

## Attachment H

### REPORT OF PLANNING COMMISSION ACTION January 6, 2022

ITEM NO: 19	
	DISTRICT NO.: Citywide
SUBJECT:	
Application #:	Z-TA-3-19 (Continued from 12/2/2021)
	WU Code Expansion and Fee Updates
Proposal:	Amend Chapter 3, Section 309.A; Chapter 5, Sections 507.G, 507.G.1.c, and 507.G.4.c; Chapter 13, Sections 1301.B, 1301.C, 1303.A, 1304.F, 1305.A, 1306.A, 1310.A, and 1310, Table 1310.1 of the Zoning Ordinance to expand the Walkable Urban Code boundaries citywide, including updates to clarify relevant policy plans, clarification of Walkable Urban Code process and procedure, and updating general lot standards relevant to the expansion; amend the Zoning Fee Schedule to include fees for Walkable Urban Code Transect Districts, Downtown Code-Character Area, and update fees for new processes.
Applicant:	City of Phoenix, Planning Commission
Representative:	City of Phoenix, Planning and Development Department

#### **ACTIONS:**

Staff Recommendation: Approval, per the Addendum B Staff Report.

Village Planning Committee (VPC) Recommendation:

**Ahwatukee Foothills** 9/27/2021 Information only.

**Ahwatukee Foothills** 10/25/2021 Approval, per the Addendum A Staff Report with a modification. Vote: 6-4 (1 abstained).

**Alhambra** 7/27/2021 Information only.

**Alhambra** 10/26/2021 Denial. Vote: 13-3.

**Camelback East** 8/3/2021 Information only.

**Camelback East** 10/5/2021 Denial. Vote: 10-2.

**Central City** 7/12/2021 Information only.

**Central City** 10/11/2021 Approval, per the Addendum A Staff Report. Vote: 10-3.

**Deer Valley** 8/12/2021 Information only.

**Deer Valley** 10/14/2021 Denial. Vote: 4-3 (1 abstained).

**Desert View** 8/3/2021 Information only.

**Desert View** 10/5/2021 Denial. Vote: 6-1.

**Encanto** 7/12/2021 Information only.

**Encanto** 10/4/2021 Denial. Vote: 8-0.

**Estrella** 7/20/2021 Information only.

**Estrella** 10/19/2021 Denial. Vote: 7-0.

**Laveen** 7/12/2021 Information only.

**Laveen** 10/11/2021 Approval, per the Addendum A Staff Report with a modification. Vote: 8-0.

**Maryvale** 7/14/2021 Information only.

**Maryvale** 10/13/2021 Approval, per the Addendum A Staff Report. Vote: 6-2.

**North Gateway** 8/12/2021 Information only.

**North Gateway** 10/14/2021 Denial. Vote: 4-0.

**North Mountain** 7/21/2021 Information only.

**North Mountain** 10/20/2021 Approval, per the Addendum A Staff Report.

Vote: 11-2 (2 abstained).

**Paradise Valley** 7/12/2021 Information only.

**Paradise Valley** 10/4/2021 Approval, per the Addendum A Staff Report. Vote: 16-0.

**Rio Vista** 7/13/2021 Information only.

**Rio Vista** 10/12/2021 Denial. Vote: 3-2.

**South Mountain** 7/13/2021 Information only.

**South Mountain** 10/12/2021 Denial. Vote: 5-4 (1 abstained).

Planning Commission Recommendation: Approval, per the Addendum B Staff Report.

Motion Discussion: N/A

Motion details: Commissioner Mangum made a MOTION to approve Z-TA-3-19, per the Addendum B Staff Report.

Maker: Mangum

Second: McCabe

Vote: 8-0

Absent: Shank

Opposition Present: Yes (Possibly registered in error)

Findings:

1. The expansion of WU Code applicability supports the goals of the Housing Phoenix Plan.
2. The proposal will allow for WU Code applications within approved Transit Oriented Development District boundaries as shown on the Transit Oriented Communities Map within the proposed language.

Proposed Language:

**Amend Section 309.A (Design Review Committee) to read as follows:**

- A. **Powers and Duties.** The Design Review Committee shall have the power and duty under the provisions of these regulations to hear specific items appealed by the development review applicant contesting decisions made by the Planning and Development Department regarding the interpretation and implementation of design guidelines and architectural diversity standards, to review and approve Design Alternatives and Sustainability Bonuses for properties within the boundaries of the Downtown Code, and to

review and approve design alternatives and modification to PROPERTIES WITH standards within the boundaries of the Walkable Urban Code ZONING.

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**Amend Section 507.G (Design Alternatives and Sustainability Bonus Appeals) to read as follows:**

- G. **Design Alternatives and Sustainability Bonus Appeals.** A Design Alternative or Sustainability Bonus Appeal is a deviation from the prescribed standards and design guidelines. Design Alternatives and Sustainability Bonus Appeals apply to properties within the boundary of the Downtown Code, which would result in a furtherance of the goals and policies of the Downtown Phoenix Plan and the specific intent of the subject Character Area as approved by the DRC. Design Alternatives apply to properties ~~within the boundaries of the~~ WITH Walkable Urban Code ZONING, which would result in a furtherance of the goals and policies of ~~the Gateway, Eastlake-Garfield, Midtown, Uptown and Solano~~ Transit Oriented District (TOD) Policy Plans OR OTHER RELEVANT POLICY PLANS.

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**Amend Section 507.G.1.c to read as follows:**

- c. A narrative statement describing the justification for the Design Alternative and the manner in which the proposed Design Alternative would result in a furtherance of the goals and policies of the Downtown Phoenix Plan, ~~or of the Gateway, Eastlake-Garfield, Midtown, Uptown and Solano~~ TOD TRANSIT ORIENTED Policy Plans, OR OTHER RELEVANT POLICY PLANS and would satisfy the findings required for approval;

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**Amend Section 507.G.4.c to read as follows:**

- c. That the project demonstrates design excellence by addressing Design Alternatives that demonstrate conformance with the intent of the Walkable Urban Code as set forth in Section 1301.B and in general conformance with the policies contained within the ~~Gateway, Eastlake-Garfield, Midtown, Uptown and Solano~~ TOD TRANSIT ORIENTED Policy Plans OR OTHER RELEVANT POLICY PLANS. The modifications must meet the standards set forth in Section 1313.

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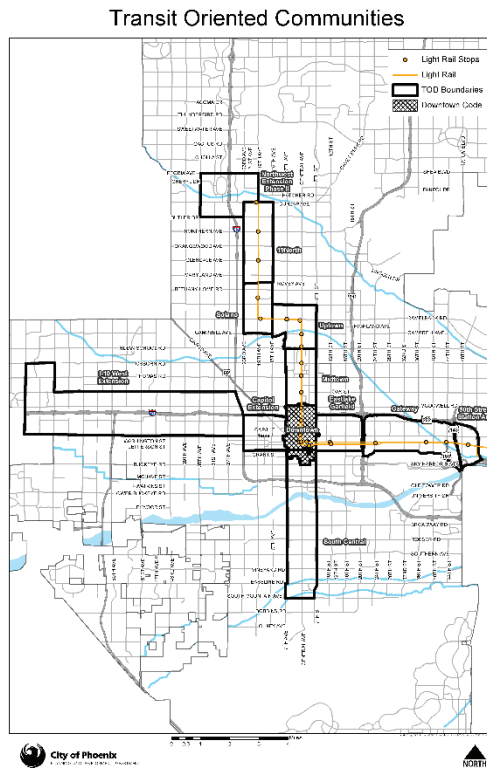
**Amend Section 1301.B (Purpose and Intent) to read as follows:**

- B. **Purpose and Intent.** The ~~primary purposeS~~ of this chapter ~~is ARE~~ to implement the vision and policies of the Transit Oriented District (TOD) Policy Plans ~~for Gateway, Eastlake-Garfield, Midtown, Uptown and Solano~~; encourage an appropriate mixture and density of activity ~~around transit stations~~; to increase transit ridership in general and along the ~~Central Phoenix/East Valley Light Rail Corridor in particular~~ TRANSIT CORRIDORS; and to promote multiple modes of transportation; ~~The secondary purpose of the Code~~ to improve pedestrian safety from crime; to avoid or mitigate nuisances; to promote the public health; to decrease automobile-dependence; and to mitigate the effects of congestion and pollution. These regulations seek to achieve these purposes by providing the following:

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**Amend Section 1301.C (Applicability) to read as follows:**

- C. **Applicability.** The Walkable Urban Code may be applied and is limited to land uses, subdivisions, and development within the Reinvent PHX Transit Oriented District Policy Plans APPROVED TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT BOUNDARIES AS DEPICTED ON THE TRANSIT ORIENTED COMMUNITIES MAP for Gateway, Eastlake-Garfield, Midtown, Uptown and Solano. The boundaries of these areas are shown in the District Maps located in the Transit Oriented District Policy Plans for Gateway, Eastlake-Garfield, Solano, Midtown and Uptown.



1. ~~When in conflict, text and numerical metrics in tables shall take precedence over diagrams and illustrations.~~ WALKABLE URBAN CODE TRANSECT DISTRICTS ARE ZONING DISTRICTS AND MAY BE APPLIED FOR THROUGH THE PROCEDURES OUTLINED IN SECTION 506.B.
2. The Zoning Ordinance of the City of Phoenix applies in its entirety for properties subject to Chapter 13 except as follows:
  - a. ~~If a conflict occurs between requirements of the WU Code and the City of Phoenix Zoning Ordinance, the requirements of the WU Code shall prevail.~~ PROPERTIES WITH HISTORIC PRESERVATION (HP) ZONING ARE SUBJECT TO THE PROVISIONS OF CHAPTER 8, HISTORIC PRESERVATION. IN THE EVENT OF A CONFLICT BETWEEN THE PROVISIONS OF CHAPTER 8 AND CHAPTER 13, THE PROVISIONS OF CHAPTER 8 SHALL PREVAIL.

- b. ~~Properties with Historic Preservation (HP) zoning are subject to the provisions of Chapter 8, Historic Preservation. In the event of a conflict between the provisions of Chapter 8 and Chapter 13, the provisions of Chapter 8 shall prevail. IF A CONFLICT OCCURS BETWEEN REQUIREMENTS OF THE WALKABLE URBAN CODE AND THE REMAINDER OF THE CITY OF PHOENIX ZONING ORDINANCE, THE REQUIREMENTS OF THE WALKABLE URBAN CODE SHALL PREVAIL. THE WALKABLE URBAN CODE DOES NOT ELIMINATE ANY OVERLAY ZONING DISTRICT, REDEVELOPMENT AREA, SPECIAL PLANNING DISTRICT, OR SPECIFIC PLAN. WHERE CONFLICTS OCCUR BETWEEN THE REQUIREMENTS OF THE WALKABLE URBAN CODE AND OVERLAY ZONING DISTRICTS, REDEVELOPMENT AREAS, SPECIAL PLANNING DISTRICTS, OR SPECIFIC PLANS, THE REQUIREMENTS OF THE OVERLAY ZONING DISTRICT, REDEVELOPMENT AREA, SPECIAL PLANNING DISTRICT, OR SPECIFIC PLAN SHALL APPLY.~~
  - c. IF A CONFLICT OCCURS BETWEEN REQUIREMENTS OF THE WALKABLE URBAN CODE AND THE REMAINDER OF THE CITY OF PHOENIX ZONING ORDINANCE, THE REQUIREMENTS OF THE WALKABLE URBAN CODE SHALL PREVAIL.
3. WHEN IN CONFLICT, TEXT AND NUMERICAL METRICS IN TABLES SHALL TAKE PRECEDENCE OVER DIAGRAMS AND ILLUSTRATIONS.

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**Amend Section 1303.A (General Lot Standards) to read as follows:**

**A. General Lot Standards.**

1. ~~The single-family attached development option (SFA) is allowed in all transect districts except T3:2 and must meet sections 608.F.8 and 614, Table B.~~ SUBDIVISIONS SHALL COMPLY WITH DEVELOPMENT STANDARDS PER THIS CHAPTER, INCLUDING FRONTAGE STANDARDS, FOR ALL EXISTING AND NEWLY CREATED LOTS ABUTTING PUBLIC STREETS, PRIVATE ACCESSWAYS, AND PRIVATE DRIVEWAYS, WITH THE FOLLOWING CAVEATS:
- a. A DEVELOPMENT MAY INSTEAD UTILIZE THE SINGLE-FAMILY ATTACHED DEVELOPMENT OPTION STANDARDS PER SECTION 608.F.8 AND SECTION 614, TABLE B, COLUMN D (EXCEPT FOR THE DENSITY, WHICH IS NOT RESTRICTED) IF IT MEETS ALL THREE OF THE FOLLOWING CONDITIONS:
    - (1) THE DEVELOPMENT CONSISTS SOLELY OF ATTACHED DWELLING UNITS AND ALLOWABLE ACCESSORY USES;
    - (2) THE DEVELOPMENT IS LOCATED WITHIN THE APPLICABLE AREA FOR THE SINGLE-FAMILY ATTACHED DEVELOPMENT OPTION OR THE INFILL DEVELOPMENT DISTRICT AS DEPICTED ON THE MAP PROVIDED IN SECTION 608.F.8; AND
    - (3) THE DEVELOPMENT IS LOCATED IN ANY TRANSECT OTHER THAN T3.
  - b. ALL SUBDIVISIONS MUST COMPLY WITH THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE (CHAPTER 32 OF THE CITY CODE), AS MAY BE

MODIFIED BY THE SUBDIVISION COMMITTEE TO FURTHER THE GOALS OF THE WALKABLE URBAN CODE.

2. ~~Development in T4, T5 and T6 shall follow the same setback and stepback standards as the single-family attached development option. If development is adjacent to a single-family zoning district (Sections 611, 613) or historic preservation designated property or district the following additional requirements shall apply: ALL DEVELOPMENTS ADJACENT TO SINGLE-FAMILY ZONING DISTRICTS SHALL FOLLOW THE SAME SETBACK AND STEPBACK STANDARDS AS THE SINGLE-FAMILY ATTACHED DEVELOPMENT OPTION (SECTION 614, TABLE B, COLUMN D); WITH ADDITIONAL REQUIREMENTS AS FOLLOWS:~~
  - a. ~~Minimum ten-foot landscape setback, except for single-family detached dwellings. STEPBACK PROVISION SHALL NOT EXCEED MAXIMUM 75-FOOT SETBACK FROM REAR AND SIDE PROPERTY LINES FOR BUILDING HEIGHT BEFORE MAXIMUM HEIGHT ALLOWED.~~
  - b. ~~Stepback provision shall not exceed maximum 75-foot setback from rear and side property lines for building height before maximum height allowed. FOR ALL DEVELOPMENT ABUTTING A HISTORIC PRESERVATION DESIGNATED PROPERTY OR DISTRICT, A MINIMUM TEN-FOOT LANDSCAPE SETBACK SHALL BE PROVIDED.~~
  - c. NO STEPBACK PROVISIONS OR LANDSCAPE SETBACKS ARE REQUIRED WHERE THE DEVELOPMENT ABUTS A PERMANENT OPEN SPACE AT LEAST 40 FEET IN DEPTH, SUCH AS A WASH, PRESERVE, PARK, EXISTING GOLF COURSE, OR DEDICATED OPEN SPACE.

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6. **Primary Frontages.** Lot lines abutting a right-of-way, PRIVATE ACCESSWAY, OR PRIVATE DRIVEWAY are designated as primary frontage lineS or secondary frontage lineS as follows:
  - a. For lots abutting a right-of-way, PRIVATE ACCESSWAY, OR PRIVATE DRIVEWAY along a single lot line, the abutting lot line is designated the primary frontage.
  - b. For lots abutting MULTIPLE rights-of-way, PRIVATE ACCESSWAYS, OR PRIVATE DRIVEWAYS ~~along multiple streets right-of-way~~, primary frontage is designated by the Planning and Development Department, AND all remaining frontages are designated secondary frontages.

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**Amend Section 1304.F.2 (Building and Shade) to read as follows:**

2. Developments should include shading along their entire ~~right-of-way~~ frontage, excluding driveways, loading, and service berths.

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**Amend Section 1305.A (Applicability) to read as follows:**

- A. **Applicability.** Standards and frontage types in this section regulate the area between the property line and the front facade of a building in order to support an urban, pedestrian and transit oriented environment ~~within the boundaries of the WU Code.~~

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**Amend Section 1306.A (Applicability) to read as follows:**

- A. **Applicability.** The Land Use Matrix in Table 1306.1 shall apply to all PROPERTIES WITH WALKABLE URBAN CODE ZONING ~~land uses within the WU Code boundaries.~~

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**Amend Section 1306.H.1.b to read as follows:**

- b. Allowed with use permit if property outside the areas noted above but within the Transit District Policy Plans for Gateway, Eastlake-Garfield, Midtown, Uptown and Solano.

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**Amend Section 1310.A (Open Space Guidelines) to read as follows:**

A. **Open Space Guidelines**

1. Parcels zoned T3 are exempt from required public OPEN space improvements.
2. Open space requirements for ~~commercial, nonresidential and mixed-use development~~ DEVELOPMENTS WITHIN THE T4, T5, AND T6 TRANSECTS ARE as follows:
  - a. For sites of one gross acre or larger, minimum open space of at least five percent of the gross lot SITE area shall be required. FOR DEVELOPMENTS UTILIZING THE SINGLE-FAMILY ATTACHED DEVELOPMENT OPTION STANDARDS IN ACCORDANCE WITH SECTION 1303.A.1.A, OPEN SPACE SHALL BE PROVIDED AS REQUIRED BY SECTION 614, TABLE B, COLUMN D, REGARDLESS OF LOT SIZE.

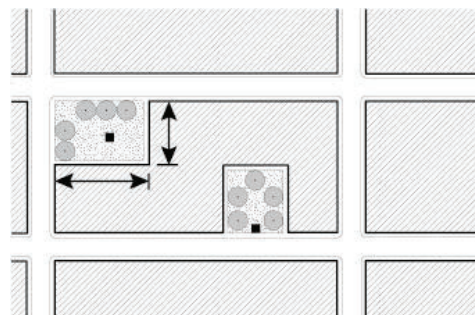
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**Amend Section 1310, Table 1310.1 (Public Space Type Guidelines) to read as follows:**

**Table 1310.1 Public OPEN Space Type Guidelines**

**PUBLIC OPEN SPACES**

<b>Transect Zone</b>	T4, T5, T6
<b>Size</b>	Five percent of the gross site area above one acre. *
<b>Edge Condition</b>	One side minimum fronting a thoroughfare or pedestrian way.
<b>Surface</b>	Paved and landscaped.
<b>Shade and Landscaping</b>	50 percent shade provided by trees. Ground cover and shrubs: Should be provided in areas with no pavement or structures.





\*SINGLE-FAMILY ATTACHED DEVELOPMENTS MUST PROVIDE OPEN SPACE AS REQUIRED PER SECTION 1310.A.2.A.

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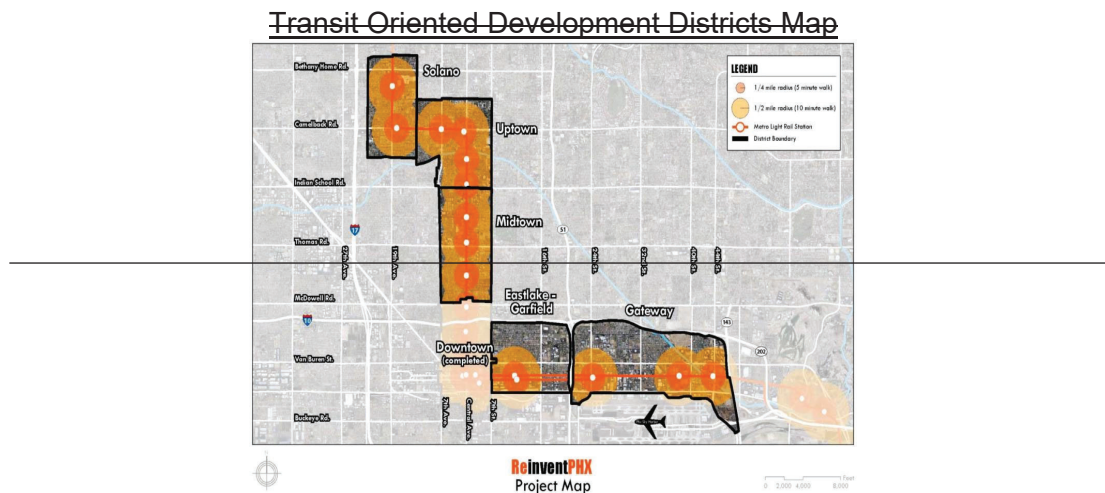
**Amend Section 1311.A.1 (General Considerations) to read as follows:**

- c. Walking and bicycling should be encouraged within the Gateway, Eastlake-Garfield, Midtown, Uptown and Solano Districts, particularly in support of transit services, TRANSIT ORIENTED POLICY PLANS, AND OTHER RELEVANT POLICY PLANS:

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**Amend Section 1313.D.3.a to remove the map and read as follows:**

- a. An approval from the DRC shall be included on the final site plan.



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**Amend Appendix A (Zoning Fee Schedule) to read as follows and renumber accordingly:**

1 [Fee schedules].

A. Applications for zoning amendments, hillside density waivers, written certification of zoning, promotional event permits, and specific plans shall be accompanied by appropriate fees as determined from the following schedule:

1. Fees.

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## 7. REZONING TO WALKABLE URBAN (WU) CODE

A.	T3:2, T4:2, AND T4:3	\$2,655.00 PLUS \$210.00 PER ACRE OR PORTION THEREOF
B.	T5:2, T5:3, T5:5, T5:6, T5:7, AND T6:7	\$3,910.00 PLUS \$415.00 PER ACRE UP TO 40 ACRES, \$210.00 FOR MORE THAN 40 ACRES UP TO 100 ACRES, AND \$70.00 PER



		ACRE FOR MORE THAN 100 ACRES
C.	T6:15 AND T6:22	\$8,610.00 PLUS \$830.00 PER ACRE OR PORTION THEREOF
D.	T6:HWR	IF PART OF THE ORIGINAL ZONING REQUEST, NO ADDITIONAL FEE. IF A SEPARATE REQUEST, 30% OF THE T6:15 OR T6:22 FILING FEE APPLICABLE TO THE PROPERTY.

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21.	ADMINISTRATIVE TEMPORARY USE PERMIT	\$135.00
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