

WHEN RECORDED RETURN TO

City of Buckeye
ATTN: City Clerk, Lucinda Aja
530 East Monroe Avenue
Buckeye, Arizona 85326

ORDINANCE NO. 25-17

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, AMENDING CHAPTER 7, ARTICLE 1.6.2 RELATED TO WHERE ZONING APPLIES, ARTICLE 3 AND ARTICLE 4 RELATED TO WIRELESS TOWERS, AND ACCESSORY STRUCTURE AND PATIO COVER SETBACKS WITHIN THE REAR YARD, ARTICLE 5 RELATED TO DRIVEWAY WIDTHS BASED UPON NUMBER OF GARAGE STALLS AND REQUIRED LANDSCAPING OPEN SPACE PERCENTAGES FOR RESIDENTIAL USES, AND ARTICLE 8 ELIMINATING THE PUBLIC HEARING WITH THE PLANNING AND ZONING COMMISSION FOR ANNEXATIONS.

WHEREAS, a comprehensive review of the Development Code has been conducted by the City staff and the Planning and Zoning Commission to update the Code relating to wireless facilities, process, landscaping, driveways and accessory structures;

WHEREAS, multiple provisions throughout the Development Code need to be amended or modified to update the Development Code's provisions relating to wireless facilities, process, landscaping, driveways and accessory structures; and

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, as follows:

Section 1. That Buckeye City Code, Chapter 7 (Development Code), Articles 1, 3, 4, 5, and 8 is hereby amended, and adopted by reference herein, by changing various sections in the Development Code as reflected in that certain document known as "Development Code Chapter 7, Articles 1, 3, 4, 5, and 8 Amendments" on file with the City Clerk of the City of Buckeye.

Section 2. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and City Council of the City of Buckeye, Arizona, this 19th day of December, 2017.

CITY OF BUCKEYE, ARIZONA, an Arizona
municipal corporation

Jackie A. Meck, Mayor

ATTEST:

Lucinda J. Aja, City Clerk

APPROVED AS TO FORM:

City Attorney

Development Code Chapter 7, Articles 1, 3, 4, 5, and 8 Amendments

Section 1. Chapter 7, Article 1, Section 1.6.2.A, Interpretation, is hereby to read as follows:

1.6.2 Interpretation

The following rules of interpretation shall apply when determining boundaries of zoning districts:

- A.** Zoning shall not apply to rights-of-way. Where a zoning district is indicated to encroach into a right-of-way, it shall be construed that the zoning district only applies to property which is not right-of-way. Where future right-of-way is dedicated within existing zoning districts, the zoning district shall be deemed removed from rights-of-way. Where right-of-way is abandoned, the zoning applicable to the adjacent property shall be extended to centerline of the abandoned right-of-way.

Section 2. Chapter 7, Article 3, Section 3.2.2.I is hereby amended to read as follows:

3.2.2.I Towers; Transmitting Stations

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2. Towers

Freestanding Towers are permitted within those zoning districts indicated in Table 3.1-1 and are prohibited from all rights-of-way. Additionally, all freestanding towers must comply with the following standards:

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B. Basic Maximum Height

In the PR, PC, SF, MF, and MH zoning districts, the base maximum height for all towers (without the bonus height allowed for co-location) is 50 feet. In all other zoning districts the base maximum height for all towers (without the bonus height allowed for co-location) is 75 feet. Height for a freestanding tower must be measured from grade at the base of the tower to the highest point on the tower structure, including any installed antennae and lighting and supporting structures, but not including any palm fronds or other stealth application.

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E. Yards

All freestanding towers must be set back from any residential the property boundary a distance equal to the height of the proposed tower.

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Section 3. Chapter 7, Article 3, Section 3.3.3 is amended to read as follows:

3.3.3 General Standards

All accessory uses and structures shall comply with the following general standards:

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B. Location

The accessory use or structure shall be conducted and/or located on the same lot(s) as the principal use and to the rear of the front setback line, unless otherwise approved by the Director.

Open accessory structures with no walls such as trellises, pergolas, and patio covers shall have no separation from the site's principal structure. All other accessory structures shall be separated eight (8) feet from the site's principal structure.

When located to the rear of the primary structure, accessory buildings need not comply with the side or rear setback lines applicable to the primary structure provided that the accessory building is not located closer than three (3) feet from any property line. This side and rear yard setback shall be five (5) feet for accessory structures which exceed ten (10) feet in height. Accessory structures with vehicle entrances which directly face an alley shall be setback at least 10-feet from the property line along the alley.

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Section 4. Chapter 7, Article 3, Section 4.2.3.A is amended to read as follows:

4.2.3.A Projections into Required Setbacks, General

Setbacks shall be unoccupied and unobstructed by any structure or portion of a structure from 30 inches above grade upward, except that certain structures may project into required front, side, or rear setbacks as specified in this subsection. Any structure covered with a roof or lattice shall count toward maximum lot coverage restrictions:

1. Paved Terraces; Patios

Paved terraces may project into any required setback, provided that no structures placed there shall violate other requirements of this Development Code and are at least one (1) foot from the lot line.

2. Unroofed Landings, Decks, Stairs and Balconies

Unroofed landing, decks, and stairs may project into required setbacks, provided that no portion other than a handrail shall extend higher than 30 inches above the finished grade level. Unroofed balconies may project into a required side or rear yard provided these projections are at least five (5) feet from the side lot line and ten (10) feet from the rear lot line.

3. Incidental Architectural Features

Cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, belt courses, headers, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than three (3) feet into any required front yard and two (2) feet beyond the required side or rear yard provided these projections are at least three (3) feet from the lot line.

4. Roofs Over Porches and Other Exterior Approaches

Roofs or lattice structures over porches, patios, stairways, landings, terraces or other exterior approaches to pedestrian doorways may encroach up to five (5) feet into a front setback area.

The posts of an attached roof or lattice structure shall follow the principal structure side yard setback and shall be setback ten (10) feet from the rear property line. The roof or lattice structure may overhang up two (2) feet into the aforementioned rear yard setback and side yard setbacks.

Such structures shall be enclosed by no more than a railing or screen.

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Section 5. Chapter 7, Article 5, Section 5.4.3.A, Table 5.4-1 Site Enhancement Landscaping Requirements (By District Type) is amended to read as follows:

5.4.3.A Site Enhancement Landscaping

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TABLE 5.4-1: SITE ENHANCEMENT LANDSCAPING REQUIREMENTS (BY DISTRICT TYPE)			
	Residential <i>(common areas within subdivisions and multiple-family developments only)</i>	Commercial and Mixed Use	Industrial
Minimum percentage of parcel to be landscaped	Gross Density: <1.5 du/ac: 15% Gross Density: 1.5 – 3.0 du/ac: 20% Gross Density: 3.0 – 4.0 du/ac: 25% Gross Density: >4.0 du/ac: 30%	20%	10%
Plantings required for landscaped area (gallons)	Minimum 40% trees and 60% other plantings; 10 gallons total for each 25 square feet	Minimum 40% trees and 60% other plantings; 10 gallons total for each 50 square feet	Minimum 40% trees and 60% other plantings; 10 gallons total for each 75 square feet
Acceptable landscape surface	Turf, Granite	Turf, Granite, Undisturbed desert	Turf, Granite, Undisturbed desert

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Section 6. Chapter 7, Article 5, Section 5.5.3 D is amended to read as follows:

5.5.3.D Streets and Vehicular Circulation; Street Connectivity

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5. Driveways and Access

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b. Residential

In addition to the above general requirements, all residential development shall be subject to the following:

- (i) Alleys adjacent to a single-family use may not be used for loading or parking.
- (ii) There shall be no direct driveway access (ingress or egress) from any single-family residential lots to any arterial street or highway unless no other legal access alternative is available.
- (iii) Multi-family development sites greater than five acres shall include a minimum of two through-access drives. An exception may be made where a site is landlocked by existing development or other physical constraints, or where existing

natural features on the site require the use of protective measures that would otherwise make a second access drive infeasible.

- (iv) The driveway is not less than 20 feet in length from the face of the garage to the near edge of the sidewalk.
- (v) Each driveway as measured ten (10) feet from the front property line shall not measure more than 10-feet in width for one-stall garages/carports & tandem garages, 20-feet in width for two-stall garages/carports, and 30-feet in width for three-stall and greater garages/carports, measured at right angles to the center line of the driveway, except as that distance may be increased by permissible curb return radii.
- (vi) All driveways shall be setback at least one (1) foot from side yard property lines.

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Section 7. Chapter 7, Article 8, Section 8.1.3 is amended to read as follows:

8.1.3. Summary Table

Table 8.1-1 summarizes the review and decision-making responsibilities for the procedures described in this Article. The table is a summary tool and does not describe all possible types of decisions made under this Development Code. Other duties and responsibilities are described in Article 7, *Review and Decision-Making Bodies*.

TABLE 8.1-1: REVIEW AND DECISION-MAKING RESPONSIBILITIES R = Review (Responsible for Review and/or Recommendation) H = Hearing (Public Hearing Required) D = Decision (Responsible for Final Decision) A = Appeal (Authority to Hear/Decide Appeals)						
Procedure	Section	Pre-App Conf?	Director	P&Z	City Council	Board of Adjustment
Amendment to General Plan/Specific Area Plan	8.3.	Yes	R	H-R	H-D	
Amendment to Text of Development Code	8.4.		R	H-R	H-D	
Amendment to Zoning Map (Rezoning)	8.5.	Yes	R	H-R	H-D	
Community Master Plan (CMP) and Planned Area Development	8.6.	Yes	R	H-R	H-D	

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R = Review (Responsible for Review and/or Recommendation)
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Procedure	Section	Pre-App Conf?	Director	P&Z	City Council	Board of Adjustment
(PAD)						
Conditional Use Permit	8.7.	Yes	R	H-D	H-A	
Minor Subdivision ¹	8.8.6.		D ²			
Subdivision: Preliminary Plat	8.8.7.		R	D		
Subdivision: Final Plat	8.8.8.		R		D	
Final Plat Re-Plat	8.8.9.		D			
Map of Dedication	8.8.10		R		D	
Site Plan: Administrative Review	8.9.3.		D	H-A		
Site Plan: Planning Commission Review	8.9.4.	Yes	R	D	H-A	
Temporary Use Permit	8.10.		D		H-A	
Variance	8.11.		H-D (BOA or Hearing Officer)		H-A	
Building Permit	8.14.		D			
Annexation	8.16.		R		H-D	

NOTE:

- 1 Land Split follows Minor Subdivision Process
- 2 Minor Subdivision with right-of-way dedication require City Council decision (public meeting)

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Section 8. Chapter 7, Article 8, Section 8.16.2 A. C. E. F. G. H. and I. are amended to read as follows:

A. Step 1 (Pre-Application Conference)

Not required. If a pre-application conference is held, then at the conference staff should advise the applicant of the following policies (and provide copies to the applicant) that staff may consider in evaluating the proposed annexation and preparing the report under Subsection 8.16.2.E:

1. Right-of-way annexation priorities: These policies guide the extent to which the City will annex rights-of-ways along with annexation areas.
2. Annexations in the Municipal Planning Area: These policies provide Buckeye's priorities for annexing areas within the Municipal Planning Area.
3. General Plan and Development Code: These documents guide the overall development patterns for land uses and densities in both incorporated and unincorporated portions of the Buckeye Municipal Planning Area.

Discussion issues at the pre-application conference may, but are not required, to include such items as the City's current incorporated boundaries, recent local or state regulatory changes affecting annexations, and other regulatory aspects related to zoning, subdivision, building codes, the General Plan, an annexation schedule, and submittals to be required in connection with the proposed annexation.

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C. Step 3 (Application Submittal)

Applicable, with the following modifications:

1. The application shall include the Application for Annexation and the Initial Submittal Items Checklist, as produced in the application packet. Application materials may be required to be updated and resubmitted from time to time as required by the project coordinator.
2. If state land, other than state land utilized as state rights-of-way or land held by the state by tax deed, is included in the territory, written approval of the state land commissioner and the selection board established by A.R.S. § 37-202 shall be included with the application and subsequently included with any annexation petition to be filed with the County.

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E. Step 5 (Staff Report)

Applicable. In preparing the staff report, the following procedures shall be followed:

1. The project coordinator shall circulate the application to all reviewing departments. This review may result in adding or altering boundaries of the annexation area, adding or altering rights-of-way, and changes that may require coordination with the applicant for revising the application. Applicants may have to revise or resubmit the application. Annexation petitions for City Council hearings shall not be scheduled until the applicant addresses all staff review comments. The project coordinator shall determine if the application, as revised in response to the staff comments, is complete. The procedures in this Subsection 8.16.2.E.1. shall be carried out concurrently with those contained in Subsection 8.16.2.E.2.
2. The project coordinator shall ensure that the proposed annexation is in compliance with this Section 8.16, all applicable state laws, and any other applicable laws, rules, or regulations. The City Engineer shall verify that the application includes an acceptable legal description, prepare a map of all the exterior boundaries of the territory proposed to be annexed, and provide any additional documentation necessary and in the appropriate format (both narrative and map form) for completing the annexation petition intended to be filed with the County. The map shall include all county rights-of-way and roadways with no taxable value that are within or contiguous to the exterior boundaries of the area of the proposed annexation.

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F. Step 6 (Notice)

Applicable. Published, written, and posted notice are required. In addition, notice of the City Council hearing referenced in G.1. shall be provided as follows:

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2. The project coordinator shall submit the Development Services Department staff report on the proposed annexation to the City Council

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G. Step 7 (Public Hearings)

Applicable as follows:

1. All public notices, meetings, and hearings shall comply with applicable requirements of A.R.S. 9-471(A)(3).
2. The City Council shall hold a public hearing within the last 10 days of the 30-day waiting period set forth in Subsection 8.16.2.E.4. Procedures, to discuss the annexation proposal and hear comments from the public.

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H. Step 8 (Decision and Findings)

Applicable. The following additional procedures shall apply:

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2. Action by City Council

- a.** The City Council shall hold a public hearing on the proposed annexation and within 90 days, based upon the recommendations of the Director, approve or deny the ordinance to annex, or refer the application to a committee of the City Council for further consideration. If the ordinance is approved, it shall be signed by the Mayor, the City Attorney, and the City Clerk. The City Clerk shall record the same in the property records of the County.

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3. Post-Adoption

- a.** The project coordinator shall file a copy of the recorded ordinance in the project file in the records of the Development Services Department, along with all related reports and other documents.

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