisions are no longer "best practices", and the majority of zoning codes in the country list out all permitted uses and uses requiring a conditional use permit or special permit in a table, using a classification system allowing for flexibility in actual uses to respond to changes in the market or introduction of new technologies. The City's inherited approach to use regulations also does not facilitate distinctions based on scale or location, which can be helpful in urban settings.

Underutilized Table Organization

As described above, Maricopa's zoning regulations contain few tables to help users identify applicable regulations quickly and easily. Tables greatly enhance the code's usability, and they should be used extensively to organize the information presented in the code. Places where tables may be of particular help include lists of allowed uses across all districts and lists of numerical standards (e.g. maximum height and required building setbacks) in the zoning district regulations and in supplementary provisions, among others.

Standards of Measurement

The physical standards for development (e.g., height, setbacks, distance between buildings) within Maricopa's Zoning Code generally are expressed in appropriate units (lineal feet or square feet). Problems can occur when height limits, for example, are listed as both a measurement in feet and a maximum number of stories (e.g., two stories or 30 feet). Although the two measurements are not equal, they are roughly equivalent and may unnecessarily restrict design innovation when one standard alone could adequately achieve the City's goals. Wherever possible, measurements should be standardized.

More Graphics Needed

The current Zoning Code contains a minimum number of graphics that illustrate development standards. None show examples of good design. Illustrations can be extensively used to convey concepts and aid usability. Sections where graphics could be particularly helpful include supplementary provisions and design standards; they may also be useful in illustrating standards of measurement, certain definitions, and other ordinance provisions difficult to describe clearly through words. The City should aim to incorporate a number of new graphics in order to clarify ordinance elements.

RECOMMENDATIONS

The City should consider the following strategies to make the Zoning Code easier to understand and use.

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

The City can improve the organization of its Zoning Code in a variety of ways. First, the code should include a comprehensive index and table of contents to allow users to quickly find the code sections that apply. Provisions regulating nonconforming uses and enforcement procedures should be in appropriate location in the administrative section, for example. A final chapter at the end of the code can group all definitions together, so that users have access to a comprehensive reference section in an easily located place.

1-B Consolidate Standards

Where standards apply differently to each set of base districts, for instance, required setbacks for each category of uses from neighboring district lines, they should be grouped immediately following the standards for this set of districts. Rules governing the construction of language, interpretation of code provisions, and standards of measurement should similarly be grouped together to serve as a reference section that can be turned to in the event of uncertainty regarding code provisions. Consolidating these rules into one section will help to ensure that standards are logical and consistently interpreted and applied.

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

Maricopa should ensure that its Zoning Code functions as efficiently and with the fewest number of provisions necessary to achieve its goals. To this end, unnecessary sections of the code should be removed in order to avoid ambiguity and reduce the sheer bulk of the code. For example, districting chapters need only list permitted uses and uses requiring a conditional use permit or other form of discretionary review. Similarly, where code regulations list two standards of measurement, such as a maximum height and a maximum number of floors, one standard should be chosen and applied consistently.

As a part of this Rewrite, Maricopa should give considerable attention to how to address design guidelines and standards. The code should clearly distinguish and separate those elements that are mandated (standards) and those that are flexible (guidelines) in order to improve the clarity of the City's design expectations. Furthermore, these elements should be reformulated to give more specific direction based on building types (e.g., apartments or multi-tenant commercial buildings), geographic location, and the needs of particular uses. By making design guidelines more sensitive to context and use, the City can ensure that the regulations enhance—not interfere with—development possibilities.

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

The City should consider adopting a number of new districts to implement the goals of the General Plan. New classifications may include base districts aimed at mixing uses, accommodating “Urban Villages” or larger-scale “Planned Communities”, or providing for small-lot residential development. Overlays may include a flood hazard overlay, Tribal Lands referral area, transit-oriented development (TOD) district or a district aimed at improving development along Route 347/John Wayne Parkway and the Maricopa-Casa Grande Highway. Finally, the City should consider creating a number of special area districts to address the needs of different neighborhoods or growth areas, such as those

created for the Heritage District. These could apply to the Seven Ranches and other areas. Each of these new district types is discussed in greater detail in the subsequent recommendations of this Working Paper.

1-E Integrate Components of the Subdivision Ordinance

In 2006, Maricopa's Subdivision Ordinance went into effect, regulating all changes in ownership or land uses throughout the City. The document contains many aspects of a zoning code, such as definitions, procedures, and regulations. It has design and performance standards, which regulate items such as open space, fencing and walls, landscaping, and access. There are provisions for Master Plan and Planned Development areas as well as for individual land uses. It is a more comprehensive document than Maricopa's existing Zoning Code and was cited by city staff for its ease of use and detailed regulations. The revised Zoning Code will incorporate many of these components and ensure that there is consistency between regulations and definitions in both documents. This will prevent multiple interpretations, regulations, and processes from being applied to the same project or parcel and create a consistent land use regulatory system.

1-F Use Graphics to Reduce Wordiness and Improve Clarity

The Code Rewrite should add a graphic inventory in order to further strengthen code provisions. In many instances, graphics can communicate development regulations more clearly and in less space than written standards. For example, images can clearly depict standards for measuring building or sign heights or yard setbacks, while verbal equivalents are prone to misinterpretation and uncertainty. Graphics should be used throughout the code to strengthen written provisions and to provide visual examples of both lawful and unlawful development. With visual clarification, fewer sections of the zoning code will be subject to competing or incorrect interpretations, and regulations can be cleared of much of the jargon, which can obscure the code's intent.

1-G Tabulate and Cross-Reference Regulations

The Zoning Rewrite should revisit all textual cross-references to ensure that each provision refers to all additional relevant regulations, and to avoid unnecessary repetition of provisions. Where appropriate, the code can rely more extensively on tables to convey development standards, as they greatly improve the readability of complex regulations. One new place where tables might be useful is when specifying allowed uses in each district, subject to various permits and reviews.

When the web-based document is created in Phase 3 of the Rewrite, these cross-references and tables could take the form of HTML links to relevant sections in the text for rapid navigation. Many other cities across the United States have begun to incorporate their zoning ordinances into city websites as easily navigable and searchable texts. Monterey, Chicago, and Pasadena have all incorporated HTML links into their use regulations to achieve this purpose, but the links work differently. While Monterey and Pasadena's links move the user to the referenced section, Chicago's links provide a pop-up window with only the requested information. While the latter is helpful because it allows a side-by-side comparison of standards and definitions with the tables that reference them, the feature may create some frustration for users whose web browsers automatically block pop-up windows. Specific choices will be reviewed with City staff as part of Phase 3 work.

Recommendation No. 2: Streamlining Development Review and Approval

Zoning provisions governing development review and other administrative matters create the procedural environment through which the City can achieve the goals and policies laid out in its General Plan and other adopted policies. At their best, development review provisions can promote the type of development a community wants by providing a clear, predictable path to project approval; conversely, vague review processes with unclear requirements can cause developers a high level of anxiety, frustrate community residents, and severely dampen a City's ability to attract desirable growth. Unclear regulations also cost the developer/property owner and the City both time and money. A well-organized and clear code can eliminate these problems.

While the City has a "one-stop" shop system, it does require all discretionary approvals to go to the City Council, which introduces additional steps and makes the process longer than if the review and approval of certain types of permits were delegated to the P&Z and city staff. Generally, prospective developers value three central qualities in any administrative ordinance: certainty in the requirements, timelines, and structure of the review process, built-in flexibility to adjust development standards to the needs of individual projects, and opportunities to request relief from requirements that constitute a substantial burden. Certainty about the types of development they can expect to see in their community is also important to residents. The degree to which Maricopa can incorporate these qualities into its zoning code will help improve its ability to compete for development in the near future.

The flexibility of a zoning code is largely defined by its hierarchy of uses and their required permits. This hierarchy establishes the different levels of review the code requires to make various types of zoning decisions. These decisions typically range from a relatively informal counter staff review at the planning counter prior to the issuance of a building permit to more formal and complex procedures requiring public notice and a hearing before the P&Z and/or the City Council.

The primary factor influencing a project's place in the hierarchy of uses is whether the proposed use is permitted "as of right", allowed subject to certain conditions, or requires a Conditional Use Permit or Temporary Use Permit. This determination is a reflection of community issues and concerns that should be embodied in the General Plan. Decisions about where an application fits in the hierarchy may also, however, be influenced by how a jurisdiction selects and designs administrative techniques. It is often possible, for example, to reduce the review threshold for a particular type of application (i.e., place it lower in the hierarchy with only P&Z or Staff approval), by increasing the specificity of development standards and performance-based criteria, along with a related increase in one or more of the following:

- Scope of public notice for neighborhood input;
- Length of time for public review; and
- Opportunities for informal public review and consultation with community organizations.

The Rewrite should set forth clear administrative procedures to be followed for all types of zoning decisions. The level and extent of administrative process required for different types of decisions will vary.

EXISTING ADMINISTRATIVE PROCEDURES

Decision-Making Bodies

Maricopa’s Zoning Code specifically creates a Planning & Zoning Commission and adopted, by reference, the County’s Code provisions for the Board of Adjustment. Responsibilities for a “zoning administrator” are not defined in the Code itself, nor are there provisions for a Hearing Officer.

Board of Adjustment

The Board of Adjustment is a quasi-judicial body that interprets the Zoning Code, authorizes variances and parking reductions, acts on disputes about Temporary Use Permits, and hears appeals of decisions by the Zoning Administrator. The Board can reverse, affirm, or modify any of these decisions. Much of its work has dealt with height variances.

Planning & Zoning Commission

The Planning & Zoning Commission is the planning agency for the City and also, in an advisory role, recommends actions to the City Council regarding land use and development, including amendments to the Zoning Map, Zoning Code, and General Plan or Specific Area Plans. Additionally, the scope of the Planning & Zoning Commission’s review includes requests for Conditional Use Permits; protected development rights plans, subdivision preliminary plans, and other permits and approvals to ensure compatibility with the General Plan and surrounding uses. When considering the approval of a rezoning or Use Permit, the Commission may include site plan review.

Permits and Approvals

Table 2-1 summarizes the types of discretionary land use and development permits and approvals that the current code authorizes, and lists the authorities that can issue these approvals.

TABLE 2-1: DISCRETIONARY APPROVALS AND ISSUING AUTHORITIES		
<i>Permit Type</i>	<i>General Purpose</i>	<i>Issuing Authority</i>
Conditional Use Permit (CUP)	Required for some uses to establish conformance with the Zoning Code, General Plan, or other plans and policies, as well as compatibility with adjacent properties.	City Council, through consultation with the Planning & Zoning Commission
Site Plan Review	Insures compliance with the zoning code and may specify necessary conditions to minimize land use conflicts.	City Council, through consultation with the Planning & Zoning Commission and if property is located within the Heritage District, through consultation with the Heritage District Advisory Committee
Variance	Allows the modification of one or more site development standards that cause unnecessary hardship.	Board of Adjustment
Comprehensive Sign Plan	Provides for the establishment of signage criteria that are tailored to a specific development location, and which may vary from specific Ordinance provisions.	Planning & Zoning Commission

TABLE 2-1: DISCRETIONARY APPROVALS AND ISSUING AUTHORITIES		
<i>Permit Type</i>	<i>General Purpose</i>	<i>Issuing Authority</i>
Temporary Use Permit	Allows uses on a temporary basis or for a fixed amount of time.	City Staff
Subdivision Application	Required for the division of land into separate lots, tracts, parcels, or condominiums, cooperative, and other forms of ownership.	City Council, through consultation with Subdivision Technical Advisory Committee.

The City also has created a “One-Stop Shop” process for permits, as illustrated in the flow chart on the following page.

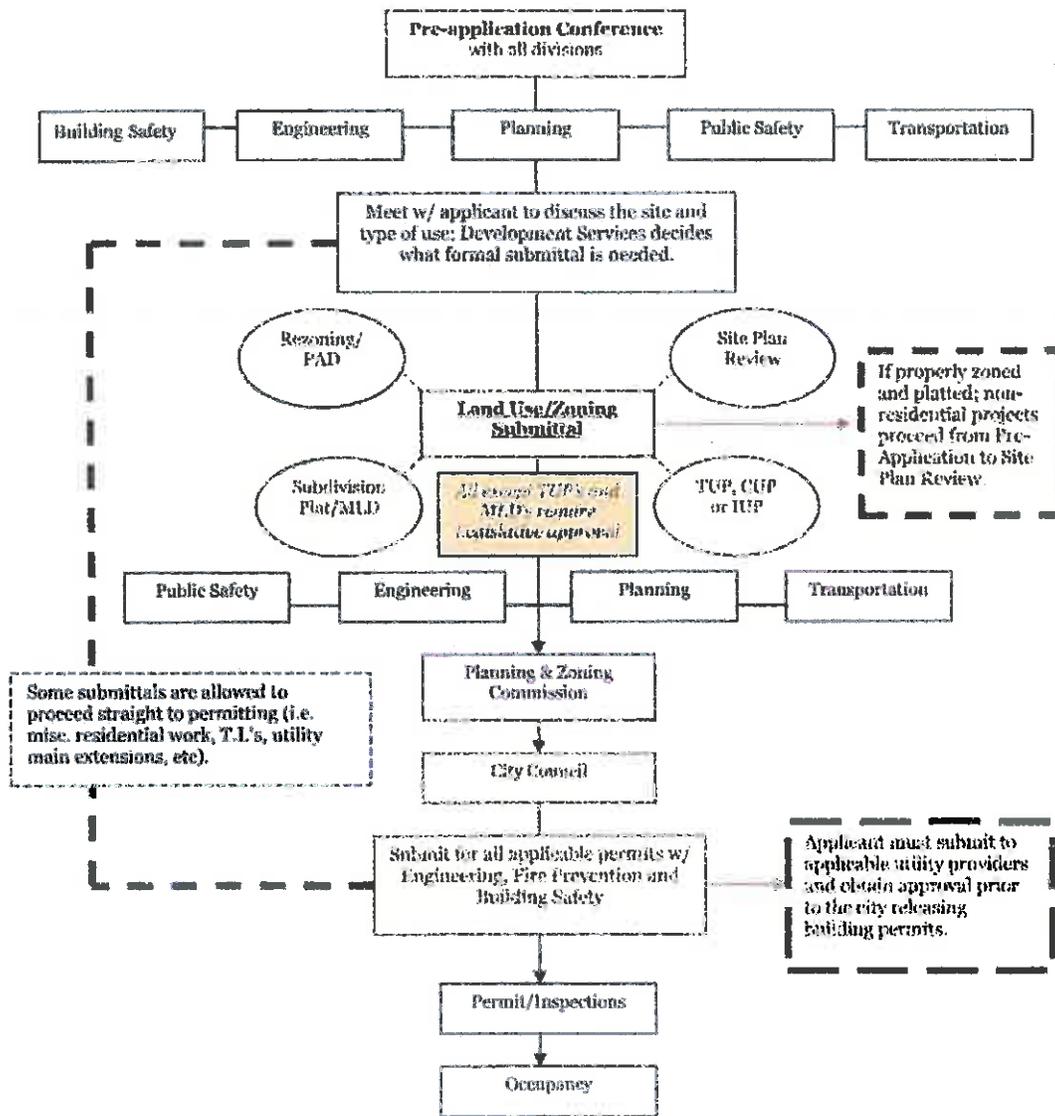
Nonconforming Uses and Structures

Currently, Maricopa’s Zoning Code regulates nonconformities, that is uses or structures that do not comply with current regulations and standards, in a traditional way. The code prohibits the expansion, enlargement, extension, or replacement of any nonconforming use and requires that all changes to nonconforming structures bring the site into full compliance with code provisions. Nonconforming uses abandoned for one year, or uses or structures suffering damage over 50 percent of their value, may not be restored without being brought into full compliance.

Citizen Participation Provisions

The City has adopted “Citizen Participation requirements” in Article 16-4 of the Zoning Code. Every permit application that requires a public hearing must submit a Citizen Participation Plan detailing the proposed methods and schedule of citizen notification, the citizen review process, and opportunities for discussion. At least 15 days before the first public hearing, the applicant must submit a Citizen Participation Report, which summarizes the implementation of the plan. The code states that failure to comply with the citizen participation requirements may result in postponement, rescheduling or denial of an application. These procedures have proven to be an effective way of gaining public input into the process.

One-Stop Shop Flowchart



THE ISSUES

Uses that Appear to be Permitted by Right, but Actually Require Review

The current code permits a wide variety of uses and development projects “as of right” in the zoning district regulations, but requires many of those projects to undergo discretionary site plan review and, in some cases, to secure approval of a Conditional Use Permit. As a result, requirements for Council approval of projects may seem contradictory where district regulations state that such uses are permitted by right.

Many jurisdictions have been able to reduce the number of uses that require discretionary review by amending their ordinances to include carefully crafted standards and restrictions that are specific to particular uses and then have a ministerial (e.g. “as of right”) administrative process for zoning clearances, mainly to check that development plans meet specified standards and use regulations. No public hearings or discretionary review with case-by-case conditions of approval then occurs. Standards can also be specific to zoning districts or clearly defined physical locations (e.g., arterial streets, locations within 100 feet of a residential zoning district, sites subject to flood hazards, sites adjacent to the Union Pacific Railroad line or the airport, or within a specified distance of Tribal Lands, etc.).

There are a variety of approaches the City could use to reduce the number of uses requiring review, including permitting more uses by right subject to:

- Compliance with development and design standards that could be added to the ordinance based on the General Plan’s policies;
- Compliance with new standards and requirements that reflect “standard conditions” that are typically imposed when such uses have been conditionally approved by the P&Z or a Hearing Officer (a new position); and
- Compliance with specific limitations on location, floor area, hours of operation, vehicle access, and similar features that are the source of potential adverse impact.

The incorporation of “limited uses” makes it possible to eliminate discretionary review for those uses that meet specific standards and limitations and do not exceed specified threshold criteria. The code could offer a discretionary option (using a Conditional Use Permit) to applicants who can demonstrate that the proposed use is consistent with the purposes of the district and would be compatible with surrounding uses, even though it does not meet all of the standards and limitations. This would allow needed flexibility and allay concerns that may arise from those who think the proposed standards are too rigid. Conditional Use Permits would be reserved for uses that pose potential or significant land use compatibility issues.

No Differentiation between Nonconforming Uses and Structures

Legal nonconforming uses and structures that do not comply with existing land use regulations could be a problem if Maricopa tries to promote more specific design standards. The code does not allow a nonconforming structure to be altered unless the entire building is upgraded to comply with existing codes and standards. Similarly, a building with a nonconforming use can only be altered as long as it does not exceed fifty percent of the area of the use. With Maricopa’s current regulations regarding the alteration of nonconforming uses and structures, it hinders properties from being upgraded and adaptively reused. This is particularly acute in the Heritage District, but after incorporation certain exceptions were established for the Heritage District. These rules place undesirable pressure on uses that do not fit new code regulations but are otherwise well established, benign, or even beneficial to the surrounding neighborhood.

The City may want to consider a tiered system that distinguishes between those nonconforming uses and structures that are small and relatively benign and those that are detrimental to surrounding owners and residents. This approach would provide more flexibility than the current requirements. The code could be changed to make it easier to upgrade those nonconforming properties that do not substantially conflict with General Plan policies, are located within the Heritage District (and other specified areas if desired), and to eliminate those activities and structures that are clearly incompatible with and detrimental to surrounding uses. A tiered system could include a procedure for licensing nonconforming uses that grants property owners the privilege of continuing nonconforming activities subject to certain requirements.

RECOMMENDATIONS

There are a wide variety of options that Maricopa could consider for revising its current regulations to streamline the decision-making process.

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

Maricopa should create a common set of streamlined administrative procedures in order to clarify the development process and to provide applicants with consistent expectations for project review. A set of common procedures would improve code usability by helping applicants to understand the general review process more easily. This also would be a logical place to respond to the timelines and related requirements of SB 1598, Arizona's Regulatory Bill of Rights. More detailed procedures could be consulted, depending on the specific permit application. Elements of a standard set of common administrative procedures include the following:

- A clear and consistent authority for determining whether an application is complete;
- Clear procedures and timelines for handling appeals;
- Requirements for more advanced public notification for all types of public hearings; and
- Standards for the conduct of public hearings.

2-B Reduce Reliance on Council-Level Discretionary Review

The Zoning Code should allow more uses and other approvals "by right" or subject to appropriate and suitable locational, developmental, and operational standards and limitations and without review by the City Council of building and site design but delegate this review and approval to the appropriate commission or city agency. This recommendation also applies to those uses that appear permitted in district provisions but, in fact, are subject to discretionary review. By allowing these uses by right or as "limited" uses subject to specified standards, Maricopa will not only speed the permit and development process, but also provide additional certainty to prospective developers that their projects are allowed and encouraged.

The successful implementation of this procedural strategy would require the City to create a category of allowed uses in each district between those that are permitted and those subject to review. This set of "limited" uses would function as permitted uses so long as they conform to certain development standards or do not exceed threshold intensities (one example might be multifamily developments with fewer than 10 units, or a similarly moderate number). Uses that exceed threshold intensities or otherwise do not conform to the stated limitations would then require a Conditional Use Permit.

With a greater number of uses allowed by right, Maricopa may also want to consider instituting a "petition review" system through which a project that is allowed by right can become discretionary if

neighbors file their opposition; that is, to have the P&Z review the application and take the community concerns into consideration before approval. The City might either require an applicant for a Use Permit to submit signatures from neighbors as part of the application process, or the City could mail neighbors and post notice of a pending application and then give opportunity for appeal. These procedural safeguards can help to ensure that only controversial projects of otherwise permitted uses require discretionary review.

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

The resolution of the roles of these bodies is a necessary element in streamlining Maricopa's development process. This goal might be accomplished in a variety of ways, and the City should consider how to best align this procedural structure with its development vision. At the very least, the Rewrite should clarify the authority of the P&Z to have the ability to conduct design review and to take final action on certain types of applications. Similarly, the code could enable the Zoning Administrator authority to review land use, site layout, building form and architectural detail, landscaping, and other aesthetic elements for certain types of projects. The following are two specific ways that the City could rethink the roles of decision-making bodies, each representing a different degree of intervention:

- Rewrite the Code to clearly define the role and scope of authority among the respective decision-makers, but retain Council authority for specified types of projects; or
- Rewrite the Code to give the P&Z final authority, subject to appeal, for "major" Use Permits, with "minor" Use Permits, site plan review and related approvals to be granted by a Zoning Administrator, acting as a Hearing Officer, if specified findings can be made or the project is modified through conditions of approval.

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

There are several incentive programs that the city and state offer to promote the development and upgrades of property. Programs such as the Façade Improvement Program, Green Business Incentive Program, and Fast Track Permitting all utilize different methods and incentives to promote development. Specific permit approval procedures, enabling relief from standards and incentives for infill development and property upgrades, could promote redevelopment and reuse of nonconforming and older structures. Additional standards that could be modified by such a permit process could also be listed in the code itself. Maximum height and densities might be particularly appropriate for consideration, as well as operational requirements in some commercial and industrial development such as minimum ceiling heights or loading docks.

2-E Allow Flexibility for Nonconforming Uses

The City could adopt a new approach to regulating nonconforming uses that would allow it to distinguish among categories of nonconforming uses that should be regulated differently. Benign uses would be treated differently from potentially harmful or detrimental nonconforming uses. Such a system could apply different rules to:

- Benign nonconforming uses that could remain indefinitely, as determined by the P&Z or Board of Adjustment, and subject to conditions or limitations, with provisions for revoking its "benign" status if new nuisances arise;

- Uses that should be replaced at some time in the future in order to implement the General Plan's long term objectives where redevelopment and/or reuse is unlikely in the near term because of economic or market considerations; and
- Uses that are inconsistent with the General Plan and zoning regulations, will impede implementation of the Plan, and are detrimental because of health, safety, or substantial aesthetic impacts, such as towing yards and unscreened outdoor storage.

In this classification system, benign uses are those that do not have the potential to adversely impact surrounding properties. A small grocery store or office could be classified, for example, as benign, while an engine rebuilding business, auto body shop, smoke shop, or adult bookstore could not. The Rewrite would include the formulation of test parameters to classify a nonconforming use as benign, which may include the following:

- Does not generate noise or odors or visual nuisances incompatible with surrounding uses;
- Does not create significant traffic; and
- Does not involve activities or processes that are potentially harmful or dangerous.

The process of determining a benign nonconforming use would allow for public comment; it also would provide authority to impose conditions to ensure that uses deemed benign do not change their operations in a way that may adversely affect neighbors (e.g., a condition limiting hours of operation or prohibiting alcohol sales or smoke shops). Enforcement provisions for violations of standards or conditions also will need to be established.

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

As the City looks ahead to growing to be well over 100,000 in population, Maricopa could consider the creation of village or sub-area planning committees who would then be responsible for sending advisory recommendations to the P&Z. While this option need not be implemented now, enabling provisions could be included in the code so such committees could be created in the future, if needed. These committees would allow additional opportunities for public input on projects proposed within their area boundaries, and could meet prior to a board hearing to discuss the hearing agenda items and forward recommendations, allowing the public the opportunity for closer scrutiny of proposals before they are formally considered. They would not be HOAs, although membership might come from HOA leadership. The Heritage District Committee could fulfill this role for the Heritage District.

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

Nearly all of the new residential development in Maricopa has occurred in Master Planned Development(s) with single-family homes being the predominant housing type. Some large-scale plans have included a mix of uses, but most of the City has a fairly homogenous character, reflecting its family orientation.

Like many American cities, Maricopa also contains a number of older neighborhoods, called 'Old Town' in the General Plan and currently named Heritage District. These areas have small or irregularly shaped properties that have never been developed, as well as vacant buildings that persist despite all efforts to encourage their reuse. Residents have voiced concern over the number of vacant lots and properties that are not well maintained in these older areas of the city.

The Seven Ranches is another unique area, where many residents value their rural lifestyle, but with City Hall and other new uses in the vicinity, change is expected over the longer term. Maricopa has problems attracting development to these areas due to rural character, disparate ownership, and zoning standards inherited from the Pinal County. As a result, small or otherwise substandard lots cannot feasibly be used, so developers turn to "greenfield" areas where there is vacant land—leaving old neighborhoods on their own. A priority in the Rewrite should be to reverse this trend and encourage more mixed use development and reinvestment in old neighborhoods where residents and owners desire it.

EXISTING POLICY

The City of Maricopa has a vested interest in promoting development in all areas of the city and, in the Heritage District, on lots that have been bypassed by development. This interest is best illustrated in the various policies in the General Plan, as follows:

- Allow flexibility for mixed commercial and residential uses.
- Study the redevelopment and preservation potential of the Maricopa Old Town area.
- Identify and develop distinct 'Maricopa' design theme(s) that can be marketed to and be built upon by the business community for both the Old Town area and the community at-large.

The City could create a Development Incentive Program (DIP) to partially achieve these policies. Through this program, incentives could be offered for development on "by-passed" property, provided that it is smaller than 2.5 acres, has access to utility lines, and is surrounded by property that is mostly developed. Once obtained, the permits allow a limited number of development incentives, such as:

"Development incentives that may be granted by the DIP may include modifications to building setbacks, landscaping design, onsite parking, building height, right-of-way dedication, and other site development provisions contained in this Ordinance."

ISSUES

Physical design standards and limited infrastructure in mostly built-out areas may tend to discourage mixed use and infill development. Many remaining parcels in the Heritage District, for example, are small or irregularly shaped, and current requirements for setbacks, density, or overall lot size do not reasonably permit development on them. The Heritage District Design Guidelines address mixed uses, but no zoning has been

adopted to accomplish this. Although the new code could state that small lots and parcels created prior to the code's adoption are to be considered as conforming to setback requirements, this exception alone may not prove sufficient to promote mixed use and redevelopment in the Heritage District. Rural front and side yard requirements, grandfathered on incorporation, and height limits may limit design flexibility for infill housing and mixed use projects.

Some community members have pointed to these regulatory obstacles as preventing the City from accommodating development in the Heritage District at urban—instead of rural—scales, which could have the double benefit of revitalizing older neighborhoods and increasing the stock of affordable housing.

The proposed DIP could be a way for the City to help guide design solutions. Providing “context sensitive” criteria would aid in developing better designs, and may be able to reduce the demand for case-by-case reviews and the uncertainty of a hearing process, a concern of stakeholders interviewed.

RECOMMENDATIONS

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

State law authorizes cities to allow mixed use development and also to adopt infill districts for sites meeting specific criteria, and Maricopa should take advantage of this initiative to encourage growth and investment in the Heritage District and in Urban Villages in appropriate neighborhoods. Among other cities, Tucson has successfully implemented a Downtown Infill Incentive district under this authorization, and Mesa has an active Development Incentive Program (DIP) for older areas. Allowing mixed use and infill by right in particular districts, instead of through a public hearing and discretionary permit process, will help to promote this type of development. However, the City chooses to codify its infill policy, the regulations should include adequate incentives to encourage such development and design standards that will ensure that its form is pedestrian-friendly.

The City has a variety of options to provide incentives for mixed use, Urban Villages, and infill. In addition to the exceptions to development standards that it could provide through a DIP (i.e., heights and setbacks), the City could permit exceptions to design standards and density requirements. The degree to which jurisdictions typically relax these standards varies; while some simply increase the allowed building envelope by a set percent, others choose to eliminate nearly all restrictions on building envelope size and replace them with strict design standards that ensure pedestrian-friendly development, as discussed below. In addition to flexible design and development standards, the City may wish to offer as-of-right incentives, such as further density bonuses, in exchange for desired amenities, including public plazas and community facilities. Priority processing of mixed use, Urban Villages, and infill permit applications is another benefit to consider.

Maricopa has a number of options for methods to implement these policies. For example, the City could establish a system in which developers are given “points” for providing public amenities and community benefits that could then be traded for specific concessions. The City of Chicago has adopted a point-trading system that illustrates how this process might work, and the City of Santa Monica, California is currently considering the adoption of a similar system. Chicago's code lists a variety of specific amenities that developers may choose to provide, including through-block pedestrian connections, water features, and green roofs, in exchange for specified increases in floor area through a formula or an as-of-right density bonus. The ordinance also establishes maximum bonuses that may be accrued. In Santa Monica's proposed community benefits program, the City would grant a certain number of points to developers for providing amenities, such as additional landscaping, public plazas, and outdoor living space. Developers can then “trade-in” these points for

a certain percent density bonus or additional floor area that would be proportional to the number of points accrued. If Maricopa does not want to establish a point system, the City could also simply list a menu of public amenities that each entitles a project to a specified bonus.

3-B Support Future Transit Corridors

Maricopa should reevaluate its density standards in areas that might benefit from increased building bulk and higher intensities of use, including the future transit-oriented areas. Higher density allowances will make these areas more attractive to potential developers and it will further differentiate the areas that Maricopa chooses to promote as urban through increased activity and visual prominence. The City should also promote mixed use by requiring ground-floor commercial uses, where appropriate. Mixed use around transit centers, such as the relocated Amtrak station, is especially important to encourage ridership and to support the investment that the City has made in these networks. In combination with higher density residential development, appropriate ground-floor commercial uses can turn transit centers into popular destinations.

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

The City will need to reduce its buffering requirements in desired infill areas to make more intense development possible. The existing requirements not only constrain the dimensions of development but also interfere with the City's ability to create walkable streets and viable commercial development in these areas. While Maricopa should require some buffers for commercial properties that abut single-family residential districts, it could decrease the required buffers around other types of properties—particularly in areas where the City envisions infill.

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

Maricopa places a premium on design excellence as a standard for new residential development. The City's existing policies and procedures have ensured to a large degree that new growth is visually appealing and fits well into surrounding communities. This effort is most pronounced in the master planned communities, where extensive landscaping, community amenities, and attractive architecture have been included in project approvals. In the rest of the city, landscaping requirements have transformed the feel of shopping centers and parking lots, and site plan review has helped to ensure that typically dull buildings—such as those for shopping centers uses—incorporate attractive details and varied materials to provide appealing public facades. In the Heritage District, the City's Façade Improvement Program helps to facilitate façade improvements.

Despite these positive elements, Maricopa will face a number of design challenges as it becomes an increasingly urbanized city. One of the primary goals for Maricopa's future will be to set design standards for non-residential development, and to recognize differences in design standards to achieve a diversity in housing and a unique sense of place. Much of the suburban-scale housing has been relatively homogenous in character. Development along the 347/John Wayne Parkway Corridor and along the Maricopa-Casa Grande Highway continues to be unfriendly to pedestrians, with large expanses of blank walls and frontages, poorly defined street corners, and buildings that are oriented away from sidewalks. In some areas, fostering a pedestrian-oriented environment with active and transparent retail frontages that offer views into shops and displays that engage shoppers is more important than landscaping in a front setback area. Balancing these needs, as well as others outlined in this chapter, will be a crucial element in the creation of a coherent design vision for the Rewrite.

THE ISSUES

Mixing of Urban, Suburban, and Rural Scales

Maricopa's Zoning Code should clearly distinguish among urban, suburban, and rural scales of development. In PAD projects, for example, the predominant character is suburban, with buildings and surface parking lots separated from the street by lush planting.

Although the City's goal for development is to create an attractive, vital environment, with opportunities for mixed use development and destination uses, such as hotels and resorts, the code continues to mandate minimum—and not maximum—setbacks for most types of development. In the 347/John Wayne Parkway Corridor, this is particularly problematic. There also are no requirements for buildings to be located along a sidewalk or for building entries to face the street. These are a few examples of how design guidance can assist in quality design and create a strong sense of place.

Zoning also has allowed auto-oriented commercial uses along the State highways, including car sales and drive-through restaurants, to follow suburban designs that place parking and display areas between buildings and the sidewalk. As a result, these corridors have become a mixture of incompatible urban and suburban types of growth with few buffers to resolve resulting nuisances. Single-family detached housing continues to exist directly adjacent to large structures, and commercial uses with generous setbacks compromise the walkability created by neighboring businesses. Without changes to development policy to address these problems, the City will be unable to achieve its goal of having a vibrant city.

Similarly, suburban scale development is beginning to invade rural enclaves, such as Seven Ranches, that some residents may want to retain as less developed until sewer infrastructure issues can be resolved. This mixture not only compromises the rural feel of these areas and detracts from their historical character, but also creates physical incompatibilities between properties. Many features of these areas are suitable for rural and equestrian uses with large setbacks, but have the potential to become problematic when mixed with suburban-scale homes that occupy larger portions of lots and are closer to the street.

Compatibility issues are also likely to arise from the development of suburban-scale single-family homes next to properties with large animal enclosures and next to active farming operations. As part of this Rewrite, the City could establish performance standards for agricultural activities within the City limits to minimize adverse impacts on neighbors and also revisit its density and setback standards for designated rural areas in order to avoid the further development of these types of incompatibilities in the future. Retaining a GR General Rural district also was a request of several stakeholders interviewed.

Insufficient Incentives for Environmentally Sensitive and Sustainable Development

Many cities around the United States are taking measures to encourage sustainable development because its benefits are numerous, affecting not only the environment but also residents' quality of life and business productivity. The City does provide incentives for installing solar panels through the Solar Rebate Program and does require landscaping in certain types of development. There should be additional sustainable incentives in the code. Maricopa has many options when considering a sustainability initiative, ranging from the simple encouragement of more useable open space, to requiring permeable landscaping, and to incentives for adherence to the standards of larger national movements, such as the Leadership in Energy and Environmental Design (LEED) green building certification program. The City also could build on Pinal County's recently completed Sustainable Pinal plan, which many Maricopa stakeholders applauded as a good initiative. Approaches to sustainable design are discussed more thoroughly in the recommendations, below.

By way of example, the City of Santa Monica is on the forefront of the municipal green building movement. The city ordinance requires that all new commercial buildings and large residential projects follow energy performance targets that go beyond California's requirements. Programs are in place, such as a priority plan check system, that encourage all new residential development and redevelopment to follow prescriptive energy-saving measures. The city guides developers through the process with their comprehensive Green Building Program, which offers an extensive database of information, including a web based guide on the City's Green Building requirements, guidelines, case studies, and resource links.

RECOMMENDATIONS

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

The Rewrite could include formulation of design standards for residential and non-residential development that foster the type of character desired within various areas of the City. In urban and mixed use areas, the objective should be to have buildings enclose a street to provide an interesting and engaging front, and to make walking and shopping pleasurable. In suburban areas, by contrast, development has more of an auto-orientation, and landscaping would be important to screen parking areas and buffer pedestrian walkways from parking lots and from the street. Finally, in rural areas, the built form is much more informal, with deep setbacks and in some areas, stables and paddocks. Specific design controls that may be used for non-residential development include:

- Location of a building on a lot;

- Orientation of building entries;
- Transparency – pedestrian level windows offering views into buildings and displays;
- Requirements for architectural modulation to promote a variety of building forms;
- Limitations on blank walls;
- Screening of outside storage;
- Number of stories; minimum building height;
- Transitional requirements to improve the relation to adjoining sites;
- Pedestrian amenities and public gathering areas;
- Standards for drive-up and drive-through facilities;
- Connectivity within the site and to adjoining areas; and
- Location and screening of parking.

For larger projects, the City should require developers to submit plans showing how individual buildings within subdivisions, for example, will have a variety of housing types and how details on street-facing facades, front doors, porches, stoops and verandas, windows, roofs, landscaping, building materials and color will be addressed. Design guidelines also may be required for land development where buildings may be constructed by others to ensure a proper arrangement of buildings and sensitive site planning and architectural design.

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

A 'one-size-fits-all' rule of landscape requirements may not be the best option for Maricopa. Perimeter landscaping and foundation planting requirements should vary depending on the character or type of development proposed. There could be alternative landscape requirements each with specified standards for percentage of landscaped area and plant quantities, sizes and types. Further, the code should retain sufficient flexibility for the creative use of native or drought-tolerant planting, and have permeability requirements to ensure the long-term health and upkeep of landscaped areas.

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

Instead of listing outdoor space as a design option, the City should require usable outdoor living area in all multi-family development, consistent with the Parks and Open Space policies of the General Plan. Providing balconies or patios or usable common open space with resident amenities can meet this requirement. The numerical standard can vary according to the density of development and whether the outdoor living area is private or shared, possibly ranging from 200 square feet per unit in a low- to medium-density project to 60 square feet per unit in a high-density project in the town center. Excessive open space requirements, mentioned by stakeholders, should not be imposed.

4-D Provide Incentives for Sustainable Design

The County recently completed a report on *Sustainable Pinal – Its Where You Want to Be*, containing a broad range of recommendations, including energy conservation in new homes and

commercial/office/industrial projects, green electricity production, water conservation and heat island management. Green building performance standards, water conservation and building criteria, parking design standards and landscaping provisions could be integrated into Maricopa's Zoning Code. Whether the City wants to establish specific requirements that are keyed to LEED standards or other third-party certification programs, or have a more general approach, possibly integrated with a bonus/incentive program or priority processing based on compliance with a LEED rating (e.g., "Silver" or higher) or alternatives could be explored. The County's work is an excellent starting point.

Scottsdale offers some good models on promoting green buildings that may be worth emulating. Marin County, in California, has become a national leader in promoting sustainability through energy efficient building, and its experience is exemplary of one way that Maricopa might envision such a program. Marin County has established the BEST program,¹ which exists to enhance energy efficiency and conservation in residential, commercial, and community facilities. Under the BEST program an extensive database of green building resources is available and building checklists and technical assistance for residents and businesses is offered at no cost. The County has established an Energy Efficient Building Incentive Program that includes waivers of fees, fast track permit processing, design review waiver opportunities, and over the counter permitting approval for solar installations. Additionally, Marin County has adopted a Single Family Dwelling Energy Efficiency Ordinance, which requires dwellings greater than 3,500 square feet to meet specific energy efficiency standards.

¹ Marin County also has the Solar Energy Project and the Green Business Project run by their Sustainability Team, more information on these programs can be found at <http://www.co.marin.ca.us/depts/CD/main/comdev/advance/sustainability.cfm>.

Recommendation No. 5: Promoting Housing Variety and Choice

The future of Maricopa is closely tied to the type and quality of housing that is developed in the coming years. The 2006 General Plan anticipated a 2025 population of 350,000. New residents will require the creation of more than 130,000 new housing units, a substantial increase over the current stock. One of the greatest challenges for Maricopa in the following decades will be to provide enough housing to meet these needs without compromising the quality and cohesiveness of its residential neighborhoods. Through design and development standards and incentives targeted to attract diverse and well-designed projects, Maricopa can ensure that its housing stock is sufficient and meets the needs of all segments of its population.

CURRENT HOUSING POLICY

Maricopa's Zoning Code establishes six base residential districts, but only four are shown on the zoning map. Less than one acre is zoned for multi-family residences; all of the other residential land is designated for single-family residential or rural uses. The non-residential zones do not permit housing, nor do they include mixed use development options. Of the residential districts, three are single-family zones with varying minimum lot sizes (from 7,000 to 20,000 square feet). The multifamily zones do not include densities; in the CR-4 zone, the limit is four family units per lot, while in the CR-5 zone, the density is limited for all practical purposes by building height (30 feet), and includes required parking and yards. Single-family uses are permitted in the multifamily zones, but all multifamily development, including duplexes and town homes, is prohibited in single-family zones. Additionally, limited residential uses are permitted in the agricultural and general rural zones.

Maricopa's existing housing stock offers no diversity in building type(s). Nearly all of the current residential units are single-family detached, with some attached homes in PADs and some manufactured homes. This very limited distribution of housing types does not provide the framework for housing for all segments of the community that the City wishes to promote. Lastly, there are no incentives for affordable housing, and the inclusion of this type of housing will help attract development to Maricopa.

THE ISSUES

This section describes how current zoning regulations present obstacles to achieving Maricopa's housing goals delineated in the General Plan.

Lack of Housing Variety

Maricopa's current housing regulations generally do not allow for a mixture of different scales of housing in appropriate locations, nor do they facilitate the development of certain types of housing that contribute to affordability. Because Maricopa's residential districts are of only two types—single-family and multifamily—there is no district for a transitional scale that would allow single-family units mixed with lower density multifamily units. This type of district is important not only for ensuring smooth transitions in physical bulk, but also for providing opportunities for multifamily housing at lower costs.

The current code also does not provide sufficient opportunity for alternative housing design. With a minimum lot size of 7,000 square feet for the CR-3 single-residence zone, the code does not expressly permit small-lot or zero lot line development, although these types of developments are sometimes approved

through a PAD. As its housing needs grow, the City may wish to encourage this type of design more aggressively in order to accommodate increased spatial demands as well as market demands.

Aging Stock of Residential Buildings

The aging of Maricopa's older homes, including manufactured homes, will continue to cause a number of problems for the City if no steps are taken to rehabilitate them. As these units continue to age, they will be subject to further deterioration. The code prevents the rehabilitation and upgrade of older homes because it requires them to comply with all current zoning and building code requirements (e.g. sprinkling and fire safety). Currently, variances can be granted to allow deviations from standard requirements, particularly where modern standards create nonconforming site conditions (e.g., parking requirements or setbacks). While a variance resolves the legal status of these buildings, however, it does not materially improve site conditions and provides a disincentive to their upkeep due to the money and time involved to perform even minor alterations. The City should consider adopting regulations that encourage appropriate physical improvements to manufactured homes while continuing its practice of granting variances to avoid the creation of nonconforming sites.

RECOMMENDATIONS

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

Maricopa can take a variety of steps toward promoting a greater mix of housing types at all densities. One way to accomplish this is to allow more flexibility in density in transitional areas, a policy that Portland, Oregon has successfully implemented. Portland permits duplexes on corner lots in single-family zones as long as each unit faces a different street, and it also allows one additional unit on any residential lot abutting a commercial lot. Portland also promotes development of live/work units. By creating a framework for flexibility in housing size and design, Portland has been able to supplement its housing supply with a diverse range of typologies while maintaining the prevailing characteristics of its existing residential areas.

Austin, Texas, has implemented a more permissive policy for mixing housing types through its recent infill initiative. In a few specified residential zoning districts, this provision allows the creation of additional units within the existing residential fabric where space permits. The ordinance permits infill development to take a variety of forms, including single-family houses, duplexes, and multifamily buildings, and even allows a handful of small-scale commercial activities as long as those businesses are limited to 1,000 square feet per acre of infill development. There are specific development standards for each of these allowed infill uses, including adjusted setbacks and density standards, in order to ensure that the development is compatible with the surrounding neighborhood. There are requirements for infill projects to promote pedestrian activity, include "high quality" public open space, and distribution of bulk so that the new buildings are compatible with any adjacent single-family residential uses.

Maricopa should consider adapting these peer city policies as appropriate to its individual needs in order to meet the General Plan's goal of encouraging diverse types of housing, including live/work opportunities.

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

The City also should consider adopting a residential small-lot development district or include specific provisions for small-lot development within single residence zones. While the PAD option has been

used to allow this type of development, Maricopa should consider incorporating these provisions more formally into the code in order to encourage their development on a wider scale and to streamline the review process for it. This type of housing has become a standard option in the Phoenix metropolitan area. The code could allow subdivision to enable small-lot development, as in the City of Los Angeles, where lots as small as 600 square feet are allowed under this provision. Small-lot development could be especially useful in areas with an abundance of irregular lots, including long, narrow lots or other odd shapes. The code's development standards might provide the option of consolidating long narrow lots with a joint setback as a unified development and to allow zero setbacks between individual units in a townhouse style.

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

The City should consider adopting additional regulations to promote the creation of more housing choice with a density bonus program. At the moment, the City does not provide any voluntary program for the creation of a diverse range housing with density bonuses. The City may wish to adopt an incentive program to ensure that local development is satisfying the need for a range of housing units.

Several incentives might be included in a voluntary program. The typical incentive involves a density and/or height concession in proportion to the number of units provided at various density ranges or for a range of housing types. Density bonuses could be given for the creation of senior housing or for people with special needs. In addition, fast track processing of applications could be offered for projects with a minimum number of attached units. The City might also consider identifying other development standards, such as required parking, that could be reduced as part of an incentive package, provided transit or para-transit services were available or the community was walkable, and the need for two cars was reduced as a result.

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

The deterioration of older residential areas, including manufactured homes and trailers, will be a problem for Maricopa in the near future. Without the proper maintenance and upgrades the deterioration of these structures can contribute to decreased property values. As these structures continue to grow older, the City needs to find the right balance between encouraging maintenance and physical upgrades and not imposing undue cost burdens on the residents of these areas. Maricopa should consider encouraging upgrades to units through a staff-level review process, while balancing these changes with the option of granting variances to avoid nonconformities where upgrades are not possible.

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Recommendation No. 6: Supporting Economic Growth

Ensuring the long term economic growth and employment opportunities is of primary importance to Maricopa. In order to secure continuing economic vitality, regulations should promote the steady creation of new jobs to maintain a strong and diversified economy and to allow residents better access to local employment. This section discusses current challenges facing economic development and presents strategies for encouraging new industry, “non-traditional” and targeted commercial growth.

Maricopa’s economy holds a great deal of promise for the future. The City has two key factors that enhance its attractiveness to business: a swiftly growing population—contributing to a sizeable work force—and large amounts of available land in growing areas of the city, including the Williams Gateway area and the rapidly expanding northeast corner near Loop 202. In addition to the town center’s envisioned urban village, these elements provide the framework for healthy economic growth as the City continues to expand. Through well-crafted regulations, the zoning code can maximize the City’s economic development potential and ensure that growth does not create undue impacts on its neighbors.

EXISTING REGULATION OF ECONOMIC ACTIVITY

Currently, Maricopa has three commercial districts (CB-1 Local Business Zone, CB-2 General Business Zone and the CI-B Industrial Buffer), two industrial districts (CI-1 Light Industrial and Warehouse Zone and CI-2 General Industrial Zone) and the TR Transitional Zone, which provide the framework for all economic activity in the City. These districts are cumulative (e.g., CB-2 incorporates use regulations of CB-1) and follow a hierarchy of allowed uses, with the most intense uses allowed in the CI-2 zone.

Because of the limited number of local jobs available, many residents continue to commute outside of Maricopa for their jobs. A key goal to ensure economic health and future development of Maricopa will be to provide appropriate incentives for job-generating uses and encouraging the most productive use of economically productive land. The City’s General Plan outlines a number of strategies for carrying out its economic development policies, reflecting the following recommendations:

- Creating a balanced and diverse economy is a central theme. Among preferred economic activities are research and development, manufacturing, biotech industries, alternative energy research and development, and tourism. Developing alternative technologies, including geothermal and solar energy applications for agriculture, may be well suited to Maricopa.
- Economic development efforts should include manufacturing and more. Any activity, which brings new money into the community, is an appropriate focus for economic development. “Non-traditional” options include tourism and retirement.

THE ISSUES

Maricopa’s Bedroom Community

The number and type of jobs in Maricopa is a matter of concern among many residents and city officials. Currently, Maricopa has a much higher concentration of residential uses than employment and tax-generating uses. This fact has led to the common observation that the city is primarily a bedroom community, with residents commuting to other Valley cities to work. Beyond the missed economic opportunities inherent in this situation, the city is hurt by this trend in a number of ways. It hinders small business development in the

area, because workers frequent restaurants and shops in other cities near their places of employment. The daily outflow of population further complicates the creation of an urban environment, because the city lacks the critical mass of people necessary during the day to populate its streets and neighborhoods.

A Lack of Real Mixed Use

Maricopa's Zoning Code provides few opportunities for true mixed use development. In commercial zones, residential uses are not allowed, and no standards for mixed use development are established. The Heritage District design guidelines envision a mix of residential and small office uses, but "by right" zoning has not been established in the area. Further, no provisions exist for neighborhood-scale mixed uses in the code.

RECOMMENDATIONS

6-A Provide Incentives for Job-Generating Uses

In order to help bring the City's total jobs into balance with its housing, Maricopa should take steps to attract businesses and industry with a high ratio of employees to floor space. The City could provide incentives for this type of use by allowing targeted industry to receive priority application processing or set time limits that the City can spend considering applications for this type of development. A more comprehensive approach might include creating a general "employment" use classification that includes targeted industries. The code would then permit this use wider freedom in location, design, and development standards. By doing this, Maricopa will increase its ability to compete with other regional cities for jobs.

6-B Allow Limited Commercial Development in Appropriate Residential Districts

Many neighborhoods in Maricopa could benefit from small-scale commercial development and neighborhood-serving uses that serves local needs, such as day care facilities and local schools. Currently, these types of land use are not allowed in residential zones, but Maricopa should consider allowing low-intensity commercial and institutional uses in some of these districts. Commercial activity might be limited to edges of neighborhoods or in villages, or on corner lots on collector or arterial roads with appropriate buffering requirements to ensure that it will be a good neighbor to surrounding properties.

By allowing small commercial development in these districts, Maricopa could both provide a new avenue for economic growth and enhance the accessibility of commercial properties for many residents in the area. Highway commercial frontage then can be reserved for retail space. Day care centers and schools do not belong in shopping centers. Small-scale, local-serving commercial properties are ideal for small businesses, so mixed use zoning would expand income opportunities for the City's residents. Local-serving commercial uses would also allow residents and employees to walk or bike to their destinations more often, having a beneficial impact on local traffic and environmental conditions.

6-C Create Mixed use Districts

In addition to the low-intensity mix of uses described in the previous recommendation, the City should create a true mixed use district outside of the Heritage District that allows ground floor retail with residential uses above. To ensure that mixed use development actually occurs, the City could impose additional standards in this district requiring ground floor retail. This mixed use district would allow "by right" development with site plan review; PAD zoning would not be required.

6-D Create a Planned Development Base District

While the subdivision ordinance has detailed requirements for PADs, the PAD overlay district in the Zoning Code may not be allowing the level of flexibility or creativity that is desirable in a planned development district. The City has a policy of applying the more restrictive requirements, which may not always be appropriate, or offer desired flexibility. Because the overlay must be applied to an existing base district, the underlying regulations of that base district still apply. Maricopa could create a new “floating zone” – a planned development base district and, for larger sites, a planned community district, in order to allow for additional flexibility in land use and site planning. Such a district(s) would have no specific use or design standards, but would allow for innovative design proposals approved through a Conditional Use Permit. The City could then apply this district to areas of strategic importance or to larger sites with special needs to encourage integrated, well-designed projects. This would be an option for those with existing PAD zoning, but not a requirement. Maricopa could make the adoption of this provision a priority in order to facilitate major upcoming projects, where pre-2008 PAD approvals may not fit with current market demands for housing.

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

Although Arizona law authorizes municipalities to establish procedures for the adoption of specific plans that include strategies for providing necessary infrastructure and to enter into development agreements that entitle a property owner to development consistent with a specific plan in exchange for the provision of infrastructure and other benefits. Maricopa does not currently incorporate these procedures into its Zoning Code. It does have provisions in the subdivision regulations for Planned Area Development (PADs), which are quite detailed. At the minimum, Maricopa should clearly specify in the zoning ordinance rewrite that development agreements can establish separate development standards for specific plan areas. Development agreements and specific plans can play a significant role in attracting large employers to the City, as they allow greater development flexibility in exchange for the provision of basic public amenities such as roads, infrastructure, and community benefits. These requirements also will need to be coordinated with annexation procedures.

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Other Issues

In addition to the broad categories covered in previous sections, the Zoning Code Rewrite can address a number of narrower concerns raised by the needs of particular areas, uses, and segments of the population. This section looks at how the Rewrite can integrate policies that support efficient transit systems, address environmental quality, and ensure adequate provisions regarding State and federally protected uses. Although these issues did not fall within the scope of the previous sections, the concerns raised here are important for ensuring that the revised zoning code meets all goals of the General Plan and is equitable, legally sound, and consistent with applicable regional policies.

ENVIRONMENTAL QUALITY

Light Pollution

The City adopted a Light Pollution Code shortly after incorporation. Most stakeholders applauded these controls but requested that some provisions be re-considered in the context of emerging technologies, crime prevention and safety, and specific needs in mixed use districts.

The Light Pollution Code has eliminated the spillover of light from new development onto adjacent properties to the greatest extent possible. Specific numerical limits are placed on exterior illumination levels to aid enforcement and ensure consistent application in all areas of the city.

The rationale for having a “dark sky” program to regulate maximum light levels throughout the city is straightforward. A dark sky program can have many desirable effects, including the following:

- Control of glare that can create safety hazards or nuisances;
- Preservation of a visible night sky;
- Maintenance of conditions that do not interfere with wildlife navigation and reproduction; and
- Conservation of energy.

As communities have learned from adopted versions of these ordinances, the International Dark-Sky Association (IDA) has generated a number of helpful policy recommendations regarding the regulation of illumination levels and many jurisdictions in Arizona have refined them to meet their local needs. In general, the IDA recommends five lighting zones with gradations of luminance standards. The most restrictive zone, reserved for wildlife habitats, rural areas, and other “intrinsically dark landscapes,” is subject to rigid lighting controls, including strict maximum output levels² and “light curfews.” In the least restrictive zone, reserved for major urban areas, it may be appropriate to remove or relax some or all of these regulations. Maricopa may want to make minor technical refinements of its light pollution control program, which would still preserve the natural character of its rural and undeveloped areas, while also providing security lighting as needed for crime prevention and community safety.

² Output levels may be regulated in lumens or watts per square foot of lighted area. The IDA notes that watts are a more commonly understood and more easily measured—and thus more easily enforceable—standard. However, when using watts as a standard of measurement, resulting illumination levels may vary considerably with the energy efficiency of individual bulbs. It thus may be advisable to regulate in lumens per square foot to achieve consistent results.

Solar Technology

The use of solar technology for the generation of electricity, lighting, and heating buildings is a central principle of green building. Incorporating solar technology can help implement sustainability goals as well. The City is fairly permissive, but the current Zoning Code does not have detailed provisions to regulate the installation of solar panels and other technology systems nor does it recognize that these systems may need to project above height limits in some cases. Standards for a “right to light” and solar easement rules also could be incorporated. . The Zoning Code should include regulations to allow the incorporation of solar panels into development plans without height variances.

PROTECTED USES

Arizona law grants cities and counties relatively broad discretion in the regulation of land uses and development, and the Federal courts and United States Congress have, for the most part, left land use and environmental regulation up to state and local government. There are, however, some important exceptions to this approach. If local regulations conflict with federal law, pursuant to the supremacy clause of the United State Constitution, then local laws are preempted. In some cases, both Congress and the State have identified matters of critical concern that limit the authority of local Arizona municipalities.

This section discusses some of these protected uses, applicable rules, and potential issues that should be addressed as part of the Zoning Code Rewrite Project.

- *Religious uses* (Federal Religious Land Use and Institutionalized Persons Act of 2000, ARS 41-1493 et. seq.)
- *Housing for persons with disabilities* (Federal Fair Housing Act Amendments of 1988, Americans with Disabilities Act, Arizonans With Disabilities Act of 1992, ARS 9-499.02; 41-1492 et seq.)
- *Telecommunications* (Federal Communications Act of 1996)
- *Educational Institutions* (ARS 9-461.05.E.5)

Religious Uses

The Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) requires public agencies to demonstrate a compelling government interest and to use the least restrictive means when making a land use decision that imposes a substantial burden on religious exercise. The Federal Courts have ruled that requiring a church to apply for a conditional use permit, submit information needed to conduct zoning review, or obtain a rezone is, in most cases, not considered to be a “substantial burden” on religious exercise. Local agencies that impose limitations on where religious uses may locate or impose requirements that the applicant considers “burdensome” may, however, be sued in Federal court and, if found in violation of the law, subject to financial penalties. The enactment of RLUIPA followed a decision by the United States Supreme Court ruling that a previous Federal law, the Religious Freedom Restoration Act of 1993, exceeded Congress’ power to enforce the Constitution. In the wake of this decision, Arizona and several other states adopted their own statutes to protect religious uses from burdensome state and local laws.

The Arizona Free Exercise of Religion Act State law imposes comparable restrictions on local agencies requiring a determination that laws, rules, and other actions that substantially burden the exercise of religion further a compelling governmental interest and represent the least restrictive means of furthering that interest. (ARS 41-1493.01) Like RLUIPA, which Congress adopted following the Supreme Court decision, the State statute provides a judicial remedy to obtain relief. The State law appears, however, to require a lower

threshold than RLUIPA. It states that, "Free exercise of religion is a fundamental right that applies in this state even if laws, rules or other government actions are facially neutral." Moreover, because one of the most difficult aspects of regulating religious uses is determining whether the adoption or application of a regulation imposes a substantial burden, the Arizona statute also attempts to clarify its intent by explaining "the term substantially burden is intended solely to ensure that this article is not triggered by trivial, technical or de minimis infractions." (ARS 41-1493.01(E)). In contrast, Federal courts have ruled that to impose a substantial burden under RLUIPA a government action "must place more than inconvenience on religious exercise...[F]or a land use regulation to impose a 'substantial burden,' it must be 'oppressive' to a 'significantly great' extent. That is, a 'substantial burden' on 'religious exercise' must impose a significantly great restriction or onus upon such exercise." *San Jose Christian Coll. v. City of Morgan Hill*, 360 F.3d 1024, 1034 (9th Cir.2004))

Maricopa's current code permits religious assembly uses in all districts subject to compliance with applicable design guidelines, landscaping and screening requirements, and setback standards. Accessory religious uses are permitted on the same lot as a church or on a contiguous parcel. The code defines "church" to include "limited accessory uses generally associated" with buildings and structures intended for conducting organized religious services. The code stipulates that a Conditional Use Permit is required for athletic facilities and daycare centers operated in conjunction with a church but does not explicitly exclude some other activities that churches may operate such as schools and social service programs.

By defining homeless shelters, charity dining facilities, and rescue missions as "social service facilities", the existing code suggests, but does not explicitly state, that the operation of such uses within church premises are not considered religious activities and would require separate approval. It is important to ensure that the City makes adequate provision for social and community services such as homeless shelters and food programs because some religious organizations and their supporters have argued that these activities, which have been traditionally provided by religious institutions, are also protected by the Federal law. The City must also ensure that it complies with RLUIPA's equal terms provision by treating religious uses and secular uses with similar land use characteristics, such as other membership assemblies for private schools, in the same manner. See *Centro Familiar v. City of Yuma*, 651 F.3d (9th Cir.2011).

Local agencies must also be wary of requirements or conditions that restrict the number of worshippers, hours of operation or otherwise "burden" religious practice. Design review requirements should also not be applied to religious uses in a way that may conflict with religious values or precepts that are embodied in certain symbols or designs. The current code's exceptions to height limits minimize potential conflicts by exempting church spires but require Design Review Board approval for granting exceptions for other features such as domes or cupolas.

Housing for Persons with Disabilities

Various provisions in both Federal and State law limit the authority of local agencies to regulate facilities for mentally and physically handicapped persons. In 1988, Congress extended the 1968 Fair Housing Act's prohibitions against housing discrimination to include discrimination on the basis of handicap or familial status (families with children). The Federal Fair Housing Act Amendments (FHAA) defined "handicapped" to include persons with physical or mental disabilities and recovering alcoholics and drug addicts. The FHAA not only prevents communities from discriminating against handicapped individuals but also requires "reasonable accommodations in rules policies, practices, or services, when such accommodations are necessary to afford [handicapped persons an] equal opportunity to use and enjoy a dwelling." The Arizona Fair Housing Act brought the State law into conformance with the Federal Fair Housing Amendments Act of

1988. Similarly, the Arizonaans with Disabilities Act of 1992 (ARS 9-499.02; 41-1492 et seq.) reinforces provisions of the comparable federal statute.

The U.S. Supreme Court has ruled that a zoning ordinance that defined a “family” to exclude a group of more than five persons who are not related by genetics, adoption, or marriage was an unreasonable restriction on maximum occupancy that could not be used to exclude a group home for 10 to 12 recovering alcoholics and drug addicts from a single-family residential zone. *City of Edmonds v Oxford House, Inc.* 514 US 725, 131 L Ed 2d 801, 115 S Ct 1776(1995).

Maricopa’s existing code allows residential facilities for developmentally disabled persons and licensed and unlicensed group homes for the disabled with up to ten residents plus staff in all residential districts as long as they are separated from an existing group home by 1,200 feet or a significant physical feature such as an arterial street or park. While the spacing requirements may limit housing choices, they support the objective of dispersing housing throughout the community. There are no cases in Arizona that found a city in violation of the FHAA because of spacing requirements for group homes. Courts in other states have, however, found the refusal of a local community to grant an exception to this spacing requirement to be a violation of the reasonable accommodation requirements of the FHAA.

Maricopa’s Zoning Code currently allows larger group homes, assisted living facilities, hospitals, and convalescent homes in multi-family districts with a Conditional Use Permit. Supervised living facilities and substance abuse treatment facilities may be established in multi-family districts subject to approval of a Council Use Permit. Residential facilities for the developmentally disabled, group homes for the disabled, and adult care homes are also permitted in the Town Center residential districts.

The code’s definition of “group home for the handicapped” includes adult care homes, homes for the chronically mentally ill, and similar residential living arrangements for disabled persons but does not include homes for the developmentally disabled, nursing homes, and substance abuse facilities. The code also includes a definition for “assisted living facility”, which does not include group homes for the disabled or adult care homes. Maricopa’s provisions regarding such facilities appear to conform to both Federal and state law but may be confusing to all but the most well-informed code-users because of terminology. Ideally, the code should use the same terminology and definitions as the State statute and provide whatever clarification may be needed to demonstrate compliance with the Federal law as well. The City should also be aware of the potential for conflict with Federal law when a facility protected by the FHAA is subject to the City’s citizen participation process. While neighbors’ comments about the future residents of a facility are protected by the First Amendment of the U.S. Constitution, the City’s denial of a discretionary permit may be subject to challenge if it can be shown that the action was a result of such comments. *White v. Lee*, 227 F3d 1214 (9th Cir 2000).

State law distinguishes between licensed residential facilities serving developmentally disabled persons and other types of group homes and supervisory care facilities requiring local agencies to regulate licensed residential facilities serving up to six developmentally disabled persons plus support staff necessary to assist residents as a single family residential use. (ARS 36-582) The Federal law, however, provides broader protection. Under the FHAA, in-patient and out-patient facilities licensed to treat persons with mental disabilities or substance abuse problems must be regulated in the same manner as properties used for treatment of general medical patients.

The Federal and State requirements for accommodating individuals with disabilities also dictate that municipalities establish procedures to allow modification of setback requirements and other standards that may preclude alterations to make buildings accessible. Rather than requiring a property owner to go through the process of obtaining a variance, the code should explicitly state that an administrative waiver or

modification of such standards is available based on a determination of necessity under Federal and State disability laws. Like the Federal ADA, the Arizona act requires public agencies to make “reasonable modifications” to its policies, practices, and procedures when necessary. This might, for example, require modification to setbacks to allow a ramp to extend closer to the front property line than would otherwise be permitted.

Telecommunications

Federal law imposes constraints on the ability of local agencies to use zoning and building regulations to regulate wireless telecommunications facilities on private property and in the public right-of-way and expressly preempts any state or local law that has the effect of prohibiting telecommunication. The Federal Telecommunications Act of 1996 preserves local zoning authority over decisions regarding the placement, construction, and modification of wireless facilities so long as it does not (1) unreasonably discriminate among providers of functionally equivalent services, or (2) prohibit or have the effect of prohibiting the provision of personal wire services and subject to a number of procedural requirements. Since 1996, the Federal courts have clarified the meaning of these provisions in scores of cases, which have, in some instances, further limited local regulation of telecommunications uses but in others have reinforced the regulatory role of local agencies. While some rulings have focused on HOW agencies implemented their regulations, rather than the content of the local ordinance, they suggest that incorporating more detailed procedural requirements could help to make the application of the local ordinance less susceptible to legal challenge.

In what was probably its most important recent decision on the issue, the court ruled against a provider who challenged San Diego County’s complex regulatory scheme on the grounds that it could potentially prohibit the provision of telecommunications services. The Federal court decided that the ordinance was not preempted because it did not expressly or in effect prohibit wireless services. *Sprint Telephony PCS v. County of San Diego* 543F3d 571 (9th Cir.2008) In another case, however, the same court found that a city improperly denied an application for a special use permit to construct a monopole because it failed to rebut the provider’s showing that its proposal constituted the least intrusive means of remedying a service gap as required by the Act. *T-Mobile USA, Inc. v. City of Anacortes* 572 F3d 987 (9th Cir.2009).

Maricopa’s Zoning Code permits non-commercial communication towers in agricultural and residential districts as long as they are not located in the front yard and comply with height and setback requirements. Commercial towers require approval of a Conditional Use Permit in agricultural and residential districts and to exceed permitted heights in the Town Center Business, Public Facilities, Commercial, and Industrial districts.

The code requires a finding that the approval of the proposed permit is compatible with surrounding uses and applicable plans and policies and provides for the imposition of conditions to ensure compatibility. The code itself does not establish any standards but refers the user to the Commercial Communication Tower Guidelines that the City adopted in 1997.

The Code Rewrite will provide an opportunity to review the guidelines, codify appropriate provisions, and develop additional standards and criteria to regulate telecommunications facilities. The ordinance could include incentives for co-location and “stealth” facilities and provisions that allow modification or waiver of standards when necessary to meet documented service needs. The codification of existing guidelines will also allow for review of provisions to ensure compliance with the body of case law that has accumulated during the decade since the City adopted the guidelines.

Several of the most recent court decisions regarding telecommunications facilities involve regulation of installations in the public right-of-way, a subject that the existing ordinance does not address but is likely to become relevant as wireless technology continues to change. After overturning one ordinance intended to protect the aesthetic character of public streets (*Sprint v. La Cañada Flintridge*, 435 F.3d 993 (9th Cir. 2006)), the same court upheld a similar regulation in another California city ruling finding that its consideration of aesthetics in denying a provider's application to construct two facilities in the public rights of way did not violate either Federal or state law *Sprint PCS Assets, LLC v. Palos Verdes Estates, et al.*, 583 F3d 716 (9th Cir. 2009).

Charter Schools and Community Colleges

As provided by State law, the City of Maricopa's General Plan 2006 includes a public buildings element "showing locations of civic and community centers, public schools, libraries...and other public buildings" as part of the mandated general plan (ARS 9-461.05.E.5). The Plan proposes coordination with the public school districts that serve Maricopa as well as Central Arizona College "to ensure land use compatibility surrounding existing and planned school sites." (*General Plan 2006*, p. 70).

Although the Plan does not specifically address charter schools, City staff anticipates that these facilities, which are a type of public school that can be sponsored by the State Board of Education, the State Board for Charter Schools or any local school district, will be an increasingly important component of Maricopa's educational infrastructure. Arizona has seen considerable growth in charter schools since the State adopted enabling legislation in 1994 (ARS 15-181 et seq.) Now, some municipalities and counties have expressed concern that charter schools may be locating in areas that are not appropriate for this type of use.

Existing State law requires that charter schools be considered public schools for the purposes of zoning and the assessment of zoning and other development review fees. (ARS Sec. 15-189.01 et seq.) The statute also stipulates that municipalities and counties must allow a charter school to be established and operate at any location or in any facility in which schools operated by school districts are not prohibited by the zoning regulations, with the exception that the ordinance may prohibit a charter school from operating in an existing single family residence that is located on property of less than an acre. State law also prohibits charter schools from operating within a quarter mile of agricultural land where toxic pesticides are applied.

State law does allow municipalities and counties to require charter schools to comply with the same requirements that would be applicable to a school that is operated by a school district. Some jurisdictions, including Mesa and Gilbert, have adopted zoning regulations applicable to public schools. Gilbert, for example, classifies both public and private schools as a Public Facility/Institutional (PF/I) use and requires a Conditional Use Permit for a school to locate at any site that is not on a collector or arterial. Schools may not be established in any single-family residential structure. Schools occupying five or more acres are subject to approval of a Conditional Use Permit (CUP) in any Commercial District and prohibited in Office Districts but smaller schools that meet the code's development standards may be established on collector or arterial streets in both districts by right. (Gilbert Land Development Code Table 2.303) Schools are prohibited in all Employment Districts Although the Gilbert Code, updated in 2005, does not make specific reference to charter schools, it defines schools, public or private, to encompass all public or private educational institutions offering a general course of study at primary, middle, or high school levels,

In contrast, the Flagstaff zoning code³, adopted in November, 2011, specifically defines charter school as “a public school established by contract with a district governing board, the state board of education or the state board for charter schools” to provide learning that will improve pupil achievement. For purposes of regulation, however, Flagstaff refers to “Schools-Public & Charter” as a single land use. Flagstaff permits public, charter, and private schools in all commercial districts but only allows public and charter schools in industrial zones.

SB 1103, introduced in the State legislature early in 2013, would specifically prohibit a municipality or county from enforcing any ordinance, procedure or process against a charter school that cannot legally be enforced against a school district. It would also state that voluntary compliance of a school district in the zoning regulations of a municipality or county would not give the jurisdiction the authority to apply the same zoning regulations to a charter school.

The League of Arizona Cities and Towns expressed concern that the bill as originally drafted would have eliminated public involvement and review but, as a result of an amendment adopted by the Senate Education Committee, is now neutral on the proposed legislation since the Senate Education Committee amended the bill to address the League’s chief issue about eliminating public involvement and review.⁴

Although there are some differences among municipalities as to how their zoning regulations address both public and charter schools, review of their ordinances suggests some approaches that should work for Maricopa:

- Classify schools as a type of public, semi-public, and/or institutional use;
- For purposes of regulation (e.g. in base district use and development regulations tables and schedules) identify “Schools, Public and Charter” as a distinct type of public/semi-public use;
- To encourage cooperation and compliance, provide sufficient appropriate locations for public and charter schools to operate;
- Impose development standards that are similar to or the same as those applicable to other public/semi-public uses in the same district but provide flexibility to allow construction that will meet the needs of educational institutions based on size and level of enrollment;
- Impose performance standards, including parking, that recognize the unique operating characteristics of schools;
- When discretionary review is necessary, provide for review at the staff level with expanded additional public notice.

Issues concerning the applicability of municipal zoning to public community colleges are similar to those regarding charter and public schools. State law requires State departments, agencies, boards or commissions intending to buy or develop land within a municipality to notify the affected municipality and “cooperate to the fullest extent possible to insure conformity with the adopted general plan”. (ARS Sec. 9-461.12) This provision establishes a basis for the City to adopt zoning regulations that would, at a minimum, identify areas where development of community college facilities would be appropriate.

³ City of Flagstaff, Zoning Code Home Page <http://www.flagstaff.az.gov/index.aspx?nid=1416> viewed 12 March 2013

⁴ League of Arizona Cities and Towns website <http://www.azleague.org/index.aspx?NID=157> viewed 12 March 2013.

PROTECTION OF PRIVATE PROPERTY RIGHTS

State law imposes a number of requirements on local agencies that augment Federal and state constitutional protections of the rights of property owners. The most important of these is probably the Private Property Rights Protection Act, which was enacted by Arizona voters in 2006 as Proposition 207 and has been codified as ARS 12-1134. The initiative amended State law to provide that a property owner is entitled to just compensation when a land use law approved by the state or a local jurisdiction reduces the fair market value of her property. The Act exempts a variety of laws intended to protect public health and safety, such as solid and hazardous waste regulations and regulation of alcohol sales and adult business, but is generally understood to apply to general and specific plans, zoning and subdivision regulations, designation of historic properties, and other legislative and adjudicative actions.

Prior to the enactment of the Act, existing law reaffirmed the U.S. Supreme Court's decisions in several key takings cases (ARS 9-500.13) and established provisions for challenging the adoption or amendment of any zoning regulation on the grounds that it violates those decisions and related State case law (ARS 9-500.12). Previously, Arizona courts balanced the various implications of a land use regulation, including economic impact, the type of regulation, public policies, and other relevant facts and circumstances, to determine whether a taking had occurred and compensation was owed. Arizona's Proposition 207 narrowed the definition of what constitutes a public purpose for eminent domain actions, and requires state and local governments to compensate landowners whenever land use regulations diminish property values and provides an additional means for property owners to obtain relief from local land use and development regulations. (ARS 12-1131 et. seq.) Because the act requires compensation for *any* (emphasis added) reduction in value, it goes farther than the series of Supreme Court decisions, which found that under Federal law, as a general rule, reductions in value that do not deny all economic use do not constitute a taking. See *Penn Central Transp. Co. v. City of New York*, 438 U.S. 104 (1978) et al.

The full implications of the Private Property Rights Protection Act are, as of yet, unclear. It is likely, however, that they will affect the zoning Rewrite process in at least two ways: (1) if any proposed revisions to the City's zoning ordinance trigger claims for compensation because of their potential to reduce property value, and (2) how the City should handle such claims as well as reduce its liability to future claims that may arise from implementation of the ordinance following adoption. Because the statutory changes give local agencies only 90 days to respond should a challenge arise, it is important that Maricopa use the Rewrite process to, at least, identify the key features of an appropriate procedure.

The question of whether future implementation of the ordinance could make the City susceptible to claims may be the more difficult of the two issues because it is difficult to anticipate market conditions over the life of the ordinance following adoption. Although it seems likely that property owners who believe the proposed enactment of the ordinance would reduce their property values will raise such concerns prior to adoption, giving the City an opportunity to make appropriate revisions to the draft, an owner who doesn't object could still file a claim, there may be future claims. Under the law, the statute of limitations on claims expires three years from the effective date of the law or its application to the property, whichever occurs later (ARS 12-1134 (G)). The law could also apply to the imposition of conditions through an adjudicative process such as approval of a land division, use permit, or variance. A property owner may file a demand for compensation if she believes that such action would diminish the value of her property. The landowner does not, however, need to submit a land use application, such as a request for a variance, in order to claim compensation. The new law further gives a landowner a cause of action if a land use law is still in place 90 days after the landowner makes a written demand for compensation. Moreover, the waiver is not personal to the owner who first challenged the regulation and, once approved, runs with the land.

The City may wish to consider procedures for granting additional forms of relief when necessary to reduce liability under these property rights provisions as well as other Federal and Arizona statutes intended to protect certain types of uses. Some jurisdictions have taken advantage of the provision allowing a government to reach agreements with property owners “to waive a claim for diminution in value regarding any proposed action by [the government] or action requested by the property owner” (ARS 12-1134 (I)). Phoenix, Scottsdale and Tempe have adopted ordinances that require owners applying for land use approval to sign an agreement stating that application of the jurisdiction’s land use laws will not reduce their properties’ value and acknowledging that as a condition of approval the city may impose requirements such as dedications and other conditions. The Arizona League of Cities and Towns has also recommended the use of waivers when property owners apply for rezoning or other actions requiring a legislative decision. Tempe also requires owners applying to designate their properties as historic to sign a waiver to avoid any potential for argument that the application of this zoning overlay to their property would constitute a “diminution in value” of the property as defined by the state law (Tempe City Code Chapter 14A) Such waivers must be used with caution because they seek a broad waiver for future land use actions that could possibly be characterized as a violation of the U.S. Supreme Court’s essential nexus test since they seek indemnity from all future rights under the State law, which would probably not be deemed proportional to the jurisdiction’s potential liability.⁵

REGULATORY REFORM

Improving local regulations to clarify permit requirements and streamline the permit review and approval process is an objective common to most zoning update projects. For Arizona cities and counties, as a result of legislation enacted during the 2011 session, such improvements are now a legal obligation as well.

SB 1598, codified as ARS Section 11-1602 in Title 41 of the Arizona Revised Statutes, created a “regulatory bill of rights” that requires local governments to establish and meet time frames for its permits and licenses, fully inform applicants of the requirements for obtaining approval, and comply with State-mandated rules for code compliance enforcement. Especially with respect to the time limits and notification requirements, the new requirements are similar to the State of California’s Permit Streamlining Act (California Government Code Section 65920 et seq.), which was originally enacted more than 30 years ago and is generally considered to have contributed to improvements to procedures in California. SB 1598 is based on similar set of requirements approved in the 1990’s that are applicable to State agencies.

The State law will primarily affect the administrative procedures of the Rewrite focusing on (1) licensing time frames; (2) additional licensing protections; and (3) inspection protocols.

Local governments are required to act on license applications within a predetermined time frame that must be divided into two consecutive phases:

- “Administrative review” segment to determine whether the application is complete, and
- “Substantive review” segment to determine whether to approve the license.

The State law does not specify the time allowed to process the application but only required each local government to establish such deadlines by December 30, 2012.

⁵ For further discussion on the use of waivers see Jeffrey L. Sparks, *Land Use Regulation in Arizona after the Private Property Rights Protection Act*, 51 Arizona Law Review: 211.

Cities must notify applicants of all procedural requirements at the start of the process. If the city denies the application it must provide written notification specifying the legal basis for the decision and advising the applicant of the procedures for appeal.

Issues and Options

The statute requires a city to determine whether a permit application is complete or not during the administrative completeness time frame. If the city fails to make this determination within established time limits, the permit is deemed complete regardless of deficiencies. Similarly during the substantive review period an application must be denied or approved within the established time frame or the permit fee will be refunded. The statute offers applicants only limited opportunities to supplement applications with additional material after submission and restricts changes to a permit application to responses made at the jurisdiction's request. Moreover, it appears that the law doesn't even allow changes proposed by an applicant. The result is that in order to change an application after it has been accepted the city must deny it and the applicant must reapply and pay another permit fee.

To address some of these issues, the City of Tucson has adopted an alternative so-called "Flexible Application Process" that allows applicants to sign an agreement waiving the right to claims against the City for violating the deadlines established in conformance with the law. The alternative process provides for multiple application conference and allows the applicant to propose multiple changes to facilitate permit approval without reapplication. The City still provides a written determination of the basis for denial and identifies applicable code provisions as required. Applicants also retain the right to request code clarification.

Another approach that some cities employ is to include a code provision that authorizes the Planning Director to issue interpretations of zoning requirement subject to appeal to the Planning Commission. In addition to complying with the State law, such a procedure would provide an opportunity to clarify issues that arise after the Rewrite is completed and establish a body of interpretations that could provide a basis for a more orderly approach to future updates when needed.

OTHER ISSUES

Community members have identified a number of specific uses, including adult businesses, alcohol sales, check cashing businesses, fast food restaurants, off-track betting, and smoke shops, that may be causing local problems due to inadequate design or performance standards to ensure land use compatibility. In the Rewrite, the City should consider adopting additional standards applicable to each of these uses in order to reduce their possible negative impacts on neighboring uses and better integrate them into the urban fabric. With some types of development, this may include limiting hours of operation, specifying minimum separations between individual establishments (e.g., check cashing businesses) or from sensitive receptors (e.g., alcohol sales near schools or parks). In other situations, the development problem might be adequately solved through heightened levels of community notification before the project is begun.

Next Steps

This *Diagnosis and Evaluation Working Paper* will serve as the starting point for the next phase of the Zoning Code Rewrite. Following the Planning & Zoning Workshop, an annotated outline of the new zoning code will be prepared. This document will have a very specific focus on the elements and structure of the new code, with particular attention to the following items:

- The proposed number, types, and purposes of new base zoning districts;
- The proposed overlay and special districts;
- The general purpose sections of the revised code, including definitions, supplemental standards applying in some or all districts, administration, and enforcement;
- The overall organization and numbering system, and procedures for amendments; and
- Graphic illustrations of selected standards and guidelines and review procedures (by title only).

The annotated outline will serve as the final preparatory document before the actual restructuring and revision of the zoning code begin.

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DYETT & BHATIA
Urban and Regional Planners

755 Sansome Street, Suite 400
San Francisco, California 94111
☎ 415 956 4300 📠 415 956 7315

ATTACHMENT D

Zoning Code Rewrite Task Force – **APPROVED** Meeting Minutes for 6/11/14

1.0: Call to Order	Ernest Whitehead called the meeting to order at 6:00 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, Linda Cheney, Phyllis VonFleckinger and Ryan Atwood. No current members were absent. Staff members present were Dana Burkhardt – Planning Consultant, Kazi Haque – Zoning Administrator, Rudy Lopez – Senior Planner, and Chief of Police, Steve Stahl. Please see attached sign-in sheet for a list of guests in attendance.
3.1: <u>Meeting Minutes from 5/7/14</u>	<p>Member Cheney expressed concern that the minutes did not reflect enough information on statements made at the 5/7/14 Task Force Meeting, and requested a continuance of the item and for staff to provide greater details of the discussion. Dana Burkhardt explained that the scope of the meeting minutes for a City Council Task Force Committee are limited to the recording of the motions and formal actions made by the Task Force. He further explained that the meeting audio was recorded and is available to the public.</p> <p>Councilwoman Chapados moved to approve the meeting minutes, seconded by Member Manfredi. Motion passed with an 8-2 vote to APPROVE the meeting minutes.</p>
<p>Agenda Item 4.1: <u>Zoning Code Final Draft Review Discussion of updates requested from 5/7/14 meeting.</u></p>	<p>Chairman Whitehead introduced the item. Planning Consultant Dana Burkhardt then gave an overview of the Staff memo which includes direction from the Task Force at the 5/7/14 meeting. The following updates to the draft Zoning Code are as follows:</p> <ol style="list-style-type: none"> 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) 5/8/14 recommendation from Heritage Advisory Committee to approve MU-H Zoning District language with direction 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. <p>Dana Burkhardt noted that additional public comment was received in the 24 hours prior to the meeting and those comments were distributed to the Task Force members. The Task Force then discussed each Series of the draft Code in consecutive order.</p> <p>Series 100: Member Cheney expressed concerns that existing approved PAD’s being grandfathered, Section 101.04 K, “What happens to an existing PAD Overlay if you have existing hard zoning property with an existing PAD Overlay and an owner requests to amend a portion of an existing PAD Overlay under the proposed new code, which would now be considered a “PAD District” (not an overlay as exists in the current code). Does the Overlay change to a PAD District?”. Dana Burkhardt responded that both options function the same and there are no intended changes to the overlay based on the new code procedures for a PAD District. The details of how</p>

	<p>a PAD Ordinance is written for such amendment will need to be explored at the time of an amendment request, but there is no intended change or affect to existing PAD Overlays or future amendments to those PAD's.</p> <p>Member Cheney stated that she shares the concerns out lined in the letter from Cameron Artigue of Gammage & Burnham, PLC dated June 10, 2014.</p> <p>Series 200: No Questions or discussion by the Task Force</p> <p>Series 300: Member Von Fleckinger requested that Off-Track Betting be removed from the prohibited uses in Article 302 TC Transportation Corridor Overlay. Task Force reviewed all of the prohibited uses and came to a consensus that only the Off-Track Betting be removed from the code, to allow within 150' of the Transportation Corridor Overlays. Task Force also came to consensus that General Industrial Uses within the TC Overlay may be permitted, however, the language should be modified to only allow the indoor portions of industrial uses and facilities, such as offices and parking be permitted within the first 150' as measured from the ROW line, all outdoor industrial uses and activities shall be located beyond 150' from the ROW.</p> <p>Task Force opposed the inclusion of Article 301 MLUP Master Land Use Plan required Overlay because it does not accomplish the stated purposes.</p> <p>Series 400: Article 402 Adequate Public Facilities is recommended for removal by the Task Force</p> <p>Series 500: Member Cheney requests staff review 502.11 B Permit and Approval Extensions. Task Force recommends to modify this code to delete "approvals" so the Zoning Administrator does not have the administrative authority to extend Zoning approvals that have not met the conditions of approval to develop in a timely manner, if such conditions exist; and, add language in 502.13, Revocation of Permits and Approvals, to reference statute for procedures for revoking or rescinding zoning approvals.</p> <p>Member Yocum requested the Tables 501.11, 502.06 and 502.13 be revised to be consistent in their descriptions of Major and Minor Development review permits, the Task Force supports this revision.</p> <p>Member Cheney recalled comments from public, Jackson Moll of HBACA, suggested to exclude a formal approval process for design review, such as a "Zoning Permit", for identifying approved standard home plans and elevations. Dana Burkhardt explained the City has an obligation to maintain records of permits and approvals and the zoning Permit is the most basic form of approval and clearance that the Development Services Dept. can issue.</p> <p>Member Cheney requested a discussion on the procedures for rezoning of properties after Annexation, in response to a letter of concern received from a developer, Scott Cole. Dana Burkhardt recommended the deletion of the language included in 511.03 B and revise to reference the statute requiring cities to rezone annexed properties.</p>
<p>Agenda Item 4.2: <u>Zoning Code Final</u> <u>Draft Review Public</u> <u>Comment</u></p>	<p>Chairman Whitehead introduced the item and opened the meeting up for public comment.</p> <p>Scott Cole, represents two projects: Hartman Ranch w/in the City & Santa Cruz Ranch which would like to annex to Maricopa. He mentioned 3 areas of the draft code that need further revision before going forward to P&Z:</p> <ol style="list-style-type: none"> 1) Annexation Section that was just discussed with an additional concern

- 2) Expiration dates for new zoning cases and pre-plats;
- 3) Grandfathering existing projects within the city which have received zoning and how the new draft code affects them

Mr. Cole stated that the draft code contains major economic disincentives. Regarding his concern for annexation rezoning timeframes, – the requirement to rezone property within 6 months of annexation has been addressed. Does this mean that the City has to scrap the existing County Zoning after annexation and adopt City Zoning?

His second concern is that being a young City, Maricopa has to try harder to be welcoming to new development to attract projects to move the city in the direction it would like. Home builders want to purchase entitled projects ready to go for construction, without “time bombs” or potential for expiration due to project inactivity. The only time projects should be required to be redesigned or updated is to meet new hydrology, traffic, or life safety issues. Basic core zoning (PAD’s) should be intact and not expire. “It needs to be easier here than in other communities and not have time stipulations.”

Mr. Coles third concern is for projects with existing entitlements. If a developer wants to request an extension of a preliminary plat or existing PAD under the new code, they have to run through the new code to determine what changes need to be made to the existing plans. There should be a new section in the new code that affirmatively grandfathers existing zoning without the application of any new codes or at least the core provisions. Staff has legitimate concerns that things change and things need to be updated such as traffic reports and this should be specified in the new code. Mr. Cole stated that the City should lengthen the period of time of expirations for preliminary plats.

New zoning cases and existing zoning cases time stipulations should be revisited. A new Zoning code should not necessarily rezone existing projects. If there are time stipulations in the code, the presumption should be that the projects will receive an extension if they have to request such an extension.

Member Cheney and Scott Cole explained that the rules of transition section 101.06 are unfriendly to the development community and wish the provisions could be further reviewed.

Scott Cole believes there are more sections of the code that are equally unfair to existing approvals and believes that additional sections could be added to further establish rules for grandfathering existing zoning approvals.

Chris Webb, from Rose Law:

Thanks the Task Force for their efforts. Mr. Webb thinks we are really close, other than some things in Series 100 and Series 500 relate to pre-existing approvals. We are down to the issue of ambiguity as it relates to existing approvals and how they function under the new code. No one’s opposed to rules and regulations, but his issue is clarity and certainty for existing PAD’s and existing Preliminary Plats and how we treat those projects. There are specific sections in the code that need to be refined to eliminate confusion. If Task Force desires to pass this code on, he asks the Task Force include a recommendation to direct staff to further examine the specific language of how existing PAD’s and preliminary plats are treated.

Kazi Haque, Zoning Administrator:

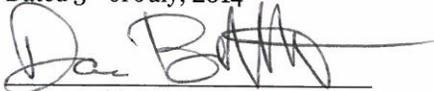
It would be very helpful to get some specific facts and figures from the development community of how other Cities treat similar requests. As an example, we are

	<p>reviewing Cortona and Eagle Shadow and processing extensions for projects originally approved in 2006.</p>
<p>Agenda Item 4.3: <u>Zoning Code Final</u> <u>Draft Review</u> <u>Discussion and Action</u></p>	<p>Chairman Whitehead introduced the next item, 4.3.</p> <p>Member Manfredi made a motion to move the Code forward to P&Z and Council with amendments discussed and further examination of 101.06 by staff before it goes to P&Z. The motion was seconded by Chairman Whitehead. The motion is to recommend the City Council approve the draft code with the amendments as follows:</p> <p>Recommended amendments to the June 2 Draft Code:</p> <ol style="list-style-type: none"> 1) Revise Article 302 to apply the TC Overlay to the first 150 feet of properties fronting John Wayne Parkway (SR 347), Smith Enke Road west of John Wayne Pkwy (SR 238), and Maricopa-Casa Grande Hwy unless requested by property owner to increase beyond 150 feet.; and Amend Section 302.04.A “Prohibited Uses”, by removing item 7, Off-Track Betting Establishments from the list of prohibited uses, and amend 302.04.A.2 - General Industrial Uses are permitted, however, only indoor business activities and uses, parking, landscaping, and other improvements and uses determined to meet the intent of this code by the Planning & Zoning Commission may occur within the Transportation Corridor Overlay. 2) Remove Article 301, Master Land Use Plan Required Overlay District, in its entirety, along with all references with in the Code. 3) Remove Article 402, Adequate Public Facilities, in its entirety, along with all references with in the Code. 4) Article 502.11 B. “Extensions”, delete the word “approval” in first sentence, and modify Article 502.13 “Revocation of Permits and Approvals” opening paragraph by inserting before the last sentence, the following: “Zoning revocation shall only be processed in the same manner prescribed by ARS 9-462.01E” 5) Amend Tables 501.11, 502.06 and 502.14 to consistently describe the criteria distinguishing a Major and Minor Development Review Permit by footnote within each respective table. 6) Article 511.03 B. “Zoning of Annexed Properties”, delete and replace existing text with reference to ARS provision for zoning annexed land (ARS 9-471 (L)) 7) Further exploration and clarification by staff of the Rules of Transitions for existing Preliminary Plats, Article 101.06 and provide recommendations to allow City Council to determine the time frames for extending existing approvals, as to not jeopardize an existing preliminary plat. <p>Member Cheney Motioned for an amendment to the amendment as follows:</p> <ol style="list-style-type: none"> 8) In addition to the review and further clarification of 101.06 Rules of Transitions for existing preliminary plats, provide further clarification and review to the language to grandfather existing Planned Area Development (PAD) Overlays. <p>Member Cheney’s amendment to the amendment was seconded by Member Yocum.</p>

	<p>Motion and amendments were APPROVED by a unanimous vote of the Task Force.</p>
<p>Agenda Item 5: <u>Adjournment</u></p>	<p>Chairman Whitehead Adjourned the meeting at 9:06PM</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 11th day of June 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated 3rd of July, 2014



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

ATTACHMENT E.1

MEMO

To: Planning & Zoning Commission
From: Dana Burkhardt, Planning Consultant
Date: June 23, 2014
RE: Zoning Code Final Review Draft Introduction & Discussion

The purpose of this agenda item is to provide a brief introduction of the Zoning Code Public Review Draft, including the process undertaken to date, and the formal recommendations of the Zoning Code Rewrite Task Force and Heritage District Advisory Committee. This agenda item is not scheduled for action. However, should the Commission reach consensus to offer direction on any aspects of the proposed code or process, the Commission may so direct. The following Commission meeting schedule is tentative and intended to provide the Commission with a framework for review and initiation of the draft Zoning Code for adoption:

- June 23 – Introduction of the draft Zoning Code, code development process, section highlights, and recommendations received thus far. Discuss the schedule for review and Public Hearings
- July 14 – Review and direction on Task Force recommended Amendments. Detailed review and discussion on topics concerning the Planning Commission. Recommendations from the Code Rewrite Consultant and staff. Direction to staff on updates to the code draft, which may include initiation of the Public Hearing Draft.
- July 28 – Remaining discussions and initiation of Public Hearing Draft (if not already initiated on July 14th). A minimum of one Public Hearing will be scheduled at time of initiation, to be advertised no sooner than 15 days prior to the public hearing.
- Aug. 18 – Public Hearing and discussion of the Public Hearing Draft Zoning Code

Additional meetings may be scheduled as necessary.

The Zoning Code Rewrite Task Force unanimously voted to recommend approval of the draft Zoning Code on June 11, 2014. The Task Force's recommendation for approval includes a total of eight amendments listed in attachment "A". The recommended amendments are in draft form, the Task Force will meet again to approve their final meeting minutes, at a time to be determined.

The Heritage Advisory Committee unanimously recommended the Planning & Zoning Commission and City Council approve the proposed "Mixed Use – Heritage" Overlay Zoning



District language, on May 8, 2014. 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.

HISTORY

The Zoning Code Rewrite process includes considerable public outreach, informational and working public meetings, and detailed analysis with stakeholders on key provisions of the Code. The rewrite began in January 2013 with initial stakeholder interviews and a public open house workshop. This initial outreach was culminated in the ***Diagnosis and Evaluation Working Paper*** which identifies the overarching issues provided from the public and stakeholders, and defines the high level goals for the City's new Zoning Code.

The Planning & Zoning Commission held a joint meeting with the Heritage Advisory Committee on April 22, where the bodies recommended the City Council accept the ***Diagnosis and Evaluation Working Paper***. On May 7th, 2013, the City Council accepted the paper as the primary directive for the new Zoning Code.

On February 5, 2013 the Mayor formed the Zoning Code Rewrite Task Force Committee to steer the consultant and staff in developing the draft code. The Task Force membership includes 12 members consisting of a broad cross section of the community, including five Board of Adjustment Members, two Planning & Zoning Commissioners, one Councilmember, two members from the real-estate and development community, and two active citizens.

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

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

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

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

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

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

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

Oct. 16, 2013 – Residential Development Standards & Arch Guidelines discussion
(Attachment B)

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

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

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

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

ATTACHMENT E.2

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ZONING CODE REWRITE

*Planning & Zoning Commission
Draft Code Introduction – Meeting 1*

June 23, 2014

PRESENTATION AGENDA

- 1. Overview of Rewrite Process and Public Outreach to date**
- 2. Conformance to General Plan, Existing Plans & Policies, and the Zoning Code Rewrite Diagnosis & Evaluation Working Paper**
- 3. Overview of Proposed Articles & Discussions**
- 4. Heritage Advisory Committee and Task Force Recommendations**
- 5. Tentative P&Z Commission Review Schedule**
- 6. Discussion**



1 Code Rewrite Process Overview

- **January 2013 - Initial Stakeholder Interviews, Open House Workshop**
- **Formation of Task Force / Steering Committee**
- **May 2013 - Diagnosis & Evaluation Working Paper accepted by Council**
- **June – October 2013 – TAC & Task Force Annotated Outline & Draft Module Reviews**
- **February – 1st Draft Code issued, Open Houses –**
- **March - June 2014 – Task Force Review and Discussion (& Heritage Advisory Committee)**
- **Recommendations of Approval to P&Z & City Council**

Next Steps: P&Z to request updates and initiate ordinance for public hearings; then forward a recommendation to City Council.

*** Future Zoning Map will be processed separately**



2 Conformance to Existing Plans & Policies

- **Code Rewrite Diagnosis & Evaluation Working Paper**
- **General Plan 2006**
- **Strategic Plan 2013 – 2016**
- **Redevelopment District Area Plan**
- **Zoning Code Amendments – Sign Code, WCF, Parking, and Citizen Participation Plan**
- **Subdivision Ordinance**
- **Parks, Trails and Open Space Master Plan**
- **Regional Transportation Plan Update 2008**
- **Zucker Report**



Diagnosis & Evaluation Recommendations:

- 1) *Making Zoning Easier to Understand*
- 2) *Streamlining Development Review and Approval*
- 3) *Addressing Mixed Use and Other Dev. Opportunities*
- 4) *Achieving a High Level of Design Quality and Sustainable Practices*
- 5) *Promoting Housing Variety and Choice*
- 6) *Supporting Economic Growth*



3 Overview of Articles

- **100 Series: Introductory Provisions**
- **200 Series: Base Zoning Districts**
- **300 Series: Overlay Zoning Districts**
- **400 Series: Regulations Applying to Multiple Districts**
- **500 Series: Administration and Permits**
- **600 Series: General Terms**



100 Series: Introductory Provisions

- **General Rules of Interpretation and Measurement, Authority of Code, and Rules of Transition for Existing land uses and approvals**
 - *101.06 Rules of Transition for existing approved projects is a concern of stakeholders, Task Force's recommendation includes amendment to further explore*



200 Series: Base Districts – Rural & Residential

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	
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	GR (min. 54,450 sq ft)	General Rural (GR)
				SR	SR (min. 3.30 ac)	Suburban Ranch (SR)
GR	General Rural (min. 1.25 acres)	Rural (R)	1 or less du/ac (min. 1 acre)	GR	GR (min. 54,450 sq ft)	General Rural (GR)
				SR	SR (min. 3.30 ac)	Suburban Ranch (SR)
Residential Districts						
RS-1	Single Unit, Low Density Residential (18,000 sf)	Low Density Residential (LDR)	1-2 du/ac	CR-1	CR-1 (min. 20,000 sq ft)	Single Family Residence (CR-1)
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-2	CR-2 (min. 12,000 sq ft)	Single Family Residence (CR-2)
RS-3	Single Unit, Medium Density (9,000 sf)	Medium Density Residential	2-6 du/ac		TR (10,000 sf lot min)	Transitional (CR-3 single family residential w/10,000 sf min lot size or a park, school or church use)
RS-4	Single Unit, Medium Density (7,000 sf)	Medium Density Residential	2-6 du/ac	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		NONE	
RM	Multiple Unit (7,000 sf & 6 to 12 un/ac)	High Density Residential	> 6 du/ac	CR-4	CR-4 (min. 7,000 sq ft)	Multiple Residence
					TR	Transitional (if developed as CR-4 multiple residence)
RH	High Density (7,000 sf & 12 to 20 un/ac)	High Density Residential	> 6 du/ac	CR-5	CR-5 (min.7,000 sq ft)	Multiple Residence
					TR	Transitional (if developed as CR-5 multiple residence)
RMHP	Residential Manufactured Home Park (2,500 sf & max 12 un/ac)	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



200 Series: Base Districts – Commercial & MU

DISTRICTS						
New Zoning Districts		Corresponding General Plan Land Use Designation, Densities and Potential Zoning(2)			Corresponding Existing Zoning District	
Map Symbol	Full Name	Land Use Name	Residential Density	Potential Zoning(3)	Map Symbol	Full Name
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-1	Local Business
				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	Local Business
				CB-2	CB-2	General Business
					TR	Transitional - office & medical



200 Series: Base Districts – Industrial

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	
Map Symbol	Full Name	Land Use Name	Residential Density	Potential Zoning(3)	Map Symbol	Full Name
					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
				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
LI	Light Industrial	Light Industrial	N/A		CB-2	General Business
					CI-B	Industrial Buffer



200 Series: Base Districts – OS & Institutional

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	
Map Symbol	Full Name	Land Use Name	Residential Density	Potential Zoning(3)	Map Symbol	Full Name
Open Space Districts & Public-Institutional District						
OS-PR	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-POS	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)



200 Series: Base Districts – PAD 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	
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 may alter the minimum lot sizes, set backs, coverage, building height & sometimes permitted uses.
Notes:						
<ol style="list-style-type: none"> 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. 2. As identified in the January 2006 General Plan Land Use Element, pages 19 - 25 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. 4. Properties zoned (including PAD Overlays) prior to adoption of this Code that desire to rezone to a comparable zoning district of this Code should consider the existing uses and Development Standards, such as lot size, setbacks, lot coverage, etc. to determine a new zoning district. 						



300 Series: Overlay Zoning Districts

- 301 MLUP Master Land Use Plan Required Overlay
(Task Force recommends removal)
- 302 TC Transportation Corridor Overlay
- 303 TOD Transit – Oriented Development Overlay
- 304 Mixed Use – Heritage Overlay



Series 400: Regs. Applying in Multiple Districts

- 401 – accessory structures, encroachment into setbacks, animal keeping, outdoor storage, screening, fences, loading areas, etc.
- 402 – Adequate Public Facilities **(Task Force recommends removal)**
- 403 Reserved
- 404 Landscaping
- 405 Lighting
- 406 Nonconforming Uses & Structures
- 407 On-Site Parking and Loading
- 408 Performance Standards
- 409 Signs
- 410 Standards for Specific Uses
- 411 Sustainable development Incentive Program
- 412 Telecommunications Facilities



Series 500: Administration

- **Creation of “Hearing Officer” authority**
- **Incorporating the Heritage District Advisory Committee**
- **Formalizing the Technical Advisory Committee**



Series 500: Permits

Existing & Proposed Procedures Comparison

EXISTING PROCEDURES & REVIEW AUTHORITIES			
Application or Action	Advisory Body	Decision-Maker	Appeal Body
Zoning Clearance	n/a	Zoning Administrator	Board of Adjustment*
Administrative Use Permit	n/a	Zoning Administrator	Board of Adjustment
Conditional Use Permit	Planning & Zoning Commission	City Council	City Council
Temporary Use Permit	n/a	Zoning Administrator	Board of Adjustment
Site Plan Review (All proposed development other than single family residence)	Planning & Zoning Commission	City Council	Major: City Council Minor: Board of Adjustment
Changes to an Approved Development Review Permit	Major: Zoning Administrator Minor: n/a	Major: Planning & Zoning Commission Minor: Zoning Administrator	Major: City Council Minor: Board of Adjustment
Waiver from Dimensional Standards	n/a	Zoning Administrator	Board of Adjustment
Variances	Zoning Administrator	Board of Adjustment	Superior Court
Permit Revocation	Zoning Administrator	Original decision-making body	Original decision-making body
Site Plan Review in Heritage District	Heritage District Advisory Committee & Planning & Zoning Commission	City Council	Board of Adjustment
General Plan Text and Map Amendments	Planning & Zoning Commission	City Council	Superior Court
Zoning Code and Map Amendments	Planning & Zoning Commission	City Council	Superior Court
Planned Area Development Districts	Planning & Zoning Commission	City Council	Superior Court
Comprehensive Sign Plan	Planning & Zoning Commission	City Council	Board of Adjustment

TABLE 501.11: REVIEW AUTHORITIES				
Application or Action	Article	Advisory Body	Decision-Maker	Appeal Body
Zoning Permit	503	n/a	Zoning Administrator	Board of Adjustment*
Administrative Use Permit	504	n/a	Zoning Administrator	Board of Adjustment
Conditional Use Permit	504	Hearing Officer	Planning & Zoning Commission	City Council
Temporary Use Permit	504	n/a	Hearing Officer	Board of Adjustment
Development Review Permit <i>Major (5,000 square feet and above)</i> <i>Minor</i>	505	Major: Zoning Administrator Minor: n/a	Major: Planning & Zoning Commission Minor: Zoning Administrator	Major: City Council Minor: Board of Adjustment
Changes to an Approved Development Review Permit	505	Major: Zoning Administrator Minor: n/a	Major: Planning & Zoning Commission Minor: Zoning Administrator	Major: City Council Minor: Board of Adjustment
Waiver from Dimensional Standards	507	n/a	Hearing Officer	Board of Adjustment
Variances	506	Zoning Administrator	Board of Adjustment	Superior Court
Permit Revocation	502.13	Zoning Administrator	Original decision-making body	Original decision-making body
Heritage Area Development Review Permit	505	Heritage District Advisory Committee	Major: Planning & Zoning Commission Minor: Zoning Administrator	Major: City Council Minor: Board of Adjustment
General Plan Text and Map Amendments	508	Planning & Zoning Commission	City Council	Superior Court
Zoning Code and Map Amendments	509	Planning & Zoning Commission	City Council	Superior Court
Planned Area Development Districts	510	Planning & Zoning Commission	City Council	Superior Court

* Note that any decision by the Board of Adjustment is appealed to the Superior Court.

Indicates no proposed change in procedures

Notable change from current procedures



Design Guidelines

- **Single Family Residential Design Guidelines**
- **Heritage District Design Guidelines**
- **Wireless Communication Facility Design Guidelines**



Recommendations Received

- **Zoning Code Rewrite Task Force – Attachment A**
- **Heritage Advisory Committee**



Letters of Concern & Review Schedule

- June 23rd – Introduction of the draft Zoning Code, code development process, section highlights, and recommendations received thus far. Discuss the schedule for review and Public Hearings*
- *July 14 – Review and direction on Task Force recommended Amendments. Detailed review and discussion on topics concerning the Planning Commission. Recommendations from the Code Rewrite Consultant and staff. Direction to staff on updates to the code draft, which may include initiation of the Public Hearing Draft.*
- *July 28 – Remaining discussions and initiation of Public Hearing Draft (if not already initiated on July 14th). A minimum of one Public Hearing will be scheduled at time of initiation, to be advertised no sooner than 15 days prior to the public hearing.*
- *Aug. 18 – Public Hearing and discussion of the Public Hearing Draft Zoning Code*
- **Additional meetings may be scheduled as necessary.**



DISCUSSION



ATTACHMENT F

considered a nonconforming lot in accordance with Article 406: Nonconforming Uses and Structures.

- G. **Lots or Parcels Divided by District Boundaries.** The regulations applicable to each District shall be applied to the entire area within that District, and no use other than parking, landscaping, open space, and drainage serving a principal use on the lot or parcel may be located in a District in which it is not a permitted use or use approved by a Use Permit.
- H. **Public Nuisance.** Neither the provisions of the Zoning Code nor the approval of any permit authorized by the Zoning Code shall authorize the maintenance of any public nuisance.
- I. **Relation to Other Regulations.** The regulations of this Code and requirements or conditions imposed pursuant to this Code shall not supersede any other regulations or requirements adopted or imposed by the State of Arizona, or any federal agency that has jurisdiction by law over uses and development authorized by this Code. All uses and development authorized by this Code shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of the Code and any other City Code, chapter, resolution, guideline, or regulation, the more restrictive provisions shall control, unless otherwise specified.
- J. **Relation to Private Agreements.** This Code shall not interfere with or annul any recorded easement, covenant, or other agreement now in effect, provided that where this Code imposes greater restriction than imposed by an easement, covenant, or agreement, this Code shall control. This Code shall not impose any additional restrictions or supersede any provisions of existing or future Development Agreements authorized by the City Council and executed by recording the Development Agreement with the County Recorder's Office, pursuant to ARS 9-500.05.
- K. **Relation to Prior Zoning.** Zoning District designations [and associated Planned Area Development \(PAD\) Overlay Districts](#) established prior to the adoption of this Code and delineated on the Official Zoning Map remain in place unless specifically rezoned under the provisions of this Code established in the 500 Series.
- L. **Application During Local Emergency.** The Mayor may authorize a deviation from a provision of this Code during a local emergency declared and ratified under the Maricopa City Code. The Council may authorize a deviation by resolution without notice or public hearing.

101.05 Consistency with the General Plan & Resolution 12-63 Cultural Resources

Any permit, license, or approval issued pursuant to this Code must be consistent with the City of Maricopa General Plan. In any case where there is a conflict between this Code and the General Plan, the General Plan shall prevail. Additionally, Resolution 12-63 was adopted by City Council to create additional provisions for protecting the cultural resources of the Ak-Chin Tribal Community.

The City requires all applicants for a subdivision to conduct a Phase I Archeological Survey on land within 2.5 miles of the Ak-Chin border or within the undeveloped flood plain within the City. The City also requires applicants for a subdivision to provide documentation that a site records check for potential cultural resources has been conducted in conjunction with the State Historic Preservation Office. The City stipulates all applicants for a subdivision shall provide cultural resource reports to the City as part of the permit process as to their compliance with the Arizona State Burial Discovery Laws – ARS 41-865 and/or 41-844. The City also requires any applicants proposing projects crossing Ak-Chin lands on easements administered by the City, to notify the Ak-Chin Cultural Resources Department and the Ak-Chin Planning Department and comply with applicable Community ordinances and resolutions for the portion of the project that cross Ak-Chin Community land.

101.06 Rules of Transition: Effect of this Code on Approved Projects and Projects in Process

The following rules shall apply to all properties in the City on the effective date of the Zoning Code:

- A. **Violations Continue.** Any violation of the Zoning Code previously in effect will continue to be a violation under the Zoning Code and shall be subject to penalties and enforcement under Article 512, Enforcement, unless the use, development, construction, or other activity complies with the provisions of this Zoning Code.
- B. **Projects with Approvals or Permits.**
 - 1. ***Building Permit Issued Prior to Effective Date of the Zoning Code.*** Any building, structure, or sign for which a lawful building permit is issued prior to the effective date of the Zoning Code may be completed in conformance with the permit and other applicable permits and conditions, even if such building, structure, or sign does not fully comply with the Zoning Code. If construction is not commenced in compliance with the applicable terms, the Building Official may grant an extension pursuant to the provisions of the Building Code adopted by the City. If the building, structure, or sign is not completed in conformance with the building permit and any extension thereof, then the building, structure, or sign shall be constructed, completed, or occupied only in compliance with this Zoning Code.
 - 2. ***Building Permit Application Filed Prior to Effective Date of the Zoning Code.*** Any building, structure, or sign for which a completed building permit application is filed prior to the effective date of this Zoning Code may be issued a building permit if found to be in compliance with the Zoning Code existing at the time of application and may be constructed in compliance with the building permit and other applicable approvals, permits, and conditions, even if such building, structure, or sign does not fully comply with the Zoning Code. If construction is not commenced in compliance with the applicable permit terms, the Building Official may grant an extension pursuant to the provisions of the City's Building Code. If the building, structure, or sign is not completed pursuant to the building permit and any

extension thereof, then the building, structure, or sign shall be constructed, completed or occupied only in compliance with the Zoning Code.

3. ***Site Plan Review Approved Prior to Effective Date of the Zoning Code.*** A project that received Site Plan Review (~~now~~ a Development Review Permit under this Zoning Code) approval prior to the effective date of this Zoning Code may file an application for a building permit in compliance with the Site Plan Review and conditions of approval, even if the project does not comply with the provisions of this Zoning Code. Upon approval of the construction plans, a building permit may be issued. The Site Plan Review approval for projects approved prior to the effective date of the Zoning Code shall be valid for two years from the effective date of this Code, unless otherwise specified in the existing conditions of approval. A time extension may be permitted upon submission of a completed application, fee, and other documentation requested at the Zoning Administrators discretion. All requests for extensions shall be reviewed for compliance to the existing development standards of the Zoning District, the existing PAD Overlay if applicable, and this Zoning Code where the pre-existing Zoning Code and PAD Overlay are silent to land use regulations and development standards. Where a conflict occurs between the pre-existing zoning regulations applying to the property and this Code, the regulations of this Code shall prevail.~~and~~ All requests for extensions shall be processed in the same manner as the original approval. Requests may be denied, approved, or approved with new or modified conditions by the original approving authority. Site Plan approvals that expire shall require submittal of a new Development Review application and shall comply with the provisions in Article 101.06 D.3. of this Zoning Code.

4. ***Preliminary Subdivision Plat Approved Prior to Effective Date of the Zoning Code.*** A project that has a preliminary plat approved prior to the effective date of this Zoning Code may file an application for a final subdivision plat and improvement plan approval in compliance with the provisions of the ~~prior Zoning Code~~ Zoning District in which the site is located, the standards and conditions of approval of the PAD Overlay if applicable, and the Subdivision Ordinance. If a final plat application is not filed prior to the date of preliminary plat expiration, the preliminary plat shall expire unless a time extension is requested. A time extension may be permitted upon submission of a completed application, fee, and other documentation requested at the Zoning Administrators discretion. All requests for extensions shall be reviewed for compliance to ~~this Zoning Code and~~ the Subdivision Ordinance, the existing development standards of the Zoning District, the existing PAD Overlay if applicable, and this Zoning Code where the pre-existing Zoning Code and PAD Overlay are silent to land use regulations and development standards. Where a conflict occurs between the pre-existing zoning regulations applying to the property and this Code, the regulations of this Code shall prevail.~~and~~ All requests for extensions shall be processed in the same manner as the original approval. Requests may be denied, approved, or approved with new or modified conditions by the original approving authority. Subsequent preliminary plat applications not located in a pre-existing PAD Overlay shall comply with this Zoning Code. Subsequent preliminary plat applications located in a pre-existing

PAD Overlay shall comply with the provisions in Article 101.06 D.4 of this Zoning Code.

~~4.~~

5. ***Use Permit Approved Prior to Effective Date of ~~the~~ this Zoning Code.*** A project that received a Use Permit prior to the effective date of this Zoning Code may file an application for a building permit, even if the project does not fully comply with the provision of this Zoning Code. If a building permit application is not filed within two years of the date of Use Permit approval, the Use Permit shall expire. In the event a building permit was previously issued, however not all development has been completed and no valid building permit exists upon the effective date of this Code, the undeveloped portions of the Use Permit shall expire. No time extensions shall be permitted. New Use Permit requests and expired Use Permits shall comply with the provisions of this Zoning Code, unless the property is located in a Zoning District and PAD Overlay in existence prior to the effective date of this Zoning Code. All such requests shall be reviewed for compliance to the development standards of the existing Zoning District, the existing PAD Overlay if applicable, and this Zoning Code where the pre-existing Zoning Code and PAD Overlay are silent to land use regulations and development standards. Where a conflict occurs between the pre-existing zoning regulations applying to the property and this Code, the regulations of this Code shall prevail. Properties covered by a recorded Development Agreement shall not require compliance with provisions of this Zoning Code, if the provisions are superseded by the Development Agreement.

C. **Planning Applications Filed Prior to and Approved After the Effective Date of the Zoning Code.**

1. ~~***Applications for Site Plan Review, and Use Permits, and Preliminary Plats Submitted Prior to and Approved After the Effective Date of this Zoning Code.***~~ Complete applications filed prior to the effective date of this Zoning Code may be approved under the provisions of this Code upon request of the applicant. Applicants may elect to develop under the provisions of the prior Zoning Code, but in that case shall comply with all provisions of the prior Zoning Code and PAD Overlay if applicable. If a ~~B~~building ~~permit~~ Permit application is not filed within one year of the date of approval of the Site Plan Review, ~~or Use Permit, or preliminary plat,~~ the approval shall expire unless otherwise specified in the conditions of approval. ~~No time extensions shall be permitted~~
- a. If a building permit application is not filed within one year of the date of approval, the approval shall expire unless otherwise specified in the conditions of approval. A time extension may be permitted upon submission of a completed application fee, and other documentation requested at the Zoning Administrators discretion.
- b. All requests for extensions shall be reviewed for compliance to the existing development standards of the Zoning District, the existing PAD Overlay if

applicable, and this Zoning Code where the pre-existing Zoning Code and PAD Overlay are silent to land use regulations and development standards. Where a conflict occurs between the pre-existing zoning regulations applying to the property and this Code, the regulations of this Code shall prevail. Extension requests may be denied, approved, or approved with new or modified conditions by the original approving authority.

2. ***Applications for Preliminary Plats Submitted Prior to and Approved After the Effective Date of this Zoning Code.*** Complete applications filed prior to the effective date of this Zoning Code may be approved under the provisions of this Code. Applicants may elect to develop under the provisions of the prior Zoning Code, but in that case shall comply with all provisions of the prior Zoning Code and PAD Overlay if applicable. If the final subdivision plat and associated improvement plans are not filed within two years of the date of the Preliminary Plat approval, the approval shall expire.

a. If a final plat application is not filed prior to the date of preliminary plat expiration, the preliminary plat shall expire, unless a time extension is requested and approved. A time extension may be permitted upon submission of a completed application fee, and other documentation requested at the Zoning Administrators discretion.

b. All requests for extensions shall be reviewed for compliance to the existing development standards of the Zoning District, the existing PAD Overlay if applicable, and this Zoning Code where the pre-existing Zoning Code and PAD Overlay are silent to land use regulations and development standards. Where a conflict occurs between the pre-existing zoning regulations applying to the property and this Code, the regulations of this Code shall prevail. Extension requests may be denied, approved, or approved with new or modified conditions by the original approving authority.

3. ***Applications for Use Permits Submitted Prior to and Approved After the Effective Date of this Zoning Code.*** Complete applications filed prior to the effective date of this Zoning Code may be approved under the provisions of this Code. Applicants may elect to operate a use under the provisions of the prior Zoning Code, but in that case shall comply with all provisions of the prior Zoning Code and PAD Overlay if applicable. If building permits and improvements specified under conditions of approval are not filed within the time specified in the approval, the approval shall expire. New Use Permit requests and expired Use Permits shall comply with the provisions of this Zoning Code, unless the property is located in a Zoning District and PAD Overlay in existence prior to the effective date of this Zoning Code. All such requests shall be reviewed for compliance to the development standards of the existing Zoning District, the existing PAD Overlay if applicable, and this Zoning Code where the pre-existing Zoning Code and PAD Overlay are silent to land use regulations and development standards. Where a

conflict occurs between the pre-existing zoning regulations applying to the property and this Code, the regulations of this Code shall prevail. Properties covered by a recorded Development Agreement shall not require compliance with provisions of this Zoning Code, if the provisions are superseded by the Development Agreement.

4. —

4. **Applications for Rezoning and PAD Overlay Amendments Filed Prior to and Approved After the Effective Date of this Zoning Code.** Rezoning and/or PAD Overlay amendment applications filed prior to the effective date of this Zoning Code shall be governed by the provisions, standards and conditions of approval of the pre-existing Zoning District and PAD Overlay and shall follow the applicable procedures identified in the 500 Series Administration and Permits of this Zoning Code, unless the applicant elects to comply with the applicable procedures of the prior Zoning Code. In either case, the balance of the property within a pre-existing PAD Overlay shall retain its pre-existing Zoning District and the conceptual land use plan, provisions, standards and conditions of approval of the PAD Overlay unless otherwise requested by the applicant. In the event an applicant requests compliance to any provisions of this Zoning Code, all provisions of this Zoning Code shall apply to the Amendment request. Properties covered by a recorded Development Agreement shall not require compliance with provisions of this Zoning Code, if the provisions are superseded by the Development Agreement. ~~of this Code unless the applicant elects to comply with the prior Zoning Code.~~

a. In the case of an application for rezoning, if the applicant elects to comply with this Zoning Code, the parcel shall be rezoned to one or more Zoning Districts established in this Code. Should the applicant elect to comply with the prior Zoning Code, the parcel shall be rezoned to one or more of the Zoning Districts of the prior Zoning Code.

b. In the case of an application for an Amendment to a pre-existing PAD Overlay, if an applicant elects to comply with this Code, the Amendment procedure shall follow the applicable provisions of this Code. Should the applicant elect to comply with the prior Zoning Code, the Amendment process shall follow the provisions identified in the prior Zoning Code.

2.

D. **Development of Projects within a Zoning District and Existing Planned Area Development Overlay Approved Prior to the Effective Date of this Zoning Code.** The Zoning District designations and the Planned Area Development (PAD) Overlay Zoning District existing prior to the adoption of this Zoning Code are retained. Subsequent planning applications within the boundary of a pre-existing PAD Overlay shall comply with the approved conceptual land use plan, standards, conditions of approval and, in the case of residential zoned property, the approved Residential Design Guidelines and the Subdivision Ordinance. ~~The Zoning District designations and Planned Area Development (PAD) Overlays existing prior to the adoption of this Code are retained until a rezoning to a new district is adopted or the PAD Overlay is amended. A lot or parcel zoned with a PAD~~

~~Overlay Zoning District subject to a conceptual land use plan, standards, and conditions of approval prior to the effective date of this Zoning Code shall be developed in accordance with the approved conceptual land use plan, standards, and conditions of approval. The development standards and requirements of this Zoning Code shall apply only if not specifically modified by the PAD Overlay or specifically regulated by the prior Zoning Code, including the Base Zoning District regulations. 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. Properties covered by a recorded Development Agreement shall not require compliance with provisions of this Zoning Code, if the provisions are superseded by the Development Agreement.~~

1. **Rezoning Applications Filed After the Effective Date of this Zoning Code.** If a parcel is rezoned after the effective date of this Zoning Code, the parcel shall be rezoned to one or more of the Zoning Districts of this Code. If the parcel is part of a pre-existing PAD Overlay, the balance of the property within the PAD Overlay shall retain its pre-existing Zoning District and the conceptual land use plan, provisions, standards and conditions of approval of the PAD Overlay. City Council may rescind or amend prior approved Zoning or PADs per § ARS 9-462.01.E. If the pre-existing Zoning and PAD Overlay have been rescinded by City Council, all planning applications shall comply with this Zoning Code.
2. **Amendments to pre-existing PAD Overlays After the effective Date of this Zoning Code.** Amendments to pre-existing PAD Overlays shall comply with the provisions of this Zoning Code
3. **Development Review Permit Applications Filed After the Effective Date of this Zoning Code.** Site Plan approvals that have expired, requiring submittal of a new Development Review Permit application shall comply with the existing development standards of the Zoning District, the existing PAD Overlay if applicable, and this Zoning Code where the pre-existing Zoning Code and PAD Overlay are silent to land use regulations and development standards. Where a conflict occurs between the pre-existing zoning regulations applying to the property and this Zoning Code, the regulations of this Zoning Code shall prevail.
4. **Preliminary Subdivision Plat Applications Filed After the Effective Date of this Zoning Code.** Preliminary Subdivision Plat approvals that have expired, requiring submittal of a new Preliminary Plat application shall comply with the existing development standards of the Zoning District, the existing PAD Overlay if applicable, and this Zoning Code where the pre-existing Zoning Code and PAD Overlay are silent to land use regulations and development standards. Where a conflict occurs between the pre-existing zoning regulations applying to the property and this Zoning Code, the regulations of this Zoning Code shall prevail.

~~D:~~

- E. **Planning Applications Filed After the Effective Date of the Zoning Code and Not Covered by Pre-Existing Zoning and PAD Overlay or Development Agreement.** All new applications for Rezoning, Development Review Permits, Use Permits, Planned Area

Development (PAD) ~~Z~~oning ~~D~~istrict or PAD Plan approval, and ~~P~~reliminary ~~S~~ubdivision ~~P~~lats filed after the effective date of this Zoning Code, including modifications and amendments to those new applications, shall conform to the provisions of this Zoning Code.

101.07 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Code shall be held illegal, unenforceable or in conflict with any law, the validity of the remaining portions and provisions of this Code shall not be affected. The City of Maricopa hereby declares that this Code is valid in full force and effect, and each section, subsection, sentence, clause, and phrase thereof shall be valid, regardless of the fact that any or one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

ATTACHMENT G

Rules of Transition Peer Review

City	Refers to existing PAD development	Existing Approved Preliminary Plat Expiration & Extensions	Existing Approved Design Review/Site Plan Review, not exercised	Existing Approved Use Permit, not exercised	Applications in process (not approved) at time of code adoption	Extensions Allowed
Markopa	Yes - Development standards & requirements of the new code apply if not specifically modified by the PAD or more restrictive than current code	Does not effect current expirations and allows for unlimited extensions	Allows existing approved site plans 2 years from new code adoption, if not specified in conditions of approval. Extensions permitted	Allows existing use permits not yet exercised - 2 years from new code adoption, if not specified in conditions of approval. No extensions	Yes, treated the same as existing approved- extensions are permitted	Yes, unlimited
Queen Creek	No	Yes; Extensions permitted for 18 months, or as otherwise approved	One (1) 18 month extension		Yes, need to construct within 18 months of adoption	For ALL applications in process: Yes - 18 months
Gilbert	Yes - Development standards & requirements of the new code apply if not specifically modified by the PAD	Valid for 1 year after adoption, no extensions	Valid for 1 year after adoption, no extensions	Valid for 1 year after adoption, no extensions	Yes; 1 year approval, no extensions	No
Peoria		All applications have expiration if approval is not exercised within the specific time frame				
Tempe		"Developments and uses for which approvals were lawfully granted prior to the effective date of this Code, may occur pursuant to such approvals" (approvals in Tempe typically have expirations if not exercised, including PAD's)				
Pinal County	PAD provisions retire old districts and procedures and adopt new process					Not Specified
Goodyear	Yes - Development standards & requirements of the new code apply to the max. extent possible. Where conflict occurs, PAD provisions control. If rezoning is subject to a schedule of development that expired, property shall be developed under the new code				No	Not specified
Mesa	No	Expires after 1 year of new code. New Plans must comply with new code if not otherwise modified by PAD. No extensions permitted	Expires on approved expiration not to exceed 3 years from adoption	Expires after 1 year of new code. New Plans must comply with new code if not otherwise modified by PAD. No extensions permitted	Yes	Code is conflicting, but allows an extension for pre-plat not yet approved.
Flagstaff		Expires after 1 year of new code. New Plans must comply with new code if not otherwise modified by PAD.			1 year approval	No

- C. **Provisions Interpreted as Minimum Requirements.** In interpreting and applying the provisions of [Title 11](#), the applicant shall meet or exceed the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.
- D. **Relation to Other Regulations.** The regulations of this [Ordinance](#) and requirements or conditions imposed pursuant to this Ordinance shall not supersede any other regulations or requirements adopted or imposed by the [State of Arizona](#), or any federal agency that has jurisdiction by law over uses and development authorized by this Ordinance. All uses and development authorized by this Ordinance shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of the Ordinance and any other City Ordinance, chapter, resolution, guideline or regulation, the more restrictive provisions shall control, unless otherwise specified.
- E. **Relation to Private Agreements.** The provisions of this [Ordinance](#) shall apply regardless of any private agreements in the event that the provisions of this Ordinance are more restrictive. Otherwise, this Ordinance shall not interfere with, affect or annul any recorded easement, covenant, or other private agreement now in effect, unless a Development Agreement has been authorized by the [City Council](#) and executed by recording the Development Agreement with the [County Recorder's Office](#), pursuant to [ARS 9-500.05](#).

11-1-5: Consistency with the General Plan

Each application for [Special Use Permits](#), [Council Use Permits](#), site plan review, site plan modification or request to modify the zoning classification of a parcel of land shall be reviewed and evaluated for consistency with the [City of Mesa General Plan](#). With regard to requests to modify the zoning classification of specific parcels of land, where there is a conflict between this Ordinance and the General Plan, the General Plan shall prevail.

11-1-6: Effect on Previously Approved Projects and Projects in Progress

Upon the effective date of this [Ordinance](#), the following requirements shall apply to all properties:

A. Violations Continue.

Any violation of the [Zoning Ordinance](#) previously in effect will continue to be a violation under this Ordinance and shall be subject to penalties and enforcement under [Title 11, Chapter 79](#) unless the use, development, construction or other activity complies with the provisions of this Ordinance.

B. Projects with Approvals or Permits.

1. **Design Review Approved Prior to Effective Date of this Ordinance.** A project which has received Design Review approval prior to the effective date of the this

Ordinance may file an application for a building permit in compliance with the approved [Design Review](#) plan and conditions of approval, even if the project does not comply with the provisions of the this Ordinance. Upon approval of the construction plans, a building permit may be issued. The [Design Review](#) approval for projects approved prior to the effective date of this Ordinance shall be valid for 3 years from the effective date of approval of this Ordinance. No time extensions shall be permitted.

2. ***Preliminary Subdivision Plat Approved Prior to Effective Date of the This Ordinance.*** A project which has a preliminary plat approved prior to the effective date of the this [Ordinance](#) may file an application for a final subdivision plat and improvement plan approval, even if the subdivision does not fully comply with the provisions of the this Ordinance. If a final plat application is not filed within 1 year, unless extended as provided by the [Subdivision Regulations](#), of the date of preliminary plat approval, the preliminary plat shall expire. No time extensions shall be permitted. Subsequent preliminary plat applications shall comply with this Ordinance.
3. ***Conditional Use Permit Approved Prior to Effective Date of this Ordinance, No Design Review Required.*** A project which has received a conditional use permit (including [Special Use Permits](#) or [Council Use Permits](#) prior to the effective date of this Ordinance may file an application for a building permit, even if the project does not fully comply with the provisions of the this Ordinance. If a building permit application is not filed within 1 year of the date of the conditional use permit approval, the use permit shall expire. No time extensions shall be permitted.
4. ***Conditional Use Permit Approved Prior to Effective Date of this Ordinance, Design Review Required.*** A project which has an approved conditional use permit (including [Special Use Permits](#) or [Council Use Permits](#) may file an application for [Design Review](#) even if the use does not fully comply with the provisions of the this Ordinance. If a Design Review application is not filed within 1 year of the date of the conditional use permit approval, the conditional use permit shall expire. If an application is made for design review approval within 1 year and that approval is received, the conditional use permit shall remain valid for a period of 1 more year provided a building permit is applied for and construction commences within that year. No time extensions shall be permitted. Subsequent applications for design review shall comply with this Ordinance.
5. ***Building Permit Application Filed Prior to Effective Date of this Ordinance.*** Any building, structure, or sign for which a completed [building permit application](#) is filed prior to the effective date of the this [Ordinance](#) may be issued a building permit and may be constructed in compliance with the building permit and other applicable approvals, permits and conditions, even if such building, structure or sign does not fully comply with the this Ordinance. If construction has not commenced in compliance with the applicable permit terms, the [Building Official](#) may grant an extension pursuant to the provisions of the building code. If the building, structure, or sign has not been completed before the building permit or any extension of the permit expires, then the building, structure, or sign shall be constructed, completed or occupied only in compliance with the this Ordinance.
6. ***Building Permit Issued Prior to Effective Date of this Ordinance.*** Any building, structure, or sign for which a lawful building permit is issued prior to the effective date of this Ordinance may be completed in conformance with the permit and other

applicable permits and conditions, even if such building, structure or sign does not fully comply with this Ordinance. If construction has not commenced in compliance with the applicable permit terms, the [Building Official](#) may grant an extension pursuant to the provisions of the building code. If the building, structure, or sign has not been completed in conformance with the building permit and any extension thereof, then the building, structure, or sign shall be constructed, completed or occupied only in compliance with this Ordinance.

C. Planning Applications Filed Prior to the Effective Date of this Ordinance.

1. ***Applications for Design Review, Site Plan Review and Preliminary Plats, or Modifications to Previously Approved Applications, Submitted Prior to the Effective Date of this Ordinance.*** Complete applications filed prior to the effective date of this Ordinance may be approved under the provisions of the [Zoning Ordinance](#) in place prior to the effective date of this Ordinance. Applicants may elect to develop under the provisions of this Ordinance, but in that case shall comply with all provisions of this Ordinance. If a building permit application is not filed within 3 years of the date of approval of the Design Review, or 1-year after the approval of the preliminary plat, the approval shall expire. No time extensions shall be permitted, unless approval of the preliminary plat is extended, based on the requirements of the [Subdivision Regulations \(Title 9, Chapter 6 of the Mesa City Code\)](#).
2. ***Applications for Conditional Use Permit Submitted Prior to the Effective Date of this Ordinance.*** Complete applications filed prior to the effective date of this Ordinance may be approved under the provisions of the [Zoning Ordinance](#) in place prior to the effective date of this Ordinance. Applicants may elect to develop under the provisions of this Ordinance, but in that case shall comply with all provisions of this Ordinance. If a building permit application is not filed within 1 year of the date of approval of the use permit, the approval shall expire. If the building permit application expires, or once issued, the building permit expires, the conditional use permit approval shall also expire. No time extensions shall be permitted.
3. ***Applications for Rezoning Filed Prior to the Effective Date of this Ordinance.*** Rezoning applications filed prior to the effective date of this Ordinance shall be governed by the provisions of the [Zoning Ordinance](#) in place prior to the effective date of this Ordinance. The applicant may elect to comply with this Ordinance by submitting a written preference when filing the application for rezoning with the [Planning Division](#) office, but in that case shall comply with all provisions of this Ordinance. If a building permit application is not filed within 3 years of the date of the effective date of this Ordinance, the approval to use the provisions of the previous [Zoning Ordinance](#) shall expire. If the building permit application expires, or once issued, the building permit expires, then any plans adopted as part of the approved rezoning shall be modified to comply with the provisions of this Ordinance. No time extensions shall be permitted.

D. Partially Constructed Project.

If a project has begun construction or has been issued a building permit based on conditions described in Paragraphs B or C of this Section (above), but has started and stopped construction midway through the development of the site without receiving a completed certificate of occupancy, or has not completed all requirements associated with the project, such as installation

G. References to a public official in the City are to that person who performs the function referred to and includes a designee of such official.

H. All references to measurements are in feet unless otherwise indicated.

10-10.30.060 Computation of Time

A. When the period of time prescribed or allowed by this Zoning Code is less than 11 days, intermediate Saturdays, Sundays and legal holidays shall not be included in the computation.

B. When the period of time prescribed or allowed by this Zoning Code is 11 days or more, intermediate Saturdays, Sundays and legal holidays shall be included in the computation. The last day of the period so computed shall be included unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.

10-10.30.070 Calculation of Fractions

Any fraction greater than or equal to 0.50 shall be rounded up to nearest whole number. Any fractional unit less than 0.50 shall be rounded down to nearest whole number.

10-10.30.080 State Law Requirements

Where this Zoning Code references applicable provisions of State law (e.g., A.R.S. § 9-500.12(B)) the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.

10-10.30.090 Rules of Transition

The following rules shall apply to all properties in the City on the effective date of this Zoning Code:

A. Violations Continue

Any violation of the zoning code previously in effect (1991 Land Development Code) will continue to be a violation under this Zoning Code and shall be subject to the penalties and enforcement provisions provided in Division 10-20.110 (Enforcement), unless the use, development, construction or other activity complies with the provisions of this Zoning Code.

B. Developments with Approvals or Permits**1. Building Permit Issued Prior to Effective Date**

Any building, structure, or sign for which a lawful Building Permit is issued or for which a complete Building Permit or Sign Permit application as determined by the Building Official or Director has been filed one day prior to the effective date of this Zoning Code, may be constructed and completed in conformance with the permit and other applicable approvals, permits and conditions, even if such building, structure or sign does not fully comply with this Zoning Code. If construction is not commenced in compliance with the applicable permit terms, the Building Official may grant an extension in compliance with the provisions of the Building Code. If the extension does not state a specific time, it shall be an extension for six months. If the building, structure, or sign is not completed in conformance with the Building Permit and any granted extension, then the building, structure, or sign shall be constructed, completed or occupied only in compliance with this Zoning Code.

2. Final Site Plan Review and Approval Prior to Effective Date

An applicant whose development has received Site Plan Review and Approval prior to the effective date of this Zoning Code may file an application for a Building Permit in compliance with the approved site plan and any conditions of approval, even if the development does not comply with the provisions of this Zoning Code. Upon approval of construction plans for the development, a Building Permit may be issued. Site Plan Review and Approval for developments approved prior to the effective date of this Zoning Code shall be valid for one year from the date of approval. No time extensions shall be permitted.

3. Preliminary Subdivision Plat Approved Prior to Effective Date

An applicant who has received preliminary plat approval for a proposed subdivision not identified as a protected development as defined in A.R.S. § 9-1201 prior to the effective date of this Zoning Code may file an application for final plat approval, even if the subdivision does not fully comply with the provisions of this Zoning Code and City Code Title 11 (Subdivision and Land Split Regulations). If an application for final plat approval is not filed within one year of the date of the preliminary plat's approval, the preliminary plat shall expire. No time extensions shall be permitted. Subsequent preliminary plat applications shall comply with this Zoning Code and City Code Title 11 (Subdivision and Land Split Regulations).

4. Conditional Use Permit Approved Prior to Effective Date

An applicant for a use for which a Conditional Use Permit has been approved prior to the effective date of this Zoning Code may file an application for a Building Permit, even if the use does not fully comply with the provisions of this Zoning Code. If a Building Permit application is not filed within one year of the date of approval of the Conditional Use Permit, it shall expire. No time extensions shall be permitted.

C. Applications Filed Prior to the Effective Date

1. Complete applications for new developments including, but not limited to Site Plan Review and Approval, Conditional Use Permits, and preliminary plats, filed prior to the effective date of this Zoning Code may be approved under the provisions of the zoning code previously in effect (1991 Land Development Code). Applicants may also elect to develop in compliance with the provisions of this Zoning Code, and in that case shall comply with all provisions of this Zoning Code. If a Building Permit application is not filed within one year of the date of approval of the application for new development, the approval shall expire. No time extensions shall be permitted.
2. Applications for amendments to the Zoning Map filed prior to the effective date of this Zoning Code shall be governed by the provisions of the 1991 Land Development Code unless the applicant elects to comply with this Zoning Code.

D. Planning Applications Filed After the Effective Date

All applications for new developments including, but not limited to, Site Plan Review and Approval, Conditional Use Permits, and preliminary plats as well as amendments to the Zoning Map, filed on or after the effective date of this Zoning Code, including modifications and amendments, shall conform to the provisions of this Zoning Code.

3. "Either . . . or" indicates that the connected words or provisions shall apply singly but not in combination.
- C. References to departments, commissions, boards, or other offices are to those of the Town of Gilbert unless otherwise indicated.
- D. References to a public official in the Town are to that person who performs the function referred to and includes a designee of such official.
- E. All references to days are to calendar days unless otherwise indicated.
- F. All references to measurements are in feet unless otherwise indicated.
- G. The words "activities" and "facilities" include any part thereof.

1.108 Rules of Transition

The following rules shall apply to all properties in the Town on the effective date of the Zoning Code:

- A. ***Violations Continue.*** Any violation of the Zoning Code previously in effect (Unified Land Development Code) will continue to be a violation under the Zoning Code and shall be subject to penalties and enforcement under Article 5.12: Enforcement, unless the use, development, construction or other activity complies with the provisions of the Zoning Code.
- B. ***Projects with Approvals or Permits.***
 1. ***Building Permit Issued Prior to Effective Date of the Zoning Code.*** Any building, structure, or sign for which a lawful building permit is issued prior to the effective date of the Zoning Code may be completed in conformance with the permit and other applicable permits and conditions, even if such building, structure or sign does not fully comply with the Zoning Code. If construction is not commenced in compliance with the applicable permit terms, the Building Official may grant an extension pursuant to the provisions of the building code. If the building, structure, or sign is not completed in conformance with the building permit and any extension thereof, then the building, structure, or sign shall be constructed, completed or occupied only in compliance with the Zoning Code.
 2. ***Building Permit Application Filed Prior to Effective Date of the Zoning Code.*** Any building, structure, or sign for which a completed building permit application is filed prior to the effective date of the Zoning Code may be issued a building permit and may be constructed in compliance with the building permit and other applicable approvals, permits and

conditions, even if such building, structure or sign does not fully comply with the Zoning Code. If construction is not commenced in compliance with the applicable permit terms, the Building Official may grant an extension pursuant to the provisions of the building code. If the building, structure, or sign is not completed pursuant to the building permit and any extension thereof, then the building, structure, or sign shall be constructed, completed or occupied only in compliance with the Zoning Code.

3. *Final Design Review Approved Prior to Effective Date of the Zoning Code.* A project which has received Final Design Review approval prior to the effective date of the Zoning Code may file an application for a building permit in compliance with the Final Design Review plan and conditions of approval, even if the project does not comply with the provisions of the Zoning Code. Upon approval of the construction plans, a building permit may be issued. The Final Design Review approval for projects approved prior to the effective date of the Zoning Code shall be valid for 1 year from the date of approval by the Design Review Board. No time extensions shall be permitted.
4. *Preliminary Subdivision Plat Approved Prior to Effective Date of the Zoning Code.* A project which has a preliminary plat approved prior to the effective date of the Zoning Code may file an application for a final subdivision plat and improvement plan approval, even if the subdivision does not fully comply with the provision of the Zoning Code. If a final plat application is not filed within 1 year of the date of preliminary plat approval, the preliminary plat shall expire. No time extensions shall be permitted. Subsequent preliminary plat applications shall comply with the Zoning Code.
5. *Use Permit Approved Prior to Effective Date of the Zoning Code, No Design Review Required.* A project which has received a use permit prior to the effective date of the Zoning Code may file an application for a building permit, even if the project does not fully comply with the provision of the Zoning Code. If a building permit application is not filed within 1 year of the date of use permit approval, the use permit shall expire. No time extensions shall be permitted.
6. *Use Permit Approved Prior to Effective Date of the Zoning Code, Design Review Required.* A project which has an approved use permit may file an application for design review even if the use does not fully comply with the provisions of the Zoning Code. If a design review application is not filed within 1 year of the date of use permit approval, the use permit shall expire. No time extensions shall be permitted. Subsequent applications for design review shall comply with the Zoning Code.

- C. ***Planning Applications Filed Prior to the Effective Date of the Zoning Code.***
1. ***Applications for Design Review, Use Permits, and Preliminary Plats Submitted Prior to the Effective Date of the Zoning Code.*** Complete applications filed prior to the effective date of the Zoning Code may be approved under the provisions of the Unified Land Development Code (ULDC). Applicants may elect to develop under the provisions of the Zoning Code, but in that case shall comply with all provisions of the Zoning Code. If a building permit application is not filed within 1 year of the date of approval of the design review, use permit, or preliminary plat, the approval shall expire. No time extensions shall be permitted.
 2. ***Applications for Rezoning Filed Prior to the Effective Date of the Zoning Code.*** Rezoning applications filed prior to the effective date of the Zoning Code shall be governed by the provisions of the ULDC unless the applicant elects to comply with the Zoning Code.
- D. ***Development of Projects with an Existing Planned Area Development Overlay Zoning District.*** A lot or parcel zoned with a Planned Area Development (PAD) overlay zoning district subject to a preliminary development plan, standards, and conditions of approval prior to the effective date of the Zoning Code shall be developed in accordance with the approved preliminary development plan, standards, and conditions of approval. The development standards and requirements of the Zoning Code shall apply if not specifically modified by the PAD ordinance.
- E. ***Planning Applications Filed After the Effective Date of the Zoning Code.*** All applications for rezoning, design review, use permits, and preliminary subdivision plats filed after the effective date of the Zoning Code, including modifications and amendments, shall conform to the provisions of the Zoning Code.

1.109 Rules for Interpretation

- A. ***Zoning Land Use Regulations.*** Where uncertainty exists regarding the interpretation of any provision of the Zoning Code or its application to a specific site, the Zoning Administrator shall determine the intent of the provision. The determination of the Zoning Administrator may be appealed in accordance with the provisions of Section 5.2011: Procedures for Appeals.
- B. ***Official Zoning Map.*** Where uncertainty exists regarding the boundary of a zoning district, the following rules shall apply:
1. District boundaries shown as approximately following the property line of a lot or parcel shall be construed to follow such property line.

Article 1.1: Title and Purpose

2. Where a district boundary divides a lot or parcel, the location of the district boundary shall be determined by the Zoning Administrator using the scale appearing on the Official Zoning Map.
 3. District boundaries shown as approximately following right-of-way lines of freeways, streets, railroads, or other identifiable boundary lines shall be construed to follow such right-of-way or boundary lines.
 4. District boundaries shown as lying within right-of-way lines of freeways, streets, railroads, or other identifiable boundary lines shall be construed to follow the centerline of such right-of-way or boundary lines.
 5. District boundaries shown as lying at the edge of a canal or drainage channel shall be construed to follow the centerline of the canal or drainage channel.
 6. If any uncertainty remains as to the location of a district boundary or other feature shown on the Official Zoning Map, the location shall be determined by the Zoning Administrator.
- C. ***Record of Interpretation.*** The Zoning Administrator shall keep a record of interpretations made pursuant to this section. The record of interpretations shall be available to the public.

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other general welfare. Minimum values are not intended to be target values. In some instances, conditions may create the need to exceed stated minimum standards. Whenever this Ordinance requires, for example, a lower height of a building or lesser number of stories, or requires a greater percentage of the lot to be left unoccupied, or imposes more restrictive standards than are required pursuant to any other statute or local regulation, this Ordinance shall govern.

1.7 TRANSITIONAL PROVISIONS.

- A. **VIOLATIONS CONTINUE.** Any violation of the previous Ordinance will continue to be a violation under this Ordinance and be subject to penalties and enforcement under §2.5 of this Ordinance, unless the use, development, construction or other activity complies with the provisions of this Ordinance.
- B. **NONCONFORMITIES UNDER PRIOR ORDINANCE.** Any legal nonconformity under the previous Zoning Ordinance also will be a legal nonconformity under this Ordinance, so long as the situation that resulted in the legal nonconforming status under the previous Ordinance continues to exist. If a legal nonconformity under the previous Ordinance becomes conforming because of the adoption of this Ordinance, then said use or structure will no longer be considered a nonconformity.
- C. **COMPLETION OF DEVELOPMENT.**
 1. **APPLICATION SUBMITTED BEFORE EFFECTIVE DATE.** Complete applications submitted before the Effective Date of this Ordinance and pending approval at the time of the Effective Date of this Ordinance may, at the applicant's option, be approved and permits may be issued under the terms of the previous Zoning Ordinance. If construction is not commenced or completed in accordance with the applicable approval term(s), the Town Council may, for good cause shown, grant an extension of up to eighteen (18) months for such construction under the terms of the previous Ordinance. If the building, development or sign is not completed within the time allowed under the permit or any extension granted, then the building or structure may be constructed, completed or occupied only in compliance with the requirements of this Ordinance.
 2. **PERMIT ISSUED BEFORE EFFECTIVE DATE OF THIS ORDINANCE.** Any building, structure or development for which a permit was issued before the Effective Date of this Ordinance may, at the applicant's option, be completed in conformance with the issued permit and other applicable permits and conditions, even if such building, structure or development does not fully comply with provisions of this Ordinance. If construction is not commenced or completed according to the applicable permit terms, the Town Council may, for good cause shown, grant an extension of up to eighteen (18) months for such construction under the terms of the previous Ordinance. If the building or structure is not completed within the time allowed under the original permit or any extension granted, then the building, structure or development may be constructed, completed or occupied only in compliance with this Ordinance.
 3. **PLATS AND SITE PLANS APPROVED BEFORE EFFECTIVE DATE OF THIS ORDINANCE.** Any subdivision for which a preliminary or final plat was approved before the Effective Date of this Ordinance may, at the applicant's option, be completed according to the approved plat and other applicable permits and conditions, even if the subdivision does not fully comply with the provisions of this Ordinance. If the subdivision is not completed within the time requirements

established by prior ordinance or within any schedule included in the approval of the plat, the Town Council may grant an extension of up to eighteen (18) months for the completion of the subdivision under the terms of the previous Ordinance. If the subdivision is not completed within the time required under the original approval or any extension granted, then the subdivision may be completed only in compliance with this Ordinance.

4. **ADDITIONAL EXTENSIONS.** The Town Council may grant an additional extension exceeding eighteen (18) months where the Town Council finds that such extension or extensions are warranted in light of all relevant circumstances, including but not limited to the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions.

1.8 INTERPRETATION.

- A. Interpretation and application of the provisions of this Ordinance shall be regarded as the basic and minimum requirements for the protection of public health, safety, comfort, morals, convenience, prosperity and welfare. The Ordinance shall be liberally interpreted in order to further its underlying purposes. Whenever any provision of the Ordinance or any provision of any other applicable law, rule, contract, resolution or regulation of the Town, County, State or Federal government contains certain standards, covering the same subject matter, the more restrictive requirement(s) or higher standards shall control.
- B. The words and phrases used in this Ordinance shall have the meanings assigned in Appendix A hereto, unless a more specific meaning is provided in a specific section of this Ordinance.
- C. This Ordinance includes illustrations, photographs, flowcharts, and graphics for the purposes of illustration and simplification. However, to the extent that there is any inconsistency between the text of this Ordinance and any such illustration, photograph, flowchart, and graphic, the text shall control.

- 1.9 **SEVERABILITY.** It is hereby declared to be the intent of the Town Council that the provisions of this ordinance shall be severable. If any provision is declared invalid by a court of competent jurisdiction, it is hereby declared to be the legislative intent that the effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and such decisions shall not affect; impair or nullify this Ordinance as a whole or any part thereof, but the rest of the Ordinance shall continue in full force and effect.

- 1.10 **PERMITS AND CERTIFICATES.** No development activity shall occur on any property within the jurisdiction of this Ordinance until all applicable permits, approvals and certificates have been issued and approved by the Town officials with the authority to approve the same pursuant to Chapter 3 of this Ordinance.

- 1.11 **FEES.** The Town Council may, by ordinance or resolution, establish administrative fees considered necessary to enforce the zoning ordinance. Such fees shall be limited to the reasonable costs of administering and processing applications for development approval. No permit shall be processed, and no permit shall be considered to be submitted, until all applicable administrative fees have been paid pursuant to this Section and any ordinance adopted hereto.

Section 1-203 Compliance and Scope.

- A. **Compliance.** Land and *structures* may be used or developed by construction, reconstruction, *alteration*, occupancy, use or otherwise, only as allowed in this Code. No *subdivision* plat shall be recorded or no building permit shall be issued without compliance with the provisions of this Code.
- B. **Obligation by Successor.** The requirements of this Code apply to the owner(s) of record, *persons* undertaking the *development* or use of land, and to those *persons'* successors in interest.
- C. **Most Restrictive Regulations Apply.** Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.
- D. **Variances.** *Variances* shall be governed by the provisions of Section 6-309.
- E. **Transfer of Development Standards Prohibited.** No *lot area*, *yard*, *landscape*, open space, off-street *parking* or loading area, or other feature which is required by this Code for one use shall be a required *lot area*, *yard*, *landscape*, open space, or off-street *parking* or loading area for another use, except as otherwise specifically allowed by this Code.

Section 1-204 Conformance with General Plan.

All *development*, uses, and district changes in the City of Tempe shall be in conformance with the Tempe General Plan as implemented by this Code. All provisions of this Code shall be construed in conformity with the adopted General Plan, and any amendments which may be approved by the city from time to time.

State law reference – A.R.S. 9-462.01(F), Zoning regulations; public hearing; definitions.

Section 1-205 Use of Real Property.

Land shall be used only for lawful uses. A lawful use is one that is permitted by this Code and is not prohibited by law. Part 3, Land Use, sets forth the uses permitted by this Code.

Section 1-206 Pre-Existing Approvals (Grandfathered Approval).

- A. **Legality of Pre-Existing Approvals.** *Developments* and uses for which approvals were lawfully granted prior to the effective date of this Code, may occur pursuant to such approvals.
- B. **Subsequent Applications.** All applications for uses, *development*, and permits received by the city after February 19, 2005, including modifications processed under Section 6-312, shall conform to the provisions of this Code.



- D. **PLANNED AREA DEVELOPMENT DISTRICTS:**
Preliminary Planned Area Development P-PAD
Final Planned Area Development F-PAD

Section 1-1-4 Location and Boundaries of Districts

The locations and boundaries of zoning **districts** are established on the City of Goodyear Zoning Map, dated and signed by the Mayor and City Clerk, which map accompanies and is hereby declared a part of this **Zoning Ordinance**.

- A. The Zoning **District** boundary lines are intended to follow **street, alley, lot,** or property lines, as they exist at the effective date of this **Ordinance** except where such **district** boundary lines are fixed by dimensions shown on the Zoning Map, in which case such dimensions shall govern. Where a zoning **district** boundary line is indicated as approximately following streets or highway rights-of-way, the zoning **district** of the adjacent property shall be extended to the centerline of such street or highway right-of-way. In no case, however, is the Zoning Map intended to be used as a precise, legal narrative of any zoning **district** boundary.
- B. Where a Zoning **District** boundary is not clearly defined on the Zoning Map, the location of such boundary shall be determined administratively by the **Zoning Administrator**.

Section 1-1-5 Transition Procedures

In order to ensure the orderly adoption and enforcement of this **Zoning Ordinance**, the following transition rules shall govern the applicability of this **Ordinance**.

- A. The provisions of this **Ordinance** and any **amendments** shall not apply to those developments for which a **building** permit has been issued prior to the adoption of this **Ordinance**, provided said **building** permit remains in full force and effect. In the event the **building** permit expires, said permit may not be extended or renewed unless all provisions of this **Ordinance** are met.
- B. A parcel of land zoned subject to a plan of development, standards or stipulations adopted prior to the effective date of this **Ordinance** shall be developed in accordance with that approved plan of development, standards or stipulations but shall comply with these regulations to the maximum extent possible. In the event of a conflict between provisions of these regulations and the approved plan of development, standards or stipulations, the approved plan of development, standards or stipulations shall control.
1. Development agreements or design themes adopted or established prior to the effective date of this **Ordinance** shall, likewise, control.

2. If the rezoning was subject to a schedule for development, the time period for which has expired, then the development of that parcel of land shall be subject to all applicable provisions of this **Ordinance**.

C. Any uses of land, structures, or parcels which existed on the effective date of this **Ordinance** and which do not meet the standards and regulations of this **Ordinance**, shall be deemed **nonconforming** and shall be controlled by the provisions of Article 4-3, except that the City may require a **nonconforming use** to be brought into compliance by a specific date if such compliance is mandated by State Law and only after the new requirement has been made part of this **Zoning Ordinance** through an **amendment** adopted pursuant to the **amendment** procedures specified herein.

Section 1-1-6 Regulations Governing Newly Annexed Areas

- A.** INITIAL ZONING. Within newly annexed areas, the City shall initially adopt zoning classifications which permit densities and uses no greater than those permitted by Maricopa County immediately prior to annexation, unless an **amendment** of the Zoning **District** boundary is processed concurrently with such annexation, pursuant to the procedures required for such an **amendment**. Areas, when annexed to the City, shall, until officially zoned by the City Council, be considered to be zoned to City classification closest to that shown on the official zoning map of Maricopa County at the time of annexation. Such County Zoning shall apply for not more than six (6) months. Subsequent changes in zoning of the annexed territory shall be made according to procedures established by this **Ordinance**.
- B.** CONSTRUCTION AND BUILDING PERMITS.
1. Maricopa County **building** permits or **Use Permits** validly issued pursuant to County requirements not more than sixty (60) days prior to the effective date of annexation, shall be accepted by the Chief **Building** Official, or his designee, as valid permits for a period of sixty (60) days after the effective date of annexation. If construction has not commenced on or before the sixtieth (60th) day after the effective date of annexation, a City **building** or **Use Permit** shall be required.
 2. For **buildings** under construction with a valid **building** or **Use Permit** issued by Maricopa County prior to the effective date of an annexation ordinance, a City **building** permit shall not be required, but the Chief **Building** Official, or his designee, shall require that **buildings** constructed under such County **building** or **Use Permit** shall be structurally safe and shall conform to pertinent County zoning regulations in effect at the time the County permit was issued.
- C.** EXISTING USE, ACTIVITY OR STRUCTURE.
1. Any **use** or activity conducted contrary to County zoning regulations at the effective date of annexation and not constituting a **nonconforming use** under the County

ATTACHMENT H



CITY OF
MARICOPA
PROUD HISTORY • PROSPEROUS FUTURE

SINGLE FAMILY
RESIDENTIAL
DESIGN
GUIDELINES

DRAFT

EXHIBIT A

Single Family Residential Design Guidelines

A. Introduction

1. In accordance to City of Maricopa General Plan, goals and objectives, this document is intended to provide direction to homebuilder's developers, contractors, designers, city staff and city decision makers. Design guidelines are adopted policies intended to provide the basis for design review and approval and are subject to interpretation by staff and the Planning Commission. When a valid demonstration can be made for deviating from a design guideline in order to achieve a better overall design, such a request will be given consideration.
2. Diversity of quality residential architectural design is encouraged throughout the City; with the design of projects reflecting a general continuity and harmony consistent with the character of the community while at the same time providing new, creating, forward-looking and dynamic approaches to design.
3. The exhibits contained within this document illustrate a variety of architectural detailing, plans and elevations in order to convey a diversity of product and universal design principles and emphasize Non-Garage dominant architecture. The Single Family Residential Design Guidelines are adopted and amended by the City Council.

B. Applicability

1. These guidelines shall apply to all new single-family standard home plans, and additions to existing standard home plans shall be reviewed for compliance with the City of Maricopa Single Family Residential Design Guidelines prior to issuance of a building permit.

C. General Design Guideline Principles

1. ~~Two-Story Dwellings.~~ **Building Form**
 - a. Two-story houses shall have a single-story element closest to the front of the house and/or next to the street. If through architectural diversity a housing series creates neighborhood variety, the requirement for the first story element may be waived by the Zoning Administrator. Such architectural diversity may include varying front setbacks due to locating the garage to the rear of the lot, adding useable courtyard area, and/or using building placement to create private outdoor spaces.
 - b. Corner lots may have a mix of single-story and one- and two-story homes provided the two-story portions of the home do not encompass more than 75 percent of the building footprint, and the two-story portion of the dwelling generally is oriented away from the street.
 - c. Two-story dwellings located on corner lots shall include windows on the facade facing the side street. No second-story street-facing wall should run in a continuous plane of more than 20 feet without a window or a projection, offset, or recess of the building wall at least one foot in depth.

EXHIBIT A

Do This



Not This



Figure 202.03.C: Two-Story Dwelling on Corner

- d. High quality “stylized” or “theme” architecture that is characteristic of an agricultural and western character or forward-looking architectural trend is encouraged or designed per an approved design criteria for a Planned Area or Master Planned Development.
- e. Orientation of homes should consider solar access, as well as climatic and other environmental conditions.

- f. Monotonous look-a-like structures (sameness) are discouraged. Effort should be made to create visually interesting homes by varying building form, volume, massing, heights, roof styles and color and materials.

Do This



Not This



- g. **Front Yard Staggered Setbacks.** On lots with widths less than or equal to 69 feet, the subdivision plan shall vary the relationship of dwellings to the street by staggering front setbacks a minimum of five feet for 25 percent of block face or by providing curvilinear or angled street. Lots greater than 69 feet in width are exempt from this requirement. ***Staff recommends that this requirement is taken out of the guidelines and added to Zoning Code Table 202.03 footnote #3***

- h. ~~**Reduced Street Side Setback.** Along local streets only, the street side setback may be reduced to five feet from the lot line if a landscaped tract or easement of 40 feet is provided.~~ ***Staff recommends that this requirement is taken out of the guidelines and added to Zoning Code Section 202.03.*

2. **Garages and Driveways.**

- a. Garages shall be designed and located to reduce the visual impact of garage doors along street frontages. A mix of garage orientations (i.e. significantly recessed front facing, side-entry, tandem) shall be provided **to deemphasize garage dominance.**
- b. On lots with forward-facing garage plans, the garage portion of the dwelling shall not extend forward of the livable portion(s) of the dwelling by more than six feet. If a front-facing garage projects out from the porch or livable areas of the dwelling, the applicant shall provide portals, low courtyard walls with pilasters, or other de-emphasizing techniques for approval by the City, that extend forward of the garage face.
- c. ~~All plans should incorporate coach lights on the street side elevation.~~ A minimum of two (2) coach lights should be placed at the front face of the garage or other appropriate location for security.
- d. Dwellings with three-car garages shall be designed so that the third car garage is architecturally separated and offset a minimum of two feet farther from the other garage door. The intent of this standard is to soften the garage dominance and provide for horizontal articulation.
- e. Driveways for three or more cars serving forward-facing garages shall incorporate alternative paving design elements including but not limited to stamped concrete, concrete engraving, concrete stains, concrete pavers, and colored concrete to soften the appearance of large impervious surfaces.

Do This



Example of a three-car garage with alternative paving design.

- f. ~~A minimum distance of 18 feet between the garage door and the sidewalk shall be provided to accommodate adequate off-street parking. ****Staff recommends that this requirement is taken out of the guidelines and added to Zoning Code Section 202.03****~~
- g. **Utilizing** “Carriage-style” and other non-conventional sectional garage door style **is recommended** ~~will be approved~~ to provide additional diversity and to better enhance the architectural themes.
- h. Side-loaded garages shall provide windows or other architectural details that mimic the features of the living portion of the dwelling on the side of the garage facing the street.



Example of a home with a side-entry garage that appears livable from street view.

- i. No more than 60 percent of dwellings on a block face shall have a garage forward of livable or covered porch.
- j. **Garage doors attached to a primary residence and facing the front of the lot shall not exceed 40 percent of the aggregate width of those elevations of the building that face the front of the lot.**

Do This



Not This



- k. ~~Detached garages shall be located in the rear half of the lot. The Zoning Administrator may approve a detached garage in the front half of the lot subject to the front setback requirements of the District where the size, shape, location, surroundings, or existing structures make it infeasible to locate the garage in the rear half of the lot.~~ ***Staff recommends that this requirement is taken out of the guidelines and added to Zoning Code Section 202.03***

3. **Covered Patios and Porches**

- a. Covered patios **and porches** shall be incorporated into home architecture. Patio and porches columns and roofs must be constructed of same materials as the rest of the home, including the type of tile and roof slope. ~~Rear outdoor shaded living areas are encouraged. In the event a rear patio cover is not provided, the homebuilder should position the home on the lot in a manner that could allow a minimum eight foot deep patio cover for a future addition.~~
- b. **30% of the building frontage shall incorporate a usable front patio with a minimum width of eight feet and a minimum depth of four feet.**
- c. Minimum 35 percent of the dwellings on a block face shall have a useable front porch, courtyard or a combination of front/streetside/interior side yard outdoor living space, which may include lot lines abutting open space tracts of land.
- d. The design of front porches and building additions must match the scale and architectural detail of the dwelling.

EXHIBIT A

- e. Courtyard walls shall not exceed three and a half feet in height in the front or street side yard adjacent to the driveways to create useable gathering areas.

Do This



30% of the building frontage incorporates a usable front patio



- f. A useable, covered outdoor patio should be provided on the rear side of each home. Covered patio dimensions should be at least 100 square feet, with a minimum interior dimension of ten feet (10').

Do This



Not This



-----**Subsection C4a-e was moved to subsection C11**-----

4. **Residential Diversity.**

- a. ~~**Variation in Building Elevations, Roof Plans and Floor Plans.** New residential development shall provide a variety of building and roof forms and ridgelines. Elevations shall be structurally different, with different roof types facing the street. The specific design submittal requirements vary by subdivision size as follows:~~
- b. ~~10-49 lots.~~ The minimum requirements are two different roof styles, with two different roof materials and three roof colors, two standard floor plans, and three different elevations per floor plan.
- c. ~~50-99 lots.~~ The minimum requirements are two different roof styles with two different roof materials and four roof colors, three standard floor plans, and three elevations per floor plan.
- d. ~~100-199 lots.~~ The minimum requirements are two different roof styles, with different roof materials and four roof colors, four standard floor plans, and a minimum of three elevations per floor plan.
- e. ~~200 or more lots.~~ The minimum requirements are two different roof styles, with two different roof materials and five roof colors, five standard floor plans, and a minimum of three elevations per floor plan.

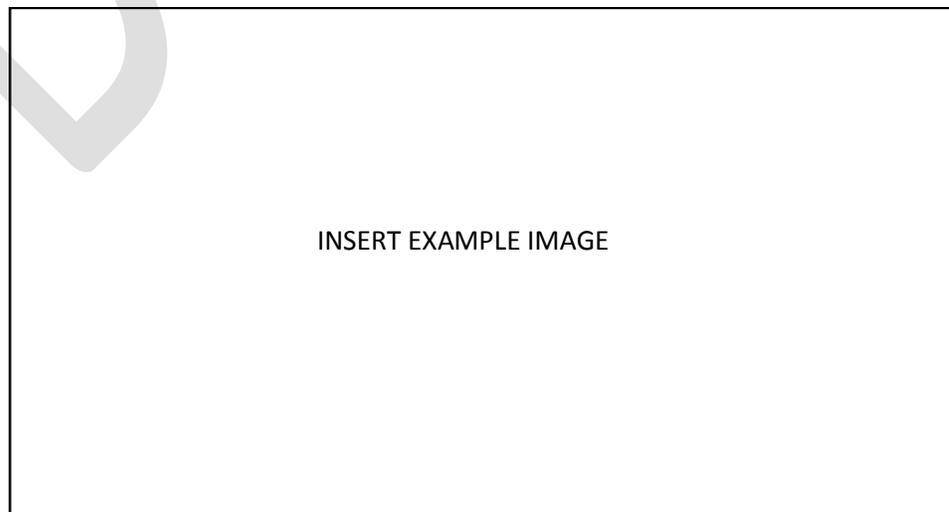
-----**Subsection C4a-e was moved to subsection C11**-----

- f. ~~**Adjacent Lots Varying Elevations.** The same front elevation cannot be used on adjoining dwellings or dwellings that face each other or across the street; no more than three single story plans shall be built in a row, and no more than three two-story plans shall be built in a row. No more than 25 percent of lots backing onto an arterial road should be built with two-story homes. If proposed, the two-story dwellings should provide additional articulation and staggered setbacks to create visual interest from the roadway. Two-story homes backing on State Routes should be avoided. ****Section C, subsection 4f was moved to Subsection 5****~~
- g. ~~**Variation in Building Materials.** As a standard feature, stone, brick, or accent facade material shall be provided on at least one elevation for each floor plan. ****Section C, subsection 4g was moved to Section 7****~~
- h. ~~**Visibility of Front Doors.** On all lots 55 feet or less in width, the front doors shall be visible from the front or street side lot line. ****Section C, subsection 4h was moved to Section 6****~~
- i. ~~**Architectural Features.** All home model designs shall provide a similar level of architectural detailing on all sides. ****Section C, subsection 4i was moved to Section C, Subsection 9****~~

- j. ~~Minimum 35 percent of the dwellings on a block face shall have a useable front porch, courtyard or a combination of front/streetside/interior side yard outdoor living space, which may include lot lines abutting open space tracts of land.~~ ****Section C, subsection 4j was moved to Section C, Subsection 3****
- k. ~~The design of front porches and building additions must match the scale and architectural detail of the dwelling.~~ ****Section C, subsection 4k was moved to Section C, Subsection 3****
- l. ~~Courtyard walls shall not exceed three and a half feet in height in the front or street side yard adjacent to the driveways to create useable gathering areas.~~ ****Section C, subsection 4l was moved to Section C, Subsection 9****
- m. ~~Deep set, pop out, or distinct windows and doors along with other architectural projections and recesses shall be used to provide individuality of units.~~ ****Section C, subsection 4m was moved to Section C, Subsection 6****
- n. ~~Front porch covers may encroach up to 25 percent of the front yard or street side setback line.~~ ****Section C, subsection 4n was moved to Section C, Subsection 9****

5. **Location**

- a. ~~*Adjacent Lots Varying Elevations:*~~ No more than 25 percent of lots backing onto an arterial road should be built with two-story homes. If proposed, the two-story dwellings should provide additional articulation and staggered setbacks to create visual interest from the roadway.
- b. Two-story homes backing on State Routes should be avoided.
- c. The same front elevation cannot be used on adjoining dwellings or dwellings that face each other or across the street;
- d. No more than three single-story plans shall be built in a row, and no more than three two-story plans shall be built in a row.



6. Windows and Doors.

- a. Deep-set, pop-out, or distinct architectural treatment around windows and doors along with other architectural projections and recesses shall be required on all four sides of the building to provide individuality of units.



No architectural treatment around windows.



Architectural treatment around windows provided.

- b. ~~Visibility of Front Doors.~~ On all lots 55 feet or less in width, the front doors shall be visible from the front or street side lot line.
- c. Windows and doors should be aligned and sized to bring order to the building façade.
- d. Windows and doors should be sufficiently recessed to create façade patterns that add variety interest to the design of the home.

EXHIBIT A

- e. Homes with side entrances are strongly discouraged and will be considered on a case by case basis.
 - f. The front elevation shall feature a pedestrian scaled entry.
7. Colors and Materials
- a. ***Variation in Building Materials.*** As a standard feature, stone, brick, or accent facade material shall be provided on at least one elevation for each floor plan.
 - b. Architectural details related to color, type and application of materials and building form should be coordinated for all elevations of a home to achieve harmony and continuity of design.



- c. A change in building material on a structure should reflect a change in the plane of the structure.
- d. Materials applied to any building elevation should wrap around onto adjoining walls of the structure to a visually appropriate terminating point so as to provide design continuity and a finished appearance.
- e. A variation of colors in roof and façade treatment in residential development is encouraged, provided the color variations maintain harmony and consistency with the overall continuity.
- f. The use of bright or intense primary colors should be moderated, and permitted only in areas where their use would not overwhelm surrounding development or create an uncoordinated or cluttered looking development.
- g. Color should be used to accent entry-ways and special architectural features of a home.

8. **Roof Architecture**

- a. ~~*Variation in Building Elevations, Roof Plans and Floor Plans.*~~ New residential development shall provide a variety of building and roof forms and ridgelines. Elevations shall be structurally different, with different roof types facing the street.
- b. When appropriate to the style of a home, a variety of simple roof forms, including gable, shed and hip, used alone or in combination, are encouraged for all new development in order to add visual interest and diversity to the City's "roof horizon" and to avoid the repetitive roof styles.



- c. Chimneys, roof flashings, rain gutters, downspouts and other roof protrusions should be painted and finished to match the color of the roof surfaces, unless being used expressly as a trim or accent element.
- d. Solar panels on rooftops should be consistent with roof pitch and to appear as an integral part of overall roof design.
- e. Distinct roofing materials shall be provided for each standard plan and elevation.
- f. Roof mounted HVAC and evaporative cooler equipment shall be prohibited. All equipment shall be properly screened from public view. Vents and flues should be located to occur on the least prominent side of the ridgeline whenever possible and shall be painted to match the color of the roof.

9. ***Architectural Features.***
- a. All home model designs shall provide a similar level of architectural detailing on all sides.
 - b. Minimum 35 percent of the dwellings on a block face shall have a useable front porch, courtyard or a combination of front/streetside/interior side yard outdoor living space, which may include lot lines abutting open space tracts of land.
 - c. The design of front porches and building additions must match the scale and architectural detail of the dwelling.
 - d. Courtyard walls shall not exceed three and a half feet in height in the front or street side yard adjacent to the driveways to create useable gathering areas.
 - e. ~~Front porch covers may encroach up to 25 percent of the front yard or street-side setback line.~~ ****Staff recommends that this requirement is moved to the Zoning Code Article 202 Residential Districts****
10. **Crime Prevention through Environmental Design (CPTED)**
- a. Front building entrances should be accentuated by architectural elements, lighting and/or landscaping. All front doors that open to the outside should be well lit and visible from the street, parking area or neighboring units.
 - b. Buildings should be sited so that the windows and doors of one unit are visible from another. All four facades should have windows.
11. **~~Residential Diversity.~~ Standard Plan Submittal Requirements.** Home Builders shall be required to submit the following as part of an Administrative Design Review application. The following list, establish the minimum requirements for all standard plans submitted to the City of Maricopa. Fees shall be determined by the adopted fee schedule.
- a. ~~***Variation in Building Elevations, Roof Plans and Floor Plans.***~~ New residential development shall provide a variety of building and roof forms and ridgelines. Elevations shall be structurally different, with different roof types facing the street. The specific design submittal requirements vary by subdivision size as follows: ~~***Portion of this statement was moved to Section C, subsection 8 Roof Architecture**~~
 - b. *10-49 lots.* The minimum requirements are two different roof styles, with two different roof materials and three roof colors, two standard floor plans, **three color scheme combinations**, and three different elevations per floor plan.
 - c. *50-99 lots.* The minimum requirements are two different roof styles with two different roof materials and four roof colors, three standard floor plans, **three color scheme combinations** and three elevations per floor plan.

EXHIBIT A

- d. *100-199 lots.* The minimum requirements are two different roof styles, with different roof materials and four roof colors, four standard floor plans, **three color scheme combinations** and a minimum of three elevations per floor plan.
- e. *200 or more lots.* The minimum requirements are two different roof styles, with two different roof materials and five roof colors, five standard floor plans, **three color scheme combinations** and a minimum of three elevations per floor plan.

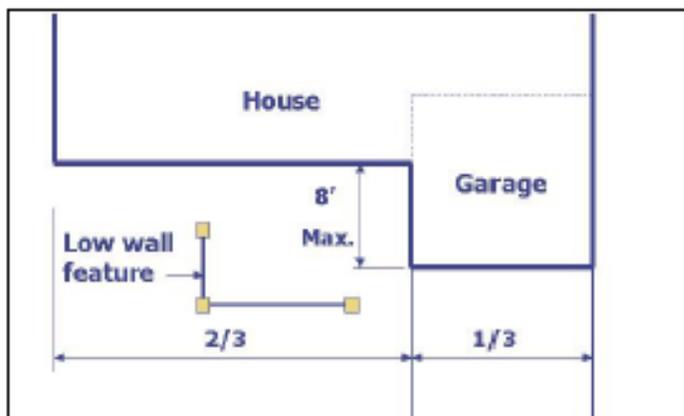
DRAFT

ATTACHMENT I

City of Chandler

The required architectural diversity elements are as follows:

1. Provide four-sided architecture on all portions of the building visible from the arterial streets, unless precluded by a specific architectural style.
2. De-emphasize garage fronts as the most prominent architectural feature of the dwelling front, e.g., incorporate side access garages, "in-line" garages, L-shape floor plans, etc. Garage forward facing plans shall encompass a maximum one-third ($1/3$) of the street front elevation or not extend out from the main body of the house by more than eight (8) feet or include low courtyard walls that extend out from the garage face or other de-emphasizing techniques approved by the City. Structures such as casitas and side-loaded garages may extend further from the main body of the house at a reduced building setback.



City of Mesa

feet behind the primary wall facing the street, and never less than the required garage setback.

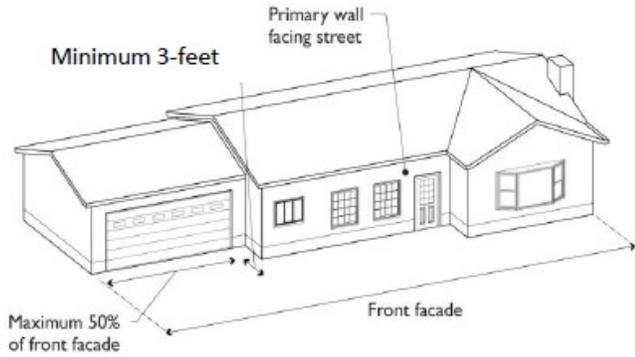


FIGURE 11-5-3.E.1: GARAGE FRONTAGE AND LOCATION

Classification

Definition of Garage Dominate Architecture	7
Requirements for Non-Garage Dominate Architecture	7
Examples	8

DEFINITION OF GARAGE DOMINATE ARCHITECTURE

What compositions of façades and architectural elements define Garage Dominant Architecture? Simply stated; garage dominance exists when any portion of the garage space projects into the front yard, including side-entry garages, beyond the livable space of the home and/or, when garage doors comprise a large percentage of linear frontage of the front elevation.

REQUIREMENTS FOR NON-GARAGE DOMINATE ARCHITECTURE

In order to achieve a non-garage dominant architecture, the following standards must be met: (attached, zero lot-line and multi-family units will be evaluated on a per submittal basis)

- 1. At a minimum, the garage space should be flush* with or recessed behind the plane of the forward most or street side living space façade of the home and, garage doors must not comprise more than 45% of the total linear frontage of the front elevation of the home; or,**
- 2. Garage space may project beyond the front plane of the forward most or street side living space façade only if a front porch (standard for all elevations of the plan) is at minimum, flush with the forward most plane of the garage and, garage doors must not comprise more than 45% of the total linear frontage of the front elevation of the home; or,**
- 3. Garage doors may be located on another side of the dwelling (rear or side elevation) provided that the entry drive to the garage space is made from an adjacent local/private street or alley.**

* For plans which utilize as **standard**, a garage that is flush with the forward most living space façade of the home; optional garage extensions will not count against the plan designation as Non-Garage Dominant.

Town of Buckeye

C. Maximum Garage Width

The maximum width of front-loaded garages, including the garage door and architectural elements on each side of the garage door, shall not exceed 30 percent of the overall building façade width on lots of 10,000 square feet or greater; 40 percent of the façade width on lots of between 6,000 and 10,000 square feet; and 50 percent of the façade width on lots of less than 6,000 square feet.

Town of Queen Creek

Residential Architectural Design Standards

III.A – Recessed Garage

Do This



Not This



III. Garage Dominance

- A. Front loaded garages shall be recessed a minimum of 5 feet from the front plane of the living area to provide interest and relief from the street. (*Z)
- B. Detached garages and side entry garages are encouraged.
- C. The width of front loaded garages (from outside of return to outside of return) shall not exceed 40% of the width of the front façade. (*Z)

ATTACHMENT J

City of Casa Grande

4. Patio covers

- Rear or side yard covered patios or covered courtyards are required on every home.
- Where possible, covered patio areas should be incorporated into the architecture of the homes.
- Patio cover columns and roofs shall be constructed of the same materials used on the remainder of the home. Alternative complementary materials and designs for patio covers and columns shall be subject to the review and approval of the Planning and Zoning Commission.

5. Provide enhanced rear elevations along arterial and collector streets and open spaces. Vary rooflines at rear, e.g., avoid unbroken roof ridgelines by using building projections or different roof features such as dormers, parapets, etc. extending out from main body of building
6. Provide a variety of roofing colors, textures, and component shapes, e.g., “barrel” tile and flat concrete tile.
7. Incorporate durable exterior materials and finishes that may include brick, masonry, stone, or stucco facades; 30-year warranted roof materials are considered mandatory. Wood siding is not permitted.
8. “Box-on-box”(two-story) homes to include a single-story element on rear elevations or second story plane changes or multiple roofs with different ridge orientations or other features, which may include covered patios extending from the home, bay windows, cantilevers, dormers, etc. that break up the “box-on-box” effect as approved by the City.



Standard rear patios provide needed shade from the Arizona sun.

9. Provide standard covered rear patios on all floor plans.



Entries should be the focal point through the use of columns or other architectural features

- (q) The design of accessory structures shall be architecturally similar to the main structure through the use of the same architectural treatment, materials and colors.
- (r) Roof mounted HVAC and evaporative cooler equipment shall be prohibited. All equipment shall be properly screened from public view. Vents and flues should be located to occur on the least prominent side of the ridgeline whenever possible and shall be painted to match the color of the roof.
- (s) All roof pipes, vents, and other roof penetrations and attachments, and equipment shall be configured to have minimal visual impact as seen from the street. Roof penetrations (except chimneys) shall not extend above the ridgeline and shall be painted or architecturally integrated with the roof design and color.
- (t) Utilizing “carriage-style” and other non-conventional sectional garage door styles is recommended to provide additional diversity and to better tie in with architectural themes.
- (u) A useable, covered outdoor patio should be provided on the rear side of each unit. Covered patio dimensions should be at least 100 square feet, with a minimum interior dimension of ten feet (10’).

Town of Queen Creek

IV.I – Window Detailing

Do This

Not This



IV.K – Rear Patio



H. The use of T1-11 siding (rough-sawn plywood siding with vertical grooves at 4" or 8" O.C.) shall be avoided.

I. Design windows to have traditional-appearing details, such as trim and sills or recessed windows, rather than false pop-outs or other artificial applications.

J. Provide an architectural theme for window treatments that is carried through on all four sides of the structure.

K. An all-weather, hard surfaced, covered outdoor rear patio area of not less than one hundred and eighty (180) square feet shall be provided for any lot with an area not exceeding eighteen thousand (18,000) square feet. The rear patio shall be design to be integrated with the architecture of the home and be appropriately related to open areas of the lot for the purpose of providing suitable outdoor living space to supplement the limited interior spaces. (*Z)

L. The building materials of the project shall be durable and require low maintenance. (*Z)

REQUIREMENTS

As part of all Home Product Lines submitted for Design Review, Homebuilders are presented two options for meeting the requirements for the City of Surprise; Option A & B. Each possesses a unique base requirement as well as required additional features listed under Point Options Lists.

The following lists, Option A & B, establish the minimum requirements for all Product Lines submitted to the City of Surprise. In addition to the minimum requirements, 100 points must be accumulated from the Point Options List.

Option A

Minimum Requirements

- 75% of plans submitted must be Non-Garage Dominant Architecture;
- At minimum, three (3) distinctly different elevations;

It is the City's desire to establish the above requirement such that the distinction between each elevation shall not be cost related. It is understood that certain elements that create character differences share difference in cost (i.e. Gable roofs vs. Hip roofs). However, elevations establishing specific architectural themes should comprise substantial articulation for each theme such that "elevation 'A' does not cost less than 'B', which costs less than elevation 'C', etc., etc.

- Multiple roof truss configurations for each plan with each elevation to include: Gable, Hip, Clipped-Hip, Shed, Flat, or a combination thereof, etc;
- Multiple roofing material styles: Flat tile, Barrel (S) tile; etc;
- Four-sided Architecture: Door and Window-casing treatments (pop-outs) located on front elevations must be continued to all subsequent elevations for all plans;
- Horizontal Bands, Wainscots, columns and/or Pilasters, or any other architectural element and decorative materials applied to any front building elevation must wrap around (corners) onto adjoining walls of the structure to a visually appropriate terminating point (all horizontal elements will be assessed at the time of submittal and type of architecture as to what the recommended termination point must be);
- Rear covered patio that integrates architecturally with the home;
- One (1) Elevation per plan must include a Front Porch or Covered Entry-Way as standard. Required Front Porches and Covered Entry-Ways must be at minimum 5' X 8' clear of obstructions;

ATTACHMENT K

City of Casa Grande

3. Provide significant architectural features, such as dramatic covered front entries, large covered front porches, bay windows, and /or dormers as standard features on all homes.

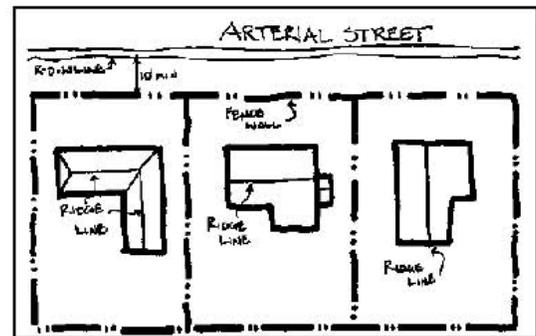
City of Chandler

Residential Development Standards

2. Prohibit the same front elevation on adjoining homes or homes located directly across the street.
3. Standard feature stone, brick or other accent façade material on at least one (1) elevation for each floor plan available, offered as a standard feature, not an option.
4. Provide distinctive architectural details on all elevations, e.g., covered front entries, covered front porches, door and window details, roof features, parapet walls with cap features, eave details, front door styles, dormers, etc.
5. Provide screening or other accommodation for trash containers, recycling bins, household tools and equipment.
6. Incorporate standard front porches, defined courtyards or other defined front yard outdoor living spaces on at least one (1) elevation for each floor plan available.
7. Limit the amount of two-story homes along arterial and collector streets to no more than every third lot. Two-story homes shall be prohibited from backing up to the Price and Santan Freeways.
8. Break up the main ridgeline on roof slopes, whereby at least 25% of the ridgeline includes multiple roof elevations or plane changes, unless precluded by a specific architectural style.
9. Prohibit a series of roof slopes visible from the arterial that are all parallel with, or all perpendicular to, the arterial street by limiting identical rear elevation roof lines to no more than two (2) adjacent lots.



This front courtyard defines a functional outdoor living space.



A variation in roof slopes between homes promotes a more diverse streetscape.



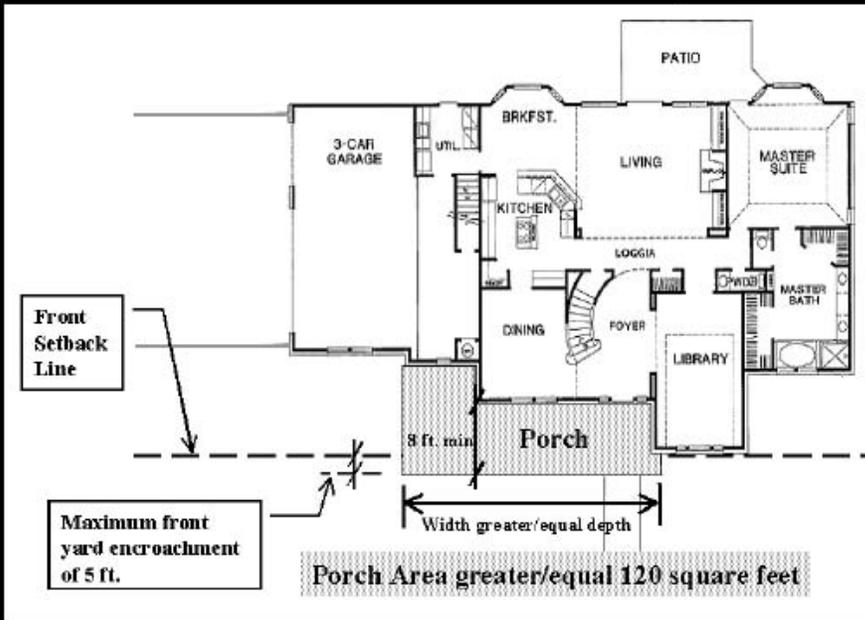
Elevations shall be structurally different with different roof types facing the street

- (f) At least three (3) significantly different architectural styles shall be provided for each floor plan. Elevations shall be structurally different with different roof types facing the street.
- (g) Useable front porches are highly encouraged. Front porches should match the scale and architectural detail of the home.
- (h) Provide a variety of roof forms and ridgelines. Elevations should be structurally different, with different roof types facing the street.
- (i) Deep-set or pop-out windows and doors along with other architectural projections and recesses shall be used to provide individuality of units.
- (j) Courtyard walls a maximum of three feet (3') in height in the front yard (or side yards) adjacent to the driveways areas are encouraged to create useable gathering areas.

Town of Queen Creek

Residential Architectural Design Standards

II.J, K – Front Porch Projection



J. At least 40% of front elevations shall incorporate a porch, courtyard, or combination thereof with a minimum area of 120 square feet, a depth no less than 8 feet, and a width equal to or greater than the depth. (*Z) This requirement does not apply to the R1-18 zoning district.

K. Covered front porches meeting minimum ordinance requirements may be allowed to encroach into the front yard setback up to 5 feet. (*Z)

L. Single-story houses built in the R1-6, R1-7, R1-8, and R1-9 single-family residential districts will be allowed an increase in lot coverage to 45% where front porches are provided that are a minimum of 120 square feet and 8 feet in depth. (*Z)

M. Single-story houses built in the R1-12 single-family residential district will be allowed an increase in lot coverage to 40% where front porches are provided that are a minimum of 120 square feet and 8 feet in depth. (*Z)

- b. *Site Design Elements.*
- i. *Alley-Accessed Parking.* Parking for at least 50 percent of lots in the development is accessed from the rear of the lots via an alley or alleys.
 - ii. *Shared or Clustered Driveways.* Driveways are paired so that there is a single curb-cut providing access to 2 houses, and the total width for the paired driveway is not more than 18 feet. Alternatively, driveways may be clustered (but need not share the same curb cut) so that there is at least 36 feet of uninterrupted curb between the clustered driveways.
 - iii. *Variable Front Yards.* No more than 50 percent of homes will be set back the same distance from the front lot line, and at least 50 percent of the homes will be set back at least 2 feet farther than the minimum. This element may be accomplished by recording “build-to” lines on the final subdivision map.
 - iv. *Variety of Lot Widths.* Varieties of lot widths are provided to accommodate a variety of home styles, setbacks, and garage placements. At least 30 percent of the lots vary from the predominate(mode) lot width in the development by at least 20 percent.
- c. *Building Design Elements.*
- i. *Garage Setbacks.* All garages will be set back at least 3 feet behind the primary front façade of the dwelling.
 - ii. *Variable Garage Entries.* The development plan includes provisions for variable location of garage entries. At least 35 percent of the lots will have garages that are side-loaded, or set entirely in the rear half of the lot in a detached garage.
 - iii. *Entries and Porches.* At least 50 percent of the homes include entries and covered porches extending along a minimum of 50 percent of the width of the homes’ front facades, excluding the width of garages. Porches meeting this requirement shall have a minimum width of 8 feet and a minimum depth of 4 feet.
 - iv. *Architectural Diversity.* Projects with 20 or fewer lots have a minimum of 3 unique elevations. For each additional 20 lots, or portion thereof, an additional elevation shall be required. [Example: A 100 lot subdivision would require 7 unique elevations $(100-20)/20 = 4$; $4 + 3$ (for the first 20 lots) = 7]

City of Surprise

REQUIREMENTS

As part of all Home Product Lines submitted for Design Review, Homebuilders are presented two options for meeting the requirements for the City of Surprise; Option A & B. Each possesses a unique base requirement as well as required additional features listed under Point Options Lists.

The following lists, Option A & B, establish the minimum requirements for all Product Lines submitted to the City of Surprise. In addition to the minimum requirements, 100 points must be accumulated from the Point Options List.

Option A

Minimum Requirements

- 75% of plans submitted must be Non-Garage Dominant Architecture;
- At minimum, three (3) distinctly different elevations;

It is the City's desire to establish the above requirement such that the distinction between each elevation shall not be cost related. It is understood that certain elements that create character differences share difference in cost (i.e. Gable roofs vs. Hip roofs). However, elevations establishing specific architectural themes should comprise substantial articulation for each theme such that "elevation 'A' does not cost less than 'B', which costs less than elevation 'C', etc., etc.

- Multiple roof truss configurations for each plan with each elevation to include: Gable, Hip, Clipped-Hip, Shed, Flat, or a combination thereof, etc;
- Multiple roofing material styles: Flat tile, Barrel (S) tile; etc;
- Four-sided Architecture: Door and Window-casing treatments (pop-outs) located on front elevations must be continued to all subsequent elevations for all plans;
- Horizontal Bands, Wainscots, columns and/or Pilasters, or any other architectural element and decorative materials applied to any front building elevation must wrap around (corners) onto adjoining walls of the structure to a visually appropriate terminating point (all horizontal elements will be assessed at the time of submittal and type of architecture as to what the recommended termination point must be);
- Rear covered patio that integrates architecturally with the home;
- One (1) Elevation per plan must include a Front Porch or Covered Entry-Way as standard. Required Front Porches and Covered Entry-Ways must be at minimum 5' X 8' clear of obstructions;

ATTACHMENT L

ATTACHMENT M

Article 510 Planned Area Development Procedure

Sections:

510.01	Purpose
510.02	Applicability
510.03	Procedures
510.04	Required Findings
510.05	Conditions
510.06	Expiration and Renewal
510.07	Amendments of Approved Plans
510.08	Planned Area Development Plan Review
510.09	Failure to Comply with Conditions
510.10	Revocation or Modification of Planned Area Development

510.01 Purpose

In accordance with Article 207 of this Code, the Planned Area Development (PAD) District is intended to support the Subdivision Ordinance and accommodate both Planned Area Development and Master Planned Development subdivisions, which conform to the guiding principles, general provisions, and specific requirements for such development established in the Subdivision Ordinance. Where PAD zoning is deemed appropriate or necessary, traditional zoning regulations are modified, integrated with, or replaced by form-based or performance considerations to fulfill the objectives of the General Plan. Individual PAD Districts may be tailored to meet the specific development representations of an application. Hence, one PAD District may vary considerably from another District. This Article provides procedures for establishing a PAD District to facilitate orderly development of larger sites in the City consistent with the General Plan.

510.02 Applicability

PAD Districts may be applied to undeveloped or underdeveloped land in the City, including land proposed for redevelopment, and shall be processed as a Zoning Map amendment under the

provisions of Article 509. The procedures in this Article shall apply to all proposals to establish a new PAD District and to all proposals to ~~modify the~~ amend specific provisions of pre-existing PAD Overlays approved under the prior Code, in which case the procedures in this Article shall apply to the specific provisions being modified. Properties covered by a recorded Development Agreement shall not require compliance with provisions of this Zoning code, if the provisions are superseded by the Development Agreement.

510.03 Procedures

- A. **Decision-Making Body.** A PAD District must be adopted by the City Council in accordance with the public notice and review procedures of Section 509.03 of this Code. A public hearing before the Planning & Zoning Commission and City Council is required, and the Planning & Zoning Commission shall make a recommendation to the City Council prior to City Council consideration.
- B. **Review Procedures.**
1. **Rezoning.** An application for rezoning to a PAD District shall be processed as an amendment to the Zoning Map and shall include a PAD Plan.
 2. **PAD Plan.** The PAD Plan shall be accepted and processed as a part of and in the same manner as an amendment to the Zoning Map, although additional information is required to be submitted in order to determine that the intent of this Code, the Subdivision Ordinance, and the General Plan will be fulfilled. A PAD Plan is defined as the documents accompanying a PAD rezoning application and may include, but not limited to land use plans and maps, development schedule and phasing plan, a landscape, opens space, and trails plan, engineering documentation and reports, a narrative explaining the proposal and expressing the design and character of the proposed development, development standards and uses, and any other documentation and imagery intended to support the proposed development being requested as identified in Section 510.03D. Once approved, the conditions of approval become a part of the PAD Plan, unless otherwise specified.
 3. **Preliminary Subdivision Plat.** A PAD may be submitted, processed, and reviewed prior to or concurrently with the submission of a preliminary subdivision plat application pursuant to Chapter 14 of the City Code, but no permits may be issued unless and until a final plat has been approved and recorded with the Pinal County Recorder's Office.
- C. **Initiation.** An amendment to reclassify property to a PAD District shall be initiated by a property owner or authorized agent or a motion of the Planning & Zoning Commission or the City Council. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership shall be submitted with the application.

- D. **Application Content.** An application for a PAD, made on the prescribed form, shall be filed with the Development Services Department, accompanied by the required fee. Applications shall contain all of the following:
1. **Legal Description.** A legal description of the site and a statement of the number of acres, or square feet if less than one acre, contained therein.
 2. **Title Report.** A title report not more than 60 days old verifying the description and the ownership of the property.
 3. **Project Narrative.** A generalized narrative describing the location of the site, its total acreage, and the existing character and use of the site and adjoining properties; the concept of the proposed development, including proposed uses and activities, proposed residential densities if appropriate, and physical land alteration required by the development; and the relation of the proposed PAD to the General Plan.
 4. **Development Schedule.** A development schedule, including anticipated timing for commencement and completion of each phase of development, tabulation of the total number of acres in each separate phase and percentage of such acreage to be devoted to particular uses, and an indication of the proposed number and type of dwelling units by phase of development, if applicable.
 5. **Maps and Diagrams.** Maps, diagrams, and other graphics necessary to establish the physical scale and character of the development and demonstrate the relationship among its constituent land uses, buildings and structures, public facilities, and open space. These graphics shall at a minimum indicate:
 - a. A map showing the perimeter boundaries of the project site, the perimeter of the ownership, the location and dimensions of any existing property lines and easements within the site, and all uses and structures within a 300-foot radius of the project area boundaries;
 - b. Demonstration that development is in conformity with the Parks, Trails and Open Space Master Plan, the City's most current adopted transportation plans, and the General Plan, including but not limited to circulation of proposed movement of vehicles, goods, and pedestrians within the district and to and from adjacent areas, streets and driveways, sidewalks and pedestrian ways, transit stops, and off-street parking and loading areas;
 - c. A site plan indicating existing and proposed uses, location and dimension of buildings and structures, gross floor area of existing and proposed structures, identification of structures to be demolished or removed;

- d. A detailed tabulation of the proposed lot dimensions, number of dwelling units, building coverage including height(s), setbacks, paving coverage, landscaped areas, and parking dedication;
 - e. A "Master Outdoor Lighting Plan" for all areas of the proposed development, including but not limited to pedestrian travel areas; and
 - f. A "Master Signage Plan", including the size and location of all proposed signs.
6. ***Open Space and Landscaping Plan.*** An existing and proposed open space and landscaping plan including landscape concept and type of plant materials, recreation area, parking, service and other public areas used in common on the property and a description of intended improvements to and maintenance of the open area of the property.
 7. ***Other Information.*** All materials required by Article 14-5 of the Subdivision Ordinance and any other information deemed necessary by the Zoning Administrator to ascertain if the project meets the required findings for a PAD Plan and re-zoning.

510.04 Required Findings

A PAD Plan and re-zoning PAD District shall only be approved if all of the following findings are made:

- A. The proposed development is consistent with the General Plan, the Subdivision Ordinance, and any applicable specific plan or master plan, including the density and intensity limitations that apply;
- B. The subject site is physically suitable for the type and intensity of the land use being proposed;
- C. Adequate transportation facilities and public services exist or will be provided in accordance with the conditions of PAD plan approval, to serve the proposed development and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;
- D. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;
- E. The development complies with applicable adopted design guidelines; and
- F. The proposed development carries out the intent of the Planned Area Development provisions by providing a more efficient use of the land and an excellence of architecture

and site design greater than that which could be achieved through the application of the base district regulations.

510.05 Conditions

In approving a PAD Plan and re-zoning, the City Council may impose reasonable conditions deemed necessary to:

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted;
- B. Achieve the general purposes of this Code or the specific purpose of zoning regulations for specific uses proposed;
- C. Achieve the findings listed in Section 510.04;
- D. Mitigate any potentially significant impacts identified as a result of review of the proposed PAD Plan; or
- E. Any other conditions that are found to be necessary to ensure that the provisions of the General Plan and this Code are met.

The City Council may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

510.06 Expiration and ~~Renewal~~Extension

- A. **Expiration.** A PAD Plan adopted under this Code shall be effective on the same date as the Ordinance creating the PAD District for which it was approved. The City Council may rescind or amend the PAD Plan ~~shall expire~~ two years after the effective date in accordance with ARS 9-462.01E unless actions or development milestones specified in the conditions of approval have been taken, an extension is requested, or a building permit has been issued and construction diligently pursued. An approved PAD Plan may specify a development phasing program exceeding two years.
- B. **~~Renewal~~Extension.** If the City Council determines that the actions or development milestones specified in the conditions of approval of a ~~A~~ PAD Plan adopted under this Code ~~that has~~have not been ~~exercised~~met, the PAD Plan may be extended ~~renewed~~ for a ~~two-year~~ period of time commensurate with the size of the project. Such extension shall be approved by the City Council after a duly-noticed public hearing. Application for ~~renewal~~extension shall be made in writing between 30 and 120 days prior to expiration of the original approval. The City Council may ~~renew~~extend a PAD Plan if it finds the ~~renewal~~extension consistent with the purposes of this Article.

510.07 Amendments of Approved Plans

- A. **Changed Plans.** Amendments to a PAD District or PAD Plan may be requested by the applicant or its successors. Amendments to the approved Phasing or PAD Plan shall be classified as major or minor amendments. Upon receipt of an amendment application, the Zoning Administrator shall determine if the proposed amendment constitutes a major or minor amendment.
- B. **Major Amendments.** Any major amendment to the PAD shall be reviewed by the Zoning Administrator to determine if the proposed changes will be processed as a new application, or an amendment to the existing plan requiring modifications to only portions of the PAD Plan. An amendment will be deemed major if it involves one or more of the following changes:
1. A change in the exterior boundary of the PAD District;
 2. An increase or decrease in the number of dwelling units for the PAD District that is no more than 10 percent greater than the maximum or 10 percent less than the minimum stated in the PAD Plan;
 3. An increase or decrease in the floor area for any non-residential land use that results in the floor area exceeding the minimum or maximum stated in the PAD Plan by 10 percent or more;
 4. Any change in parks, public recreation areas, or school sites that is likely to negatively impact or burden the City's ability to provide parks and recreational facilities or the school district's ability to serve the future school-age population;
 5. Any change in phasing or timing that would have a significant impact on the completion of infrastructure improvements, parks, public recreation areas or school districts;
 6. Any change in land use or density that is likely to have a negative impact or create a burden on public facilities and utilities infrastructure;
 7. Any change resulting in a 10 percent or more increase in the allowable height of buildings, or increase to the number of stories allowed;
 8. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PAD District or the overall major street system, as determined by the City Engineer; or
 9. Any other proposed change to the PAD Plan or the conditions of approval that substantively alters one or more of its components with potentially significant adverse consequences, as determined by the Zoning Administrator.
- C. **Minor Amendments.** Amendments not meeting one or more of the criteria listed in Subsection (B) above shall be considered minor if they are consistent with the original

findings and conditions of approval. Minor Amendments may be approved by the Zoning Administrator. The Zoning Administrator may, at his/her discretion, refer any request for an amendment to a PAD Plan that may generate substantial public interest to the Planning & Zoning Commission for a decision. The following modifications to an approved PAD are considered minor and may be approved by the Zoning Administrator:

1. Changes in phasing, including the size and number of housing units in individual development units provided there is not a significant change in the overall development program that results in an increase in the number of units and/or non-residential floor area.
2. Changes in the location of a school site provided the appropriate school district approves such a change in location.
3. Changes in the location and size of individual park sites provided the total park acres is not reduced and City standards for park service areas continue to be met with such changes.
4. Changes in the location or alignment of proposed roadways and other plan modifications to comply with adopted City policies. Should the proposed changes potentially impact surrounding uses, the Zoning Administrator shall determine if the request is processed as a Major or Minor Amendment.

510.08 Planned Area Development Plan Review

Plans for a project in a PAD District shall be accepted for planning and building permits or subdivisions only if they are consistent with an approved PAD Plan and any conditions of approval. No project may be approved and no building permit issued unless the project, alteration or use is consistent with an approved PAD Plan.

510.09 Failure to Comply with Conditions

Failure to comply with any PAD permit condition or development schedule is a violation of this Article and subject to Article 512, Enforcement. The Planning & Zoning Commission or City Council may initiate revocation proceedings under this Code, or suspend the applicant's permit until such time as the applicant conforms to the conditions thereof.

510.10 Revocation or Modification of Planned Area Development Zoning Approval

An approved PAD District zoning approval may be rescinded or modified as provided by Section 502.12, Modifications, or 502.13, Revocation of Permits and Approvals [and in accordance with ARS 9-462.01E](#).