



## Planning and Zoning Board Report

**DATE:** March 21, 2018  
**TO:** Planning and Zoning Board  
**FROM:** John Wesley, Planning Director  
**SUBJECT:** Consider modifications to the Zoning Ordinance to include:

- Updating Map AF-1 and making miscellaneous amendments to Chapter 19, Airfield Overlay District
- Modifying the use restrictions in Chapters 4, 5, 6, 7, and 10 as they apply to uses allowed in Airport Overflight Areas (AOA) 1 and 2

### PURPOSE AND RECOMMENDATION

Consider amendments to the zoning ordinance related to Chapter 19 of the Zoning Ordinance and the use restrictions in Chapters 4, 5, 6, 7, and 10 as they apply to uses allowed in AOA 1 and 2. These proposed changes are being recommended to address the updated noise contour map for Phoenix-Mesa Gateway Airport, some minor updates to Chapter 19, and update the use allowances for greater consistency with industry standards and across zoning districts. Staff recommends approval of all the changes as contained in the attached ordinance.

### BACKGROUND AND DISCUSSION

#### Updating Map 19-1 and Chapter 19

Airports have a unique impact on surrounding development. The noise and hazards generated by aircraft coming and going from the airport can pose impacts on surrounding uses. To limit the hazards and allow the airports to function properly, it is important to manage the allowances for surrounding uses. In particular, the zoning ordinance is used to limit exposure to noise for uses in an airport's AOA and inform property owners of the fact they are near an airport.

The AOA around an airport are established through a study of the number and types of aircraft that use the airport and the flight patterns followed by those aircraft. With regards to Phoenix-Mesa Gateway Airport, they recently completed a Land Use Compatibility Plan. Through this planning process a noise study was completed based on current and anticipated activity at the airport. This study mapped the Day-Night Average Sound Level (DNL) lines for the area with average noise levels above 65 DNL and between the area between 60 and 65 DNL. These are the two levels used to establish the AOA 1 and AOA 2 boundaries in Mesa's Zoning Ordinance (MZO).

In addition, the study reviewed current and expected flight paths and determined the area that has, or will have, a significant level of overflight activity. These areas outside the AOA 2 zone are designated as AOA 3. Based on this revised study, and its adoption by Phoenix-Mesa Gateway Airport Authority, the MZO needs to be amended to reflect the new boundaries.

Chapter 19 of the MZO provides the regulations for Airport Overlay District. This chapter includes a map that establishes the AOA areas for both Phoenix-Mesa Gateway Airport and Falcon Field Airport. Map AF-1 has the current AOA boundaries for Phoenix-Mesa Gateway Airport (see Exhibit 1). Because of the change in mix of aircraft using the airport, and the use of newer, quieter engines, the boundaries of the high noise areas (AOA's 1 and 2) were, for the most part significantly reduced. Exhibit 2 shows the revised noise contours. Based on these new noise contours, staff is recommending a modification to the boundaries for the AOA's on our zoning map. As with the current ordinance, we are recommending that the boundary between AOA 2 and 3 be done based on ground features, such as roads or property lines, rather than following the noise boundary exactly. Exhibit 3 shows the proposed new AOA boundaries and Exhibit 4 provides a comparison between the existing and proposed AOA boundaries.

For the most part, the boundaries of the AOA 1 and 2 zones have been reduced. The main exception is an area east of Ellsworth Road south of Williams Field. The new noise contours show a "hook" in the AOA 2 boundary in this area that did not exist before. This is due to the increase in flight training activity. The AOA 2 area is also a little wider on the south side of the airport which brings in a little more area north of Pecos on the west side of the Airport. The main change to the AOA 3 area is the addition of the area south of the US 60 west of Power Road. Because this area is already mostly built out, this designation will have little impact on these properties.

As part of this review process, staff sent notice to all property owners in close proximity to the airport where the AOA boundaries were changing. Staff has received a few calls, but has not received any expressions of concern about these proposed changes.

Because we were reviewing Chapter 19 to make the change to Map AF-1, staff, with the assistance of the staff at Phoenix-Mesa Gateway Airport, reviewed the entire Chapter for any additional updates or modifications that should be made. Attached (Exhibit 5) is a copy of the revised Chapter 19 with the proposed modifications. There are only a few and they are very minor. Section 11-19-5 establishes the requirements for easements, notification, disclosure, and sound attenuation. These are not changing.

#### Modification of Use Restrictions

The MZO also regulates uses allowed in the AOA 1 and 2 zones. The use restrictions are provided in the use table associated with each of the zoning districts. Below is an example showing the limitation on having Day Care Centers in the Employment zoning districts.

#### *MESA ZONING ORDINANCE*

#### *Chapter 7:Employment Employment Districts*

<b>Table 11-7-2: Employment Districts</b>					
<i>Proposed Use</i>	<i>PEP</i>	<i>LI (M-1)</i>	<i>GI (M-2)</i>	<i>HI</i>	<i>Additional Use Regulations</i>
Day Care Centers	SUP(10,11)	P (10, 11)	SUP (10, 11)	SUP (10, 11)	

10. Use not permitted when the property is subject to the AOA 1 overflight area, See Section 11-19-2, Runway Protection Zones and Airport Overflight Area.
11. Use not permitted when the property is subject to the AOA 2 overflight area, See Section 11-19-2, Runway Protection Zones and Airport Overflight Areas.

As part of this update staff has reviewed each of the use categories across all zoning districts and compared the limitations in the zoning ordinance to the recommendations in the Phoenix-Mesa Gateway Land Use Compatibility Plan. In making these comparisons staff found some inconsistencies. The tables for each chapter have been revised to remove the inconsistencies.

Exhibit 6 includes the draft tables for each of chapter of the MZO where a modification is being made. The changes are in red. Main modifications by chapter include:

- Chapter 4, Agricultural District. Added a new footnote 4 for uses to require a Council Use Permit in some situations. This footnote added for Cultural Institutions and Places of Worship.
- Chapter 5, Residential Districts. Changed several Residential Uses and Public and Semi-public Uses to remove the option for a Council Use Permit and prohibit the use in the AOA 1 and AOA 2 zones (e.g. gave the same restriction to manufactured home developments as other single residence developments and to community centers). Reduced requirements to some of the Commercial Uses (e.g. removed the requirements for animal sales and services and changed bed and breakfast inns from being prohibited to allowed with a Council Use Permit).
- Chapter 6, Commercial Districts. Adjusted the residential uses to be the same as in the Residential Districts. Adjusted the Public and Semi-public Uses to be consistent with the same uses in other zoning districts, primarily allowing uses in the AOA 2 areas with a Council Use Permit rather than not being allowed. Minor changes to the Commercial Use categories primarily to remove or lessen the restrictions.
- Chapter 7, Employment Districts. The main changes in this chapter are in the Public and Semi-public category. Most of the changes are to reduce the restrictions, but a few uses have additional restrictions to be consistent with restrictions in other zoning districts. A new footnote 12 was added to provide for Council Use Permits in the AOA 2 zone.
- Chapter 10, Public and Semi-public District. This chapter includes adding the Council Use Permit process for uses in the AOA 1 and AOA 2 zones and applies these requirements to uses to be consistent with other zoning districts

Staff received some feedback regarding the proposed use tables from Phoenix-Mesa Gateway staff. Overall, they were supportive of the changes being made. They did note, however that we are continuing the current zoning ordinance allowance for multi-residential uses in the AOA 1 and AOA 2 zones with the approval of a Council Use Permit. They recommended we eliminate these uses, at least in the AOA 1 zone to be consistent with the recommendation of their Land Use Compatibility Plan and guidance from FAA. Staff can support that change to the AOA 1 zone.

## **RECOMMENDATION**

Staff recommends amending the code with the changes described above and shown in Exhibits 5 and 6 with the modification to eliminate multi-residence uses in the AOA 1 zone.