PLANNING COMMISSION REPORT

MEETING DATE: November 19, 2003 ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Use Permit For Bars, After hours establishments

REQUEST

Request to approve for a Text amendment to amend Ordinance 455 (Zoning Ordinance) Article I., Administration and Procedures., Section 1.403. Additional conditions for specific conditional uses.; Article III. Definitions.; Article V. Section. 5.1200. (C-S) Regional Shopping Center., Sec. 5.1300. (C-1) Neighborhood Commercial District., Sec. Sec. 5.1400. (C-2) Central Business District., Sec. 5.1500. (C-3) Highway Commercial District., Sec. 5.2400. (P.N.C.) Planned Neighborhood Center., Sec. 5.2500. (P.C.C.) Planned Community Center., Sec. 2.600. (P.R.C.) Planned Regional Center., Sec. 5.2700. (P.Co.C.) Planned Convenience Center.; Article VII. General Provisions.; Sec. 5.2800 (W.P.) Western Theme Park District.Section 9.108. **3-TA-2003**

Key Items for Consideration:

- Requires all bars to obtain a Conditional Use Permit.
- Requires all after hours establishments to obtain a Conditional Use Permit.

APPLICANT CONTACT

Kira Wauwie
City of Scottsdale
480-312-7061

LOCATION

The bars and after hours establishments apply Citywide.

BACKGROUND

Conditional Use Permits are required for uses that the city has determined are generally appropriate in a zoning district, but because of potential impacts that could result from these uses they require specific approval by the City Council. Currently bars and after-hours establishments have been allowed "by right" in several commercial and planned districts. Recently the City Council determined that bars and after-hours uses in the Downtown area would require use permits and directed staff to prepare an amendment to require use permits for these uses throughout the city.

APPLICANT'S PROPOSAL AND IMPACT ANALYSIS

Conditions maybe attached to use permits approved by the City Council. Under this proposal, these conditions would include mitigating impacts from lighting and noise, providing adequate parking and refuse, buffering from residential uses, security and traffic control. The existing criteria of the Downtown Overlay district have been moved to the Conditional Use Permits section of the Zoning Ordinance since the regulation is intended to apply throughout the City.

In addition, the Downtown Overlay criteria has been maintained and expanded to make the criteria responsive to various site locations throughout the City for

consideration of potential impacts on commercial urban and suburban or residential areas.

This will result in these uses needing to come to the City for approval. In addition, the community should realize a greater ability to influence the operation and reduce any negative impacts from these uses.

COMMUNITY INVOLVEMENT

Three open houses were held during the development of this Text Amendment. Input has generally been positive.

STAFF RECOMMENDATION

Recommended Approach:
Staff recommends approval.

RESPONSIBLE DEPT(S)

Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

Kira Wauwie
Project Coordination Manager
480-312-7061
E-mail: kwauwie@ScottsdaleAZ.gov

APPROVED BY

_____
Kira Wauwie
Report Author

_____
Randy Grant
Chief Planning Officer

ATTACHMENTS

1. Text Amendment
2. Citizen Involvement

Proposed Ordinance Language
Note: Text format conventions:

- **PROPOSED NEW LANGUAGE**
- Existing language
- ~~Deleted Existing Language~~

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Article I.

Administration And Procedures

Sec. 1.403. Additional conditions for specific conditional uses.

D. BARS, COCKTAIL LOUNGES, AND/OR AFTER HOURS ESTABLISHMENTS.

1. **IF THE SITE IS LOCATED WITHIN A COMMERCIAL OR DOWNTOWN AREA THEN:**
   a. **THE USE SHALL NOT DISRUPT EXISTING BALANCE OF DAYTIME AND NIGHTTIME USES.**
   b. **THE USE SHALL NOT DISRUPT PEDESTRIAN-ORIENTED DAYTIME ACTIVITIES.**
2. **IF THE SITE IS LOCATED WITHIN A DOWNTOWN AREA THEN:**
   a. **THE USE SHALL NOT ENCOURAGE DISPLACEMENT OF DAYTIME RETAIL USES UNLESS IT CAN BE DEMONSTRATED THAT THE PROPOSED USE SHALL PROMOTE DIVERSITY OF FIRST FLOOR USES ALONG THE STREET.**
   b. **THE REQUIRED PARKING FOR THE USE SHALL BE WITHIN 600 FEET OF THE PROPERTY AND SHALL NOT BE SEPARATED FROM THE PROPERTY BY AN MAJOR OR MINOR ARTERIAL STREET.**
3. **IF THE SITE IS LOCATED WITHIN CLOSE PROXIMITY OF A RESIDENTIAL USE OR AREA THEN:**
   a. **THE USE SHALL NOT ADVERSELY IMPACT RESIDENTIAL USES.**
   b. **THE USE SHALL PROVIDE METHODS OF BUFFERING RESIDENTIAL USES.**
4. **AN ACTIVE MANAGEMENT AND SECURITY PLAN SHALL BE CREATED, MAINTAINED, IMPLEMENTED, AND ENFORCED FOR THE BUSINESS.**
5. **THE APPLICANT SHALL PROVIDE, WITH THE APPLICATION FOR A CONDITIONAL USE PERMIT, A WRITTEN EXTERIOR REFUSE CONTROL PLAN WHICH MUST BE APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT STAFF AS COMPLYING WITH THE WRITTEN GUIDELINES OF THE DEPARTMENT.**
6. **THE APPLICANT SHALL DEMONSTRATE HOW NOISE AND LIGHT GENERATED BY THE USE SHALL BE MITIGATED.**
7. **THE APPLICANT SHALL DEMONSTRATE THAT THE USE SHALL NOT EXCEED CAPACITY FOR TRAFFIC AND PARKING IN THE AREA.**
8. **AFTER HOURS ESTABLISHMENTS MUST MAINTAIN A VALID AFTER HOURS ESTABLISHMENT LICENSE.**

Article III.

Definitions.

Sec. 3.100. General.

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural shall include the singular; the word "building" shall include the word "structure", and the word "lot" shall include the word "plot"; the word "may" is permissive, and the word "shall" is mandatory, further the word "or" shall mean "either" and the word "and" shall mean "in conjunction with."

AFTER HOURS ESTABLISHMENT **INCLUDES ANY BUSINESS WHICH IS OPEN TO PATRONS DURING THE HOURS OF 1:00 A.M. TO 6:00 A.M. WHICH IS THE BUSINESS PREMISES OF A STATE ON-SALE RETAIL LIQUOR LICENSEE AND WHERE DANCING OR LIVE ENTERTAINMENT OCCURS.**

~~*Bar* or *cocktail lounge* shall mean an establishment whose primary business is the serving of alcoholic beverages to the public for consumption on the premises.~~

BAR OR COCKTAIL LOUNGE **INCLUDES ANY BUSINESS THAT OFFERS ALCOHOLIC BEVERAGES FOR SALE, IS NOT AN ACCESSORY USE TO A HOTEL, AND MEETS ANY OF THE FOLLOWING CRITERIA:**

A. THE BAR SERVICE AREA IS IN EXCESS OF FIFTEEN (15)% OF THE GROSS FLOOR AREA.

B. THE KITCHEN IS LESS THAN FIFTEEN (15)% OF THE GROSS FLOOR AREA.

C. AGE VERIFICATION IS REQUESTED FOR ADMITTANCE.

D. A COVER CHARGE IS REQUIRED FOR ADMITTANCE, EXCEPT FOR SPECIAL EVENTS AS PERMITTED THROUGH THE CITY'S SPECIAL EVENT PERMIT PROCESS.

E. LESS THAN FORTY (40) PERCENT OF GROSS REVENUES ARE DERIVED FROM THE SALE OF PREPARED FOOD.

F. THE BUSINESS REMAINS OPEN AND LIQUOR SALES CONTINUE BUT THE FULL KITCHEN CLOSES BEFORE NINE (9) PM.

BAR SERVICE AREA **INCLUDES THE FLOOR AREAS UNDER INDOOR AND OUTDOOR BARS COUNTER TOPS AND THE FLOOR AREA BEHIND THE BARS COUNTER TOPS USED FOR THE STORAGE, PREPARATION AND SERVING OF FOOD OR DRINKS.**

***KITCHEN* INCLUDES ONLY THOSE AREAS USED FOR THE PREPARATION AND COOKING OF FOOD AND DISHWASHING INCLUDING ALL AREAS ACCESSORY THERETO, AND NOT INCLUDING WALK-IN REFRIGERATORS OR COLD STORAGE ROOMS OR ROOMS AREAS FOR THE STORAGE OF FOOD OR BEVERAGES.**

Article V.

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District Regulations.

Sec. 5.1200. (C-S) Regional Shopping Center.

Sec. 5.1201. Purpose.

This district is intended to provide for well-designed shopping facilities which serve a large regional area. Area zoned C-S should be recognized as substantial traffic generators and should be located at the intersection of two (2) major arterials.

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It is intended that the (C-S) regional shopping center district shall be laid out and developed as a unit according to an approved plan so that the purpose of the district may be accomplished.

Sec. 5.1202. Approvals required.

No structure or building shall be built or remodeled upon land in the C-S district until Development Review [Board] approval has been obtained as outlined in article I, section 1.900 hereof.

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Sec. 5.1203. Use regulations.

A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Business and professional.

   a. Medical or dental office with laboratory.

   b. Professional and business offices.

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   c. Travel agencies.

   d. Municipal uses.

   e. Private and charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards including, but not limited to, the following as well as those otherwise required in the district.

(1) Location: All proposed private and charter schools shall be located a minimum of five hundred (500) feet from any adult use.

(2) Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three thousand (43,000) square feet (net).

(3) There shall be no outside speaker system or bells, if the school building is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.

(4) Open space: Per underlying zoning district open space requirements. All NAOS requirements of the district must be met and may be applied towards the overall open space requirements subject to compliance with NAOS standards.

(5) Parking: Parking shall observe the front yard setbacks of the district for all frontages. One-third (1/3) of the required parking may be shared parking with other establishments present on site. Parking shall be located and screened per the requirements of the district.

(6) Outdoor recreation area: All outdoor playgrounds and recreation areas shall be enclosed by a wall or fence sufficient in height to protect the safety and welfare of the students, and shall be located within the side or rear yard. Any playground or outdoor recreation area shall be located a minimum of fifty (50) feet from any residential district and screened by a minimum six-foot high wall.

(7) Drop off area: A drop off area accommodating a minimum of five (5) vehicles shall be located along a sidewalk or landing area connected to the main entrance to the school. This area shall not include internal site traffic aisles, parking spaces, fire lanes, etc.

(8) Any public trails or pedestrian connections shall be incorporated into the site plan and approved by the Development Review Board.

(9) Circulation plan: The applicant shall submit a circulation plan to insure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

2. Retail sales.

a. Appliance store including repair of small or household appliances.

b. Art gallery.

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c. Bakery.

d. Bicycle store.

e. Big box. Any single retail space (limited to permitted retail uses in this C-S district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:

(1) Primary access is not on a local collector* street; and

(2) Residential zoned property is not located within One thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

Also See Sections 1.403 and 5.1203.B.

f. Candy shop including the making of candy.

g. Carpet and floor covering store.

h. Clothing store.

i. Delicatessen.

j. Department store.

k. Drugstore.

l. Furniture store.

m. Gift shop, bookstore.

n. Grocery store.

o. Hardware store.

p. Ice cream parlor including the making of ice cream.

q. Import, export shop.

r. Jewelry store.

s. Liquor store.

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t. Photographic shop.

u. Plant nursery.

v. Record shop.

w. Shoe store.

x. Sporting goods store.

y. Stationery store.

z. Variety store.

3. Service.

a. Bank.

b. Barbershop.

c. Beauty shop.

d. Bowling alley.

e. Churches and places of worship.

f. Cleaning and pressing agencies.

~~g. Cocktail lounge without live entertainment.~~

~~h~~g. Coffee shop, cafe, cafeteria.

~~i~~h. Day care center, if the drop off or outdoor play area is more than one hundred (100) feet from a residential district.

~~j~~i. Finance company office.

~~k~~j. Personal wireless service facilities; minor, subject to the requirements of sections 1.906, 3.100 and 7.200.

~~l~~k. Printing, lithography or photostating establishment.

~~m~~l. Recyclable material collection center.

~~n~~m. Savings and loan office.

~~o~~n. Shoe repair shop.

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~~p~~o. Theater.

B. *Uses permitted by conditional use permit.*

1. Automotive center.

2. Big box. Any single retail space (limited to permitted retail uses in this C-S district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:

a. Primary access is on a local residential street; or

b. Residential zoned property is located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, Big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

For Use Permit Provisions and Criteria, See Section 1.403.

3. COCKTAIL LOUNGE (SEE SECTION 1.403 FOR CRITERIA).

~~3~~4. Day care center, if the drop off or outdoor play area is within one hundred (100) feet from a residential district (see section 1.403 for criteria).

~~4~~5. Drive-in or drive-thru restaurant.

~~5~~6. Game center.

~~6~~7. Gasoline service station (see section 1.403 for criteria).

~~7~~8. Live entertainment (see section 1.403 for criteria).

~~8~~9. Personal wireless service facilities; major, subject to the requirements of sections 1.400, 3.100 and 7.200.

~~9~~10. Self-service carwash.

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Sec. 5.1400. (C-2) CENTRAL BUSINESS DISTRICT.

Sec. 5.1401. Purpose.

This district is intended to permit all uses permitted in the (C-1) neighborhood commercial district, plus commercial activities designed to serve the community. This district includes uses usually associated with the central business district and shopping facilities which

are not ordinarily compatible with residential development.

Sec. 5.1402. Approvals required.

No structure or building shall be built or remodeled upon land in the C-2 district until Development Review [Board] approval has been obtained as outlined in article I, section 1.900 hereof.

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Sec. 5.1403. Use regulations.

A. *Uses permitted.* Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Business and professional services.

   a. Business and professional offices.

   b. Business schools.

   c. Hospital for animals including boarding and lodging provided that there are no open kennels maintained and provided all activities will be conducted in soundproof buildings.

   d. Medical or dental offices including laboratory.

   e. Museum.

   f. Optician.

   g. Municipal uses.

   h. Private and charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards including, but not limited to, the following as well as those otherwise required in the district.

      (1) Location: All proposed private and charter schools shall be located a minimum of five hundred (500) feet from any adult use.

      (2) Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three thousand (43,000) square feet (net).

      (3) There shall be no outside speaker system or bells, if the school building is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.

      (4) Open space: Per underlying zoning district open space

requirements. All NAOS requirements of the district must be met and may be applied towards the overall open space requirement subject to compliance with NAOS standards.

(5) Parking: Parking shall observe the front yard setbacks of the district for all frontages. One-third (1/3) of the required parking may be shared parking with other establishments present on site. Parking shall be located and screened per the requirements of the district.

(6) Outdoor recreation area: All outdoor playgrounds and recreation areas shall be enclosed by a wall or fence sufficient in height to protect the safety and welfare of the students and shall be located within the side or rear yard. Any playground or outdoor recreation area shall be located a minimum of fifty (50) feet from any residential district and screened by a minimum six-foot high wall.

(7) Drop-off area: A drop-off area accommodating a minimum of five (5) vehicles shall be located along a sidewalk or landing area connected to the main entrance to the school. This area shall not include internal site traffic aisles, parking spaces, fire lanes, etc.

(8) Any public trails or pedestrian connections shall be incorporated into the site plan and approved by the Development Review Board.

(9) Circulation plan: The applicant shall submit a circulation plan to insure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

i. Studio for professional work or teaching of any form of commercial or fine arts.

2. Residential.

a. Dwelling units physically integrated with commercial establishments (limited to one (1) dwelling unit for each business establishment).

3. Retail sales.

a. Antique store.

b. Appliance store.

c. Art gallery.

d. Automobile parts store.

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e. Bakery.

~~f. Bars and cocktail lounges without live entertainment.~~

~~g~~**f**. Bicycle store.

~~h~~**g**. Big box. Any single retail space (limited to permitted retail uses in this C-2 district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:

(1) Primary access is not on a local collector* street; and

(2) Residential zoned property is not located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

Also See Sections 1.403 and 5.1403.B.

~~i~~**h**. Bookstore.

~~j~~**i**. Camera store.

~~k~~**j**. Candy store.

~~l~~**k**. Carpet and floor covering store.

~~m~~**l**. Clothing store.

~~n~~**m**. Craft shop conducted in conjunction with retail business which may include ceramics, mosaics, fabrics, jewelry, leather goods, silk screening, dress designing, sculpturing and wood carving.

~~o~~**n**. Department store.

~~p~~**o**. Drugstore.

~~q~~**p**. Electronic equipment store.

~~r~~**q**. Fabric store.

~~s~~**r**. Florist.

~~t~~**s**. Furniture store.

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~~u~~**t**. Gift shop.

~~v~~**u**. Grocery store or supermarket.

~~w~~**v**. Gun shop.

~~x~~**w**. Hardware store.

~~y~~**x**. Hobby or toy store.

~~z~~**y**. Home improvement store.

~~aa~~**z**. Ice cream store.

~~bb~~**aa**. Import store.

~~cc~~**bb**. Liquor store.

~~dd~~**cc**. Music store.

~~ee~~**dd**. Pawnshop.

~~ff~~**ee**. Pet shop.

~~gg~~**ff**. Restaurants, excluding drive-in or drive-through types.

~~hh~~**gg**. Sporting goods store.

~~ii~~**hh**. Stationery store.

~~jj~~**ii**. Swimming pool supply store.

~~kk~~**jj**. Variety store.

~~ll~~**kk**. Restaurant with associated microbrewery where brewed beer is consumed only on-premises and brewery occupies no more than fifteen (15) percent of the floor area of the establishment.

4. Services.

a. Appliance repair.

b. Bank.

c. Barber or beauty shop.

d. Bowling alley.

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e. Broadcasting station and studio, radio or television excluding transmitting or receiving towers.

f. Clothes cleaning agencies and laundromats excluding industrial cleaning and dyeing plants.

g. Fitness studio.

h. Hotel, motel, and timeshare project.

i. Movie theater (indoor only).

j. Post office.

k. Printing, lithography, publishing or photostating establishment.

l. Fraternities and sororities.

m. Shoe repair.

n. Taxidermist.

o. Telephone answering service.

p. Turkish bath that may include masseur and/or masseuse.

5. Other uses.

a. Accessory buildings.

b. Churches and places of worship.

c. Day care center, if the drop off or outdoor play area is more than one hundred (100) feet from a residential district.

d. Personal wireless service facilities; minor, subject to the requirements of sections 1.906, 3.100 and 7.200.

e. Temporary buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.

B. *Uses permitted by a conditional use permit.*

1. Adult uses (see section 1.403 for criteria).

2. Automated carwash.

3. **BARS AND COCKTAIL LOUNGES (SEE SECTION 1.403 FOR**

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CRITERIA).

~~3~~**4.** Big box. Any single retail space (limited to permitted retail uses in this C-2 district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:

a. Primary access is on a local residential street; or

b. Residential zoned property is located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, Big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

For Use Permit Provisions and Criteria, See Section 1.403.

~~4~~**5**. Bus station, excluding overnight parking and storage of buses.

~~5~~**6**. Day care center, if the drop off or outdoor play area is within one hundred (100) feet from a residential district (see section 1.403 for criteria).

~~6~~**7**. Funeral home and chapel.

~~7~~**8**. Game center.

~~8~~**9**. Gasoline service station (see section 1.403 for criteria).

~~9~~**10**. Health studio.

~~10~~**11**. Live entertainment (see section 1.403 for criteria).

~~11~~**12**. Personal wireless service facilities; major, subject to the requirements of sections 1.400, 3.100 and 7.200.

~~12~~**13**. Plant nursery (see section 1.403 for criteria).

~~13~~**14**. Pool hall.

~~14~~**15**. Residential health care facility (see section 1.403 for criteria).

~~15~~**16**. Teen dance center (see section 1.403 for criteria).

~~16~~**17**. Internalized community storage (see section 1.403 for criteria).

~~17~~**18**. Restaurant with associated microbrewery with limited wholesale and retail sales of the brewed product, where the floor area utilized for brewing, bottling and/or

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packaging occupies no more than thirty (30) percent of the floor area of the establishment.

~~18~~**19**. Seasonal art festival.

Sec. 5.1500. (C-3) Highway Commercial District.

Sec. 5.1501. Purpose.

This district is intended to permit most types of commercial activities and includes the sale of commodities or performance of services for a larger segment of population than the average neighborhood. This district is designed for application on major streets or portions thereof.

Sec. 5.1502. Approvals Required.

No structure or building shall be built or remodeled upon land in the C-3 district until Development Review [Board] approval has been obtained as outlined in article I, section 1.900 hereof.

Sec. 5.1503. Use regulations.

A. *Permitted uses.* Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Business and professional services.

   a. Business and professional offices.

   b. Business schools.

   c. Hospitals for animals including boarding and lodging; provided that there shall be no open kennels maintained and provided that all facilities will be in soundproof buildings.

   d. Medical or dental office including laboratory.

   e. Optician.

   f. Studio for professional work or teaching of any form of commercial or fine arts.

   g. Municipal uses.

   h. Private and charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards including, but not limited to, the following as

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well as those otherwise required in the district.

(1) Location: All proposed private and charter schools shall be located a minimum of five hundred (500) feet from any adult use.

(2) Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three thousand (43,000) square feet (net).

(3) There shall be no outside speaker system or bells, if the school building is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.

(4) Open space: Per underlying zoning district open space requirements. All NAOS requirements of the district must be met and may be applied towards the overall open space requirements subject to compliance with NAOS standards.

(5) Parking: Parking shall observe the front yard setbacks of the district for all frontages. One-third (1/3) of the required parking may be shared parking with other establishments present on site. Parking shall be located and screened per the requirements of the district.

(6) Outdoor recreation area: All outdoor playgrounds and recreation areas shall be enclosed by a wall or fence sufficient in height to protect the safety and welfare of the students and shall be located within the side or rear yard. Any playground or outdoor recreation area shall be located a minimum of fifty (50) feet from any residential district and screened by a minimum six-foot high wall.

(7) Drop-off area: A drop-off area accommodating a minimum of five (5) vehicles shall be located along a sidewalk or landing area connected to the main entrance to the school. This area shall not include internal site traffic aisles, parking spaces, fire lanes, etc.

(8) Any public trails or pedestrian connections shall be incorporated into the site plan and approved by the Development Review Board.

(9) Circulation plan: The applicant shall submit a circulation plan to insure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

2. Retail sales.

a. Antique store.

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b. Appliance store.

c. Art gallery.

d. Automobile parts store.

e. Awning or canvas sales store.

f. Bakery.

~~g. Bars and cocktail lounges without live entertainment.~~

~~h~~**g**. Bicycle store.

~~i~~**h**. Big box. Any single retail space (limited to permitted retail uses in this C-3 district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:

(1) Primary access is not on a local collector street; and

(2) Residential zoned property is not located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, Big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

Also See Sections 1.403 and 5.1503.B.

~~j~~**i**. Bookstore.

~~k~~**j**. Camera store.

~~l~~**k**. Candy store.

~~m~~**l**. Carpet and floor covering store.

~~n~~**m**. Clothing store.

~~o~~**n**. Craft shop conducted in conjunction with retail business which may include ceramics, mosaics, fabrics, jewelry, leather goods, silk screening, dress designing, sculpturing and wood carving.

~~p~~**o**. Department store.

~~q~~**p**. Drugstore.

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~~r~~**q**. Electronic equipment store.

~~s~~**r**. Fabric store.

~~t~~**s**. Feed store.

~~u~~**t**. Florist.

~~v~~**u**. Furniture store.

~~w~~**v**. Gift shop.

~~x~~**w**. Grocery store or supermarket.

~~y~~**x**. Gun shop.

~~z~~**y**. Hardware store.

~~aa~~**z**. Hobby or toy store.

~~bb~~**aa**. Home improvement store.

~~cc~~**bb**. Ice cream store.

~~dd~~**cc**. Ice distributing station.

~~ee~~**dd**. Import store.

~~ff~~**ee**. Jewelry store.

~~gg~~**ff**. Liquor store.

~~hh~~**gg**. Music store.

~~ii~~**hh**. Pawnshop.

~~jj~~**ii**. Pet shop.

~~kk~~**jj**. Plant nursery.

~~ll~~**kk**. Restaurant.

~~mm~~**ll**. Restaurant, drive-through and drive-in.

~~nn~~**mm**. Sporting good store.

~~oo~~**nn**. Stationery store.

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~~pp~~**oo**. Swimming pool supply store.

~~qq~~**pp**. Variety store.

~~rr~~**qq**. Restaurant with associated microbrewery where brewed beer is consumed only on-premises and brewery occupies no more than fifteen (15) percent of the floor area of the establishment.

3. Wholesale sales. Wholesale sales of any commodity allowed as retail sales in the C-3 district.

4. Services.

a. Animal boarding kennel, provided that there shall be no open kennels maintained and provided that all facilities will be in soundproof buildings.

b. Appliance repair.

c. Bank.

d. Barber or beauty shop.

e. Bowling alley.

f. Broadcasting station and studio, radio or television excluding sending or receiving tower except as provided in section 5.1503B.

g. Clothes cleaning agencies and laundromats, excluding industrial cleaning and dyeing plants.

h. Coin-operated carwash.

i. Fitness studio.

j. Frozen food locker.

k. Gymnasium, racquet, paddle or handball courts.

l. Hotel, motel, and timeshare project.

m. Movie theater (indoor only).

n. Museum.

o. Post office.

p. Printing, lithography, publishing or photostating establishment.

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q. Private clubs, fraternities, sororities and lodges.

r. Recyclable material collection center.

s. Shoe repair shop.

t. Swimming pool sales office, including display pools only; but excluding construction equipment storage yard.

u. Taxidermist.

v. Telephone answering service.

w. Turkish bath that may include masseur and/or masseuse.

x. Upholstery shop, furniture, provided all activity and storage is within a completely enclosed building.

5. Other uses.

a. Accessory buildings.

b. Churches and places of worship.

c. Day care center, if the drop off or outdoor play area is more than one hundred (100) feet from a residential district.

d. Personal wireless service facilities; minor, subject to the requirements of sections 1.906, 3.100 and 7.200.

e. Temporary buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.

B. *Uses permitted by a conditional use permit.*

1. Adult uses (see section 1.403 for criteria).

2. Amusement park.

3. Automated carwash.

4. Automobile rental or leasing (see section 1.403 for criteria regarding outdoor vehicular display).

5. Automobile sales, new (see section 1.403 for criteria regarding outdoor vehicular display).

6. Automobile sales, used (see section 1.403 for criteria regarding outdoor vehicular

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display).

7. Automotive repair, excluding body and paint shops (see section 1.403 for criteria regarding outdoor vehicular display).

8. BARS AND COCKTAIL LOUNGES (SEE SECTION 1.403 FOR CRITERIA).

~~8~~**9**. Big box. Any single retail space (limited to permitted retail uses in this C-3 district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:

a. Primary access is on a local residential street; or

b. Residential zoned property is located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, Big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

For Use Permit Provisions and Criteria, See Section 1.403.

~~9~~**10**. Boat sales (see section 1.403 for criteria regarding outdoor vehicular display).

~~10~~**11**. Bus station, excluding overnight parking and storage of buses.

~~11~~**12**. Commercial parking lot.

~~12~~**13**. Community buildings and recreational facilities not publicly owned.

~~13~~**14**. Day care center, if the drop off or outdoor play area is within one hundred (100) feet of a residential district (see section 1.403 for criteria).

~~14~~**15**. Drive-in theater.

~~15~~**16**. Equipment sales rental and storage yard (see section 1.403 for criteria regarding outdoor vehicular display).

~~16~~**17**. Funeral home and chapel.

~~17~~**18**. Game center.

~~18~~**19**. Gasoline service station (see section 1.403 for criteria).

~~19~~**20**. Health studio.

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~~20~~**21**. Live entertainment (see section 1.403 for criteria).

~~21~~**22**. Miniature golf course.

~~22~~**23**. Motorcycle sales (see section 1.403 for criteria regarding outdoor vehicular display).

~~23~~**24**. Outdoor sales display area.

~~24~~**25**. Personal wireless service facilities; major, subject to the requirements of sections 1.400, 3.100 and 7.200.

~~25~~**26**. Pool hall.

~~26~~**27**. Recreational vehicle and camper sales (see section 1.403 for criteria regarding outdoor vehicular display).

~~27~~**28**. Residential health care facility (see section 1.403 for criteria).

~~28~~**29**. Sports arena.

~~29~~**30**. Teen dance center (see section 1.403 for criteria).

~~30~~**31**. Tire store excluding retreading.

~~31~~**32**. Unoccupied recreational vehicle storage.

~~32~~**33**. Upholstery shop, automotive.

~~33~~**34**. Internalized community storage (see section 1.403 for criteria).

~~34~~**35**. Restaurant with associated microbrewery with limited wholesale and retail sales of the brewed product, where the floor area utilized for brewing, bottling and/or packaging occupies no more than thirty (30) percent of the floor area of the establishment.

~~35~~**36**. Seasonal art festival.

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Sec. 5.2500. (P.C.C.) Planned Community Center.

Sec. 5.2501. Purpose.

The purpose of the planned community center district is to provide for a larger variety of goods than is normally found in a typical neighborhood shopping center. It is further intended to provide for a group of shoppers' goods; personal, professional, repair, business and financial

services. It is also intended to promote a more economical and efficient use of the land by permitting residential uses to allow a balance of day and nighttime activity.

Sec. 5.2502. Approvals required.

A. Any application for rezoning to P.C.C. shall be accompanied by a site plan which reflects all criteria of the P.C.C. district.

B. No structure or building shall be built or remodeled upon land in the P.C.C. district until Development Review [Board] approval has been obtained as outlined in article I, section 1.900.

Sec. 5.2503. Use regulations.

A. *Permitted uses.* Buildings, structures, or premises shall be used and buildings and structure shall hereafter be erected, altered or enlarged for the following uses:

1. Business and professional services.

   a. Business and professional office.

   b. Hospital for animals including boarding and lodging provided that there are no open kennels maintained and provided all activities will be conducted in soundproof buildings.

   c. Optician.

   d. Studio for professional work or teaching of any form of commercial or fine arts.

   e. Municipal uses.

   f. Private and charter school having no room regularly used for housing or sleeping. Subject to Development Review Board approval and compliance with standards including, but not limited to, the following as well as those otherwise required in the district.

      (1) Location: All proposed private and charter schools shall be located a minimum of five hundred (500) feet from any adult use.

      (2) Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three thousand (43,000) square feet (net).

      (3) There shall be no outside speaker system or bells, if the school building is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.

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(4) Open space: Per underlying zoning district open space requirements. All NAOS requirements of the district must be met and may be applied towards the overall open space requirements subject to compliance with NAOS standards.

(5) Parking: Parking shall observe the front yard setbacks of the district for all frontages. One-third (1/3) of the required parking may be shared parking with other establishments present on site. Parking shall be located and screened per the requirements of the district.

(6) Outdoor recreation area: All outdoor playgrounds and recreation areas shall be enclosed by a wall or fence sufficient in height to protect the safety and welfare of the students and shall be located within the side or rear yard. Any playground or outdoor recreation area shall be located a minimum of fifty (50) feet from any residential district and screened by a minimum six-foot high wall.

(7) Drop-off area: A drop-off area accommodating a minimum of five (5) vehicles shall be located along a sidewalk or landing area connected to the main entrance to the school. This area shall not include internal site traffic aisles, parking spaces, fire lanes, etc.

(8) Any public trails or pedestrian connections shall be incorporated into the site plan and approved by the Development Review Board.

(9) Circulation plan: The applicant shall submit a circulation plan to insure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

2. Residential.

a. Dwelling units physically integrated with commercial establishments.

3. Retail sales.

a. Antique store.

b. Appliance store.

c. Art gallery.

d. Bakery.

~~e. Bars and cocktail lounges without live entertainment.~~

~~f~~e. Bicycle store.

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~~g~~**f**. Big box. Any single retail space (limited to permitted retail uses in this P.C.C. district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:

(1) Primary access is not on a local collector street; and

(2) Residential zoned property is not located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, Big box is not permitted in the Environmentally Sensitive Land Supplementary District.

Also See Sections 1.403 and 5.2503.B.

~~h~~**g**. Bookstore.

~~i~~**h**. Camera store.

~~j~~**i**. Candy store.

~~k~~**j**. Carpet and floor covering store.

~~l~~**k**. Clothing store.

~~m~~**l**. Craft shop conducted in conjunction with retail business.

~~n~~**m**. Drugstore.

~~o~~**n**. Electronic equipment store.

~~p~~**o**. Fabric store.

~~q~~**p**. Florist.

~~r~~**q**. Furniture store.

~~s~~**r**. Gift shop.

~~t~~**s**. Grocery store or supermarket.

~~u~~**t**. Hardware store.

~~v~~**u**. Hobby or toy store.

~~w~~**v**. Home improvement store.

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~~x~~**w**. Ice cream store.

~~y~~**x**. Import store.

~~z~~**y**. Jewelry store.

~~aa~~**z**. Jr. department store.

~~bb~~**aa**. Liquor store.

~~cc~~**bb**. Music store.

~~dd~~**cc**. Pet shop.

~~ee~~**dd**. Restaurant or cafe, excluding drive-in and drive-through types.

~~ff~~**ee**. Sporting goods store.

~~gg~~**ff**. Stationery store.

~~hh~~**gg**. Swimming pool supply store.

~~ii~~**hh**. Variety store.

4. Services.

a. Appliance repair.

b. Bank.

c. Barber or beauty shop.

d. Clothes cleaning agencies and laundromats.

e. Day care center, if the drop off or outdoor play area is more than one hundred (100) feet from a residential district.

f. Fitness studio.

g. Movie theater, indoor only.

h. Personal wireless service facilities; minor, subject to the requirements of sections 1.906, 3.100 and 7.200.

i. Recyclable material collection center.

j. Shoe repair shop.

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k. Travel agency.

B. *Uses subject to conditional use permit.*

1. BARS AND COCKTAIL LOUNGES (SEE SECTION 1.403 FOR CRITERIA).

~~1~~**2**. Big box. Any single retail space (limited to permitted retail uses in this P.C.C. district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:

a. Primary access is on a local residential street; or

b. Residential zoned property is located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, Big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

For Use Permit Provisions and Criteria, See Section 1.403.

~~2~~**3**. Community buildings and recreational facilities not publicly owned.

~~3~~**4**. Gasoline service station (see section 1.403 for criteria).

~~4~~**5**. Day care center, if the drop off or outdoor play area is within one hundred (100) feet from a residential district (see section 1.403 for criteria).

~~5~~**6**. Health studio.

~~6~~**7**. Internalized community storage (see section 1.403 for criteria).

~~7~~**8**. Live entertainment (see section 1.403 for criteria).

~~8~~**9**. Personal wireless service facilities; major, subject to the requirements of sections 1.400, 3.100 and 7.200.

~~9~~**10**. Seasonal art festival.

~~10~~**11**. Public utility buildings, structures or appurtenances thereto for public service uses.

Sec. 5.2600. (P.R.C.) Planned Regional Center.

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Sec. 5.2601. Purpose.

The purpose of the planned regional center district is to provide for a broad variety of general merchandise, and services in full depth and variety within a planned commercial [regional] center, which may include office and residential uses carefully interrelated by design to assure that the uses compliment each other and the whole mixed use complex.

Sec. 5.2602. Approvals required.

A. Any application for rezoning to P.R.C. shall be accompanied by a site plan which reflects all criteria of the P.R.C. district.

B. Any application for P.R.C. zoning, or rezoning to P.R.C. shall be accompanied by a traffic impact study including, but not necessarily limited to, analysis of trip generation, trip distribution, ingress and egress, parking design, internal circulation capacity analysis, effect on roadway system, and proposed solutions.

C. No structure or building shall be built or remodeled upon land in the P.R.C. district until Development Review Board approval has been obtained as outlined in Article I, section 1.900 thereof.

Sec. 5.2603. Use regulations.

A. *Permitted uses.* Buildings, structures or premises shall be used and building and structures shall hereafter be erected, altered or enlarged for the following uses:

1. Retail sales.

   a. Apparel and accessories stores such as men's and boys clothing and furnishings, women's wear and accessories, children's and infant's wear, family clothing, shoes, custom tailoring, fur apparel, clothing rentals, and fabrics.

   b. Automotive parts store.

   c. Big box, meaning any single retail space (limited to permitted retail uses in this P.R.C. district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet.

   d. Books, newspaper, magazine or stationery stores.

   e. Camera or photographic supply stores.

   f. Cigar, tobacco, cigarette stores.

   g. Drug and proprietary stores.

   h. Florists.

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i. Eating ~~and drinking~~ places ~~without live entertainment or patron dancing~~.

j. Food stores and groceries such as grocers, delicatessens, meats and fish, fruits and vegetables, candy, nut, confectionery, dairy products, and bakeries.

k. Furniture, home furnishings and equipment stores such as furniture, inside window coverings, china, glassware, metalware, household appliances, radios and televisions, music supplies and equipment, and home and portable business computers.

l. General merchandise stores including department, variety, antiques, catalogue sales outlet, and warehouse clubs.

m. Gift, novelty, import, art, jewelry or souvenir stores.

n. Hobby or toy stores.

o. Home improvement stores including but not limited to paint, glass, wallpaper, and carpet.

p. Liquor stores.

q. New motor vehicles stores with display and storage enclosed within a building and no service area.

r. Petshops.

s. Sporting goods and bicycles.

t. Swimming pool and patio supplies and accessories.

2. Services.

a. Broadcasting studio without towers.

b. Business services including blueprinting and photocopying, printing, mailing services, office equipment rentals and photofinishing services.

c. Personal wireless service facilities; minor, subject to the requirements of sections 1.906, 3.100 and 7.200.

d. Educational services including art and music schools, dancing schools, extensions of colleges or universities and day care center.

e. Finance, insurance and real estate services including banking and bank-related services, savings and loan associations, securities, brokers and

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dealers, insurance agents and brokers, and real estate agents and brokers and associated services and headquarters.

f. Governmental services.

g. Hospital for animals including boarding and lodging provided that there are no open kennels and provided that all activities are conducted in soundproof buildings.

h. Medical services including offices for physicians, dentists, osteopaths, chiropractors, opticians, optometrists and group health services with ancillary laboratories excluding any services requiring overnight patient stays.

i. Personal services including laundering and dry cleaning services, photographic services, beauty shops, barber shops, and shoe repair and shining.

j. Private business, professional and civic clubs and associations.

k. Professional services including legal services; engineering, interior design and architectural services; and accounting, auditing and bookkeeping services, and consulting services.

l. Recyclable material collection.

m. Repair services including appliance repair, watch, clock and jewelry repair, and upholstery shop.

n. Restaurant.

o. Taxidermist.

p. Travel agency.

q. Video tape rental.

r. Private and charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards including, but not limited to, the following as well as those otherwise required in the district.

(1) Location: All proposed private and charter schools shall be located a minimum of five hundred (500) feet from any adult use.

(2) Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three thousand (43,000) square feet (net).

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(3) There shall be no outside speaker system or bells, if the school building is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.

(4) Open space: Per underlying zoning district open space requirements. All NAOS requirements of the district must be met and may be applied towards the overall open space requirements subject to compliance with NAOS standards.

(5) Parking: Parking shall observe the front yard setbacks of the district for all frontages. One-third (1/3) of the required parking may be shared parking with other establishments present on site. Parking shall be located and screened per the requirements of the district.

(6) Outdoor recreation area: All outdoor playgrounds and recreation areas shall be enclosed by a wall or fence sufficient in height to protect the safety and welfare of the students and shall be located within the side or rear yard. Any playground or outdoor recreation area shall be located a minimum of fifty (50) feet from any residential district and screened by a minimum six-foot high wall.

(7) Drop-off area: A drop-off area accommodating a minimum of five (5) vehicles shall be located along a sidewalk or landing area connected to the main entrance to the school. This area shall not include internal site traffic aisles, parking spaces, fire lanes, etc.

(8) Any public trails or pedestrian connections shall be incorporated into the site plan and approved by the Development Review Board.

(9) Circulation plan: The applicant shall submit a circulation plan to insure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

3. Cultural, entertainment and recreation.

a. Churches, synagogues, and temples.

b. Cultural activities including libraries and museums.

c. Game center and arcade.

d. Pool or billiards parlor.

e. Public assembly facilities including indoor motion picture theaters and legitimate theaters.

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f. Recreational facilities including ice skating, roller skating, bowling, gymnasiums, health and fitness centers.

4. Residential.

a. Hotels, motels, and inns.

b. Multifamily residential.

B. *Uses subject to a conditional use permit.*

1. Automobile rental.

2. Automobile repair and service.

3. Automobile wash services excluding self-operated.

4. Automotive tires, batteries and accessories.

5. BARS AND COCKTAIL LOUNGES (SEE SECTION 1.403 FOR CRITERIA).

~~5~~**6**. Broadcasting studios with towers.

~~6~~**7**. Business school.

~~7~~**8**. Gasoline sales and service stations.

~~8~~**9**. Indoor aquarium.

~~9~~**10**. Live entertainment (see section 1.403 for criteria).

~~10~~**11**. New and used motor vehicle sales including outdoor storage.

~~11~~**12**. Outdoor recreational facilities which are greater than two (2) acres in size such as miniature golf, tennis center, water parks or play structures.

~~12~~**13**. Personal wireless service facilities; major, subject to the requirements of sections 1.400, 3.100 and 7.200.

~~13~~**14**. Planetaria.

~~14~~**15**. Plant nursery.

~~15~~**16**. Teen dance center.

~~16~~**17**. Seasonal art festival.

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Sec. 5.2700. (P.Co.C.) Planned Convenience Center.

Sec. 5.2701. Purpose.

The purpose of the P.Co.C. district is to provide basic convenience goods and services within walking distance of nearby residences. A mixed-use, pedestrian-oriented atmosphere shall be encouraged by allowing dwelling units in conjunction with commercial buildings.

Sec. 5.2702. Approvals required.

No structure or building shall be built or remodeled upon land in the P.Co.C. district until Development Review [Board] approval has been obtained as outlined in article I, section 1.900 hereof.

Sec. 5.2703. Use regulations.

A. *Permitted uses.* Buildings, structures, or premises shall be used and buildings and structure shall hereafter be erected, altered or enlarged for the following uses:

1. Retail sales.

   a. Grocery store (limited to three thousand (3,000) square feet of gross floor area).

   b. Restaurant (limited to one thousand (1,000) square feet of gross floor area).

   c. Food service shop--Pick-up and delivery only (limited to one thousand (1,000) square feet of gross floor area.

   d. Bakery.

   e. Delicatessen (limited to one thousand (1,000) square feet of gross floor area).

   f. Health food.

   g. Ice cream.

   h. Pizza.

   i. Gift shop.

   j. Bookstore.

   k. Video rental.

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l. Hobby shop.

m. Bicycle shop.

2. Services (limited to one thousand (1,000) square feet of gross floor area per use).

a. Barbershop.

b. Bank or financial institution with no drive through lane.

c. Beauty shop.

d. Laundromat and/or dry cleaner.

e. Shoe repair.

f. Tailoring shop.

g. Bicycle repair shop.

h. Florist shop.

i. Utility payment store.

j. Dance studio/fitness center.

k. Pet grooming shop.

l. Mail service store.

m. Office where professional, administrative, clerical, or sales services are rendered.

n. Accountant office.

o. Insurance agency.

p. Photography studio.

q. Photo processing shop.

r. Real estate office.

s. Travel agency.

3. Residential. Dwelling units located in conjunction with commercial buildings (refer to section 5.2704.A).

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4. Municipal uses.

5. Day care center, if the drop off or outdoor play area is more than one hundred (100) feet from a residential district.

6. Personal wireless service facilities; minor, subject to the requirements of sections 1.906, 3.100 and 7.200.

7. Banks.

B. *Uses permitted by conditional use permit.*

1. Bank or financial institutions with a drive through, provided that:

   A. A separation is provided between pedestrians and the bank drive through lane.

   B. The criteria in Section 1.403 is satisfied.

   C. The maximum gross square footage is 3,000 square feet (This square footage requirement shall supersede the square footage allowed in section 1.403).

2. Personal wireless service facilities; major, subject to the requirements of sections 1.400, 3.100 and 7.200.

3. Day care center, if the drop off or outdoor play area is within one hundred (100) feet from a residential district (see criteria, article I, section 1.403).

4. Bar or cocktail lounge limited to beer and wine.

   a. No entertainment.

   b. Maximum one thousand (1,000) square feet.

   c. SEE SECTION 1.403 FOR ADDITIONAL CRITERIA.

5. Gasoline sales as an accessory use to a grocery store.

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Sec. 6.1200. (DO) DOWNTOWN OVERLAY.

Sec. 6.12~~1~~0**3**. Definitions.

~~After hours establishment: includes any business which is open to patrons during the hours of 1:00 a.m. to 6:00 a.m. which is the business premises of a state on-sale retail liquor licensee and where dancing or live entertainment may occur~~**S**~~.~~

~~Bar service area: includes the floor areas under indoor and outdoor bars~~ ~~**COUNTER TOPS**~~ ~~and the floor area behind the bars~~ ~~**COUNTER TOPS**~~ ~~used for the storage, preparation and serving of food or drinks.~~

~~Kitchen: includes only those areas used for the preparation and cooking of food and dishwashing~~ ~~**INCLUDING ALL AREAS ACCESSORY THERETO,**~~ ~~and not~~ ~~**INCLUDING WALK-IN**~~ ~~refrigerators~~ ~~**OR COLD STORAGE ROOMS**~~ ~~or~~ ~~**ROOMS**~~ ~~areas for the storage of food or beverages.~~

Tattoo and related businesses: shall include the following services for the human body: tattooing, branding, scarification and piercing. Piercing of the ears and tattoos used for permanent makeup for the face shall not be considered tattoo and related businesses.

SEC. 6.12~~2~~0**4.** Approvals required.

No structure except a detached single-family dwelling shall be built or altered without development review board approval to be obtained as prescribed in Article I, Section 1.900. All development shall be consistent with the City's Urban Design and Architectural Guidelines.

Sec. 6.12~~3~~0**5**. Land use standards.

A. Land uses that are regulated through the **(DO)** Downtown Overlay are shown in Schedule A. Land uses that are not listed in schedule a are regulated by the underlying zoning categories. Land uses that are regulated by the **(DO)** Downtown Overlay are allowed at the following levels of permitted activity:

"P"	--Permitted without conditions.
"L"	--Permitted with limitations to size or use characteristics as described in land use classifications (Section 6.12~~4~~0**06**).
"CU"	--Permitted with a Conditional Use Permit**,**
"N"	--Not permitted

Schedule A
Land Use Regulation For The (DO) Downtown Overlay District

Use classifications	
Residential	
Multifamily residential **(3)**	P
Single-family residential **(1)**	L~~(1)~~
Commercial	
After hours establishments. **(SEE SEC. 1.403 FOR CRITERIA.)**	CU
Bars(2), except for properties with (R-5) Multiple-family Residential District and (S-R) Service Residential zoning. **(SEE SEC. 1.403 FOR CRITERIA.)**	CU
Bars(2), for properties with (R-5) Multiple-family Residential District and (S-R) Service Residential zoning.	N
Drive-through and drive-in restaurants	N
Tattoo and related businesses, except for properties with (R-5) Multiple-family Residential District and (S-R) Service Residential zoning. **(SEE SEC. 6.1205.B. FOR CRITERIA.)**	CU
Tattoo and related businesses, for properties with (R-5) Multiple-family Residential District and (S-R) Service Residential zoning	N

(1) Cannot occupy more than twenty-five (25) percent of the first-floor floor area and cannot be located along street frontages on the first floor.

(2) Commercial use classification as set in sec. 6.124~~2~~**06.B.2.**

(3) SHALL NOT OCCUPY THE FIRST FLOOR IN SPECIAL DISTRICT TYPE 1 AREAS AS DESIGNATED IN THE DOWNTOWN PLAN URBAN DESIGN AND ARCHITECTURAL GUIDELINES MAP OF SPECIAL DISTRICTS AND IDENTIFIED BY FIGURE 6.1.

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FIGURE 6.1 SPECIAL DISTRICTS TYPE 1 AREAS AS DESIGNATED IN THE DOWNTOWN PLAN URBAN DESIGN AND ARCHITECTURAL GUIDELINES MAP OF SPECIAL DISTRICTS.

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B. Uses permitted by Conditional Use Permit under this section ~~must~~ **SHALL** meet the use permit criteria as specified in ~~s~~**S**ection 1.400 ~~c~~**C**onditional ~~u~~**U**se ~~p~~**P**ermits and the following additional criteria:

~~1. Bars, after hours establishments~~

~~A. Use will not disrupt existing balance of daytime and nighttime uses.~~
~~B. Use will not disrupt pedestrian-oriented daytime activities.~~
~~C. Use will not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use will promote diversity of first floor uses along the street.~~
~~D. An active management and security plan shall be maintained for the business~~
~~E. Use shall not adversely impact existing adjacent properties for residential uses.~~
~~F. Applicant shall demonstrate how noise and light generated by the use will be mitigated.~~
~~G. Applicant shall demonstrate that the use will not exceed capacity for traffic and parking in the area.~~
~~H. Required parking for the use shall be within 600 feet of the property and shall not be separated from the property by an arterial street.~~
~~I. After hours establishments must maintain a valid after hours establishment license.~~

~~2~~**1**. Tattoo Parlors and Related Businesses

a~~A~~. Shall comply with all applicable State and County regulations.
b~~B~~. No other tattoo parlor shall be located within 1,000 feet of the proposed tattoo parlor use
c~~C~~.The proposed tattoo parlor use shall not be located within 500 feet of property zoned R-1 OR S-R.

Sec. 6.124**0**6. Land use classifications.

~~Sec. 6.1241.~~ **A.** Residential use classifications.

~~A.~~ **1.** Multifamily residential: two (2) or more dwelling units on a lot.

~~B.~~ **2.** Single-family residential: one (1) dwelling unit on a lot.

~~Sec. 6.1242.~~ **B.** Commercial use classifications.

~~**A.**~~ **1.** After hour establishments: after hours establishments ~~will~~ **SHALL** be required to obtain a use permit as specified in Section 1.400 Conditional Use Permits.

~~B.~~ **2.** Bar: any business that offers alcoholic beverages for sale, is not an accessory use to a hotel, and meets any of the following criteria:

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~~1.~~ **a.** The bar service area is in excess of fifteen (15)% of the gross floor area.

~~2.~~ **b.** The kitchen is less than fifteen (15)% of the gross floor area.

~~3.~~ **c.** Age verification is requested for admittance.

~~4.~~ **d.** A cover charge is required for admittance, except for special events as permitted through the city's special event permit process.

~~5.~~ **e.** Less than forty (40) percent of gross revenues are derived from the sale of prepared food.

~~6.~~ **f.** The business remains open and liquor sales continue but the full kitchen closes before nine (9) pm.

3. Taverns, nightclubs and **COCKTAIL** lounges shall be classified as bars if they meet the definition **OF A BAR AS PROVIDED SEC. 3.100.**

~~C.~~ **4.** Restaurant: a business where the primary activity is the preparation, cooking and service of food. An establishment that meets the criteria for a bar shall be classified as such.

~~D.~~ **5.** Tattoo and related businesses**.**

Sec. 6.12~~5~~07. Site development standards.

A. For municipal uses that require a Municipal Use Master Plan, the City Council ~~can~~ **MAY** modify the property development standards of the underlying zoning district.

B. Schedule B prescribes development standards applicable to the (DO) Downtown Overlay district. References in the additional regulations column refer to regulations located elsewhere in the Zoning Ordinance.

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Schedule B
Site Development Standards

I. Development requirements within **THE (DO) DOWNTOWN** Overlay (all ~~(~~non~~-~~ **(D)** Downtown zoned~~)~~ zoning districts)			Additional regulations
1.	Floor area ratio (FAR)	0.8	
	A. FAR bonus maximum	0.5	Section 6.1270
	Total maximum FAR (excluding residential)	1.3	
2.	Building Volume	No maximum	
3.	Open Space	~~Same as existing.~~ **NONE REQUIRED AND THE SITE DEVELOPMENT SHALL DEMONSTRATE CONFORMANCE TO THE DOWNTOWN PLAN URBAN DESIGN AND ARCHITECTURAL GUIDELINES.**	

II. Site requirements within **(DO) DOWNTOWN** overlay (all zoning districts)			
1.	Minimum site area	None required	
2.	Minimum front building setback	16 feet from planned curb	Sections 6.125~~1~~**07.C.2** ~~b~~ and 6.125~~1~~**07.C.3.** ~~c~~
3.	Minimum interior side building setback	None.	
4.	Minimum corner side building setback	16 feet from planned curb	
5.	Minimum rear building setback	Minimum of 50 feet when adjacent to single-family residential **DISTRICTS**, and minimum of 25 feet when adjacent to multi-family residential **DISTRICTS**. No minimum in all other instances except as required for off-street loading and trash storage.	

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III. Building design requirements **(ALL ~~(~~NON-(D) DOWNTOWN ZONED~~)~~ ZONING DISTRICTS)**		Properties with (S-R) Service Residential zoning	All other zoning districts
1.	Height maximum (all uses)	~~18~~ **26** feet ~~in sr districts, 36 feet in all other districts~~.	**36 FEET**
2.	Building envelope, starting at a point 26 feet above the building setback line, the inclined stepback plane slopes at:	**--DOES NOT APPLY**	2:1 on the front, and 1:1 on the other sides of a property

IV. Residential density (all zoning districts)		
1.	Maximum residential density	23 dwelling units per gross acre

C. ~~Sec. 6.1251.~~ Additional regulations.

1. ~~A.~~ Spacing between two (2) buildings on the same site shall be not less than ten (10) percent of the larger building's two (2) longest adjacent sides at the space (e.g. Front and side).

2. ~~B.~~ Where existing setbacks on forty (40) percent or more of a block face are less than the specified setback, the required setback on a site to be developed shall be the average setback of the developed portion of the block face. Section 7.201 (adjustment of front yard requirements) shall not apply.

3. ~~C.~~ Buildings fronting on Camelback Road, Indian School Road, and on Scottsdale Road north from Camelback Road and south from Osborn Road to the Downtown Overlay district boundary, shall be setback forty (40) feet from the planned curb line. Buildings fronting on Drinkwater Boulevard and Goldwater Boulevard shall be setback thirty (30) feet from the planned curb line. The regulations of Section 5.3062 shall also apply to these front setbacks.

4. FOR AREAS LOCATED IN SPECIAL DISTRICT TYPE 1 AREAS AS DESIGNATED IN THE DOWNTOWN PLAN URBAN DESIGN AND ARCHITECTURAL GUIDELINES MAP OF SPECIAL DISTRICTS AND IDENTIFIED BY FIGURE 6.1, BUILDING HEIGHTS MAY BE INCREASED BEYOND 36-FEET BY CITY COUNCIL APPROVAL BY AN AFFIRMATIVE VOTE OF THREE-FOURTHS OF ALL THE MEMBERS OF THE CITY COUNCIL. IF ANY OF THE MEMBERS OF THE CITY COUNCIL ARE UNABLE TO VOTE BECAUSE OF A CONFLICT OF INTEREST, THEN THE REQUIRED NUMBER OF VOTES FOR PASSAGE SHALL BE THREE-FOURTHS OF THE REMAINING MEMBERSHIP OF THE CITY COUNCI, PROVIDED THAT SUCH REQUIRED NUMBER OF VOTES SHALL IN NO EVENT BE LESS THAN A MAJORITY OF THE FULL MEMBERSHIP OF THE CITY COUNCIL.

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Sec. 6.12~~6~~0**8.** Parking regulations.

The provisions of Article IX shall apply except for the following provisions:

COMMERCIAL/RETAIL SERVICE USES	PARKING SPACES REQUIRED
Banks/financial/civic offices	One (1) space per three hundred (300) square feet of gross floor area.
Bars, taverns, nightclubs, lounges	One (1) space per eighty (80) square feet of gross floor area. One (1) space per two hundred (200) square feet of outdoor public floor area, excluding the first two hundred (200) square feet.
Establishments with live entertainment	One (1) space per eighty (80) square feet of gross floor area, plus one (1) space which is available to the live entertainment establishment between 8 p.m. and 2 a.m. per twenty five (25) square feet of gross floor area.
Freestanding stores	One (1) space per three hundred (300) square feet of gross floor area.
Office, business and professional services	One (1) space per three hundred (300) square feet of gross floor area.
Personal services	One (1) space per three hundred (300) square feet of gross floor area.
Restaurants	One (1) parking space for each one hundred and twenty (120) square feet of gross floor area. One (1) space for each three hundred and fifty (350) square feet of outdoor public floor area. Exclude the first three hundred and fifty (350) square feet of outdoor public floor area, unless the space is located next to and oriented toward a publicly owned walkway, in which case the first five hundred (500) feet of outdoor public floor area is excluded.
Restaurants that serve breakfast and lunch only	One (1) parking space for each two hundred and fifty (250) square feet of gross floor area. One (1) space for each three hundred fifty (350) square feet of outdoor public floor area. Exclude the first three hundred fifty (350) square feet of outdoor public floor area, unless the space is located next to and oriented toward a publicly owned walkway, in which case the first five hundred (500) feet of outdoor public floor area is excluded.
LIVE PERFORMING ARTS THEATERS	**ONE (1) PARKING SPACE PER TEN (10) SEATS.**
All other uses	As specified in Article IX.

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Sec. 6.12~~7~~0**9**. Revitalization bonus/incentive provisions.

A. Purpose: the bonus provisions make available incentives for private sector participation in pursuing revitalization of downtown properties.

B. Bonus: the development review board may approve a bonus of up to 0.5 floor area ratio when it is demonstrated that:

1. The bonus is for retail, office and personal services **USES ALLOWED IN THE UNDERLYING DISTRICT.**

2. Existing structures on the property are renovated or remodeled in conjunction with the bonus **NEW BUILDINGS, REMODELS, FOR BUILDINGS WITH NEW TENANTS, OR FOR BUILDING AREA** expansion.

3. THAT A NEW BUILDING IS BEING CONSTRUCTED.

C. **PROCESS FOR** bonus floor area or bonus FAR:

1. An application for bonus floor area shall be submitted with the application for Development Review, and shall include appropriate documents and identify features of the project that qualify for the bonus floor area. As with properties rezoned to Downtown, the bonus shall equal the total floor area on the site, determined on the basis of space used, but shall not exceed the maximum permitted by the FAR ratios in Section 6.12~~50~~**07**, Schedule B. In large projects with bonus floor area for residential space, each phase of construction must contain an equal proportion of residential **AND NON-RESIDENTIAL** space, unless the Current Planning Services Director finds that requirement is infeasible because of the building design. The height and floor area ratio bonuses shall not apply to specialized health care facilities and minimal health care facilities.

~~D.~~ **2.** Approval for FAR greater than allowed by the ordinance: the City Council shall have the authority to review and consider a request to exceed the maximum FAR allowed in Section 6.12~~50~~**07**, **SCHEDULE B** upon finding that the increased FAR is appropriate and compatible with the surrounding area. Requests ~~should~~ **SHALL** be subject to all public notice and community involvement requirements pertinent to the public hearing ~~rezoning~~ process **OF SECTION 1.702**. ~~See section 6.118~~.

3. THIS BONUS SHALL BE AVAILABLE ON A CUMULATIVE BASIS. THE APPLICATION FOR BONUS FLOOR AREA RATIO AFTER THE FIRST APPLICATION, AND ANY SUBSEQUENT APPLICATION THEREAFTER, SHALL CONTAIN THE DOCUMENTATION OF ANY PREVIOUS APPROVALS AND SHALL INCLUDE ANALYSIS OF HOW THE CUMULATIVE TOTAL 0.5 BONUS FAR IS NOT BEING EXCEEDED.

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Article IX. Parking and loading requirements.

Sec. 9.104. Programs and incentives to reduce parking requirements.

The following programs and incentives are provided to reduce parking requirements in the locations and situations outlined herein where the basic parking requirements of this ordinance would be excessive or detrimental to goals and policies of the city relating to mass transit and other alternative modes of transportation.

A. Administration of parking reductions. Programs and incentives which reduce parking requirements may be applied individually or jointly to properties and developments. Where reductions are allowed, the number of required parking spaces which are eliminated shall be accounted for both in total and by the individual program, incentive or credit which is applied. The record of such reductions shall be kept on the site plan within the project review file. Additionally, the reduction and manner in which they are applied shall be transmitted in writing to the property owner.

B. Credit for on-street parking. Wherever on-street angle parking is provided in the improvement of a street, credit toward on-site parking requirements shall be granted at the rate of one (1) on-site space per every twenty-five (25) feet of frontage, excluding the following:

1. Frontage on an arterial, major arterial or expressway as designated by the street classification plan.

2. Frontage on a street that is planned to be less than fifty-five (55) feet wide curb-to-curb.

3. Frontage within twenty (20) feet of a corner.

4. Frontage within ten (10) feet of each side of a driveway or alley. ~~The bonus shall not exceed the maximum permitted by the far ratios in section 6.1250, schedule b.~~

5. Frontage within a fire hydrant zone or other emergency access zone.

6. Locations within the (D) Downtown zoning district.

7. Locations within the (DO) Downtown Overlay.

C. Credit for bicycle parking facilities.

1. Purpose. The City of Scottsdale, in keeping with the federal and Maricopa County Clean Air Acts, wishes to encourage the use of alternative transportation modes such as the bicycle instead of the private automobile. Reducing the number of vehicular parking spaces in favor of bicycle parking spaces helps to attain the standards of the Clean Air Act, to reduce

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impervious surfaces, and to save on land and development costs.

2. Performance standards. The City Manager or designee may authorize credit towards on-site parking requirements for all uses except residential uses, for the provision of bicycle facilities beyond those required by this ordinance, subject to the following guidelines:

a. Wherever bicycle parking is provided beyond the amount required per section 9.103.B, required bicycle parking, credit toward required on-site vehicular parking may be granted pursuant to the following:

~~(1)~~**i.** Downtown (D) zoning districts: one (1) vehicular space per eight (8) bicycle spaces.

~~(2)~~**ii**. All other zoning districts: one (1) vehicular space per ten (10) bicycle spaces.

b. Wherever bicycle parking facilities exceed the minimum security level required per section 9.103.B, required bicycle parking, credit towards required onsite vehicular parking may be granted at a rate of one (1) vehicular space per every four (4) high-security bicycle spaces.

High-security bicycle spaces shall include those which protect against the theft of the entire bicycle and of its components and accessories by enclosure through the use of bicycle lockers, check-in facilities, monitored parking areas, or other means which provide the above level of security as approved by the City Manager or designee.

c. Wherever shower and changing facilities for bicyclists are provided, credit towards required on-site vehicular parking may be granted at the rate of two (2) vehicular spaces per one (1) shower.

d. The number of vehicular spaces required per table 9.2 shall not be reduced by more than five (5) percent or ten (10) spaces, whichever is less.

D. Credit for participation in a joint parking improvement project. After the effective date of this ordinance, no new joint parking improvement projects shall be designated in the City of Scottsdale. Existing joint parking improvement projects may continue to exist, subject to the standards under which they were established.

The joint parking improvement project was a program through which a group of owners with mixed land uses including an area of more than three (3) blocks and at least six (6) separate ownerships could join together on a voluntary basis to form a parking improvement district, providing parking spaces equal to a

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minimum of thirty (30) percent of their combined requirements according to the ordinance under which they were established. Each participant property could have received credit for one and one-half (1 1/2) times his proportioned share of the parking spaces provided. The project required that a statement be filed with the superintendent of buildings stating the number of spaces assigned to each participating property. No adjustments were to be permitted subsequent to the filing of this statement.

E. Mixed-use shared parking programs.

1. Purpose. A mixed-use shared parking program is presented as an option to reduce the total required parking in large mixed-use facilities in which the uses operate at different times from one another throughout the day (mixed-use facilities are defined in article III, definitions). The city recognizes that strict application of the required parking ratios may result in the provision of excessive numbers of parking spaces. This results in excessive pavement and impermeable surfaces and discourages the use of alternate transportation modes. A mixed-use shared parking program allows the property developer to use parking spaces more efficiently by allowing the same spaces to be "shared" by various land uses.

2. Applicability. The mixed-use shared parking program may be applied for where mixed-uses are proposed. The applicant may choose this option or may opt to prepare a parking master plan pursuant to 9.104.F, parking master plan.

3. Procedure.

   a. When a parking plan is required as part of any site plan review or permitting procedure, a mixed-use shared parking program may be requested by the applicant at the same time.

   b. The mixed-use shared parking program may also be requested exclusive of any other site plan review or permitting procedure.

   c. Mixed use shared parking plans shall be reviewed by, and are subject to the approval of, the City Manager or designee.

   d. Alternatively, the applicant may elect to have the shared parking plan reviewed by, and subject to the approval of, the City Council in a public hearing.

   e. For changes of use in mixed-use projects (as defined in article III, definitions) the applicant must demonstrate that parking necessary for the new mix of uses does not exceed the amount which was required by the previous mix of uses.

4. Limitations on mixed-use shared parking. The total number of parking

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spaces required by table 9.2 shall not be reduced by more than twenty (20) percent.

5. Performance standards. The City Manager or designee may authorize a reduction in the total number of required parking spaces for two (2) or more uses jointly providing on-site parking subject to the following criteria:

a. The respective hours of operation of the uses do not overlap, as demonstrated by the application on table 9.3, schedule of shared parking calculations. If one or all of the land uses proposing to use joint parking facilities do not conform to one of the general land use classifications in table 9.3, schedule of shared parking calculations, the applicant shall submit sufficient data to indicate that there is not substantial conflict in the principal operating hours of the uses. Such data may include information from a professional publication such as those published by the institute of transportation engineers (ITE) or the urban land institute (ULI), or by a professionally prepared parking study.

b. A parking plan shall be submitted for approval which shall show the layout of proposed parking.

c. The property owners involved in the joint use of on-site parking facilities shall submit a written agreement approved by the city attorney requiring that the parking spaces shall be maintained as long as the uses requiring parking exist or unless the required parking is provided elsewhere in accordance with the provisions of this article. Such written agreement shall be recorded by the property owner with the Maricopa County Recorder's Office prior to the issuance of a building permit, and a copy filed in the project review file.

Table 9.3. Schedule of Shared Parking Calculations

General Land Use Classification	Weekdays			Weekends		
	Mid.-7:00 am	7:00 am.. pm 6:00 pm	6:00 pm Mid.	Mid-7:00 am	7:00 am 6:00 pm	6:00 Mid
Office and industrial	5%	100%	5%	0%	60 %	10%
Retail	0%	100%	80%	0%	100%	60%
Residential	100%	55%	85%	100%	65%	75%
Restaurant	50%	70%	100%	45%	70%	100%

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Hotel	100%	65%	90%	100%	65%	80%
Cinema/theater	0%	70%	100%	5%	70%	100%

How to use the schedule of shared parking. Calculate the number of spaces required for each use if it were free-standing (refer to the schedule of minimum on-site parking requirements). Applying the applicable general land use category to each proposed use, use the percentages to calculate the number of spaces required for each time period, (six (6) time periods per use). Add the number of spaces required for all applicable land uses to obtain a total parking requirement for each time period. Select the time period with the highest total parking requirement and use that total as your shared parking requirement.

F. Parking master plan.

1. Purpose. A parking master plan is presented as an option to promote the safe and efficient design of parking facilities for sites larger than two (2) acres or those downtown district/retail specialty uses larger than sixty thousand (60,000) square feet. The city recognizes that strict application of the required parking standards or ratios may result in the provision of parking facilities of excessive size or numbers of parking spaces. This results in excessive pavement and impermeable surfaces and may discourage the use of alternate transportation modes. A parking master plan allows the property developer to establish a more efficient parking scheme through the following requirements.

2. Applicability. The parking master plan is appropriate to alleviate problems of reuse and is also applicable as an alternative to the above mixed-use shared parking programs.

3. Procedure.

   a. When a parking plan is required as part of any site plan review or permitting procedure, the parking master plan may be requested by the applicant at the same time.

   b. The parking master plan may also be requested exclusive of any other site plan review or permitting procedure.

   c. Parking master plans shall be reviewed by, and are subject to the approval of, the City Manager or designee.

   d. For changes of use in mixed-use projects (as defined in article III, definitions) the applicant must demonstrate that parking necessary for the new mix of uses does not exceed the amount which was required by the previous mix of uses.

4. Limitations on parking master plans. The City Manager or designee shall

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only permit reductions of up to twenty (20) percent of the total parking required per table 9.2. Reductions of more than twenty (20) percent of required parking shall be subject to approval by the City Council.

5. Elements of a parking master plan. The parking master plan shall contain the following:

   a. A plan, which graphically depicts where the spaces and parking structures are to be located.

   b. A report, which demonstrates how everything shown on the plan complies with or varies from applicable standards and procedures of the city.

   c. The plan shall show all entrances and exits for any structured parking and the relationship between parking lots or structures and the circulation master plan.

   d. The plan, supported by the report, shall show the use, number, location, and typical dimensions of parking for various vehicle types including passenger vehicles, trucks, vehicles for mobility impaired persons, buses, other transit vehicles and bicycles.

   e. The plan, supported by the report, shall include phasing plans for the construction of parking facilities and any interim facilities planned.

   f. Whenever the applicant requests any reductions in the number of required parking spaces as provided for in this ordinance, the required report shall be prepared by a registered civil engineer licensed to practice in the State of Arizona and shall document how any reductions were calculated and upon what assumptions such calculations were based.

   g. Parking ratios used within the report shall be based upon uses or categories of uses already listed within table 9.2, schedule of parking requirements. If the use is not listed in table 9.2, then the applicant may request an ordinance amendment to table 9.2 rather than a variance from its standards.

   h. Such other information as is determined by the reviewing authority to be necessary to process the parking master plan.

6. Performance standards. Parking shall comply with the requirements of the zoning ordinance as amended except where application of the following criteria can show that a modification of the standards is warranted. This shall be determined by the City Manager or designee pending his or her review of the materials described in subsection 5. above.

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a. The parking master plan shall provide sufficient number and types of spaces to serve the uses identified on the site.

b. Adequate provisions shall be made for the safety of all parking facility users, including motorists, bicyclists and pedestrians.

c. Parking master plans shall be designed to minimize or alleviate traffic problems.

d. Parking spaces shall be located near the uses they are intended to serve.

e. Adequate on-site parking shall be provided during each phase of development of the district.

f. The plan shall provide opportunities for shared parking or for other reductions in trip generation through the adoption of transportation demand management (TDM) techniques to reduce trip generation, such as car pools, van pools, bicycles, employer transit subsidies, compressed work hours, and high occupancy vehicle (HOV) parking preference.

g. Surfacing of the lot shall be dust-proof, as provided by section 9.106.C.1.a.2.

h. The parking master plan shall attempt to reduce environmental problems and to further the city's compliance with the federal Clean Air Act amendments of 1990 through appropriate site planning techniques, such as but not limited to reduced impervious surfaces and pedestrian connections.

i. Compliance with the federal Clean Air Act amendments of 1990 shall be considered.

j. Reductions in the number of parking spaces should be related to significant factors such as, but not limited to:

(1) Shared parking opportunities;

(2) Hours of operation;

(3) The availability and incorporation of transit services and facilities;

(4) Opportunities for reduced trip generation. Through pedestrian circulation between mixed-uses (as defined in article III, definitions);

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(5) Off-site traffic mitigation measures;

(6) Recognized variations in standards due to the scale of the facilities;

(7) Parking demand for a specified use; and

(8) The provisions of accessible parking spaces beyond those required per section 9.105.

k. Reductions in the number of parking spaces for neighborhood-oriented uses may be granted at a rate of one (1) space for every existing or planned residential unit located within two (2) blocks of the proposed use, and one-half (0.5) space for every existing or planned residential unit located within four (4) blocks of the proposed use.

7. Approval. The property owner involved in the parking master plan shall submit a written agreement approved by the city attorney requiring that the parking facility and any associated transportation demand management (TDM) techniques shall be maintained without alteration unless such alteration is authorized by the City Manager or designee. Such written agreement shall be recorded by the property owner with the Maricopa County Recorder's Office prior to the issuance of a building permit, and a copy filed in the project review file.

G. Valet parking. Reserved.

H. ~~Credits within the~~ (DO) Downtown Overlay district **PROGRAM**.

1. Purpose. This parking ~~credit~~ program will ease the process of calculating parking supply for new buildings, remodels, or for buildings with new tenants **OR NEW BUILDING AREA**.

THIS PARKING PROGRAM CONSISTS OF TWO ELEMENTS: PARKING REQUIRED AND PARKING WAIVER.

~~2. Method Of Calculation~~. **THE AMOUNT OF PARKING REQUIRED SHALL BE:**

a. ~~A. All properties shall be granted parking credits that equal the historic parking requirements of the current use or the most recent use if the building or property is vacant.~~ **IF THERE IS NO CHANGE OF INTENSITY OF USE ON ANY LOT THAT HAS A LEGAL USE EXISTING AT THE DATE OF THIS ORDINANCE ADOPTION, NO ADDITIONAL PARKING SHALL BE REQUIRED.**

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~~B.~~**b.** Parking credits.

i. ~~Granted~~ **PARKING CREDITS** under this program shall be only for ~~the parking demand that is not met through~~ **PERMANENT** on-site parking, **PARKING** improvement districts, or ~~remote parking.~~ **PERMANENT PARKING IN-LIEU CREDITS. ONLY THESE PARKING CREDITS SHALL CARRY FORWARD WITH ANY LOT THAT HAS PARKING CREDITS AT THE TIME OF THIS ORDINANCE ADOPTION.**

ii. **THIS (DO) DOWNTOWN ORDINANCE DOES NOT VOID PUBLIC AGREEMENTS FOR PARKING PAYMENTS OF ANY TYPE OF PARKING PROGRAM THAT WAS ESTABLISHED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE.**

iii. ~~D.~~ Any ~~credits~~ **PARKING IMPROVEMENT DISTRICT OR PERMANENT PARKING IN-LIEU CREDITS** that the ~~property~~ **LOT** has that are in excess of the current parking demand ~~will~~ **SHALL** remain with the ~~property~~ **LOT**.

iv. ~~C.~~ Property owners are still required to pay for any public or private program that allowed them to meet the parking requirements. ~~Of the current use.~~

v. ~~E.~~ Properties with P-3 Parking district zoning shall have the option of using this method of calculating parking credits, or to use the credits provided by the P-3 Parking district.

c. PARKING FOR INCREASE IN INTENSITY IN USE NOT OTHERWISE ALLOWED OR FOR ADDITIONAL FLOOR AREA SHALL PROVIDE PARKING IN CONFORMANCE WITH THIS (D0) DOWNTOWN OVERLAY DISTRICT PROGRAM PARKING CREDITS AND WAIVER, AND THE PARKING PROVISIONS IN SECTION 6.1208 AND ARTICLE IX.

B. Parking waiver within the (DO) Downtown Overlay district.

~~A~~**a**. Purpose. This parking waiver is designed to act as an incentive for the **NEW BUILDINGS, REMODELS, OR FOR BUILDINGS WITH NEW TENANTS, AND FOR BUILDING AREA** expansion of smaller downtown businesses, whose expansion will have a minimal impact on parking demand.

~~B~~**b**. Applicability. Upon application, property owners may have parking requirements waived if they meet the following criteria:

~~1~~**i**. Are within the (DO) Downtown Overlay district.

~~2~~**ii**. Are used for retail, office or personal services **USES ALLOWED IN THE UNDERLYING DISTRICT.**

~~3~~**iii**. Have a lot size of 12,000 net square feet or less.

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~~C~~**c**. Limitations on this parking waiver.

~~1~~**i**. Can be used only once **PER INDIVIDUAL LOT EXISTING AT THE EFFECTIVE DATE OF THIS ORDINANCE**.

~~2~~**ii**. Can only be used on first and second floors.

~~3~~**iii**. Can be used for retail, office or personal services **USES ALLOWED IN THE UNDERLYING DISTRICT.**

4**iv**. Is limited to a maximum of 2,000 square feet of **NEW** building, **OR BUILDING AREA EXPANSION** size.

~~5~~**v**. Cannot be used on land that was used for parking in the past two years **UNLESS THE SAME NUMBER OF PHYSICAL PARKING SPACES ARE REPLACED ELSEWHERE**.

~~D~~**d**. Residential addition parking waiver - this parking waiver is designed to act as an incentive for the integration of one or more residential units as part of a business expansion of a maximum of 2,000 total square feet. One parking space will be required per residential unit, this parking can be reallocated from on site existing parking corresponding to other uses.

Sec. 9.108. Special parking requirements in districts.

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.

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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, these standards 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 shall be used for the operation of a downtown parking program which may include, but is not linked 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 more than twenty (20) such spaces without the express approval of the City Council. 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 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 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

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(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.

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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:

      ~~(1)~~***i*** Same-site: Parking spaces on the same property which are unutilized during the designated evening hours.

      ~~(2)~~***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.

~~(3)~~***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:

~~(a)~~***(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.

~~(b)~~***(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.

Draft

Use Permit For
Bars & After-Hours Establishments
Text Amendment
3-TA-2003

Attachment #2. Citizen Involvement

The above attachment is on file at the City of
Scottsdale Current Planning office,
7447 E Indian School Road, Suite 105.