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ORDINANCE NO. 2021 PZ-C-002-21

AN ORDINANCE OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS AMENDING TITLE 2, ZONING, OF THE PINAL COUNTY DEVELOPMENT SERVICES CODE BY ADDING NEW CHAPTER 2.365, LARGE MASTER PLAN COMMUNITY (L-MPC) ZONING DISTRICT; ESTABLISHING AN EFFECTIVE DATE; AND DIRECTING ITS PUBLICATION

WHEREAS, the Pinal County Board of Supervisors ("Board") is authorized pursuant to Arizona Revised Statutes §§ 11-251 and 11-811, *et. seq.* to adopt, among other things, zoning ordinances including zoning districts in order to conserve and promote the public health, safety, convenience and general welfare; and

WHEREAS, on February 10, 2010, the Board adopted Ordinance No. 2010-021010-DSC, recorded in the Official Records of the Pinal County Recorder on February 16, 2010 as Fee No. 2010-013901 approving the codification of the Pinal County Development Services Code (the "Code"); and

WHEREAS, the Pinal County Zoning Ordinance is codified in Title 2, Zoning, of the Code ("Title 2"); and

WHEREAS, the Board has determined it is in the best interest of the County to amend Title 2 by adding new Chapter 2.365 Large Master Plan Community (L-MPC) Zoning District; and

WHEREAS, the Pinal County Planning and Zoning Commission held a public hearing on this Ordinance on September 16, 2021, giving no less than 15 days notice thereof and forwarded a recommendation of approval to the Board; and

WHEREAS, the Board held a work session on this Ordinance on August 11, 2021; held a public hearing on this Ordinance after the aforesaid work session on November 3, 2021, giving no less than 15 days notice thereof; and made copies of this Ordinance available to all Justice Courts, Supervisors' District Offices, the Office of the Clerk of the Board and the County web site at least 15 days prior to the aforesaid public hearing.

NOW, THEREFORE, BE IT ORDAINED by the Pinal County Board of Supervisors as follows:

Section 1: Title 2, Zoning, of the Pinal County Development Services Code is hereby amended by adding new Chapter 2.365, Large Master Plan Community (L-MPC) Zoning District, to read as follows:

Chapter 2.365
LARGE MASTER PLAN COMMUNITY (L-MPC) ZONING DISTRICT

Sections:

- 2.365.010 Legislative intent and purpose.
- 2.365.020 Applicable existing zoning districts and relationship to comprehensive plan.
- 2.365.030 Minimum land/development requirements.
- 2.365.040 Application requirements.
- 2.365.050 Large Master Plan Community.
- 2.365.060 Plats and specific site plans.
- 2.365.070 Amendments.
- 2.365.080 Authorization.
- 2.365.090 Validity.

2.365.010 Legislative intent and purpose.

A. The L-MPC zoning district is a floating zoning district that encourages creative land development. The intent and purpose of this zoning district is to provide an alternative to conventional zoning districts by promoting innovative land use planning consistent with the goals, objectives and policies of the Comprehensive Plan and to this title by promoting flexibility for large master planned developments that possess the following characteristics:

1. Predominately residential land uses with supporting non-residential uses.
2. Property to be comprised of no less than 2,000 gross acres;
3. Provide uses such as commercial, employment and public facilities and services that complement the residential component; and
4. Exemplary design and placement of land uses with proper transitions between dissimilar uses, and adequate open space and other appropriate recreational amenities.

B. The L-MPC zoning district is intended to accomplish the following:

1. Permit and encourage innovative large-scale land development while maintaining appropriate limitations on the character and intensity of use and assuring compatibility with adjoining and proximate properties;
2. Permit greater flexibility within a development to best utilize the features of a particular site, in exchange for greater public benefits that otherwise could not be achieved through standard development processes provided under this title;
3. Ensure that large master planned developments function as integrated communities, with exemplary community amenities and benefits and with enhanced design elements such as but not limited to: community entry features, social clubs, community spaces, and large recreational facilities;

4. Encourage integrated and unified design and function of the various uses allowed in the accompanying master plan;
5. Encourage a more productive use of land consistent with the public objectives and standards of accessibility, safety, infrastructure and land use compatibility; and
6. Foster a strong sense of community based on the distinctive character of the development and a shared physical environment.

2.365.020 Applicable existing zoning districts and relationship to Comprehensive Plan.

A. An application to rezone to an L-MPC zoning district may be submitted for properties within any rural or residential zoning district or combination of rural, residential, activity center, office or commercial zoning districts. Approval of a Master Plan is required prior to development in an L-MPC zoning district. An approved Master Plan establishes the location and character of the uses and the unified overall development of individual development areas and phases within the zoning district. The Master Plan shall be adopted by the County together with an approved development agreement between the County and the applicant/master developer.

B. Projects developed under an L-MPC zoning district are only appropriate for, and deemed to be in conformance with, areas designated in the County's Comprehensive Plan land use plan map as either:

1. Residential land use designations (including allowable commercial and employment uses within these designations); or
2. Residential land uses combined with General Commercial, Employment, Activity Center or General Public Services and Facilities land uses in any combination. .

At the time of the approval by the County of the L-MPC zoning district, the land shall be designated on the county's comprehensive plan land use plan map consistent with the land use designations that best aligns with the most common zoning district identified within the approved Master Plan.

2.365.030 Minimum land/development requirements.

The minimum land/development requirements for an L-MPC zoning district are:

- A. The land has a minimum of 2,000 contiguous acres under the ownership or exclusive control of a single legal entity who shall be the applicant/master developer for the entire project;
- B. The land has direct access to an arterial or higher roadway classification and is located within one (1) mile of a proposed or existing high capacity roadway interchange or higher roadway classification
- C. The development includes planned multimodal transportation systems; and
- D. The development includes coordinated residential that is supported by commercial, employment and public facility uses intended to complement the residential component.

2.365.040 Application requirements.

An application for an L-MPC zoning district shall comply with the rezoning process and requirements set forth in Chapter 2.166 PCDSC. An L-MPC zoning district application shall not be accepted for processing on any property that was part of a PAD overlay or change in zoning district application denied by the supervisors within the previous six months.

2.365.050 Development Master Plan.

Approval of a Master Plan (MP) is required prior to development in an L-MPC zoning district. The purpose of the L-MPC is to establish the location and character of planned uses and a unified development pattern with regards to balance and application, and phasing of amenities and supporting infrastructure. The L-MPC shall include, at a minimum:

A. Title page that states:

1. Project name.
2. Case number (to be added at the time of filing).
3. Date of filing.
4. Revision dates (with any resubmittals).

B. Principals and Development Team Page. This page will provide the name, address, telephone number and email address for the applicant/master developer and any members of the development team including, but not limited to, all architects, landscape architects, civil engineers, traffic engineers, legal representation and other professionals.

C. Table of contents page.

D. Site Conditions and Location. This section shall provide information regarding the current condition of the project site, including:

1. Acreage;
2. Current land use and description of any structures and/or buildings;
3. Parcel map;
4. Ownership information for subject property;
5. An ALTA survey prepared no more than 60 days prior to the date of filing;
6. Ownership and use information for surrounding properties within one mile;
7. Surrounding zoning districts within one mile; and
8. Access to an arterial or higher roadway classification and proximity to proposed or existing high capacity roadway interchange or higher roadway classification.

E. Comprehensive Plan Conformance. This section shall describe how the proposal is in conformance with the County's Comprehensive Plan.

F. Development Plan. This section will provide a Development Plan prepared by a design professional for the entire project site identifying, at minimum, the following:

1. Roadway network and classifications thereof, for all collector and higher roadway classifications;
2. Development areas;
3. Drainage, washes or other natural features, either manmade or natural;
4. Major open space areas meeting a minimum of 18% of the L-MPC zoned area and shall also include public safety facilities and public services and utilities; and
5. Trails network plan.

G. Project Development Table. This section will provide the following:

1. Area of each development area;
2. Land uses for each development area;
3. Residential density of each development area;
4. Total possible dwelling unit count (if applicable) for each residential development area;
5. Total square footage of non-residential land uses for each development area; and
6. Minimum area of open space for each development area.

H. L-MPC Use Districts. This section shall provide the use, density and intensity classifications that will apply to each development area. Development areas may have more than one possible use, density or intensity classification. The L-MPC Use Districts shall utilize, to the greatest extent possible, existing Pinal County Zoning Classifications. If a development type cannot be achieved within any existing zoning classification, an applicant may propose a custom use classification for consideration as provided herein. If custom use classifications are proposed, each shall include, at minimum, the following standards:

1. Density (if residential) or intensity and total square footage of use (if non-residential);
2. Minimum Lot Area
3. Minimum Lot Width
4. Lot coverage;
5. Building setbacks or build-to lines;
6. Maximum height;
7. Landscape setbacks; and
8. Permitted land uses.

Each custom use classification shall be identified by a specific name to avoid confusion with standard zoning classifications.

I. Master Project Design Character and Theming. This section shall provide the overall project design and character themes, concepts and/or other illustrative guidance. These character and theming concepts shall include, at a minimum:

1. Overall project landscaping theme.
2. Overall project lighting theme.
3. Overall project architectural character theme, including entry monuments and streetscape elements.

Themes shall include visual examples of theme concepts. Concepts may include specific materials, colors and/or vegetation options. Specific designs shall be required at the time of platting and/or specific site plan processing (PCDSC 2.365.060).

J. Zoning Implementation Table. This section shall provide the total number of residential dwellings as well as the total amount of square footage of non-residential land uses allowed within each development area and overall L-MPC area. As each development area, or portion thereof, is platted or site planned, the applicant/master developer shall provide an updated zoning implementation table that (1) identifies the assigned uses for the specific development area or portions thereof; (2) identifies the dwelling units and/or square footages assigned to the specific development area or portions thereof; and (3) updates the total remaining square footages and/or dwelling units for the remaining project-wide unassigned development area. The zoning implementation table on the last processed approval is the controlling table and all prior tables are void. Any remaining square footages and/or dwelling units remaining after full build-out of the project area shall be forfeited and are deemed no longer available.

K. Signage Standards. This section may either (1) refer to the typical standards of this title, or (2) provide specific standards for the entire project area or specific development areas.

L. Infrastructure. This section will provide a basic analysis for the project's circulation system, grading and drainage system for the overall site and how water and wastewater will be provided including utility and public safety facilities that can be used to enhance the provision of services to the region surrounding the development site.

M. Phasing Plan. This section shall provide a phasing plan for the overall project which includes infrastructure.

N. Additional Information. The County may require and/or the applicant/master developer may include additional information, development standards or other materials within the final application including, but not limited to, traffic studies and archeological reports. Failure to submit the requested additional information, standards or materials will constitute an incomplete application and will not be processed.

2.365.060 Plats and specific site plans.

Plats and/or specific site plans or individual site plans in substantial compliance with the approved master plan shall be filed in accordance with Chapter 2.200 PCDSC, the schedule for development, if any, or the County's subdivision regulations. Prior to development, the applicant/master developer shall formally subdivide the development area or areas in order to (1) complete the required zoning implementation table as per PCDSC 2.365.050(J) and to (2) finalize design requirements as per subsection (F) of this section.

A. There may be more than one plat and/or specific site plan or individual site plan within the L-MPC zoning district.

B. Approval of a specific site plan in accordance with Chapter 2.200 PCDSC does not replace the plat process and shall not be used to circumvent the plat process required by the County's Subdivision Regulations.

C. Where the plat process is required, no site plan, if required, may be approved prior to final plat approval.

D. A plat, specific site plan or individual site plan shall be deemed in substantial compliance with the master plan and development agreement; provided, that the plat, specific site plan or individual site plan does not:

1. Change the uses or character of the approved L-MPC, development plan or development areas.
2. Increase the approved maximum density or intensity of the L-MPC or subject development area.
3. Change the number or make a substantial change in the location of streets with an arterial or higher classification.
4. Contain changes which would normally cause the plat or site plan to be disqualified under the applicable criteria.

E. Dedications may be required with approval of the final plat or specific site plan or individual site plan when substantiated by final studies that are not completed until review of the final plat, specific site plan or individual site plan by County staff. Studies may be for, but are not limited to, water and wastewater, drainage, hydrology, and traffic analysis.

F. At the time of tentative subdivision plat application for any development areas (or any part thereof), the applicant/master developer shall provide development area specific detailed architectural, lighting and landscaping guidelines that comply with the overall master character and theming provided in PCDSC 2.365.050(I). The Community Development Director (or designee) shall conduct a design review of any submitted plans to verify compliance with approved specific guidelines prior to issuance of any building permits.

G. If a plat, or site plan does not substantially conform to the approved master plan, the Community Development Department or Public Works Department shall notify the

applicant/master developer of the deficiency, and County staff review shall be suspended until the deficiency is remedied.

H. Minor land divisions are prohibited within the boundaries of an approved L-MPC zoning district. All land divisions shall be processed as a subdivision according to PCDSC Title 3. Modifications and appeals of the subdivision provisions under Chapter 3.60 PCDSC may only be used to modify the provisions of Chapters 3.20 and 3.50 PCDSC.

2.365.070 Amendments to the Master Plan.

A. Major Amendment. An amendment will be deemed major if it involves any of the following as determined by the Community Development Director:

1. A request for different type of land use not included in the L-MPC;
2. A greater than 10 percent change in development area boundaries when located within 600 feet of the exterior boundaries of the L-MPC zoning district;
3. A request to waive, or a change altering, any condition or stipulation of approval;
4. Changes in locations or classifications of streets identified as a collector or higher roadway classification;
5. Changes in locations or use of open space areas, excluding minor shifts in size, location and/or uses that are consistent with the approved L-MPC;
6. Dwelling unit density transfers or non-residential intensity transfers between development areas which are greater than 10 percent of the total density or intensity of the taking or receiving development areas;
7. An increase in the overall project density or non-residential intensity;
8. A change in location of wastewater facilities or change in the wastewater system excluding collection lines;
9. A deletion or addition of acreage to an approved L-MPC boundary;
10. A severance of a portion of the L-MPC zoning district;
11. Abandonment of an existing approved L-MPC by approval of a new L-MPC over the entire property;
12. Any change in the development phasing schedule that results in the delay of infrastructure improvements affecting properties beyond the approved L-MPC boundary;
13. Any significant change to the content of the master plan after a final master plan has been approved;
14. A change that would have a significant impact on surrounding properties;
15. Changes in signage standards for the entire project area, if the proposed change is not in compliance with the standards set forth in this title, as amended; or

16. Any change to the approved development agreement that would have a substantial effect on the master plan or stipulations of approval.

17. Any change to the master plan roadway access at the perimeter of the L-MPC zoned district.

B. Major L-MPC Amendment Procedure. Requests for major amendments shall follow the same procedure as the initial application for approval of an L-MPC.

C. Minor L-MPC Amendments. Any request that is not major, as defined in subsection A of this section, or is otherwise determined by the Community Development Director to be a minor amendment. In general, minor L-MPC amendments are small adjustments to the content of the L-MPC that do not substantively or materially alter the original character and/or intent of the L-MPC.

D. Minor L-MPC Amendment Procedure.

1. Requests for minor L-MPC amendments shall be filed with the Community Development Department and subject to the applicable fee as specified in the County's fee schedule adopted from time to time.

2. The request will be routed for comment to any affected County departments.

3. Upon receipt of comments, but no later than 10 working days, the Community Development Director will determine whether to approve, deny or request revisions to the requested amendment.

4. Applicant/master developer will be notified by letter of the Community Development Director's decision and a copy of the letter will be filed for public record.

E. Density/Intensity Transfers. The Community Development Director may permit residential unit density and/or nonresidential intensity transfers of 10 percent or less between development areas within the L-MPC, provided:

1. The procedures for such transfers are explicitly stated within the L-MPC and will be allowed only once per residential development area;

2. Density transfer proposals indicating donor and recipient areas are submitted to the Community Development Director for administrative review and approval; and

3. The overall density of the L-MPC is not exceeded.

F. Reduction or Removal. An approved L-MPC zoning district may not be rezoned unless the remaining portion of the approved L-MPC can stand alone without changing the character, circulation or open space as originally approved as determined by the Community Development Director.

G. Variances. The Board of Adjustment shall not grant any variances for an approved L-MPC.

H. Appeals. Appeals of actions and/or decisions of the Community Development Director shall be made to the Board of Adjustment and processed pursuant to Chapter 2.155 PCDS, except

for those specific plans required under PCDSC 2.365.060(F), which shall be appealable to the county manager. The county manager's decision shall be final.

2.365.080 Authorization.

The various County officers and employees are hereby authorized and directed to perform all acts necessary and desirable to give effect to this chapter.

2.365.090 Validity.

Should any provision of this chapter be deemed or 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 2: Title 2, Zoning, of the Pinal County Development Services Code is hereby amended by revising Section 2.15.040, Zoning districts on and after February 18, 2012, to include "L-MPC Large Master Plan Community Zoning District" under the "Other zoning districts" category.

Section 3: This Ordinance shall take effect 30 days after the date of its adoption.

Section 4: This Ordinance shall be published at least once in a newspaper of general circulation in the County seat after its adoption.

PASSED AND ADOPTED this 3rd day of November, 2021, by the PINAL COUNTY BOARD OF SUPERVISORS.


Chairman of the Board

ATTEST:


Clerk/Deputy Clerk of the Board



APPROVED AS TO FORM:


Deputy County Attorney