

COUNCIL MINUTES

April 1, 2013

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on April 1, 2013 at 5:05 p.m.

COUNCIL PRESENT

Scott Smith
Alex Finter
Christopher Glover
Dina Higgins
Dennis Kavanaugh
Dave Richins
Scott Somers

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Dee Ann Mickelsen

(Mayor Smith excused Councilmember Glover from the beginning of the meeting; he arrived at 5:14 p.m.)

1. Review items on the agenda for the April 1, 2013 Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Conflict of interest: None

Items removed from the consent agenda: None

2-a. Hear a presentation, discuss and provide direction on modifications to the Zoning Ordinance.

Zoning/Civil Hearing Administrator Gordon Sheffield displayed a PowerPoint presentation (**See Attachment 1**) and reported that approximately one year ago, staff made a presentation to the Council with respect to certain "housekeeping" amendments to the updated Zoning Ordinance. He stated that the proposed modifications he will discuss today reflect staff's experiences of using the document on a more active basis since it became effective in September 2011.

Mayor Smith acknowledged that staff's efforts to update the Zoning Ordinance was "a significant undertaking." He stated that he was "not bothered" by the fact that it was necessary to make certain technical corrections to the document at this time.

Mr. Sheffield discussed various Land Use Revisions as follows:

- **Small Recycling Facilities in the Downtown Business 1 (DB-1) district.**

Mr. Sheffield explained that there is an existing facility on Broadway Road, just west of Center Street, which is a little more than 1,000 square feet in floor area. (See Page 3 of Attachment 1) He stated that currently, the term “small” is defined as being 1,000 square feet or less.

Mr. Sheffield commented that the facility came in with a building permit for 3,500 square feet, and pointed out that staff proposes to increase the definition of “small” from 1,000 square feet to 5,000 square feet. He said that the facility would appear to be a compatible use with the surrounding activity, but added that technically, it is not in compliance with the definition of “small indoor” recycling facility.

Responding to a question from Councilmember Somers, Mr. Sheffield clarified that the definition of “small,” as being 1,000 square feet or less, was initially recommended by the City’s consultant, who assisted staff with the Zoning Ordinance update.

Mr. Sheffield also remarked that the downtown area, especially the Downtown Business 2 (DB-2) district, is somewhat transitional between commercial and industrial uses. He said that from that standpoint, the City does not have the same opportunity for activity in the downtown that would be available outside of the area. He added that the 5,000 square feet number was suggested to accommodate the particular activity at the existing facility.

In response to a series of questions from Councilwoman Higgins, Mr. Sheffield clarified that the existing facility is not eligible for a variance. He advised that the proposal primarily relates to the DB-2 district, which is the area along Broadway Road, and stated the opinion that it would not necessarily affect the Downtown Core (DC) or DB-1 districts.

- **Add “Community Gardens” to list of permitted uses in DB-1, DB-2 and as a rooftop garden in DC.**

Mr. Sheffield reported that the Mesa Urban Garden currently operates under a Zoning Administrator interpretation and said that staff proposes to change the Zoning Code in order to make it permanent. He noted that the concept is to authorize ground level gardens with a Temporary Use Permit (TUP), but encourage “Green Roof” and infrastructure development and also authorize Community Gardens on roofs as a “by right” use.

Councilmember Richins stated that it makes sense to authorize Community Gardens on private property with a TUP. He suggested, however, that with respect to City-owned property, as the Community Gardens develop, that it be done on a permanent basis and transferred to the City’s Parks system.

Mr. Sheffield clarified that in the Zoning Code update, every district, except for the DC district, authorizes Community Gardens either as a temporary use or a permitted use. He reiterated that staff proposes to add the temporary use in the DC district.

Councilmember Richins stated the opinion that “the rub” is the process that is used on City-owned property with respect to Community Gardens. He suggested that it might be appropriate

for staff and the Council to discuss the City's policy with respect to this issue. He cited the Mesa Urban Garden, which is situated downtown, and inquired whether "that is Mesa's Community Garden or is it still on the list for a development site."

Mr. Sheffield inquired if Councilmember Richins was asking that this item be pulled from the housekeeping list and brought back as a separate item from a zoning standpoint.

Mayor Smith stated that the City, as the owner of the property, could request a rezone to make the Mesa Urban Garden a permanent green space and dedicate the area as park space at any time.

Planning Director John Wesley clarified that the proposals being discussed by Mr. Sheffield will go through a public hearing process, be presented to the Planning and Zoning (P&Z) Board and then brought back to the Council. He suggested that staff could move forward in that process while the Council considers the matter of Community Gardens as it relates to City-owned property.

Discussion ensued relative to potential land use changes in the City of Mesa.

Mr. Sheffield continued with the Land Use Revisions as follows:

- **Add "RV Storage Lots" as a permitted land use in Limited Commercial (LC) district, subject to approval of a Special Use Permit (SUP).**

Mr. Sheffield remarked that staff has become aware of several Homeowners Associations (HOAs) that no longer want to maintain their Recreational Vehicle (RV) storage lots. He stated that currently, those lots are considered accessory uses in residential districts. He noted that the City has received proposals from various HOAs to take the existing land use and make it available to the general public.

Mr. Sheffield advised that staff would propose to rezone those properties to the LC district, subject to the approval of a Special Use Permit (SUP), and create a list of standards to ensure that prime commercial land is not used for RV storage.

Responding to a question from Councilmember Richins, Mr. Sheffield clarified that Sunland Village, for example, has an RV storage lot that is considered an accessory use and has been operated by the HOA for many years. He stated that the property was sold recently to an individual who was interested in operating the RV storage lot. He noted that in order to "make the business work," it would be necessary for the owner to expand his market, which includes making the lot available to people who live outside of Sunland Village.

Councilmember Richins stated that in the future, in order to continue to make the business work, it may be necessary for the owner to develop part of the property within the development as Limited Commercial.

Mr. Sheffield confirmed Councilmember Richins' comment. He noted that such action would result in modifications to the SUP and said the case would go back to the Board of Adjustment and include some site plan review issues as well. He added that there would be public review of any modifications to the site plan.

Mayor Smith stated that the underlying zoning creates certain rights and privileges and noted that sometimes, such as in this case, those rights and privileges “are not really intended.” He commented that the only way to accomplish a short-term, long-term or special niche use is to grant overall privileges.

Mayor Smith remarked that he did not object to the case going back to the Board of Adjustment for review, but said he was uncomfortable in creating a certain right. He added that the owner could come back in the future and no longer want to use the property as an RV storage lot, but some other use which would be consistent with the underlying zoning. He added that the Council would never have approved that specific use if that is what had been presented to them.

Mr. Wesley responded that the real issue is the older RV lots that have been part of the HOAs that are beginning to transition and not provide as much function for the neighborhood. He suggested that perhaps there are some other options of dealing with the change of the LC zoning and maybe various alternatives within the residential zoning that can allow the SUP to continue to exist.

Mayor Smith stated that he would like whatever designation allows that to continue to exist as an RV storage lot, brings it into certain reviews, since opening to the public is different than opening it to the neighbors, and does not allow for any rights other than what it is currently being used for. He pointed out that RV storage is primarily accessible through internal streets, and now the HOA wants to sell the property and open it up to the public, who would access the internal streets, whereas the City would never have considered having a commercial building that only had access to internal streets.

Mr. Wesley clarified that would be part of the process and noted that the standards would address those issues.

Mayor Smith further commented that he wanted to ensure that the City did not create a situation wherein an RV storage lot owner, who has LC underlying zoning on his property, can change the use from an RV storage lot to another use that complies with such zoning. He said that the use may not be anything that the Council would have ever considered and added that the only thing that the property owner would have to do is go back to the Board of Adjustment for a site plan change.

Mayor Smith, in addition, remarked that the Board of Adjustment's level of review is defined by law and primarily addresses technical issues as opposed to policy issues. He added that if the RV storage lot owner wanted to change the use of the property, that such a process should involve P&Z and the Council.

- **With regard to Tattoo Parlors, revise the current requirements for a Council Use Permit (CUP) in the LC, General Commercial (GC), Limited Industrial (LI), General Industrial (GI), DB-1, DB-2 and DC districts.**

Mr. Sheffield reported that the proposal, which follows an example recently adopted by the City of Phoenix, would include the following: require a Special Use Permit (SUP) for tattoo parlors in the LC, GC, DB-1, DB-2 and DC districts; allow tattoo parlors as a permitted “by right” activity in the LI and GI districts; maintain the existing 1,200 foot separation requirement from K-12 school

campuses and from any other tattoo parlors; and develop review criteria for the Board of Adjustment for its SUP process. This issue would no longer come before the Council.

In response to a question from Councilmember Kavanaugh, Deputy City Attorney Donna Bronski clarified that the proposal would not go against the Arizona Supreme Court's ruling, but said that the City is following the Phoenix model.

Mayor Smith stated that in his opinion, there is not only a good way to conduct business at a tattoo parlor, but also a bad way. He inquired if staff could review the objective standards related to the operation of a massage parlor that were included in the Zoning Code and suggested that those or similar standards could be considered as part of the SUP process for tattoo parlors. He noted that the standards could still be handled at a staff level, address the conduct of the business, as opposed to its purpose, and be consistent with the Arizona Supreme Court's ruling.

Ms. Bronski responded that Mayor Smith was correct in his comments and said that staff was seeking some objective criteria that they could follow in this regard. She also clarified that the Arizona Supreme Court did not invalidate the City's ordinance, but reiterated that the proposal is intended to make certain technical corrections so that Mesa's ordinance is similar to Phoenix's model.

Mayor Smith stated that this may be an opportunity for the Council to accomplish the goal of ensuring that Mesa has high quality businesses or at least businesses that meet a certain standard that can be defined.

Discussion ensued relative to a Generalized City Zoning Map (See Page 7 of Attachment 1); that an estimated 8% of the City's land area is involved in commercial (5%) and industrial (3%) districts; and that most of the downtown area (See Page 8 of Attachment 1) is zoned for commercial, mixed-use or industrial activities.

Mr. Sheffield continued with his presentation and briefly discussed various Design Standards Revisions as follows:

- **Add canal banks to list of exceptions for basis of measurement of rear-yard building setbacks in Single Residence (SR) districts.**

Mr. Sheffield indicated that the current Zoning Ordinance allows lots that back up to public alleys wider than 16 feet to measure the rear yard setback from the centerline of the alley. (See Page 11 of Attachment 1) He said the proposal would extend such an exception to include lots that back up to canals with maintenance roads that are also at least 16 feet wide. (See Page 12 of Attachment 1) He added that the exception for canal banks would limit the reduced setback distance to 10 feet.

- **Allow multiple residence balconies and ground-floor patios to encroach into street-side setbacks.**

Mr. Sheffield explained that currently, the setback along arterial streets is 30 feet and said that the proposal would allow balconies and patios to encroach up to 10 feet into the street-side

setbacks. He noted that such a proposal would allow “more interesting massing of the building” and open up some of the site plan for multi-family properties.

- **Revise street-side setbacks along arterial streets in industrial districts to 15 feet from the present 30-foot minimum.**

Mr. Sheffield indicated that the adjustment has already been implemented in commercial districts and said that the proposal would extend a similar policy to industrial sites.

Mr. Sheffield offered a short synopsis of Revisions to Parking Standards as follows:

- **Extend the reduction in parking radius for eligible sites from 1/8 of a mile to transit-related facilities to 1/4 of a mile.**

Mr. Sheffield commented that the proposal would be consistent with the development of parking standards for the Form-Based Code. He said that the “pedestrian walking shed” concept that forms the basis of this policy is more typically considered to be the larger ¼ mile distance.

Mayor Smith remarked that with respect to Mesa’s Landscape Design Standards, it was imperative that the City no longer require that trees be planted under 15-foot power lines and said that the trees eventually grow to 20 feet in height. He pointed out that such a requirement has resulted in a proliferation of “ugly” arterials and roadways since it is necessary for Salt River Project (SRP) and the City to trim the trees in order to keep them out of the power lines. He suggested that language be included in the Zoning Code or Landscape Design Standards reflecting that it was acceptable to plant, for instance, a five-foot shrub under an existing high voltage power line, as opposed to a 20-foot tree.

Mr. Sheffield continued with the Revisions to Parking Standards as follows:

- **Authorize the Zoning Administrator (ZA) to be able to reduce the two-car parking requirement for Pre-2011 residences, on an as-needed basis, with appeal to the Board of Adjustment.**
- **Authorize the Zoning Administrator (ZA) to be able to approve Shared Parking Plans and Alternative Compliance Parking Plans on an administrative basis, with appeal of the ZA decision to the Board of Adjustment.**

Mr. Sheffield further reviewed the Revisions to Landscape Design Standards as follows:

- **Develop a substitute table for Ocotillo plants to replace required trees in street-side landscape areas.**

Mr. Sheffield reported that substitute tables already exist in the Zoning Code for palm trees and saguaros. He said that adding Ocotillos to this list would provide opportunities for landscape architects and designers to add a greater variety of native Sonoran desert plant species as a way to meet the tree requirement.

- **Reduce the required number of trees adjacent to the street in commercial districts from 4 per 100 linear feet to 2.5 per 100 linear feet.**

Mr. Sheffield explained that this proposal would allow for a healthier separation distance between trees and provide more sight lines into adjacent developments. He displayed a photograph illustrating an example of such a proposal. (See Page 19 of Attachment 1)

Councilmember Richins stressed the importance of the City moving toward appropriate landscaping. He commented that there are places in the community in which the City is “jamming trees in a frontage that a tree does not belong for the sake of meeting a ratio.”

Mayor Smith concurred with Councilmember Richins’ comments and noted that the reality is that landscaping is the part of a development that is often “shortchanged.” He stated that although he does not want to lower standards, perhaps the City could do a better job in how those standards are applied.

Due to time constraints, Mr. Sheffield offered an abbreviated review of the Application Processing Revisions and Technical Revisions, each of which is discussed in greater detail in the April 1, 2013 Council Report. **(See Pages 3 through 5 of Attachment 2)**

Councilmember Kavanaugh requested that during the public hearing process, that staff raise the issue of separation requirements for title loan businesses, similar to what they did in the past with respect to payday loan stores.

Mayor Smith thanked Mr. Sheffield for his comprehensive presentation.

3-a. Appointments to Boards and Committees.

BOARD OF ADJUSTMENT

Chad Cluff – Term Expires June 30, 2015

Mark Freeman – Term Expires June 30, 2015

HUMAN RELATIONS ADVISORY BOARD

Talmage Pearce – Term Expires June 30, 2015

iMESA STEERING COMMITTEE

Shannon Acevedo – No Term Expiration Date Provided.

MUSEUM & CULTURAL ADVISORY BOARD

Robert Cluff – Term Expires June 30, 2014

TRANSPORTATION ADVISORY BOARD

Ron Wilson – Term Expires June 30, 2013

It was moved by Councilmember Richins, seconded by Vice Mayor Finter, that the Council concur with the Mayor's recommendations and the appointments be confirmed.

Carried unanimously.

4. Acknowledge receipt of minutes of various boards and committees.

4-a. Library Advisory Board meeting held January 15, 2013.

4-b. Human Relations Advisory Board meeting held February 27, 2013.

It was moved by Councilwoman Higgins, seconded by Councilmember Glover, that receipt of the above-listed minutes be acknowledged.

Carried unanimously.

5. Hear reports on meetings and/or conferences attended.

There were no reports on meetings and/or conferences attended.

6. Scheduling of meetings and general information.

City Manager Christopher Brady stated that the meeting schedule is as follows:

Thursday, April 4, 2013, 7:30 a.m. – Study Session

7. Adjournment.

Without objection, the Study Session adjourned at 5:50 p.m.

SCOTT SMITH, MAYOR

ATTEST:

DEE ANN MICKELSEN, INTERIM CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 1st day of April, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, INTERIM CITY CLERK

Zoning Ordinance Housekeeping Revisions

Presentation to City Council
Study Session
April 1, 2013



Zoning Ordinance Housekeeping

Proposed Land Use Revisions

Small Recycling Facilities in Downtown Business districts



Proposal: Increase the maximum floor area
from 1,000 sqft to 5,000 sqft

Community Gardens in Downtown Core (DC) District



Proposal:

1. Authorize Ground Level Gardens with Temporary Use Permit (TUP)
2. Authorize “Green Roof” options as “by right”.

RV Storage Lots in the LC District



Proposal:
Permitted in LC
with approval of
Special Use Permit
and compliance
with specified
standards

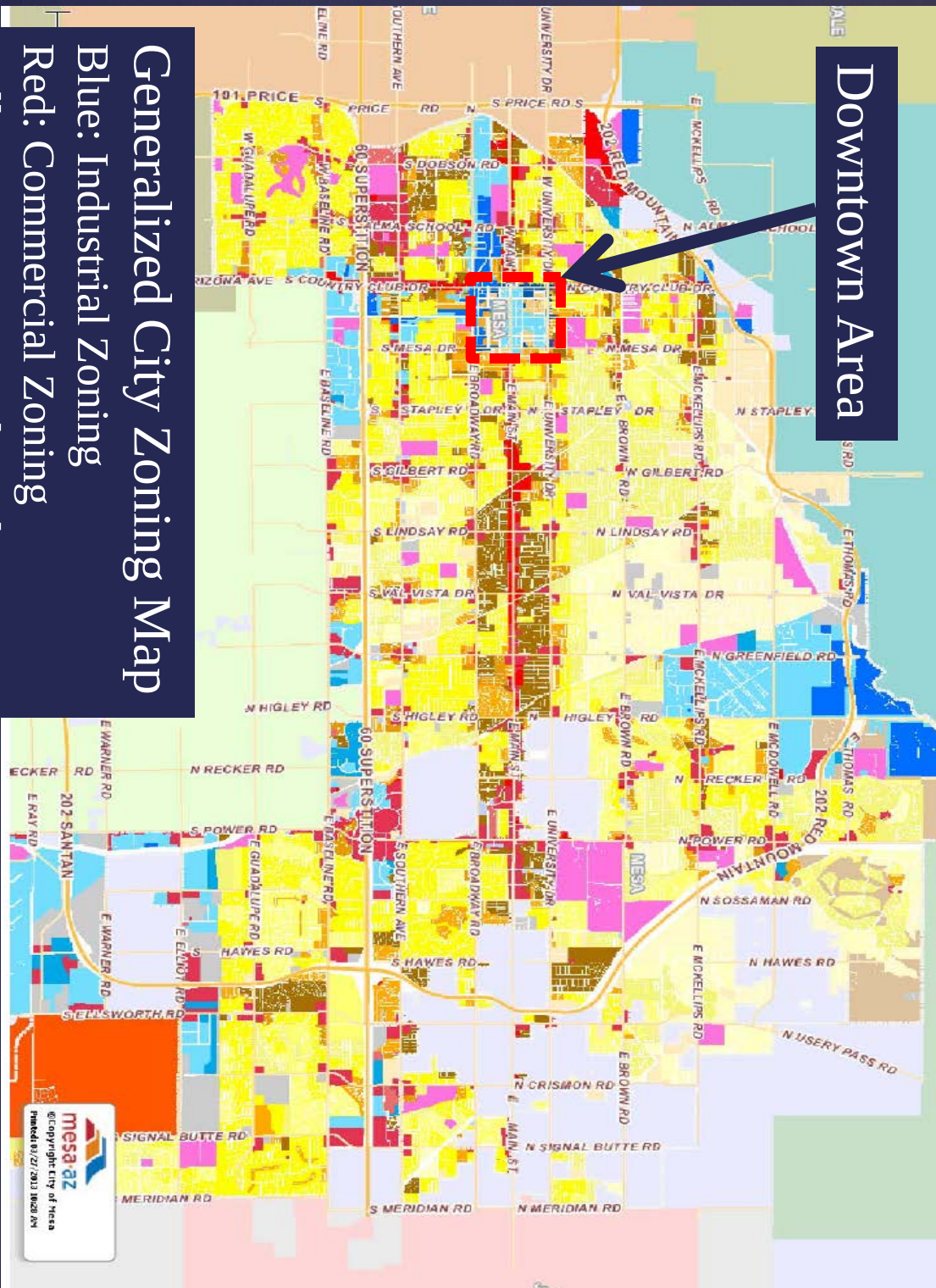
Tattoo Parlors

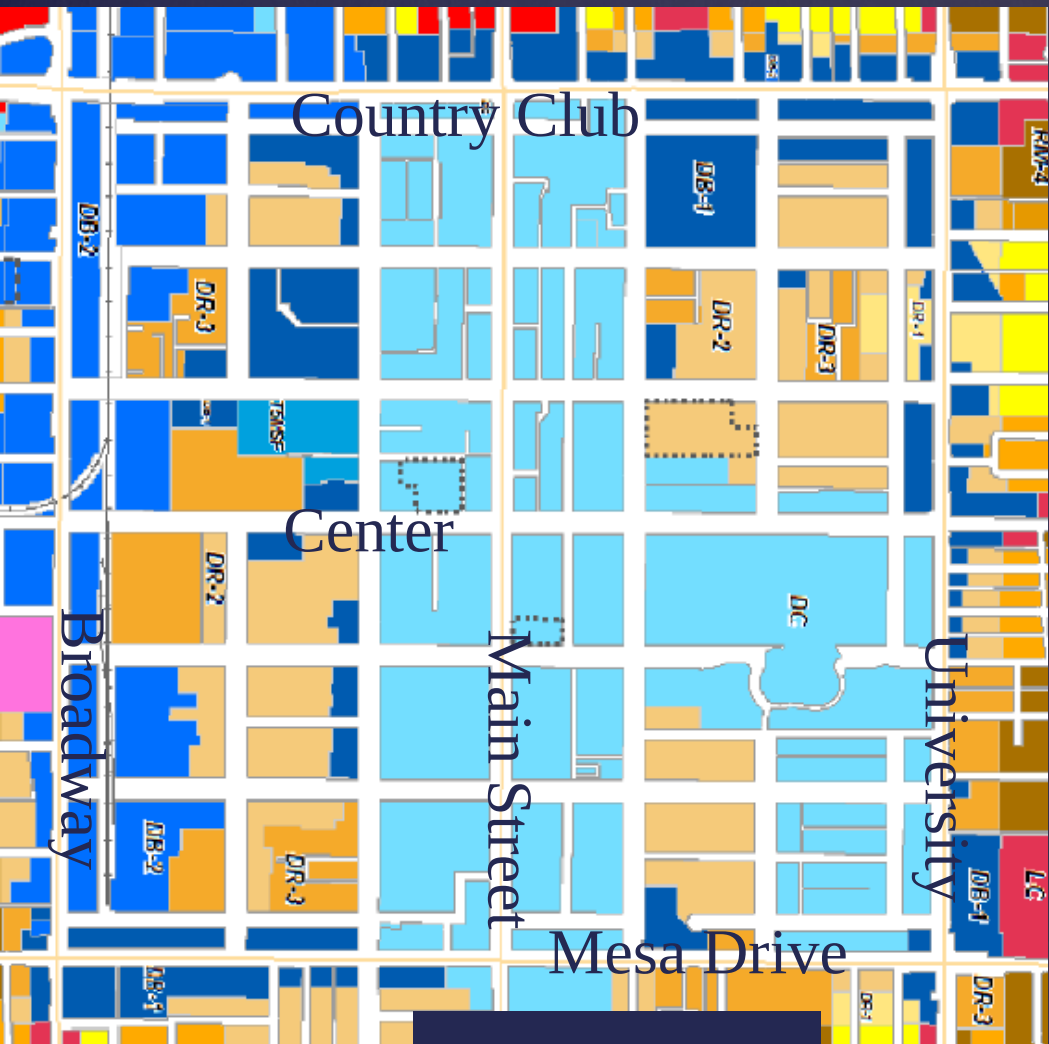


Proposal:

1. Require a Special Use Permit in LC, GC, DB-1, DB-2 and DC (Commercial Districts)
2. Allow “by right” in LI and GI (Industrial)
3. Maintain existing 1200-ft separation requirement from K-12 School and from any other Tattoo Parlor
4. Develop Review Criteria

Downtown Area





Downtown Zoning Map

Zoning Ordinance Housekeeping

Proposed Design Standards Revisions

Rear Yard Encroachment When Adjacent to Canal



Canal Banks

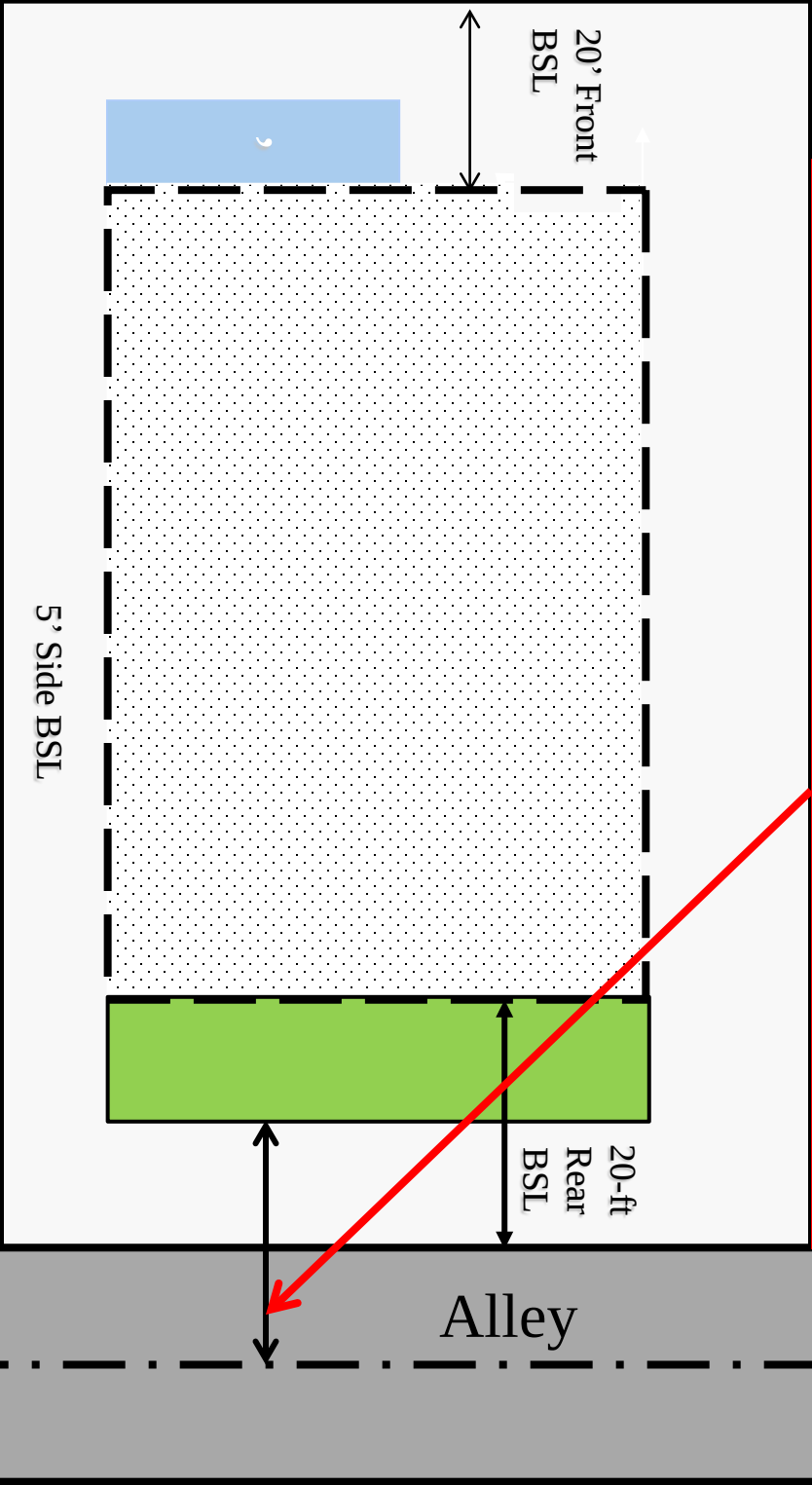


Alleys



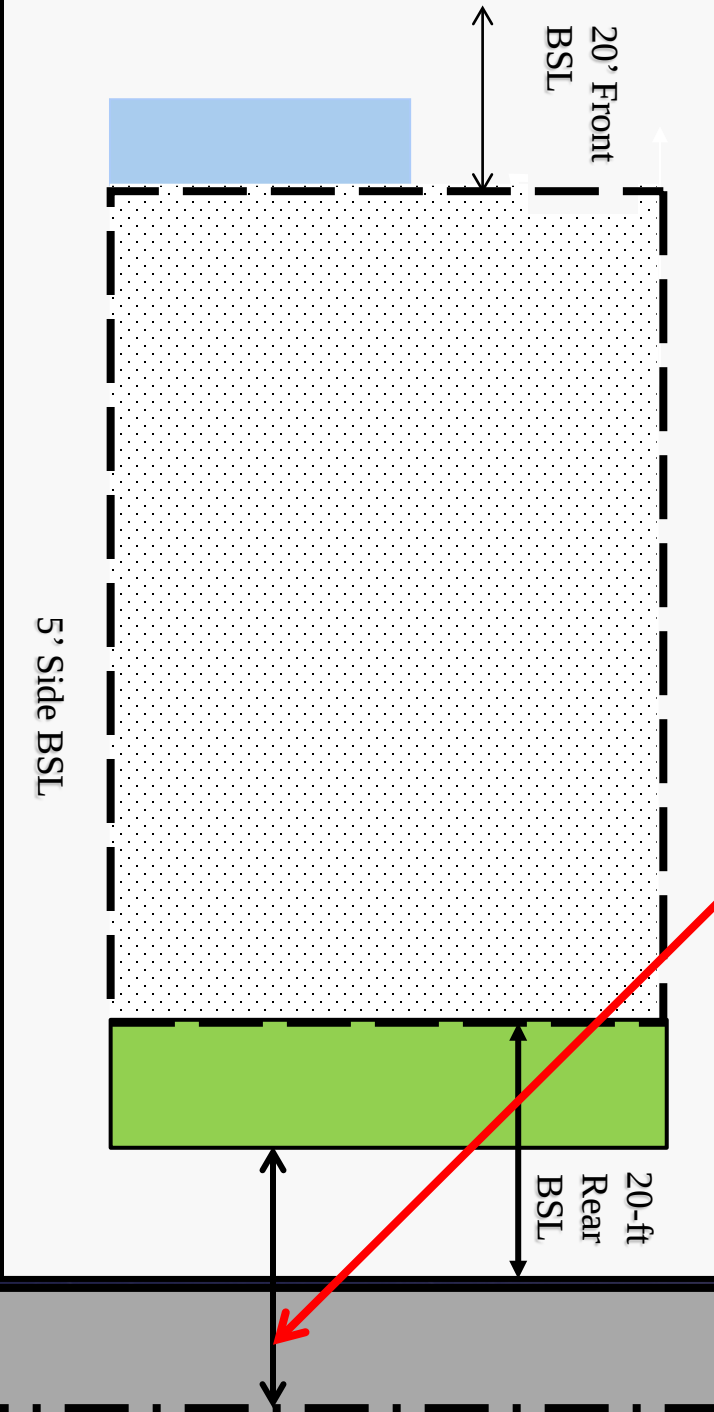
Rear Yards Building Setback Line (BSL)
Adjacent to an Alley may use Centerline of
Alley as Starting Point to Measure Setback

20-ft Rear BSL Measured from Centerline of Alley



PROPOSAL: Include Lots backing to Canal Banks - Rear Yards Building Setback Line (BSL) Adjacent to an Canal Banks would be able to use up to 10-feet of Centerline of Canal Bank Maintenance Road as Starting Point to measure Setback

20-ft Rear BSL Measured from Centerline of Canal Bank



Canal Bank Maintenance Road

Balconies and Patios into Street Side Setbacks



PROPOSAL:
Allow Balconies
and Patios to
Encroach up
to 10-ft
Into Street Side
Setbacks

Reduce Street Side Setbacks in Industrial Districts



**PROPOSAL: Reduce
Street Side Setback
from 30-ft to 15-ft**

Increase Radius for Sites Eligible for Transit Parking Reduction



PROPOSAL: Increase Distance of Radius
from 1/8-mile to 1/4-mile

Reduce 2-car Parking Requirement for Pre-2011 Residence



Proposal: Delegate
Authority to Zoning
Administrator
to reduce requirement
on an as-needed basis,
with appeal to
Board of Adjustment

Authorize Shared Parking and Alternative Compliance Plans to be Approved by Zoning Administrator (ZA) without Public Hearing

Currently requires a Special Use Permit to be approved by Board of Adjustment.

Appeal of ZA Decision would go to Board of Adjustment.

Ocotillo Plants

**PROPOSAL: Develop
a Substitute Table For
Ocotillo Plants to
Replace Required Trees in
Street-side Landscape Areas**



Reduce Commercial Street-side Tree Ratio

PROPOSAL: Reduce
the ratio from 1 tree/25-lineal feet
to 1 tree/40-lineal feet

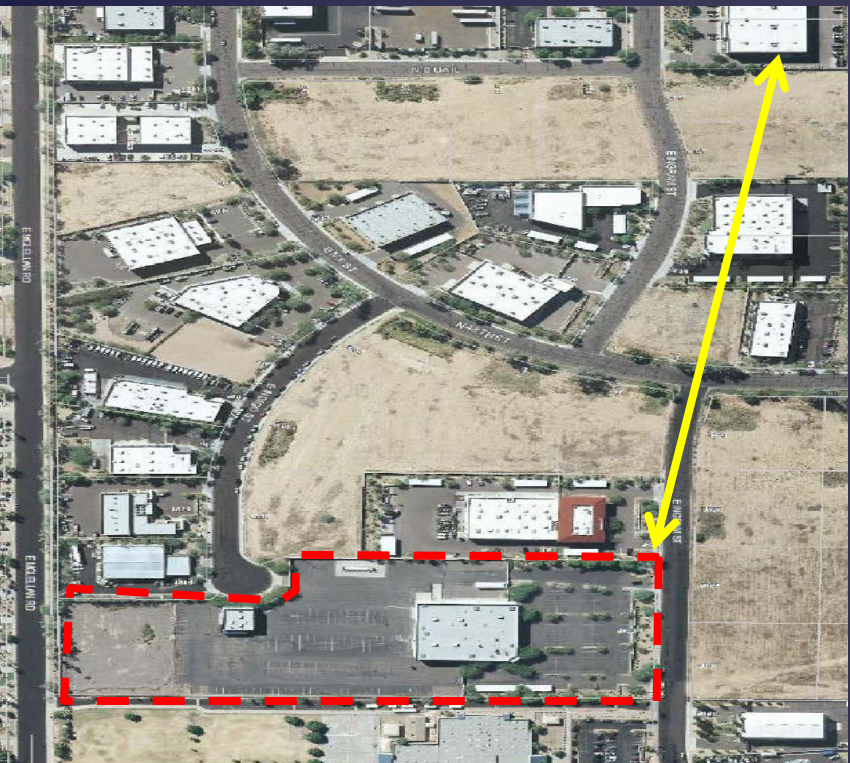


Example Photo: 225-ft Front
At 1 tree /25 ft = 11 trees
At 1 tree/40 ft = 6 trees

Processing Revisions:

- 1) Allow Homeowner's Associations to vote on changes to single residence setbacks & lot coverage
- 2) Eliminate redundant Site Plan Review (SPR) cases
- 3) Set Time Limits for Approved Site Plan at 3-years
- 4) Allow Zoning Administrator to eliminate building articulation requirements for pre-2011 residences

Measuring Separation Requirements



PROPOSAL: Measure from
Campus Edge of Protected
Use to Wall of Proposed Use

Zoning Ordinance Housekeeping

Proposed

Technical Revisions

Technical Revisions

- 1) Consolidate Detached Accessory Building Sections
- 2) Confirm Substantial Conformance
Improvements Permits (SCIPs) may address deviations to Foundation Base, Building Separation and Drive-through Lane Standards
- 3) Formally add Form-Based Code Transects to list of Base Zoning Districts in Chapter 3
- 4) Fix Typo in Table 11-5-4.B : “RSL-2.5”

Questions ?

<http://www.mesaaz.gov/planning/>



City Council Report

Date: April 1, 2013
To: City Council
Through: Kari Kent, Deputy City Manager
From: Christine Zielonka, Development and Sustainability Director
John D. Wesley, Planning Director
Gordon Sheffield, Zoning Administrator

Subject: Proposed “Housekeeping” Amendments to the Zoning Ordinance
(Citywide)

Strategic Initiatives



PURPOSE AND RECOMMENDATION

At the time the Zoning Ordinance Update (Update) was being considered in 2011, and again with a subsequent first set of “Housekeeping” amendments the Council adopted in 2012, staff indicated that it would continue to review the updated Zoning Ordinance and monitor the need for any new changes. The idea being that an annual monitoring and review of zoning related requirements may reduce the need for wholesale updates of the entire Zoning Ordinance in the future. This proposal is in keeping with that goal.

Staff is presenting to the Council an initial review of the proposed housekeeping amendments and is requesting direction on the list of proposed revisions to the Zoning Ordinance. These items are draft proposals. Based on the Council’s direction, those items that Council agrees should go forward for additional development of the idea will then be sent to the Planning and Zoning Board for public hearing and recommendation. These items will also be presented to the Development Advisory Forum in May for comment. Then these items would be returned to City Council for final consideration of a possible ordinance that would formally incorporate them into the Zoning Ordinance.

The vast majority of the proposed revisions adopted by Council in 2012 as housekeeping items were wordsmithing clarifications; technically-oriented corrections to formatting, grammar or spelling; or transcription errors in which old zoning requirements were not carried forward to the new code, and were overlooked. This time, the proposed changes reflect the experiences of using the updated Zoning Code on a more active basis since it became effective in September 2011. These current proposals include technical or processing related issues not anticipated in the initial Zoning Code Update, and proposals to reward projects that incorporate unique design features by removing “practical” penalties that would inhibit unique design, inhibit such practices and otherwise result in conventional site development.

BACKGROUND

Attached as Appendix A is a list summarizing 21 proposed specific revisions to the Zoning Ordinance. The items listed in Appendix A are in the order of occurrence in the zoning ordinance. The affected zoning ordinance sections or chapters are listed in parentheses afterwards.

Land Use Revisions

- 1) Increase allowance for size of “small indoor recycling” facilities in the DB-1 (Downtown Business 1) district. There is an existing facility on Broadway Road that would appear to be a compatible use with surrounding activity, but is technically not in compliance with the definition of “small indoor” recycling facility, which defines “small” as being 1,000-sqft or less. This proposal would increase the floor area of the definition of small to 5,000 sqft or less. (Section 11-8-3).
- 2) Add “Community Gardens” to list of permitted uses in DB-1, DB-2, (Downtown Business districts 1 and 2) and as a roof top garden in DC (Downtown Core) district, and allowed with a Temporary Use Permit (TUP) in the DC district when utilizing a ground-level site. (Section 11-8-3).
- 3) Add “RV Storage Lots” as a permitted land use in LC (Limited Commercial), subject to approval of a Special Use Permit by Board of Adjustment (BoFA) or Zoning Administrator Hearing Officer (ZAHO). This would include a list of standards by which to develop the site to confirm compatibility of the RV Storage use with surrounding sites (Section 11-6-2 and Chapter 31, Standards for Specific Uses).
- 4) With regard to Tattoo Parlors, revise the current requirements for a Council Use Permit in the LC, GC (General Commercial), LI (Limited Industrial), GI (General Industrial), DB-1, DB-2 and DC districts. The proposal would revise the requirements to approval of a Special Use Permit for the LC, GC, DC, and DB-1 districts, and allows Tattoo Parlors as a permitted “by-right” activity in the LI and GI districts. The existing 1200-ft separation requirements from another tattoo parlor and from a school campus would still be in effect for both the SUP and the “by-right” zoning districts. (Table 11-6-2, Table 11-7-2, Table 11-8-3, and Section 11-31-28)

Design Standards Revisions

- 1) Add canal banks to list of exceptions for basis of measurement of rear-yard building setbacks in single residence (RS) districts. The present zoning ordinance allows lots that back up to public alleys wider than 16-feet to measure the rear yard setback from the centerline of the alley. This proposal would expend that exception to include lots that back up to canals with maintenance roads that are also at least 16-feet wide. The exception for canal banks would limit the reduced setback distance to 10-feet (Section 11-5-3)
- 2) Allow multiple residence balconies and ground-floor patios to encroach into street-side setbacks. This allowance was made available to commercial districts for outdoor dining in the Zoning Ordinance Update. Street side setbacks typically measure 20- to 30-feet in depth in residential districts. Balconies and patios are features that are generally considered to be desirable, and can add visual interest to a multiple residence building design. Providing such an allowance to encroach into the street setback can help encourage the placement of these features (Section 11-5-5).
- 3) Revise street-side setbacks along arterial streets in industrial districts to 15-feet from the present 30-foot minimum. This adjustment has already been implemented in commercial districts, and this proposal would extend that policy to industrial sites (Table 11-7-3)

4) Revisions to Parking Standards:

- a. Extend the reduction in parking radius for eligible sites from 1/8 of a mile to transit related facilities to 1/4-mile. This would help bring the parking reduction policy into consistency with the same assumptions that went into development of parking standards for the Form-based Code (FBC). The “pedestrian walking shed” concept that forms the basis of this policy is more typically considered to be the larger ¼-mile distance (Table 11-32-3.A).
- b. Authorize the Zoning Administrator (ZA) to be able to reduce or eliminate, on an administrative basis (no public hearing required), the current requirement for 2-covered parking spaces in single residence districts when applied to single residence properties constructed before 2011. Appeal of the ZA decision would be to the Board of Adjustment. (Section 11-32-3.D).
- c. Authorize the Zoning Administrator to be able to approve Shared Parking Plans and Alternative Compliance Parking Plans on an administrative basis (no public hearings). Appeal of the ZA decision would be to the Board of Adjustment (Section 11-32-6).

5) Revisions to Landscape Design Standards:

- a. Develop an “Ocotillo” substitute landscaping table. Such substitution tables already exist for palm trees and saguaros. Substitute tables provide an alternate ratio and reference when using plants not typically considered as “trees” to be used in place of trees in the landscaping. The idea would be to develop a higher ratio of ocotillo plants when used in “bunches” to replace the requirement for one standard sized tree. Adding Ocotillos to this list provides opportunity for landscape architects and designers to add additional variety using a native Sonoran desert plant species as a way to meet the tree requirement. Substitutions would be limited to street-side setbacks (Section 11-33-2).
- b. Reduce the required number of trees adjacent to the street in commercial districts from 4 per 100 linear feet to 2.5 per 100-linear feet. The effect of the revised ratio would change the average number from 1 every 25-feet to 1 every 40-feet. The additional spacing would allow for a healthier separation distance between trees, and allow more sight lines into adjacent developments, while still providing a reasonable shading pattern for the street and sidewalk, and continue to assist in raising the aesthetic value of the street (Table 11-33-3.A.4).

Application Processing Revisions

- 1) Allowance for HOA’s to vote on allowing recent changes to Single Residence development standards for rear setbacks, front setbacks and increased lot coverage. Currently, zoning districts with Planned Area Development (PAD) or Bonus Intensity Zone (BIZ) overlay districts are required to meet setback and lot coverage requirements approved at the time of the initial project approval. The revisions to setbacks and lot coverage authorized by the Zoning Ordinance Update do not apply because the intent of these districts is for development based on a plan adopted by Council,

not based on typical standards of the zoning district. These plan-based standards remain the same as the project's plan approval even after the recent changes were made to the standards of the base zoning district. The idea is to say that if a Homeowner's Association (HOA) undertakes their internal process for adopting architectural changes according to its Conditions, Covenants, and Restrictions, and brings evidence that this has occurred, then the HOA governing board could request that the setback and lot coverage changes for the applicable base zoning district become applicable to their development without undertaking a formal rezoning process (Section 11-1-6.E).

- 2) Add separation measuring points to Rules of Measurement. Presently, the rule that applies to measuring separation between protected land uses and a proposed land use is not as well defined as to make it clear without interpretation. This proposal would add the clarification that the two points being measured for the separation are the property edge of the campus of the protected use to the wall of the proposed use (Section 11-2-3.C).
- 3) Consolidation of Site Plan Review (SPR) process. The intent of this revision is to reduce the number of redundant public hearings that need to be held by differing boards. In the case of Site Plan Review, the SPR function can be a part of a Design Review, a Board of Adjustment or a Planning and Zoning Board case. However, the Board of Adjustment and/or Design Review Board also function with authorities not given to the Planning and Zoning Board. Presently, if a site qualifies for SPR, which is typically a review by the Planning and Zoning Board, and it is also required to undergo a Board of Adjustment or Design Review Process, then the case is required to file multiple applications for what are essentially the same purpose; review and consideration of the site plan. This proposal would remove the need for multiple SPRs applications by eliminating the need for a P&Z review if SPR can also be completed as part of a Board of Adjustment or Design Review application (Title 11, Chapter 69).
- 4) Time limits on Site Plan Review (SPR) approvals. Presently, Section 11-69-8 authorizes time limits, but does not specify a date that the approval expires. This proposal would place the expiration at 3-years after the SPR is approved. If the project is not developed within the 3-year time span, then the SPR will expire, and a new SPR would be required, based on the zoning standards in place at the time of the request to renew the SPR approval. This proposal would also provide an ability for the Planning Director to extend the time period for up to one-year on an administrative basis for reasons such as extra time is needed to process a related case or the developer can provide evidence that the anticipated construction documents will be ready for review shortly. (Section 11-69-8).
- 5) Authorize the Zoning Administrator (ZA) to eliminate the requirement for a single residence to meet the building design and articulation requirements on a case-by-case basis for buildings constructed before September 2011 (the effective date of the Zoning Ordinance Update). Building design and articulation requirements for new single residences, as written, had the unintended effect of becoming retroactively applicable to previously constructed homes. As individuals submit for new additions, these requirements may unintentionally affect existing buildings and mandate improvements not intended to be mandatory, such as requiring the construction of a two-car garage, or requiring a garage to be enlarged or relocated. While there is still a desire for higher quality neighborhood development standards and residential building design standards to be

applicable to newly developing neighborhoods, these standards are not intended to apply retroactively as a requirement for existing neighborhoods. Appeals of the ZA decisions would be heard by the Board of Adjustment. (Section 11-5-3.D).

Technical Revisions

- 1) Consolidation of Zoning Code sections related to Detached Accessory Building Sections into one place. Currently, there are two separation sections in the zoning ordinance regarding Detached Accessory buildings, sometimes also called “out buildings” or “backyard sheds”. There is one section for the AG (Agriculture) district and another for the RS and RM (Single Residence and Multiple Residence) districts. This proposal would consolidate the two sections into one common section to make referencing easier (Section 11-4-3, Section 11-5-7.B, and Title 11, Chapter 30).
- 2) Provide allowances that Substantial Conformance Improvement Permits (SCIP) applications may address deviations to Foundation Base, Building Separation and Drive-Through Lane standards, in addition to requirements for building setbacks, Building height requirements, landscape areas, and parking standards (Title 11, Chapter 73).
- 3) Add Form-Based Code (FBC) and transects names to the list of official “base names” and “reference names” in Chapter 3 of the Zoning Ordinance. This would finish the technical incorporation of FBC zoning in the overall zoning code (Title 11, Chapter 3).
- 4) Fix Typographical error to Table 11-5-4.B. (It should read “RSL-2.5” rather than RSL-2.0).

DISCUSSION

To date, the Zoning Ordinance Update has been well received. Staff has heard encouraging comments about the ease of use, the use of table formatting and has heard especially kind comments about the use of hyper-text links for the on-line web version. However, small changes are needed on occasion to help keep the zoning ordinance relevant to current development practices, and reduce unneeded processing requirements. This proposal would amend the updated zoning ordinance to provide those corrections.

ALTERNATIVES

Option 1 – Direct the proposed revisions to the zoning ordinance go forward for additional development (Recommended). The items listed would still come back to City Council for final consideration and adoption. The Planning and Zoning Board would hold a public hearing and made a recommendation, which would be forwarded to City Council. If adopted, the proposed revisions would result in amendments to the zoning ordinance that correct obvious minor errors, clarify what is required, simplify or reduce the need for public hearings to address minor issues, and codify the policy direction Council provides to staff. It would also help fulfill one of the Update goals of increasing the common understanding of zoning ordinance requirements, making requirements more explicit and less vague, and therefore reduce the need for staff interpretations of the zoning code.

Option 2 – Modify proposed list These revisions are is intended to correct obvious errors, clarify understanding, and implement what staff understands to be the development policies related to the

items listed. Although several varying items and issues are involved, outside of the land use items listed, the vast majorities of proposed revisions do correct and clarify a requirement, or simplify the processing of the request. The City Council may direct modifications to any one of the items proposed to be revised. If the Council chooses to make modifications, staff would recommend that that specific item identified as in need of modification from the staff proposal be deleted from this “housekeeping” proposal, and brought back as a separate item for study and discussion at a later Council study session or delegated to the Planning and Zoning Board for additional review and study.

FISCAL IMPACT

None anticipated at this time.

FUTURE SCHEDULING

Items directed by Council for inclusion in any housekeeping amendments to the Zoning Ordinance would be scheduled for public hearing and possible recommendation by the Planning and Zoning Board at their upcoming May 15 meeting. If The P&Z Board takes action and makes a recommendation at that meeting, these items would return for Council consideration in June or early July