



City of Phoenix

PLANNING DEPARTMENT

Staff Report Zoning Ordinance Text Amendment

Application No Z-TA-7-08 to amend Sections 507 Tab A (Design Guidelines) and add a new Section 716 (Sustainability) to the Zoning Ordinance regarding the placement of recycling containers on commercial and multi-family developments.

Staff recommendation: Staff recommends approval of Z-TA-7-08 as shown in the recommended text in Attachment A.

Purpose

The Planning Commission initiated this text amendment on June 11, 2008 at the recommendation of the Economy, Commerce and Sustainability (ECS) Subcommittee. The proposed text amendment is intended modify requirements so that recycling containers can be located on smaller existing/new commercial or multi-family residential parcels.

The purpose of the text amendment is not intended to require recycling in commercial and multi-family developments but make it easier to locate recycling facilities on sites that are already developed or for new developments that are constrained due to the size of their site. The Zoning Ordinance only guides the placement, screening and design guidelines of the recycling containers. Any requirement for mandatory recycling would be governed through the Solid Waste Code, located in Chapter 27 of the City Code.

Background

The City of Phoenix Public Works Department receives numerous requests from apartment dwellers and business owners to recycle materials. However, the City is specifically prohibited from providing solid waste/recycling services to commercial businesses and multi-family properties per Chapter 27 of the City Code. In an effort to promote recycling at commercial and multi-family properties, the following text amendment has been proposed, to help facilitate locating recycling containers on these developments, if the owners choose to offer it to their residents/customers.

Recycling has increasingly become an important component of the effort to promote sustainability. Currently single-family residents have the opportunity to recycle in conjunction with residential refuse collection. Businesses and residents in multi-family developments have a much more difficult time recycling, many times due to existing space constraints on already existing developed or small sites. The proposed text amendment represents an underlying policy shift that recycling is as much a public benefit as landscaping is within developments. New developments on larger sites should design the site so they can provide a mix of refuse and recycling containers.

The proposed allowances to encroach into the landscape setback are designed to be utilized only if there are no more available areas for the containers to be located on site. If recycling containers can be placed in areas that do not encroach into the required landscape setback, than those areas must be used before any of the provisions may be utilized. New development on sites larger than two acres do not have the ability to use the allowances as the developments should have the space to accommodate recycling containers.

The decision to provide recycling containers will not increase the total number of trash containers required. Trash and recycling containers are considered equivalent in terms of overall required capacity.

The intent of the proposed text amendment is to make it easier for commercial and multi-family developments to provide recycling services by allowing encroachment on small sites only when necessary.

Description of the Proposed Text

There are two sections of the Zoning Ordinance that will be impacted by the proposed text amendment: Section 507 Tab A (Design Guidelines) and a new section will be created, Section 716 (Sustainability). This is the first component of the new Sustainability section and additional language will likely be added after the General Plan Update process is complete.

Section 507 Tab A (Design Guidelines)

There are two parts of Section 507 Tab A proposed to be modified. First, there will be a presumption added to the Landscape Architecture section that specifically prevents the elimination of any required trees if a recycling container is placed within the landscape setback. This provision is intended to protect the trees within the landscape setback to continue to provide the appropriate landscape buffer to the surrounding area.

The second section to be modified is the Screening section. The term recycling container will be added to clarify that recycling containers will have the same screening requirements as trash containers.

Section 716 (Sustainability)

A new section 716 Sustainability will be added to the Zoning Ordinance. This section will include the provisions for general sustainable development regulations. The Sustainability section is intended to provide regulations that promote development that meets the needs of today while preserving the environment so that future needs can be met. At this time, only the provisions for recycling containers will be included. Future segments of this section could include provisions pertaining to alternative energy sources such as wind and solar power. This effect will not be undertaken until after the General Plan Update.

Commercial and multi-family developments will be allowed to project recycling containers into the required landscape setback, not adjacent to a public street. This provision will be available for existing developments or new developments smaller than two acres, provided they maintain a minimum of a five-foot setback from the property line. New developments larger than two acres may not take advantage of the encroachment into the required landscape setback, as they should be able to accommodate recycling containers without affecting the required landscaping.

Conclusion

The intent of the proposed text amendment is to promote sustainability by providing flexibility for existing developments or for new developments on small lots to utilize specific allowances to locate recycling containers on site. There may be a future text amendment to propose the same allowances for sites that do not meet the criteria, such as sites that are greater than the 2 acre limit, but it would be approved through an administrative review process in order to ensure the allowance is appropriate and that there are no other site design solutions. This process has not yet been created therefore in the future staff will need to go back and review whether or not the administrative review process would be feasible.

The proposed text amendment will assist in incorporating more sustainable standards and regulations in the Phoenix Zoning Ordinance. Staff recommends approval of the change to the Zoning Ordinance as presented in Attachment A.

ATTACHMENT A

Proposed Language:

Amend Section 507 Tab A II.A.3 to add a new subsection 3.1.15 to read as follows:

- 3.1.15 IF ALLOWED BY SPECIFIC PROVISIONS OF THE ZONING ORDINANCE, THE PLACEMENT OF RECYCLING CONTAINERS IN A REQUIRED LANDSCAPE SETBACK OR REQUIRED LANDSCAPED ISLAND SHOULD NOT RESULT IN THE ELIMINATION OF ANY REQUIRED TREES. (P)

Amend Section 507 Tab A II.B.7 to read as follows:

7. Screening.

- 7.1. Service areas should be located away from public view. (P)

Rationale: Service areas such as loading docks, refuse AND RECYCLING collection areas and similar facilities which could be sources of odor, noise and smoke, or could be visually objectionable should not be located in highly traveled areas.

- 7.2. All rooftop equipment and satellite dishes must be screened to the height of the highest equipment and/or integrated with the building design. (R)
*14

- 7.3. All screening should be architecturally compatible with the primary structure. (P)

Rationale (7.2-7.3): The screening should be part of the articulation of the building and not appear to be an afterthought.

- 7.4. All service areas must be screened to conceal trash containers, RECYCLING CONTAINERS, loading docks, transformers, backflow preventers and other mechanical and or electrical equipment from eye level adjacent to all public streets. (R)

Rationale: Although service areas and utility services are necessary to building operations, screening devices and landscaping should be used to mitigate their general negative visual appearance.

- 7.5. All new or relocated electric lines 12 kv and smaller, communications and cable television and all on premise wiring should be placed underground in all developments where visible from streets or adjoining properties. (P)
+14

Rationale: Utility Services should not have an adverse visual impact on adjacent development or visibility from the public streetscape. +14

Amend Chapter 7 of the Zoning Ordinance by adding Section 716 (Sustainability) to read as follows:

SECTION 716. SUSTAINABILITY

SUSTAINABLE DEVELOPMENT IS A PATTERN OF RESOURCE USE THAT AIMS TO MEET THE HUMAN NEEDS OF TODAY WHILE PRESERVING THE ENVIRONMENT SO THAT THESE NEEDS CAN BE MET IN THE FUTURE. THIS SECTION INCLUDES SUSTAINABLE DEVELOPMENT REGULATIONS OF GENERAL APPLICABILITY.

- A. **RECYCLING CONTAINERS** – IF RECYCLING CONTAINERS ARE LOCATED ON NON SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS, THE FOLLOWING STANDARDS SHALL APPLY:
 - 1. IN DEVELOPMENTS EXISTING PRIOR TO (*the effective date of this ordinance*), RECYCLING CONTAINERS MAY PROJECT INTO THE REQUIRED PERIMETER LANDSCAPED SETBACK. HOWEVER, IT CANNOT BE LOCATED IN LANDSCAPING ADJACENT TO A PUBLIC STREET. RECYCLING CONTAINERS PLACED IN THE LANDSCAPE SETBACK MUST MAINTAIN A MINIMUM SETBACK OF 5 FEET FROM THE PROPERTY LINE.
 - 2. IN DEVELOPMENTS ON SITES LESS THAN TWO ACRES, RECYCLING CONTAINERS MAY PROJECT INTO THE REQUIRED PERIMETER LANDSCAPED SETBACK. HOWEVER, IT CANNOT BE LOCATED IN LANDSCAPING ADJACENT TO A PUBLIC STREET. RECYCLING CONTAINERS PLACED IN THE LANDSCAPE SETBACK MUST MAINTAIN A MINIMUM SETBACK OF 5 FEET FROM THE PROPERTY LINE.
- B. RESERVED
- C. RESERVED



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August 13, 2009

Re: Text amendment TA-7-08 regarding screening of recycling containers and flexibility relative to multi-housing developments

To Whom It May Concern:

I am writing on behalf of the Sierra Club's Grand Canyon (Arizona) Chapter to express our support for the text amendment **TA-7-08** regarding the screening of recycling containers and flexibility relative to these containers for multi-housing developments.

We believe the proposed amendment will make it easier for multi-housing developments to accommodate recycling on the premises, something that should be available for all city residents. Garbage costs us all money, plus it has significant environmental costs including eating up landfill space, possible leaching into soil and groundwater and causing contamination, plus it is a waste of energy -- the energy required to recycle is less than the energy required to create an entirely new product.

In the United States, we now produce about 413 million tons of municipal solid waste per year (2006 data), which is about 1.38 tons/person/year. In Phoenix, over 750,000 tons of solid waste are collected annually, and over a million tons are disposed of at city landfills. That is a lot of waste, especially when compared to the only 129,000 tons that were collected for recycling.¹ Whatever we can do in Phoenix to help reduce the waste – encouraging people to use products with less packaging, composting, etc. – and to recycle as much of the municipal solid waste as possible will benefit this generation as well as future generations.

This text amendment can provide a first step in ensuring that in the coming years, recycling is available to all residents irrespective of whether they live in a single family home or an apartment.

Thank you for considering our comments.

Warm regards,

Sandy Bahr
Chapter Director
Sierra Club – Grand Canyon Chapter

City of Phoenix

AUG 13 2009

Planning Department

¹ Info from Phoenix Community and Trends Profile, 2009. Available online at <http://phoenix.gov/CITYGOV/stats.html>.
Printed on Recycled Paper



Aug. 13, 2009

Alan Stephenson
Principal Planner
City of Phoenix Planning Department
200 West Washington Street 6th Floor
Phoenix, AZ 85003-1611

Re: Support for TA-7-08 regarding Commercial and Multi-Family Recycling

Dear Mr. Stephenson,

On behalf of Phoenix Children's Hospital, I offer our support for TA-7-08 regarding Commercial and Multi-Family Recycling.

We understand a variety industry stakeholders have requested this amendment to remove a zoning barrier to providing recycling services in commercial and multi-family settings. As such, we support this measure as a good first step toward broadening recycling services offered to residential and commercial locations throughout the City of Phoenix.

As Arizona's only licensed children's hospital, a major economic driver in Phoenix, and host to the largest construction project in the Valley, we share your commitment to sustainable practices. For example, our future Hospital tower was designed to minimize heating and cooling consumption, our state-of-the-art Central Energy Plant will save 5.6 million gallons of water annually, and the expansion has diverted nearly 70 percent of waste from the landfill by recycling.

Thank you for the work you've done to develop and propose this text amendment, and we look forward to working with you to continue expanding the availability of recycling services throughout the City.

Sincerely,

Robert L. Meyer
President and CEO
Phoenix Children's Hospital

Cc: David Cavazos, Chairman of the Board, Phoenix Children's Hospital