



PLANNING & ZONING COMMISSION

STAFF REPORT

Meeting Date: 10/17/2024

Agenda Item(s): 4R

TO: Planning and Zoning Commission
THROUGH: Chris M. Jacques, AICP, Planning Director
FROM: Lorie Dever, Deputy Director
SUBJECT: Study Session: Zoning Code Amendments TA24-01, TA24-02, and TA24-03

PURPOSE

The purpose of this Study Session is to review and discuss three city-initiated code amendments to the Zoning Ordinance to address recently adopted legislative bills.

SUMMARY

The 56th Arizona state legislature passed a number of bills this session that have been signed into adoption by the Governor pertaining to municipal zoning. These bills were intended to facilitate greater housing affordability by increasing opportunities for diverse housing types and streamlining processes. Three (3) of these bills require local municipalities to amend their Zoning Code by January 1, 2025. They are:

- SB 1162: Rezoning "Shot Clock"
- HB 2720: Accessory Dwelling Units (ADU's)
- HB 2297: Adaptive Reuse for Multifamily Development

Additionally, HB2325: Backyard Fowl was also signed into adoption by the Governor, and preempts any city regulations associated with the keeping of backyard fowl. The new backyard fowl regulatory provisions went into effect upon September 24, 2024. As such, minor adjustments to the Zoning Ordinance are required to realign the existing regulations to be in compliance with the newly adopted regulations. Attached is a Briefing Sheet prepared by the Planning Department summarizing the bills.

During tonight's study session, staff will present and seek discussion on the three code amendments as shown in the attached exhibits. As this is a study session item, no action will be taken.

CODE AMENDMENTS

At tonight's study session, staff will present and seek discussion on the three code amendments as noted below and shown in the attached exhibits. As this is a study session item, no action will be taken.

TA24-01: ADMINISTRATION AND PROCEDURES

SB1162 requires municipalities on or before January 1, 2025, to adopt a zoning amendment requiring the determination of administrative completeness of a zoning application to occur within thirty (30) days of receipt. The bill also requires the municipality to determine if a resubmitted application is "administratively complete" within fifteen (15) days. It also requires approval or denial of an administratively complete non-PAD (and non-PCD) zoning application within 180 days; however, it does permit extensions within certain circumstances.

In addition to updating the provisions of the Zoning Ordinance to conform with the administrative deadlines and duration timelines specified within SB1162, staff are taking this opportunity to clarify and modernize the Zoning Code in preparation for future code amendments. As such, the following encapsulates the proposed

ZONING CODE AMENDMENTS (TA24-01, TA24-02, AND TA24-03)

changes in Sections 21-100, 21-300, 21-400, 21-500, 21-600, 21-700, 21-800:

- Rename *Section 21-100 Introduction* to *21-100 Introductory Provisions and Administration*
- Append and update Administrative regulations from 21-300 into *Section 21-100*
- Rename *21-300 Administration and Procedures* to *21-300 General Provisions and Standards*
- Relocate and renumber 21-800 through 21-814 into 21-300
- Standardize formatting for interior setback within Section 21-420 to match other tables.
- Within Section 21-400, add note to clarify when corner setback minimum distance is applicable versus an interior setback.
- In Section 21-600, standardize PAD / PCD references to match existing practices.
- Eliminate regulations within Section 21-701 through 21-709 known as *Senior Citizen Overlay Zoning District*
- Consolidate provisions within Section 21-710 through 21-734 and append into revised *21-600 Special Uses, Districts and Overlays*
- Rename subsections to clarify topics of individual sections for easier reference.
- Update cross-references within individual regulations to point to new section numbers.
- Create uniformity in use of terms for Zoning Administrator and Department references.

TA24-02: ACCESSORY DWELLING UNITS AND BACKYARD FOWL

Refinements are proposed to Sections 21-300, 21-400, 21-600, 21-700, and 21-800 in order to align the Zoning Ordinance with the accessory dwelling unit provisions adopted as part of HB2720, and the backyard fowl regulations associated with HB2325.

More specifically, HB 2720 requires municipalities with a population of 75,000 or more to adopt regulations allowing accessory dwellings units (ADUs) on any lot or parcel where a single-family dwelling is allowed. HB2720 additionally outlines minimum allowances and prohibits municipalities from establishing various restrictions. If a municipality fails to adopt these development regulations by January 1, 2025, ADUs will be allowed on all lots or parcels zoned for residential use without limits.

Given the ability for certain existing and future accessory buildings to be converted to accessory dwelling units, and their indistinguishable nature from a permitting and enforcement perspective, staff are also proposing refinements to the accessory building and structure regulations.

TA24-03: ADAPTIVE REUSE

HB2297 requires by January 1, 2025, that municipalities with 150,000 or more persons must allow multifamily residential development or adaptive reuse of any commercial, office or mixed-use building on not more than 10% of existing inventory of existing buildings citywide. The city cannot require discretionary review with conversion but can designate “commercial or employment hubs” where buildings are excluded from the inventory. Further, modified development standards are already set in the bill. As such, regulatory parameters are being added within Section 21-400 to address the provisions of HB2297.