

ORDINANCE NUMBER 14-12

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, ADOPTING "CHAPTER 16 CITY OF MARICOPA ZONING CODE" BY REFERENCE AS ARTICLES 101 THROUGH 602 OF CHAPTER 16 OF THE MARICOPA CITY CODE AND REPEALING ALL PREVIOUSLY ADOPTED PROVISIONS OF CHAPTER 16 OF THE MARICOPA CITY CODE, AUTHORIZING THE DEVELOPMENT SERVICES DIRECTOR TO MAKE ADMINISTRATIVE CORRECTIONS TO SCRIVENER'S ERRORS AS IDENTIFIED FROM TIME TO TIME AND PROVIDING FOR SEVERABILITY AND THE EFFECTIVE DATE THEREOF.

WHEREAS, that certain document known as the "Chapter 16 Maricopa Zoning Code" was adopted as a public record by Resolution No. 14-36 on October 21, 2014;

WHEREAS, the City Council previously adopted Ordinances which established laws and regulations related to zoning of property within the City of Maricopa;

WHEREAS, the Mayor and City Council of the City of Maricopa believe, after consultation with its staff, that amending Chapter 16 by repealing all previously adopted provisions of Chapter 16 and replacing them with Articles 101 through 602 as set forth in Resolution 14-36 would be in the best interest of the City of Maricopa; and

WHEREAS, A.R.S. §9-802 allows a City to adopt a public record by Ordinance as a means to reduce publication costs while ensuring that the public gets fair notice and opportunity to review its operative provisions.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, AS FOLLOWS:

SECTION 1. Pursuant to Arizona Revised Statutes Section 9-802, that certain document known as "CHAPTER 16 CITY OF MARICOPA ZONING CODE" of the Maricopa City Code, three copies of which are on file in the office of the City Clerk of the City of Maricopa, Arizona, which document was made a public record by Resolution No. 14-36 of the City of Maricopa, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

SECTION 2. Chapter 16 of the Maricopa City Code and all amendments thereto are hereby repealed in their entirety and replaced with Chapter 16 City of Maricopa Zoning Code which was made public record by Resolution No. 14-36 of the City of Maricopa, Arizona.

SECTION 3. Section 409.14(C) of Chapter 16 of the Code of the City of Maricopa contains the following penalty clause:

Before issuing any Zoning Permit required by this Code, the City shall collect a fee in accordance with a fee schedule established by the City Council. If work for which a permit is required by this Code is started before a permit has been issued, the fees specified above shall be doubled. The payment of such double fee shall not relieve any persons from complying fully with the requirements of this Code in the execution of the work or from any penalties prescribed herein.

SECTION 4. Section 412.06(D) of Chapter 16 of the Code of the City of Maricopa contains the following penalty clause:

Failure to comply with co-location requirements when feasible may result in denial of a permit request or revocation of an existing permit.

SECTION 5. Section 512.06 of Chapter 16 of the Code of the City of Maricopa contains the following penalty clauses:

Any person, firm or corporation, whether as principal, owner, agent, tenant, employee or otherwise, who violates any provisions of this Code shall be subject to an administrative, civil, or criminal penalty. Each day of a continuing violation is a separate violation for the purpose of imposing a separate penalty. The administrative, civil, or criminal penalty for violations of this Code are established herein.

A. Criminal Actions.

1. Notwithstanding any other provision of this Code, each person violating, causing, or allowing a violation of any provision of this Zoning Code or any permit or condition of approval granted pursuant thereto, shall be guilty of an infraction, unless the violation is specifically declared to be a misdemeanor.
2. Every violation of any provision of this Code, or of any permit issued pursuant to this Code (including any of the conditions of approval for such permit) that is prosecuted as an infraction shall be punished, upon conviction or upon a plea of nolo contendere (commonly called no contest), by:
 - a. A base fine not exceeding \$100.00 for a first violation;
 - b. A base fine not exceeding \$200.00 for a second violation of the same Code Section or permit (or any of the conditions of approval) occurring on the same property and committed by the same person within one year; and
 - c. A base fine not exceeding \$500.00 for each additional violation of the same Code Section or permit (or any of the conditions of approval) occurring on the same property and committed by the same person

within one year.

3. Any court costs that the court may otherwise be required to impose pursuant to applicable State law or local ordinance shall be imposed in addition to the base fine. Notwithstanding the above, a first or subsequent violation of this Code may be charged and prosecuted as a misdemeanor.
 4. A misdemeanor shall be punished, upon conviction or upon a plea of nolo contendere (commonly called no contest), by a base fine of not less than \$500.00 and not more than \$1,000.00, or by imprisonment in the County jail for a period of not more than six months, or by both base fine and imprisonment. Any court costs that the court may otherwise be required to impose pursuant to applicable State law or local ordinance shall be imposed in addition to the base fine.
 5. The conviction and punishment of any person of an offense as described in this Section or the payment of a criminal fine by or on behalf of the person convicted, shall not relieve that person from the responsibility for correcting, removing, or abating the violation that resulted in the conviction; nor prevent the enforced correction, removal or abatement thereof by the City. The correction, removal, or abatement of a violation begun after the issuance of a criminal citation or the filing of a criminal complaint shall not be a defense to the infraction or misdemeanor so charged and, following a conviction or plea of nolo contendere, shall not be grounds for the dismissal of the action or the waiver, stay, or reduction of any fine established in this Section.
- B. Civil Actions.** An alleged violator who is served with a Citation or Notice of Violation subject to a civil penalty shall not be subject to a criminal prosecution for the same factual situation. However, all other remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions or to remove prohibited buildings, structures, or improvements nor prevent the enforcement, correction or removal thereof. In addition to the other remedies provided in this Article, the City Council, the City Attorney, or any adjacent or neighboring property owner who shall be especially damaged by the violation of any provision of this Code, may institute, in addition to the other remedies provided by law, injunction, mandamus, abatement or any other appropriate action, proceeding or proceedings to prevent or abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use
- C. Injunctive Relief and Abatement.** At the request of any person authorized to enforce this Code, the City Attorney may commence proceedings for the abatement, removal, correction and enjoinder of any act or omission that

constitutes or will constitute a violation of this Code or any permit or land use approval granted pursuant thereto, and an order requiring the violator(s) to pay civil penalties and/or abatement costs. Where multiple violators are involved, they shall be jointly and severally liable for the civil penalties and/or abatement costs.

- D. Civil Remedies and Penalties.** Any person, whether acting as principal, agent, employee, owner, lessor, lessee, tenant, occupant, operator, contractor, or otherwise, who violates any provision of this Code or any permit or any condition of land use approval granted pursuant thereto, shall be liable for a civil penalty not to exceed one thousand dollars (\$1,000.00) per violation for each day or any portion thereof, that the violation continues to exist. In determining the amount of civil penalty to be imposed, both as to the daily rate and the subsequent total amount for any given violation, the court shall consider all relevant circumstances, including but not limited to the extent of the harm caused by the conduct constituting the violation, the nature and persistence of such conduct, the length of time over which the conduct occurred or as repeated, the assets, liabilities, and net worth of the violator, whether a corporate entity or an individual, and any corrective action taken by the violator.
- E. Attorney's Fees.** In any civil action, administrative proceeding, or special proceeding to abate a public nuisance, whether by seeking injunctive relief and/or an abatement order, or other order; attorney's fees may be recovered by the prevailing party and shall not exceed the amount of reasonable attorney's fees incurred by the City in that action or proceeding.
- F. Administrative Actions.** As an alternative to the criminal or civil enforcement of this Code, i.e., Chapter 16 of the Maricopa City Code, and, further, as an alternative to all other administrative enforcement procedures provided by this Code, all violations of this Code may be subject to enforcement through the use of Administrative Citations.

SECTION 6. The Development Services Director is hereby authorized to make administrative corrections to scrivener's errors identified in the Maricopa Zoning Code from time to time.


SECTION 7. To the extent of any conflict between other City Ordinances and this Ordinance, this Ordinance shall be deemed to be controlling; provided, however, that this Ordinance is not intended to amend or repeal any existing City Ordinance, Resolution or regulation except as expressly set forth herein.

SECTION 8. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court

of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.


SECTION 9. This Ordinance shall become effective thirty (30) days from the date of adoption by the City Council for the City of Maricopa.

PASSED AND ADOPTED by the Mayor and Council of the City of Maricopa, Arizona, this 5th day of November, 2014.



Christian Price
Mayor


ATTEST:



Vanessa Bueras
City Clerk

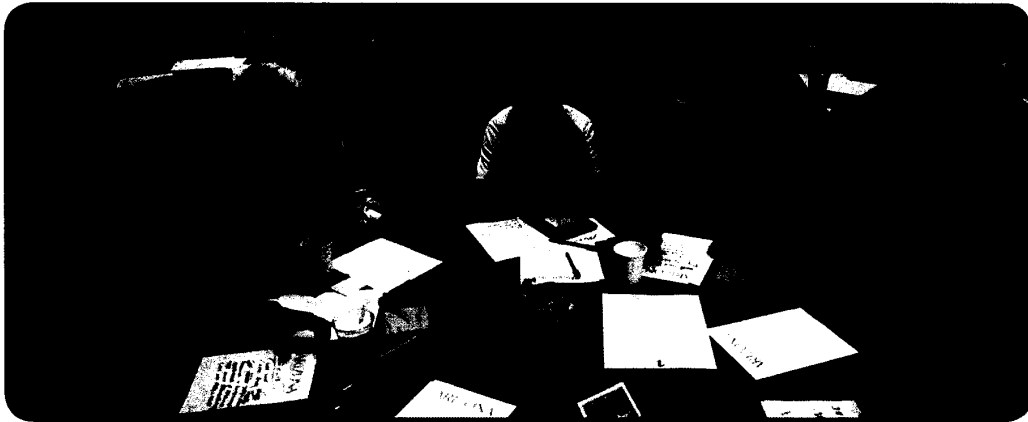


APPROVED AS TO FORM:



Denis Fitzgibbon
City Attorney

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

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Maricopa Zoning Code Rewrite

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I Introduction

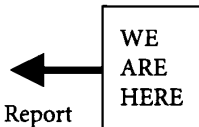
In early 2013, the City of Maricopa began the City's Zoning Rewrite process to implement the General Plan. The Zoning Rewrite will articulate a long-term vision for Maricopa and outline policies and programs to realize this vision. Since incorporation, the City has used an ordinance adapted from Pinal 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

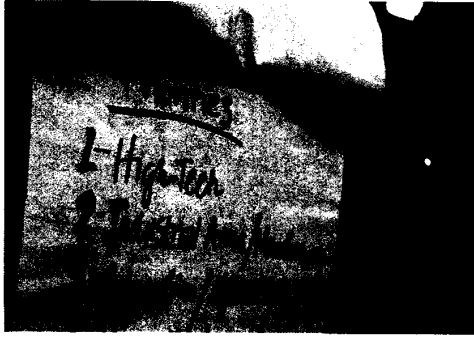
After the first activity, workshop participants moved to small-group tables. At the tables, participants were given blank magazine covers for a hypothetical special issue in the year 2030, celebrating Maricopa. They were asked to provide headlines or illustrations which captured their vision for Maricopa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

- 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.

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.

Maricopa Zoning Code Rewrite

- 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.

Maricopa Zoning Code Rewrite

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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 Kickoff Presentation
January 22, 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

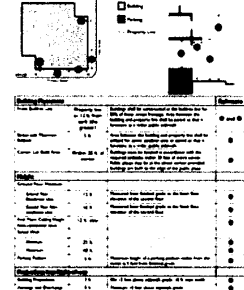
- *Implement the General Plan and City Council Strategic Plan, including new districts, refined standards, and streamlining*
- *Craft provisions that will promote Maricopa's small town atmosphere, "complete" neighborhoods, and shopping and employment opportunities and protect the environment*
- *Create 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

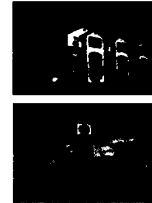


Types of Zoning

Types	Description
Euclidean (most common)	Separates uses by site location, volume, density, mass and intensity and specifies its use in Euclidean.
Incentive	Relaxes certain requirements in exchange for amenities (e.g. the proposed height/FAR bonus)
Performance-Based	Adopts of objective and measurable standards to reduce impacts and promote health and sustainability
Physical Form-Based	Prescribes design of buildings and street typologies (typically through generic prototypes/illustrations)
Hybrid	Combines physical and performance regulations into objectives/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



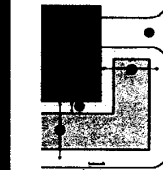
Inputs

- 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

Building Type	Height	Notes
Single-Family Detached	35 ft	Maximum height of buildings shall be 35 feet.
Single-Family Attached	35 ft	Maximum height of buildings shall be 35 feet.
Multi-Family Detached	35 ft	Maximum height of buildings shall be 35 feet.
Multi-Family Attached	35 ft	Maximum height of buildings shall be 35 feet.
Commercial	35 ft	Maximum height of buildings shall be 35 feet.
Industrial	35 ft	Maximum height of buildings shall be 35 feet.
Public Use	35 ft	Maximum height of buildings shall be 35 feet.
Special Use	35 ft	Maximum height of buildings shall be 35 feet.

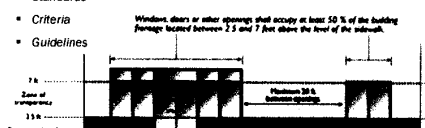
Development Standards



Category	Standard	Reference
Building	Buildings shall be placed in order to the street to maximize curb parking and other transportation-related uses, and to the maximum extent of the lot.	
Parking	Where ground parking may not be located within 40 feet of street frontage, the design or provision of 5.1.4(d) shall be considered.	
Landscaping	Landscaping shall be provided in order to the street to maximize curb parking and other transportation-related uses, and to the maximum extent of the lot.	
Property Line	Buildings shall be placed in order to the street to maximize curb parking and other transportation-related uses, and to the maximum extent of the lot.	

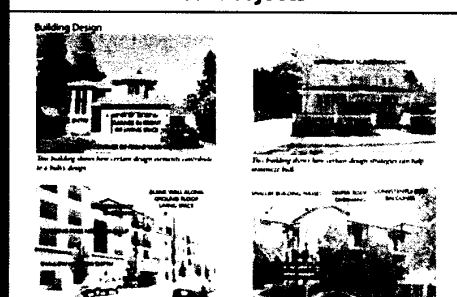
Analysis of Standards

- 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 2.5 and 7 feet above the level of the sidewalk.

Learn from Real Projects



Building Design

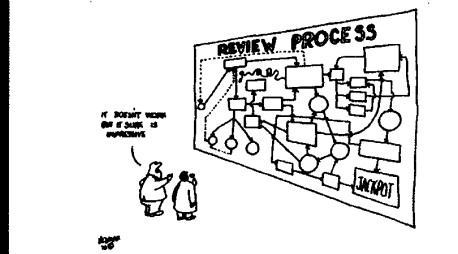
This building shows how certain design elements contribute to a building's design.

This building shows how certain design elements can help maximize curb.

This building shows how certain design elements can create a sense of place.

This building shows how certain design elements can create a sense of place.

Streamlining Permitting Process



REVIEW PROCESS

IF PERMIT VIEWS ARE IN CONFLICT WITH STANDARDS

INPUT

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

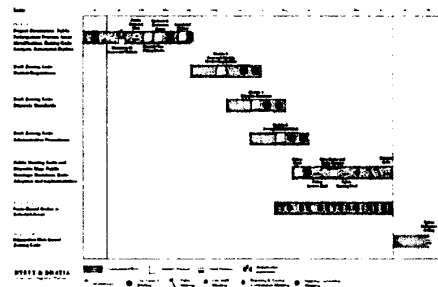


Proposition 207

- 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



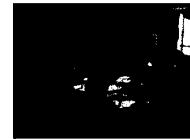
Public Participation Principles

- 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

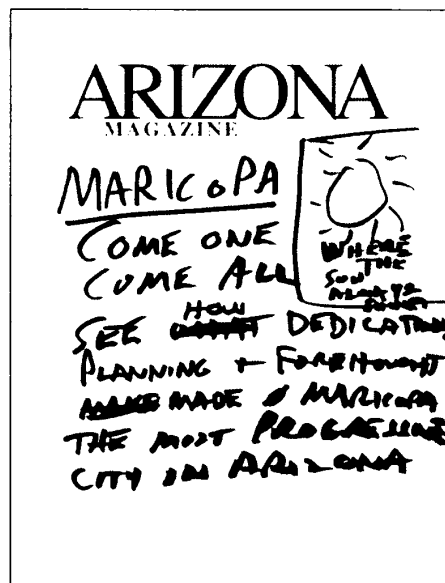
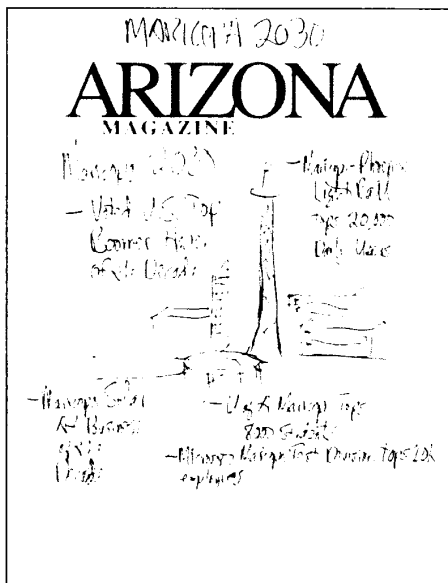
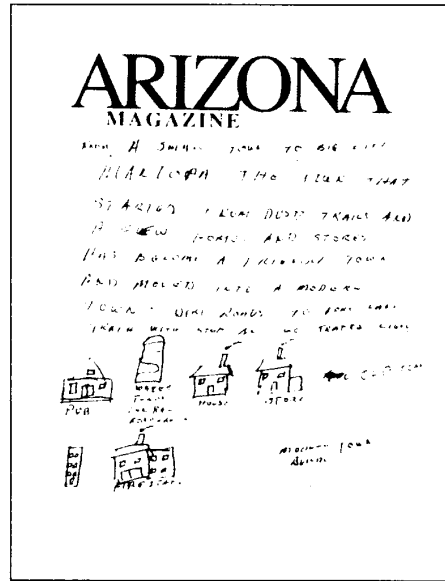
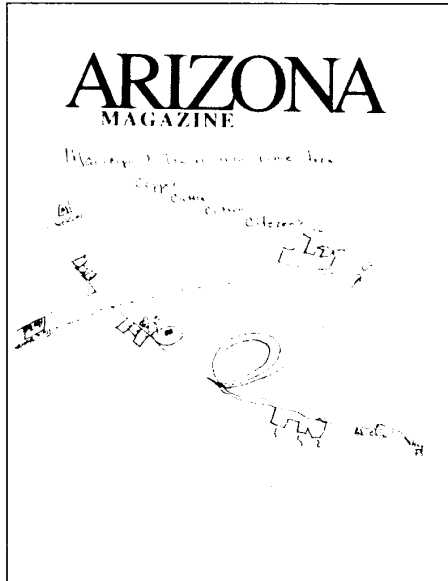
Discussion Questions

- "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

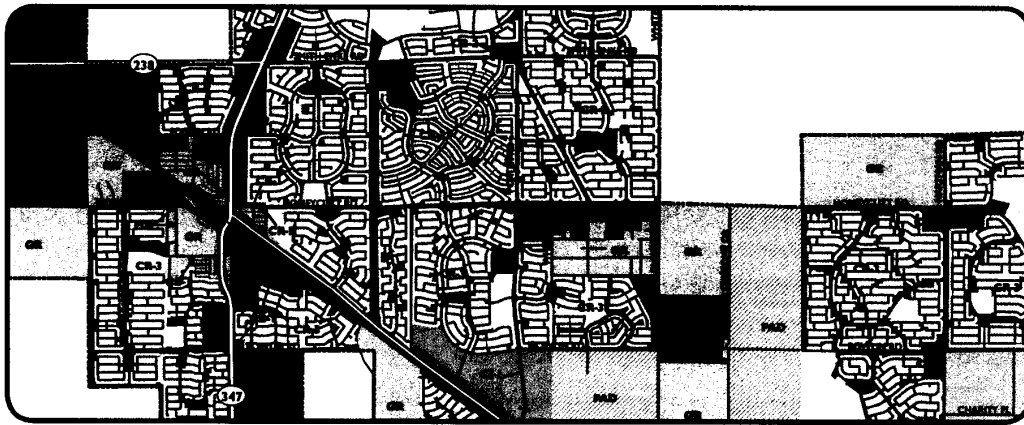
Maricopa Zoning Code Rewrite

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

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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



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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.

*City of Maricopa Zoning Code Rewrite
Diagnosis and Evaluation Working Paper*

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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.

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.

*City of Maricopa Zoning Code Rewrite
Diagnosis and Evaluation Working Paper*

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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 plats, 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.

Permit Type	General Purpose	Issuing Authority
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

Permit Type	General Purpose	Issuing Authority
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.

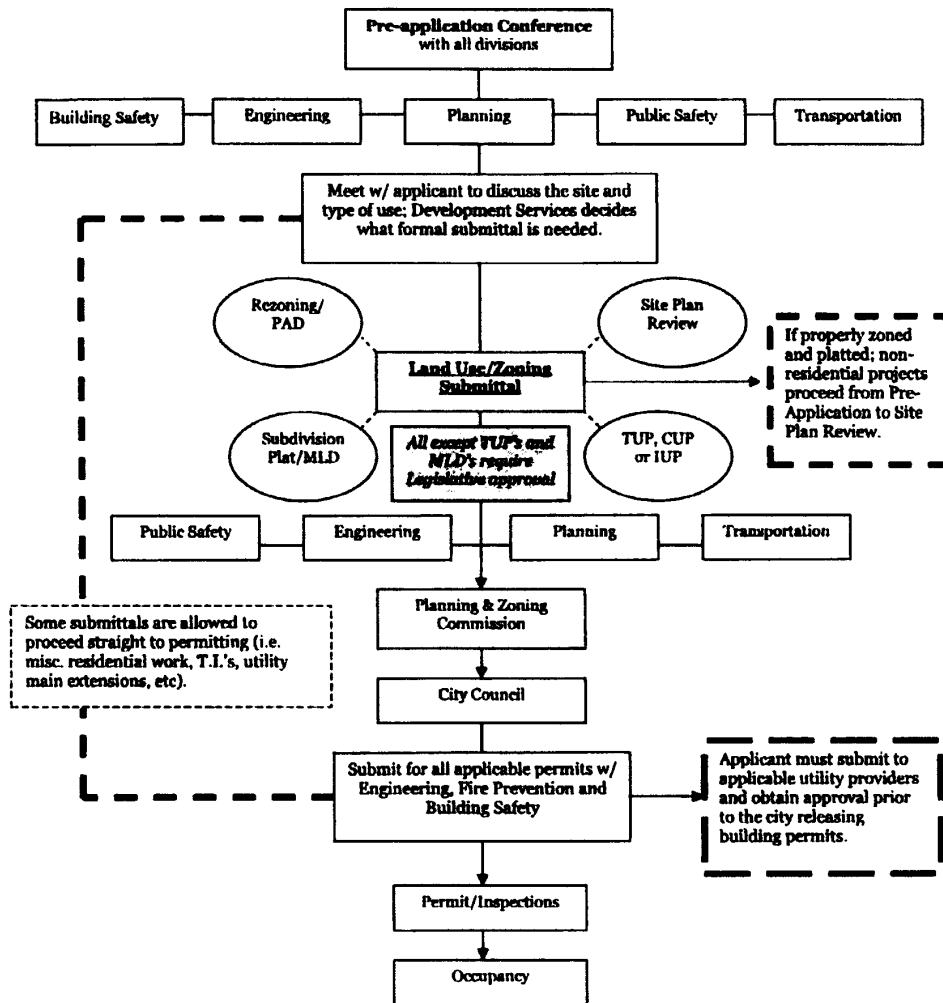
Nonconforming Uses and Structures

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.

*City of Maricopa Zoning Ordinance Rewrite
Diagnosis and Evaluation Working Paper*

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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 Arizona 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.

*City of Maricopa Zoning Code Rewrite
Diagnosis and Evaluation Working Paper*

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