



## City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

### **ADDENDUM A** **Staff Report: Z-TA-3-15** March 28, 2016

<b>Planning Commission Date</b>	April 7, 2016
<b>Request:</b>	Amend Section 202 (Definitions), Section 623 (Intermediate Commercial) to modify tobacco oriented retailer definition, provide clarification for spacing, and protected areas to include public recreation centers. Amend Section 706 (Accessory Uses and Structures) of the Zoning Ordinance regarding building separation for buildings on the same lot to remove outdated separation requirements guidelines. To amend the text amendment to include dependent care facilities, homeless shelters, places of worship, and youth community centers within the uses requiring 1,320 foot separation from tobacco-oriented retailers
<b>Location</b>	Citywide
<b>Applicant/Representative</b>	City of Phoenix Planning Commission
<b>Staff Recommendation</b>	Approval subject to the following changes as proposed in Attachment A

#### **BACKGROUND AND REASON FOR ADDENDUM:**

On February 16, 2016, the Neighborhood, Housing and Development Subcommittee directed staff to include additional land uses that require a 1,320-foot separation from tobacco-oriented retailers. Since the Planning Commission heard this case before this proposal, there will need to be an additional hearing to include the new language. Staff is requesting to amend the text amendment to include dependent care facilities, homeless shelters, places of worship, and youth community centers within the uses requiring 1,320-foot separation from tobacco-oriented retailers.

#### **Writer**

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3/25/2016

#### **Attachments**

Attachment A Revised Language

**Attachment A**  
**Z-TA-3-15 - Tobacco Oriented Retailer**

Proposed Language

**Amend Chapter 2, Section 202 (Definitions) by amending the following definition as follows:**

*Theaters:* A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

*Tobacco Oriented Retailer:* An establishment engaged in the sale and/or display of tobacco related products, including, but not limited to: cigarettes, chewing and dipping tobacco, cigarette papers, ELECTRONIC NICOTINE DELIVERY SYSTEM, or any other instrument or paraphernalia for the smoking or ingestion of tobacco and products prepared from tobacco. This includes uses such as, but not limited to, a cigar store, head shop, ~~or~~ hookah lounge, OR VAPE LOUNGE. A tobacco oriented retailer shall MUST not include any establishment over 10,000 square feet in gross floor area, or any establishment devoting less than 45 percent of its floor space to the sale/display of tobacco related products.

*Tourist Court:* Same as "Motel".

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**Amend Chapter 6, Section 623.D (Commercial C-2 District—Intermediate Commercial, Permitted Uses) as follows:**

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189. Tire Repairing Equipment and Supplies
190. Tobacco oriented retailers, subject to the following limitations:
  - a. Shall not be located within 500 feet of the same type use.
  - b. Shall not be located within ~~500~~ 1,320 feet of a public, private, or charter school providing primary or secondary education, a park or playground, ~~or a licensed daycare facility~~, DEPENDENT CARE FACILITY, HOMELESS SHELTER, YOUTH COMMUNITY CENTER, RECREATION CENTER, OR PLACE OF WORSHIP.
191. Tobacco, Wholesale and Storage

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**Amend Chapter 7, Section 706 (Accessory Uses and Structures) as follows:**

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- B. All detached accessory structures in the side and rear yard, not used for sleeping or living purposes, are to maintain a minimum setback of three feet from property lines ~~and six feet between structures on the same lot~~. Swimming pools are to maintain a minimum setback of three feet from exterior property lines.
- C. All accessory structures located within the required side yard are not to exceed eight feet in height. \*2