

		Type 1 Area (Compact Development)	Type 1.5 Area (Low-Scale Development)	Type 2 Area (Intermediate Development)	Additional Regulations
6.	Landscaping	No minimum	No minimum	No minimum	Section 5.3062
7.	Parking	Pursuant to Article IX	Pursuant to Article IX	Pursuant to Article IX	Pursuant to Article IX
8.	Signs				Section 5.3061 K
III. Building Design Requirements					
1.	Basic Height Maximum (all uses)	26 feet (not more than 2 levels)	26 feet	38 feet (not more than 3 levels)	Section 5.3061 C
2.	Bonused Height Maximums				Section 5.3090
	a. Planned block development (all uses)				Section 5.3082
	100,000 sq. ft. minimum parcel	None	None	50 feet (not more than 4 levels)	
	200,000 sq. ft. minimum parcel	None	30 feet (not more than 4 levels)	65 feet (not more than 5 levels)	
	b. Residential use	36 feet (not more than 3 levels)	38 feet (not more than 3 levels)	135 50 -feet (not more than 13 5 -levels)	Section 5.3061 M
	c. Hotel use	36 feet (not more than 3 levels)	38 feet (not more than 3 levels)	72 feet (not more than 8 levels)	
3.	Building Size Maximum	None	350 feet any side, 550 feet two adj. sides. Above 38-foot elevation, 200 feet maximum	350 feet any side, 550 feet two adj. sides. Above 38-foot elevation, 200 feet maximum	Section 5.3061 D

		Type 1 Area (Compact Development)	Type 1.5 Area (Low-Scale Development)	Type 2 Area (Intermediate Development)	Additional Regulations
4.	Spacing Between Buildings Minimum	None	10% of two longest sides	EXCEPT FOR AREAS WHERE CONNECTIO NS FOR BRIDGES, LOADING DOCKS, MECHANICA L ROOMS, ETC., ARE REQUIRED (WHICH WILL RESULT IN NO MINIMUM SPACING BETWEEN BUILDINGS) PROVIDE A MINIMUM SPACING OF THIRTY (30) FEET BETWEEN BUILDINGS 10% of two longest sides	Section 5.3061 E
5.	Large Walls				
	a. Vertical dimension maximum	26 feet	26 feet	38 feet without additional setback	Section 5.3061 F
	b. Horizontal dimension maximum	None	200 feet without "break"	200 feet without "break"	Section 5.3061 F

		Type 1 Area (Compact Development)	Type 1.5 Area (Low-Scale Development)	Type 2 Area (Intermediate Development)	Additional Regulations
6.	Building Envelope, starting at a point 26 feet above the building setback line, the inclined setbacks plane slopes at:	2:1 on the front, and 1:1 on the other sides of a property	1:1 up to a height of 38 feet, 2:1 thereafter on all sides of a property	1:1 up to a height of 38 feet, 2:1 thereafter on all sides of a property. THIS REQUIREMENT IS WAIVED FOR ALL LOCATIONS ON THE SITE WHERE ENCROACHMENTS BEYOND THE INCLINED STEPBACK PLANE OCCUR.	Section 5.3061 J, 5.3061 N
7.	Encroachments Beyond Inclined Stepback Plane	Not permitted	A max. vertical encroachment of 15 ft. is permitted on a maximum of 25% of the length of an elevation	A max. vertical encroachment of 15 ft. is permitted on 100% a maximum of 25% of the length of an elevation. ENCROACHMENT SHALL NOT EXCEED 50% OF THE TOTAL STREET FRONTAGE.	Section 5.3063, 5.3066

		Type 1 Area (Compact Development)	Type 1.5 Area (Low-Scale Development)	Type 2 Area (Intermediate Development)	Additional Regulations
8.	Building Lines	At the first level minimum 50% of front building face shall be at front building setback	Minimum 25% of area of front bldg. face below 26 ft. shall be at front building setback. At first level, min. 25% of width of projected street elevation must be at least 10 ft. behind front building setback	Minimum 25% of area of front bldg. face below 26 ft. shall be at front building setback; THIS REQUIREMENT SHALL NOT APPLY TO BUILDINGS FRONTING ON MARSHALL WAY, CAMELBACK ROAD, OR GOLDWATER BOULEVARD . At first level, min. 25% of width of projected street elevation must be at least 10 ft. behind front building setback	
9.	Private Outdoor Living Space	Minimum area of 60 sq. ft. per dwelling unit required with minimum dimensions of 6 ft.	Minimum area of 60 sq. ft. per dwelling unit required with minimum dimensions of 6 ft.	Ground-floor dwelling unit; min. dimension 5 1/2-ft. Upper floor unit; min. dimensions 6 ft. with min. area of 60 ft.	

(Ord. No. 1796, 11/05/85; Ord. No. 1932, § 1, 04/07/87; Ord. No. 1996, § 1, 02/01/88; Ord. No. 2736, § 1, 03/07/95; Ord. No. 3225, § 1, 05/04/99)

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2. Revise the standards in Section 5.3061, *Additional Regulations*, as follows:

- A. Within a planned block development (PBD) transfer of floor area between abutting parcels in the same ownership shall be permitted. Transfer of floor area between parcels under different ownerships in the same planned block development shall be permitted, subject to special conditions of approval for the planned block development (section 5.3082).
- B. An additional square foot of allowable floor area will be permitted for each square foot of required right-of-way dedicated to the city before December 31, 1987.
- C. Maximum building height shall not **INCLUDE MECHANICAL AND ELEVATOR MACHINERY ENCLOSURES AND ARCHITECTURAL ELEMENTS. BUILDING HEIGHT SHALL BE MEASURED FROM LOWEST FINISHED FLOOR ELEVATION MEASURED FROM A 1,283 FOOT ELEVATION.** ~~exceed thirty-eight (38) feet in the following areas:~~
1. ~~Within three hundred (300) feet of an R-1 district.~~
 2. ~~Within one hundred (100) feet of a type 1 area, except that planned block development projects may be approved with a bonused height maximum of up to fifty (50) feet.~~
- D. ~~Maximum building length shall not exceed:~~
1. ~~Three hundred fifty (350) feet in any horizontal dimension.~~
 2. ~~Five hundred fifty (550) feet total for any two (2) adjacent building enclosure dimensions (e.g. front and side).~~
 3. ~~Two hundred (200) feet for the upper portion of a building above the thirty eight foot elevation.~~
- E. ~~Spacing between two (2) buildings on the same site shall not be less than ten (10) percent of the larger building's two (2) longest adjacent sides at the space (e.g. front and side).~~
- F. Large wall surfaces shall be controlled in ~~vertical dimension and horizontal dimension~~ by the following:
1. ~~Horizontal dimension~~ No wall surface shall be more than two hundred (200) feet long without a "break" (a break shall be an interruption of the building wall plane with either a recess or an offset measuring at least twenty (20) feet in depth, and one-quarter of the building in length. The offset angle constituting the "break" recess shall be between ninety (90) degrees and forty-five (45) degrees to the wall). **THIS STANDARD**

SHALL NOT APPLY TO INTERNAL BUILDING FACADES,
BUILDINGS FACADES FACING MARSHALL WAY, AND
BUILDING FACADES FACING THE ARIZONA CANAL.

- ~~2. Vertical dimension: A tall wall shall be set back an additional two (2) feet for every foot it measures in excess of thirty-eight (38) feet in vertical dimension. Such a wall shall constitute less than fifty (50) percent of the building's length as projected to any street or alley frontage. (Parallel vertical wall planes offset less than ten (10) feet shall be considered to be in the same plane).~~
- ~~3. Interior side walls farther than sixteen (16) feet from a side property line and within one hundred (100) feet of the front setback line shall not have a vertical dimension greater than thirty-eight (38) feet without an offset of at least ten (10) feet. Offset angles shall be between ninety (90) degrees and forty-five (45) degrees to the wall. Exempt from this requirement are multifamily dwellings, hotels, and buildings containing less than 50,000 square feet in gross floor area.~~
- E.G. Where existing setbacks on forty (40) percent or more of a blockface 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 blockface. Section 7.201 (adjustment of front yard requirements) shall not apply.
- F.H. Buildings fronting on Camelback Road, ~~Indian School Road, and on Scottsdale Road north from Camelback Road and south from Osborn Road to the D district boundary,~~ shall be set back **TWENTY-FIVE (25)** ~~forty (40)~~ feet from the planned curbline. **THE FRONT SETBACK MAY BE REDUCED TO ZERO (0) FEET FOR TWENTY-FIVE (25) PERCENT OF THE CAMELBACK ROAD FRONTAGE. BUILDINGS FRONTING ON MONTECITO AND MARSHALL WAY MAY BE SETBACK ZERO (0) FEET FROM THE PLANNED CURBLINE.** ~~Buildings fronting on the couplet road and located in a type 2 area shall be setback thirty (30) feet from the planned curbline.~~
- G.I. No building wall shall be placed so as to create a yard measuring less than three (3) feet at a property line between two (2) private properties.
- H.J. Adjoining an R-1 district, the inclined stepback plane shall be 1:1 from a ten-foot high stepback line.
- I.K. RHD subdistrict signs shall comply with article VIII R-5 regulations. Signs in all other subdistricts shall conform with C-2 district regulations.
- ~~J.L. For residential development and timeshare facilities (as defined in Section 3.100), density shall not exceed fifty (50) dwelling units per gross acre.~~
- ~~M. In order to qualify for the fifty foot bonused height maximum a residential use shall be on a site larger than twenty thousand (20,000) square feet.~~

K.N. The inclined stepback plane shall not apply to interior property lines within a planned block development.

(Ord. No. 1796, 11/05/85; Ord. No. 1899, §1, 07/15/80; Ord. No. 1932, §1, 01/04/87; Ord. No. 1996, §1, 02/01/88)

3. Revise the standards in Section 5.3062, *Screening and Landscaping*, as follows:

Sec. 5.3062. Screening and landscaping.

- A. *Screening.* Fences, walls, hedges, or berms shall not exceed three (3) feet in height between a building setback line and a street property line or eight (8) feet in height between a building setback line and an interior side or rear property line.

A nonresidential use shall be screened from adjoining ground floor residential use or an adjacent residential district by masonry walls of the maximum heights permitted by this section unless the Development Review Board finds that such walls are unnecessary or inappropriate at the specific location.

All operations and storage shall be conducted within a completely enclosed building or within an area screened by a wall or fence approved by the Development Review Board or prescribed by the use permit if such is required for a principal use on the site.

- B. *Landscaping.* All setback areas visible from the street shall be improved with landscaping, paving, walks, or other appropriate materials. Landscaping shall include mature trees: In a type 1 area in accordance with requirements of the Development Review Board; and in a type 2 area, **IN ACCORDANCE WITH THE REQUIREMENTS OF THE PLANNING AND DEVELOPMENT SERVICES GENERAL MANAGER.** ~~one (1) mature tree per four hundred (400) square feet of landscape area.~~
- C. *Maintenance of required planting areas.* Required planting areas shall be permanently maintained. This includes watering, weeding, pruning, insect control, and replacement of plant materials and irrigation equipment as needed to preserve the health and appearance of the plant materials.
- D. *Preservation of mature trees.* The removal or alteration of one (1) or more mature trees shall be by permit, issued by the project review director. The project review director's decisions shall be in accord with guidelines for tree planting, alteration, and removal established by the Development Review Board. The project review director may require that a tree removed to remedy adverse affects on views, privacy and amenity, be replaced by a mature tree at the same or another location.

(Ord. No. 1796, 11-5-85)

4. Revise the standards in Section 5.3063, *Exceptions to Height Limits*, as follows:

Sec. 5.3063. Exceptions to height limits.

- A. A maximum vertical building encroachment of fifteen (15) feet is permitted into the inclined stepback plane for not more than twenty-five (25) percent of the length of the building's elevation, but not above the maximum allowable bonused building height.
- B. The ridge of sloping roof or a parapet wall, in addition to A above, may encroach vertically into the inclined stepback plane and into the maximum allowable height no more than four (4) feet in type 2 and type 1.5 areas only.
- C. The following paragraph supercedes section 7.100-7.103 (exceptions to height restrictions) which shall not apply in the D district.

Towers, spires, chimneys, transmission towers, fire towers, flag poles, utility penthouses, enclosures for necessary mechanical equipment, and similar structures covering not more than **THIRTY (30) PERCENT** ~~10 percent~~ of the ground area covered by the structure to which they are accessory may exceed the allowable maximum bonused height by ~~five (5) feet in a type 1 area, and by fourteen (14) TWENTY-FOUR (24) feet in a type 1.5 or a type 2 area.~~ Such structures located on top of a hotel or a multifamily building may, however, exceed the maximum allowable bonused height by ~~eighteen (18) feet in a type 1.5 or a type 2 area.~~ All such structures **MAY** shall be setback **ZERO (0)** ~~a minimum of ten (10) feet~~ from the outside edge of the roof on which they are located, and shall comply with the stepback requirements of section 5.3060, schedule B. Roofs and parapets on top of mechanical penthouses, elevator penthouses, and similar structures shall not be allowed to exceed these additional height allowances.

(Ord. No. 1796, 11/05/85; Ord. No. 1932, § 1, 04/07/87; Ord. No. 1996, § 1, 02/01/88)

- 5. Revise Section 5.3030, *Land Use Standards*, as it applies to the Regional Commercial Office Subdistrict as follows:

SCHEDULE A
LAND USE REGULATION FOR SUBDIVISIONS OF THE (D) DOWNTOWN DISTRICT

Use Classifications	Retail Specialty Subdistrict	Office / Commercial Subdistrict	Office / Residential Subdistrict	Regional Commercial Office Subdistrict	Residential / Hotel Subdistrict	Medical Subdistrict	Civic Center Subdistrict	Residential High Density
<i>Residential</i>								
Day Nursery	—	—	CU	—	CU	—	—	CU
Group residential	—	—	CU	—	CU	L(2)	—	CU
Multifamily residential	L(1)	P	P	P	P	P	P	P
Specialized health care facility	—	—	CU	—	—	P	—	—
Minimal health care facility	—	—	CU	—	—	P	—	—

EXHIBIT B
Page 15 of 46

Use Classifications	Retail Specialty Subdistrict	Office/ Commercial Subdistrict	Office/ Residential Subdistrict	Regional Commercial Office Subdistrict	Residential / Hotel Subdistrict	Medical Subdistrict	Civic Center Subdistrict	Residential High Density
Single-family residential	—	—	P	—	P	—	—	—
<i>Visitor accommodations</i>								
Hotels, motels, and resorts	CU	P	P	P	P	—	—	CU
<i>Commercial</i>								
Adult businesses	—	CU	—	CU	—	—	—	—
Ambulance services	—	—	—	—	—	P	—	—
<i>Animal sales and services</i>								
Animal hospitals	—	P	—	P	—	—	—	—
Pet stores	L(8)	P	—	P	—	—	—	—
Banks and savings & loans	L(3)	P	P	P	—	P	—	—
With drive-up service	—	P	CU	P	—	P	—	—
Catering services	L(8)	P	—	P	—	—	—	—
<i>Commercial recreation and entertainment</i>								
Game center, pool halls, billiard parlors	—	CU	—	CU	—	—	—	—
Other	L(3)	P	—	P	—	—	CU	—
Communications facilities	—	CU	—	CU	—	—	—	—
Small-scale	—	P	P	P	—	—	—	—
Eating and drinking establishments	P	P	P	P	CU	L(2)	—	—
Live entertainment establishment	CU(10)	CU(10)	—	CU(10)	CU(10)	—	—	—
With take-out service	L(3), (8)	L(3)	L(3)	L(3)	—	—	—	—
Drive-through	—	P	—	P	—	—	—	—
Bar / Microbrewery	L	L	—	L	L	—	—	—
Bar / Microbrewery with limited retail and wholesale sales	CU	CU	—	CU	—	—	—	—
Food sales	L(3)	P	P	P	—	—	—	—
Laboratories	—	P	—	P	—	P	—	—
Maintenance and repair services	—	P	—	P	—	—	—	—
Mortuaries	—	CU	—	—	—	—	—	—
Nurseries, plant	—	CU	—	CU	—	—	—	—
Offices, business and professional	L(5)	P	P	P	—	P	—	—
Offices, medical and dental	L(5)	P	P	P	—	P	—	—
Pawnshops	—	P	—	—	—	—	—	—

Use Classifications	Retail Specialty Subdistrict	Office/ Commercial Subdistrict	Office/ Residential Subdistrict	Regional Commercial Office Subdistrict	Residential / Hotel Subdistrict	Medical Subdistrict	Civic Center Subdistrict	Residential High Density
Personal improvement services	L(5)	P	—	P	—	—	—	—
Health studio	—	P	—	P	—	—	—	—
Massage studio	—	P	—	P	—	—	—	—
Personal and convenience services	L(3), (6)	P	L(2), (3)	P	L(3), (4)	L(2), (3)	—	—
<i>Retail sales</i>								
Arts and crafts	P	—	—	P	L(4)	—	—	—
Big Box	—	—	—	P	—	—	—	—
Home furnishings and hardware	L(3)	CU(9), (11)	—	P	—	—	—	—
Other	L(3)	P	—	P	—	—	—	—
Pharmacies and medical supplies	—	P	—	P	L(4)	L(2)	—	—
Seasonal art festival	CU	—	—	CU	—	—	—	—
Second-hand appliance sales	—	P	—	—	—	—	—	—
Travel services	L(3)	P	L(2)	P	L(4)	P	—	—
<i>Vehicle / equipment sales and services</i>								
Automobile rentals	L(7)	CU	—	CU	L(7)	—	—	—
Automobile washing	—	CU	—	CU	—	—	—	—
Commercial parking facility	CU	CU	CU	CU	—	CU	—	—
Service stations	—	CU	CU	CU	—	—	—	—
Vehicle / equipment repair	—	CU	—	CU	—	—	—	—
<i>Wireless communications facilities (see Sections 1.400, 1.906, 3.100 and 7.200)</i>								
Types 1, 2, and 3	—	L(12)	L(12)	L(12)	L(12)	L(12)	L(12)	L(12)
Type 4	—	CU(9)	CU(9)	CU(9)	CU(9)	CU(9)	CU(9)	CU(9)
<i>Public and Semi-Public</i>								
Clubs and lodges	L(5)	P	CU	P	CU	—	—	CU
Colleges and universities	—	CU	CU	CU	—	—	—	—
Cultural institutions	CU	CU	CU	P	CU	—	CU	—
Government offices	—	P	P	P	—	—	CU	—
Hospitals, clinics	—	—	—	—	—	CU	—	—
Municipal uses	—	P	P	P	P	—	CU	—
Religious assembly	—	CU	CU	CU	CU	—	—	CU
Schools, public or private	—	—	CU	—	CU	—	—	CU

Use Classifications	Retail Specialty Subdistrict	Office/ Commercial Subdistrict	Office/ Residential Subdistrict	Regional Commercial Office Subdistrict	Residential/ Hotel Subdistrict	Medical Subdistrict	Civic Center Subdistrict	Residential High Density
Transportation facilities	CU	CU	—	CU	—	—	—	—
Limited	CU	CU	CU	CU	—	CU	—	—
Utilities	—	CU	CU	CU	—	—	—	—
<i>Accessory</i>								
Accessory parking, separate	L(S)	P	P	P	—	P	CU	—
Accessory uses and structures	P	P	P	P	P	P	CU	P

ADDITIONAL REGULATIONS PERTAINING TO LAND USE SUBDISTRICTS:

- (1) Not permitted on first-floor and cannot occupy more than twenty-five (25) percent of floor area.
- (2) Permitted only in mixed-use development as an accessory use.
- (3) Only "limited" or "small-scale" uses allowed, as defined by use classifications.
- (4) Permitted as accessory use on the site of a hotel or resort only if there is no separate entrance or sign for the limited use.
- (5) Not permitted on ground-floor within twenty-five (25) feet of a street property line.
- (6) Total ground level frontage occupied by this use classification shall not exceed fifteen (15) percent of the street frontage on a blockface plus the street property lines forming the sides of corner lots.
- (7) On-site storage limited to two (2) rental cars.
- (8) Not permitted in (P) pedestrian overlay district; see § 5.3081.
- (9) Type two (2) districts only.
- (10) See § 1.403 for criteria.
- (11) Only "medium-scale" uses allowed, as defined by use classification.
- (12) Permitted when building or roof mounted; see §§ 1.400, 1.906 and 3.100.

(Ord. No. 1796, 11/05/85; Ord. No. 1932, §1, 04/07/87; Ord. No. 2232, §1, 06/06/90; Ord. No. 2311, §1, 08/21/90; Ord. No. 2430, §1, 01/21/92; Ord. No. 2620, §1, 08/02/94; Ord. No. 3020, §1(a), 06/03/97; Ord. No. 3048, §2, 10/07/97; Ord. No. 3103, §1, 01/06/98; Ord. No. 3225, §1, 05/04/99; Ord. No. 3394, 06/19/01; Ord. No. 3493, §1, 03/04/03)

6. Revise Section 8.302, *Community Sign District*, as follows:

Sec. 8.302 Community sign district.

The comprehensive sign program is intended to encourage flexible signage opportunities which are greater than that of the underlying zoning district, but are appropriate to the character of the development, provide adequate identification and information, provide a good visual environment, promote traffic safety and are regulated to the extent necessary to be consistent with the purpose and intent of this sign ordinance as specified in Section 8.101.

EXHIBIT B
Page 18 of 46

I. **BY PETITION OF AT LEAST SEVENTY-FIVE (75) PERCENT OF THE AFFECTED PROPERTY OWNERS, THE** Property owners **IN AN INFILL INCENTIVE DISTRICT** may form a community sign district, **WITH PLANNING AND DEVELOPMENT SERVICES GENERAL MANAGER APPROVAL**, to propose and maintain a comprehensive sign program for additional signage as provided in this section. The comprehensive sign program established under this Section 8.302.I may allow signage which in size and total sign budget exceeds the maximum otherwise allowed by no more than ten (10) percent. In no event may the comprehensive sign program propose signage of a type that is otherwise prohibited by this ordinance.

A. ~~A community sign district may be formed by petition of at least seventy-five (75) percent or more of the affected property owners in the district.~~

B. ~~The Development Review Board may approve a comprehensive sign program in commercial centers, industrial centers, resorts, and hospitals with gross leasable areas in excess of three hundred thousand (300,000) square feet or planned districts fifteen (15) acres or greater.~~

C. The comprehensive sign program shall include a complete set of standards, including, but not limited to, letter size, style, colors, type(s) of sign, placement of signs, number of signs, and sign material.

B.D. ~~THE~~ A community sign district shall coordinate the preparation and submission of the comprehensive sign program and shall be responsible for the installation and maintenance of signage and landscaping approved in the comprehensive sign program.

II. The city may establish a comprehensive sign program for redevelopment areas and redevelopment sub-areas. The program shall consist of a complete set of standards, including but not limited to, letter size, style, colors, type(s) of sign, placement of signs, number of signs and sign material. In no event may the comprehensive sign program propose signage of a type that is otherwise prohibited by this ordinance.

A. The comprehensive sign program may include architectural signs in accordance with the following:

1. Such signs shall be installed at major entrances to the redevelopment district, or the redevelopment sub-area.
2. The text shall be limited to the overall identification of the redevelopment area or the redevelopment sub-area.
3. The maximum sign area for such sign shall be sixty (60) square feet.
4. The maximum height shall be twenty (20) feet.

APPROVED B
19 of 46

5. The maximum number of signs per architectural element shall be one (1) sign.
 6. The maximum letter height for each architectural sign shall be two (2) feet.
- B. The comprehensive sign program may include banners in accordance with the following:
1. The banners shall identify the redevelopment area or redevelopment sub-area.
 2. The banners shall be of new material and may be permanent, subject to Development Review Board approval of a maintenance program.
- C. The comprehensive sign district may include freestanding directory signs designed as architectural elements identifying businesses and points of interest in accordance with the following:
1. The maximum sign area shall be fifteen (15) square feet.
 2. The maximum height shall be seven (7) feet.
- D. The comprehensive sign program shall be approved by the City Council and the Development Review Board. The city shall coordinate the preparation and submission of the comprehensive sign program. The application shall detail the responsibility for the installation and maintenance of signage and landscaping approved in the comprehensive sign program.
- III. No sign identified in this section shall be placed upon real property without the consent of the real property owner, nor shall such sign be placed in any public right-of-way without first securing any required encroachment permit(s).

(Ord. No. 2260, §2, 07/18/89; Ord. No. 2401, §1, 10/01/91; Ord. No. 2905, §1, 08/05/96)

7. Revise Section 9.108, *Special Parking Requirements in Districts*, as follows:

Sec. 9.108 Special parking requirements in districts.

- A. *Planned regional center.* The provision 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.

APPROVED B
2003 20th Feb

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.
- C. *Downtown (d) districts.*
1. *Parking Requirements.* Parking capacity shall satisfy the requirements of the land uses served, **SUBJECT TO A TWENTY (20) PERCENT REDUCTION IN TOTAL REQUIRED PARKING**, 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 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 OF the total fee in the manner described herein. The installment purchase option shall require an initial cash deposit and

AMENDMENT B
Page 21 of 166

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 ~~IF~~ 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 ½) parking spaces per one thousand (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.
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. (sic)

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 parking credits.

- b. Before qualifying for evening-use parking credits, a property must possess a minimum of four and one-half (4 ½) 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) Same-site: Parking spaces on the same property which are unutilized during the designated evening hours.
 - (2) 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) 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) 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) 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.

(Ord. No. 2736, §1, 03/07/95; Ord. No. 3225, §1, 05/04/99)

8. Provide the General Manager of Planning and Development Services the authority to approve additional modifications to the property development standards, except as the standards address building height but including the approved number of residential dwelling units and non-residential square footages, up to twenty-five (25) percent of the approved standards.

STREET B
23 of 66

B. The Scottsdale Waterfront Property must comply with the *Downtown Scottsdale Urban Design and Architectural Guidelines* as they apply to Type 2 (Intermediate) Development Areas. The modifications revise *Guidelines* as follows:

1. Modify Section II.A8, *The Continuity of Street Spaces*, to allow:

- Siting of buildings at oblique angles along Camelback Road and Scottsdale to avoid the “canyon effect” buildings could have on these street frontages.
- Building front elevations located behind the front setback line, providing a generous pedestrian walkway and landscape buffer along adjoining streets.
- On Camelback Road: Siting of buildings at oblique angles and behind the front setback line to create a desirable pedestrian environment and streetscape and to allow views toward interior plazas and the Arizona Canal.
- On Scottsdale Road: Siting of buildings at oblique angles and/or behind the front setback line to open up visually the corner, creating a new public open space area with views to the Arizona Canal.
- On Marshall Way: Placing a minimum of twenty-five (25) percent of the building front elevations no more than twenty (20) feet behind the front setback line when provided with covered pedestrian walkways at the building façade and twenty-five (25) feet in locations without covered walkways, to recognize the planned pedestrian-oriented character of Marshall Way.
- On Goldwater Boulevard: Locating buildings behind the front setback line to create a buffer for neighborhoods to the west.

2. Modify Section II.A9, *The Building Setback Zone*, to allow:

- A buffer between the pedestrian and the street on major arterial streets.

3. Modify Section II.B1, *Reduction of Apparent Size and Bulk*, to allow:

- A building base to incorporate an element using a covered walkway, architectural details, building articulation, landscaping, or other means to establish a strong connection to the ground and the site.

4. Modify Section II.B2, *Covered Walkways*, to allow:

- Placing a covered walkway, landscaping, awning, trellis, or other form of shading on street-facing elevations to provide shade and to reduce apparent building mass. This guideline may be waived **SUBJECT TO APPROVAL BY PLANNING AND DEVELOPMENT SERVICES GENERAL MANAGER** on north and east-facing elevations or other locations where sun protection is not required.

5. Modify Section II.D1.1, *Downtown Street Trees*, to allow:

APPROVED **B**
 Page 24 of 66

- Creative flexibility in design of landscaping, plazas, and open space areas by not restricting street tree and planter types, except as mandated by the Arizona Department of Water Resources.
6. Modify Section II.D1.2, *Setback Area Paving*, to allow:
- Creative flexibility in design of landscaping, plazas, and open space areas by not restricting setback area paving materials.
7. Modify Section II.D2, *Site Spaces*, to allow:
- Use of turf at areas intended for outdoor use and activities, including but not limited to the proposed performance space/amphitheater, residential open space areas, and other parts of the Waterfront site. All use of turf is to be subject to Development Review Board approval.
8. **Waiver of Section III.E, *The Couplet* EXCEPT FOR III. E, COUPLET, DESIGN GUIDELINES: 2, 3, 4, 6 AND 7.**
9. Modify Appendix A, *Plant Selection Guide*, to allow:
- Creative flexibility in design of landscaping, plazas, and open space areas by not restricting street tree and landscape materials, except as mandated by the Arizona Department of Water Resources.
10. Provide the General Manager of Planning and Development Services the authority to approve additional modifications to the *Downtown Scottsdale Urban Design and Architectural Guidelines* as they apply to Type 2 (Intermediate) Development Areas so long as the modifications are consistent with the stated goals for Type 2 areas.