



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report: Z-TA-2-15
Zoning Ordinance Text Amendment

Application No Z-TA-2-14 Amend Chapter 3, Section 307 (Zoning Administrator) and Chapter 12, Section 1204 (Land Use Matrix) of the Zoning Ordinance to address alcohol sales and service in the Entertainment District.

Staff recommendation: Staff recommends approval of Z-TA-2-15 as shown in the recommended text.

Purpose and Background

TA-2-15 is a text amendment to Sections 307 and 1204 of the Zoning Ordinance to address alcohol sales and service in the Entertainment District, the boundaries for which have been adopted by the City Council. Arizona law prohibits issuing certain liquor licenses for any premises located within three hundred horizontal feet (300') of a church, public or private school building, or a fenced recreational area adjacent to such school building. A.R.S. §4-207(C)(4) allows a municipality's governing body to approve an exemption from the 300-foot distance restriction applicable to churches and schools and certain liquor licenses. Such exemptions are approved on a case-by-case basis if both the applicant and the neighboring church or school are located in a designated Entertainment District. This amendment adds language requiring a Use Permit for properties seeking the exemption within the downtown Phoenix Entertainment District.

The Entertainment District boundaries fall within the area of the Downtown Code which is covered by Chapter 12 of the Zoning Ordinance. The text amendment recommends the addition of language to Section 307 requiring that a Use Permit be obtained for alcohol sales and service when located within 300 feet of a school or church within the Entertainment District. The Use Permit is required in these instances even if the land use is allowed by right according to Section 1204. A note is added to the bottom of the land use matrix in Section 1204 providing direction regarding alcohol sales and service to the required Use Permit in Section 307.

Conclusion

This text amendment will add language to the Zoning Ordinance to require a Use Permit for alcohol sales and service when exemptions are sought to the 300-foot distance requirement from schools and churches when located within the Entertainment District.

Staff recommends approval of the change to the Zoning Ordinance as proposed in Attachment A.

Writer
K Coles

Attachment A
Z-TA-2-15 Entertainment District Alcohol Sales and Service

Amend Chapter 3, Section 307 (Zoning Administrator) to read as follows:

- A. **Authority and duties of the Zoning Administrator.** There is hereby created in the City Planning and Development Department a Zoning Administrator. The Zoning Administrator shall be appointed by the Planning and Development Director and shall be under his direction. The Zoning Administrator may appoint Deputy Zoning Administrators to perform the functions of the Zoning Administrator and to act under his direction. The Zoning Administrator shall:

17. ENTERTAINMENT DISTRICT ALCOHOL SALES AND SERVICE.

- A. AUTHORIZE, UPON APPLICATION AND HEARING, A USE PERMIT FOR ALCOHOL SALES AND SERVICE WITHIN AN ENTERTAINMENT DISTRICT REQUIRING AN EXEMPTION PURSUANT TO A.R.S § 4-207(C)(4) .
- B. THE CITY COUNCIL MAY ONLY APPROVE AN EXEMPTION AUTHORIZED BY A.R.S. § 4-207(C)(4) TO A PROPERTY THAT HAS AN APPROVED USE PERMIT FOR ALCOHOL SALES AND SERVICE.

Amend Chapter 12, Section 1204 (Land Use Matrix) to read as follows:

D. **Land Use Matrix.**

LAND USE KEY: p=permitted use, pc=permitted with conditions (see numbered footnote for conditions), up=use permit, sp=special permit, np=not permitted

*=For properties within the Arts, Culture, Small Business Overlay District (ACOD), per Map 1202.G., the more permissive standard between the ACOD and the Downtown Land Use Matrix shall apply. For properties not within the ACOD, per Map 1202.G., the standards within the Downtown Land Use Matrix shall apply.

NOTE: ALCOHOL SALES AND SERVICE ON PROPERTIES WITHIN AN ENTERTAINMENT DISTRICT DESIGNATED BY THE CITY COUNCIL PURSUANT TO A.R.S. § 4-207 MUST ALSO COMPLY WITH SECTION 307.A.17 OF THE ZONING ORDINANCE.
