

# Staff Summary Report



City Council Meeting Date: 07/01/10

Agenda Item Number: \_\_\_\_

**SUBJECT:** This is the second public hearing for Code Text Amendments for ZONING AND DEVELOPMENT CODE AMENDMENTS.

**DOCUMENT NAME:** 20100701dsr101 **ZONING AND DEVELOPMENT CODE (0414-01, -03, -04, -06, -07) (ORDINANCE NO. 2010.17)**

**COMMENTS:** Request for **ZONING AND DEVELOPMENT CODE AMENDMENTS (PL100051)** (Development Services Department, applicant) consisting of changes with the Zoning and Development Code regarding drive-through facilities; charter schools; paved surfaces; meeting/decision notices; directional signs; and modified definitions for recreational vehicle, tobacco retailer, and trailer. The request includes the following:

**ZOA10002 – (Ordinance No. 2010.17)** Code Text Amendment for Sections 1-208, 3-102, 3-202, 3-302, 3-408, 4-502, 4-602, 4-903, 6-302, 7-119, and 7-121.

**PREPARED BY:** Ryan Levesque, Senior Planner (480-858-2393)

**REVIEWED BY:** Lisa Collins, Development Services Planning Director (480-350-8989)

**LEGAL REVIEW BY:** Teresa Voss, Assistant City Attorney (480-350-8814)

**DEPARTMENT REVIEW BY:** Chris Anaradian, Development Services Manager (480-858-2204)

**FISCAL NOTE:** N/A

**RECOMMENDATION:** **Staff – Approval**  
**Development Review Commission – Approval (7-0 vote)**

**ADDITIONAL INFO:** The proposed amendments to the Zoning and Development Code are made for different reasons. Some of the proposed code amendments reflect changes to law made by the State of Arizona, some are merely administrative corrections and some are codifications of existing zoning interpretations, best practices and current uses and trends.

- PAGES:**
- 1. List of Attachments
  - 2-3. Comments; History & Facts / Zoning & Development Code Reference
- ATTACHMENTS:**
- 1-8. Ordinance No. 2010.17

## **COMMENTS:**

This request includes a variety of code text amendments within the Zoning and Development Code. The amendments consist of a cumulative list of changes within the Code for response to State level regulations, administrative corrections, zoning interpretations and best practices, and response to changing uses and trends as a result from the City's approval and decision-making process. These include the following:

### **Official Action (Section 1-208)**

This is a clarifying amendment. Modifying the words "mailed notices" to "written notices" provides continuity in the language identified in other areas of the Code pertaining to decisions and notices. Staff communications to customers are now typically provided in electronic format, including receipt of approval letters. This change is compatible with our effort to provide more environmental friendly ways to communicate.

### **Charter Schools (Section 3-102, 3-202, 3-302)**

This change is in response to recent amendments within the Arizona Revised Statutes pertaining to municipal zoning for charter schools. The overall intent of the regulation states that charter schools shall be considered, for the purpose of zoning, the same as a public school. (Pursuant to A.R.S. 15-189.01) Municipalities may also limit the use of charter schools within single-family residences on less than one (1) acre properties. This regulation is included within the Code's land use charts, requiring a use permit for further evaluation.

### **Drive-Through Facilities (Section 3-408)**

This is a proposed new Code change intended to provide alternative regulations for drive-through facilities. This change considered past staff processing of new drive-through facilities and recent approvals of drive-through variances for the regulation. When the new adoption of the Zoning and Development Code was created on January 20, 2005, new provisions were introduced, which included regulations for drive-through facilities, requiring the drive lanes to be oriented toward the side or rear yards. The intent behind the regulation was to mitigate designs that were auto-oriented and which limited pedestrian access at the street to the building.

This proposed change will continue to focus on avoiding conflict with pedestrians and motorists, whether located facing the street or interior, while providing necessary design elements that aide in reducing pedestrian conflicts and aesthetic improvements. The Zoning and Development Code continues to have limitations within the Transportation Overlay District on a new drive-through, and other areas of the City that require processing a use permit to consider its appropriateness.

### **Driveway and Private Street Construction (Section 4-502 L and 4-602 B)**

This is a clarifying amendment for improved paving surfaces. This modification will ensure consistency and compliance with Maricopa County dust control provisions. These changes address the Code requirement for paving surfaces on driveways, parking areas and private streets.

### **RVs and Trailers (Section 4-602 B, 7-119, 7-121)**

This is a change in the interpretation of types of RV or other trailers not allowed to park in the front and street side yards. This amendment proposes to include "unmounted truck campers" not allowed in the front yard and street side yard setback without first approval of a use permit. Clarification is also included in the definitions for Trailers and Recreation Vehicles, more specifically, including "mounted truck campers" to be defined as an RV. This would require such vehicle, if in excess of 21'-0" in length, to comply with Section 4-602(B)(7).

### **Directional Sign (Section 4-903 F)**

This is a change proposed in the requirements for directional signs. As previously required in the Zoning Ordinance 808, signs are not allowed to display advertising copy or identification on these signs. The directional signs are intended to provide basic directional information for the flow of traffic and are not intended to lead vehicles to a specific identified business.

**General Plan Amendments (Section 6-302)**

This is an amendment proposed for notice posting requirements for general plan amendments. This change would allow posting signs for a general plan amendment more than 30 days before the first public hearing. This allows an applicant additional time when coordinating the neighborhood meeting notification requirements for the code, which is typically at least 30 days or more before the first public hearing.

**Definitions for Tobacco Retailer (Section 7-121)**

This is a clarifying amendment to the definition of tobacco retailer. This change would include “electronic cigarettes”, also known as an e-cig, to be considered a tobacco retailer. Tobacco retailers are required to obtain a use permit in most commercial districts, including separation requirements from certain aged schools. An e-cig, as previously opined, would be classified as tobacco paraphernalia, which is used as a device to inhale nicotine.

**PUBLIC INPUT**

There has been no additional public input at this time.

**CONDITIONS OF APPROVAL:**

N/A

**HISTORY & FACTS:**

- May 11, 2010                      At the Development Review Commission study session, staff provided an overview of these proposed amendments for future consideration at a public hearing.
- June 8, 2010                      Scheduled hearing with the Development Review Commission for this request.
- June 24, 2010                      City Council introduction and first public hearing for this request.
- July 1, 2010                        City Council second public hearing for this request (action hearing).
- July 31, 2010                      Potential effective date of ordinance, if approved.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 6-304, Zoning Map Amendment