



Guiding principle: Charter schools are public, state-funded schools created through legislation in 1994 that contract with the State Board of Education, the State board for Charter Schools, or a school district to provide an education service. Charter and Public Schools are not subject to the requirements of the Zoning Ordinance and many other site development related city ordinances. They are, however, subject to Building Code, Fire Code, and certain other ordinances which will be identified by staff. A fact finding submittal is advised for a multi-disciplinary review of the project site plan prior to log in of improvement plans to identify recommendations and requirements.

Background: On October 1, 2009, House Bill 2099 which amended Section 15-189.01 Arizona Revised Statutes, relating to charter schools became effective.

15 – 189.01.B

A charter school is subject to the same level of oversight and the same ordinances, limitations and requirements, if any, that would be applicable to a school that is operated by a school district.

15 – 189.01.C

The construction and development of the charter school facility shall be subject to the building codes, including life safety building codes, of the municipality, county or state.

15 – 189.01.D

A final decision, approval or denial, of charter school plans shall be made in 30 days unless the school waives that right.

State Law indicates that public schools and state funded charter schools are exempt from zoning ordinance standards, including site plan review. This is regardless of whether the property is owned or leased by the school. Note: All private schools including colleges must meet all of the zoning ordinance requirements and other city requirements.

Public and Charter Schools are:

- not subject to formal site plan approval but subject to review by fire, traffic, aviation and archaeology;
- not subject to Zoning Ordinance standards, including but not limited to: setbacks, lot coverage, height, parking, design review and inventory, salvage and landscape standards;
- not subject to the city’s Grading and Drainage (G&D) standards;
- not subject to the city’s Storm Water Management Plans (SWMP) standards;
- not subject to cross access agreements;
- not required to purchase CSIT permits;
- not required to pay impact fees.

The city does control infrastructure and rights-of-way. Public and Charter Schools must:

- dedicate rights-of-way adjacent to their property;
- submit plans, permit and provide assurances for all work in the public right-of-way (including driveways, landscaping*, etc.);
- construct streets and sidewalks bounding their property;
- provide assurances for public infrastructure improvements;
- provide street lights adjacent to their property;
- gain approval of proposed access to city streets;
- construct water and sewer infrastructure necessary to serve their property;

- provide adequate fire flow and fire access to their sites;
- purchase water meters and pay WRA fees;
- permit off-site firelines;
- provide dustproofing.

*Note re: Landscaping:

Public and Charter schools are exempt from the Zoning Ordinance including landscape requirements on-site and in the ROW. Plan submittal and permits are required for any landscaping work in the city ROW. The plans for the offsite work are not required to meet the Zoning Ordinance. However, all ROW plant materials shall be in compliance with the Arizona Department of Water Resources low water use plant list. Optional plan review for on-site landscaping will be reviewed by staff to meet the Zoning Ordinance, as if it was not exempt. If just decomposed granite is placed in the ROW, it will be inspected under the ROW paving or concrete permit or the Grading & Drainage permit. Inventory and salvage is not required onsite or in the ROW with the exception of existing plant material in the ROW maintained by the Parks or Street Transportation Departments that is being removed or moved. The plan review fee for ROW Landscape review for Public and Charter schools is \$300.

Public and Charter Schools:

- must submit site plans for a Fact Facting or directly to the Site Development Team Leader for site review by fire, traffic, aviation and archaeology when scope includes new site work;
- must submit building plans for review and permitting of new or remodel work;
- must submit offsite landscape plans for review and permitting of proposed offsite work;
- must submit civil plans to Street Transportation Department's Flood Plain Division for review and approval if the site is in a flood plain;
- must submit plans for review by Planning & Development Fire Prevention for applicable permits which may include fire sprinklers, fire alarms, access, gates and kitchen hoods;
- may voluntarily submit G&D plans and SWMP for review and permitting**;
- may voluntarily submit on-site landscape plans for review and permitting;
- may be required to apply for and pursue abandonments (if applicable);
- may be required to plat or replat (if applicable);
- may be required to submit plans for review by Archeology, Aviation and Street Transportation (if applicable)

**Note: Re G&D:

When G&D plans are submitted for optional review and permitting, the plans will be reviewed in accordance with city codes, standards and processes and submittal of a SWMP is recommended. Purchase of G&D and SWMP permits is optional.

The following is applicable when the property is owned by the school, not if it is leased.

County Community Colleges, State Universities are:

- not subject to site plan review;
- not subject to Zoning Ordinance standards, including but not limited to: setbacks, lot coverage, height, parking, design review and inventory, salvage and landscape standards;
- not subject to the city's Grading and Drainage standards;
- not subject to the city's SWMP standards;
- not subject to cross access agreements;
- not subject to fire plan reviews or permits;
- not subject to building plan review or permits;
- not required to pay impact fees;
- required to purchase water meters and pay WRA fees.

Note: The city does control infrastructure and rights-of-way. County Community and State Universities are subject to the same requirements for offsite work as public and charter schools. See above.