



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: November 6, 2018

Title: P18TA00002 INFILL OVERLAY ZONE

Introduction/Background:

This text amendment would establish an infill overlay zone which encourages development through incentives in areas that are underutilized; areas in need of reinvestment. The text amendment adds the first designated infill overlay zone - Kleindale/Dodge, with its unique set of development-related incentives. Other infill overlay zones could be established based on the criteria and according to the process set forth by the text amendment.

Discussion:

The text amendment provides the criteria and process to designate infill overlay zones. Incentives are offered to encourage development in specifically-designated, underutilized areas. The incentives can include waiving or reducing restrictions, expediting processes, reducing process steps, or expanding allowable uses.

Conclusion:

The text amendment supports several economic development and revitalization goals and policies of the Pima County Comprehensive Plan.

Recommendation:

Staff and Planning and Zoning Commission recommend approval of the zoning code text amendment by ordinance.

Fiscal Impact:

N/A

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ All

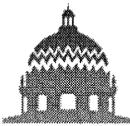
Department: Development Services - Planning Division Telephone: 724-8800

Contact: Chris Poirier, Planning Official Telephone: 724-6596

Department Director Signature/Date:  10-18-18

Deputy County Administrator Signature/Date:  10/18/18

County Administrator Signature/Date:  10/18/18


PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Board of Supervisors

FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division

DATE: October 15, 2018

SUBJECT: P18TA00002 INFILL OVERLAY ZONE TEXT AMENDMENT

The above referenced Zoning Code Text Amendment is scheduled for the Board of Supervisors' **TUESDAY, NOVEMBER 6, 2018** hearing.

REQUEST: Proposal to amend by an ordinance of the Pima County Board of Supervisors relating to zoning establishing Chapter 18.68 (Infill Overlay Zone); amending the related Chapters 18.05 (Zones) and 18.101 (Administrators) to add the Infill Overlay Zone; establishing section 18.68.010 (Purpose) to state the purpose of the Infill Overlay Zone; establishing section 18.68.020 (Applicability) to add how the Infill Overlay Zone applies to property; establishing section 18.68.030 (Designation) to specify the criteria and process for designating a new Infill Overlay Zone; and establishing section 18.68.040 (Kleindale/Dodge Infill Overlay Zone) to identify the Kleindale/Dodge Infill Overlay Zone map and development standards.

OWNER: N/A

APPLICANT: Pima County Development Services Department

DISTRICTS: ALL

STAFF CONTACT: Janet Emel / Chris Poirier

PUBLIC COMMENT TO DATE: As of October 15, 2018, three public written comments have been received: 1) Comments from Mr. Dean Cotlow, a property owner within the proposed Kleindale/Dodge Infill Overlay Zone. Mr. Cotlow's comments were incorporated into the text amendment. 2) Another email was submitted by Christian Frueh who owns property across Kleindale Road within the City of Tucson, expressing support for the text amendment. 3) And, a letter of support submitted by the Southern Arizona Home Builders Association (SAHBA). Two people spoke at the Planning and Zoning Commission hearing. The first speaker, an owner of several properties within the proposed overlay zone, expressed support for the text amendment with the exception of reducing the minimum setbacks which he said could negatively affect residential properties. The second speaker expressed support for the text amendment and had previously submitted written comments.

PLANNING AND ZONING COMMISSION RECOMMENDATION: **APPROVAL** (8-0; Commissioners Gungle and Hook were absent).

STAFF RECOMMENDATION: **APPROVAL.**

TD/JE/CP/ar
Attachments



BOARD OF SUPERVISORS MEMORANDUM

Subject: P18TA00002

Page 1 of 2

FOR NOVEMBER 6, 2018 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division

DATE: October 15, 2018

ADVERTISED ITEM FOR PUBLIC HEARING

ZONING CODE TEXT AMENDMENT

P18TA00002 INFILL OVERLAY ZONE

AN ORDINANCE OF THE PIMA COUNTY BOARD OF SUPERVISORS RELATING TO ZONING ESTABLISHING CHAPTER 18.68 (INFILL OVERLAY ZONE); AMENDING THE RELATED CHAPTERS 18.05 (ZONES) AND 18.101 (ADMINISTRATORS) TO ADD THE INFILL OVERLAY ZONE; ESTABLISHING SECTION 18.68.010 (PURPOSE) TO STATE THE PURPOSE OF THE INFILL OVERLAY ZONE; ESTABLISHING SECTION 18.68.020 (APPLICABILITY) TO ADD HOW THE INFILL OVERLAY ZONE APPLIES TO PROPERTY; ESTABLISHING SECTION 18.68.030 (DESIGNATION) TO SPECIFY THE CRITERIA AND PROCESS FOR DESIGNATING A NEW INFILL OVERLAY ZONE; AND ESTABLISHING SECTION 18.68.040 (KLEINDALE/DODGE INFILL OVERLAY ZONE) TO IDENTIFY THE KLEINDALE/DODGE INFILL OVERLAY ZONE MAP AND DEVELOPMENT STANDARDS. On motion, the Planning and Zoning Commission voted 8-0 to recommend **APPROVAL** (Commissioners Gungle and Hook were absent). Staff recommends **APPROVAL**. (ALL DISTRICTS)

Planning and Zoning Commission Public Hearing Summary (August 29, 2018)

Staff provided a summary of the staff report to the commission with a recommendation of approval of the text amendment.

The first speaker from the audience spoke saying that he owns four properties in the area and from a business perspective he supports the text amendment. From the perspective of an owner of residential property he questions the benefits of the text amendment and expresses concern about waiving the side and rear setbacks. He noted that a commercial building over 20 feet in height could come in and block the sun of a residence. He said he is in favor of the text amendment with the exception of waiving the minimum setbacks.

The second speaker from the audience spoke thanking the previous planning staff who spent so much time after hours meeting with area residents. He noted that the infill overlay zone applies to both residential and commercial properties. He said he recently went through the development process for his commercial site and noted the length of the process and how 'everything was thrown at him'. He stated that this text amendment will save property owners time, improve the area, and bring jobs. He also noted that other possible infill areas may be Flowing Wells and Benson Highway.

Staff thanked the speakers for attending this hearing and speaking on the text amendment. He said that thanks are due to the previous planning staff who met with the neighbors. This was before he and current staff picked up the project. Staff noted that in response to the concern about waiving setbacks that any commercial development abutting a residence will be required to provide a landscape bufferyard so there will be at least the bufferyard separation. This bufferyard may be waived if the residential property owner signs off but otherwise the buffer will be required. Staff also noted that the community of Ajo may be a candidate for an infill overlay area.

A commissioner expressed surprise that the county hadn't already adopted an infill overlay zone such as when the development market began to slow down, as the City of Tucson did.

The public hearing was closed.

A commissioner asked how the overlay zone would apply to other areas. Staff responded that this text amendment sets up the framework (criteria and process) for designating other infill areas in addition to establishing the first infill area with its unique development incentives. The text amendment lays out the process for designating a second or third infill area. Potential areas may be submitted by property owners, the commission, or the Board of Supervisors. Staff will likely submit the next infill area but they would first like to see how the Kleindale/Dodge infill zone works out.

Commissioner Matter made a motion to **APPROVE** the text amendment. Commissioner Membrila gave second to the motion.

The commission voted to **APPROVE** the text amendment (8 – 0, Commissioners Gungle and Hook were absent).

TD/JE/ar
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector
P18TA00002 File

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**

**PUBLIC HEARING
August 29, 2018**

P18TA00002

**INFILL OVERLAY ZONE - ZONING CODE TEXT
AMENDMENT**

STATUS / AGENDA ITEMS

**Planning and Zoning Commission Public Hearing
Zoning Code Text Amendment**

REQUEST

Proposal by Pima County to add Chapter 18.68 "Infill Overlay Zone" to encourage development in underutilized areas through incentives, to add the first designated infill overlay zone area – Kleindale/Dodge - with its unique set of development standards, and to revise related Chapters 18.05 (Zones) and 18.101 (Administrators). (All Districts)

INITIATION

Planning and Zoning Commission (March 27, 2017 and August 29, 2018 (if approved))

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the proposed addition of Chapter 18.68 Infill Overlay Zone and revisions to the related Chapters 18.05 (Zones, Maps, and Boundaries) and 18.101 (Administrators).

This text amendment would add a new chapter "Infill Overlay Zone" to the zoning code. The chapter is intended to encourage development in specifically-designated, underutilized areas in need of re-investment by offering incentives. The incentives include waiving certain development requirements, allowing additional uses, and expediting the development process. The overlay zone would overlap the existing, underlying zoning. The text amendment also proposes the first designated infill overlay zone which is the "Kleindale/Dodge Infill Overlay Zone".

The proposed text amendment is consistent with the revitalization, redevelopment, and economic development policies and goals of the Pima County Comprehensive Plan (Pima Prospers).

The proposed text amendment states the intent of the infill overlay zone ("Purpose"), how it applies to property ("Applicability"), the criteria for designating a specific area as an infill overlay zone ("Criteria"), and the process for designating infill overlay zones ("Designation"). The criteria for designating an area as an "Infill Overlay Zone" ranges from a large number of vacant or dilapidated structures to a continuing decline in population. Since it would be an overlay zone, the public review and hearing processes for designating a new infill overlay zone site would be similar to a rezoning.

The proposed text amendment also creates a specific infill overlay zone area - "Kleindale/Dodge Infill Overlay Zone". The Kleindale/Dodge Infill Overlay Zone is bounded by Kleindale Road on the north, Alvernon Way on the east, Ft. Lowell Road on the south, and Richey Blvd. on the

west. The incentive-type development standards for the Kleindale/Dodge Infill Overlay Zone include:

- Waiving the requirement to obtain MU (Multiple Use) zone use permits and conditional use permits reducing process time and fees
- Allowing additional uses for more flexibility
- Waiving the requirement for a development plan for smaller scale projects (at minimum a site plan is required) reducing process time and fees
- Certain drainage requirements are adjusted to allow flexibility
- Waiving minimum side and rear yard setbacks reducing on-site restrictions
- Waiving landscaping requirements except for a minimum number of trees on certain major roads reducing on-site restrictions and costs
- Increasing the maximum lot coverage (meaning the area of the building footprint per lot) reducing on-site restrictions

The text amendment would also revise the related Sections 18.05.010 (Zones) and 18.101.030 (Planning and zoning commission) to add the new infill overlay zone (I-#) to the list of zone categories and to add the initiation and review of an infill overlay zone to the powers and duties of the commission.

BACKGROUND

This text amendment stems from an effort by staff in 2017 to meet with Kleindale/Dodge area residents and property owners to discuss establishing an "Infill Incentive District" (as allowed by state law). An infill incentive district would have entailed creating a multi-faceted, strategic plan addressing issues such as lighting, crime, and development. The plan would have likely involved multiple departments and possibly outside agencies. Since then Development Services Department management determined that for now this text amendment would be a more expedient tool to address development issues.

The 2017 effort arose from direction by the Pima County Comprehensive Plan including the designation of the general Kleindale area as a "Community Development Target Area" (Special Area Policy S-33¹) which is a type of projected growth area called a "Focused Development Investment Area"; an area recommended for more detailed planning. By definition, a "Focused Development Investment Area" is "particularly suitable for multi-modal transportation and infrastructure expansion and improvements designated to support a concentration of a variety of uses..." (Reference Section 3.2 of the comprehensive plan). The Pima County Comprehensive Plan proposes goals and policies intended to address such an area.

For example:

Goal 2 – Revitalization redevelopment – Improve the quality of life of County residents through revitalization and redevelopment efforts.

Policy 1 - Utilize infill development to strengthen existing neighborhoods, create the higher density necessary to support desirable services, increase the tax base, and make our communities more efficient without being disruptive to existing neighborhoods.

Implementation Measure - Identify strategies to incentivize infill development such as streamlining the development review process and reduction of process fees.

This text amendment, therefore, is in compliance with the comprehensive plan. The term "Community Development Target Area" has additional meanings applicable to other departments such as the Community Development and Neighborhood Conservation Department for which these target areas are designated to receive priority for available U.S.

Housing and Urban Development (HUD) entitlement grant funding for community revitalization and economic development activities. This text amendment would complement any efforts on that behalf in the future.

Stakeholder and Consultant Review

Staff distributed the proposed text amendment to applicable county staff, to community stakeholders who review all Development Services Department proposed text amendments, and to the participants (neighborhood residents and property owners) of the 2017 neighborhood meetings when the infill incentive district was discussed.

Public Comment

Because the overlay zone is a type of rezoning, the notification requirements are the same as that for a rezoning - all property owners within the Kleindale/Dodge Infill Overlay Zone and property owners within 300 feet outside the zone were noticed and the area was posted with notice signs - plus, a 1/8 page newspaper notice.

As of the writing of this report, staff received comments from one property owner (Dean Cotlow) within the proposed Kleindale/Dodge Infill Overlay Zone. Mr. Cotlow's comments (see attached) were incorporated into the text amendment.

Respectively Submitted,



Janet Emel, Development Services Department

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¹ Special Area Policy S-33 Community Development Target Areas (Represented by an asterisk on Multiple Maps)

General location and description

Targeted areas designated to receive priority for available US Housing and Urban Development (HUD) entitlement grant funding for community revitalization and economic development activities including, but not limited to: housing rehabilitation, public facilities, infrastructure improvement, and the provision of public services. Areas are delineated utilizing specialized Comprehensive Housing Affordability Strategy (CHAS) Census data provided by HUD and encompass incorporated communities where over 48.1 percent of the households are considered low-income earning below 80% of the area median income (AMI) for Pima County.

Policies

A. Refer to Goals 2-4 of Section 3.2 Focused Development Investment Area Element of this plan.

Janet Emel

COMMENT

From: Dean Cotlow [REDACTED]
Sent: Friday, July 20, 2018 11:22 AM
To: Janet Emel
Subject: Pima County Kleindale Dodge Infill Overlay Zone Text Amendment Review

This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Thank you to you and your staff for moving this Infill Designation along. I support what has been presented with one minor suggestion. In reference to Kleindale/Dodge Infill Overlay Zone section 5. Landscaping buffer yard requirements 1.

The Alvernon frontage already has a buffer yard that the county installed as part of the new Alvernon Road Improvements. The paragraph states a minimum of five trees per linear feet (based on a 10-20 foot width buffer yard) shall be required. My new facility at the corner of Kleindale and Alvernon is a great example of a new development buffering the already existing buffer. Pima County installed intensive landscaping in their buffer from Alvernon improvements. My new buffer imposed a hardship because the land cannot be used (because of all the trees). I do not think taking this out is going to have much impact because there is so little land to development along the Alvernon frontage.

Reasonable to say the same buffer requirement along Kleindale is unreasonable and will restrict development for shallow properties. I had to go through a variance process so I could set my building back from Kleindale and still have the parking. Very tight situation but another great example for you.

Another example is the land I purchased from the County contiguous and south of my parcel but only 30 feet wide. With a 10' or 20' buffer I cannot build even a canopy for shade on it. The purpose of the infill overlay is to promote flexibility and encourage taxpayers to spend money on their parcels.

Again thanks for all the work. I hope this get before the Board soon.

Thank you.

Dean P. Cotlow
President, Designated Broker

Janet Emel

PUBLIC COMMENT

From: Christian Frueh <Christian.Frueh@evaero.com>
Sent: Thursday, August 16, 2018 2:16 PM
To: Chris Poirier; Janet Emel
Subject: P18TA00002 - thank you

This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Chris & Janet:

First, many thanks for whatever role you played in getting P18TA00002 started – I hope it passes.

Talk to most small business owners in Tucson and you'll find that many consider Tucson to be "business unfriendly" and I think much of this sentiment stems from trying to get existing properties redeveloped to accommodate their businesses. Indeed, upon finding out about P18TA00002 from our general contractor (John Shorbe) we have become keenly interested in taking over a building across the street from us (3772 E. Kleindale) that is currently occupied by a plumbing company.

The bulk of our operation currently, however, sits on the north side of Kleindale (3807, 3801, and 3779). Years ago when the City of Tucson annexed this property they rezoned this property from MU to C3 making our entire operation non-conforming, something that I had the misfortune of learning about when I took over the business. Although I was able to right all the wrongs that had been done by my predecessor (he wasn't a big believer in permits ☺), as part of the solution, it was put in record that we're not allowed to expand our business on our existing site unless we go through a formal rezoning/redevelopment process. Since all this happened however we picked up the property next to ours (3779) that I would like to one day combine with our other properties so that we can use 3779 as a parking lot for our employees (unfortunately they currently have to walk across the street).

Question: does P18TA00002 help us at all given that we're within 300 feet of the zone?

Regardless of the answer, thanks again. I look forward to seeing the overlay zone turn into a thriving hub of entrepreneurship and job creation for the City of Tucson since, as I'm sure you know, parts of it now would have served as a good backdrop for show "The Wire." Being so close to the foothills, river path, JCC, and relatively close to the University from a quality of life and impact on the environment perspective I'd much rather be here than down at the airport where most companies like ours live.

Cheers...xian

P.S. If either of you are ever in the area feel free to drop us a line. I'd be happy to show you our facility and introduce you to some of our amazing employees.

Christian Frueh
President

EVAERO, Inc.
3807 E. KLEINDALE



**Southern Arizona
Home Builders
Association**

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Bright Future Real Estate
Research, LLC

Immediate Past Chair

Larry Hume
Accessible Home
Remodeling

Affiliated With



August 27, 2018

Mr. Brad Johns
Pima County Planning & Zoning Commission
130 W. Congress
Tucson, AZ 85701

RE: Infill Overlay Zoning Code Text Amendment

Dear Chairman Johns,

The Southern Arizona Home Builders Association (SAHBA) supports the proposed Kleindale/Dodge Infill Overlay Zone. We applaud County staff for this effort to encourage redevelopment in this area of Pima County. We are confident establishing these types of redevelopment zones will help facilitate much needed economic development in critically important areas of unincorporated Pima County. Additionally, we recommend all County property in this immediate area be considered for future infill incentives.

While the proposed zone primarily focuses on attracting commercial redevelopment to the area, we believe, if successful, it could also encourage residential investment in the neighborhood and surrounding area. Improved property values, stable neighborhoods, and existing infrastructure should also be attractive to residential investment capital over the long term. If successful this effort should result in a neighborhood where people live in close proximity to the commercial employment opportunities generated by this effort.

Improving housing choice in this neighborhood would go a long way in accomplishing the economic development goals of future infill overlays. As the County moves forward identifying additional redevelopment zones, we would encourage the Commission to direct staff to include process improvements that will also attract much needed residential reinvestment in these neighborhoods.

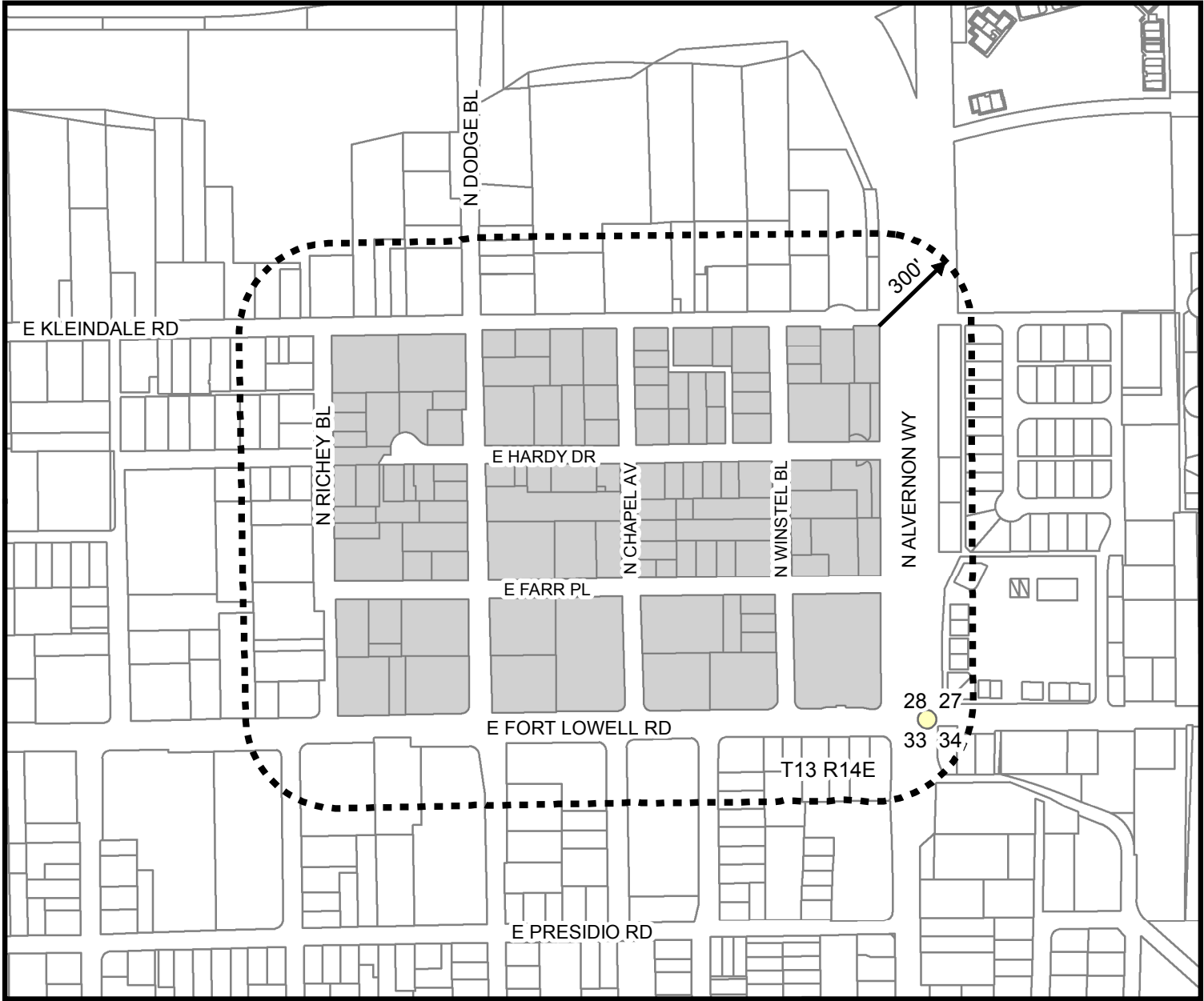
Thank you for your consideration.

Sincerely,

Shawn Cote

Attachment A
KLEINDALE/DODGE INFILL OVERLAY ZONE (I-1)

- 300' Notification Area
- Kleindale/Dodge Infill
- Parcels



0 220 440 880 Feet

Area of proposed Infill Overlay Zone

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes: Case # P18TA00002	
Map Scale: 1:6,000	Map Date: 8/1/2018 - ds



Proposed Text Amendment (Ordinance)
Legislative Version (with strikeout/underline)

ORDINANCE 2018- _____

AN ORDINANCE OF THE PIMA COUNTY BOARD OF SUPERVISORS RELATING TO ZONING; AMENDING CHAPTER 18.05, SECTION 18.05.010 (ZONES) TO ADD INFILL ZONE-1; AMENDING TITLE 18 TO ADD CHAPTER 18.68 (INFILL OVERLAY ZONE) TO ADD THE INFILL OVERLAY ZONE; ADDING SECTION 18.68.010 (PURPOSE) TO STATE THE PURPOSE OF THE INFILL OVERLAY ZONE; ADD SECTION 18.68.020 (APPLICABILITY) TO ADD HOW THE INFILL OVERLAY ZONE APPLIES TO PROPERTY; ADD SECTION 18.68.030 (DESIGNATION) TO SPECIFY THE CRITERIA AND PROCESS FOR DESIGNATING A NEW INFILL OVERLAY ZONE; ADD SECTION 18.68.040 (KLEINDALE/DODGE INFILL OVERLAY ZONE) TO IDENTIFY THE KLEINDALE/DODGE INFILL OVERLAY ZONE MAP AND DEVELOPMENT STANDARDS AND AMENDING CHAPTER 18.101 (ADMINISTRATORS), SECTION 18.101.030 (PLANNING AND ZONING COMMISSION). (ALL DISTRICTS)

THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA FINDS THAT:

1. The Planning and Zoning Commission, at its March 27, 2017 and August 29, 2018 meetings initiated amendments to the Pima County Zoning Code.
2. This ordinance adds the "Infill Overlay Zone", an overlay zone to provide more flexible development requirements as incentives to develop in specifically-designated, underutilized areas in need of re-investment to create more viable, safe neighborhoods or communities for employment and residence; adds the purpose, applicability, criteria, and process of designating infill overlay zones; and, adds the "Kleindale/Dodge Infill Overlay Zone" and incentive-oriented development standards.
3. This ordinance is consistent with the revitalization, redevelopment, and economic development goals of the Pima County Comprehensive Plan and encourages a multi-departmental/agency effort to address specific neighborhood conditions of infill overlay zones.
4. This ordinance does not create new restrictions on the use of property, and this ordinance is not intended to, nor should it be construed to reduce any existing rights to use, divide, sell or possess private real property.

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY AS FOLLOWS:

SECTION 1. Pima County Zoning Code Chapter 18.05, Section 18.05.010 – Zones, is amended as follows:

Chapter 18.05
ZONES, MAPS AND BOUNDARIES

Sections:

18.05.010 - Zones.

A. Establishment. For the purpose of this code, the following types of zones are hereby established:

1. Rural:	IR	Institutional reserve zone;
	RH	Rural homestead zone;
	GR-1	Rural residential zone;
	SR	Suburban ranch zone;
	SR-2	Suburban ranch estate zone;
	SH	Suburban homestead zone;
2. Residential:	TH	Trailer homesite zone;
	ML	Mount Lemmon zone;
	CR-1	Single residence zone;
	CR-2	Single residence zone;
	CR-3	Single residence zone;
	CR-4	Mixed-dwelling type zone;
	CR-5	Multiple residence zone;
	TR	Transitional zone;
	CMH-1	County manufactured and mobile home-1 zone;
	CMH-2	County manufactured and mobile home-2 zone;
3. Businesses:	MR	Major resort zone;
	RVC	Rural village center zone;
	CB-1	Local business zone;
	CB-2	General business zone;
4. Industrial:	MU	Multiple use zone;
	CPI	Campus Park industrial zone;
	CI-1	Light industrial/ware-housing zone;
	CI-2	General industrial zone;
	CI-3	Heavy industrial zone;
5. Overlay:	AE	Airport environs and facilities;
	BZ	Buffer overlay zone;
	GC	Golf course zone;
	GZ-1	Gateway overlay zone — urban;
	GZ-2	Gateway overlay zone — public preserve;

	H-1	Historic zone-1;
	H-2	Historic zone-2;
	HL	Historic landmark zone;
	HD	Hillside development zone;
	I – 1	Kleindale/Dodge infill overlay zone-1;
6. Specific plan zones.		

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C. Zones Without Values of Restriction. The following zones are not given values of restrictiveness:

1.	AE	Airport environs and facilities;
2.	BZ	Buffer overlay zone;
3.	H-1	Historic zone-1;
4.	H-2	Historic zone-2;
5.	HL	Historic landmark zone;
6.	HD	Hillside development zone;
7.	I-1	Kleindale/Dodge infill overlay zone-1.

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SECTION 2. The Pima County Zoning Code is amended to add Chapter 18.68 Infill Overlay Zone as follows:

Chapter 18.68
INFILL OVERLAY ZONE

18.68.010 - Purpose.

A. Purpose. The purpose of this zone is to:

1. Promote the health, education, culture, and general welfare of the community;
2. Encourage livable and well-functioning neighborhoods and improved economic development;
3. Promote and facilitate the development and redevelopment of by-passed, underutilized, or abandoned properties;
4. Remediate deteriorated, blighted, and unsafe conditions in older neighborhoods;

5. Stimulate re-investment in properties that will contribute to the creation of employment opportunities and improve the overall economic viability of the community;
6. Implement and adopt effective infill, redevelopment and revitalization in Community Development Target Areas;
7. Strengthen the community's tax base, increase property values, and contribute to more efficient land-use patterns;
8. Encourage the reuse of historic, unique, or significant buildings;
9. Provide a mix of allowable uses to support smart growth, walkable and bikeable places, transit use, and compatible housing types and services; and,
10. Strengthen and densify existing neighborhoods to preserve community character and sustainability.

18.68.020 - Applicability.

A. Application. This chapter applies to any new development, redevelopment, or substantial expansion of an existing development, any of which require a zoning permit, on any land within a designated infill overlay zone.

B. Map. Land subject to the infill overlay zone shall be shown on county zoning maps by its underlying zone designation plus the suffix "I-#".

18.68.030 - Designation.

A. Criteria. In determining whether a site be initiated as an infill overlay zone the following criteria shall be assessed:

1. Large number of vacant, older, or dilapidated structures.
2. Large number of vacant or underused parcels of property that are of small or inappropriate sizes or that are environmentally contaminated, that are owned by different owners and that are located in an area that lacks the presence of development and investment activity compared to other areas in the county.
3. Large number of parcels of property or buildings where nuisances exist or occur.
4. High occurrence of crime.
5. Continuing decline in population.

B. Initiation submittal requirements.

1. A written description and map showing the boundaries of the proposed infill overlay zone;
2. A list by name and title, of all ownership interest within the proposed zone (e.g. individual, corporation, trust, or limited partnership);
3. Written evidence the proposed zone has met the Purpose and Criteria of this chapter; and,
4. Scaled maps showing the existing zoning and existing comprehensive plan designations of the proposed zone and abutting properties.

C. Initiation. A request to initiate an Infill Overlay Zone may be made by:

1. Property owners within the proposed zone; or,
2. The Planning and Zoning Commission; or,
3. The Board of Supervisors.

D. Public Notice and Hearing requirements.

1. Public notice of the hearing before the commission and the board of supervisors shall be given including property owners within the proposed zone and within three hundred feet of the boundaries of the proposed zone. The public review, notice and comments, Planning and Zoning Commission review, and Board of Supervisors review shall be consistent with Sections 18.91.060(B) and (C), 18.91.070, 18.91.080, as applicable, of the rezoning process except as modified by the requirements outlined in this chapter;
2. The Development Services Department may notice other County departments/offices such as, but not limited to, Sheriff, public works departments, Community Development and Neighborhood Conservation and outside agencies to help address infill-related neighborhood issues; and,
3. At the public hearing for the establishment of an infill overlay zone, the residents and property owners of the surrounding area, as well as interested citizens and organizations shall be heard.

18.68.040 – Kleindale/Dodge Infill Overlay Zone.

A. Map. Land subject to the Kleindale/Dodge Infill Overlay Zone shall be shown on county zoning maps by its underlying zone designation plus the suffix "I-1". The Kleindale/Dodge Infill Overlay Zone is bounded by Kleindale Road on the north, Alvernon Way on the east, Ft. Lowell Road on the south, and Richey Boulevard on the west.

B. Development standards.

1. Multiple Use Permit. The requirement for a Multiple Use (MU) zone use permit is waived.

2. Additional uses. The permitted uses in Sections 18.43.030 (CB-1) and 18.45.030 (CB-2) are also allowed on Multiple Use (MU) zoned properties subject to the applicable performance standards of Chapters 18.43 and 18.45. No conditional use permit is required for these uses. The storage building or warehouse use is allowed if conducted within a completely enclosed building.

3. Waiver of Development Plan.

a. Any requirement, including Section 18.37.020(A)(4), for a development plan (DP) is waived if the following criterion is met:

In accordance with Ch.18.75 (OFF-STREET PARKING AND LOADING STANDARDS), the project requires a combination of 25 or fewer parking spaces or drive-through stacking spaces.

b. Infill Incentive Site Plan. If a development plan is waived, in lieu of a development plan, a site plan showing the following features, drawn to scale, shall be submitted with any required permit application:

1) General location of any buildings and structures;

2) Access point(s);

3) Septic system layout if applicable, or if sewer is proposed the point of connection to public sewer and proposed sewer easements;

4) Setbacks;

5) Required landscaping; and,

6) Location of parking.

c. If the requirement for a development plan is waived and the site is within a regulatory floodplain, a drainage report is not required when the applicant agrees to:

1) Elevate – The finished floor elevation of a structure must be 1 foot above the highest flood depth on the building footprint, unless site grading removes local depressions and/or provides for conveyance away from the building footprint.

2) If a fill pad is proposed, the fill pad must be armored to protect from erosive flows. Toe-down of the erosion protection shall be a minimum of 2 feet below finished grade. If a stem wall is proposed, toe-down shall be minimum of 2 feet below finished grade.

3) Provide depressed flow paths with water harvesting. Existing offsite flow paths of greater than 0.5 feet depth must be accommodated by grading so that the proposed development does not alter existing downstream drainage patterns and velocities.

4) If perimeter fencing is proposed, the fencing shall be a minimum of 25 feet from the property boundary or elevated to allow upstream offsite flows to pass through the fencing without altering drainage patterns.

5) If commercial or subdivision development is proposed, on-site retention requirement applies when more than 2000 square feet of new impervious surface is proposed.

If the criteria above cannot be met or if drainage infrastructure is required to prevent altering drainage patterns at property boundaries, an engineering drainage report and design sealed by an Arizona registered engineer is required.

4. Setbacks. The minimum side and rear yard setbacks are waived and subject to building code requirements.

5. Landscaping. Landscaping requirements are waived except for:

a. Uses on previously-undeveloped or redeveloped sites adjacent to Dodge Boulevard, Ft. Lowell Road, or Kleindale Road. A minimum of five trees per 100 linear feet (based on a 10-20 foot width bufferyard) shall be required for Dodge Boulevard and Ft. Lowell Road. A minimum of two trees per 100 linear feet (based on a 10-20 foot width bufferyard) shall be required for Kleindale Road;

b. New or redeveloped non-residential uses adjacent to residential uses, unless written approval to waive a specific bufferyard requirement signed by the applicable adjacent residential property owner is submitted;

c. Whenever landscaping is required, the first flush retention requirements shall apply.

6. Lot Coverage. The maximum permitted coverage for residential, accessory structures in the Multiple Use (MU) zone (Section 18.37.050(A)(1)) is increased to 30 percent of the lot area.

SECTION 3. Pima County Zoning Code Chapter 18.101 Administrators, Section 18.101.030 – Planning and zoning commission, is amended as follows:

**Chapter 18.101
ADMINISTRATORS**

...

18.101.030 - Planning and zoning commission.

- A. Scope: The planning and zoning commission primarily advises the board of supervisors on planning and zoning policies, plans, amendments and regulations, as authorized by A.R.S. Title 11, Chapter 6.
- B. Powers and duties: The commission performs the following duties:

. . .

6. Infill overlay zones:

- a. The commission initiates the designation of property as an infill overlay zone (refer to Section 18.68.030); and,
- b. The commission provides recommendations to the supervisors on a proposed infill overlay zone and the associated development standards and incentives, as applicable,

67. Subdivision and development plan regulations: . . .

SECTION 4. This ordinance is effective 30 days after its adoption.

PASSED AND ADOPTED by the Board of Supervisors of Pima County, Arizona,
this _____ day of _____, 2018.

Chairman, Pima County Board of Supervisors

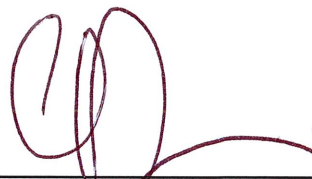
ATTEST:

Clerk, Board of Supervisors

APPROVED AS TO FORM



Civil Deputy County Attorney
Lesley M. Lukach



Executive Secretary, Pima County
Planning and Zoning Commission