
**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 03/12/2013
Agenda Item: 5**

ACTION: Request for a Code Text Amendment within the Zoning and Development Code incorporating special use standards for FRATERNITY/SORORITY HOUSES. The applicant is the City of Tempe. (Ordinance No. 2013.___)

FISCAL IMPACT: There is no fiscal impact on City funds.

RECOMMENDATION: Staff – Approval, subject to conditions

BACKGROUND INFORMATION: FRATERNITY/SORORITY HOUSES (PL130052) consisting of clarifying amendments for special standard provisions for fraternities and sororities. The request includes the following:

ZOA13001 Code Text Amendment including changes within the Zoning and Development Code, Section 3-102 and a new Section 3-428.

ATTACHMENTS: Ordinance

STAFF CONTACT: Ryan Levesque, Senior Planner (480) 858-2393

Department Director: Lisa Collins, Interim Community Development Director
Legal review by: N/A
Prepared by: Ryan Levesque, Senior Planner

A handwritten signature in black ink, appearing to be the initials 'RL'.

COMMENTS:

This request includes a Code Text Amendment within the Zoning and Development Code, clarifying the land use regulations for fraternity and sorority houses. Currently, the Code allows a fraternity and/or sorority to locate within an R-3 or R-4, multi-family zoned district only and upon receiving approval of a use permit. The incorporation of special use standards are proposed to clearly indicate the current special standards for the land use, as well as clarify when an existing multi-family development is occupied by any fraternity and/or sorority, what percentage of the site would trigger the land use regulations. Staff recommends using the interpretation of when a use is ancillary to the primary use, set by other land use regulations and previous interpretations. A site occupied by 50% or more would require the use permit. In this case dwelling units is the factor for determining whether the use is either primary or ancillary to the main use.

Staff has not received any public input at the time this report was completed. Information on the proposed changes was forwarded to the Neighborhood Advisory Commission.

Conclusion

Based on Section 6-304 C. Procedure, the proposed amendment is in the public interest and is consistent and conforms to the General Plan. Staff recommends approval of the Code Text Amendment, which will allow City staff to administer land use provisions without discretionary opinions.

HISTORY & FACTS:

- March 6, 2013 Neighborhood Advisory Commission received a copy of the draft ordinance language.
- March 12, 2013 Scheduled Development Review Commission hearing for this request.
- April 4, 2013 Proposed City Council introduction and first public hearing for this request.
- April 18, 2013 Proposed City Council second and final public hearing for this request.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-304, Zoning Map Amendments and Code Text Amendments

ORDINANCE NO. 2013. __

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE CITY OF TEMPE ZONING MAP, PURSUANT TO THE PROVISIONS OF ZONING AND DEVELOPMENT CODE PART 2, CHAPTER 1, SECTION 2-106 AND 2-107, RELATING TO THE LOCATION AND BOUNDARIES OF DISTRICTS.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

SECTION 1. That Table 3-102 of Section 3-102 of the Zoning and Development Code, is hereby amended to read as follows:

Table 3-102 – Permitted Land Uses (AG, SFR, MF, MH, RMH, TP)				
Uses	Status of Use in District			
	AG	SFR	MF	MH/RMH/TP
Fraternity and Sorority Houses (R-3 and R-4 Districts Only) [Section 3-428]	N	N	U (S)	N

SECTION 2. That Section 3-428 of the Zoning and Development Code, amending Part 3, Land Use, is hereby added to read as follows:

SECTION 3-428 FRATERNITY AND SORORITY HOUSES.

FRATERNITY OR SORORITY USES ARE ALLOWED, SUBJECT TO THE FOLLOWING:

- A. SUCH USE IS PERMITTED IN THE R-3 AND R-4 DISTRICTS ONLY AND UPON APPROVAL OF A USE PERMIT, PURSUANT TO SECTION 6-308;
- B. WHEN FIFTY PERCENT (50%) OR MORE OF THE DWELLING UNITS, IN A MULTI-FAMILY DEVELOPMENT SITE WITH AT LEAST FIVE (5) UNITS, ARE RENTED OR LEASED TO MEMBERS OF ANY FRATERNITY OR SORORITY, A USE PERMIT IS REQUIRED; AND

C. *NEW DEVELOPMENT FOR A FRATERNITY AND SORORITY HOUSE SHALL PROCESS A USE PERMIT PRIOR TO OR CONCURRENTLY WITH THE DEVELOPMENT PLAN REVIEW.*

Section 3. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____ day of _____, 2013.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, Interim City Attorney