



## City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

### Staff Report Zoning Ordinance Text Amendment Z-TA-12-13

**Application No Z-TA-12-13:** A request to amend Section 622 (Commercial C-1 District – Neighborhood Retail), Section 623 (Commercial C-2 District – Intermediate Commercial), Section 624 (Commercial C-3 District – General Commercial), Section 659 (Planned Shopping Center Overlay District) of Chapter 6 of the Zoning Ordinance to address fire code requirements for propane sales.

**Staff Recommendation:** Staff recommends approval of Z-TA-12-13 as shown in the recommended text in Attachment A.

#### **Purpose/Background**

The intent of this text amendment is to remove use permit, size, screening, setback, signage requirements for propane tanks. These requirements are addressed in the Phoenix Fire Code.

#### **Conclusion**

This text amendment will eliminate inconsistencies or conflicts that exist between the Zoning Ordinance and Fire Code which pertain to the propane sales use. Staff recommends approval of the changes to the Zoning Ordinance as presented in attachment A.

#### **Writer**

M. Moric  
7/14/14

#### **Team Leader**

L. Tom

#### **Attachments**

A. Proposed Language

**Attachment A**  
**TA-12-13 – To address fire code requirements for propane sales.**

Proposed Language:

**Amend Section 622.D. (Commercial C-1 District – Neighborhood Retail, Permitted Uses) to read as follows:**

\*\*\*

D. Permitted Uses:

\*\*\*

152. Service Stations, Automobile (corner lots only in C-1)

a. Propane Retail Sales permitted as an accessory use, ~~subject to the following limitations:~~

- ~~(1) A use permit shall be obtained in accordance with the standards and procedures of Section 307.~~
- ~~(2) One container of a size not to exceed one thousand (1,000) gallons water capacity nor be mounted higher than four (4) feet.~~
- ~~(3) The container shall be installed horizontally.~~
- ~~(4) The container shall be screened from view of adjacent public rights-of-way with a two-sided, four (4) foot high masonry block wall. The bottom two (2) feet of the wall shall be ventilated in accordance with the Fire Code. The wall shall be architecturally compatible with the buildings on the site.~~
- ~~(5) The container shall not be located closer than one hundred (100) feet to a residential zoning district boundary line nor four hundred (400) feet to a school property line.~~
- ~~(6) Compliance with all pertinent requirements of the Phoenix Fire Code, the National Fire Protection Association Standard No. 58 as required by the Fire Department, and other codes and regulations.~~
- ~~(7) Safety inspections of the container shall be conducted by the supplier semi-annually and a copy of the safety review form shall be sent to the City for inclusion in the use permit file and sent to and reviewed by the City of Phoenix Fire Marshal.~~
- ~~(8) Signage on the container and screen wall shall be limited to that required by the Fire Code.~~

\*\*\*

**Amend Section 623.D. (Commercial C-2 District – Intermediate Commercial, Permitted Uses) to read as follows:**

\*\*\*

D. Permitted Uses:

\*\*\*

146. Propane Retail Sales permitted as an accessory use to service stations, subject to the following limitations:
- a. ~~One container of a size not to exceed 1,000 gallons water capacity nor be mounted higher than four feet.~~
  - b. ~~The container shall be installed horizontally.~~
  - c. ~~The container shall be screened from view of adjacent public rights-of-way with a two-sided, four-foot-high masonry block wall. The bottom two feet of the wall shall be ventilated in accordance with the Fire Code. The wall shall be architecturally compatible with the buildings on the site.~~
  - d. ~~The container shall not be located closer than 100 feet to a residential zoning district boundary line nor 400 feet to a school property line.~~
  - e. ~~Compliance with all pertinent requirements of the Phoenix Fire Code, the National Fire Protection Association Standard No. 58 as required by the Fire Department, and other codes and regulations.~~
  - f. ~~Safety inspections of the containers for which use permits are issued shall be conducted by the supplier semiannually and a copy of the safety review form shall be sent to the City for inclusion in the use permit file and sent to and reviewed by the City of Phoenix Fire Marshal.~~
  - g. ~~Signage on the container and screen walls shall be limited to that required by the Fire Code.~~
147. Propane Retail Sales as an outside accessory use to a retail facility, subject to the following limitations:
- a. ~~Site plan approval in accordance with Section 507 through the Planning and Development Department for the purpose of assuring continuous pedestrian access to buildings and minimizing view from public streets.~~

- b. ~~The public's view of the rack of propane containers shall be minimized with screening devices such as planters, building columns, facade elements or walls as determined through the site plan review process.~~
- e. ~~The propane shall be sold only in sealed steel containers with a maximum volume of 20 lbs. (4.8 gallons propane). The containers shall be in racks with an aggregate capacity of not more than 12 containers at each location.~~
- d. ~~The rack of containers shall be mounted or anchored to the ground or building, the rack shall not block the view into a store window and in all events may not be more than 41 inches high.~~
- e. ~~Each 20-lb. (4.8 gallons propane) container shall be fitted with a propane service valve (Type I) for safety purposes~~
- f. ~~Review by the Fire Department and compliance with all pertinent requirements of the Phoenix Fire Code, the National Fire Protection Association Standard No. 58 as required by the Fire Department, and other codes and regulations.~~
- g. ~~Signage shall be limited to product identification on each 20-lb. (4.8 gallon propane) container and to six square feet of identification signs on the storage rack.~~

\*\*\*

**Amend Section 624.D. (Commercial C-3 District – General Commercial, Permitted Uses) to read as follows:**

\*\*\*

**D. Permitted Uses:**

\*\*\*

- 19. ~~Bottled or containerized fuel, storage, distribution, and retail sales, subject to the following limitations:~~
  - a. ~~One container of a size not to exceed two thousand (2,000) gallons of water capacity or an aggregate total of twelve, 20-lb. (4.8 gallon propane) containers in racks that are mounted or anchored to the ground or building.~~
  - b. ~~The container shall be mounted horizontally, or in the case of a rack of 20 lb. (4.8 gallon propane) containers, the rack may be mounted vertically.~~

- e. ~~The container shall be screened from view of adjacent public rights-of-way with a two-sided, four (4) foot high masonry block wall. The bottom two (2) feet of the wall shall be ventilated in accordance with the Fire Code. The wall shall be architecturally compatible with the buildings on the site.~~
- d. ~~The container shall not be located closer than one hundred (100) feet to a residential property line nor four hundred (400) feet to a school property.~~
- e. ~~Review by the Fire Department and compliance with all pertinent requirements of the Phoenix Fire Code, the National Fire Protection Standard No. 58 as required by the Fire Department, and other codes and regulations.~~
- f. ~~Signage shall be limited to product identification on each 20 lb. (4.8 gallon propane) container and to six (6) square feet of identification signs on the storage rack. Signage on the container and screen wall shall be limited to that required by the Fire Code.~~

\*\*\*

**Amend Section 659.B. (Planned Shopping Center Overlay District, Permitted Uses) to read as follows:**

\*\*\*

**B. Permitted Uses:**

\*\*\*

- 102. ~~Propane retail sales permitted as an accessory use to service stations, subject to the following limitations:~~
  - (a) ~~A use permit shall be obtained in accordance with the standards and which is contiguous to a lot or parcel which is zoned for residential development.~~
  - (b) ~~One container of a size not to exceed one thousand (1,000) gallons water capacity nor be mounted higher than four (4) feet.~~
  - (c) ~~The container shall be installed horizontally.~~
  - (d) ~~The container shall be screened from view of adjacent public rights-of-way with a two-sided, four (4) foot high masonry block wall. The bottom two (2) feet of the wall shall be ventilated in accordance with the Fire Code. The wall shall be architecturally compatible with the buildings on the site.~~

- (e) ~~The container shall located closer than one hundred (100) feet to a residential zoning district boundary property line nor four hundred (400) feet to a school property line.~~
  - (f) ~~Compliance with all pertinent requirements of the Phoenix Fire Code, the National Fire Protection Standard No. 58 as required by the Fire Department, and other applicable codes and regulations.~~
  - (g) ~~Safety inspections of the containers for which use permits are issued shall be conducted by the supplier semiannually and a copy of the safety review form shall be sent to the City for inclusion in the use permit file and sent to and reviewed by the City of Phoenix Fire Marshal.~~
  - (h) ~~Signage on the container and screen walls shall be limited to that required by the Fire Code.~~
103. ~~Propane retail sales as an outside accessory use to a retail facility, are subject to the following limitations:~~
- (a) ~~Obtaining a use permit in accordance with the provisions of Section 307 if the rack of propane containers is located less than two hundred (200) feet from a residential district including undeveloped or residentially developed R-5 property, daycare facility or school property line. The use permit shall specifically address placement of racks in order to ensure access is not obstructed.~~
  - (b) ~~Site plan approval in accordance with Section 507 of the Zoning Ordinance through the Development Services Department for the purpose of assuring continuous pedestrian access to buildings minimizing view from public streets.~~
  - (c) ~~The racks shall be screened with building columns, facade elements or walls as determined through the site plan review process.~~
  - (d) ~~The propane shall be sold only in sealed steel containers with a maximum volume of twenty pounds (20 lbs.) (4.8 gallons propane) the containers shall be in racks with an aggregate capacity of not more than twelve (12) containers at each location.~~
  - (e) ~~The rack of containers shall be mounted or anchored to the ground or building, the rack shall not block the view into a store window and in all events may not be more than forty one (41) inches high.~~
  - (f) ~~Each twenty pound (20 lb.) (4.8 gallon propane) container shall be fitted with a propane service valve (type I) for safety purposes.~~

- (g) ~~Review by the Fire Department and compliance with all pertinent requirements of the Phoenix Fire Code, the National Fire Protection Association Standard No. 58 as required by the Fire Department, and other applicable codes and regulations.~~
- (h) ~~Signage shall be limited to product identification on each twenty pound (20 lb.) (4.8 gallon propane) container and to six (6) square feet of identification signs on the storage rack.~~

\*\*\*