

## 2021 Zoning and Subdivision Code Work Program Prioritization Summary

Program Manager: Dan Symer, Zoning Code Manager

Staff: Dan Symer, Zoning Code Manager

### Project Funding and Resources

The Zoning and Subdivision Code has approximately \$5,000 in annual funding available for notices, advertising, postage, equipment, materials, printing, and codification. Some projects can be stretched over time to stay within the program's annual allotment or funded separately by other divisions, partnerships, or grants. Staff may be precluded or delayed from working on projects with a high cost and require additional funds unless the City Council approves one-time or multi-year funding requests. Approximately \$3,672 of the annual funding has been utilized in the fiscal year 2020-2021; the reference dollar amount excludes Zoning Code printing and codification costs that have been paid for with one-time funding in fiscal year 2020-2021. Through the budget process, Staff will seek funds to support City Council priorities.

### Projects

The following table outlines the staff's recommended Zoning and Subdivision Code Work Program priorities for the current and future fiscal years. This list is not inclusive of all projects and work programs that the Zoning Code Manager provides support. For instance, the Zoning Code Manager assists the Comprehensive and Neighborhood Planning (CNP) staff with amendments to the Regional Plan and other related specific planning documents to ensure sufficient direction, goals, and policies are incorporated to effectuate the necessary modifications to the City Code and implement the plans; e.g., the Zoning Code Manager assisted the CNP staff with the Southside Specific Plan. Also, it is anticipated that assistance will continue to be provided for the John Wesley Powell project and other upcoming CNP projects.

Project Priority	Within Staffing Capacity	Urgent	State or Legal Requirement	Public Interest	PBB Priorities	Proposed Strategy	Funded	Proposed Fiscal Year	Priority Tier
A. Prop 207 – Smart and Safe Act (Recreational Marijuana)	Yes	Yes	Yes	Medium	Safe and Healthy Community and Robust Resilient Economy	Staff primary	Yes	2020 – 2021	1
B. High Occupancy Housing Amendment – Part 1 and 1a	Yes	Yes	No	High	High Performing Governance, Safe & Healthy Community, Inclusive & Engaged Community, Environmental Stewardship	Staff primary	Yes	2020 – 2021	1
C. Incentives for Providing Affordable Housing (IPAH)	Yes	Yes	No	High	Safe and Healthy Community, Inclusive &	Staff primary <sup>1</sup>	No	2020 – 2022	1

Project Priority	Within Staffing Capacity	Urgent	State or Legal Requirement	Public Interest	PBB Priorities	Proposed Strategy	Funded	Proposed Fiscal Year	Priority Tier
					Engaged Community and Livable Community				
D. Forty-Five-Foot Building Height (NCC zone)	No	Yes	No	High	High Performing Governance, Inclusive & Engaged Community, and Livable Community	Staff primary - consultant support	No	2020 – 2022	1
E. Outdoor Lighting	Yes	Yes	No	Medium	High Performing Governance, Safe & Healthy Community, Livable Community, Environmental Stewardship	Staff primary <sup>1</sup>	No	2020 – 2022	1
F. La Plaza Vieja Specific Plan Implementation	Yes	Yes	No	High	High Performing Governance, Safe & Healthy Community, Inclusive & Engaged Community, Livable Community	Staff primary	No	2020 – 2022	2
G. Transect Zone Remapping and Zone Modifications	Yes	Yes	No	Medium	High Performing Governance, Safe & Healthy Community, Inclusive & Engaged Community, Livable Community, Environmental Stewardship	Staff primary - consultant support	Yes	2020 – 2022	2
H. Resource and Wildlife Protection	Yes	Yes	Yes	Medium	High Performing Governance, Safe & Healthy Community, Inclusive & Engaged Community, Environmental Stewardship	Staff primary - consultant support	No	2020 – 2023	2
I. Southside Specific Plan Implementation	Yes	Yes	No	High	All PBB Priorities apply	Staff primary - consultant support	No	2021 – 2024	2
j. Zoning Code Miscellaneous Modifications	Yes	No	No	Low	All PBB Priorities apply	Staff primary	Yes	On-going	3
K. Chapter 11 Subdivision Code, and	Yes	No	Yes	Low	All PBB Priorities apply	Staff primary	Yes	On-going	3

Project Priority	Within Staffing Capacity	Urgent	State or Legal Requirement	Public Interest	PBB Priorities	Proposed Strategy	Funded	Proposed Fiscal Year	Priority Tier
Related Engineering Standards									
L. Chapter 11 Planning Policy Plan Requirements (General, Specific, Master, and Development Plans)	Yes	No	No	Low	All PBB Priorities apply	Staff primary	Yes	On-going	3
M. Heritage Preservation	No	No	No	Low	All PBB Priorities apply	Staff primary	No	On-going	3
N. Transfer of Development Rights	Yes	No	Yes	Low	All PBB Priorities apply	Staff primary	No	TBD	4
O. Planned Area Zone	Yes	No	No	Low	All PBB Priorities apply	Staff primary	No	TBD	4 <sup>2</sup>
P. High Occupancy Housing Amendment – Part 2 and 3	No	No	No	Medium	High Performing Governance, Safe & Healthy Community, Inclusive & Engaged Community, Environmental Stewardship	Delay to future work program	No	TBD – 2023	4
Q. Resource Protection Overlay	No	No	No	High	High Performing Governance, Safe & Healthy Community, Inclusive & Engaged Community, Environmental Stewardship	Delay to future work program	No	TBD	4
R. Design Guides	No	No	No	Low	High Performing Governance, Safe & Healthy Community, Inclusive & Engaged Community, Environmental Stewardship	Delay to future work program	No	TBD	4
<b>Staffing</b> Staff primary – no consultant Staff primary – consultant support (i.e., consultant, interns, or volunteers) Consultant primary – staff support					<b>Recommended Priority Tier</b> Tier 1 – Urgent Tier 2 – Priority Tier 3 – Work will be done as staff and/or funding are available Tier 4 – Delay to future work program				

Project Priority	Within Staffing Capacity	Urgent	State or Legal Requirement	Public Interest	PBB Priorities	Proposed Strategy	Funded	Proposed Fiscal Year	Priority Tier
1. A consultant may be needed in the future, but it is not foreseen at this time.									
2. The planned area zone may need to be reprioritized depending on the John Wesley Powell applicable specific plan provisions.									

### Project Description Summary

- A. Proposition 207 – Smart and Safe Act (Recreational Sales of Marijuana) – In November 2020, Arizona voters approved the Proposition 207 – Smart and Safe Act. In summary, the Act allows for the recreational sale, cultivation, manufacture, and testing of marijuana. In addition, the Act allows the City to prohibit or incorporate zoning provisions related to the time, place, and manner for Marijuana Establishments (location for sale of marijuana products to consumers, cultivating marijuana, and manufacture marijuana products) and Marijuana Testing Facilities. If City Council chooses to allow these uses, the Act prohibits regulations that are more strict than Medical Marijuana Dispensaries or unduly burdensome.
- B. High Occupancy Housing Amendment – A Zoning Code Text Amendment to:
- Part 1 – A zoning code amendment to implement the High Occupancy Housing Specific Plan. Approved November 17, 2020.
  - Part 1a. – Technical corrections to the City Council’s modifications that were incorporated on November 17, 2020 related to exceptions for affordable housing.
- C. Incentives Policy for Affordable Housing (IPAH) – An update to the IPAH and corresponding revisions to the Zoning Code. The modifications to the Zoning Code are anticipated to address other code provisions that undermine the utilization of the IPAH incentives.
- D. Forty-five-foot building height (Neighborhood Community Commercial (NCC) zone) – In accordance with the High Occupancy Housing Plan’s implementation tasks, the building height of the Community Commercial (CC) zone is to be changed to 45 feet. To address this implementation task and previous discussions with the public, Planning and Zoning Commission, and City Council, a new zone (Neighborhood Community Commercial (NCC)) is proposed. The purpose of the Neighborhood Community Commercial (NCC) zone is to enable the City Council the flexibility to determine which areas of the city with the Community Commercial (CC) zone should maintain the allowed maximum building height of 60 feet, and which areas should have a maximum building height of 45 feet. To implement the 45-foot building height, the City Council would need to rezone the desired areas to the Neighborhood Community Commercial (NCC) zone.
- There are three neighborhoods in the city that have the Community Commercial (CC) zone. These neighborhoods are the Southside (south of Downtown), North End (north of Downtown), and Sunnyside (an irregularly shaped area north of Route 66, and either side of North Fourth Street and East Cedar Boulevard). At the August 25, 2020 City Council meeting, staff was directed to conduct additional public outreach.
- E. Outdoor lighting – A Zoning Code Text Amendment to:
- Part 1 – Implement the applicable Joint Land Use Study recommendations pertaining to the total outdoor lighting lumens that may be used on a property.
  - Part 2 – A comprehensive update to address conflicts and implementation and code enforcement issues, remove redundancy, and simplify the code.

- Part 3 – Incorporate provisions for small parcels and downtown businesses.
- F. La Plaza Vieja Specific Plan Implementation – A Zoning Code Text Amendment and Zoning Map Amendment to implement the applicable La Plaza Vieja Specific Plan provisions. The amendments are anticipated to include a Character Overlay zone with an associated building pattern book and architectural guidelines.
- G. Transect Zone Remapping and Zone Modifications – A Zoning Code Text Amendment and Zoning Map Amendment to incorporate revisions to the Transect Zones provisions and locations. This amendment is intended to modify the requirements to be consistent with areas of the city where the Transect Zone applies, address conflicts and implementation issues, remove redundancy, and simplify the code.
- H. Resource and Wildlife Protection – November 2017 Citizen Petition. Multiple Zoning Code Text Amendments and a City Code amendment to incorporate provisions that:
- Require the relocation of prairie dog colonies on new development sites
  - Protect rock outcroppings
  - Protect wildlife corridors
  - Protect seep and springs
- I. Southside Specific Plan Implementation – A Zoning Code Text Amendment and Zoning Map Amendment to implement the applicable Southside Specific Plan provisions. The amendments are anticipated to include a new zone and associated subzones and guidelines.
- J. Zoning Code Miscellaneous Modification (Summary) – Multiple Zoning Code Text Amendments to address the following:
- Miscellaneous modifications and simplification of the Zoning Code
  - Conformance with Arizona Revised Statutes
  - Southside parking reduction
  - Accessory Dwelling Unit Setbacks and Height
  - Planned Residential Development; clarification when PRDs are allowed with and without a Conditional Use Permit
  - Miscellaneous High Occupancy Housing related implementation tasks
  - Update provision related to when a Concept Plan or Minor Improvement Plan is required
  - Landscape requirements
  - Landscape plant list
  - Noxious weeds
  - Non-conforming provisions
  - Conditional Use Permit provisions
  - Street setbacks – Milton and commercial corridors
  - Mixed Use – Development standards and guidelines

- Residential parking in yards, including recreational vehicle parking
  - Development incentives and standards to promote climate change resiliency and emission reductions
- K. Chapter 11 Subdivision Code, and Related Engineering Standards – A City Code and Zoning Code Text Amendment to remove conflicts, clarify, and update the subdivision code, related engineering standards, and zoning code requirements. In addition, the modifications are anticipated to incorporate provisions related to dedication acceptance, release of easements, and the Arizona Revised Statutes. It is anticipated that modifications will be completed in multiple amendments.
- L. Chapter 11 Policy Plan Requirements (General, Specific, Master, and Development Plans) – A City Code and Zoning Code Text Amendment to clarify, simplify, and update the requirements.
- M. Heritage Preservation – A Zoning Code Text Amendment to remove conflicts and redundancy, and update, clarify, and simplify the code.
- N. Transfer of Development Rights – A Zoning Code Text Amendment to address the Transfer of Development Rights (i.e., density, floor area, etc.) in accordance with the Arizona Revised Statutes. The Zoning Code allows the property development standards to be calculated across multiple properties (a Development Site); but, each lot or parcel shall separately comply with its Zoning Code requirements. In accordance with the Arizona Revised Statutes, the related provisions need to be updated to allow density, floor area, and other related provisions to be transferred from one property to another that are within, or outside of, a Development Site.
- O. Planned Area Zone – A Zoning Code Text Amendment to incorporate provisions for planned areas that have modifications to, or additional property development standards, transfer of development rights, and Zoning Map Amendments that may accompany specific plans (throughout Arizona, specific plans are also referred to as development master plans, master plans, character area plans, etc.). Subsequent to the adoption of the specific plan provisions as part of the Arizona Revised Statutes in 1973, a vast majority of Arizona cities have adopted accompanying zoning regulations to implement development standards, regulations, and related specific plan provisions. Commonly referred to as Community Master Plan, Planned Community Development, Planned Area Development, Planned Area Overlay Planned Development, Planned Residential District, Planned Unit Development, Specific Plan Zone, etc., or districts/zones in other Arizona cities, the planned area zone methodology is a more appropriate method of addressing and implementing zoning regulations that are allowed to accompany specific plans. The proposed methodology allows for the associated regulations to be handled at the regulatory level as part of the Zoning Code and Zoning Map regulations instead of at the policy level of a specific plan. Also, a planned zone may also be used to address Regional Plan (General Plan) implementation items that are smaller in scale or area, are only Zoning Code related, or do not rise to the need for a specific plan.
- P. High Occupancy Housing Amendment: Parts 2 and 3 – A Zoning Code Text Amendment to implement the High Occupancy Housing Specific Plan’s implementation tasks that are to be completed by 2023.
- Q. Resource Protection Overlay – A Zoning Code Text Amendment to address:
- Updating and simplifying requirements
  - The locations of Floodplain provisions within the City Code
  - Transfer of Development Right (possible incorporation)

- Amendment to Development Standards (possible incorporation)

R. Design Guides – A Zoning Code Text Amendment to update, simplify, and clarify requirements and remove conflicts.