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MEMORANDUM **Planning Division – PZ Memo No. 14-066**

DATE: AUGUST 6, 2014

TO: PLANNING AND ZONING COMMISSION

THRU: JEFF KURTZ, PLANNING ADMINISTRATOR
KEVIN MAYO, PLANNING MANAGER

FROM: DAVID DE LA TORRE, AICP, PRINCIPAL PLANNER DDLT

SUBJECT: ZCA14-0001 ZONING CODE AMENDMENTS

Request: Amend Chapter 35 of the City Code (Zoning Code) by adopting clarifications, citation reconciliations and other minor adjustments to match current administrative practices

Applicant: City of Chandler

RECOMMENDATION

Upon finding the request to be consistent with the General Plan, Planning Staff recommends approval.

BACKGROUND

The proposed amendments can be considered 'housekeeping' because they consist of minor revisions that do not introduce any new policies or regulations. A majority of the revisions involve adjusting Code language to match current administrative practices. For example, the Zoning Code defines a private garage as having no more than 1,000 square feet in area. Administratively, Staff has never enforced this maximum stated size. When reviewing plans for a garage, Staff focuses on building setbacks, maximum lot coverage, building height, and other standards that were designed to protect the value of neighboring properties.

Similarly, the Zoning Code requires 1 tree and 6 shrubs per 500 square feet of open space in residential developments, and 1 tree and 6 shrubs per 750 square feet of open space in commercial developments. Staff has never required this many trees and shrubs in open space areas, as they are unreasonably excessive especially when large amounts of turf are used. For many years, as long as anyone currently employed by the City can remember, Staff has

administratively only required 1 tree and 6 shrubs per 1,000 square feet of open space for residential and commercial developments.

The proposal also includes several revisions to the citizen review process. Again, all of the proposed amendments match current administrative practices such as requiring the applicant to mail notices for the neighborhood meeting only after clearing the contents of the notification letter with Staff first, requiring expanded notification for any Area Plan amendment regardless if it is pertaining to a mid-rise development, and requiring a neighborhood meeting summary from the applicant instead of requiring Staff to attend every neighborhood meeting, which is not practical or possible in many instances.

In all, the proposed amendments include 16 changes in total:

- 9 adjustments aligning the Zoning Code with current administrative practices.
- 2 clarifications, reorganizing Code language to clarify and make it easier to understand.
- 4 code citation reconciliations.
- 1 misspelled word.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- As required by Arizona Revised Statutes, hearing dates for the Planning Commission and City Council, as well as the complete text of the draft Code amendments have been published in an eighth-page newspaper ad at least fifteen days prior to the first required public hearing.
- A draft copy of the proposed amendments has been posted on the City's Web site.

RECOMMENDATION

Upon finding consistency with the General Plan, Planning Staff recommends approval of the Zoning Code amendments as presented in case ZCA14-0001 ZONING CODE AMENDMENTS.

PROPOSED MOTION

Motion to recommend approval of ZCA14-0001 ZONING CODE AMENDMENTS, as recommended by Planning Staff.

Attachments

1. Draft Zoning Code Amendments (redlines)

ZCA14-0001 ZONING CODE AMENDMENTS *(DRAFT)*

City initiative to amend Chapter 35-Land Use and Zoning as follows: *(All proposed revisions are shown in red colored text. Underlined text indicates proposed new text. Strikethrough text indicates proposed text deletions. Regular, black colored text, indicates existing code.)*

1. **35-200. Definitions.**
   Garage, private: A building, or a portion of a building, ~~**not more than one thousand (1,000) square feet in area,**~~ designed primarily for the storage of motor-driven and/or recreational vehicles by the occupants of the buildings on the premises.

2. **35-305(2)(c)1.c. Adult Use Permits.** A sexually oriented business shall not be located within five hundred (500) feet of a public or private school, preschool, nursery school, kindergarten or day care center; any church; any public park; any lot devoted wholly to a residential use; or any of the following residential zoning districts: AG-1, SF-33, SF-18, SF-10, ~~**SF-7**~~ **SF-8.5**, MF-1, MF-2, MF-3, MH-1; which distance shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the sexually oriented business to the closest property line of the nearest school, preschool, kindergarten, day care center, church, public park, or residential lot, or to the closest boundary line of the nearest residential zoning district listed above; but such measurement shall exclude any street.

3. **35-305(4) Residential Child Care.** A use permit to operate residential child care, as defined in section 35-200 of this chapter, shall be required in any residential zoning designation, including Planned Area Development (PAD), in accordance with the provisions of this subsection. In Home Day Care, also as defined in section 35-200~~0~~ of this Chapter, shall be exempt from these requirements. Approval of any use permit to operate residential child care shall be subject to the following standards and procedures:

4. **35-1103(3) Mobile Home District Height and area regulations.** *Side yard:* For subdivisions and other principal buildings, same as ~~**SF-1**~~ **MF-1** District.

5. **35-1903(6)(c)1.a.** ~~**Landscaping.**~~ Common open space/retention basins: A minimum of one (1) tree and six (6) shrubs per ~~**five hundred (500)**~~ **one thousand (1,000)** square feet of open space plus such additional vegetative ground cover, including turf subject to the limitations established within subsection (6)(d) of these standards, needed to cover a minimum of fifty (50) percent of the total landscaped area with shrubs and ground cover.

6. **35-1903(6)(c)2.** Commercial/office/institutional developments: One (1) tree and six (6) shrubs per ~~**seven hundred fifty (750)**~~ **one thousand (1,000)** square feet of open space plus such additional ground cover, including turf subject to the limitations established within subsection (6)(d) of these standards, that upon maturity a minimum of fifty (50) percent of all interior "nonhardscape" open space surfaces shall be covered with shrubs and ground cover.

7. 35-1903(6)(c)6. *Landscape buffer areas/dissimilar land uses:*

   a. A six-foot masonry wall reflecting the design, material and/or color of the primary structures within the project, excluding approved gated openings; and

   b. Evergreen trees a minimum of seven (7) feet in height; twelve (12) feet in height if abutting existing or planned residential development, planted at a maximum spacing of twenty (20) feet on center and shrubs planted at a rate of ~~**five (5)**~~ **four (4)** per ~~**one hundred (100)**~~ **twenty (20)** lineal feet.

8. **35-1903(6)(e).**

   Limitations on use of turf: Unless watered with "reclaimed" water, use of turf shall be limited to the following:

Land Use/Area	Turf Permitted as a Percent of

	Total Landscape Area
*Street rights-of-way	0 %
Commercial/office/ Institutional	10%
Industrial	10%
Multi-family residential	40%
Common open space/retention basins	40%
Within SF residential developments	No limitation
**Parks, schools, golf course and cemeteries	No limitation

*Landscape extensions of residential lots are excepted from the ~~**turn**~~ **turf** limitations. Turf is prohibited in all rights-of-way; however, when reclaimed water is used the following shall apply:

Turf is prohibited in all arterial street medians. Turf is allowed in arterial street rights-of way from the back of sidewalk to the right-of-way line. No turf shall be installed in arterial streets from back of street curb to the sidewalk.

On streets other than arterial streets, when reclaimed water is used, the following shall apply if the landscaping is maintained by a homeowners association:

Turf may be installed in the street right-of-way. All landscaping shall be designed and installed such that the final median and street landscape elevation is two (2) inches below the top of curb.

**Although the area of turf is not limited, the amount of water which can be applied to it shall be subject to the limitations of the Second Management Plan for the Phoenix Active Management Area as adopted by the Director of the Arizona Department of Water Resources.

9. **35-2204(6) General.** The space for any required yard area shall be open and unobstructed except for ordinary projections for windows, belt courses, cornices, eaves and other architectural features provided such features shall not project more than twenty-four (24) inches into the required yard area and further provided in no case shall such projection be closer than three (3) feet to a property line. ~~**This provision shall not apply to the major side yard requirement in the SF-7 zoning district.**~~

10. **35-2601.1(A) Citizen review process**.
Prior to any public hearing, as required under section 35-2602 of this Article XXVII, on any area plan application, on any preliminary development plan application, or on any application for any zoning ordinance that changes any property from one zoning district to another, that imposes any regulation not previously imposed, or that removes or modifies any such regulation previously imposed, the ~~**Zoning Administrator**~~ **applicant** shall provide written notice of the application to ~~**the applicant or his representative on the application,**~~ all landowners of property ~~**adjacent to the property that is the subject of the zoning ordinance, area plan, or preliminary development plan**~~ **located** within six hundred (600) feet of the subject property, and the address of any registered neighborhood organizations located within one-quarter (1/4) mile of the subject property, and to such other persons as the Zoning Administrator reasonably determines to be other potentially affected citizens.

    1. The six hundred (600) ft. notice to adjacent property owners and the one-quarter (1/4) mile notice to registered neighborhood organizations as specified herein shall be expanded to a distance of one-quarter (1/4) mile for adjacent property owners, and to a one-half (1/2) mile distance for registered neighborhood organizations, for any ~~**area plan,**~~ preliminary development plan, or any zoning ordinance pertaining to a mid-rise development~~**.**~~**, and to any area plan application.**

    2. The one-quarter (1/4) mile and the one-half (1/2) mile distances shall be measured from the property boundary lines of the parcel for which the mid-rise development is being proposed.

11. **35-2601.1(B)** The written notice shall also include a general explanation of the substance of the proposed **area plan application, preliminary development plan application or** zoning ordinance **application** and shall state the date, time and place scheduled for a neighborhood meeting, at which any adjacent landowner or those other potentially affected citizens, as determined under section 35-2601.1A., will be provided a reasonable opportunity to express any issues or concerns that the landowner or citizen may have with the proposed ~~zoning ordinance~~ **application** before the public hearing required under section 35-2602. **The content of said written notice shall be reviewed and approved by the Zoning Administrator prior to mailing.**

12. **35-2601.1(C)** The written notice **required by 35-2601.1(A)** shall be **mailed by first class mail** ~~given~~ at least fifteen (15) days ~~before~~ **prior to** the neighborhood meeting. ~~in the following manner:~~ **If the Zoning Administrator determines that special circumstances warrant additional notification, the Zoning Administrator may require one or more of the following additional means of notification to be provided at least fifteen (15) days prior to the neighborhood meeting:**

    1. **Written notice shall be personally delivered to each property within three hundred (300) feet which contains an inhabited building; such notice shall be in the form of a door hanger in accordance with the design standards prescribed by the City of Chandler. The deliverer shall provide written certification to the City that such notices were delivered in this manner on a particular date or dates.**
    2. **Notice shall be posted on a sign on the subject property, in accordance with design standards specified by the City of Chandler, located along an arterial street, neighborhood entry, or other high visibility location. The applicant shall remove said sign at the conclusion of the citizen review process.**
    3. **Notice shall be provided in such other manner as deemed necessary or desirable by the Zoning Administrator.**

    After providing the required notification, the applicant shall submit to the Zoning Administrator a copy of the mailing list and a notarized affidavit of notification; said affidavit shall be in a form prescribed by the City of Chandler.

    ~~4. The notice shall be published once in a newspaper of general circulation published or circulated in the City of Chandler, unless waived by the Zoning Administrator.~~
    ~~5. The notice shall be posted upon the sign required in section 35-2602 A.4. below, unless waived by the Zoning Administrator.~~
    ~~6. The notice shall be mailed in accordance with the same procedures as required in section 35-2602 A.2., and delivered in accordance with 2602 A.4.~~

13. **35-2601.1(D)** The **applicant** ~~Zoning Administrator,~~ upon consultation with the **Zoning Administrator,** ~~applicant,~~ shall establish a time, date and place for the neighborhood meeting that provides a reasonable opportunity for ~~the applicant, and those other~~ potentially affected citizens, as determined under section 35-2601.1 A. to discuss and express their respective views concerning the application and any issues or concerns that they may have with the zoning or rezoning ordinance, **the preliminary development plan, and/or the area plan that may be** proposed ~~by~~ **in** the application. ~~The Zoning Administrator or a member of the planning staff shall attend the meeting, but is not required to conduct the meeting.~~ **Within five (5) business days following the neighborhood meeting, the applicant shall submit to the Zoning Administrator a neighborhood meeting summary that identifies the people in attendance and the issues that were discussed.** The Zoning Administrator or planning staff shall report the results of the neighborhood meeting to the Planning and Zoning Commission and City Council at such time as they take action on the application.

14. **35-2602.A.2. Public hearing**
    a) The six hundred (600) ft. notice to adjacent property owners and the one-quarter (1/4) mile notice to registered neighborhood organizations as specified herein shall be expanded to a distance of one-quarter (1/4) mile for adjacent property owners, and to one-half (1/2) mile

distance for registered neighborhood organizations, for any ~~area plan,~~ preliminary development plan, or any zoning ordinance pertaining to a mid-rise development~~.~~**, and to any area plan application.**

15. **39-9.16(C)** Freestanding identification signs for shopping centers and other multitenant commercial **centers (individually, collectively, "centers")** and **for** industrial sites shall be subject to the following standards:

    1. One (1) detached identification sign per arterial street, not to exceed one (1) square foot of sign face area for each linear foot of business frontage. Where the property has an excess of three hundred (300) feet of frontage along an arterial street, one (1) additional sign may be erected along such frontage, not to exceed two (2) signs per frontage and located not less than three hundred (300) feet apart.

    2. Maximum sign height shall not exceed six (6) feet, except ~~**for shopping centers under the following circumstances**~~ **as provided below**:

        a) **A center, but not an industrial site, located at the corner of two (2) major arterials may have no more than one (1) sign with a maximum height of fourteen (14) feet.**
        b) **A center, but not an industrial site, at all other locations except the corner of two (2) major arterials may have no more than one (1) sign with a maximum height of ten (10) feet.**
        c) **All other signs at a center, but not an industrial site, may be increased to a maximum height of eight (8) feet provided that they are enhanced with a higher level of design as provided for in subsection 39-9.16(C)3 below.**
        d) **Notwithstanding subsections (a), (b) and (c) above, in no instance shall any sign located at the street corner of a center, or located less than one hundred fifty (150) feet from the street corner along either frontage, exceed a maximum height of eight (8) feet.**
        e) **Notwithstanding subsections (a), (b), (c) and (d) above, service station price signs shall not exceed six (6) feet in height.**

    ~~**No more than one (1) sign with a maximum fourteen-foot height shall be permitted for centers located at the corner of two (2) major arterials, and a maximum ten-foot height shall be permitted for centers at all other locations. Signs with four (4) occupant names as permitted in paragraph three (3) below shall not exceed eight (8) feet in height. In no instance shall any sign located at the street corner of the site, or located less than one hundred fifty (150) feet from the corner along either frontage, exceed a maximum of eight (8) feet in height, except for service station price signs which shall not exceed six (6) feet in height.**~~

16. **39-9.98(C). C-3 Highway Commercial District**
    C. Detached signing for shopping centers and other multi-user sites shall conform to the standards set forth in subsection (~~**1b**~~**39-9.16**) of this section **39-9**.