

**THE
SPECIAL
PLANNING
DISTRICT
HANDBOOK**

CITY OF PHOENIX PLANNING DEPARTMENT

THE SPECIAL PLANNING DISTRICT HANDBOOK

June 1988

Prepared by:

Neighborhood Plans Section

Janine Hatmaker • Gary King • Annie Alvarado

Graphics Section

Nick Bridge • Sally Heinrich

TABLE OF CONTENTS

	<u>Page No.</u>
I. SUMMARY	3
II. BACKGROUND AND HISTORY	3
III. INTENT OF THE SPECIAL PLANNING DISTRICT	6
IV. APPLICATION OF THE SPECIAL PLANNING DISTRICT ORDINANCE	9
A. INITIATING THE DISTRICT	
B. PREPARATION OF THE PLAN	
C. ADOPTION OF THE DISTRICT	
V. RELATING THE SPD TO OTHER PLANNING EFFORTS IN PHOENIX	13
APPENDIX - THE SPD ORDINANCE	15

I. SUMMARY

On July 11, 1978 the Phoenix City Council adopted the Special Conservation District (SCD) Ordinance. In May of 1987 the ordinance was amended and the name changed to Special Planning District (SPD).

The SPD is an overlay zoning district intended as a means for property owners to initiate and implement programs for the conservation or revitalization of neighborhoods. It can also be coordinated with neighborhood self-help activities.

The SPD is a unique concept that gives property owners and residents of small geographic areas the means to chart the future of their neighborhood. This is accomplished through the preparation and implementation of a Special District Plan. In the plan, residents define their neighborhood's needs and develop goals, programs, and policies to deal with those needs.

When a Special Planning District is adopted, the Planning Department highlights that neighborhood on zoning maps with an overlay zone. This indicates the area has received special attention. It does not automatically change the underlying zoning; it simply refers the reader to the Special District Plan. The District Plan however, may propose refinements to the underlying zoning to tailor it to specific neighborhood objectives. The Plan provides a consistent reference document and a clear description of the neighborhood's future character for consideration when making decisions regarding the neighborhood.

II. BACKGROUND AND HISTORY

Phoenix has many unique neighborhoods with a variety of distinct qualities. The Special Planning District grew out of a need to address the special conditions and unique needs of Phoenix' older neighborhoods. Times change, and the City has changed to keep pace. With that change, some neighborhoods need special attention to maintain their original vitality. The SPD process can identify those needs, and through the Zoning Ordinance, minimize or eliminate the negative impacts of changes.

During the early 1970's, the City retained a consultant to study the Zoning Ordinance. The consultant proposed a variety of revisions, one of which was a historic preservation district. Recognizing the benefits of such a district, the Planning Commission sought to develop a more comprehensive district which could be applied to neighborhoods not necessarily considered historic.

The ordinance was then written by the Zoning Ordinance Review Committee and staff under the guidance of the Planning Commission. The City Council adopted the Special Conservation District Ordinance (SCD) on July 11, 1978. Experience with several districts caused a reexamination of the process and the ordinance was amended in May of 1987 to insure adequate participation of property owners and to reduce unnecessary hearings. At this time the name was also changed to Special Planning District (SPD).

The first request to form an SPD came in 1978 from a neighborhood in North Phoenix. The purpose of the request was to block a proposed multi-family development nearby. The Planning Commission determined that the request was contrary to the intended purpose of the SPD and recommended that efforts to establish the district cease; the City Council concurred. Since that time, several other attempts to form Special Planning Districts have failed due to lack of neighborhood support or because factions could not agree on key issues.

Most attempts to form Special Planning Districts have been successful. The City Council has adopted eight Special Planning Districts since the inception of the program:

Special Planning Districts	Adopted by City Council
WILLO	February 12, 1986
Sahuaro	February 19, 1986
Coronado	May 21, 1986
Windsor Square	January 21, 1987
Encanto Vista	January 21, 1987
Story	March 11, 1987
Central Arcadia	July 15, 1987
Mountain Park	July 15, 1987

Residents and property owners in these neighborhoods worked hard to develop a plan for their area, often forming planning committees to work with Planning Department Staff in writing the plan and acting as a liaison to the neighborhood as a whole. This group is instrumental in achieving a consensus from the neighborhood and in advocating the plan at Planning Commission and City Council hearings.

Some lessons learned through experience with these neighborhoods include:

- Everyone in the neighborhood should be kept informed at each stage of the planning process, and everyone should be encouraged to become involved. (This includes commercial property owners and absentee owners.) A newsletter delivered door-to-door and mailed to out-of-town owners helps, as do neighborhood meetings.
- An SPD is not a method to oppose a particular development such as a freeway or a high-rise. In some cases, however, an SPD can help mitigate the negative effects of such projects on a neighborhood.
- An SPD requires neighborhood consensus. If the neighborhood is fairly evenly split over controversial issues, the SPD process is ineffective.
- An SPD requires a commitment from the neighborhood. Petition gathering, neighborhood meetings and public hearings involve a real investment in time and hard work from neighborhood plan advocates. (The Planning Department Staff will not circulate petitions or go door-to-door to inform the neighborhood or garner support for the plan.)

Does the Special Planning District change the underlying zoning?

The underlying zoning usually remains the same. However, an SPD may include regulations tailored for the neighborhood which govern the uses of land and structures, the height of buildings, and requirements for lot area, width and yards. These regulations supercede those of the Zoning Ordinance and may be either more or less restrictive.

What is meant by “tailoring” the zoning ordinance?

Tailoring is a word used to describe changes or modifications to the underlying zoning district requirements. These changes, if any, are made to bring the zoning ordinance more in line with conditions in the neighborhood.

For example, current zoning patterns generally do not permit a mixture of land uses within a small area such as a neighborhood block. Yet, older neighborhoods often exhibit varying levels of mixed use development. To accommodate this mixture, some older neighborhoods were blanket zoned with less restrictive zoning (such as R-3 or R-5). This zoning, which was established to accommodate a few existing high-intensity uses, also permits the conversion of homes and other low-intensity uses to apartments and businesses. This pattern of conversion creates instability and may permanently alter the character of the neighborhood.

Also, changes in the Zoning Ordinance text, made to keep in step with current development practices, may not always fully recognize the special conditions that exist in older neighborhoods. As a result, these new requirements have made certain aspects of some neighborhoods, such as lot coverage, lot size or setbacks, “non-conforming.” This can lead to problems when a homeowner wants to add on, enclose a carport, put in a pool or even make repairs. The SPD is intended to allow neighborhoods to tailor the zoning ordinance to encourage compatible development and reduce “red tape” for homeowners.

What does it mean when one signs a petition for an SPD?

A property owner now has at least two opportunities to sign petitions in the SPD process. Signatures from property owners representing 50 percent of the land in the area must be gathered in order to initiate the SPD. Later, after the plan is completed, the plan is mailed to all property owners of record in the proposed SPD along with a “ballot” to indicate support or opposition to the plan.

Signing a petition in favor of establishing an SPD at the first stage does not mean the automatic approval of the future content of the Special District Plan. It simply indicates that you are interested in looking at neighborhood issues in-depth.

A Special Planning District works better than a Specific Plan for neighborhoods which are mostly developed, with many property owners, and when the intent is to keep most of the existing housing.

IV. APPLICATION OF THE SPECIAL PLANNING DISTRICT ORDINANCE

A. Initiating the Special Planning District

The SPD process begins with an expression of interest by residents of a particular area. In response to inquiries, staff will counsel interested persons on the SPD purpose and process. Planning Department staff will assist the organizers of the petition drive by providing the petition and boundary map. If requested, staff will attend informal meetings in the neighborhood to explain the SPD concept and process.

All signatures on petitions should be submitted to the City at one time. Once submitted, Planning Department staff will verify the validity of the signatures, calculate the percentage of eligible land, and make a map showing parcels whose owners support initiating an SPD. As a matter of procedure, signatures should be gathered within ninety days of issuance of the petition. This is to avoid problems which could arise from property transfers or people changing their minds if too much time has elapsed between obtaining and verifying the signatures.

If it is determined that the eligible signatures represent owners of at least fifty percent of the property in the proposed SPD area, the Planning Department will notify the Planning Commission and set a public hearing in the neighborhood.

The purpose of the public hearing is for the Planning Commission to determine the level of interest in the neighborhood as well as to receive any suggestions regarding the content of the Special District Plan or the boundaries of the area. Following the public hearing, the Planning Commission may a) recommend to the City Council that the Planning Department proceed with the preparation of a Special District Plan for the boundaries it recommends, or b) recommend the termination of the proceedings if it determines that a plan would not serve the intended purposes of the Special Planning District. Without further hearing, the City Council may concur in the recommendation of the Planning Commission or make other recommendations. If the City Council instructs the Planning Department to prepare a Special District Plan, the Council will also specify the boundaries for the proposed district.

If the district is initiated, the Planning Department will work with area residents and property owners to prepare the Special District Plan.

B. Preparation of the Special District Plan

The first step in preparing a plan is the formation of a neighborhood planning committee. Generally, the petitioning body of residents will form the committee as long as neighborhood-wide support can be demonstrated. Membership on the committee is open to all property owners and residents within the proposed district. Likely committee members may be drawn from speakers at the public hearing, sign-up lists from the public hearings, or petition lists.

Once a committee is formed, the residents should establish a meeting place and meet regularly. Residents have the option of selecting a formal or informal planning committee and chairman, but must insure that a representative cross-section of neighborhood opinions are represented at the committee's meetings. The planning committee will work with the City staff during preparation of the plan and be responsible for conducting informational meetings within the area and disseminating information on the plan upon its completion.

Preparation of the plan has a number of phases. Each phase involves one or more meetings designed to methodically take the neighborhood through the necessary process of preparing a well-thought out and feasible plan.

Phase I will outline the role of the committee and City staff. The SPD concept and process will be reviewed, and existing conditions will be inventoried.

Phase II will identify and discuss neighborhood issues, assets and liabilities. An in-depth analysis of those issues should result in a consensus among residents.

Phase III will establish goals and objectives that address the issues. The development of policy statements will begin.

Phase IV will develop several alternative plans and will select a preferred option.

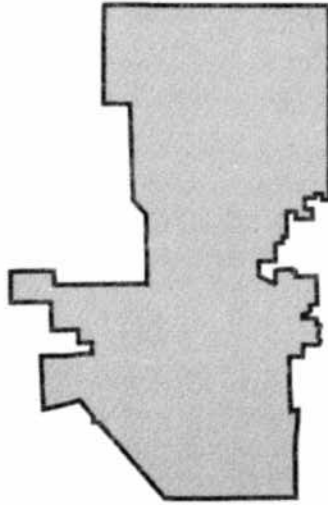
Phase V provides input from area residents at a neighborhood-wide meeting. There should be substantial support for the planning effort thus far in order to proceed to the sixth phase.

Phase VI will identify implementation methods, and may develop standards or recommendations for residential densities, lot coverage, structure heights, setbacks, infrastructure, and urban design.

Phase VII will finalize standards and prepare the draft report.

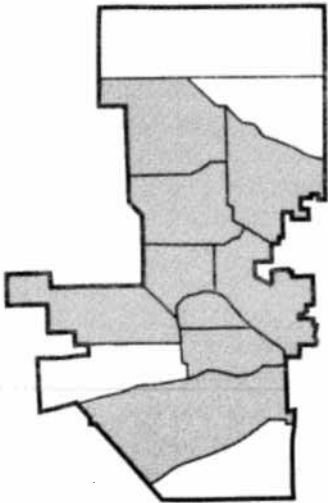
V. RELATING THE SPD TO OTHER PLANNING EFFORTS IN PHOENIX

Several levels of planning are currently underway in the City of Phoenix. In order for the SPD to be successful it must be coordinated with other City planning efforts. The following is a brief summary of those activities.



GENERAL PLAN

The General Plan is the official public document adopted by the City as a long range policy guide for decision making regarding the development of the community. It is a general statement of goals and policies concerning city-wide issues such as land use, water, transportation, air quality, parks and housing. It includes a land use map and summary plan showing appropriate designated land uses. A Special Planning District cannot proceed to public hearings if it is in conflict with the General Plan without first modifying the General Plan.



URBAN VILLAGES

The Urban Village is the unifying element of the General Plan. Nine urban villages have been designated in the Plan, each having its own planning committee. These committees are responsible for reviewing village issues and recommending ways to implement the General Plan goals and policies.

APPENDIX - THE SPECIAL PLANNING DISTRICT ORDINANCE - SECTION 428

A. Purpose

The Special Planning District is intended as a means for property owners to initiate and implement programs for the conservation or revitalization of neighborhoods. The district takes effect through the adoption of a precise plan and set of regulations, called the Special District Plan, specifically intended, in each case, to facilitate maintenance and upgrading of the neighborhood, to encourage development of vacant or underused lots, to ameliorate the adverse effects of incompatible mixtures of uses, and to encourage neighborhood residents and owners to take positive steps for the improvement and orderly development of the neighborhood.

B. Special District Plan

In any Special Planning District the regulations governing the uses of land and structures, the height of buildings and requirements for lot area, width and yards, shall be as set forth in the underlying zoning district except as may be expressly modified by the Special District Plan for that district. There will be a separate and specific Special District Plan for each Special Planning District.

1. Initiation of a Special Planning District

A petition requesting the establishment of the district, bearing the signatures of the owners of not less than fifty percent (50%) of the property within the area proposed to be included in the Special Planning District, may be submitted to the Planning Department. For the purpose of this requirement, the signature of one cotenant, or, if community property, the signature of either spouse is sufficient to count the petition if no objection is made by the other cotenant or spouse. If the signature is so protested, the petition shall be counted only to the extent of the signer's interest in the property. The petition shall set forth the preliminary boundaries of the area proposed to be included and shall be on a form prepared and provided by the Planning Department. Such preliminary boundaries shall be natural or rectangular in configuration, subject to City Council approval.

2. A citizens' committee shall be formed for the purpose of circulating petitions and such other purposes as are specified in this section. The committee shall designate the name of the proposed Special Planning District which shall appear on all petitions. Membership on the committee shall be open to all property owners and residents within the proposed district. The citizens' committee shall work with City staff during preparation of the plan, be responsible for conducting informational meetings within the area during preparation of the plan and disseminating information on the plan upon its completion.

3. Upon initiation of proceedings as set forth in subsection B 1, of this section, the Planning Commission shall call a public hearing at a location in or convenient to the area proposed to be included in the district, for the

2. After distribution of the plan, the Planning Department shall conduct a poll of all property owners within the proposed district to determine if there is support for the plan. If seventy percent (70%) of those responding indicate support for the plan the Planning Department shall notify the Planning Commission who shall:
 - a. Set a date for a public hearing on the plan and establishment of a district and post notice of and publicize such hearing in accordance with Section 108-D.
 - b. Mail notices to the owners of all property within the district fifteen days prior to the hearing.
 - c. Conduct the public hearing solely in regard to the plan that has been prepared by the Planning Department.
3. The percentage of support shall be determined in the same manner as are petitions for the initiation of a district.
4. Upon completion of the public hearing, the Planning Commission may recommend to the City Council the adoption or modification and adoption of the Special District Plan and recommend the establishment of the Special Planning District. The Plan shall contain both a Special District Plan and a Special Planning District zoning overlay coterminous with the boundaries of the plan. The Special District Plan shall also contain all special zoning criteria applying within the district.
5. Upon receipt of a recommendation from the Planning Commission, the City Council shall conduct a public hearing in accordance with Section 108. Following the public hearing the City Council may approve, deny, or modify the Special District Plan and the Special Planning District.
6. Applications for amendments to the plan shall be in accordance with Section 108.
7. Special Conservation Districts which the City Council has approved prior to the effective date of this ordinance shall be deemed to be Special Planning Districts pursuant to this ordinance. Proposed Special Conservation Districts for which City Council has authorized preparation of a Neighborhood Conservation Plan prior to the effective date of this ordinance shall be deemed to be Special Planning Districts pursuant to this ordinance and shall be subject to Section 428 D 4-7. (Ord. No. G-1831, Section 1; Ord. No. G-2992, Section 1.)