



**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 10/12/2021
Agenda Item: 8**

ACTION: Request a code text amendment within the Zoning and Development Code for ANNEXATION AMENDMENTS, consisting of changes in Section 2-106. The applicant is City of Tempe.

FISCAL IMPACT: There is no fiscal impact on City funds.

RECOMMENDATION: Adopt Ordinance No. O2021.xx

BACKGROUND INFORMATION: ANNEXATION AMENDMENTS (PL210299), consists of changes within the Zoning and Development Code in Section 2-106. The Committee of the Whole County Island Working Group, established in March 2019, had evaluated possible annexations of portions of the County north of the 202 Freeway. Upon completion of the Working Group recommendations were considered as a result of evaluating the process and regulations of a recent County annexation project into Tempe. One identified area of improvement within the Code was to provide properties with a zoning district that is more consistent with the land use(s) of the property. And avoiding fears or concerns from the owners of how to address legal non-conforming uses when brought into Tempe's jurisdiction. This proposed amendment would change the annexation adoption zoning classification of new property brought into City from being designated "AG, Agricultural District" to "...districts that allow densities and uses that are no greater than those permitted by Maricopa County..."

On May 11, 2021, the Arizona Governor approved Senate Bill 1409, amending Section 9-462.01, relating to municipal zoning. Effective on or after September 28, 2021, this Bill requires the legislative body of a municipality to consider the probable impact of any text amendment on the cost to construct housing for sale or rent before adoption.

Pursuant to A.R.S. § 9-462.01(J), staff has evaluated the probable impact of this code text amendment on the cost to construct housing for sale or rent. Staff has found no evidence that the proposed zoning ordinance text amendment will have any probable and measurable impact on the construction costs of housing for sale or rent in Tempe.

ATTACHMENTS: Ordinance

STAFF CONTACT(S): Ryan Levesque, Deputy Community Development Director (480) 858-2393

Department Director: Shelly Seyler, Interim Community Development Director
Legal review by: Sam Arrowsmith, Assistant City Attorney
Prepared by: Ryan Levesque, Deputy Community Development Director

ORDINANCE NO. 02021.xx

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE,
ARIZONA, AMENDING THE CITY OF TEMPE ZONING AND DEVELOPMENT
CODE, PART 2 – ESTABLISH ZONING DISTRICTS, SECTION 2-106.**

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

SECTION 1. That Section 2-106 of the Zoning and Development Code, pertaining to location and boundaries of zoning districts for annexation, is hereby amended to read as follows:

Section 2-106 Location and Boundaries of Zoning Districts.

- A. **Location.** The location and boundaries of the use districts are established as they are shown on a map, entitled "City of Tempe Zoning Map" and amendments thereto adopted after the effective date of these regulations, which map and amendments are hereby declared to be a part of this ordinance.
1. District boundary lines are intended to follow *street, alley, lot or property lines* existing at the time of passage of this Code, except where the zoning map clearly shows the boundary lines not following one (1) of these features.
 2. Where uncertainty exists as to the boundaries of any of the zoning districts shown on the Zoning Map, the following rules shall apply. Where more than one (1) of the following rules are applicable in any given situation, the first enumerated applicable rule shall prevail:
 - a. Where a district boundary line is shown by a specific dimension, such specific dimension shall control;
 - b. Where a district boundary line is located within or along a street, alley, right-of-way or waterway channel, the district boundary line shall be deemed to be inclusive to the centerline of such street, alley, right-of-way or waterway channel or extensions thereof or there from;
 - c. Where a district boundary line is shown as approximately following platted lot lines, the district boundary line shall be deemed to coincide with such platted lot lines; or
 - d. Where the application of the above rules does not clarify the district boundary location, then the Zoning Administrator shall determine the location.
- B. **Annexations.** PROPERTY WHICH IS ANNEXED TO THE CITY AFTER THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE CLASSIFIED INTO THE ZONING DISTRICT OR DISTRICTS THAT ALLOW DENSITIES AND USES THAT ARE NO GREATER THAN THOSE PERMITTED BY MARICOPA COUNTY IMMEDIATELY PRIOR TO ANNEXATION. ~~Territory annexed to the city subsequent to the effective date of this Code shall, upon the date that the annexation becomes~~

~~effective automatically become zoned as an AG, agricultural district. Territories annexed with AG zoning shall remain AG until such time as the City Council adopts a different zoning district for the annexed area. Any property owner of land annexed into the city may apply for a rezoning classification at no charge within one (1) year of the date of annexation. APPLICATIONS FOR A REZONING CLASSIFICATION AT NO CHARGE MAY ALSO BE PROCESSED CONCURRENTLY WITH AN ANNEXATION, PURSUANT TO THE PROCEDURES REQUIRED FOR SUCH APPLICATIONS. ALL CHANGES IN ZONING OF THE ANNEXED TERRITORY (ASIDE FROM INITIAL RECLASSIFICATION BY THE CITY) SHALL BE MADE PURSUANT TO THE PROCEDURES IN SECTION 6-304.~~

State law reference(s)—A.R.S. § 9-471, Annexation of Territory, procedures, notice, petitions, access to information, restrictions.

C. **Default.** Those parcels without zoning designation on the Zoning Map and without any record of a zoning classification are zoned as an AG, agricultural district.

SECTION 2. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this ____ day of _____, 2021.

Corey D. Woods, Mayor

ATTEST:

Carla R. Reece, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney