



City Council Report

DATE: March 5, 2018
TO: Mayor and City Council
THROUGH: Karolyn Kent, Assistant City Manager
FROM: Christine Zielonka, Development Services Director
John Wesley, Planning Director
SUBJECT: **Mesa Zoning Ordinance text amendments and technical updates** - Proposed amendments to Chapters 1 through 5 including changes to supporting chapters as they apply.

PURPOSE AND RECOMMENDATION

The Planning Division is undertaking a comprehensive review of the Mesa Zoning Ordinance (MZO) to make updates and changes to the code in response to the experience of active application of the ordinance over the past six years. A series of text amendments and technical updates will be processed over the next year.

Attached is a document, Appendix A, that contains each of the currently proposed amendments. This first set of modifications focuses on Chapters 1 through 5 and supporting chapters that relate to changes made in Chapters 1 through 5. The intent of the Text amendments include clarifications and technical updates to make ordinance more user friendly, reduce the need for Zoning Administrator Interpretations, and remove stringent requirements for individual property owners. Most of the proposed changes occur in Chapter 5, Residential Districts, with subsequent changes in additional chapters as needed for support.

BACKGROUND AND DISCUSSION

In 2011 the MZO was completely revised creating new zoning districts and introducing new requirements. Although there have been “housekeeping” items and text amendments that have been approved since 2011, staff has determined it is time for a thorough review of the ordinance to address issues that have arisen since the code was adopted. This is the first of several amendments that will review the entire ordinance to make needed updates.

Attached as Appendix A is a list of 16 proposed specific revisions to the Zoning Ordinance. The items listed in Appendix A are listed by the order presented in this report, which is organized by chapter and then general topic. The affected zoning ordinance sections or chapters are listed in this report in parentheses after the topic.

Chapter 1-Introductory Provisions

- 1) Remove Section 11-1-6.G from the Ordinance. This section addressed the transition from the previous code to the current code and had a deadline of September 3, 2014. The section is no longer relevant. (11-1-6.G)

Chapter 4- Agriculture District

- 2) Changes to the Land Use Regulations. This section includes the following changes to Table 11-4-2:

- Clarification of the day care group home to be consistent with the definition of the use types;
 - Remove the “Additional Use Regulations” for the small Day Care Group home;
 - Clarification of the types of animal sales and services so that it is consistent with the use type definitions; and,
 - Clarification of the Home occupation as an accessory use and add the requirement of a Special Use Permit (SUP) for expansion of the home occupation. This is not a change to requirements.
- 3) Revise the allowed building projections into required yards in the AG District. Add clarification that the projections are applied to single residences. Revision to the language not allowing projections into the Public Utility Easement. (Section 11-4-4.D)
- 4) Add Review of Plans in AG District. This is to add in the “Article 7, Administration.” This was omitted from the original ordinance and the sentence was not complete. This will complete the sentence and clarify requirements. (Section 11-4-6)
- 5) Add AG District to Animal Keeping and Clarify Zoning Administrator acting as hearing officer: This is to amend the standards in Chapter 31, to include the AG district. This will make the animal keeping standards consistent with the requirements currently identified in the land use regulations table for the AG District. (Section 11-31-4)

Chapter 5-Residential District

- 6) a. Part 1, Changes to the Land Use Regulations. This section includes the following changes to Table 11-5-2:Day Care Group Home, Home Occupations, Home Occupations as an accessory use, Animal Sales and Services and Accessory Dwelling Unit in residential Districts.
- Clarification of allowed number of children in small and large day care group homes to be consistent with definition in the Ordinance
 - Remove “Additional Use Regulations” for small day care group homes;
 - Clarify types of permitted Animal Sales and Services;
 - Remove reference to Special Use Permit (SUP) for accessory dwelling units. A special use permit can no longer be required for leasing so that the MZO is consistent with State law; and,
 - Remove Home occupation as a primary use and list under accessory uses add home occupations. (Table 11-5-2).
- b. Part 2, Day Care Group Home in Residential Districts and amend standards to apply only to Large Day Care Group Homes. Amend to standards in Chapter 31 for Day Care Group Homes to apply only to Large Day Care Group homes, 5 or more children. These standards will not apply to Small Day Care Group Homes, four or less children. (11-31-13)
- c. Part 3, Accessory Dwelling Unit in Residential Districts – Add setback and water service requirements and remove SUP requirements. The zoning ordinance allows for accessory dwelling units in single-residence districts, but must do so in a way that does not allow duplexes. One way to do this is through the water utility by allowing only one meter. This change clarifies this requirement. This change also adds clarification that an attached accessory dwelling unit can encroach like the allowed encroachments for livable area in MZO section 11-5-7.A. This allows livable area that is no more than one-half the width of the residence to project up to 10’ into the required rear yard but cannot be closer than 10’ to the rear property line. Under the current code, detached accessory structures other than dwelling units can encroach into side and rear yards. It is sometimes difficult to distinguish between

pool houses and detached accessory dwelling units. Further, other types of detached structures can have as much or more of an impact on neighboring properties. This change will allow for a detached accessory dwelling unit to encroach into required side and rear yards with limitation on placement and height of buildings the same as other detached buildings. An example is a maximum 15' high building can encroach into the rear yard but must maintain the side yard requirement. (Section 11-31-3)

d. Part 4, Modify Accessory Dwelling Unit Definition. The modification of the term is within the Land Use Classifications for allowed uses in the zoning district. This is consistent with the Zoning Administrator's interpretation and is intended to reduce the number of interpretations. (Section 11-86)

e. Modify Dwelling Unit definition. This will update the current definition to remove reference to family. It clarifies the rooms that make up a definition and removes the singular kitchen requirement. (Section 11-87)

- 7) Building form standards for garages in the RS District and deleting the associated figure. The amendment clarifies building form requirements in the residential district. The proposed change separates the previous "a" item into "a" and "b" and makes the following changes:
 - Limits the requirement to lots less than 100' wide;
 - Clarifies what is meant by "primary wall facing the street" consistent with past interpretations and applications;
 - Removes the concern for trying to bring the older homes that do not meet this requirement into compliance consistent with the Zoning Administrator's interpretation of the requirement;
 - Removes the figure because it is not consistent with the requirements; and,
 - Renumbers the requirements as needed for clarification.(Section 11-5-3.E and Figure 11-5.3.E.1)
- 8) Remove Side yards for vehicular access in the RS District. This section requires a 10' side yard for vehicular access for lots that do not have access to an alley. This was first introduced in the 1970's when subdivisions began to be designed without alleys. Currently a 10' side yard is a luxury; recent subdivisions do not have a spacious 10' side yard setback. If a house does have the 10' side yard it must remain clear for vehicular access and does not allow for anything in the 10' including pool equipment or a/c units. This removes the 10' vehicular access side yard requirement. (Section 11-5-3.D)
- 9) Detached Accessory Buildings development standards-Remove reference to "Non-Residence" and Side Yard for Vehicular Access in the RS District. For a detached accessory dwelling unit to be allowed to encroach into setbacks the same as other detached accessory buildings, as discussed in item 6.c above, the term "non-residence" must be removed. As discussed in item 8 above, a side yard for vehicular access is proposed to be removed. This amendment would eliminate the reference to the side yard for vehicular access for detached accessory buildings. (Section 11-30-17)
- 10) Clarify Driveway Maximum Number and Width and remove and replace related figure in the RS District. This will help to clarify that the driveway width is measured at the property line. The current figure indicates that it is measured in different locations. This change will make it less likely that an interpretation will need to occur. (Section 11-5-3.F and Figure 11-5-3.F)

- 11) Amend building projection allowances, remove side yard for vehicular access and amend encroachment of rooms into the rear yard in the Residential Districts. Clarify that no projection will be allowed to encroach into a Public Utility Easement. Remove the side yard for vehicular access requirements. Clarify newly established item 6 adding the word livable to be consistent with Figure 11-5-7.A. (Section 11-5.7.A).
- 12) a. Part 1, Specific Purpose of the RSL District. Change lot size to lot area to be consistent with development standards for the RSL District. Remove the word “family” in regard to day care for consistency with the zoning ordinance. (Section 11-33-2)
b. Part 2, Development Standards for Designators within the RSL District. This proposed change will clarify that the number of design elements required are based on the designator chosen and not the average size of the lot for the project. Table 11-5-4.A has been updated to show the changes needed for full clarification of design element requirements. (Section 11-5-4.A and Table 11-5-4.A)
c. Part 3, Development Standards for the RSL District, remove reference to tandem parking standards, clarify maximum building coverage and amend typographical error for trash storage and screening standards. Changes in the Table include removal of the additional standards reference to tandem parking. This information is not needed information because all parking and circulation for all projects are required to meet requirements in chapter 32 of the Ordinance. The maximum building coverage was added to the table to clarification purposes. Finally, this modification includes correcting the reference in the Additional Standards section at the bottom of the Table for Trash Storage and Screening from “G” to “F.” (Table 11-5-4.B)
- 13) a. Part 1, Useable open space development standards in the RSL district. Adding descriptive language for Useable Open Space within the Useable Open Space. It is described in the Streetscape elements portion of the RSL requirements. (Section 11-5-4.A.2.a)
b. Part 2, Usable Open Space Development Standards in the RSL District and amend typographical errors. The numbering under 11-5-4.B should begin with number one rather than number three. This will make additional standards within the table consistent with the referred subjects. Staff is removing reference to family as the term is no longer utilized within the MZO, it is a left-over from previous ordinances. Add the term “Useable” to the open space requirements within the RSL district. (Section 11-5-4.B)
- 14) Clarify Development Standards in the RM District and amend typographical errors. Proposed changes include removal of the word “family” to be consistent with the current MZO. Removal of reference to tandem parking as additional standards as this is already addressed and is redundant information. Clarify setback for projects adjacent to freeways as 30’. (Table 11-5-5)
- 15) Remove the word “family” and replace with residence in residential districts. The term family such as “Single-Family” or “Multi-Family” are not terms that are utilized in the current MZO. Removal of the word “family” and replacing with “residence” will make these sections consistent with the ordinance. (Section 11-5).
- 16) Revise definition for Factory Built building and remove definition from manufactured home definition. Currently, the definition is placed under “Manufacture Home” heading. However, the definition includes that a Factory built building is not a manufactured home. Staff is proposing to remove the definition from the manufactured home heading. The more significant change is to add that all factory built buildings need to be consistent with State

requirements. This will help to define for staff as well as the public. (Section 11-87).

The Mayor and City Council may modify or remove from the list any one of the items proposed to be revised.

RECOMMENDATION

The Planning and Zoning Board at the hearing of December 20, 2017 and Staff recommend approval of the text amendments and technical updates as outlined in Appendix A.