

December 14, 2023

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
DECLARING A 30-DAY PUBLIC RECORD
Resolution 2023-099
Development Code Text Amendments-
Definitions-
Article 151.02
Supplementary District Regulations-
Section 151.04
Special Regulations for Particular Uses
Article 151.06
Landscaping, Walls, Screening, and Buffering
Article 151.15
District Regulations
Article 151.22

REQUESTED ACTION:

Approval of Resolution 2023-099, Declaring as Public Record text amendments to the Sierra Vista Development Code as shown on Exhibit A.

RECOMMENDATION:

The City Manager recommends approval.
The Director of Community Development recommends approval.
The Planning & Zoning Commission recommended unanimous approval 5-0.

APPLICANT:

City of Sierra Vista

PLANNING & ZONING COMMISSION

On October 24, 2023, the Commission held a work session on the proposed code amendments and indicated their support for moving them forward through the approval process. On November 15, 2023, the Commission held a public hearing and ultimately recommended approval of the amendments to City Council by a unanimous vote of 4-0.

SUMMARY AND ANALYSIS OF PROPOSED CHANGES:

Proposed for your consideration are a series of amendments to the Sierra Vista Development Code that pertain to the following Articles:

Definitions (Article 151.02)

Currently, “warehouse” and “distribution centers” are defined and treated as separate use classifications. Distribution centers are “*a use where goods are received and/or stored for delivery to the ultimate customer at remote locations.*” Warehouse is “*an establishment where the primary use is the storage of merchandise, products, or materials in bulk for a fee or charge or for distribution to other establishments operated by the same business enterprise.*”

The proposed amendment combines these functions under a single definition that’s more flexible and straightforward to administer.

Supplementary District Regulations (Article 151.04)

Section 151.04.007 currently restricts the placement of compressor units, condensing unit, cooling tower, evaporative condenser, or similar device on the ground from being located closer to any interior lot line than the minimum setback required for the main building. All such devices shall discharge air in a direction other than toward any lot line within 25 feet of such device. Moreover, satellite antennas shall not be erected in the required front or side yards.

This provision conflicts with Section 151.04.006 which allows ground-mounted air conditioning units and evaporative coolers to project over or onto any required side or rear yard provided they are not closer than two feet to any lot line when installed. The proposed amendment removes this inconsistency.

Special Regulations for Particular Uses (Article 151.06)

The Development Code defines outdoor storage as “*the storing or displaying in any open area of any goods, equipment, material, or vehicles*”.

The proposed amendment adds a new section under Article 151.06 that establishes use permissions and screening requirements for outdoor storage that align with current practice.

Landscaping, Walls, Screening, and Buffering (Article 151.15)

The amendments under this section remove the standards for mechanical equipment and screening of outdoor storage areas that are being relocated to the articles listed above. A requirement for permanent dumpsters to comply with the applicable City of Sierra Vista Standard Detail for dumpster size as published by the Public Works Department, Engineering Division, has been added.

The screening requirement for roof mounted mechanical equipment has been removed to eliminate roof penetrations that can cause leaks and the need for a separate building permit. The use of a parapet wall for flat roofs on new commercial buildings can be encouraged as part of the architectural design review process to screen roof mounted mechanical equipment.

District Regulations (151.22)

The City's Development Code restricts warehouse and distribution centers to industrial zoning districts. According to the City's Economic Development Staff, interest has increased on available warehousing space in the community which is in limited supply. Through the City's business inventory, we have identified several longstanding building vacancies that could be adapted for warehousing/distribution related uses within the General Commercial zoning district. The proposed amendment would allow warehouse, storage and distribution as a principal or accessory use in the General Commercial zone provided: (1) any storage use is deemed low or moderate hazard risk category as defined by the City's Building Code; (2) the use does not require more than occasional heavy trucking activity as determined by the City based on its evaluation of information or studies provided by the Applicant; and (3) the property does not front Fry Boulevard.

In addition, the District Regulations are proposed to be amended to allow outdoor storage as an accessory use in the General Commercial zoning district subject to the performance standards being proposed.

PUBLIC COMMENTS

The City placed an ad in the newspaper which described the amendments and provided the date and time of the P&Z public hearing. No public comments have been received regarding the amendments.

Attachments:

Resolution # 2023-099

Exhibit A, Proposed Text Amendments

RESOLUTION 2023-099

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; DECLARING A 30-DAY PUBLIC RECORD PERIOD FOR AMENDMENTS TO CHAPTER 151 OF THE CITY CODE OF ORDINANCES, THE DEVELOPMENT CODE, AS SHOWN IN EXHIBIT A, ATTACHED HERETO; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY, OR THEIR DULY AUTHORIZED OFFICES AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION;

WHEREAS, in accordance with established policy and development code procedures, the City of Sierra Vista has proposed text amendments to the following Development Code Sections: Definitions – Article 151.02; Supplementary District Regulations – Article 151.04; Special Regulations for Particular Uses – Article 151.06; Landscaping, Walls, Screening and Buffering - Article 151.15; District Regulations - Article 151.22; and

WHEREAS, Article 151.31 of the Development Code requires that the City Council review and decide on all applications for text amendments; and

WHEREAS, per Article 151.31, the Planning & Zoning Commission recommended approval of the amendments to City Council; and

WHEREAS, under the provisions of Section 9-802 of the Arizona Revised Statutes, the proposed amendments to the City's Development Code shall be declared a matter of public record for a period of 30 days prior to being passed and adopted by ordinance.

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

SECTION 1

The policy of the City of Sierra Vista declaring proposed text amendments to the Development Code as a public record be, and hereby is, reaffirmed.

SECTION 2

That the certain document entitled Exhibit A, proposed amendments to Development Code attached hereto, copies of which are on file in the office of the City Clerk, is hereby declared a 30-day public record.

SECTION 3

That the City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 14TH DAY OF DECEMBER 2023.

CLEA MCCA
Mayor

APPROVED AS TO FORM:

ATTEST:

NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY:

Matt McLachlan, AICP
Director of Community Development

EXHIBIT "A"

NOTE: Text underlined in **blue** is proposed to be added. Strikethrough text in **red** is proposed for deletion.

The following definitions under Section 151.02.004 of the Code are hereby amended to read as follows:

~~Distribution Center~~

~~A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.~~

Outdoor Storage

The storing or displaying in any open area of any goods, equipment, material or vehicles ~~affiliated with the business operating on the same property.~~

Warehouse, Storage and Distribution

An establishment ~~where the primary use is the storage of merchandise, products, or materials in bulk for a fee or charge or for distribution to other establishments operated by the same business enterprise~~ used for the storage, distribution, or transfer of goods and materials which is not a mini-warehouse.

Article 151.04, Supplementary District Regulations is hereby amended as follows:

Section 151.04.007 ~~Yards and Setbacks, General Usage~~ Mechanical Equipment

~~A.—Except as provided elsewhere in this Code, no compressor unit, condensing unit, cooling tower, evaporative condenser, or similar device located on the ground shall be located closer to any interior lot line than the minimum setback required for the main building. All such devices shall discharge air in a direction other than toward any lot line within 25 feet of such device.~~

~~B.—Where future street lines have been officially established by the Council, all required setbacks shall be measured from future property lines.~~

~~C.—Satellite antennas shall not be erected in the required front or side yards.~~

No mechanical equipment, including but not limited to, heating, air conditioning, refrigeration equipment, generators, propane tanks, and transformers shall be located in a front yard. Ground-mounted mechanical equipment may be located within a secondary front yard if opaque screening is provided around all sides of the equipment. Screening may include opaque fence panels, landscaping or other camouflaging technique to screen the mechanical equipment from public view. All screening shall be a minimum of one foot higher than the height of the mechanical equipment being screened. For the purposes of this section, the front yard of a corner lot shall be the side of the property from which the property is addressed. The other side facing a street shall be considered a secondary front yard. Ground mounted mechanical equipment not on single-family residential property shall be screened from public rights-of-way, pedestrian areas, and any adjacent residential property using landscaping or other acceptable material.

Article 151.06, Special Regulations for Particular Uses is amended to provide as follows:

Section 151.06.013 Outdoor Storage

- A. No outdoor storage, sales, service, or display of merchandise, equipment or materials shall be permitted except as provided below:
1. Sales or display necessary to vehicle sales, service, or rental establishment.
 2. Sales, display and storage of plant material at a plant nursery or garden center.
 3. Sales, display and storage of construction material, sheds, and equipment at a home improvement retailer in designated areas first approved by the city.
 4. Sales, display and storage of goods, equipment or materials customarily associated with and integral to the principal use of the property as determined by the Community Development Director.
- B. Outdoor storage areas containing non-retail related items shall be completely enclosed and screened from view from the public street and any adjacent property zoned or used for residential purposes by one or more of the following:
1. An existing building, structure, or landscape feature.
 2. A minimum six-foot high masonry wall; provided, however, chain link fencing with slats may be used for outdoor storage areas that are confined to an area of 500 square feet or less on the subject property.
 3. Other screening to achieve the same effect as approved by the Community Development Director.

Article 151.15, Landscaping, Walls, Screening and Buffering is hereby amended as follows:

Section 151.15.005 Walls and Screening Devices

A. Standards of Design and Development

- ~~All outdoor permanent storage areas located in a side or rear yard for materials, trash, mechanical equipment, vehicles, or other similar items shall be screened from view from the public street by a minimum 6-foot high wall constructed of or finished with materials which meet the approval of the City.~~ Permanent dumpsters shall be located inside enclosures that comply with the applicable City of Sierra Vista Standard Detail for dumpster size as published by the Public Works Department, Engineering Division.
- ~~Roof mounted mechanical equipment shall be screened by parapet walls or other screening devices to be no lower in height than 6 inches below the height of the mechanical equipment on side, front, or rear walls, whichever area is adjacent to a public street, residential district, or use.~~

~~—a. Industrial lots not adjacent to an arterial street shall be screened by the use of walls, berms, landscaping or any combination of the three.~~

~~—b. All other areas shall be screened by the use of walls, berms, or a combination of the two. Such screening may be supplemented by up to 25 percent intermittent landscaping.~~

3. A brick, slump block, or masonry wall with stucco or mortar wash finish, or compatible alternatives approved by the City, shall be constructed on a site used for multi-family, commercial, or industrial use along any lot lines in common with, or separated only by, an alley from:

a. A single-family residence, except a non-conforming single-family residence located in a commercial or industrial zoning district.

b. A single-family residential zoning district.

c. A multi-family residential development, except a non-conforming multi-family development, located in a commercial or industrial zoning district.

d. A multi-family residential zoning district.

e. Any building operated by federal, state, county or city government and not situated in either a commercial or industrial zoning district.

f. Any school building and playground, except those located in either a commercial or industrial zoning district.

Such walls shall be 6 feet in height, except that the first 25 feet in from the street and property lines will be stepped down to a maximum height of 3 feet.

4. Walls shall be required along the rear of reverse frontage lots with a height of 6 feet. Such walls shall be of slump block or masonry construction with stucco or mortar wash finish, or compatible alternatives approved by the City. Street trees and landscaping materials shall be required between the wall and curb.

5. Exterior boundaries of mobile home and trailer parks shall be provided with a masonry or wooden wall having a height of 6 feet and designed to create an attractive border.

6. Any permanent type improvements, with the exception of landscaping, within the public right-of-way, will require a right-of-way permit and City approval before installation. No walls of any type or height will be allowed in a public right-of-way, except retaining walls as determined necessary and approved by the City.

Article 151.22, District Regulations, is hereby amended as follows:

Section 151.22.006 Matrix of Use Permissions by Zoning District

ZONING DISTRICT													
USE CLASSIFICATIONS	UR, Urban Ranch	SFR, Single Family Residence	MFR, Multiple Family Residence	MHR, Manufactured Home Residential	RVP, Recreational Vehicle Park	NC, Neighborhood Convenience	LC, Limited Commercial	OP, Office Professional	GC, General Commercial	LI, Light Industrial	IP, Industrial Park/ LI, Light Industry	HI, Heavy Industrial	OS/PF, Open Space/ Public Facility
Distribution Center	NC	NC	NC	NC	NC	NC	NC	NC	NC	P	P	P	NC
Outdoor Storage	NC	NC	NC	NC	NC	NC	NC	NC	A/C	A	A	P	NC
Warehouse, Storage and Distribution	NC	NC	NC	NC	NC	NC	NC	NC	NC A/P ⁶	P	P	P	NC
<p>(1) Limited to mixed-use buildings only.</p> <p>(2) Limited to component uses located entirely within a social and recreational center located no less than 100 feet from any property line of the park site in Manufactured Home Parks and RV Parks.</p> <p>(3) Limited to 3,000 square feet of gross floor area per use.</p> <p>(4) Limited to 1,000 square feet of gross floor area per use.</p> <p>(5) Conditional use permit is required when light industrial use fronts Fry Boulevard or when adjoining an existing residential use.</p> <p>(6) <u>Limited to low and moderate-hazard storage uses as defined by the City's adopted building code that do not require more than occasional heavy trucking activity as determined by the City based on its evaluation of information or studies provided by the Applicant, provided, however, warehouse, storage and distribution uses are prohibited as a principal use on properties fronting Fry Boulevard.</u></p>													