

Attachment E



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

ADDENDUM A

Staff Report: Z-TA-10-13
Zoning Ordinance Text Amendment

August 8, 2017

Application No Z-TA-10-13: A request to amend Chapter 12 Downtown Code of the Zoning Ordinance to address revisions to and elimination of conflicts, clean-up clerical issues, and to add new provisions.

Staff Recommendation: Staff recommends approval of Z-TA-10-13 as shown in the proposed text in Exhibit A.

Purpose and Summary

The intent of the text amendment is to revise Chapter 12 (Downtown Code) of the Phoenix Zoning Ordinance to address several improvements to the code, including removal of redundant text, reorganization or relocation of items into appropriate sections, clarification of terminology; to update the code to add new land use provisions as per adopted ordinances, add new frontage types to match those of the Walkable Urban (WU) Code, and to add flexibility language for public utility conflicts. The proposed language to be modified is contained in Exhibit A.

Background

The Downtown Form-Based Code went into effect on April 3, 2010. Since the effective date, and with the increase in development in downtown, staff identified a number of corrections that need to be made in order to address oversights and improve clarity.

Reason for Addendum

Staff is proposing that public utility buildings and facilities be added as a land use to the Downtown Code. The Zoning Ordinance allows this use in other districts of the City and this addition to the Downtown Code will provide consistency with the rest of the Zoning Ordinance. As development continues to occur in the Downtown Code area, the public utility needs have increased and many current facilities are near capacity. The inclusion of this use in the Downtown Code will allow that public utility needs to be met for future development.

Staff has included conditions that must be met to ensure that the public utility building or facility is designed in a way that is cohesive and scaled with the surrounding neighborhood and character area.

Description of the Proposed Text

Section 1204. LAND USE MATRIX

- Add conditions under which public utility buildings and facilities may develop.
- Include public utility buildings and facilities as an allowed land use to match the zoning ordinance and meet current and future utility needs.

Exhibits

A: Proposed Language

Exhibit A

Proposed Language

1201 Code Administration.

- A. **Purpose And Intent.** The purpose of the Code is to implement the vision, goals and policies of the Downtown Phoenix Plan and provide the physical environment necessary to create a pedestrian-oriented, dynamic urban center with an authentic sense of place. The intent of the Downtown Code is to address design that impacts the public realm by establishing standards and guidelines that will allow projects to develop over time in a scale and character consistent with the Downtown Phoenix Plan AND WITH THE VISION AND GOALS OF PLANPHX.
- B. **Applicability.** The Downtown Code applies to all land uses, subdivisions, and development within the boundary specifically identified in Section 1202.B and generally bounded by McDowell Road on the north, 7th Street on the east, Buckeye Road on the south, and 7th Avenue on the west. This boundary shall be hereafter known as Downtown. If a conflict occurs between requirements of the Downtown Code and the remainder of the City of Phoenix Zoning Ordinance, the requirements of the Downtown Code shall prevail.
- C. **Approval Requirements.** Each structure and land use shall be established, constructed, reconstructed, enlarged, altered, moved or replaced in compliance with the following requirements:
1. The land use or function must be allowed by the Use Matrix in the Character Area where the site is located.
 2. Development review approval must be obtained in accordance with Section 507. of the Phoenix Zoning Ordinance demonstrating compliance with the development standards and guidelines of the Downtown Code ~~with the exception that building additions of more than 500 square feet shall be required to meet the shading requirements in Section 1207.D. Development standards are requirements and development guidelines are equivalent to design presumptions.~~
 3. STANDARDS ARE REQUIREMENTS AND GUIDELINES ARE DESIGN PRESUMPTIONS.
 43. Existing structures and land uses established legally at the time of adoption of this Code shall be subject to the provisions of Chapter 9, Nonconformities, of the Phoenix Zoning Ordinance.
 54. Properties with Historic Preservation (HP) zoning are subject to the provisions of Chapter 8, Historic Preservation, of the Phoenix Zoning

Ordinance in addition to the provisions of Chapter 12, Downtown Code. In the event of a conflict between the provisions of Chapter 8 and Chapter 12, the provisions of Chapter 8 shall prevail.

1204 Land Use Matrix.

- A. **Applicability:** The land use matrix shall replace all existing allowed land uses in the Downtown.
- B. **Use Regulations.** The regulations governing the uses of land and structures shall be set forth in the Land Use Matrix, Section 1204.D, and land use conditions in Section 1204.C. Any use not specifically listed in the Use Matrix shall not be permitted. All uses listed will be permitted (p), permitted with conditions (pc), permitted with the approval of a special permit (sp), permitted with the approval of a use permit (up) or not permitted (np).
- C. The following shall apply to uses that are permitted with conditions (pc) as indicated with a number that corresponds with the Land Use Matrix in Section 1204.D:

Screening:

- ~~1. Outdoor uses or activities must be screened by a minimum 6-foot-high solid fence or masonry wall.~~
- ~~2. Outdoor uses or activities must be screened by a minimum 8-foot-high solid fence or masonry wall.~~

Maximum Height:

- ~~3. No outdoor uses shall exceed a height of 10 feet.~~

Spacing:

- ~~1-4. No use shall be located within 1,320 feet of the same type of use as measured from the exterior walls of the building or portion thereof in which the use is conducted.~~

Separation:

- ~~25. The use shall not be located within 50 feet of a Buffer Alley identified on the map in Section 1202.F as measured from the exterior walls of a building or portion thereof in which the use is conducted to the right-of-way line of the Buffer Alley.~~

36. The use shall not be located within 25 feet of a Buffer Alley identified on the map in Section 1202.F as measured from the portion of the property on which the use is conducted to the right-of-way line of the Buffer Alley.

Environmental Quality:

47. Noise, odor, dust, gas, heat, smoke, glare or vibration shall not be emitted at any time by the use that exceeds the general or ambient level by uses immediately off-site as compared at the parcel boundary.
- ~~8. No amplified music or loudspeakers may be used outside.~~
59. No amplified music or loudspeakers may be used outside after 8:00 p.m. on Sundays and after 10:00 p.m. on Fridays and Saturdays, unless a use permit is obtained.
640. The noise level, measured at any point on the received property, shall not exceed 55 dBa unless a use permit is obtained. An occurrence where the sound level increases up to 60 dBa for five continuous seconds or less shall not be deemed a violation of this section as long as there are no more than five occurrences within an hour-long interval.

Maximum Size:

- ~~11. The use shall not exceed 650 square feet of building area.~~
742. The use shall not exceed 2,500 square feet of building area.
- ~~843. The use shall not exceed 5,000 square feet of building area per tenant, unless a use permit is obtained.~~
944. The use shall not exceed 10,000 square feet of building area, unless a use permit is obtained.
105. The use shall not exceed 25,000 square feet of lot area.
116. The use shall not exceed 25% of the total under roof area, unless a use permit is obtained to enlarge to a maximum of 50% of the total under roof area.
127. The use shall not include more than 10 display vehicles.
- ~~18. The use shall not exceed 10% of the net floor area of the primary use.~~

Maximum Persons:

- ~~19. The use may not be conducted for more than 5 persons.~~

1320. The use may not be conducted for more than 10 persons.

1424. The use may not be conducted for more than 12 persons.

1522. The use may not employ more than 1 nonresident person.

Hours of Operation:

1623. The use is limited to Fridays, Saturdays and Sundays only.

1724. The use may not be conducted between the hours of 10 p.m. and 6 a.m.

~~25. The use may not be conducted between the hours of 12 a.m. and 10 a.m. from Sunday through Thursday, and between 2 a.m. and 10 a.m. from Friday through Saturday.~~

1826. The use may only be conducted between the hours of 10 a.m. and 12 midnight on Fridays and Saturdays and between 10 a.m. and 10 p.m. on Sundays, unless a use permit is obtained to extend the hours.

Location:

1927. The use may only occur on a site that is adjoining an arterial street.

208. Drive-through windows shall not face right-of-way and drive-through queuing must be screened from the view from the right-of-way unless approval is obtained from the Design Review Committee.

219. Used/second hand merchandise cannot be received or processed at a site in the Downtown Code Area for sale at another site. No outdoor sales or displays allowed.

2230. Outdoor crafting of art subject to the following:

- a. Must be associated with an enclosed business when the subject parcel abuts an arterial or collector street.
- b. Storage of materials associated with the crafting area shall not exceed eight feet in height and shall be limited to the rear or side yard.
- c. Storage area shall be fully screened with a solid wall or landscaping.
- d. Storage of materials associated with the crafting area exceeding eight feet in height shall be subject to obtaining a use permit in accordance

with the provisions of the Zoning Administrator section of the Zoning Ordinance.

234. Outdoor entertainment, subject to the following:

- a. Outdoor event or performances are open to the public.
- b. The outdoor event or performance must be presented by an existing business on the property.
- c. The business' regularly stocked items may be displayed outdoors and be available for purchase during the event or performance. Payment for all items shall occur indoors. No other items may be displayed for sale outdoors during the event or performance.

324. The facility shall be licensed by the State as a producer, domestic microbrewery or domestic farm winery.

~~2533.~~ Drug, alcohol, other substance abuse or mental health rehabilitation programs shall not be allowed as part of the shelter services.

26. FARMERS MARKETS, SUBJECT TO THE FOLLOWING:

- A. OBTAINING AN ADMINISTRATIVE TEMPORARY USE PERMIT (ATUP) IN ACCORDANCE WITH THE PROVISIONS OF SECTION 708 IF NO FOOD OR BEVERAGE IS DISPENSED FROM A VEHICLE.
- B. OBTAINING A USE PERMIT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 307 IF FOOD OR BEVERAGE IS DISPENSED FROM A VEHICLE.
- C. ON-SITE OPERATIONAL CONDITIONS AND IMPROVEMENTS MAY BE STIPULATED AS A CONDITION OF AN ATUP OR USE PERMIT APPROVAL

27. SINGLE-FAMILY ATTACHED, SUBJECT TO THE FOLLOWING:

- A. HISTORIC PRESERVATION DESIGNATED PROPERTIES OR PROPERTIES IN HISTORIC PRESERVATION DISTRICTS CANNOT USE THE SINGLE-FAMILY ATTACHED DEVELOPMENT OPTION.
- B. INDIVIDUAL UNIT LOT: MINIMUM 20' WIDTH, NO MINIMUM DEPTH.

- C. PERIMETER STANDARDS: MAXIMUM 10' FOR UNITS FRONTING STREET RIGHTS-OF-WAY; MINIMUM 15' FOR UNITS SIDING STREET RIGHTS-OF-WAY. THIS AREA IS TO BE IN COMMON OWNERSHIP OR MANAGEMENT. 10' ADJACENT TO PROPERTY LINE.
- D. BUILDING SETBACKS, INDIVIDUAL UNIT LOT: NONE.
- E. MAXIMUM STORIES: AS PER HEIGHT MAP, SECTION 1202.C.
- F. LOT COVERAGE PER DWELLING UNIT: 100%
- G. COMMON AREAS: MINIMUM 5% OF GROSS AREA
- H. ALLOWED USES: SINGLE-FAMILY ATTACHED AND HOME OCCUPATIONS PER SECTION 608
- I. DEVELOPMENT REVIEW PER SECTION 507
- J. DESIGN: FRONT OF UNITS SHOULD FACE RIGHT OF WAY. NO GARAGES ALLOWED TO FACE PEDESTRIAN OR SIDE STREETS.

28. PUBLIC UTILITY BUILDINGS AND FACILITIES, SUBJECT TO THE FOLLOWING:

- A. PUBLIC UTILITY BUILDINGS AND FACILITIES ARE ALLOWED WHEN NECESSARY FOR SERVING THE SURROUNDING TERRITORY.
- B. AN ALTERNATIVE FRONTAGE TYPE PER SECTION 1205.B. AND WHICH MIMICS AN ALLOWED FRONTAGE TYPE PER THE CHARACTER AREA STREETScape STANDARDS FOR THE SITE'S LOCATION, IS REQUIRED, SUBJECT TO APPROVAL BY PLANNING AND DEVELOPMENT DEPARTMENT STAFF, OR AN APPEAL IS APPROVED BY THE DESIGN REVIEW COMMITTEE (DRC).
- C. THE USE CANNOT BE LOCATED ON A TRANSIT STREET OR ADJACENT TO HANCE PARK.

D. Land Use Matrix.

LAND USE CATEGORIES	CHARACTER AREAS															
	<i>ACTIVE USE</i>	<i>BioMed</i>	<i>BC</i>	<i>Central Park</i>	<i>Commercial Corridor</i>	<i>Dntn Gateway</i>	<i>East Evergreen</i>	<i>Evans Churchill East</i>	<i>Evans Churchill West</i>	<i>McDowe II Corridor</i>	<i>Roosevelt East</i>	<i>Roosevelt North</i>	<i>Roosevelt South</i>	<i>Townsend Park</i>	<i>Van Buren</i>	<i>Warehouse</i>
Residential Uses																
Assisted Living Home		pc14	pc14	pc14,20	pc14,1320	pc14	pc14	pc14	pc14	pc14,1320	pc14,1320	pc14,1320	pc14,1320	pc14,1320	pc14	pc14

Group Home		pc14	pc14	pc14,1320	pc14,1320	pc14	pc14	pc14	pc14	pc14,1320	pc14,1320	pc14,1320	pc14,1320	pc14,1320	pc14	pc14
Live-Work	x	p	p	pc116, 1522	p	p	p	p	p	p	p	np	p	p	p	p
SINGLE-FAMILY ATTACHED		NP	NP	PC27	NP	NP	PC27	PC27	PC27	PC27	PC27	PC27	PC27	PC27	PC27	PC27
Assembly Uses																

Day Care, Nursery School	x	p	p	pc1320, 1522	p	p	pc1320, 1522	p	p	p	p	pc1320, 1522	pc1320, 1522	p	p	p

General Retail Sales and Related Service Uses																
Artist Studio/Gallery	x	p	p	Pc 47, 640, 1724	p	p*	Pc 47, 640, 1724	p*	p*	p	Pc 47, 640, 1724	np	Pc 47, 640, 1724	p	p	p

ACCESSORY ONLY TO BAR/LOUNGE/NIGHT CLUB																

Brew Pub, Domestic Microbrewer	x	Up2432	Up2432	np	Up2432	Up2432	Up2432	Up2432	Up2432	Up2432	Up2432	np	Up2432	Up2432	Up2432	p2432

LAND USE CATEGORIES	CHARACTER AREAS															
	<i>ACTIV E USE</i>	<i>BioMed</i>	<i>BC</i>	<i>Central Park</i>	<i>Commercial Corridor</i>	<i>Dntn Gatewa y</i>	<i>East Evergree n</i>	<i>Evans Churchi ll East</i>	<i>Evans Churchi ll West</i>	<i>McDowe ll Corridor</i>	<i>Rooseve lt East</i>	<i>Rooseve lt North</i>	<i>Rooseve lt South</i>	<i>Townsen d Park</i>	<i>Van Buren</i>	<i>Warehou se</i>
y, Domestic Farm-Winery																

Farmers Market	x	PC26u p	PC26u p	np	PC26up	PC26up	PC26up	PC26up	PC26up	PC26up	PC26up	np	PC26up	PC26up	PC26u p	PC26up

Restaurant	x	p	p	np	p*	p*	pc742	p*	p*	p	p*	np	pc25*	p	p	p
ACCESSORY ONLY TO RESTAURANT/BREW PUB																

- Outdoor Cooking	x	up	Pc 47, 1623	np	up	up	np	up	up	up	up	np	np	up	up	up
- Outdoor Dining	x	p	p	np	pc36*	p*	np	p*	p*	p	p*	np	pc25*	p	pc35	p

Retail Sales	x	p	p	np	pc105	p	pc742	pc944	pc105	pc105	pc944	np	pc944	pc843	p	p
Second Hand/Used Merchandise Sales	x	pc219	pc219	np	pc105, 219	pc219	pc 742, 219	pc 944, 219	pc105, 219	pc105, 219	pc 944, 219	np	pc 944, 219	pc 843, 219	pc219	pc219

Services																
Appliance Repair	x	pc 47, 640, 1724	np	np	pc 47, 640, 1724	pc 47, 640, 1724	np	pc 47, 640, 1724	pc 47, 640, 1724	pc 47, 640, 1724	pc 47, 640, 1724	np	np	pc 47, 640, 1724	p	p

UTILITY AND Transportation Uses																

LAND USE CATEGORIES	CHARACTER AREAS															
	ACTIV E USE	BioMed	BC	Central Park	Commerci al Corridor	Dntn Gatewa y	East Evergree n	Evans Churchi ll East	Evans Churchi ll West	McDowe ll Corridor	Rooseve lt East	Rooseve lt North	Rooseve lt South	Townsen d Park	Van Buren	Warehou se
- Motor Vehicle Rentals	x	up	pc127	np	up	pc127	np	sp	sp	sp	sp	np	np	sp	up	up
- Motor Vehicle Sales (new) and Leasing	x	sp	pc127	np	pc127	pc127	np	sp	sp	sp	sp	np	np	sp	pc127	pc127
- Motor Vehicle Service Station, Fuel Sales	x	np	sp	np	up1927	np	np	np	np	up1927	np	np	np	np	sp	np
PUBLIC UTILITY BUILDINGS AND FACILITIES		PC28	PC28	PC28	PC28	PC28	PC28	PC28	PC28	PC28	PC28	PC28	PC28	PC28	PC28	PC28

Accessory Uses and Facilities																

Dependent Care Facility		up	p	up	p	p	pc 214	p	p	p	p	up	pc 214	p	p	p
Drive-Through		np	np	np	pc1927, 208	np	np	np	np	pc1927, 208	np	np	np	np	np	np

Home Occupation AS PER SECTION 608.E.3		p	p	pc22	p*	p*	pc22*	p*	p*	p*	p*	pc22	p*	p	p	p
Outdoor Crafting of Art		up	up	up	p* 2230	up*	up	p*2230	p*2230	p2230	p*2230	up	np*	up	up	p2230

