



## City Council Report

Date: July 1, 2019  
To: Mayor and City Council  
From: Nana Appiah, Planning Director  
Subject: **Mesa Zoning Ordinance text amendments-** Proposed amendments to certain standards of the Form-Based Code including adding an administrative modification process to allow minor adjustments to certain standards, and modifying the definition of By-Passed Parcel

### **PURPOSE AND RECOMMENDATION:**

The Planning Division, over the past months, has been evaluating the City's Form-Based Code (FBC) standards and through this process is recommending certain text amendments to the FBC. The proposed changes are to aid the Division's efforts to facilitate the orderly and timely review of development applications and predictable expectations for development proposals that utilize the FBC. The changes will remove unnecessary hurdles and requirements of review that do not add value to the intent and purpose of the FBC.

Details of the text changes are attached to this report as Exhibit 1 (i.e. Form-Based Code Amendments). The specific affected Chapters are 56, 58, 59, 60, and 87 of the Zoning Ordinance. The purpose of the changes are to include; (1) Adding an administrative modification process to allow minor adjustments to certain standards of the FBC such as the required lot depth, build-to-line, setbacks, front façade zones, and ground floor transparency; (2) Removing floor plate requirements for Mid-Rise and High-Rise building types, specified location of private open space, and the maximum lot depth and width for By-Passed Parcels; (3) Modifying the glazing and ground floor transparency requirements for areas outside the Downtown Pedestrian Area; and (4) Modifying the definition of By-Passed Parcel.

### **BACKGROUND AND DISCUSSION:**

The City adopted its Form-Based Code (FBC) on June 14, 2012. Since the adoption of the FBC, staff have reviewed a number of developments utilizing the FBC. Through the review of various development proposals and discussions with the development community and stakeholders, both staff and stakeholders have recognized the need to amend certain standards in the FBC. This is to foster the goals and purpose of the FBC to create a predictable urban form and standards, as well as certain expected development pattern in the FBC areas. One of the major proposed changes is to allow minor administrative adjustments to certain standards in the FBC so long as those modifications align with the principles and intent of the FBC. The changes are also to accommodate the urban form and typology of the City, including road network and existing parcel orientation.

## **SUMMARY OF THE CHANGES AND EXPLANATION:**

- 1) Adding an administrative modification process to allow minor adjustments to certain standards such as the required lot depth, build-to-line, setbacks, front façade zones, and ground floor transparency:***

This review procedure is to allow the approval of certain creative designs that deviate from the specific prescribed standards of the FBC. Often times, such changes are not substantial and are mostly because of an unforeseen development type or design that needs to be accommodated by allowing minor variations from the FBC standards. A majority of such variations typically involve the mentioned requirements, such as lot depth, built-to-line, front façade zone, etc. Staff's recommendation is to allow a modification of a maximum of 10 percent to the mentioned standards when warranted. Such modifications will not substantially alter the overall conformance to the standards of the FBC, but rather facilitate the goal of expedient review process and encourage utilization of the FBC.

- 2) Removing floorplate requirements for Mid-Rise and High-Rise building types, specified location of private open space, and the maximum lot depth and width for By-Passed Parcels:***

Current FBC standards restrict the floor plate of any floor from being larger than the one below it. In principle, the floor plate standard ensures that developments especially those in infill areas fit into their context or provide transition between the "transect zones" (transect zones are designated areas with similar standards used to categorize areas in the FCB). The floor plate requirement is found in large commercial urban areas with the potential to develop larger scaled buildings. Based on the City's urban form and the need to create a customized Form-Based Code that fits into the context of the City of Mesa, the requirement to limit the floor plate has created an unnecessary impediment to development in the City without a strong justification for such a hurdle. In addition, the City's urban form limits opportunities that could result in the concerns and purposes of including a floor plate requirement in the FBC. Further, there are specific building types and forms required in the FBC that are intended to regulate incompatible uses and buildings in the transect zones in the FBC. Staff is therefore, recommending removing the requirements for floor plate in the FBC, as such standards are not essential to regulating development types in the City.

The purpose for requesting to remove the requirements for lot depth and width is to curtail the unnecessary limitations that results from developing on an infill parcel. Currently, the FBC standards include maximum lot depth and width for all parcels, including those existing infill lots. However, the FBC standards have specific building types and forms that can be developed in a transect area. These requirements regulate potential developments to be compatible with its surrounding area. In addition, through the review of several projects in the FBC, staff has identified that requirements for lot depth and width can be removed to allow development on By-Passed Parcels without any negative impact to surrounding properties.

Regarding the location of private open space on properties, currently the FBC standards require private open spaces to be located behind buildings. This requirement has often deterred developments with designed private open spaces intended to create a common community area for gatherings. Staff is recommending removing the strict requirement for the location of private open spaces behind buildings and allow for the flexibility in the location of such private open spaces so long as it fits the design and development types.

### ***3) Modifying the glazing and ground floor transparency requirements for areas outside the Downtown Pedestrian Area:***

The FBC requires a minimum of 50% of ground floor transparency for Live/Work and Commercial uses with the Dooryard Private Frontage type. The purpose of this requirement is typically to accommodate a flex space that can transition from residential use to office or retail. This requirement is usually for buildings in areas with potential pedestrian traffic and utilization of retail services. Consideration of a City's urban form and road network are a major factor for such requirements. In evaluating the City's urban form and road network, staff have identified the City's Downtown Pedestrian Area (DPA) to be the appropriate area for such requirements. Other areas in the FBC with high speed road network are inappropriate to impose such transparency requirements.

The FBC also requires a minimum of 75% ground floor transparency for the Shopfront Private Frontage type. Similar to the assessment of the live/work/ and commercial uses, staff, through various reviews and discussions with the development community, have determined that requiring such a high percentage of transparency for areas outside the City's Downtown Pedestrian Area is infeasible and creates unnecessary hardship for developments, especially those along high speed thoroughfares. There are also security concerns for allowing such high percentage of transparency. Staff is therefore recommending a reduction of the ground floor transparency from 75% to 50% for Shopfronts in areas outside the City's Downtown Pedestrian Area.

### ***4) Modifying the definition of a By-Passed Parcel:***

This change is to remove an ambiguity in the definition of a By-Passed Parcel. Currently, the definition of a By-Passed Parcel includes specific criteria for a lot or parcel to be determined to be a By-Passed Parcel. One of the criteria is the size of the parcel. The current definition requires a parcel to be less than two and a half (2.5) acres and must have been in its current configuration for more than 10 years, as well as does not exceed five net acres and was created by the assembly of individual, contiguous parcels each not exceeding two and a half acres in areas. The ambiguity in this requirement creates the confusion that a parcel must be less than two and a half acres as well as not exceed five net acres of assembled parcels that are two and half (2.5) acres in areas to be deemed as a By-Passed parcel. The proposed change will clarify that a By-Passed parcel is a lot that does not exceed two and a half (2.5) nets acres and has been in its current configuration for more than 10 years or one that does not exceed five net acres and was created by an assembly of parcels, each not more than 2.5 acres in area.

## **RECOMMENDATION**

After thorough evaluation of the City's FBC and research, staff is recommending approval of the proposed changes to the Form-Based Code and definition of By-Passed parcel.

The Planning and Zoning Board is scheduled to consider the item on Monday, July 1, 2019 at 7:30 a.m.