



CITY OF TEMPE
REQUEST FOR COUNCIL ACTION

Council Meeting Date: 11/03/2016
Agenda Item: 6B1

ACTION: Introduce and hold the first public hearing to adopt an ordinance for a Zoning and Development Code text amendment for USE SEPARATION REQUIREMENTS, consisting of new regulations for pawn shops, gold-buying stores, and changes within Section 3-423. The applicant is the City of Tempe. The second and final public hearing is scheduled for December 8, 2016. (Ordinance No. O2016.63)

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

RECOMMENDATION: Adopt Ordinance No. O2016.63
Development Review Commission – Approve (7-0 vote)

BACKGROUND INFORMATION: USE SEPARATION REQUIREMENTS (PL160307) consists of land use regulation changes within the Zoning and Development Code, Section 3-423, Use Separation Requirements, and adding new separation uses for pawn shops and gold-buying stores. The proposed changes will also reformat the previous use separation categories; combining non-chartered financial institutions and auto title loans into the “limited financial service businesses” definition. The request includes the following:

1. Code Text Amendment for within the Zoning and Development Code for Sections 3-202 and 3-423.

ATTACHMENTS: Ordinance, Limited Financial Service maps

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

Department Director: Jeff Tamulevich, Interim Community Development Director
Legal review by: Teresa Voss, Assistant City Attorney
Prepared by: Ryan Levesque, Deputy Community Development Director

COMMENTS:

At the City Council's Committee of the Whole (COW) meeting on September 1, 2016, staff received direction on the working group item pertaining to use separation requirements. Staff prepared research of other local municipalities and land use separation requirements from those cities.

As a result of the findings the following use separation requirements were proposed for pawn shops, gold buying stores, and auto title loan businesses:

- 1320 feet distance between like businesses
- 500 feet distance between residential districts, schools and daycare facilities

Research of internet search engines indicate a total 6 pawn shops, 3 gold-buying stores, and 11 auto title loan companies exist in the Tempe city limits. Only one of the existing locations would comply with the proposed separation requirements. Existing businesses that were legally permitted to operate in a designated location prior to the effective date of an ordinance are defined within the Zoning and Development Code (ZDC) as "legal non-conforming uses". Nothing in this proposed ordinance shall affect the right to a businesses continued uses for the purpose used at the time the Code takes effect, nor to make any reasonable repairs or alterations in buildings or property used for such legal existing purpose. Once a non-conforming use has been abandoned or ceases to exist for a period in excess of one (1) year, such use shall not thereafter be re-established. (Refer to ZDC Sections 3-501 to 3-505).

Public Input

The draft concepts of the Code Text Amendment for Use Separation Requirements were discussed with the Development Review Commission at the October 11, 2016 study session, as well as the Neighborhood Advisory Commission on October 5, 2016. After the City Council's Committee of the Whole meeting staff received inquiries and met on separate occasions with a local resident and representatives from the Auto Title Loan Association. Both have asked to be informed of any future hearings on this matter. The Auto Title Loan representative previewed the preliminary draft ordinance and had no objections to the additional separation requirements for Auto Title Loans. When asked about the impact the ordinance to existing Title Loan businesses, they were referred to the legal non-conforming provisions of the Code which would allow legally permitted businesses to remain in operation.

Development Review Commission

At the October 25, 2016, Development Review Commission public hearing the Use Separation Requirements ordinance was presented by staff. The Commission unanimously recommended approval (7-0 vote) of the proposed ordinance. Discussion from the Commission noted that it was a good start in addressing separation of certain uses; why gun shops were not included in the separation requirements; whether churches were considered for requiring separation from the defined "limited financial service businesses"; and clarification on the one year time limitation for legal non-conforming uses. No community members were present for public input.

Conclusion

Staff recommends approval of the requested Zoning and Development Code text amendment changes. The proposed changes will incorporate land use separation regulations utilized by other researched metropolitan cities and utilize the current separation measurements found in our Code. Businesses will then be able to find appropriate locations while minimizing potential opposition from locations where less desired.

HISTORY & FACTS:

September 1, 2016 The City Council Committee of the Whole meeting input and direction on proposed Use Separation Requirements item.

October 5, 2016	Overview and input provided with the Neighborhood Advisory Commission.
October 11, 2016	Overview and discussion on Use Separation Requirements at the Development Review Commission study session.
October 25, 2016	Development Review Commission scheduled public hearing for this request.
November 3, 2016	City Council proposed introduction and first public hearing for this request.
December 8, 2016	City Council's proposed second and final public hearing for this request.
January 7, 2016	Potential effective date of ordinance.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-304, Zoning Map Amendments (including Overlay Districts) and Code Text Amendments