



City of Phoenix
Planning Department

Staff Report Z-TA-17-07
Zoning Ordinance Text Amendment
January 11, 2008

Application No Z-TA-17-07 to amend Section 642, Urban Residential District, of the City of Phoenix Zoning Ordinance to remove the applicability limitations and clarify other portions of the district.

Staff recommendation: Staff recommends approval of Z-TA-17-07 as shown in the recommended text presented as Attachment A.

Background

The purpose of this text amendment is twofold. The first is to address certain provisions of the current language which are unclear or problematic, and the second is to add interior lot line setbacks which were not addressed in the original text. If approved, this text amendment would not result in the rezoning of properties to UR that do not already have that classification. A rezoning application must be filed and processed in accordance with Section 506 (rezoning process) of the Phoenix Zoning Ordinance, including review by the relevant Village Planning Committee, recommendation by the Zoning Hearing Officer and/or Planning Commission and final approval by the City Council.

The Urban Residential (UR) District was written in 1997 in response to a specific infill development proposal. This proposed project included a new type of construction for multi-family development which included a parking structure wrapped with residential units. Such a configuration allowed the project to achieve densities higher than permitted in the R-5 district. The development also proposed to incorporate small scale commercial uses in order to serve the needs of residents and contribute to an active streetscape, and these uses are not permitted in multi-family zoning districts. This project has been built and is very successful. However, attempts to translate the regulations of the UR district to other sites have been problematic.

Issues

Applicability

When this district was drafted in 1997, Phoenix was seeing the first signs of urban infill development. Since that time the light rail system has been approved and is just over a year away from being operational. The UR district provides a tool for accommodating the projected growth within the Central Corridor, while providing commercial amenities for residents and creating a pedestrian oriented built environment. The original text

included a minimum lot size of two acres. There are parcels within the Central Corridor and within the Transit Oriented Development Overlay which would be appropriate for development as envisioned in the UR district, but which do not meet the minimum two acres size requirement. It is proposed that this provision be deleted.

Minimum Density

Zoning districts extend from private property to the center lines of all abutting streets. The site area and the area associated with the half-width of the abutting streets are defined as the gross site area. The minimum density of the current UR requires 50 units per acre. However, the district is silent as to whether this refers to net or gross acres. All other density provisions in the Zoning Ordinance refer to gross acres. If this minimum density is applied to gross acres, it becomes very difficult to meet for sites with more than one street frontage. In order to meet this density, it forces the project into a different construction type which is substantially more expensive, and therefore increases the cost of the residential units. This amendment proposes to clarify that all acreage references are for "gross" acres. In addition, in order to compensate for the larger area which results from gross acres, the minimum density is proposed to be reduced to 40 units per acre. The intent of creating an urban residential development with sufficient population density to support small scale retail uses is maintained with this proposed minimum density.

Height

The current height in the UR district is 4 stories and 60 feet with up to 8 stories and 96 feet permitted with a use permit. With mixed use buildings, the floor to ceiling height varies. While a project may comply with the overall height limitation, they may have more stories. Based on variance history, the current practice is to regulate height by the vertical measurement alone, and delete any reference to stories. Another issue with the height provisions is the requirement for a use permit to go above 4 stories and 60 feet. Developers are concerned with the uncertainty associated with a second public hearing process after they have already gone through such a process to obtain the UR zoning. Community interests are concerned that a use permit may be too readily granted, and that the appeal process for a use permit is the Board of Adjustment and Superior Court. A compromise is proposed with an increase in maximum permitted height to 75 feet and the elimination of the provision allowing for additional height through a use permit.

Setbacks

The only setbacks including in the current UR regulations refer to minimum "build to" lines. These can also be viewed as maximum setbacks. There are no regulations pertaining to interior setbacks. A new table is proposed which would help clarify the "build to" standards by rephrasing them as maximum setbacks which apply to street frontages only. This table also includes interior setbacks that provide greater protection for adjacent parcels with less intense zoning classifications. For example, the setbacks between the UR district and single-family districts are one foot of setback for each one foot of building height.

Development Standards and Design Guidelines

The UR district was adopted prior to the Transit Oriented Development Overlay District and several amendments to design guidelines in Section 507 Tab A. The existing provisions of the UR district are proposed to be amended in order to be consistent with current practice regarding the provision of shade, landscaping, and visual transparency at ground level retail. The intent of the design guidelines pertaining to parking structures contained in the UR district are better addressed by new citywide design guidelines found in Section 507 Tab A. Therefore, the parking structure guidelines are proposed to be deleted in order to avoid future conflicts.

CONCLUSION

Staff recommends approval of Z-TA-17-07 to expand the applicability of the Urban Residential, UR, district, and clarify other portions of the existing text.

Attachments:

Attachment A – Proposed Text

ATTACHMENT A

Amend Section 642, Urban Residential (UR) District, as follows:

A. Purpose and intent. The purpose of the Urban Residential District is to encourage the development of high density, high quality pedestrian-oriented multifamily development with a high level of amenities and that may include ground-level retail and office development. ~~Projects in this district will be oriented to the surrounding streets and be located in or adjacent to areas in which other mixed use pedestrian-oriented development is already occurring.~~ Approval of the urban residential district does not eliminate any historic or special planning district overlays. Any amendment to those overlays must be processed as a separate application(s) in accord with existing ordinance provisions. Where the overlay is more restrictive, the more restrictive language prevails.

B. **Applicability.** Property owners whose land lies within the following boundaries may apply to rezone sites ~~of two acres or more~~ to this district: **between the centerlines of Seventh Avenue to Seventh Street and the centerlines of Lincoln Street and the Grand Canal.**

C. Permitted uses. Land and structures in the Urban Residential District may only be used for the following purposes subject to the standards and procedures in chapters 3 and 5 and the regulations and special standards set forth herein.

1. Primary uses.
 - a. ~~Attached residential dwelling units which are used for residential purposes which does not include OTHER THAN hotels, and which are developed at a minimum density of at least fifty FORTY dwelling units per GROSS acre and which include recreational amenities including an indoor or outside swimming pool available on-site to residents of all phases of a project.~~
 - b. ~~Freestanding structures with a Historic District designation are permitted to be used for primary or accessory uses.~~
2. Accessory uses: Neighborhood commercial uses and offices on the ground floor or second floor of a building containing residential uses, parking structures to support the primary and accessory uses, and open space, except for corporate suites which are permitted on any floor. Neighborhood commercial uses shall be limited to a maximum of five thousand gross square feet per each business establishment of the uses as listed below. Neighborhood commercial uses greater than five thousand gross square feet up to ten thousand gross square feet per each business establishment shall be permitted subject to obtaining a use permit.

The sale of used merchandise is prohibited for retail purposes, except as noted below.

All neighborhood commercial uses which operate any time between the hours of

~~9~~10:00 p.m. and 5:00 a.m. or which require a liquor license will be subject to obtaining a use permit. ~~Outside dining, the outside sale of food and flowers, and one live entertainer are permitted between the hours of 5:00 a.m. and 9:00 p.m. by right. Additional entertainers, patron dancing, or extended hours require a use permit.~~ Outside activity shall be located a minimum of eight feet back from the inside of the curb. If public right-of-way is utilized, a ~~revok~~Cable permit must be obtained from the City of Phoenix.

a. Neighborhood commercial uses:

- (1) Administrative offices.
- (2) Apparel and accessories stores.
- (3) ANTIQUE STORES.
- ~~(34)~~ Art galleries, new and used art.
- ~~(45)~~ Bakeries.
- ~~(56)~~ Bank branch office, no drive-through windows.
- ~~(67)~~ Barber or beauty store, with massage services as an accessory use.
- ~~(78)~~ Bookstore, new and used.
- ~~(810)~~ Camera (new and used), photographic supply and photo processing store.
- ~~(910)~~ Candy, nut, ice cream, and confectionary store.
- ~~(1011)~~ Collection and distribution station for a laundry or dry cleaner.
- ~~(1112)~~ Copy shop, blueprinting, desktop publishing or print shop.
- ~~(1213)~~ Corporate suites (furnished residential apartments leased for less than thirty days).
- ~~(1314)~~ Dependent care center subject to the following regulations:
 - (a) If a child dependent care center or adult health care facility, the use is licensed by or registered with the State of Arizona ~~Department of Health Services~~.
 - (b) All outdoor play areas are screened by a wall, fence or landscape screen, as determined by the ~~Site Planning Division of the Development Services Department~~, to a

height not less than four feet and not higher than six feet.

- (c) The outdoor play shall be limited to the hours between 8:00 a.m. and 6:00 p.m.

(15) DRIVE-THROUGH FACILITIES, SUBJECT TO A USE PERMIT.

(~~14~~16) Drugstore.

(~~15~~) ~~Restaurant, no drive-through service.~~

(~~16~~17) Floral shop, INCLUDING OUTDOOR SALES.

(~~17~~18) Household or office furniture and furnishings, home electronics and small appliances store, including antiques.

(~~18~~19) Grocery store.

(~~19~~20) Hardware store.

(~~20~~21) Health and fitness studio with massage as an accessory use.

(~~21~~22) Jewelry, new and used.

(~~22~~23) Library.

(~~23~~24) Music, musical instruments (new and used) and recorded music store (new and used). ~~No recording studios, lessons permitted.~~

(~~24~~25) Optical goods.

(~~25~~26) Paint and wallpaper store, other interior decorating supplies.

(27) PLACE OF WORSHIP.

(~~26~~28) Professional offices or studios, including the teaching of fine arts.

(~~27~~29) Repair and servicing of any article, except automobiles, motors, generators, motorcycles, trucks and trailers, or other heavy equipment, the sale of which is permitted in this zone.

(30) RESTAURANT

a. OUTDOOR DINING IS PERMITTED AS AN ACCESSORY USE SUBJECT TO OBTAINING A USE PERMIT.

b. ONE LIVE ENTERTAINER IS PERMITTED BETWEEN THE HOURS OF 5AM AND 10PM. ADDITIONAL ENTERTAINERS, PATRON DANCING OR EXTENDED HOURS MAY BE ALLOWED SUBJECT TO OBTAINING A USE PERMIT.

(~~2831~~) Self-storage warehouse within an enclosed building for the use of residents of any phase of a project, only.

(~~2932~~) Specialty store for the limited fabrication, instruction in and or sale of works of art and crafts.

(~~3033~~) Sporting goods store, sale of guns as an accessory use only to the sporting goods store, new and used.

(~~3434~~) Tobacco store.

(~~3235~~) Variety store.

(~~3336~~) Video store, new and used.

b. Promotional events are allowed in accord with Section 708 except that no portable searchlights may be used.

D. ~~Bulk requirements. The regulations governing the height of building, and requirements for lot area, width and yards shall be as set forth in the following regulations:~~ **HEIGHT. THE MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED 75 FEET.**

E. **DENSITY. THERE SHALL BE A MINIMUM DENSITY OF 40 DWELLING UNITS PER GROSS ACRE, AND NO MAXIMUM DENSITY.**

F. **SETBACKS. THE FOLLOWING TABLE ESTABLISHES SETBACK AND HEIGHT STANDARDS FOR THE UR DISTRICT:**

| STANDARDS | UR SETBACKS – TABLE 1 |
|------------------------|--|
| STREET SETBACKS | - 10 FEET MAXIMUM FOR 65% OF BUILDING FRONTAGE. - NO MINIMUM. |

| | | | | | | | | | |
|---|--|-------------------------------------|---|-------------------------------------|---|-----------|--|-----|----|
| <p><u>INTERIOR SETBACKS*</u></p> <p>*SETBACKS ADJACENT TO A FULLY DEDICATED ALLEY, AS DETERMINED BY THE SUBDIVISION ORDINANCE, MAY BE MEASURED FROM THE CENTERLINE OF THE ALLEY.</p> | <p><u>WHERE A SITE BOUNDARY ABUTS ANY OF THE FOLLOWING DISTRICTS:</u></p> <table border="1"> <tr> <td data-bbox="475 495 675 730"><u>BUILDING HEIGHT</u></td> <td data-bbox="675 495 932 730">S-1, S-2, RE-43, RE-24, R1-14, RE-35, R1-18, R1-10, R1-8, R1-6, R-2, P.A.D. – 1 THROUGH P.A.D. – 11</td> <td data-bbox="932 495 1094 730">R-3, R-3A, R-4, R-5, R-4A, R-O, MUA</td> <td data-bbox="1094 495 1325 730">CO, CO/GO CO/MO., PSC, RSC, DC, GC, RH, UR, C-1, C-2, C-3, A-1, A-2, IND, PK., CP, P-1, P-2</td> </tr> <tr> <td data-bbox="475 730 675 831">0' to 75'</td> <td data-bbox="675 730 932 831">1' SETBACK FOR EVERY 1' IN HEIGHT</td> <td data-bbox="932 730 1094 831">10'</td> <td data-bbox="1094 730 1325 831">0'</td> </tr> </table> | <u>BUILDING HEIGHT</u> | S-1, S-2, RE-43, RE-24, R1-14, RE-35, R1-18, R1-10, R1-8, R1-6, R-2, P.A.D. – 1 THROUGH P.A.D. – 11 | R-3, R-3A, R-4, R-5, R-4A, R-O, MUA | CO, CO/GO CO/MO., PSC, RSC, DC, GC, RH, UR, C-1, C-2, C-3, A-1, A-2, IND, PK., CP, P-1, P-2 | 0' to 75' | 1' SETBACK FOR EVERY 1' IN HEIGHT | 10' | 0' |
| <u>BUILDING HEIGHT</u> | S-1, S-2, RE-43, RE-24, R1-14, RE-35, R1-18, R1-10, R1-8, R1-6, R-2, P.A.D. – 1 THROUGH P.A.D. – 11 | R-3, R-3A, R-4, R-5, R-4A, R-O, MUA | CO, CO/GO CO/MO., PSC, RSC, DC, GC, RH, UR, C-1, C-2, C-3, A-1, A-2, IND, PK., CP, P-1, P-2 | | | | | | |
| 0' to 75' | 1' SETBACK FOR EVERY 1' IN HEIGHT | 10' | 0' | | | | | | |
| <p><u>PERMITTED PROJECTIONS</u></p> | <p><u>OUTSIDE ARCHITECTURAL FEATURES, PORCHES, BALCONIES, AWNINGS OR OTHER SHADE ELEMENTS MAY EXTEND A MAXIMUM OF 10 FEET INTO THE STREET SETBACK TO SHADE SIDEWALKS.</u></p> | | | | | | | | |

1. ~~Building height--Maximum.~~

~~a. The height of any new structure shall not exceed four stories or sixty feet. A use permit may be granted for up to eight stories or ninety-six feet.~~

2. ~~Yard and coverage requirements.~~

~~a. There shall be no maximum lot coverage requirements.~~

~~b. Buildings abutting a public street shall be built from four to eight feet from the property line for at least sixty-five percent of the building frontage. The remaining thirty-five percent may be built from four to eight feet from the property line or a greater distance from the property line. A sidewalk and trees of at least eight feet in width must be accommodated in the public right-of-way. Outside stairways, architectural features, porches, balconies, awnings or other light-controlling devices, and utility devices below four feet in height may extend a maximum of five feet into the setback from the public street. Utility meters extending into any yard adjacent to a public street or visible off-site shall be screened on all sides. Buildings abutting a public alley may be built to the property line. Both residential and commercial access may be provided from the public~~

alleys.

- c. ~~Development abutting a public street shall provide landscaping with mature trees. Landscaping, including mature trees, may be provided in the public right-of-way in lieu of the perimeter in accord with adopted streetscape plans if they exist or as approved by the City's Development Services Department staff.~~
- d. ~~Structures on corner lots shall be sited so as to maintain a thirty-three-foot visibility triangle at the intersection of two public streets unless approved otherwise by the Development Services Department based on American Society of Highway and Traffic Officials (ASHTO) standards.~~

G. LOT COVERAGE. THERE SHALL BE NO MAXIMUM LOT COVERAGE REQUIREMENTS.

H. SHADING, PLANTING AND LANDSCAPING.

- 1. A MINIMUM OF 50% OF THE SIDEWALK AREA ADJACENT TO STREETS SHALL BE SHADED BY MEANS OF ARCADES, PROJECTIONS, AWNINGS OR TREES (MEASURED AT MATURITY).
- 2. ONE ROW OF STREET TREES SHALL BE PLANTED ALONG ALL STREET FRONTAGES USING A MIXTURE OF 2-INCH (50%), 3-INCH (25%), AND 4-INCH (25%) CALIPER TREES PLACED 20 FEET ON CENTER OR IN EQUIVALENT GROUPINGS.
- 3. ALL COMMON AREAS GREATER THAN 500 SQUARE FEET SHALL BE PLANTED WITH TREES AT A RATIO OF ONE TREE (MINIMUM 2-INCH CALIPER) PER 500 SQUARE FEET.
- 4. THE UNPAVED PORTIONS OF ALL COMMON AREAS SHALL BE LANDSCAPED WITH INORGANIC GROUND COVER AND 50% LIVING PLANT MATERIAL.

EJ. Off-street parking and loading.

- 1. Off-street parking shall be provided at the following standards:
 - a. One space for each one-bedroom or less residential dwelling unit and one and one-half spaces for each unit with two or more bedrooms. All residential parking shall be provided in parking structures or ground level garages enclosed on at least three sides and not visible from the public right-of-way.
 - b. One space for each three hundred square feet of usable floor area of nonresidential uses except that restaurants shall provide one space for every ~~seventy~~ SIXTY square feet (INCLUDING OUTSIDE DINING) of

~~space used for public dining or waiting purposes~~ EXCLUSIVE OF KITCHENS, RESTROOMS, STORAGE, ETC. Nonresidential parking may be provided on small, landscaped surface lots of not greater than twenty spaces behind the structures or may be provided in parking structures.

- c. Accessible parking spaces shall be provided in accord with Section 702.A.6.
 - d. A shared parking option may be granted by the Development Services Department per published standards to reduce the nonresidential parking requirement based on studies that indicate that less nonresidential parking is needed during certain times of the day. This option may consider nonresident parking available in all areas of the project, on-street parking, and parking available within three hundred feet of the project in determining the total amount of nonresidential parking to be provided.
2. Off-street loading facilities shall be provided on the same lot or parcel of land as the structure they are intended to serve and shall be screened from view from public streets by solid landscaping, fencing or masonry walls at least six feet in height. The choice of screening materials shall reflect materials used in the building served. The number and size of spaces shall be in accord with the provisions of Section 702.B.

~~FJ.~~ Fences and walls.

1. Except for fence piers no wider than two feet, all fences between the building face and the public right-of-way shall not exceed ~~three feet~~ 40 INCHES in height except as described elsewhere in this district to screen surface parking, off-street loading facilities, refuse containers, or outdoor play areas. All fences visible from public streets shall incorporate materials and architectural detailing present in the building being fenced.

~~GK.~~ Signage. Signage in the Urban Residential District shall be governed by the regulations applicable to signs in Section 705 except as modified by the regulations set forth in this subsection.

1. Signs projecting more than six inches from the front of the ground floor level of buildings containing nonresidential uses shall be perpendicular to the street (i.e. ninety-degree angle), with a maximum of one sign per entrance. All signs that extend into or over the public right-of-way shall be permitted only upon issuance of a revocable permit as administered by the City of Phoenix. Each sign shall:
 - a. ~~Identify only one business.~~
 - ba. Provide a minimum eight-foot head clearance.

- c. Signs utilizing animation or which contain the optical illusion of sign movement.
- d. Flags, banners, streamers or other similar devices.

H.L. Design Guidelines. The design guidelines and standards contained herein reflect the desire for a high quality of materials, pedestrian orientation of buildings, and residential character of the district. The general guidelines for design review as found in Section 507, Tab A of the Zoning Ordinance shall apply. If the guidelines of this section conflict with the guidelines of Section 507 Tab A, the guidelines of Section 642 shall prevail.

1. Building lines and building access.

- a. Building facades shall be oriented parallel to the streets on which they front. Exception may occur at entrances and to satisfy visibility requirements at corner intersections. (RP)
- b. ~~Multi-unit b~~Buildings shall have at least one primary street-oriented entrance ~~to the dwelling units~~. There shall be an entrance for every 75100 linear feet of developments. ~~Single-family attached townhouses shall have individual street entrances for each unit.~~ (R)

Rationale: The purpose of this district is to orient ~~residential~~ development to the street and to encourage street-level pedestrian access to buildings.

2. Windows and materials.

- ~~a. Windows and other openings for residential portions of buildings shall comprise not less than fifteen percent or more than sixty percent of the total residential portion of the facade area of all walls on or within ten feet of the building's front setback. No spandrel glass is permitted. (R)~~
- ~~b. Window areas for commercial portions of a building's facade shall comprise from forty percent to sixty percent of the total facade area. (R)~~
- a. AT A MINIMUM, 70% OF THE GROUND FLOOR, STREET FACING FAÇADE OF COMMERCIAL USES SHALL BE COMPRISED OF TRANSPARENT WINDOWS. TRANSPARENT WINDOWS SHALL ALLOW A MINIMUM OF 75% OF THE VISIBLE LIGHT (AS SPECIFIED BY THE MANUFACTURER) TO BE VISIBLE ON EITHER SIDE OF THE WINDOW. (R)
- b. All glass used as an exterior building material on all buildings shall ~~be clear or tinted with~~ HAVE a reflectivity of thirty percent or less. (R)
- ~~d. Exterior wall surfaces excluding window and door openings shall incorporate a minimum of eighty percent masonry materials including~~

~~stone, cast stone, brick, and special surface concrete masonry, or stucco or some combination thereof. Exterior wall surfaces of stucco shall incorporate architectural scaling elements similar to masonry construction such as sills, belt coursing, wall caps, pilasters, and offset massing. Wood siding or plastic is not permitted. The use of metal-based products is limited to twenty percent excluding balconies. (R)~~

~~*Rationale:* Use of masonry materials along with glass is responsive to our hot desert climate. Use of masonry materials and ornamentation creates buildings of high quality which are more residential in character than building facades primarily comprised of glass.~~

~~3. Parking structures.~~

- ~~a. Parking structures exposed to an external public street shall have a maximum width of one hundred twenty feet or be no more than forty percent of a development's total street facade, whichever is less. (R)~~
- ~~b. No more than one exposed parking structure may be built on any given street block including both sides of the street. (R)~~
- ~~c. All parking and parking lighting sources shall be screened from view from public or adjacent properties using exterior wall surface treatment as described in this district in 642.H.2.d. (R)~~
- ~~d. Parking on the roof of a parking structure shall be screened on all sides with a solid structure and on the top with carports to block visibility of cars.~~

~~*Rationale:* Screening of vehicles and lighting reduces glare and the intrusiveness of nonresidential elements in the neighborhood, while recognizing construction requirements for forty percent openings for ventilation.~~