

PLANNING AND DEVELOPMENT SERVICES REPORT
Zoning Code Text Amendment

PUBLIC HEARING
PZ-19-00095

DATE: August 1, 2019
MEETING DATE: August 14, 2019
REPORT BY: Dan Symer, AICP

REQUEST:

For a Zoning Code Text Amendment (Case No.: PZ-19-00095) to amend the Flagstaff Zoning Code (Ordinance No. 2011-20) for the purpose of modifying chapters, divisions, and sections of Title 10 Flagstaff Zoning Code, including the sections of Division 10-40.60: Specific to Uses, and Division 10-80.20: Definition of Specialized Terms, Phrases, and Building Functions, to resolve conflicts, incorporate technical corrections and clarity, and to add new and modify existing, requirements, provisions, and definitions.

STAFF RECOMMENDATION:

Staff recommends the Planning and Zoning Commission, in accordance with the findings presented in this report, find that the requirements of the Zoning Code have been met, and make a recommendation to the City Council for approval of the Zoning Code Text Amendment.

I. Project Introduction

A. Background

The Zoning Code was adopted by the City Council on November 1, 2011, to replace the former Land Development Code. Since its adoption, the code has been amended several times to address procedures, add clarity, resolve conflicts, address planning initiatives (accessory dwelling units), incorporate applicant's requests (West University Drive Entrance Sign District), and to address changes in state law and U.S. Supreme Court decisions (i.e. Reed vs the Town of Gilbert). In addition, on June 12, 2019 the Planning and Zoning Commission recommended approval to the City Council of an amendment to the Zoning Code to address a series of technical, conflict resolution, and clarity modifications – including adding the Seasonal Amusement/Entertainment and Sales, Indoor and related provisions to the Light Industrial (LI) zone. Also, on June 26, 2019 the Planning and Zoning Commission recommended approval to the City Council of an amendment to the Zoning Code to address a series of miscellaneous technical, conflict resolution, and clarity modifications.

B. Proposed Amendment

The proposed amendment includes multiple changes to the Zoning Code to resolve conflicts, incorporate technical corrections, add clarity, and to simplify the existing requirements. New provisions are being added, and several sections of the reference divisions are being modified, relocated, or deleted. The proposed amendment includes:

- Accessory Dwelling Units (ADUs) (10-40.60.030): Modify the design and development standards for ADUs to reclassify attached and detached ADUs to attached, detached, and interior ADUs. Revise, consolidate, and clarify the provisions for the ADUs to address the new types of ADUs. Incorporate provisions related to subdividing a lot that contains an existing ADU. Incorporate clarifications and modifications pertaining to an ADU on a lot greater than one acre.
- Definition of Specialized Terms, Phrases, and Building Functions (Division 10-80.20): Modify and add various definition of the Zoning Code, including: Accessory Dwelling Unit (ADU), Attached; Accessory Dwelling Unit (ADU), Detached; and Accessory Dwelling Unit (ADU), Interior.

II. Zoning Code Text Amendment

An application for a Zoning Text Amendment shall be submitted to the Planning Director and shall be reviewed and a recommendation prepared. The Planning Director's recommendation shall be transmitted to the Planning and Zoning Commission in the form of a staff report prior to a scheduled public hearing. The recommendation shall include: an evaluation of the consistency and conformance of the proposed amendment with the goals and policies of the General

Plan (Regional Plan) and any applicable specific plans; the grounds for the recommendation based on the standards and purposes of the zones set forth in Section 10-40.20 (Establishment of Zones) of the Zoning Code; and, whether the amendment should be granted, or denied.

A Zoning Code Text Amendment shall be evaluated based on the following findings:

A. Finding #1:

- The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan;

The most significant of the proposed modifications pertains to the reclassification attached and detached ADUs to attached, detached, and interior ADUs. This modification is intended to provide clarity to the different types of ADUs, and maintains promoting this use, where appropriate (NH 3.2 of the Regional Plan).

The proposed amendments are primarily to resolve conflicts, incorporate technical corrections and add clarity to the Zoning Code. Clerical in nature, the amendments do not substantively modify the existing provisions of the Zoning Code and maintains consistency and conformance with the objectives and policies of the Regional Plan (General Plan) and applicable specific plans.

B. Finding #2

- The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City;

The proposed amendments are not anticipated to be detrimental to the public interest, health, safety, convenience or welfare of the City. These amendments are primarily to resolving conflicts, incorporate technical corrections and add clarity to the Zoning Code.

C. Finding #3

- The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

The proposed amendments enhance the zoning code's internal consistency by resolving conflicts, incorporate corrections and adding clarity. Furthermore, the proposed amendments are intended to maintain the zoning code's purpose as a comprehensive contemporary set of land uses and requirements that are straightforward, usable and easily understood.

V. CITIZEN PARTICIPATION

In accordance with State Statute and the Zoning Code, the Planning and Zoning Commission work session and public hearing for these amendments was advertised in the Arizona Daily Sun on May 29, 2019. Also, persons of interest that are on file with the Planning and Development Services Department were notified of the work sessions and hearings via first class mail. Also, on June 10, 2019 a public open house meeting was held. This meeting was attended by one person that merely desired to obtain a copy of the proposed amendments.

VI. PLANNING AND ZONING COMMISSION WORK SESSION

At the June 26, 2019 Planning and Zoning Commission Work Session, staff reviewed the text amendment application with the Commission. The Commission had a series of questions to clarify there understanding of the code and editorial comments.

Attachments:

1. Proposed Ordinance Revisions

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August 14, 2019