

March 28, 2024

MEMO TO: Honorable Mayor and City Council

THROUGH: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager

FROM: Matt McLachlan, AICP, Community Development Director

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
ORDINANCE 2024-03
Adoption of Development Code Text Amendments-
Administrative Modification of Dimensional Standards
Section 151.04.005

REQUESTED ACTION:

Approval and adoption of proposed Development Code text amendments by reference.

RECOMMENDATION:

The City Manager recommends approval.
The Director of Community Development recommends approval.
The Planning & Zoning Commission recommended unanimous approval 4-0.

APPLICANT:

City of Sierra Vista

PLANNING & ZONING COMMISSION

On January 31, 2024, the Commission held a public hearing and recommended approval of the amendments by a unanimous vote 4-0.

30-DAY PUBLIC COMMENT PERIOD

On February 8, 2024, the Mayor and City Council approved a 30-day public comment period for the proposed text amendments during which time the City has not received any public comments regarding the amendments.

SUMMARY AND ANALYSIS OF PROPOSED CHANGES:

The Development Code provides a process and criteria for approving Administrative Modifications to Dimensional Standards on properties containing an existing single-family dwelling unit. The proposed amendment expands the scope of eligibility to include residentially zoned properties adjoining a platted right-of-way that exceeds the minimum required right-of-way width for the functional classification assigned to the street that the subject property abuts.

The minimum required right-of-way widths are being adjusted with the proposed Sierra Vista Roadway Design Manual and certain streets are being reclassified on the City's Traffic Circulation Plan Map in the General Plan to better reflect their current and future function. The proposed amendment would allow a property owner to receive credit for that portion of the right-of-way between the outside edge of an adjoining sidewalk and the property line that serves as de facto yard space. If no sidewalk exists, the City will determine its ultimate location based on the applicable cross section. Moreover, the modification applies only to front porch or room additions. No reduction will be granted for that portion of a building façade containing a garage or carport to preserve adequate space for on-site vehicle parking in the associated driveway.

Staff finds that the proposed text amendments shown in Exhibit "A" of the attached Resolution are consistent with the provisions under Section 151.31.005(C)(D)(2), Findings for Text Amendments, of the Code:

- a) *Demonstrates the need and justification for the change; and,*
- b) *Demonstrates the relationship of the proposed amendment to the City's General Plan with appropriate consideration as to whether the proposed change will further the purposes of this Code and other City ordinances and regulations; and*
- c) *Consistent with the purposes of the Development Code to promote the growth of the City in an orderly and sustainable manner and to promote and protect the public health, safety, peace, comfort, and general public welfare and does not constitute a granting of special privileges to an individual owner.*

Attachments:

Exhibit "A; from Resolution 2024-008

Ordinance 2024-03

EXHIBIT “A” FROM RESOLUTION 2024-008

Section 151.04.005 Administrative Modification of Dimensional Standards, is hereby amended as follows:

A. Applicability

1. In accordance with the provisions of this Section, staff may modify a required building setback in cases where the following conditions apply:

a. For properties located outside the Infill Incentive District Area:

- (1) The subject property contains an existing single-family dwelling unit; and
- (2) The modified setback results in a building setback of no less than five feet from a rear or side property line unless the subject property abuts a platted alleyway or dedicated drainageway in which case a modified setback shall provide no less than one-foot of building setback from a rear or side property line that abuts a platted alleyway or dedicated drainageway.

b. For properties located inside of an Infill Incentive District Area:

- (1) The subject property is used or proposed to be used for residential purposes; and
- (2) The modified setback results in a building setback of no less than five feet from a rear or side property line unless the subject property abuts a platted alleyway or dedicated drainageway in which case a modified setback shall provide no less than one-foot of building setback from a rear or side property line that abuts a platted alleyway or dedicated drainageway.
- (3) The modified setback results in a building setback of no less than fifteen feet from a front lot line adjoining the primary frontage or no less than ten feet from a front lot line adjoining the secondary frontage (on corner lots); provided, however, no setback modification shall be granted for that portion of a front facade containing an enclosed garage or carport.

c. For residentially zoned properties that adjoin a street with a platted right of way that exceeds the minimum required right-of-way width for the functional classification assigned to the street that the subject property abuts:

- (1) The modification to the minimum required setback results in a reduction that is no greater than the width of the right-of-way between the owner’s property line and the outside edge of the sidewalk. If no sidewalk exists, the City shall determine its ultimate location based on the applicable roadway cross section. Provided, however, no setback reduction shall be granted for that portion of a front building façade containing an enclosed garage or carport.**

2. In accordance with the provisions of this Section, staff may modify the maximum fence or wall height on properties used for residential purposes, provided however, any existing wall proposed to be elevated shall be certified by a professional engineer or architect registered in the State of Arizona as being able to support the modification in accordance with local building codes.

B. Application. Requests shall be made on application forms provided by the Department of Community Development.

C. The City shall notify, by mail, the property owner(s) most affected by the proposed request. The notice shall include a sketch plan of the site.

D. Standards. The City shall grant a modification of the setback after these following standards have been met:

1. The request shall not substantially reduce the amount of privacy that would otherwise be enjoyed by nearby residents. This is determined by the responses from adjacent property owners and staff observations.

2. Significant views of prominent land forms or parks from nearby properties will not be obstructed any more than would occur if the request was granted.

3. Traffic visibility on adjoining streets will not be adversely affected;

4. Drainage from proposed buildings and structures will not adversely affect adjoining properties and public rights-of-way;

5. The location of proposed buildings and structures, and the activities to be conducted therein, will not impose objectionable noise levels or odors on adjoining properties.

6. The proposal will not interfere with the daily living activities or injure the rights of adjacent property owners. This is determined by the responses from the adjacent property owners and staff observations.

E. Determination by the City

1. The City shall review all the submitted information and provide a written response to the petitioner of the action.

2. The City shall approve the application if all the standards as stated in 151.04.006 .D are met. Once granted, the building permit may be issued. The permit must be issued within 120 days of the granting of the request. Approval of the request does not set precedent; each request is reviewed on an individual basis.

3. The request shall be denied if the standards as stated in 151.04.006 .D are not met. The decision shall indicate the reasons why the request was denied.

F. Fees. Fees for administrative modifications shall be determined according to a schedule established by the Council.

G. Appeals to the Hearing Officer. Any aggrieved person may appeal the decision of the City to the Hearing Officer, which will be heard in accordance with Section 151.30.008 . Upon filing an appeal, the applicant shall pay a filing fee established by the Council.

ORDINANCE 2024-003

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; ADOPTING AMENDMENTS TO THE DEVELOPMENT CODE; BY REFERENCE, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY. NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

WHEREAS, the City of Sierra Vista is proposing Development Code text amendments to Section 151.04.005, Administrative Modification of Dimensional Standards ; and

WHEREAS, the City Manager, the Assistant City Manager, and Director of Community Development recommend that the amendments to the Development Code, be adopted; and;

WHEREAS, as required by City Code, the Planning & Zoning Commission held a public hearing on the amendments after proper notice had been given; and;

WHEREAS, the amendments have gone through the 30-day public comment period and no comments have been received.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1

That Resolution 2024-008 is hereby reaffirmed, and that the Development Code text amendments are hereby adopted by reference.

SECTION 2

All other ordinances and parts of ordinances in conflict with the provisions of this provision are hereby repealed.

SECTION 3

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 28TH DAY OF MARCH 2024.

CLEA McCAA, II
Mayor

APPROVED AS TO FORM:

ATTEST:

NATHAN J. WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY:

Matt McLachlan, AICP
Director