

requiring cessation of a use served if access to the leased parking is terminated without substitution of parking meeting the requirements of this ordinance.

C. *Regulations for remote parking.* Remote parking under the same ownership as its generating use may be permitted subject to the approval of the City Manager or designee. In permitting remote parking, the City Manager or designee may consider factors including, but not limited to, the following:

1. The proximity of generating use to the remote parking shall be within six hundred (600) feet.
2. The presence of a continuous sidewalk or path system serving the area;
3. The siting and orientation of the generating use to the sidewalk or path;
4. Connections between the remote parking area and generating use via sidewalk, covered walkway, or street crossing;

In addition, the owner shall record restrictive covenants running with the land on both the generating use and parking properties, with the city as a third party signator, giving notice that the generating use cannot continue if the parking use is discontinued. The form of said covenants shall be approved by the city attorney.

D. *Carpool, vanpool, and other high occupancy vehicles (HOVS).* Parking designated for carpools, vanpools, and other high occupancy vehicles shall be located with priority over all other vehicular parking except for mobility impaired accessible parking.

E. *Location of parking in a pedestrian overlay district.* In type 1 areas of the pedestrian overlay district, as identified by this ordinance and the zoning map, all parking shall be accessed from an alley or side street. There shall be no curb cuts on pedestrian streets.
(Ord. No. 2736, § 1, 3-7-95)

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.

C. *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 manage-

ment 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 (4½) 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.

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 (4½) 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 re-

quirement 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, 3-7-95; Ord. No. 3225, § 1, 5-4-99)

Sec. 9.200. OFF-STREET LOADING.

Sec. 9.201. General regulations.

All buildings hereafter erected or established shall have and maintain loading space(s) as determined by Development Review [Board] approval as outlined in article I, section 1.900 hereof and subject to conditions herein.

- A. No part of an alley or street shall be used for loading excepting areas designated by the city.
- B. No loading space that is provided in an approved development review shall hereafter be eliminated, reduced or converted, unless equivalent facilities are provided elsewhere.
- C. All loading space shall be surfaced and maintained subject to the standards of the public works department.

(Ord. No. 3225, § 1, 5-4-99)

RESOLUTION NO. 3506

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING RESOLUTION NO. 3334 BY PROVIDING A FEE FOR EVENING-USE PARKING CREDITS IN THE DOWNTOWN DISTRICT.

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

WHEREAS, Section 5.3071 of Ordinance No. 455 provides for a cash payment in-lieu of providing on-site parking in the Downtown District, and also provides for evening use parking for establishments in the Downtown District open only during evening hours; and

WHEREAS, the fee for parking in-lieu payment was set for \$7,500.00 by adoption of Resolution 2594, amended to include yearly costs adjustment through Resolution No. 2607, and further amended in Resolution 3334, to provide the installment payments for permanent in-lieu parking credits; and

WHEREAS, the City Council wishes to provide a fee for Evening-Use Parking Credits;

NOW, THEREFORE, LET IT BE RESOLVED by the Council of the City of Scottsdale, Arizona, that Resolution No. 2594 is hereby amended to read as follows:

Section 1: The lump sum fee for permanent in-lieu parking credits is hereby established as \$7,500 per parking space. Where a fractional number of parking spaces is required, the parking fraction shall be calculated to the nearest tenth, and the fee assessed on a pro-rated basis.

Section 2: The installment fee for a permanent in-lieu parking credit is hereby established to require a minimum \$500 deposit, and a subsequent payment of at least \$71.00 per month for a period not to exceed 15 years. Where fractional spaces are required, the parking credit shall be calculated to the nearest tenth, and the fee assessed on a prorated basis.

Section 3: The monthly fee for impermanent in-lieu parking credits is hereby established as \$62.00 per parking space. Where a fractional number of parking spaces is required, the parking fractions shall be calculated to the nearest tenth, and the fee assessed on a prorated basis.

SECTION 4: THE MONTHLY FEE FOR EVENING-USE PARKING CREDITS IS HEREBY ESTABLISHED AS \$20.00 PER MONTH PER PARKING SPACE.

Section 4.5: The parking fees shall be recalculated every first day of January to reflect yearly cost adjustments based upon the Consumer Price Index (CPI).

EXHIBIT C