

## Staff Summary Report



Development Review Commission Date: 07/26/11

Agenda Item Number: 2

**SUBJECT:** This is a public hearing to adopt an ordinance for a Code Text Amendment for TEMPORARY USE PARKING.

**DOCUMENT NAME:** DRCTemporaryUseParking\_072611 ZONING AND DEVELOPMENT CODE (0414) Ordinance No. 2011.27

**COMMENTS:** Request for TEMPORARY USE PARKING (PL110240) (City of Tempe, Community Development Department, applicant) consisting of changes within the Transportation Overlay District that would modify the current prohibited use of “parking as a principle use” and create new provisions that would allow a temporary parking facility design, with modified standards and time limits, subject to a review process. The request includes the following:

ZOA11003 (Ordinance No. 2011.27) – Code Text Amendment for Section 5-608.

**PREPARED BY:** Ryan Levesque, Senior Planner (480-858-2393)

**REVIEWED BY:** Lisa Collins, Community Development Deputy Director (480-350-8989) 

**LEGAL REVIEW BY:** N/A

**DEPARTMENT REVIEW BY:** N/A

**FISCAL NOTE:** There is no fiscal impact on City Funds

**RECOMMENDATION:** Staff – Approval

**ADDITIONAL INFO:** This request would allow “Parking as a Principle Use” as a temporary use, subject to an administrative review process, within the Transportation Overlay District. This change would consider granting existing undeveloped sites the opportunity, for a limited time period, for vehicular parking.

The ordinance attached herein would grant such use with special approval criteria and standards for a site.

**PAGES:**

1. List of Attachments
2. Comments / History & Facts / Zoning & Development Code Reference

**ATTACHMENTS:**

- 1-4. Ordinance No. 2011.27

**COMMENTS:**

This request would allow “Parking as a Principle Use” on a temporary basis, subject to an administrative review process, within the Transportation Overlay District. This change would consider allowing, for a limited time period, temporary vehicular parking.

Parking as a principle use generally does not contribute to an urban development that attracts and encourages pedestrian activity; however, there may be circumstances where this use may be the best use for the property until the economy supports a higher and better use. By limiting approvals to a five year time period and requiring enough improvements to create an aesthetically pleasing site without substantial permanent improvements, the use could be appropriate in the interim.

The ordinance attached herein would grant such use with special approval criteria and standards for a site.

**HISTORY & FACTS:**

June 1, 2006	City Council adopted the Transportation Overlay District, prohibiting the use principle use parking.
July 12, 2011	Development Review Commission held a Study Session that included a discussion by staff on a potential Zoning and Development Code amendment for “Temporary Parking in the TOD”.
July 26, 2011	Scheduled public hearing with the Development Review Commission for this request.
August 18, 2011	Scheduled public hearing by City Council to adopt an ordinance for a Code Text Amendment for Temporary Use Parking.
September 17, 2011	Effective date of ordinance, if adopted by City Council.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 6-304, Zoning Map Amendments and Code Text Amendments

## ORDINANCE NO. 2011.27

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE ZONING AND DEVELOPMENT CODE, PART 5 – OVERLAY DISTRICTS, SECTION 5-608 WITHIN THE TRANSPORTATION OVERLAY DISTRICT.

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NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

**SECTION 1.** That Section 5-608 of the Zoning and Development Code, pertaining to prohibited uses in the Transportation Overlay District, is hereby amended to read as follows:

#### **Section 5-608 Prohibited Uses.**

- A. Purpose.** The purpose of this section is to prohibit uses which do not contribute to a quality urban environment that attracts and encourages pedestrian activity, promotes the development of livable and sustainable neighborhoods, or provide facilities that create a safe, accessible, comfortable and pleasant environment for people.
- B. Prohibited Uses.** The following uses are prohibited within the entire Overlay District.
1. *Adult-oriented business*;
  2. Bulk *wholesale* uses including building materials, food and beverage sales, restaurant supplies, etc.;
  3. *Drive-in* businesses;
  4. *Drive-through* facilities, except as provided for in Section 5-608(E);
  5. Funeral homes, mortuaries and cemeteries;
  6. General manufacturing;
  7. *Kennels*;
  8. *Manufactured home* sales;
  9. *Mini-warehouse*;

10. *Mobile home parks*, except in Mobile Home Districts;
11. Nurseries or greenhouses;
12. *Outdoor storage*;
13. *Parking as a principle use*, except as provided for in Section 5-608(C) AND SECTION 5-607(F);
14. *Recreational vehicle parks*;
15. Rental lots for motorized vehicles, boats or other recreational vehicles;
16. Sales, repair or service of boats or other recreational vehicles;
17. Sales, service, or rental of commercial equipment or construction materials;
18. Salvage and recycling centers and transfer stations;
19. Shipping or distribution, warehouse transport center;
20. *Telecommunication hotels* on the ground level, or an any level of the street front;
21. Vehicle towing services;
22. Vehicle sales, repair, wash, fueling or service , auto body repair or auto service stations except as provided for in Section 5-608(D); or
23. *Warehouse* or other indoor storage.

**C. Parking as a Principle Use in Station Areas.** *Principle-use parking* is prohibited within *Station Areas*, except that parking facilities owned by the City or an operating transit agency, or private parking facilities operating as park-and-ride facilities in partnership with the City or an operating transit agency, are permitted.

**D. Motorist Amenity Uses in Station Areas.** *Motorist amenity* uses (car wash, automobile detailing, vehicle maintenance or repair) are permitted within *Station Areas* only when the use is accessory to a principal-use parking facility that is allowed by Section 5-608(B).

**E. Drive-Through Uses.** *Drive-through* uses are prohibited within *Station Areas*. *Drive-through* uses are subject to a use permit within the *Corridor*. In addition to the criteria listed in Section 6-308(F), *drive-through* use permit requests within the TOD corridor are evaluated on the basis of:

1. Extent of incorporation of pedestrian and transportation standards and guidelines promoted within the Transportation Overlay District;
2. Extent to which the project provides a drive-through service not currently available in the area;
3. Extent of benefit to individuals with limited mobility; and
4. Compliance with Sec. 3-408, *Drive-Through Facilities*.

**F. TEMPORARY USE PARKING. PARKING AS A PRINCIPLE USE MAY BE PERMITTED AS A TEMPORARY USE, SUBJECT TO APPROVAL OF AN ADMINISTRATIVE REVIEW PROCESS, PURSUANT TO SECTION 6-306, DEVELOPMENT PLAN REVIEW.**

1. SUCH USE SHALL BE ALLOWED FOR A MAXIMUM OF (5) FIVE YEARS, FROM THE DATE OF APPROVAL. ADDITIONAL TIME MAY BE GRANTED BY THE CITY COUNCIL AT A PUBLIC HEARING.
2. SUCH USE SHALL NOT BE ALLOWED ON PROPERTY WHERE DEMOLITION HAS OCCURRED WITHIN THE PAST TWELVE (12) MONTHS.
3. IN ADDITION TO THE APPROVAL CRITERIA FOUND IN SECTION 6-306(D), DETERMINATION FOR ACCEPTANCE OF TEMPORARY USE PARKING SHALL ALSO BE EVALUATED BASED ON THE FOLLOWING CRITERIA:
  - A. THE SITE WILL BE DEVELOPED TO ENSURE THAT IT WILL NOT BE DETRIMENTAL TO THE SURROUNDING NEIGHBORHOOD OR TO THE PUBLIC WELFARE IN GENERAL;
  - B. THE IMPROVED SURFACE FOR PARKING SHALL PROVIDE ALTERNATE MEANS OF REDUCING HEAT GAIN. SUCH MEANS MAY INCLUDE THE PLACEMENT OF BOXED TREES WITHIN THE PARKING LOT, LIMITING THE AMOUNT OF ASPHALT PAVED SURFACE FOR ANY UNIMPROVED LAND, AND PROVIDING STABILIZED POROUS SURFACE MATERIAL, AUTHORIZED BY THE COMMUNITY DEVELOPMENT DIRECTOR, OR DESIGNEE.
  - C. REASONABLE DESIGN PLANS SHALL BE DEVELOPED TO PROVIDE BUFFERING FROM THE PUBLIC SIDEWALK(S), WHICH MAY INCLUDE ENHANCED LANDSCAPE OR OTHER FEATURES.
4. SUCH USE IS EXEMPT FROM THE STANDARDS FOUND IN PART 4, CHAPTER 7 – LANDSCAPE AND WALLS OF THIS CODE AND IS EXEMPT FROM THE PARKING SETBACKS FOUND IN PART 4, CHAPTER 2 – GENERAL DEVELOPMENT STANDARDS. ALL OTHER SECTIONS PERTAINING TO PARKING SHALL APPLY INCLUDING, BUT NOT LIMITED TO, LIGHTING AND RETENTION.

**SECTION 2.** Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,  
ARIZONA, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney