ZONING INTERPRETATION RECORD

Subject of Interpretation:
Nonconforming Status of required Hotel Parking Spaces

Zoning Ordinance Section Number:
N/A

Title of Section:
N/A

Cause for Interpretation:
The applicant indicated that a hotel operator is updating real estate records for several of its properties, including the referenced property.

As part of the review, a survey was completed for the property in question. Based on the survey, the present hotel development that occupies the site in question is short 15 parking spaces, as there are 75 parking spaces provided where 90 parking spaces would be required. The applicant stated that they believe the parking shortage is a result of modifications made to the site in conformance with standards created by federal law and the adoption of the Americans with Disabilities Act (ADA). Briefly described, in order to provide federally mandated handicapped parking spaces, including van accessible parking spaces, it became necessary to substitute fewer but wider handicapped parking spaces for what would otherwise have been a greater number of narrow, but more typical “standard” parking spaces.

Interpretation:
Assuming the motel was initially constructed with the minimum ratio of parking spaces required for motels based upon the Mesa Zoning Ordinance (Title 11 of the Mesa City Code), a standard in place since the adoption of a zoning ordinance by the Mesa City Council in 1939, a 90-room motel would require 90 parking spaces. The explanation the applicant provided that the revisions to the parking lot of the motel site due to the adoption of ADA resulted in a loss of 15 spaces appears to be reasonable. A search through department records resulted in no evidence of a variance or other authorization for a shortfall of 15 spaces.

In should also be noted that the presented survey reveals several non-conforming conditions on the property in addition to the shortage of parking spaces, including the lack of perimeter landscaping along the east and west property lines, encroachment of parking spaces into what would be required landscape setbacks, a shortage of parking lot landscape islands, and provided foundation base (a separation between parking spaces/circulation lanes and the nearest face of the building) that is at times less than the full minimum width. From institutional knowledge about this site, the presence of a non-conforming detached sign at the property entrance adjacent to a nearby street should also be noted.
Given that this site was developed prior to the City’s adoption of the present zoning-related development standards for landscaping, building setbacks and signs, the development of this site as presently configured is considered legal but non-conforming. With regard to parking, the development of the site likely met the minimum parking standards at the time of initial construction. Given the mandatory nature of federal ADA requirements, and the lack of available alternatives for the development of this site to comply with both federal and local parking standards, the Zoning Administrator (ZA) will accept the applicant’s explanation as to the reason for the present parking shortage, and agree that the site is considered legal, but non-conforming as to the parking layout, also. The land use of a motel in the GC-General Commercial zoning district remains fully conforming to present Mesa Zoning Ordinance requirements.

The applicant should be aware that legal non-conforming sites are subject to the requirements of Chapter 36 of the Mesa Zoning Ordinance. In the event of a change involving the land use, the size of the building or possible other revisions to the site, a Substantial Conformance Improvement Permit (SCIP) may be required to be approved, and or revisions to the site may need to result in the complete conformance of the site development with current zoning development standards, depending upon the degree of change being initiated.