



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report
Zoning Ordinance Text Amendment
Z-TA-6-14
December 27, 2016

Application No Z-TA-6-14: Amend Chapter 2, Section 202 (Definitions), amend Chapter 7, Section 702.C. (Parking Requirements) of the Phoenix Zoning Ordinance to establish parking standards for restaurant/bar outdoor recreation areas. Amend Section 702.E. (Modification to Parking Requirements) of the Phoenix Zoning Ordinance to modify parking reductions within the infill district and add limited parking reductions for commercial developments.

Staff Recommendation: Staff recommends approval of Z-TA-6-14 as shown in Attachment A.

Background

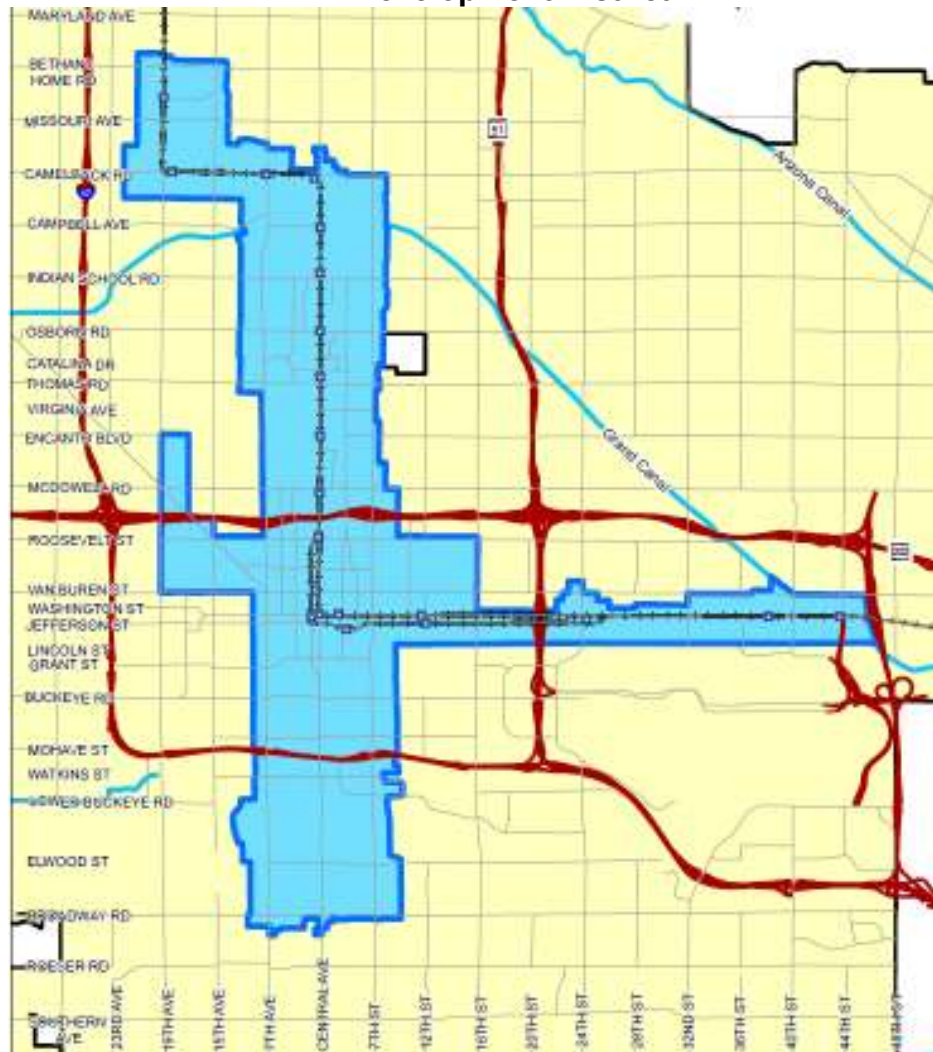
In 2014, concern was raised by neighbors near The Yard restaurant located at the southwest corner of 7th Street and Montebello Avenue regarding customers parking in the streets, cut through traffic and traffic congestion. In response to the concern, a Parking Standards Study Group was formed in November 2014 that included neighborhood representatives as well as design professionals, commercial developers and several city departments (Planning and Development, Neighborhood Services and Street Transportation). Staff surveyed several Arizona cities (Tucson, Goodyear, Mesa, Scottsdale, Tempe, Avondale, Chandler) as well as cities outside of the state (Portland, Los Angeles, Denver, Seattle, San Jose and Salt Lake City) that were similar in size, auto-dominated and had Light Rail to understand how other jurisdictions address commercial parking in proximity to a single family neighborhood. The research found that there was a wide range of requirements for off-street and bicycle parking as well as parking reductions for providing bicycle parking and proximity to Light Rail.

Purpose

The purpose of this text amendment is to establish parking standards for restaurant/bar outdoor recreation areas to address neighborhood impacts. Several new restaurant/bar establishments have incorporated outdoor recreation areas such as volleyball, tennis tables, and horseshoes that have raised concerns with overflow parking within the neighborhood. These outdoor areas attract additional patrons and generate an additional parking demand not currently addressed in the Zoning Ordinance. This text amendment will address the challenges of popular businesses causing overflow parking in adjacent neighborhoods.

In addition, this text amendment proposes allowing required business parking in the right-of-way. Within the Infill Development District, parking in the right-of-way is currently permitted when adjacent to and on the same side of the street as the subject site. The proposed amendment would allow parking in the right-of-way up to 300-feet from the subject site along the same side of the street subject to a use permit. Additional requirements to address sufficient right-of-way widths to accommodate on-street parking, bike lanes and traffic lanes, distancing requirements from single-family detached or attached residences that front onto the right-of-way, and a parking restrictions waiver petition requirement are proposed. A parking restrictions waiver petition will be required for all single family residential property owners that side of rear onto the right-of-way. The use permit and the waiver petition will provide nearby residences additional input and encourage greater collaboration between commercial businesses and area neighborhoods.

Infill Development District



Lastly, this text amendment proposes to add limited parking reductions for commercial developments that are located outside of the Infill Development District. This amendment proposes to allow up to 20 percent of the required parking to be provided in the right-of-way within 300-feet of the subject site. The Zoning Ordinance allows parking for a commercial site to be located on another site within 300-feet if it is zoned to allow a commercial parking lot or has the same zoning as the subject site. This amendment would allow the parking in the right-of-way to be counted toward the required parking subject to a use permit. Similar requirements to address sufficient right-of-way widths to accommodate on-street parking, bike lanes and traffic lanes, distancing requirements from single-family detached or attached residences that front onto the right-of-way, and a parking restrictions waiver petition requirement are proposed.

Conclusion

The proposed text amendment will establish parking standards for restaurant/bar outdoor recreation areas, modify parking reductions within the infill district and add limited parking reductions for commercial developments to address neighborhood impacts.

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

Writer

Tricia Gomes
12/27/16

Attachments

A. Proposed Language

ATTACHMENT A
Text Amendment Z-TA-6-14 – Parking Improvements
(Parking in the Right-of-Way and Restaurant/Bar Recreational Area Standards)

Proposed Language:

Amend Chapter 2, Section 202 (Definitions) to read as follows:

Outdoor Display or Sales: An outdoor arrangement of products or services used for the purpose of advertising a business that is located on site.

OUTDOOR RECREATION AREAS FOR RESTAURANT, BARS, TAVERNS, NIGHT CLUBS, OR SIMILAR DRINKING ESTABLISHMENTS: OUTDOOR SPACE THAT INCLUDES ACTIVE, PROGRAMMED OUTDOOR AREAS SPECIALLY DESIGNED AND EQUIPPED FOR RECREATIONAL USE (INCLUDING BUT NOT LIMITED TO VOLLEYBALL, TABLE TENNIS, HORSE SHOES, AND BEAN BAG TOSS).

Outdoor Storage: An exterior space used for the stockpiling or placement of materials or goods for more than 48 consecutive hours.

Amend Chapter 7, Section 702.C. (Parking Requirements) to read as follows:

C. **Parking Requirements.** Off-street automobile parking space or area shall be provided according to the following table, except for large scale retail commercial uses (see Section 702.D). The parking ratios in the table identify the minimum level of parking required to serve that use and receive site plan approval.

Type of Land Use

Parking Requirements

Restaurant, Bars, Taverns, Night Clubs, or Similar Drinking Establishment

1 space per 50 s.f. (including outside dining/sales) exclusive of kitchen, rest rooms, storage, etc.

1 SPACE PER 200 S.F. OF OUTDOOR RECREATIONAL AREAS. LANDSCAPE PLANTERS WITH TREES AND SHRUBS, INGRESS/EGRESS PATHWAYS AND RETENTION AREAS WILL NOT BE COUNTED AS OUTDOOR RECREATIONAL AREAS.

Amend Chapter 7, Section 702.E. (Modifications to Parking Requirements) to read as follows:

9. **Reductions for infill development district.** WITHIN THE INFILL DEVELOPMENT DISTRICT, AS SHOWN ON THE GENERAL PLAN FOR PHOENIX, BOTH ON-STREET PARKING AND OFF-SITE PARKING MAY BE COUNTED TOWARD A DEVELOPMENT'S REQUIRED PARKING, SUBJECT TO THE FOLLOWING:
 - a. ~~ON-STREET PARKING. Within the infill development district, as shown on the general plan for Phoenix, a development's on-street parking adjacent to and along the same side of a public, local or collector street may be counted toward parking requirements.~~
 - (1) ON-STREET PARKING MUST BE ADJACENT TO AND ALONG THE SAME SIDE OF A PUBLIC LOCAL OR COLLECTOR STREET.
 - (2) ON-STREET PARKING MAY EXTEND UP TO 300 FEET FROM THE SUBJECT PROPERTY ALONG THE SAME SIDE OF THE STREET WITH A USE PERMIT AND COMPLIANCE WITH THE FOLLOWING:
 - (a) THE STREET RIGHT-OF-WAY MUST HAVE SUFFICIENT SPACE FOR THE ON-STREET PARKING SPACES, BIKE LANES AND TRAFFIC LANES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
 - (b) NO SINGLE-FAMILY DETACHED OR ATTACHED RESIDENCES FRONTING THE STREET ARE WITHIN 1,320 FEET OF THE COMMERCIAL DEVELOPMENT. THIS DISTANCE SHALL BE MEASURED FROM THE PROPERTY LINES OF THE COMMERCIAL DEVELOPMENT AND THE SINGLE-FAMILY RESIDENCE.
 - (c) A COMPLETED PARKING RESTRICTIONS WAIVER PETITION SHALL BE PROVIDED FOR ALL SINGLE-FAMILY RESIDENTIAL PROPERTY OWNERS THAT SIDE OR REAR ONTO THE RIGHT-OF-WAY WITH THE ON-STREET PARKING WITHIN 300-FEET OF THE SUBJECT PROPERTY.

- (3) COMPLY WITH ALL OTHER APPLICABLE PARKING REGULATIONS.
 - (4) THE ON-STREET PARKING SPACES IDENTIFIED FOR USE BY THE SUBJECT PARCEL MUST NOT BE COUNTED TOWARD ANOTHER DEVELOPMENT'S REQUIRED PARKING.
 - (5) AN EXECUTED MAINTENANCE AGREEMENT BETWEEN THE STREET TRANSPORTATION DEPARTMENT AND THE COMMERCIAL PROPERTY OWNER. THE EXECUTED MAINTENANCE AGREEMENT SHALL ASSIGN THE RESPONSIBILITY FOR ALL EXPENSES RELATED TO STRIPING AND SIGNING THE PARKING SPACES TO THE COMMERCIAL PROPERTY OWNER.
 - (6) AN EXECUTED AGREEMENT TO INDEMNIFY AND HOLD HARMLESS THE CITY FOR A CLAIM FOR DAMAGE TO A PERSON OR PROPERTY THAT MAY BE BROUGHT AGAINST THE CITY AS A RESULT OF THE ON-STREET PARKING SHALL BE EXECUTED BY THE COMMERCIAL PROPERTY OWNER PRIOR TO ANY PERMIT ISSUANCE.
 - (7) UNLESS OTHERWISE RESTRICTED, THE ON-STREET PARKING MUST REMAIN OPEN FOR PUBLIC PARKING AT ALL TIMES. THE ON-STREET PARKING CANNOT BE RESTRICTED FOR USE ONLY BY PATRONS OR EMPLOYEES OF THE COMMERCIAL BUSINESS.
- b. OFF-SITE PARKING. ~~The required parking for any use within the infill development district may use the following reduction.~~ Off-site parking NOT WITHIN THE RIGHT-OF-WAY may account for up to A MAXIMUM OF 50 percent of the required parking WITH, ~~provided a use permit is obtained and the following conditions are met:~~
- (1) The use is within 1,320 feet of a parking lot or garage to be used by patrons of the subject parcel. This shall be measured from the closest points from the parking area to the main entrance.
 - (2) The owner of the subject parcel must provide an executed lease in a minimum five-year increment to the City demonstrating the right to use the off-site parking spaces, which spaces shall not have been counted for use by others, unless a shared parking model is approved for the site.

- (3) The lease must be renewable in a minimum of five-year increments. If at any time the lease is no longer in effect, the owner of the subject parcel shall notify the City in writing within 30 calendar days of this condition and provide the City a replacement executed lease for the required spaces. A copy of the executed recorded lease shall be provided by the applicant to the Planning and Development Department Traffic Engineer. If at any time a lease for necessary off-site parking is no longer in effect, it shall be considered a violation of the approved use permit.
 - (4) The off-site parking area must be ~~exclusively~~ IDENTIFIED for use by patrons of the subject parcel and shall not eliminate required parking for any other use IF ON PRIVATE PROPERTY.
 - (5) The use permit for infill development parking reductions may be revoked if any of the use permit stipulations are violated including the failure to obtain an executed lease.
 - (6) Additional bicycle parking may be required as a condition of use permit approval.
- c. Use Permit Notice Procedure for Infill Parking Reductions. The following additional procedures shall be followed as part of the infill parking reduction use permit process (in addition to the procedures required by Section 307):
- (1) A Neighborhood Traffic Notification Zone (NTNZ) as determined by the Street Transportation Department.
 - (2) The applicant for the use permit shall send, by first class mail, a notice of the date, time and place of the use permit zoning adjustment hearing to all property owners within the NTNZ. The notice shall also include an invitation to a meeting to discuss the proposal, and shall include a short description of the request.
 - (3) The following shall be provided to the City at least seven days prior to the zoning adjustment hearing:
 - (a) A written summary of the meeting or meetings.

- (b) A map showing all leased off-site parking areas, number of spaces and locations of signs shall be placed on site to clearly show the location and address of the off-site parking areas, together with executed leases for such spaces.
- (c) A written summary of how parking needs will be met and on-site management procedures to minimize impacts to surrounding residentially zoned properties. If valet parking is proposed, a copy of the valet parking plan that has preliminary approval by the Planning and Development Department's Traffic Engineer.
- (d) A copy of a shared parking agreement as defined in this section, if applicable.

10. **PARKING REDUCTIONS FOR COMMERCIAL DEVELOPMENTS.**

OUTSIDE OF THE INFILL DEVELOPMENT DISTRICT, A COMMERCIAL DEVELOPMENT MAY USE ON-STREET PARKING TO MEET UP TO 20 PERCENT OF THE REQUIRED PARKING BY OBTAINING A USE PERMIT AND COMPLIANCE WITH THE FOLLOWING:

- a. ON-STREET SPACES MUST BE LOCATED ON COLLECTOR OR MINOR COLLECTOR STREETS.
- b. ON-STREET PARKING SPACES MUST BE LOCATED WITHIN 300 FEET OF THE PROPERTY LINE OF THE COMMERCIAL DEVELOPMENT.
- c. THE STREET RIGHT-OF-WAY MUST HAVE SUFFICIENT SPACE FOR THE ON-STREET PARKING SPACES, BIKE LANES AND TRAFFIC LANES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- d. NO SINGLE-FAMILY DETACHED OR ATTACHED RESIDENCES FRONTING THE STREET ARE WITHIN 1,320 FEET OF THE COMMERCIAL DEVELOPMENT. THIS DISTANCE SHALL BE MEASURED FROM THE PROPERTY LINES OF THE COMMERCIAL DEVELOPMENT AND THE SINGLE-FAMILY RESIDENCE.
- e. THE ON-STREET PARKING SPACES IDENTIFIED FOR USE BY THE SUBJECT PARCEL MUST NOT BE COUNTED TOWARD ANOTHER DEVELOPMENT'S REQUIRED PARKING.

- f. A COMPLETED PARKING RESTRICTIONS WAIVER PETITION SIGNED BY OWNERS OF ALL SINGLE- FAMILY RESIDENTIAL PROPERTY THAT SIDE OR REAR ONTO THE RIGHT-OF-WAY WITH THE ON-STREET PARKING WITHIN 300-FEET OF THE SUBJECT PROPERTY.
- g. COMPLY WITH ALL OTHER APPLICABLE PARKING REGULATIONS.
- h. AN EXECUTED MAINTENANCE AGREEMENT BETWEEN THE STREET TRANSPORTATION DEPARTMENT AND THE COMMERCIAL PROPERTY OWNER. THE EXECUTED MAINTENANCE AGREEMENT SHALL ASSIGN THE RESPONSIBILITY FOR ALL EXPENSES RELATED TO STRIPING AND SIGNING THE PARKING SPACES TO THE COMMERCIAL PROPERTY OWNER.
- i. AN EXECUTED AGREEMENT TO INDEMNIFY AND HOLD HARMLESS THE CITY FOR A CLAIM FOR DAMAGE TO A PERSON OR PROPERTY THAT MAY BE BROUGHT AGAINST THE CITY AS A RESULT OF THE ON-STREET PARKING SHALL BE EXECUTED BY THE COMMERCIAL PROPERTY OWNER PRIOR TO ANY PERMIT ISSUANCE.
- j. UNLESS OTHERWISE RESTRICTED, THE ON-STREET PARKING MUST REMAIN OPEN FOR PUBLIC PARKING AT ALL TIMES. THE ON-STREET PARKING CANNOT BE RESTRICTED FOR USE ONLY BY PATRONS OR EMPLOYEES OF THE COMMERCIAL BUSINESS.
