City of Benson
City Council Communication

Regular Meeting **January 26, 2015**

To: Mayor and Council Agenda Item # 5

From: Bradley J. Hamilton, P.E. Director of Public Works/City Engineer

Subject:

Discussion and possible action on Ordinance 574 amending the City of Benson Zoning Regulations, Ordinance No. 243, as amended, to: add the Use Broadcast Studio to the list of permitted uses of the B-1 Neighborhood Business District, to define said Use and to establish Site Development Standards relating to off-street parking requirements

Discussion:

As directed by Council on January 12, 2015, this Zoning Regulation text amendment attempts to formalize uses allowed in the B-1 Neighborhood Business District as well as address off-street parking requirements for the newly proposed use.

Summary of the Proposed Zoning Regulations Text Amendment

Section 8 of the Zoning Regulations- B- Neighborhood Business District

The addition of the term "broadcast studio" to letter (c) of the list of permitted uses would formalize the currently existing use of parcel 123-20-008, addressed as 156 W. Fifth Street. This parcel has been operating as a broadcast studio since the early 1980s, under a variance approved by the Planning and Zoning Commission. By adding the term "broadcast studio" to the list of permitted uses in Section 8 and defining the term "broadcast studio" in Section 1 of the Zoning Regulations, the currently existing operational use would be established by right, rather than by special permission via the variance.

By adding the term "broadcast studio" to the list of permitted uses, the operations and functions of said use become available to any property owner located within the B-1 Neighborhood Business District.

The list of permitted uses for the B-1 Neighborhood Business District would be amended to read:

(c) Professional offices, utility offices, government office, real estate offices, *broadcast studios* and the like.

Section 1 of the Zoning Regulations- Definitions

With the addition of the new term in Section 8, it would be prudent to define the term in order to clarify what functions are permitted under the newly proposed term. Staff recommends the term "broadcast studio," be defined in Section 1 of the Zoning Regulations in accordance with either of the definitions as provided by A Planner's Dictionary (see below).

Broadcast Studio:

1) Commercial and public communications uses including radio and television broadcasting and receiving stations and studios with facilities entirely within buildings.

2) An establishment containing one or more broadcasting studio for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures. This term does NOT include a transmission tower.

Both definitions reference radio and television operations. While the first definition clearly states that operations are to be performed indoors, the second definition only implies this, but does clearly exclude transmission towers, which are likely to be the physically largest component of any outdoor facilities. The second definition also specifies recording and filming functions, while the first definition limits itself to broadcasting and/or receiving functions. For these reasons, staff prefers the second definition of the term "broadcast studio."

Section 14 of the Zoning Regulations- Off Street Parking and Loading Requirements

With the addition of the new term in Section 8, it would be prudent to establish site development standards regarding minimum off-street parking requirements for all current or future sites operating under the newly defined broadcast studio use.

Because not every possible use can be enumerated in the Zoning Regulations, phrases such as "and the like" or "most similar" are used to encompass potential uses that are similar to a permitted or listed use, but not explicitly named. In proposing to add the generic term "studio" to the Schedule of Required Off-Street Parking, there is the possibility that other studio-type uses (dance, art, photography) will fall under the category.

Due to the variation in potential number of occupants within the studio-type buildings (dance studios with classes are likely to have more occupants than an office-type broadcast studio) the number of required parking spaces should be related to the physical size of the building as it is the physical size of the building which determines the maximum occupancy load.

The Zoning Regulations currently list various uses requiring one parking space per 100-500 square feet of building floor area. For example, the existing Zoning Regulations require a restaurant or bar to have 1 parking space for every 100 square feet of building floor area while repair service locations require 1 parking space for every 500 square feet of building floor area. Under the adopted building code, a broadcast studio use has an approximate occupancy load of 1 person per every 100 square feet of floor area while a fine art studio (dance, art, photography) has an approximate occupancy load of 1 person per every 50 square feet of floor area.

Integrating the occupancy loads for the various studio-type functions and the Zoning Regulations existing floor area minimums of 100 to 500 square feet, it seems reasonable to require 1 parking space per 200 square feet of floor area.

Attachment

- Ordinance 574 for the proposed Zoning Regulations text amendment

Staff Recommendation:

The term "broadcast studio" be added to the list of permitted use in Section 8- B-1 Neighborhood Business District. That the term "broadcast studio" be added to the uses enumerated in letter (c).

That the following definition of the term "broadcast studio" be added to Section 1- Definitions.

An establishment containing one or more broadcasting studio for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures. This term does NOT include a transmission tower.

That the term "studio" be added to Section 14-Off-Street Parking and Loading Requirements under the Schedule of Required Parking with the understanding that the term may reference both programming and broadcast studios as well as fine art studios.

That the minimum number of required parking spaces be calculated based on the size of the individual building to account for the potential variation in studio size in the form of 1 parking space required per 200 square feet of useable floor area.

ORDINANCE 574

AN ORDINANCE AMENDING THE CITY OF BENSON ZONING REGULATIONS, ORDINANCE NO. 243, AS AMENDED, TO: ADD THE USE BROADCAST STUDIO TO THE LIST OF PERMTITED USES OF THE B-1 NEIGHBORHOOD BUSINESS DISTRICT, TO DEFINE SAID USE AND TO ESTABLISH SITE DEVELOPMENT STANDARDS RELATING TO OFF-STREET PARKING REQUIREMENTS

WHEREAS, the Council has determined that a new use within the B-1 Neighborhood Business District is desirable;

WHEREAS, the Council has determined that site development standards for the newly proposed use are also desirable;

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BENSON, ARIZONA, as follows:

Amendment to SECTION EIGHT- B-1 NEIGHBORHOOD BUSINESS DISTRICT

To the listing of permitted uses within the B-1 Business District the term "broadcast studio" is added to the uses enumerated in letter (c).

(c) Professional offices, utility offices, government office, real estate offices, *broadcast studios* and the like.

Amendment to SECTION ONE- DEFINITIONS

To the alphabetically listing of terms, the term "broadcast studio" is added and defined as

An establishment containing one or more broadcasting studio for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures. This term does NOT include a transmission tower.

Amendment to SECTION FOURTEEN- OFF-STREET PARKING AND LOADING REQUIREMENT

To the Schedule of Required Parking the term "studio" be added with the associated parking requirement of:

.25	Studio	1 parking space per 200 square feet of useable floor area

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, this 26th day of January, 2015.

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TONEY D. KING, SR., Mayor

ATTEST:

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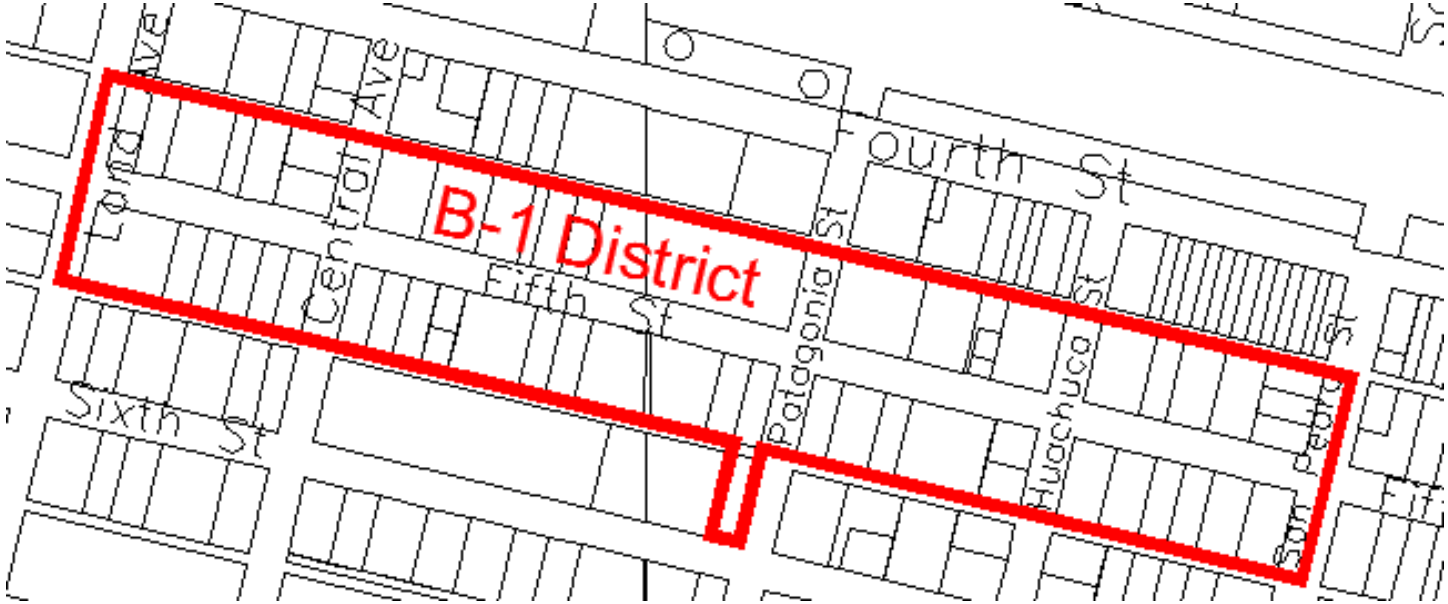
VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

_____
MESCH, CLARK & ROTHSCHILD
by GARY J. COHEN
City's Attorney


B-1 District
Central Ave
Fourth St
Fifth St
Sixth St
Patagonia St
Huachuca St
San Pedro St