

# Hatcher Road Overlay

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## SECTION 202: DEFINITIONS

**Art Gallery:** An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other work of art.

**Artist Studios/Galleries:** Work space within an enclosed structure for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. Incidental retail sales of items produced on the premises is allowed.

**Business Services:** Establishments that render services, rather than provide goods, primarily to other businesses.

**Clinic, Medical or Dental Offices:** A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four licensed primary practitioners (for example, chiropractors, dentists, medical doctors, optometrists, prescription opticians, psychologists, etc.) within a single office suite.

**Commercial Recreation:** A commercial recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, community center, conference center, exhibit hall, gymnasium, library, skating rink, swimming pool, tennis court.

**Community Center:** A building to be used as a place of meeting, recreation, or social activity and not operated for profit and in which neither alcoholic beverages or meals are normally dispensed or consumed.

**School, Commercial:** A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills including such things as dance and gymnastics. This definition applies to schools that are owned and operated privately for profit.

**Farmer's Market:** An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items and food and beverages (but not to include second-hand goods) dispensed from booths located on site.

**Financial Institution, Non-Chartered:** A business other than a state or federally chartered bank, credit union, mortgage lender or savings and loan association that offers check cashing services and loans for payment of a percentage fee. Specifically included are check-cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, "payday loan" businesses that make loans upon assignments of wages received, or businesses that function as deferred presentment services.

**Financial Institution:** A state or federally chartered bank, credit union, mortgage lender, savings and loan association, or automated teller machine.

Health and Support Services: A facility, place, or building that is maintained and operated to provide medical care. Includes intermediate care facilities, medical clinics, and home health agencies, all of which are licensed by the State.

Plant Nursery: An enterprise that conducts the retail and/or wholesale of plants grown on the premises, as well as accessory items (but not power equipment, such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance.

Retail Sales: A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

Theaters: A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

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## SECTION 672: HATCHER ROAD OVERLAY (HRO) DISTRICT

### A. Purpose

The Hatcher Road Overlay District is intended to establish development standards for Hatcher Road which achieve the following:

1. Promote a mix of residential, commercial, office and civic development in a pedestrian-friendly setting.
2. Encourage mixed-use development for new and redevelopment parcels, utilizing a building's second floor and above for office and residential uses.
3. Encourage economic development by establishing Hatcher Road as a shopping and dining destination for the rest of the city.
4. Create a safe and accessible pedestrian environment.
5. Encourage development of convenient, off-street parking facilities.
6. Encourage shared parking for multiple-uses on a single or multiple parcels.
7. Create an attractive and cohesive streetscape that enhances Pedestrian safety and shade along Hatcher Road.

### B. Applicability

This overlay applies to those properties generally fronting on both sides of Hatcher Road between 7th Street and 7th Avenue. The specific boundaries of the overlay are shown on the City of Phoenix Zoning Map.

1. Projects that have received preliminary or final, unexpired site plan approval or valid, unexpired building permit approval prior to the effective date of this ordinance are exempt.
2. The regulations governing the use of land and structures shall be set forth in the underlying zoning districts except as expressly modified by this overlay. In the event there is a conflict, these provisions shall prevail unless otherwise noted.
3. The development standards and design guidelines described herein shall be applicable to New Development and Additions/Expansions as defined below.
  - a. New Development – building construction on a vacant site or one that becomes vacant as a result of the demolition of existing structures.
  - b. Additions/ Expansions – building construction exceeding 50 percent of the square footage of the existing structures, detached or attached, on a site containing a single or multiple structures.

C. Permitted Uses

Any of the allowable uses in the underlying zoning district and the following:

1. Artists' Studios/Galleries
2. Bed and Breakfast Establishment
3. Business Services
4. Clinic, Medical or Dental Offices
4. Commercial Recreation ( $\leq 10,000$  Square Feet)
5. Community Center
6. Convenience Market
7. Cultural Events and Performances that are open to the public and that feature visual art, music, dance, theater, performance art, science, design or cultural heritage are permitted, subject to the following:
  - a. The outdoor event or performance must be presented by an existing business on the property and must comply with all applicable codes and ordinances.
  - b. The business' regularly stocked items may be displayed outdoors and be available for purchase during the event or performance but payment for all items shall occur indoors. No other items may be displayed for sale outdoors during the event or performance.
  - c. Outdoor events or performances are limited to Fridays, Saturdays, and Sundays only.

- d. Friday and Saturday outdoor events or performances shall be limited to the hours between 10:00 a.m. and 10:00 p.m. No amplified music or loudspeakers may be used outside after 10:00 p.m. in the R-5 or C-2 districts.
- e. Sunday outdoor events or performances shall be limited to the hours between 10:00 a.m. and 9:00 p.m. No amplified music or loudspeakers may be used outside after 9:00 p.m. in the R-5 or C-2 districts.
- f. Hours and days of outdoor events or performances may be extended subject to obtaining a use permit in accordance with the standards and procedures of the Zoning Administrator section of the Zoning Ordinance.
- g. Outdoor events or performances in the R-5 or C-2 districts shall be a minimum of 100 feet from a single-family zoning district.

- 8. Dependent or Day Care Centers
- 9. Dwellings, Multi-Family
- 10. Farmer's Market
- 11. Financial Institutions (Excluding Non-Chartered)
- 12. Food and Beverage Sales
- 13. Health and Support Services
- 14. Live-Work Units
- 15. Outdoor Cooking (See Accessory Uses)
- 16. Outdoor Dining (Outdoor Alcoholic Beverage Consumption Shall Be Permitted As An Accessory Use Only Upon Securing A Use Permit In Accordance With The Provisions Of Section 307)
- 17. Outdoor Display (See Accessory Uses)
- 18. Plant Nursery ( $\leq 5,000$  Square Feet)
- 19. Restaurants
- 20. Retail Sales
- 21. Second-Hand/Used Merchandise
- 22. Theaters
- 23. Veterinary Office/Hospital ( $\leq 5,000$  square feet)

D. Accessory Uses.

- 1. Outdoor Display
  - a. The outdoor display of merchandise shall be permitted subject to an administrative review by the Planning Hearing Officer which includes the review of a site plan that shows the amount and location of the outdoor display area, and subject to the following conditions:
    - 1) The display shall coincide with normal business hours; and

- 2) Represent the merchandise of the retail use; and
- 3) Payment for all items shall occur indoors; and
- 4) Not exceed ten percent of the primary building's retail ground level net floor area; and
- 5) Not reduce the number of required parking spaces.

2. Outdoor Cooking shall be subject to the following conditions:

- a. Sale of items cooked outdoors must take place inside the store; and
- b. Items must be moved to display area inside after cooking; and
- c. A store employee must conduct the cooking; and
- d. The cooking equipment shall not be mobile and must be affixed to the ground.

E. Required Uses.

For the portion of each building fronting Hatcher Road, a minimum of 70 percent of the ground floor area shall be retail or office uses.

F. Height.

A maximum building height of 48 feet shall be permitted, unless additional height is allowed per the underlying zoning.

G. Setbacks.

1. The build to line shall be established 14 feet behind the back of curb or the property line, whichever is greater. A minimum of 70 percent of the ground floor façade adjacent to Hatcher Road should be built within a range of 0 feet to 2 feet of the build to line. Where ground level retail uses are proposed, the building may be set back from Hatcher Road an additional 12 feet for shop entrances, arcades, plazas, sidewalk cafes and outdoor display of retail sales.
2. The second story and above shall be set back a minimum of 25 feet if adjacent to a single family residential district.

H. Lot Coverage.

There shall be no maximum lot coverage requirements.

I. Street Improvements.

A 6-foot wide landscaped area adjacent to the Hatcher Road curb and an 8-foot wide detached sidewalk shall be provided. Both the adjacent public sidewalk and landscape area back of curb shall be improved by the subject property owner.

J. Shading, Planting and Landscaping.

1. A minimum of 50 percent of the sidewalk area adjacent to Hatcher Road shall be shaded by means of arcades, projections, awnings or trees (measured at maturity). All canopies, awnings and similar shading elements 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.
2. Shading shall be positioned to shade the sidewalk. Shade calculations shall be based on summer solstice at 12:00 pm.
3. Where landscaping is used, trees shall be a minimum two inch caliper, at the time of planting.
4. The unpaved portions of all common areas shall be landscaped with inorganic ground cover or living plant material.
5. A theme tree shall be planted 20 feet on center along the Hatcher Road frontage, or in equivalent groupings as approved by the Development Services Department, with three shrubs provided with each required tree.
6. All plant materials shall be selected from the Hatcher Road Plant Palette. For a list of plant materials refer to the Hatcher Road Plant Palette.

K. Off-street Parking.

1. For *Additions/Expansions*, required parking shall be the parking existing on the effective date of this ordinance plus 50 percent of the additional required parking.
2. For *New Development*, commercial parking requirements on the effective date of this ordinance shall be reduced by 15 percent. Required parking may be located on another parcel within 1,320 feet of the use so long as the parcel is within the Hatcher Road Overlay area. If off-site parking is requested, the site plan must show the primary use and the off-site parking, plus the property address and legal description of both sites. At the time of application, a letter of intent to execute such a lease, with a minimum term of 12 months, signed by the owner of the off-site parking facility is required.

3. Required parking may be reduced by an additional 15 percent if a bicycle parking facility is provided on the site within 50 feet of the building's front entrance, is visible from Hatcher Road, and provides for a minimum of four bicycles to be parked at one time.

L. Design Guidelines.

Design Guidelines reflect the desired goals and policies for the Hatcher Road Overlay District as stated in (A.) Purpose. The guidelines indicate specific implementation standards and consist of requirements (R), presumptions (P), and considerations (C). Unless expressly modified by this overlay, the Standards of Guidelines for Design Review (Section 507 Tab A., Phoenix Zoning Ordinance) still apply. In the event of conflict, these provisions shall prevail unless otherwise noted.

1. Building Lines and Building Access.

- a. Building facades should be oriented to Hatcher Road. Exceptions may occur at entrances and to satisfy visibility requirements at street intersections. (P)
- b. Buildings should have at least one entrance facing Hatcher Road. (P)
- c. There should be one entrance for every 100 linear feet of development. (P)

*Rationale: The purpose of this district is to orient development to Hatcher Road and to encourage pedestrian access to buildings. The Hatcher Road environment will be more active for pedestrians if opportunities to access public uses are provided as often as possible.*

2. Off-Street Parking

- a. Parking should be located to the rear of the building to enhance a pedestrian friendly environment along Hatcher Road. (P)
- b. Parking lots should be visible from interior spaces. (P)

*Rationale: Parking lots and vehicular maneuvering in front of buildings is inconsistent with the pedestrian-friendly environment encouraged along Hatcher Road. Visibility of parking lots is a crime deterrent.*

3. Windows and Materials.

- a. For retail uses only, a minimum of 70 percent of the ground floor, street facing building facade should be comprised of transparent windows. (P)

- b. The required area of windows should be within an area 3 feet to 7 feet above adjacent proposed sidewalk grade. (P)
- c. Transparent windows should allow a minimum of 75 percent of the visible light, as specified by the manufacturer, to be visible on either side of the window. (P)
- d. All building glass used as an exterior building material along Hatcher Road should have a reflectivity of 30 percent or less. (P)
- e. Transparent ground floor windows of retail uses facing Hatcher Road should provide pedestrians with unobstructed views of the interior of the building. (P)

*Rationale: Large visible windows along Hatcher Road will provide an appealing streetscape for pedestrians. Highly reflective materials are distracting and focus attention away from the positive qualities of the Hatcher Road environment.*

4. Building Facades.

- a. The building façade facing Hatcher Road should not exceed 20 linear feet without being interrupted by a window or entry. (P)
- b. The design of a blank wall should consist of architectural embellishments and/or variations in the types and design, building texture, and materials. (P)

*Rationale: Breaking up building facades with windows, entries, and architectural embellishments creates an interesting and appealing pedestrian environment.*

5. Security Lighting.

Exterior lighting should be provided for the following areas: pedestrian pathways, plazas, courtyards, building entrances, parking lots, and driveways, automatic teller machines, loading docks and any other outdoor space used at night by pedestrians or employees. (P)

*Rationale: The purpose of security lighting is to protect people and property usually between dusk and dawn. Additionally, security lighting should provide enough light over an area so that anyone moving in or around it can be seen easily.*

6. Public Accessible Open Space. Public accessible open space is not required. If provided it should address the following considerations:

- a. Publicly accessible open space should include seating areas, landscaping and shade. (C)

- b. Publicly accessible open space should be located on the ground level and be accessible and visible from a public sidewalk. (C)
- c. Publicly accessible open space should consist of three or more of public open space design features. The following are examples of such features:
  - Decorative paving
  - Public outdoor drinking fountains
  - Improvement of adjacent transit stop, as approved by the Public Transit Department
  - Water Features
  - Public Art (C)

*Rationale: With the increased activity anticipated along Hatcher Road, publicly accessible open space is an important amenity. Incorporating features, such as those noted, will enhance this space for the benefit of pedestrians.*

7. Fences and Walls.

- a. Fences between the building face and the public right of way should not exceed 40 inches in height except to screen off-street loading facilities, refuse containers or outdoor play areas. (P)

*Rationale: The view of buildings, courtyards, outdoor display of merchandise and dining contribute to the street activity.*