CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS

CC: 12R
Amend No. _____

Date prepared: January 22, 2009 **Council Meeting Date: February 17, 2009**

TO: Carl Swenson, City Manager

FROM: Susan J. Daluddung, AICP, Deputy City Manager

THROUGH: Glen Van Nimwegen, AICP, Community Development Director

THROUGH: Chris Jacques, AICP, Planning Manager

PREPARED BY: Ed Boik, Planner

SUBJECT: TA 08-04
Amend Article 14-9 (Non-Residential Districts) and Article 14-6 (Multi-Family Residential Districts):

- Add 'Nursing or Convalescent Home, Long Term Care Facility' as a limited permitted use in the O-1 (Office Commercial) and C-1 (Convenience Commercial) districts;
- Establish building height step-back provisions in the I-1 (Light Industrial), I-2 (Heavy Industrial), PI-1 (Planned Light Industrial), BPI (Business Park / Industrial), and RM-1 (Multi-Family Residential) districts

RECOMMENDATION:
The Mayor and Council concur with the Planning and Zoning Commission's recommendation (unanimous vote) to adopt an Ordinance to add 'Nursing or Convalescent Home, Long term Care Facility' as a limited permitted use in the Office Commercial (O-1) and Convenience Commercial (C-1) districts and to establish building height step-back provisions in the Light Industrial (I-1), Heavy Industrial (I-2), Planned Light Industrial (PI-1), Business Park Industrial (BPI), and Multi-Family Residential (RM-1) districts.

This application was initiated by staff in order to bolster residential protections, enhance coordination between the Design Review Manual and the Zoning Code, and to promote neighborhood livability by clarifying consistent standards in locating care facilities.

SUMMARY:

Background / Project Description:
1. The proposed amendment is intended to broaden, with limitations, the districts in

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CITY CLERK USE ONLY:
☐ **Consent Agenda**
☐ **Carry Over to Date:**_____
☐ **Approved**
☐ **Unfinished Business (Date heard previous:_____)**
☐ **New Business**
☐ **Public Hearing: No Action Taken**

ORD. #09-03 **RES. #**_____
LCON#_____ **LIC. #**_____
Action Date:

which Nursing/Convalescent Homes and Long-term Care Facilities are allowed and to provide consistent building height step-back standards for commercial, industrial and multi-family zoning districts.

Analysis:

Nursing/Convalescent Home, Long-term Care Facility

2. The Office Commercial (O-1) district is designed to provide for an environment conducive to the establishment of professional offices, medical and legal services, and ancillary retail uses. Certain other types of uses are permitted under conditions and standards that ensure their compatibility with surrounding uses as well as nearby residential districts. The O-1 Districts provide for land use transition between more intensive commercial developments and the less intensive residential neighborhoods.

   The Convenience Commercial (C-1) district is intended to accommodate neighborhood-scale retail and service establishments that provide the incidental daily necessities for the local residential areas. This district constitutes the secondary level of neighborhood commercial development. In order to prevent undesirable "strip" commercial development, it is intended that each development be contiguous and limited in scale. The C-1 Districts should generally be restricted to the intersection of major arterial streets while providing one-mile separation from other non-adjacent commercial districts. The regulations and development standards are designed to preserve adjacent residential amenities and to prohibit encroachment by more intensive commercial uses.

3. Currently, Nursing/Convalescent Homes and Long-term Care Facilities are allowed as permitted uses in General Commercial (C-4), and Regional Commercial (C-5) zoning districts and allowed as conditional uses in the Intermediate Commercial (C-2) and the Multi-Family Residential (RM-1) zoning districts. Because the use is already allowed in the RM-1 district, a transitional district, it is recommended that the use be allowed in additional transitional districts, like the C-1 and O-1 districts. Staff recommends that the use be allowed as a permitted use in these districts unless within 200 feet of a residential district. In those cases, the use will be reviewed as a conditional permit to ensure compatibility with the adjacent residences.

4. The proposed amendment maintains the existing provisions regarding maximum building height (30-feet) as well as any required setbacks and landscape buffers that may be required to screen the use from adjacent residential properties.

Building Height Step-back Provision

5. In the Intermediate Commercial (C-2) and General Commercial (C-4) Zoning Districts, the existing code employs a "step-back" provision thereby limiting the height of buildings when they abut residentially zoned properties. For example, if a building is located within 30 feet of a residential property line, the building is not allowed to exceed 30 feet in height. As the building is located further from the residential property line, the building is allowed to increase in height to the maximum permitted height. The formula allows for one (1) additional foot of building height (beyond 30 feet) for each three (3) additional feet of setback.

This principle attempts to promote livability and avoid the "canyon effect" along those commercial – residential edges by providing adequate separation.

6. During last summer's review of the *Design Principles and Guidelines (2008)*, the Council expressed concern with certain edges, such as industrial districts and single-family residential or to a lesser degree, multi-family residential districts and single-family residential. There were three (3) strategies identified by staff to provide for softer transitions, reduce perceived massing and improve compatibility:

    a. Through the zoning process, avoid or minimize sharp transitions (such as Industrial – Single Family Residential) through conditions and / or transitional zoning districts; and
    b. Design policies in the Design Manual to reduce the perceived massing by "breaking up" the building along such edges into smaller parts through pop-outs, recesses, color and texture changes, variable roof height, shade/trellis structures and other elements; and
    c. Insert step-back provisions into the Zoning Ordinance for Industrial and Multi-Family Residential Districts.

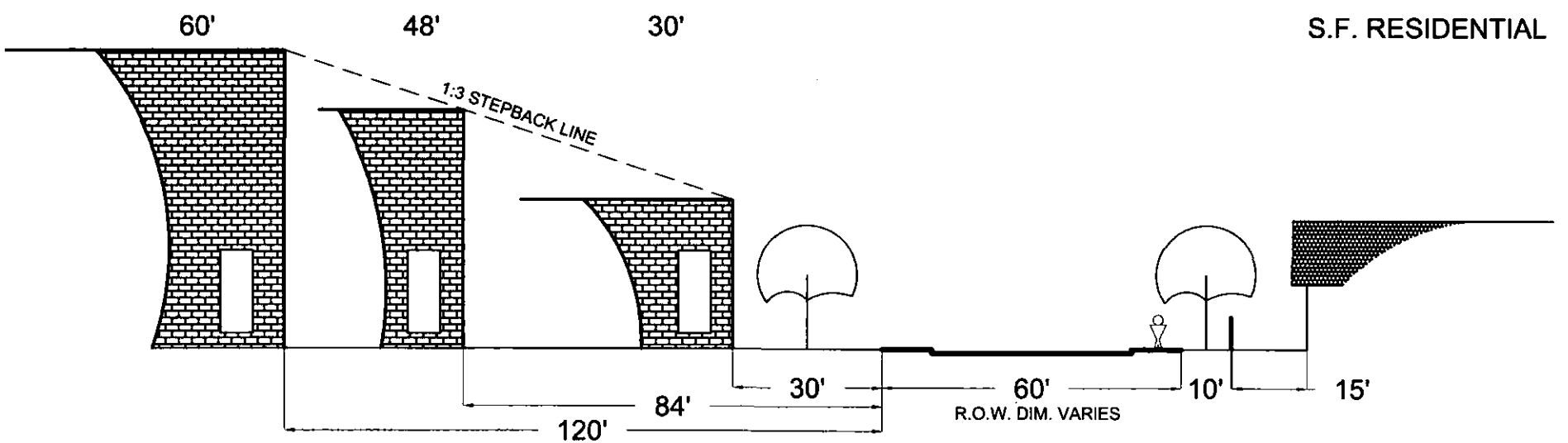
7. To this end, staff has proposed a similar tool to that used in the Commercial Districts for the Multi-Family (RM-1) and Industrial Districts (I-1, I-2, PI-1, BPI). Again, this step-back instrument is intended to provide adequate separation of uses and graduated building height transitions when adjacent to residential properties. The amendment provides additional protections for the industrial districts where the step-back is employed on those edges which *abut* and are *adjacent* to residentially zoned properties. The adjacency provision is employed where such districts are separated by a collector or local road. Arterial roadway width is typically in excess of 110 feet and provides the separation.

Proposition 207

8. The City Attorney's Office has determined that Text Amendments to the Zoning Ordinance do not require an accompanying Proposition 207 Waiver or Indemnity. If adopted, this text change would have uniform applicability over all existing and newly-zoned Office Commercial (O-1), Convenience Commercial (C-1), Multi-Family Residential (RM-1) and Industrial Districts in the City.

ATTACHMENTS:

- Line sight survey example
- Draft Ordinance


60'
48'
30'
S.F. RESIDENTIAL
1:3 STEPBACK LINE
30'
60'
R.O.W. DIM. VARIES
10'
15'
84'
120'

ORDINANCE NO. 09-03

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1977 EDITION), BY AMENDING ARTICLE 14-6 MULTI-FAMILY RESIDENTIAL DISTRICTS AND 14-9 NON-RESIDENTIAL DISTRICTS, PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Maricopa County, Arizona, held a public hearing on January 15, 2009, to consider a proposed amendment to the Peoria City Code, after notice in the manner provided by law; and

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance, and manner provided by law including publication of such in the Peoria Times on December 26, 2008; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of January 15, 2009, voted to recommend to the Mayor and Council of the City of Peoria, Arizona, that amendments be made to the Peoria City Code (1977 edition); and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, have considered the recommendation of the Planning and Zoning Commission of the City of Peoria, Arizona, and deem it to be in the best interest of the public health, safety and welfare of the residents of the City of Peoria, Arizona to amend Article 14-6 Multi-Family Residential Districts and 14-9 Non-Residential Districts, of the Peoria City Code (1977 edition):

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona as follows:

SECTION 1. Article 14-6 Multi-Family Residential Districts and 14-9 Non-Residential Districts, of Chapter 14 of the Peoria City Code (1977 edition) shall be amended to read as shown in Exhibit A.

SECTION 2. Effective Date. This Ordinance shall become effective on the date provided by law.

SECTION 3. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 17th day of February, 2009.

_____
Bob Barrett, Mayor

_____
Date Signed

ATTEST

_____
Mary Jo Kief, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Kemp, City Attorney

Published in: Peoria Times Pub. Dates: February 20 and 27, 2009

Effective Date: _____

Exhibit A

Article 14-6 (Multi-Family Residential Districts)

14-6-6 DEVELOPMENT STANDARDS

A. Development Standard for Permitted Residential Uses shall be as follows:

DEVELOPMENT STANDARDS	ATTACHED SINGLE-FAMILY BUILDINGS	TWO, THREE, FOUR-FAMILY AND MULTI-FAMILY BUILDINGS	MULTI-FAMILY BUILDINGS (FIVE-FAMILY DWELLING & ABOVE)
Maximum Lot Coverage by all structures (%)	60	50	50
Minimum Lot Width (feet)	30	n/r	n/r
Maximum Density (du/ac – as calculated by Peoria General Plan)	8[1]	12[1]	18[2]
Maximum Principal Building Height (feet)	30	30	48[3]
MINIMUM BUILDING SETBACKS (feet)			
Front Setback (Ord. No. 07-22)	10	20	20
Rear Setback	15	15	15
Side Setback (Ord. No. 05-58A)	5[34]	20[34]	20[34]
Corner Side (Ord. No. 07-22)	10	15	15

[1] Maximum density may be increased up to two (2) additional units per acre based on finding that the project incorporates additional amount of open space, recreational amenities, enhanced landscaping, enhanced project amenities, and/or pedestrian corridors.

[2] Maximum density may be increased up to seven (7) additional units per acre based on a finding that the project incorporates additional amounts of open space, recreational amenities, enhanced landscaping, enhanced project amenities, and/or pedestrian corridors.

[3] Building Height: Maximum thirty (30) feet high within thirty (30) feet of any Single-Family Residential District. The height may be increased by one (1) foot per each three (3) feet of additional setback to a maximum of 48-feet.

[34] For condominium and attached housing types, only building separation applies. No minimum building separation is required along common wall. (Ord. No. 07-22)

n/r No minimum requirement

Article 14-9 (Non-Residential Districts)

14-9-3 LAND USE MATRIX

Table 14-9-3 Land Use Matrix

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
INSTITUTIONAL												
Art Gallery	P	P	P	P	P	P	P	P	-	-	-	-
Cultural Institutions	P	P	P	P	P	P	P	P	P	-	-	-
Day Care Centers or Pre-school Centers #	P	P	P	P	P	P	P	-	-	-	-	-
Group Care Facility or Community Residential Facility # (Ord. No. 05-58A)	-	-	-	-	C	-	P	P	-	-	-	-
Homeless Shelter & similar uses	-	-	-	-	-	-	-	-	-	-	P	P
Libraries and Museums	P	P	P	P	P	P	P	P	-	-	-	-
Non-profit Social services #	P	P	P	P	P	P	P	P	P	P	P	P
Nursing or Convalescent Home, Long term Care Facility #	P*	P*	-	-	C	-	P	P	-	-	-	-
Public Buildings #	P	P	P	P	P	P	P	P	P	P	P	P
Public/Private Schools, College and University Facilities excluding College & University Campuses# (Ord. No. 05-58A)	P	P	P	P	P	P	P	P	P	P	P	P
Public Utility Buildings, Structures, Uses, Facilities and Equipment #	P	P	P	P	P	P	P	P	P	P	P	P
Religious Institutions & similar places of worship #	P	P	P	P	P	P	P	-	-	-	-	-
Substance Abuse Detoxification & Treatment Centers	-	-	-	-	-	-	C	-	-	P	P	P

P = Permitted Use

C = Permitted Conditional Use. Conditional Use Permit required. See Article 14-39-10

A = Accessory use

* = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit (Ord. No. 05-58A)

\# = Subject to special limitations (see the following section 14-9-5)

\- = Not Permitted

SECTION 14-9-6 PROPERTY DEVELOPMENT STANDARDS

B. The following property development standards shall apply in zoning districts BPI, PI-1, I-1, and I-2:

Property Development Standards	**BPI**	**PI-1**	**I-1**	**I-2**
Minimum Size of Lot by Use				
Area (acreage)	n/r	n/r	n/r	n/r
Width (ft)	80	80	80	80
Minimum Setbacks for Principal Buildings				
Front Setback (ft)	30	40	20	60
Least Side (ft)	20	0	0	0
Total Sides (ft)	40	20	20	30
Interior Setback (ft) (Ord. No. 04-188)	n/r	n/r	n/r	n/r
Rear Setback (ft)	25	25	25	40
Corner Side (ft)	20	20	20	30
~~Residential Zone Boundary~~ Setback from Residential Zoning Districts (ft)[1]	30	50	50	50
Maximum Lot Coverage				
Percentage - by all Buildings	n/r	40%	n/r	n/r
Maximum Building Height				
Principal Building Height (ft)	48[2]	48[2]	48[2]	60[2]
Accessory Building Height & Setbacks (ft) (Ord No. 02-21)	(a)	(a)	(a)	(a)

n/r No minimum requirements

[1] The setback shall be applied to sides which abut or are adjacent to a residential zoning district, as established in Section 14-4-1.A or as designated residential on a PAD or PCD. Where a side is adjacent to a residential zoning district, said setback shall be applied when the abutting right-of-way is a collector or lower classification as identified on the Peoria General Plan and Street Classification Map.

[2] Building Height: Where a setback from residential zoning district applies, the building shall be limited to a maximum height of thirty (30) feet at the setback line. The building height may be increased by one (1) foot per each three (3) feet of additional setback to the maximum height as prescribed by the applicable district.

(a) All regulations and development standards applicable to the principal building shall apply, except for covered parking canopies which shall comply with the standards established in Section 14-23-3 of the Zoning Ordinance. (Ord. No. 04-23)