City Clerk
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ORDINANCE NO. 3163

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING CHAPTER 35 (ZONING CODE) OF THE CHANDLER CITY CODE, BY ADDING A NEW ARTICLE XXXII, ESTABLISHING A NEW ZONING DISTRICT TO BE KNOWN AS "CITY CENTER DISTRICT" (CCD).

WHEREAS, In accordance with A.R.S. 9-462, the legislative body may adopt by ordinance, any change or amendment to the regulations and provisions as set forth in the Chandler Zoning Code; and,

WHEREAS, this amendment, including the draft text and map has been published as an 1/8-page display ad in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days notice of time, place and date of public hearing; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code, on June 7, 2000;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I. Chapter 35 (Zoning Code) of the Chandler City Code is hereby amended by adding a new Article XXXII, CITY CENTER DISTRICT (CCD), to read as follows:

ARTICLE XXXII

CITY CENTER DISTRICT (CCD)

Sec. 3200. Purpose.

The purpose of this district is to provide certain land uses and development standards which promote a special character and visual identity exclusively for the City Center immediately surrounding A.J. Chandler Park. This district is intended to be separate and distinct from any other area of the City, based upon limitations of lot sizes and lot widths, building setbacks, parking availability, sidewalk colonnades, signage, and architecture, all stemming from its origin as part of the City's historic town-site. As such, this district is unique and limited in its intent to accommodate only those uses and standards which promote specialty retail, cultural, dining, entertainment, and other storefront businesses traditional to a downtown setting.

SEC. 3201. Applicability.

The City Center District (CCD) applies exclusively to those lots and parcels of land which front directly upon San Marcos Place, Arizona Place, Buffalo Street, Boston Street, and Arizona Avenue between Chandler Boulevard and Buffalo Street, according to the specific boundaries identified on the Official Zoning Map of the City of Chandler.

(a) Based upon its origin as part of the City's historic town-site, this district is not intended to be expanded beyond the specific boundaries shown on the Official Zoning Map, and hence this district is not a classification which shall be applied to property outside of the specific boundaries shown on the Official Zoning Map.

(b) Nothing herein shall prevent any owner of property within this district from seeking rezoning to a Planned Area Development (PAD) designation, for reason of new construction that features a building size, height, or other characteristic beyond the scope or limits of this district, yet which may meet the purpose and intent of a PAD designation as set forth in Section 1700 of the Zoning Code.

(c) The regulations of this district shall apply to all new uses, changes of use, expansions of use, new building construction, building expansions, and facade renovations. Any use lawfully existing at the time these regulations take effect, which subsequently become non-conforming by reason of use or development characteristic, may continue in such manner, provided however, that such use or characteristic shall not be discontinued for more than twelve (12) consecutive months, after which time such use or characteristic shall conform with these regulations.

Sec. 3202. Permitted Uses.

The following uses shall be permitted as a matter of right in the City Center District, subject to the development standards set forth in Section 5 of these regulations:

(a) Specialty retail such as gift shops, florists, clothiers, craft shops, hardware stores without building materials, drug stores without drive-thru facilities, bookstores (excluding sexually oriented businesses), antiques, collectibles, jewelry, silversmithing, and pottery. Such specialty retail uses may also include accessory repair, mixing, light fabrication and component assembly clearly necessary and incidental to the sale of these products. High turnover uses such as convenience stores, fast food, and gas stations shall be prohibited.

(b) Specialty food preparation such as retail bakeries for products made and sold on premises, specialty stores selling health foods, candy, fruits, vegetables, coffee or tea, confections, and meat or poultry, but excluding in all instances any slaughtering, processing, cleaning or eviscerating.

(c) Offices for business, professional, or administrative use, but excluding in all instances medical, dental offices, blood banks, clinics, and ground floor offices.

(d) Cafes, coffee shops, delicatessens and restaurants, but excluding in all instances any drive-thru facilities. Outdoor seating as an accessory feature for these uses shall be permitted where such seating does not encroach upon City sidewalk or other right of way. Where such encroachment occurs, outdoor seating may be available where an encroachment permit is obtained pursuant to Chapter 46, Division II, Section 46-4 of the City Code. Sidewalk peddlers of food items shall be subject to the regulations of Chapter 20 of the City Code.

(e) Personal services such as barber and beauty shops, tailors, shoe repair, photographers, travel agencies, copy reproductions but excluding in all instances printing presses, blueprinting, and engraving, unless ancillary to the primary use. Body-piercing and tattoo parlors shall be prohibited. Dry cleaners and Laundromats shall be prohibited.

(f) Financial institutions such as banks, savings and loans, and credit unions, but excluding in all instances any drive-thru facilities.

(g) Art galleries, art studios, dance studios, and museums.

Sec. 3203. Uses Requiring Use Permit Approval.

The following uses shall require approval of a Use Permit by City Council, upon recommendation by the Planning and Zoning Commission, subject to the review and approval criteria set forth in Section 305 of the Zoning Code:

(a) Public assembly such as meeting halls, lodges, conference facilities, theaters, cinemas, auditoriums, places of worship, and schools.

(b) Commercial recreation such as health clubs, gyms, fitness centers, racquet clubs, teen clubs, youth centers, bowling alleys, billiards, ice skating, rock-climbing, and amusement arcades.

(c) Live entertainment such as concerts, stage plays, live music, karaoke, dance halls, nightclubs.

(d) Sale or production of beer, wine, or spirituous liquors, whether offered for on-site or off-site consumption, including brewpubs and microbreweries.

(e) Ground floor offices, medical and dental offices and clinics, but excluding in all instances any veterinarian hospitals, veterinarian offices, or kennels.

(f) Transient service facilities, subject to the policy guidelines set forth in Resolution No. 2379, adopted by Council on July 13, 1995, and as may subsequently be amended.

(g) Upper floor residential dwelling units, but excluding in all cases any single-room occupancies.

(h) Any other use determined by City Council to be compatible with other uses in this district, and consistent with the Chandler General Plan.

Sec. 3204. Site Development Standards.

Prior to development, redevelopment, building or structure construction or reconstruction; building or structure expansion, enlargement, structural alteration, or facade renovation, upon any property within this District; or any expansion of a use permitted by right in this District exceeding twenty percent (20%) of a building's or structure's existing floor area; the property owner shall comply with the following development standards:

(a) Building Setbacks: Any building or structure may be located at a zero (0) setback from the front, side, and rear property lines, provided however, that all building walls, openings, and exterior materials shall meet the applicable requirements of the Uniform Building Code and Fire Code as adopted by the City of Chandler.

(b) Building Height: No building or structure shall exceed thirty (30) feet at the building setback line, provided however, that a building may exceed such height if at no point does it project above a line sloping inward and upward at a forty-five (45) degree angle at the required height and setback line, to a maximum height of forty-five (45) feet. Any building or structure that does not meet these height limitations may be considered under a Planned Area Development application, in accordance with the requirements as set forth in Article XVII of this Code.

(c) Lot Coverage: Any building or structure as permitted herein may occupy up to one hundred percent (100%) of the lot area, provided however, that such maximum building coverage shall not preclude compliance with any storm water drainage requirements, or with the applicable requirements of the Uniform Building Code and Fire Code as adopted by the City of Chandler.

(d) Screening: Screening of all mechanical equipment and appurtenances, plus screening of all trash and refuse collection facilities, shall comply with the standards set forth in Section 1902 of the Zoning Code. Outdoor storage of any merchandise, equipment, business vehicle(s), or other materials shall be prohibited.

(e) Sidewalk Encroachments: Placement of any tables, chairs, benches, umbrellas, planters, flower pots, awnings, canopies, bicycle racks, and other ornamentations such as clocks, statues, flags, and other decorations, in or overhanging the public sidewalk or any other part of the public right of way, and the temporary displays of merchandise on the public sidewalk may only be permitted where an appropriate encroachment permit is obtained pursuant to Chapter 46, Division II, Sections 46-3 or 46-4 of the City Code. Outdoor

merchandise display not intended as temporary, whether on the public sidewalk or on private property visible from street view, shall be prohibited.

(f) Parking: Any building or use lawfully existing at the effective date of this ordinance, including any renovation or remodeling that does not expand the total gross floor area of an existing building, shall be exempt from the parking schedule set forth in Section 1804 of this Code. However, any new construction of a building, or any new addition to an existing building subsequent to the effective date of this ordinance, shall be subject to said parking schedule, provided however, that the Zoning Administrator may exercise discretion in the strict enforcement of the number of parking spaces required, wherein the development submits a parking study demonstrating how such parking demand shall be handled by existing facilities and provisions.

(g) Signage: All signs for any building or use as permitted herein shall be subject to the standards and requirements set forth in Chapter 39-9.18 of the Chandler City Code. Any sign installation not in compliance with these standards and requirements may be considered under the provisions of Section 6 below.

(h) Exterior Design: Building or structure exterior design shall be consistent with the Early Twentieth Century Commercial architectural style of adjoining buildings in the District, containing Spanish Colonial Revival and Mission Revival influences.

Sec. 3205. Architectural Plan Review.

(a) Approval Required: Prior to development, redevelopment, building or structure construction or reconstruction; building or structure expansion, enlargement, structural alteration, or facade renovation, upon any property within this District; or any expansion of a use permitted by right in this District exceeding twenty percent (20%) of a building's or structure's existing floor area; or any sign installation that does not fully comply with the standards and requirements set forth in Chapter 39-9.18 of the Chandler City Code; the property owner or agent shall secure approval of the building or structure exterior from the Architectural Review Committee, except where design of the exterior has been approved as part of the use permit approval obtained under Section 4 above.

(b) Reasonable Repair & Minor Alteration: Approval is not required for customary maintenance of building exteriors, such as repainting to the same color, crack sealing/patching, and structural repair, any or all of which is clearly for the purpose of retaining an existing appearance.

(c) Organization: There is hereby created an Architectural Review Committee whose jurisdiction is limited solely to this District. The Architectural Review Committee shall consist of five (5) members. The membership shall consist of one (1) member of the Planning and Zoning Commission; one (1) member of the Planning & Development

Department; and three (3) public members, *at least* one (1) of whom shall be either a person whose business or property is located within this District or a member of the Downtown Chandler Community Partnership, and *at least* one (1) of whom shall be an architect, landscape architect, historian, or an individual otherwise qualified by design background, training, or experience. The members shall be selected by the Mayor with the approval of the City Council. The terms of the members shall be for three (3) years and shall be so staggered that the terms of at least one (1), but not more than two (2) members, shall conclude in any given year. All members shall serve without compensation.

(d) Operation: The Architectural Review Committee shall establish rules and procedures as are necessary for the performance of its duties; provided, that the rules and procedures shall not be in conflict with the provisions of this Chapter, or any applicable local, state or federal laws. Meetings shall be open to the public and shall be at the call of the chairman or as may otherwise be established in the rules of the Committee. Minutes of the Committee's proceedings and actions shall be kept and filed in the Planning & Development Department. Three (3) members shall constitute a quorum of the Committee and three (3) affirmative votes shall be required to approve an application.

(e) Decision: Approval or denial by the Architectural Review Committee for such architectural plans shall be based solely on design considerations such as building materials, colors, forms, masses, fixtures, and features, for consistency with the existing Early Twentieth Century Commercial style of architecture.

(f) Appeal: The decision of the Architectural Review Committee on an application presented before it shall be final on the date it is made, unless, within thirty calendar (30) days from the date of the Committee's decision, the applicant, the Planning and Development Department Director with the consent of the City Manager, or any member of the City Council, appeals the decision by filing written notice of the appeal with the City Clerk. The City Clerk shall schedule the appeal for a City Council agenda, not more than forty (40) nor less than twenty (20) days following the submittal of the appeal. Notice of the appeal and the date of its consideration by City Council shall be sent by mail to the applicant and published once, not less than seven (7) days prior to the City Council meeting at which the appeal is to be heard. At its meeting, the City Council shall uphold, modify or over-rule the decision of the Architectural Review Committee. The decision of the City Council shall be final.

(g) Expiration of Approval: Any approval granted herein shall expire and become null and void one (1) year from the date of approval, providing that a building permit has not been issued, unless a different time period is made a condition of the approval. A one-time extension of approval for up to one (1) year may be granted by the Zoning Administrator if the applicant files for the extension prior to the approval becoming void.

(h) Building Permit Check: Prior to issuance of a building permit, the Planning and Development Department shall ascertain that the Architectural Review Committee has approved the exterior design plans which are in conformance with those presented with the building permit application and that the time limitations imposed by this Code or the Architectural Review Committee have not lapsed.

SECTION II Except where provided, nothing contained herein shall be construed to be an abridgment of any other ordinance of the City of Chandler.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this 22nd day of June 2000.

ATTEST:

Carolyn Dunn
CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this 10th day of July 2000.

ATTEST:

Carolyn Dunn
CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3163 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 10th day of July 2000, and that a quorum was present thereat.

Carolyn Dunn
CITY CLERK

APPROVED AS TO FORM:

Dennis M. O'Neill
CITY ATTORNEY

PUBLISHED:

7/17/00
7/24/00