

ORDINANCE NO. 3662

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, FOR THE PURPOSE OF REVISING PARKING REQUIREMENTS IN THE DOWNTOWN DISTRICT

WHEREAS, the Council of the City of Scottsdale wishes to amend the parking requirements of the Downtown District of the Zoning Ordinance to address parking shortages, and

WHEREAS, the Planning Commission and City Council have held hearings on and considered amendments to the parking requirements in the Downtown District;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, Arizona, as follows:

Section 1. In Article IX, Parking and Loading Requirements, Table 9.2, Schedule of Parking Requirements, regarding Residential Uses is hereby amended as shown below. The balance of Table 9.2, Schedule of Parking Requirements, regarding Institutional Uses, Commercial/Retail Service Uses, Educational Uses, Cultural/Entertainment Uses, Technical Uses, Communication Uses, and Transportation Uses remains unchanged.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Table 9.2. Schedule of Parking Requirements

Residential Uses	Parking Spaces Required
Boardinghouses, lodging houses, fraternity and sorority houses and other such uses	One (1) parking space for each one (1) guest room or dwelling unit.
Dwellings, multi-family	
In planned neighborhood center or planned community center	Two (2) spaces per unit.
In planned convenience center	Two (2) spaces per unit, both of which shall be covered.

In downtown area	<p>One and one-half (1.5) (1) spaces per unit FOR UNITS WITH ONE BEDROOM OR LESS. TWO (2) SPACES PER UNIT, FOR UNITS WITH MORE THAN ONE (1) BEDROOM. In a mixed-use project, residential parking may be reduced to one (1) space per unit if more than four (4) nonresidential spaces are available.</p>
In other districts	<p>Parking spaces per dwelling unit: Efficiency units 1.25; One-bedroom 1.3; Two-bedrooms 1.7; Three (3) or more bedrooms 1.9</p>
Dwellings, single-and two-family and townhouses	<p>Two (2) spaces per unit.</p>
Guest houses with cooking facilities	<p>One (1) parking space in addition to the parking required for the single-family dwelling.</p>
Hotels, motels, and resorts	<p>One (1) parking space for each one (1) guest room or dwelling unit.</p>
Resort hotels, auxiliary commercial uses	<p>A. One (1) parking space for every sixty (60) square feet of usable public floor area of restaurants, dining rooms, bars and dancing areas and places where the public is served, with an additional twenty (20) percent for employee parking.</p> <p>B. One (1) parking space for every four hundred (400) square feet of usable floor area, for commercial accessory uses.</p> <p>C. For places of public assembly, one (1) space for every five (5) seats, if seats are fixed or one (1) space for fifty (50) square feet of general assembly area.</p>
Mobile home parks	<p>Three (3) parking spaces for every two (2) mobile home spaces, either in or within one hundred (100) feet of the mobile home space.</p>
Ranches	<p>One (1) space per every two (2) horse stalls.</p>
Institutional uses	<p>Parking Spaces Required</p>
Hospitals	<p>One (1) parking space for each one (1) bed.</p>
Medical/dental offices and clinics	<p>One (1) space per two hundred fifty (250) square feet of gross floor area.</p>
Post offices on private property	<p>One (1) parking space for each two hundred (200) square feet of floor area.</p>
Places of worship	<p>A. With fixed seating. One (1) space per four (4) seats in main sanctuary or auditorium plus one (1) space per each three hundred (300) square feet of classrooms and other meeting areas.</p>

Residential health care facilities	B. Without fixed seating. One (1) space for each thirty (30) square feet of floor area in main sanctuary plus one (1) space per each three hundred (300) square feet of classrooms and other meeting areas. A. Specialized care facilities--five-tenths (0.5) of one parking space for each bed. B. Minimal care facilities--seven-tenths (0.7) of one parking space for each dwelling unit.
Commercial/Retail Service Uses Automobile dealers, new and used	Parking Spaces Required A. One (1) employee parking space per each two hundred (200) square feet of indoor floor area, and B. One (1) employee parking space per each twenty (20) outdoor vehicle display spaces, and C. One (1) customer parking space per each twenty (20) outdoor vehicle display spaces. Parking plans submitted for automobile dealers shall illustrate the parking spaces allocated for each of A, B, and C, above.
Automotive service stations	Three (3) spaces per service bay and one (1) space per two hundred fifty (250) square feet of accessory retail sales area.
Banks/financial/civic offices	One (1) space per two hundred fifty (250) square feet gross floor area.
Bar, lounge, tavern or nightclub	One (1) space per thirty-five (35) square feet of indoor public floor area, plus one (1) space per two hundred (200) square feet of outdoor public floor area, excluding the first two hundred (200) square feet of outdoor public floor area.
Bars with restaurants	See "restaurants with bars."
Car wash, automated	Four (4) spaces per bay or stall plus one (1) space per employee plus ten (10) stacking spaces.
Dry cleaners	One (1) space per two hundred fifty (250) square feet gross floor area.
Freestanding stores and neighborhood centers (up to two hundred thousand (200,000) square feet)	
In planned neighborhood center, planned community center, or planned regional center	One (1) space per two hundred fifty (250) square feet gross floor area.
In planned convenience center, with arterial street frontage	One (1) space per two hundred fifty (250) square feet gross floor area.
In planned convenience center, without arterial street frontage	One (1) space per three hundred (300) square feet gross floor area.

In downtown (D) districts	One (1) space per two hundred fifty (250) square feet gross floor area.
In other districts	One (1) space per two hundred fifty (250) square feet gross floor area.
Funeral homes	One (1) parking space for every two (2) persons for which permanent seating is provided in the main auditorium and one (1) parking space for every thirty (30) square feet of public assembly area.
Furniture and appliance stores	A. Up to fifteen thousand (15,000) square feet. One (1) space per five hundred (500) square feet gross floor area. B. Over fifteen thousand (15,000) square feet. One (1) space per five hundred (500) square feet for the first fifteen thousand (15,000) square feet, one (1) space per eight hundred (800) square feet thereafter.
Grocery (food store)	One (1) space per three hundred (300) square feet gross floor area.
Office, business and professional services	One (1) space per three hundred (300) square feet gross floor area.
Personal services	One (1) space per two hundred fifty (250) square feet gross floor area.
Plant nurseries, building materials yards, equipment rental or sales yards and similar uses	One (1) parking space for each three hundred (300) square feet of sales and display area.
Regional shopping center (more than two hundred thousand (200,000) square feet)	One (1) space per two hundred (200) square feet gross floor area.
Restaurants In planned neighborhood center, planned community center or planned regional center	One (1) space per eighty (80) square feet indoor public floor area, and one (1) space per two hundred fifty (250) square feet outdoor public floor area, excluding the first two hundred fifty (250) square feet of outdoor public floor area.
In other districts	One (1) parking space for each fifty (50) square feet of public floor area, and one (1) space for each two hundred (200) square feet of outdoor public floor area, excluding the first two hundred (200) square feet of outdoor public floor area.
Restaurants with bars	The amount of restaurant area and bar area shall be determined according to the method provided in table 9.1, Section 9.103.C., calculating required parking for bar, and restaurant combinations.

In planned neighborhood center, planned community center, or planned regional center

- A. Restaurant area. One (1) space per eighty (80) square feet of indoor public floor area.
- B. Bar area. One (1) space per fifty (50) square feet of indoor public floor area.
- C. Outdoor areas. One (1) space per two hundred fifty (250) square feet outdoor public floor area, excluding the first two hundred fifty (250) square feet of outdoor public floor area.

In other districts

- A. Restaurant area. One (1) parking space for each fifty (50) square feet of public floor area.
- B. Bar area. One (1) space for each thirty-five (35) square feet indoor public floor area.
- C. Outdoor areas. One (1) space for each two hundred (200) square feet of outdoor public floor area, excluding the first two hundred (200) square feet of outdoor public floor area.

Educational uses

College/university

Parking Spaces Required

One (1) space per two (2) employees plus one (1) space per four (4) students, based on projected maximum enrollment.

Dance/music/business/vocational/trade schools

One (1) space per two hundred (200) square feet of classroom area.

Day nurseries or pre-schools

One (1) parking space for each employee; plus one (1) space for every fifteen (15) students, plus one (1) space for each company vehicle as per Section 9.103.G, additional requirements for company vehicles.

Elementary schools

One (1) parking space for each classroom plus one (1) parking space for each two hundred (200) square feet of floor area in office areas.

High schools

One (1) parking space for each employee plus one (1) space for every six (6) students, based on projected maximum enrollment.

Cultural/entertainment uses

Parking Spaces Required

Amusement parks

Three (3) spaces per hole for any miniature golf course, plus one (1) space per three thousand (3,000) square feet of outdoor active recreation space, plus any additional spaces required for ancillary uses such as but not limited to game centers and billiard halls.

Arts festivals, seasonal	One (1) space for each two hundred (200) square feet of indoor public floor area, other than public restaurant space. Restaurant space at seasonal arts festivals shall be provided parking as otherwise required for restaurants in table 9.2.
Art galleries	One (1) space per four hundred (400) square feet indoor public floor area, one (1) space per two hundred twenty-five (225) square feet of office or work area, and one (1) space per eight hundred (800) square feet storage space.
Billiard halls	Two (2) spaces per billiard table.
Bowling alleys	Four (4) parking spaces for each lane, plus two (2) for any billiard table, plus one (1) space for each five (5) seats in any visitors gallery.
Club/lodge	One (1) space per two hundred fifty (250) square feet gross floor area.
Community or recreation buildings	One (1) parking space for each two hundred (200) square feet of floor area.
Cultural institutions and museums	One (1) space per three hundred (300) square feet gross floor area.
Dance halls, skating rinks, and similar recreational uses	One (1) parking space for each three hundred (300) square feet of floor space in the building.
Game centers	One (1) space per one hundred (100) square feet gross floor area.
Golf course	One (1) parking space for each two hundred (200) square feet of floor area in any main building plus one (1) space for every two (2) practice tees in the driving range, plus four (4) parking spaces for each green in the playing area.
Health or fitness studio	A. Less than ten thousand (10,000) square feet: one (1) space per one hundred fifty (150) square feet gross floor area. B. Ten thousand (10,000) to nineteen thousand nine hundred ninety-nine (19,999) square feet: one (1) space per two hundred (200) square feet gross floor area. C. Twenty thousand (20,000) to twenty-nine thousand nine hundred ninety-nine (29,999) square feet: one (1) space per two hundred fifty (250) square feet gross floor area. D. Thirty thousand (30,000) square feet and over: one (1) space per three hundred (300) square feet gross floor area.
Library	One (1) space per three hundred (300) square feet gross floor area.

Parks, public or private	Three (3) parking spaces for each acre of park area.
Stables, commercial	Adequate parking for daily activities shall be provided as determined by the City Manager or designee. Additional parking, improved as determined by the City Manager or designee, shall be provided for shows or other special events pursuant to Section 7.900, special events.
Swimming pool or natatorium	One (1) space per one thousand (1,000) square feet gross floor area.
Tennis clubs	One (1) parking space per each two hundred (200) square feet of gross floor area, excluding court area, plus three (3) parking spaces per each court. The applicant shall be responsible for reserving space for parking that may be required in order to obtain permission for tournaments, shows and other activities.
Theaters, cinemas, auditoriums, gymnasiums and similar places of public assembly	
In planned neighborhood center, planned community center or planned regional center	One (1) space per ten (10) seats.
In other districts	One (1) parking space per four (4) seats. The total requirement may be reduced by one (1) parking space for every four (4) guest rooms contained in an attached hotel.
Trailheads	
Gateway	Five hundred (500) to six hundred (600) spaces, including those for tour buses and horse trailers.
Major community	Two hundred (200) to three hundred (300) spaces, including those for horse trailers.
Minor community	Fifty (50) to one hundred (100) spaces.
Local	None required.
Western theme park	Total of all spaces required for the various uses of the theme park, may apply for a reduction in required parking per Section 9.104, programs and incentives to reduce parking requirements.
Technical uses	Parking Spaces Required
Internalized community storage	One (1) parking space for each two thousand five hundred (2,500) square feet of gross floor area.
Manufacturing and industrial uses	One (1) parking space for each five hundred (500) square feet of gross floor area.

Warehousing or wholesaling establishments
Warehouses, mini

One (1) parking space for each eight hundred (800) square feet of gross floor area.
One (1) space per three hundred (300) square feet of administrative office space plus one (1) space per each fifty (50) storage spaces.

Communication Uses

Radio/TV/studio

Parking Spaces Required

One (1) space per five hundred (500) square feet gross floor area, plus one (1) space per company vehicle, as per Section 9.103.G, additional requirements for company vehicles.

Transportation Uses

Transportation facilities, per Section 5.3054

Parking Spaces Required

Required parking shall be determined by the City Manager or designee per Section 9.103.D., calculating required parking for transportation facilities.

Section 2. Section 9.108, Special parking requirements in districts, subsection C, *Downtown Overlay (DO) district (parking in-lieu only) and Downtown (D) districts*, is hereby amended as follows:

- A. *Planned regional center.* The provisions of Article IX shall apply with the following exceptions:
 - 1. There shall be no parking required for courtyards or other open spaces, except that those portions thereof used for sales or service activities shall provide parking as specified elsewhere by this ordinance.
 - 2. Parking for dwellings shall be covered.
- B. *Western theme park district.* The provisions of Article IX shall apply with the following exceptions:
 - 1. The number of spaces required in Table 9.2 may be proportionately reduced by the provision of bus parking. Bus parking provided in lieu of automobile parking spaces may account for a maximum reduction of fifty (50) percent of the spaces required in Table 9.2.
 - 2. If any bus parking is provided in lieu of automobile parking spaces, one (1) overflow automobile parking space shall be provided for each twenty-five (25) persons for whom seating is provided as indicated on the approved development plan.
- C. *Downtown Overlay (DO) district (parking in-lieu only) and Downtown (D) districts.*
 - 1. *Parking requirements.* Parking capacity shall satisfy the requirements of the land uses served, and can be provided by any of the following options: on-site parking, remote parking, parking in-lieu payments, or

evening-use parking credits, **AS LIMITED BY THESE REGULATIONS.** ~~these standards~~ **THESE REGULATIONS** shall not be subject to variances.

2. *Parking in-lieu payments.* A parking requirement for nonresidential uses may be met by a parking in-lieu payment to the downtown parking fund ~~and~~ **THAT** shall be used for the operation of a downtown parking program which may include, but is not ~~linked~~ **LIMITED** to, the provision and maintenance of public parking spaces, the operation of tram shuttle services linking public parking facilities and downtown activity centers, and services related to the management and regulations of public parking. The city shall not be obligated to provide **IN-LIEU PARKING SPACES** ~~more than twenty (20) such spaces without the express approval of the City Council.~~ **THE CITY COUNCIL SHALL DETERMINE WHETHER OR NOT TO ALLOW IN-LIEU PARKING BASED ON THE FOLLOWING CRITERIA: (A) PROPERTY SIZE AND CONFIGURATION, (B) THE AMOUNT OF PARKING AVAILABLE TO THE AREA, OR (C) THE FUTURE OPPORTUNITY TO PROVIDE PARKING IN THE AREA.** Fractional parking requirements may be paid for on a pro rata basis. The amount of the in-lieu fee shall be established by the City Council, and may include penalties for late payment. Parking in-lieu credits may be purchased either as permanent parking credits, or as impermanent parking credits in accordance with the following:

- a. *Permanent parking in-lieu credits:* parking space credits purchased under this permanent in-lieu option shall be permanently credited to the property. These parking credits may be purchased either by installment payments to the city over a fixed period of time, or by payment of a lump sum fee.

Under the lump sum purchase option, purchase shall be made by payment **OF** the total fee in the manner described herein. The installment purchase option shall require an initial cash deposit and a written agreement binding the applicant to make subsequent monthly installment payments. The installment purchase agreement shall not create a payment term longer than fifteen (15) years, and shall include payment procedures adopted by the planning and community development department. Payment of the lump sum in-lieu fee or payment of the installment purchase deposit and execution by both parties of the installment purchase agreement, shall be completed prior to the issuance of a building permit ~~of~~ **IF** one is required, or to the issuance of a certificate of occupancy.

- b. *Monthly parking in-lieu credits:* Parking credits obtained by payment of a monthly in-lieu fee under this option are only for the term of the activity requiring the parking and are not permanently credited to the property. Properties must first possess a minimum of four and one-half (4 1/2) parking spaces per one thousand (1,000) square feet of

net floor area of building, and may thereafter subscribe for additional required parking spaces by paying the monthly in-lieu fee. Payments shall be made in accordance with a written agreement and procedures adopted by the planning and community development department. The first monthly payment shall be made prior to issuance of a certificate of occupancy for the business for whose benefit the monthly payments are made.

3. *FAR bonus for underground and on-site structure parking.* A maximum FAR bonus of three-tenths (0.3) is available subject to the following:
 - a. In a Type 1 area, eighty (80) percent of the required parking is in a shared structure parking.
 - b. In a Type 2 area, ninety (90) percent of the required parking is underground.

Where shared structure parking is underground parking provided by a project is less than stipulated above, the FAR bonus shall be adjusted downward on a pro rata basis.

Parking in-lieu payments may be utilized to satisfy shared structure parking or underground parking incentives on a space per space basis.

4. *Evening-use parking.* Establishments conducting business between the hours of 5:00 p.m. and 3:00 a.m. qualify for evening-use parking credits for parking spaces identified to be vacant during those hours, subject to the following requirements:
 - a. Application for evening use parking credits shall be through the use permit process and shall be made by the property owner on behalf of the establishment requiring the parking credits.
 - b. Before qualifying for evening use parking credits, a property must possess a minimum of four and one-half (4 1/2) parking spaces per one thousand (1,000) square feet of net building area, on-site or by one (1) of the means provided for in paragraph c.(3) below.
 - c. Evening-use parking credits may be granted for spaces provided from one (1) or more of the following sources:
 - (i) Same-site: Parking spaces on the same property which are unutilized during the designated evening hours.
 - (ii) Adjacent or nearby site: Unutilized parking spaces on adjacent or near-by properties which meet the requirements of this Section and 9.107.C. and D.

(iii) Public on-street and on-site spaces: After exhausting available "same-site" evening-use parking credits, additional credits may be sought using unutilized public on-street and on-site parking spaces, subject to the following requirements:

(1) The use permit application shall be accompanied by an analysis, acceptable to the City Manager or his designee, establishing the availability and location of the unutilized public parking spaces for which evening-use parking credits are being sought.

(2) The maximum number of evening-use parking credits is limited to twenty (20) parking spaces or to fifty (50) percent of the "base minimum" parking requirement ascribed to the property, whichever is less, for which a monthly fee established by City Council will be charged and deposited in a downtown parking fund.

d. The application shall provide a plan acceptable to the City Manager or his designee for the security and maintenance of the parking areas and their environs in a neat and orderly condition, and shall demonstrate that the areas meet the lighting requirements of Section 7.600.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Arizona this ____ day of _____, 2006.

ATTEST:

CITY OF SCOTTSDALE, an Arizona Municipal Corporation

By: _____
Carolyn Jagger
City Clerk

By: _____
Mary Manross
Mayor

APPROVED AS TO FORM:

By: _____
Deborah W. Robberson
City Attorney

