



Date: November 16, 2020
 To: City Council
 From: Rachel Prelog, Senior Planner
 Through: Kari Kent, Assistant City Manager, Christine Zielonka, Development Services Director, Nana Appiah, Planning Director
 Subject: Mesa Zoning Ordinance text amendment (**Miscellaneous Zoning Code Text Amendments**)- Proposed amendments to Chapter 2: Rules for the Construction of Language Interpretation, Chapter 5: Residential Districts, Chapter 6: Commercial and Mixed-Use Districts, Chapter 7: Employment Districts, Chapter 31: Standards for Specific Uses and Activities, Chapter 33: Landscaping, Chapter 50: Definitions of Terms Used in the Sign Ordinance, and Chapter 86: Use Types

PURPOSE AND RECOMMENDATION:

In a continued effort to streamline the administration of the City's General Plan and development regulations, the Planning Division staff is recommending a series of text amendments to the Mesa Zoning Ordinance. These text amendments are mainly to refine certain existing development standards to help achieve its intended objectives and purposes.

Details of the proposed text changes are attached to this report as Exhibit 1 (i.e. Miscellaneous Text Amendments). The specific affected chapters are Chapter 2: Rules for the Construction of Language Interpretation, Chapter 5: Residential Districts, Chapter 6: Commercial and Mixed-Use Districts, Chapter 7: Employment Districts, Chapter 31: Standards for Specific Uses and Activities, Chapter 33: Landscaping, Chapter 50: Definitions of Terms Used in the Sign Ordinance, and Chapter 86: Use Types of the Mesa Zoning Ordinance (MZO). The proposed changes are to: (1) Fix minor errors in the Zoning Code; (2) Correct conflicts between certain chapters; and (3) Provide smaller standalone text amendments.

BACKGROUND AND DISCUSSION:

In general, the proposed text amendments are categorized as: (1) Minor clerical changes, which include corrections to typographical errors, reformatting, and reorganizing of certain text to improve its readability and the application of standards; (2) Minor text changes to improve interpretability and administration of the Code; and (3) Text amendments, revisions to certain regulations to improve the City's urban forms and administration of the Zoning Ordinance to achieve the goals of the General Plan.

SUMMARY OF THE AMENDMENTS AND EXPLANATION:

- 1) **Minor Clerical Changes.** These proposed changes are existing and adopted regulations that were either erroneously codified in past Code amendments or were omitted during the City's 2019 Zoning Code text amendments for quality development design standards:

- a) Modifying footnote references related to Airport Overflight Areas in Table 11-5-2: Residential Districts, Table 11-6-2: Commercial Districts, and Table 11-7-2: Employment Districts.
 - b) Amending the occupancy criteria for Small and Large Day Care Group Homes in Table 11-5-2: Residential Districts.
 - c) Addition of Portable Storage Container provisions to Table 11-5-2: Residential Districts, Table 11-6-2: Commercial Districts, and Table 11-7-2: Employment Districts.
 - d) Removing the requirement for a Special Use Permit for Accessory Dwelling Units in Table 11-5-2: Residential Districts.
 - e) Removing Section 11-5-3(A)(c) requiring side yard vehicular access in residential zoning districts.
 - f) Removing the provision for tandem parking from Table 11-5-3.A.2: Development Standards – RSL Residential Small Lot Single Dwelling Districts.
 - g) Adding maximum lot coverage requirements to Table 11-6-3.A: Development Standards – Commercial Districts.
 - h) Correcting section references in Table 11-6-3.A: Development Standards – Commercial Districts.
 - i) Correcting language in Section 11-33-3(B)(2) regarding required landscape widths. The proposed amendments would reinstitute the requirement for a 15-foot landscape yard for non-single residential uses adjacent to other non-residential districts.
 - j) Correcting section references in Table 11-5-3.A.2: Development Standards – RSL Residential Small Lot Single Dwelling Districts and Table 11-5-5: Development Standards – RM Residential Multiple Dwelling Districts.
- 2) ***Minor Text Changes.*** These proposed changes refine existing requirements to improve the interpretability and clarity of the MZO:
- a) Correcting inconsistencies in the MZO by replacing the term “lot coverage” with “building coverage” in Section 11-2-3(J).
 - b) Modifying the definition for “Mural” in Chapter 50: Definitions of Terms Used in the Sign Ordinance. The proposed amendments clarify that signage or painted works of art on windows is considered window signs and not a mural.

- c) Modifying Table 11-6-2: Commercial Districts related to residential uses in commercial districts by: 1) Adding the word “Permitted” or “P” to single residential use in the land use table; 2) Removing the provision for the requirement of a Council Use Permit from the Office Commercial (OC) zoning district; and 3) Removing footnote #1 in the table. The proposed modifications remove ambiguity in the text and align the requirement of Section 11-31-31 of the MZO with those outlined for residential uses in commercial districts found in Table 11-6-2 of the Code.
- 3) ***Text amendments, revisions to certain regulations to improve the City’s urban forms and administration of the Zoning Ordinance to achieve the goals of the General Plan.***
- a) Adding Boat and Recreational Vehicle Storage to Table 11-6-2: Commercial Districts and Table 11-7-2: Employment Districts. Currently, there is no definition for Boat and Recreational Vehicle (RV) Storage in the MZO. Historically, any of such proposed uses have required interpretation by the Zoning Administrator and have generally been classified as Commercial Parking. Staff is recommending adding a specific definition to clearly identify the storage of boats and recreational vehicles and review such uses to address impacts associated with such large vehicles and equipment storage. Furthermore, staff recommends that boat and RV storage be classified with uses within the industrial use category, such as warehousing and storage rather than a commercial use. This categorization will ensure the treatment and mitigation of impacts associated with the use such as large outdoor storage. The proposed use would require a Council Use Permit in the General Commercial (GC), Limited Industrial (LI), General Industrial (GI), and High Industrial (HI) zoning districts.
 - b) Modifying the land use process for Mini-Storage in Table 11-6-2: Commercial Districts and Table 11-7-2: Employment Districts. Staff is recommending that mini-storage facilities require a Council Use Permit (CUP) in the Limited Commercial (LC), General Commercial (GC), Mixed Use (MX), Planned Employment Park (PEP), Limited Industrial (LI), and General Industrial (GI) zoning districts, instead of those uses being allowed by-right in the districts. The intent of this modification is to ensure the location of such uses conform to the General Plan character area designations or adopted sub-area plans for those areas. The CUP process will also afford the City Council the opportunity to review and discuss such uses with residents in the respective affected areas in the City.
 - c) Modifying Section 11-31-31 in the MZO for residential uses in commercial districts. Staff is recommending modifications to the language in Section 11-31-31 to improve the clarity of existing provisions for when residential uses are allowed in commercial districts. Clarification includes aligning terminology with other chapters in the MZO, addition of language to expand upon when modifications to development standards trigger a Council Use Permit, and the addition of a Council Use Permit criterion to emphasize that residential uses in commercial districts must promote a well-integrated mixed-use project. Furthermore, as directed by City Council, the gross floor area requirement for commercial uses when residential uses have been proposed has been changed from a minimum of 40% of the project reserved for commercial use to a minimum of 60% of the overall project reserved for commercial use.

- d) Adding definitions for “Mixed-Use Development”, “Horizontal Mixed-Use”, and “Vertical Mixed-Use” to Chapter 86: Use Types.

RECOMMENDATION

Staff is recommending approval of the proposed amendments to the Mesa Zoning Ordinance.