



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Zoning Ordinance Text Amendment July 11, 2022

Application No Z-TA-2-22-6: Amend Chapter 6, Sections 650.D (Permitted Accessory Uses) and 650.E (Prohibited Uses) of the Phoenix Zoning Ordinance to allow package liquor retail sales and general retail sales as accessory uses to a restaurant in the Historic Canal-Side Restaurant Overlay District.

Staff recommendation: Staff recommends approval of Z-TA-2-22-6 as shown in the recommended text in Exhibit A.

PURPOSE

The purpose of this text amendment request is to expand the permitted accessory uses to include package liquor retail sales and general retail sales as accessory uses to a restaurant.

BACKGROUND

Historically, a restaurant use has existed on the lot bounded by residential uses, Central Avenue/Murphy Bridle Path, and the Arizona Canal since 1911. In 2000, City Council adopted an amendment to the Zoning Ordinance (Ordinance No. G-4235) which established the Historic Canal-Side Restaurant Overlay District to ensure the viability of a long-standing nonconforming restaurant use while ensuring that the use did not adversely impact adjacent residential neighborhoods. The overlay district permits a restaurant with accessory uses incidental to that use, including customer parking, sale of alcoholic beverages onsite, outdoor dining, and reception or banquet uses.

The intent of this change is to expand the allowable accessory uses to include package liquor retail sales and general retail sales as accessory uses to the restaurant. The general retail sales would include items such as t-shirts, hats, mugs, and other incidental items related to the restaurant.

CONCLUSION

The proposed text amendment would allow package liquor retail sales and general retail sales as accessory uses to a restaurant. Staff recommends approval of the change to the Zoning Ordinance as proposed in Exhibit A.

Writer

Eric Morales
7/11/22

Exhibit A: Proposed Language

Exhibit B: Historic Canal-Side Restaurant Overlay District Boundary Map

Exhibit A
Z-TA-2-22-6: Historic Canal-Side Restaurant Overlay District

Proposed Language:

Amend Chapter 6, Section 650.D (Permitted Accessory Uses) to read as follows:

D. Permitted Accessory Uses. Land in the HCRO district may be used as permitted accessory uses, incidental to and on the same zoning lot as a primary restaurant use, for the following:

1. Customer parking lot, provided that customers are cleared from the parking lot no later than 1:30 a.m.
2. Indoor music, provided that the music is limited to recorded music or one acoustic (unamplified) musician, such as a pianist.
3. Parking lot maintenance and trash collection, provided that these activities shall not occur between the hours of 1:00 a.m. and 7:00 a.m.
4. Sale of alcoholic beverages for consumption on-site.
5. Outdoor dining, provided that the outdoor dining shall not extend to the hours between 10:00 p.m. and 7:00 a.m.
6. Reception or banquet use of the restaurant.
7. PACKAGE LIQUOR RETAIL SALES.
8. GENERAL RETAIL SALES.

Amend Chapter 6, Section 650.E (Prohibited Uses) to read as follows:

E. Prohibited Uses. Land in the HCRO district shall not be used for the following uses, whether primary or accessory:

1. Patron dancing, including as part of reception or banquet uses.
- ~~2. Package liquor retail sales.~~
- ~~3~~ 2. Drive-through and drive-in facilities.
- ~~4~~ 3. Outdoor uses and/or displays, except as otherwise specifically provided in Section 650.
- ~~5~~ 4. Playing of music, live or recorded, in an outdoor dining area.
- ~~6~~ 5. Parking structure.

Exhibit B
Historic Canal-Side Restaurant Overlay District Boundary Map

