

RESOLUTION NO. 7907

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING RESOLUTION NUMBER 7847 BY CHANGING THE DISTANCE CRITERIA FOR THE CONSTRUCTION OF PUBLIC PARKING SPACES FOR IN-LIEU PARKING CREDIT(S).

WHEREAS, Ordinance No. 455 of the City of Scottsdale adopted zoning regulations for the City; and

WHEREAS, Section 9.108.C. and subsections therein of Ordinance No. 455 as amended by Ordinance No. 3662 provide for the payment in-lieu of provided on-site parking in the Downtown Overlay (DO) and Downtown (D) districts, but do not specify payment or dollar fee amount; and

WHEREAS, the fee for parking in-lieu payment was set by the adoption of Resolution 7847, which requires the payment of money to the City and/or the construction of public parking space(s) to receive in-lieu parking credits from the City; and;

WHEREAS, the City Council desires to amend Resolution number 7847 by modifying the distance criteria for the construction of public parking spaces in order to receive in-lieu parking credits as provided for in the Parking Section of the City of Scottsdale Appendix B Basic Zoning Ordinance.

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1: Resolution numbered 7847 is hereby amended.

Section 2. As of the effective date of this Resolution, the payment for permanent in-lieu parking credit(s) is hereby established as any of the following:

- a. A lump sum fee for permanent in-lieu parking space credit is hereby established as \$11,862.54 per permanent in-lieu parking space credit. Where a fractional number of parking spaces are calculated, the fee shall be calculated to the nearest tenth, and the fee assessed on a pro-rated basis.
- b. The complete construction of one (1) public parking space for every one (1) permanent in-lieu parking space credit, whereby the property owner pays the total cost of construction. The total cost of construction includes, but is not limited to, the cost: to receive all necessary City approvals and permits; to obtain materials; to design the public parking space(s); for labor; and the construction of a new, publicly owned parking space. The parking space(s) shall be constructed in accordance with the City of Scottsdale's approved

standards, without a monetary contribution from the City of Scottsdale. The parking space(s) shall be located within the City's right-of-way and/or on City property, and be within three-hundred (300) feet of the owner's property that requires the in-lieu parking space credit(s). The City Council may approve construction of parking spaces greater than three-hundred (300) feet from the owner's property if the proposed location provides additional public parking in an area that is in need of public parking, the parking space(s) will result in a public benefit to the area, and the location of the parking space(s) is within the downtown boundary. To receive the permanent in-lieu parking space credit(s), the owner shall enter into an agreement approved by the City Council to construct the new public parking space(s) in accordance with this resolution.

- c. A combination of subsections a. and b. whereby the property owner pays \$11,862.54 per permanent in-lieu parking space credit, and completes construction of one (1) public parking space for every one (1) permanent in-lieu parking space credit in accordance with subsection b.

Section 3: The payment installment fee for each permanent in-lieu parking space credit purchased is hereby established to require a minimum \$790.84 nonrefundable deposit, and a subsequent payment of at least \$112.30 per month for a period not to exceed 15 years. Where a fractional number of parking spaces are calculated, the fee shall be calculated to the nearest tenth, and the fee assessed on a pro-rated basis.

Section 4: The monthly payment fee for each term in-lieu parking credit leased from the City is hereby established as \$112.30 per parking space credit. Where a fractional number of parking spaces are calculated, the fee shall be calculated to the nearest tenth, and the fee assessed on a pro-rated basis. The lessee of a term in-lieu parking credit(s) shall enter into an agreement approved by the Planning and Development Services General Manager or designee for the payment of fees prior to the occupancy of the use necessitating the need for the term in-lieu parking credit(s) and the lessee shall continue to make the monthly payments to the City in accordance with the agreement until which time the lessee abandons the use necessitating the need for the term in-lieu parking credit(s).

Section 5: The monthly payment fee for each term evening-use in-lieu parking credit leased from the City is hereby established as \$31.63 per month per parking credit. Where a fractional number of parking spaces are calculated, the fee shall be calculated to the nearest tenth, and the fee assessed on a pro-rated basis. The lessee of a term evening-use in-lieu parking credit(s) shall enter into an agreement approved by the Planning and Development Services General Manager or designee, for the payment of fees prior to the occupancy of the use necessitating the need for the term evening-use in-lieu parking credit(s) and the lessee shall continue to make the monthly payments to the City in accordance with the agreement until which time the lessee abandons the use necessitating the need for the term evening-use in-lieu parking credit(s).

Section 6: The payment fees shall be recalculated every first day of January to reflect yearly cost adjustments based upon the Consumer Price Index (CPI).

Section 7: A Downtown Parking Program Enhancement account is hereby established to provide for the collection of in-lieu parking credit payment fees and the disbursement of funds for the operation of a downtown parking program, the provision and maintenance of public parking, the operation of tram shuttle services, and services related to the management and regulations of public parking.

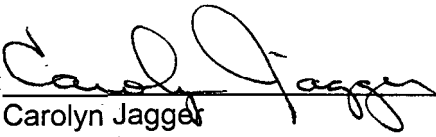
Section 8: The City Council has full power and discretion to determine which method will satisfy the payment for in-lieu parking space credits.

Section 9. The effective date of this Resolution is 12:01 a.m. on July 17, 2009.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 16th day of June, 2009.

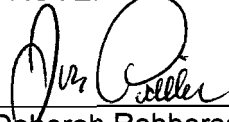
ATTEST:

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By: 
Carolyn Jagger
City Clerk

By: 
W.J. "Jim" Lane
Mayor

APPROVED AS TO FORM:

By: 
Deborah Robberson
City Attorney