



# PLANNING COMMISSION

Department of Urban Planning & Design • P.O. Box 27210 • Tucson, AZ 85726-7210

**DATE:** March 5, 2008

**TO:** Planning Commission  
*Albert Elias*

**FROM:** Albert Elias, AICP  
Executive Secretary

**SUBJECT:** Neighborhood Preservation Zone Overlay Land Use Code Text  
Amendment

**Issue** – In response to direction from the Mayor and Council on October 23, 2007, staff revised the Neighborhood Preservation Zone overlay to focus on preserving the architectural character of historic City neighborhoods by requiring new residential construction and significant additions to existing residences to be compatible with nearby properties. This item is for discussion by the Planning Commission in a study session.

**Recommendation** – Staff recommends that the Planning Commission forward this item to the April 2, 2008 meeting as a public hearing item.

**Background** – In the time since the Planning Commission made a recommendation on the original draft in February 2007, the direction of the NPZ has changed as the result of further consideration by the Mayor and Council. The current and original drafts differ in that the original draft did not require historic certification, did not focus on the University of Arizona environs, and allowed more proscriptive development standards. The change in direction is due in part to the passage of Proposition 207 in November 2006 which allows property owners to seek compensation by filing a claim for loss in value of their properties as the result of regulations enacted by local jurisdictions.

On October 23, 2007, the Mayor and Council directed staff to revise the draft NPZ ordinance to allow the creation of individual neighborhood design manuals. In consideration of existing development pressure, their proximity to the UA campus, and their efforts to seek greater compatibility for new development, the Mayor and Council identified the Feldman's and Jefferson Park neighborhoods as the first two neighborhoods to prepare individual design manuals and be considered for eventual rezoning to include the NPZ overlay.

On January 17, 2008, staff met with the NPZ Committee to discuss the draft overlay. Several issues raised by the committee members include the difficulty in objectively determining architectural compatibility and the uncertainty this creates for a property owner preparing her plans, how property owners and design professionals will be notified of this overlay, and the added review time and expense this ordinance potentially creates. Staff will update the Planning Commission of proposed revisions to the draft at the March 5<sup>th</sup> meeting. See Attachments B for a more detailed accounting of the January 17, 2008 NPZ Committee Meeting.

On February 6, 2008, several Planning Commissioners expressed their concerns with the change of direction taken with the NPZ. They were mainly concerned with the following:

- The design manual cannot include development regulations more restrictive than the underlying zone (the revised draft allows neighborhoods to develop dimensional guidelines that are advisory unless otherwise adopted as requirements by the Mayor and Council);
- The design manual does not effectively address issues of density and incompatible development;
- The NPZ ordinance limits initiation to only neighborhoods with National Register historic districts certification.

Staff explained that issues of concern can be forwarded to the Mayor and Council through the transmittal that accompanies their recommendation.

**Amendment Summary** – The draft NPZ ordinance is comprised of three basic components:

1. Revision of the NPZ Overlay

The NPZ is an overlay zone superimposed over the development regulations of the underlying zoning whose purpose is to guide development compatibility in established city neighborhoods. This purpose is achieved by requiring new residential development and significant additions to existing residences to be compatible with the defining design characteristics of the surrounding area.

To be eligible for an NPZ the neighborhood should be either a National Register historic district or is eligible for the historic district and has completed a nomination or assessment application.

Additionally, the Mayor and Council must initiate a neighborhood for the NPZ overlay.

2. Creating Neighborhood Design Manuals

Once the NPZ overlay process is initiated by the Mayor and Council for a neighborhood, staff and an architect on contract with the City will work with the neighborhood on developing a neighborhood design manual.

In addition to a map describing the boundaries of the NPZ district, the Neighborhood Design Manuals shall, at a minimum, contain the following:

*NPZ District Defining Characteristics* – the design manual shall identify the defining characteristics of the contributing properties to the National Register district and will be derived from the National Register application prepared for that particular neighborhood.

*Privacy Mitigation Standards* – New multi-story construction that locates adjacent to existing single story residences must provide privacy mitigation. The design manual must include privacy mitigation measures that are acceptable to the neighborhood. Examples of privacy mitigation measures include the use of clearstory windows and placing balconies so that they do not overlook adjacent residence.

The neighborhood design manual *may* also contain dimensional guidelines that differ from the development regulations in the Land Use Code. The dimensional guidelines are advisory unless otherwise adopted by the Mayor and Council as mandatory requirements

The Director of Urban Planning and Design must approve the draft neighborhood design manual prior to initiation of rezoning.

### 3. Implementation and review procedures

Once the UPD director accepts a draft neighborhood design manual, a rezoning is initiated to overlay the neighborhood with the NPZ. The rezoning follows the typical rezoning process, which includes a public hearing at the Zoning Examiner and consideration by the Mayor and Council. The neighborhood design manual is submitted as part of the rezoning application and will be attached as a condition of the rezoning upon approval by the Mayor and Council.

The NPZ overlay applies to properties zoned RX-1, RX-2, R-1, R-2, or R-3 or used for residential purposes. Any new residential construction that requires a building permit within these zones and is visible from the street is subject to the neighborhood design manual. The City's design professional will work with the applicant's architect in determining from which residences the applicant's project will have to be compatible with and specifically what the defining design characteristics are. The City design professional will review the proposed project for its compatibility in the following areas:

1. Scale and proportion (e.g. height and number of stories)
2. Architectural style and detail (e.g. roof types and projections and recessions)
3. Spatial relationships and site utilization (e.g. setbacks and outbuildings)
4. Landscaping (only reviewed when a new residential unit is proposed)

Attachments:

Attachment A: Proposed text amendment

Attachment B: Summary of issues raised at the January 17, 2008 NPZ Committee Meeting

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