

## MEMO

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**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 14<sup>th</sup>). 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 7<sup>th</sup>, 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 16<sup>th</sup>, 2014

## ZONING MAP

The new Zoning Map is intended to be processed after the Zoning Code is adopted. Staff has prepared a draft map showing only the new overlay districts and the existing zoning. The draft zoning map may be reference for purposes of discussing the draft Zoning Code, however discussion and consideration to adopt a new zoning map will occur in the future.

## DESIGN GUIDELINES

The Zoning Code Rewrite Task Force requested the Single Family Residential Design Guidelines (Attachment B) be adopted as a standalone document, and referenced within the Zoning Code. Similarly, the existing Heritage District Design Guidelines (Attachment C), and the recently adopted Design Standards for Wireless Communication Facilities (Attachment D), are referenced by name in the draft Zoning Code and intended to be adopted by separate resolution in conjunction with the Zoning Code.

The material code provisions recommended by the Task Force are included in the design guideline attachments. The Planning & Zoning Commission may review, discuss, and propose modifications to these documents in conjunction with the Zoning Code review. Once all documents are finalized, the design guideline documents will be formatted to have a consistent and branded appearance for adoption.

## RECENT OPPOSITION

The City has and will continue to provide considerable notification to stakeholders and the public throughout the Code rewrite process. Staff received new letters of concern on June 10<sup>th</sup> and 11<sup>th</sup>, 2014, prior to the June 11<sup>th</sup> Task Force meeting. The Task Force discussed the letters and included Amendment #'s 4,6,7, and 8 in their recommendation, which respond to the concerns expressed. See the letters of opposition in Attachment E

- Attachments:
- A - June 11, 2014 Task Force Recommended Amendments (draft) to the Zoning Code Rewrite dated June 2
  - B – Draft Residential Design Guidelines
  - C – Heritage District Design Guidelines
  - D – Wireless Communication Facility Design Guidelines
  - E – June 10<sup>th</sup> & 11<sup>th</sup>, 2014 Letters of Concern

**\*See Highlighted Task Force Discussion & Recommendations**

**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**).

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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 23<sup>rd</sup> 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. F: "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%	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
6,000 – 10,000 – 40%						
Less than 6,000 – 50%						

*\*\*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