

Article 3.3 Santan Freeway Corridor Overlay District

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3.301 Purposes

The purposes of the Santan Freeway Corridor Overlay District are to:

- A. Designate an area in the Town that is or may be impacted by freeway noise impacts.
- B. Mitigate the effects of freeway noise impacts on noise sensitive uses, and protect the public health, welfare, and safety by establishing noise reduction requirements applicable to development of noise sensitive uses within the Santan Freeway Corridor Overlay District.
- C. Ensure compatibility of noise sensitive uses proposed in the Santan Freeway Corridor Overlay District.

3.302 Applicability

Base zoning district regulations shall apply except to the extent modified by an overlay district. The Official Zoning Map shall identify the Santan Freeway Corridor Overlay District boundaries.

- A. The provisions of this article shall apply to development of noise sensitive uses located on all property and lots completely or partially located within 300 feet of the exterior edge of the right-of-way boundary on each side of the Santan Freeway alignment.
- B. Properties that have received zoning approval prior to the effective date of the Santan Freeway Corridor Overlay District on March 30, 2000, shall be required to comply with the provisions of this article and meet the sound attenuation standards set forth in Section 3.303: Development and Notification Requirements within the Santan Freeway Corridor Overlay District.

- C. For the purposes of this article, the following words and terms shall have the following meanings:
1. “Freeway” shall mean a controlled access, divided, grade-separated highway, and all associated rights-of-way, exclusive of retention basins in excess of 1 acre.
 2. “Noise Barrier” shall mean a noise mitigation wall, an earth berm, or a noise mitigation wall in combination with an earth berm that interrupts the path of sound from the sound source to the sound receiver.
 3. “Noise Sensitive Uses” shall mean Single Family and Multi-Family residential uses, Hospitals, Nursing Homes, Place of Worship, libraries, Schools, and Day Care Centers.

3.303 Development and Notification Requirements within the Santan Freeway Corridor Overlay District

A. *Neighborhood Environmental Design Analysis.*

1. *Contact with ADOT.* Prior to submittal of an application for a Rezoning, Use Permit, Preliminary Plat, Final Plat, or Design Review for a noise sensitive use in the Santan Freeway Corridor Overlay District, the applicant shall contact the Arizona Department of Transportation Environmental Planning Group to discuss the scope of the proposed project and receive input.
2. *Application Requirement.* A Neighborhood Environmental Design Analysis shall be submitted with applications for Rezoning, Use Permit, Preliminary Plat, Final Plat, or Design Review for development of noise sensitive uses within the Santan Freeway Corridor Overlay District. 6 copies of the report shall be submitted with the application. The Director of Planning may waive this requirement where he determines that the application is not relevant to the purposes of this Article.
3. *Report Certification.* The Neighborhood Environmental Noise Analysis shall be sealed by a registered engineer or other qualified professional transportation noise analyst. The certifying professional shall certify that the design of the proposed development complies with the requirements set forth in Section 3.303B: Development Standards. The Town shall forward a copy of the Neighborhood Environmental Design Analysis to the Arizona Department of Transportation.
4. *Content.* The Neighborhood Environmental Design Analysis shall include the following:

- a. Site and building design strategies to be employed in the project to minimize the effects of freeway noise. Strategies shall include elements targeted at reducing both interior and exterior noise levels.
 - b. A description of the construction techniques and materials to be employed to reduce interior noise levels to comply with Section 3.303B.8: Interior Noise Level.
 - c. A technical noise report prepared using the federal Traffic Noise Model (TNM), or approved standard federal transportation methodology, supporting the noise mitigation measures outlined in Sections 3.303A.4a and 3.303A.4b. The technical noise report shall establish the height of noise barriers required to meet the standards prescribed by Section 3.303B: Development Standards. The technical noise report shall separately evaluate and discuss exterior and interior noise, and shall be based upon a level of service (LOS) “C” at 70 miles per hour for the adjacent segment of the freeway.
 - d. Any preliminary comments received from the Arizona Department of Transportation Environmental Planning Group on the project.
5. *Updating.* The Neighborhood Environmental Design Analysis shall be updated if construction of the development has not occurred within 5 years from the date the final Neighborhood Environmental Design Analysis is submitted to the Town.

B. ***Development Standards.*** Development of noise sensitive uses within the Santan Freeway Corridor Overlay District shall comply with the following development standards:

1. *Building Height.*
 - a. The height of buildings on lots completely or partially located within 150 feet adjacent to the exterior edge of the right-of-way boundary on each side of the Santan Freeway alignment shall be limited to a single story.
 - b. The Town Council may approve a greater number of stories for non-residential noise sensitive uses if the Neighborhood Environmental Design Analysis demonstrates that the site design of the project will achieve the same or greater reduction of interior noise levels as the height restriction. Modification of the building height regulations of this Section shall be through a Planned Area Development Overlay District pursuant to Article 5.7: Amendments to the Zoning Code Text or Map.
2. *Noise Barriers.* Developers of all noise sensitive uses in the Santan Freeway Corridor Overlay District shall provide noise barriers. In no event shall a noise barrier be less than 8 feet in height. The noise barriers shall:

- a. Achieve an exterior noise level reduction of at least 5 dBA Leq(h) from the levels predicted in the Neighborhood Environmental Design Analysis; and
- b. Meet the noise mitigation levels prescribed by Arizona Department of Transportation noise policy.

The height and design of noise barriers shall be set forth in the Neighborhood Environmental Design Analysis and shall comply with structural standards of the Arizona Department of Transportation.

3. *Deposit of Funds with the Town.* Prior to recordation of a final plat or issuance of a building permit for any portion of a development, the developer shall enter into an agreement with the Town for deposit with the Town of an amount equal to the estimated cost for construction of the noise barrier by the Arizona Department of Transportation.
4. *Developer Construction of Noise Barrier.* The Town may, at its discretion, enter into an agreement with a Developer to permit construction by the Developer of the noise barrier meeting the above requirements on the developer's property. Any such agreement shall provide that:
 - a. Prior to recordation of a final plat or issuance of a building permit for any portion of the development, the developer deposit with the Town a bond in an amount equal to the estimated cost of the noise barrier specified by the Neighborhood Environmental Design Analysis. The cost of the barrier shall be determined by the Town.
 - b. Construction of the noise barrier for the entire project shall be complete prior to issuance of a Certificate of Occupancy for any noise sensitive use, including a model home complex, in the development.
 - c. The agreement binds the property owner, homeowners, or property owners association, to maintain the noise barrier in perpetuity. The estimated costs for 10 years of maintenance expense, as determined by the Town, shall be deposited in a dedicated maintenance reserve account.
5. *Noise Barrier Design.* The noise barrier is subject to Design Review Board approval. The noise barrier shall be designed in accordance with ADOT freeway noise wall standards on the freeway side, and shall be compatible with project design elements on the exterior side.
6. *Noise Barrier Height.* Barriers required pursuant to this section are exempt from the height limitations prescribed by Section 4.109: Fences.

7. *Landscaping.* A developer may contract for additional landscaping to be provided at the developer's expense within or adjacent to the freeway right-of-way.
 8. *Interior Noise Level.* All building construction for noise sensitive uses shall achieve a maximum interior noise level of 43 dBA Ldn. In addition, residential uses shall adhere to the minimum standards for interior noise levels prescribed by the U.S. Department of Housing and Urban Development (HUD). As part of an application for Design Review, the developer shall submit a sealed letter from a registered architect, engineer, or qualified transportation noise analyst certifying that the construction materials, methods, and design employed will achieve the required noise reduction. A copy of the certification shall also be submitted with each application for a building permit and shall be noted on the construction plans.
 9. *Site Design.* Final Design Review plans and preliminary plats shall employ design strategies to minimize the impact of freeway noise. Strategies shall include building orientation and location, the placement of open space, and trails. Site features that are not noise sensitive, such as parking lots and storm water retention areas, should be placed between the freeway and buildings.
- C. ***Public Notification.*** For all residential developments completely or partially located within 1,000 feet of the exterior edge of the right-of-way boundary of the Santan Freeway alignment, developers shall provide the following notice to buyers and tenants:
1. *Final Plats.* Final Plats shall note the following language: "This property, due to its proximity to the Santan Freeway, is likely to experience noise from the freeway, which could be of concern to some individuals."
 2. *Subdivision Public Report.* The subdivision public report filed with the Arizona Department of Real Estate shall include a statement disclosing the property's location relative to the freeway, and further include the following language: "Due to this property's proximity to the Santan Freeway, it is likely to experience noise from the freeway, which could be of concern to some individuals." Prior to the commencement of sales the developer shall provide an affidavit to the Town evidencing compliance with this paragraph.
 3. *Sales and Leasing Office Signs.* Sales and leasing offices for residential developments shall provide notice to prospective buyers or tenants that the development is located within the Santan Freeway Corridor Notification Area. Such notice shall consist of a freestanding sign:
 - a. Measuring at least 4 feet by 4 feet;
 - b. Installed at the entrance to each sales or leasing office;
 - c. Installed prior to commencement of sales, including pre-sales, or leasing and shall remain in place until the sales or leasing office is permanently closed;

- d. Including the following language in letters of at least 1 inch in height: “This development is located within the Santan Freeway Corridor Notification Area. For additional information contact the Arizona Department of Transportation at: “(*Arizona Department of Transportation Community Relations Office telephone number*)”; and
- e. With lettering a minimum of 30 inches above grade.