

ORDINANCE NO. 3661

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, THE ZONING AMENDING DEVELOPMENT STANDARDS AS APPROVED IN CASE NO. 1-ZN-2005, ON PROPERTY ZONED R1-30 ENVIRONMENTALLY SENSITIVE LAND LOCATED AT THE EAST END OF ALAMEDA ROAD NEAR 122ND STREET (NORTHEAST CORNER OF PINNACLE PEAK ROAD ALIGNMENT AND 122ND STREET ALIGNMENT, NORTH UP TO HAPPY VALLEY ROAD ALIGNMENT).

WHEREAS, Planning Commission and City Council have held public hearings and considered Case No. 1-ZN-2005; and

WHEREAS, the Council of the City of Scottsdale wishes to amend the development standards as described in the aforementioned case;

WHEREAS the Environmentally Sensitive Land Ordinance allows the City Council discretion to approve amended development standards which exceed 25% when the following findings have been made:

1. The application and public hearing procedures of Section 1.600 and 1.700 have been followed;
2. The City Council compares the requested intensity and use to the environmental conditions and General Plan and determines that the amended development standards are appropriate; and
3. The applicant has demonstrated that the stated modifications better achieve the purposes of Environmentally Sensitive Land regulations than the existing zoning.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, as follows:

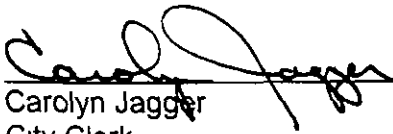
Section 1. That the City Council hereby finds that the hearing procedures have been followed, the amended development standards are appropriate, the modifications better achieve the purposes of the Environmentally Sensitive Land regulations than the existing zoning and the above criteria have been met.

Section 2. That the Zoning Ordinance of the City of Scottsdale is hereby amended, as set forth in the amended development standards attached hereto as Exhibit 1 and incorporated herein by reference, conditioned upon compliance with all stipulations attached hereto as Exhibit 2 and incorporated herein by reference for this property located at the east end of Alameda Road near 122nd street (northeast corner of Pinnacle Peak Road alignment and 122nd Street alignment, north up to Happy Valley Road alignment) as shown on Exhibit 3.

PASSED AND ADOPTED by the Council of the City of Scottsdale this 4th day of
April, 2006


ATTEST

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By 
Carolyn Jagger
City Clerk

By 
Mary Manross
Mayor

APPROVED AS TO FORM

By 
Deborah Robberson
Acting City Attorney

AMENDED DEVELOPMENT STANDARDS
CHANGES SHOWN IN STRIKE-THROUGHS AND BOLD CAPS

Sec 5 020 R1-130 single-family residential district

Sec 5 021 Purpose

This district is intended to promote and preserve residential development. Large lots are required to maintain a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities
(Ord No 2470, § 1, 6-16-92)

Sec 5 022 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

Any use permitted in the (R1-190) single-family residential district (see section 5 012A)

B *Uses subject to conditional use permit*

Any use permitted by conditional use permit in the (R1-190) single-family residential district (see section 5 012B)

(Ord No 2394, § 1, 9-16-91, Ord No 2430, § 1, 1-21-92, Ord No 2431, § 1, 1-21-92, Ord No 2470, § 1, 6-16-92, Ord No 3048, § 2, 10-7-97, Ord No 3034, § 1, 11-4-97, Ord No 3103, § 1, 1-6-98)

Sec 5 023 Approvals required

Prior to development of any municipal use, or any use requiring a conditional use permit, Development Review Board approval shall be obtained as outlined in article I, section 1 900 hereof

(Ord No 2470, § 1, 6-16-92, Ord No 3225, § 1, 5-4-99)

Sec-5 024 Property development standards

The following property development standards shall apply to all land and buildings in the R1-130 district

A *Lot area*

1 Each lot shall have a minimum lot area of not less than ~~one hundred and thirty thousand (130,000)~~ **SIXTY THOUSAND (60,000)** square feet

2 If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the passage of this ordinance, such lot may be used for any purpose permitted in this section

B *Lot dimensions*

Width All lots shall have a minimum width of ~~two hundred (200)~~ **ONE HUNDRED FIFTY (150)** feet

C *Density* There shall be not more than one (1) single-family dwelling unit on any one (1) lot

D *Building height* No building shall exceed thirty (30) feet in height, except as otherwise provided in article VII

E *Yards*

1 Front Yard

a There shall be a front yard having a depth of not less than ~~sixty (60)~~ **FORTY-FIVE (45)** feet

b Where lots have a double frontage on two (2) streets, the required front yard of ~~sixty (60)~~ **FORTY-FIVE (45)** feet shall be provided on both streets

c On a corner lot, the required front yard of ~~sixty (60)~~ **FORTY-FIVE (45)** feet shall be provided on each street No accessory buildings shall be constructed in a front yard *Exception* On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street

2 Side Yard There shall be a side yard of not less than ~~thirty (30)~~ **TWENTY-TWO AND ONE-HALF (22.5)** feet on each side of a building

3 Rear Yard There shall be a rear yard having a depth of not less than ~~sixty (60)~~ **FORTY-FIVE (45)** feet

4 Other requirements and exceptions as specified in article VII

F *Distance between buildings*

1 There shall be not less than ten (10) feet between an accessory building and the main building

2 The minimum distance between main buildings on adjacent lots shall be not less than ~~sixty (60)~~ **FORTY-FIVE** feet

G *Buildings, walls, fences and landscaping*

1 Eight-foot walls, fences and hedges are allowed on the property line or within the required side and rear yard Walls, fences and hedges up to twelve (12) feet are allowed subject to a sixty-foot setback from the side and rear property line Walls, fences and hedges shall not exceed three (3) feet in height on the front property line or within the required front yard, except as provided in article VII The height of the wall or fence is measured from the inside of the enclosure *Exception* Where a corner lot does not abut a key lot or an alley adjacent to a key lot, the height of walls, fences and hedges in the yard facing the side street need only conform to the side yard requirements

2 A minimum of five (5) percent of all parking lot areas shall be landscaped as determined by use permit All landscaped areas shall be maintained to city standards

H *Access* All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat

I *Corral* Corral not to exceed six (6) feet in height shall be permitted on the property line or within the required front, side or rear yard
(Ord No 2470, § 1, 6-16-92, Ord No 2509, § 1, 6-1-93)

STIPULATIONS FOR CASE 1-ZN-2005

Stipulations added by the City Council are shown in **BOLD CAPS** and ~~strikethrough~~

PLANNING/ DEVELOPMENT

- 1 **CONFORMANCE TO SITE PLAN** Development shall conform with the site plan submitted by LVA Urban Design Studio, LLC and dated 10/04/05 by City staff. These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
- 2 **MAXIMUM DWELLING UNITS/MAXIMUM DENSITY** The number of dwelling units on the site shall not exceed 122 units without subsequent public hearings before the Planning Commission and City Council.
- 3 **CONFORMANCE TO AMENDED DEVELOPMENT STANDARDS** Development shall conform with the amended development standards dated 11/15/05 by City staff and attached as Attachment 1A. Any change to the development standards shall be subject to subsequent public hearings before the Planning Commission and City Council.
- 4 **PEDESTRIAN CIRCULATION PLAN** With the Development Review Board submittal, the developer shall submit a Pedestrian Circulation Plan for the site, which shall be subject to city staff approval. ~~This plan shall indicate the location and width of all sidewalks and pedestrian pathways.~~ **THIS PLAN SHALL ENCOURAGE WALKING WITHIN AND THROUGH THE DEVELOPMENT. IT SHALL SHOW LOCATION, WIDTH, AND DESIGN CONCEPTS FOR ALL PEDESTRIAN WALKWAYS (PATHS, TRAILS, AND/OR SIDEWALKS), FORMING A CONTINUOUS USABLE SYSTEM LINKED TO SPECIFIED TRAILS, COMMUNITY CENTER, AND DEVELOPMENT ENTRIES. THE PEDESTRIAN CIRCULATION SYSTEM SHALL ALSO TAKE INTO ACCOUNT ACCESS FOR PEDESTRIANS WITH DISABILITIES.**
- 5 **RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE** The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.
- 6 **PERIMETER WALLS. THERE SHALL BE NO PERIMETER SITE WALLS. DECORATIVE WALLS SHALL BE ALLOWED ONLY AT PROJECT ENTRY GATES AND NECESSARY SCREENING OF UTILITY FACILITIES.**

ENVIRONMENTAL DESIGN

- 1 **NATURAL AREA OPEN SPACE – QUANTITY** There shall be a minimum of 205 acres of NAOS dedicated on the site.
- 2 **NATURAL AREA OPEN SPACE – LOCATION** NAOS shall be dedicated on site, to the satisfaction of City staff, in general conformance with the City's NAOS Priority Areas maps and the Preliminary NAOS Exhibit prepared by LVA Urban Design Studio, LLC dated 10/04/05 by City staff.

CIRCULATION MASTER PLAN

- 1 **MASTER CIRCULATION PLAN** With the Development Review Board submittal, the developer

shall submit a Master Circulation Plan for the site, which shall be subject to city staff approval. This plan shall indicate the internal street layout, off-site improvements, street cross sections, public trail locations, access for surrounding parcels, internal roadway easements to be abandoned, and existing and projected traffic volumes.

CIRCULATION

1. STREET CONSTRUCTION. Before issuance of any ~~certificate of occupancy~~ **RESIDENTIAL BUILDING PERMITS** for the site, the developer shall dedicate the following right-of-way and construct the following street improvements, in conformance with the Design Standards and Policies Manual:

Street Name/Type	Dedications	Improvements	Notes
Happy Valley Road/ 118 th Street Minor Arterial	None	Half street; Fig. 5.3-4, 36' CL-BC	A, G
Alameda Road Minor Collector	50' full street	26' BC-BC	B
Ranch Gate Road Local Collector	50' full street	Full street, Fig. 5.3-16, 28' BC-BC	C, G
128 th Street Minor Collector	40' half street	BICYCLE LANES	D
122 nd Street Local Residential	20' half	None	E
126 th Street Local Residential	20' half	None	E
Mariposa Grande Dr. Local Residential	20' half	None	E
Internal Streets Local Residential	40' tract (Private Street)	Full street, Fig. 5.3-19, 24 ft BC to BC	F, G

- A. The developer shall construct the extension of Happy Valley Road/118th Street from its current termination to Jomax Road prior to the elimination of Alameda Road from the Street Classification Map. The improvement shall consist of a minimum of two lanes and shall transition to the existing improvements at the southern end.
- B. Alameda Road shall be extended from its current termination to the proposed development gate as a public street. The cross section shall match the existing improvements to the west.
- C. The developer shall construct Ranch Gate Road from Happy Valley Road to 128th Street prior to the elimination of Alameda Road from the Street Classification Map. The improvements shall include a minimum 4-foot wide trail along the south side of the street within the right-of-way or a public access easement.
- D. In lieu of improvements for 128th Street, the developer will construct 118th Street from its current termination point to Jomax Road. The right-of-way requirement for 128th Street reflects the Rural/ESL Character cross section with trail, **AND SHALL INCLUDE BICYCLE LANES.**
- E. Public right-of-way shall be required along these street alignments unless determined to be not necessary at the time of preliminary plat approval. No street improvements shall be required along these local residential streets.
- F. The local residential street cross section shall include minimum 6 foot shoulders.
- G. The street cross sections shall be as indicated unless an alternative cross section is approved in the master circulation plan.
- H. **DESIGN AND CONSTRUCTION OF ALL PUBLIC AND PRIVATE STREETS SHALL BE CONSISTENT WITH GUIDELINES SPECIFIED IN THE DYNAMITE FOOTHILLS CHARACTER AREA PLAN.**

- I. **A SCENIC CORRIDOR EASEMENT WITH AN AVERAGE WIDTH OF ONE HUNDRED TWENTY FIVE (125) FEET AND MINIMUM WIDTH OF ONE HUNDRED (100) FEET SHALL BE PROVIDED ALONG 128TH STREET.**
2. **IN LIEU PAYMENTS.** At the direction of city staff, before issuance of any building permit for the site, the developer shall not construct the street improvements specified by the **Notes** in the stipulation above, but shall make an in lieu payment to the city. Before any final plan approval, the developer shall submit an engineer's estimate for plan preparation, design and construction costs for the specified half street, including pavement with curb and gutter, and any required drainage structures. The in lieu payment shall be based on this estimate, plus five percent (5%) contingency cost and other incidental items, as determined by city staff. **THE DEVELOPER SHALL BE REQUIRED TO CONSTRUCT HAPPY VALLEY/118TH STREET AND RANCH GATE ROAD; IN-LIEU PAYMENTS SHALL NOT BE AN OPTION FOR THESE STREETS.**
3. **CONSTRUCTION ACCESS RESTRICTIONS.** ~~All single-family home construction traffic shall be required by the developer to use Ranch Gate Road or 128th Street to access the site; single-family home contractors and their sub-contractors shall not use Alameda Road west of the site. All construction hours shall be restricted as follows:~~
 - A. ~~6:30 am to 6:30 pm on Monday through Friday;~~
 - B. ~~9 am to 5 pm on Saturday;~~
 - C. ~~No construction on Sunday.~~

ALAMEDA ROAD SHALL NOT BE UTILIZED FOR CONSTRUCTION ACCESS RELATED TO THE CONSTRUCTION OF THE RESIDENCES WITHIN THIS PROJECT. HOWEVER, TEMPORARY CONSTRUCTION ACCESS WILL BE ALLOWED ON ALAMEDA FOR THE CONSTRUCTION OF THE SUBDIVISION IMPROVEMENTS AND AMENITIES FOR THIS PROJECT UNTIL SUCH TIME THAT RANCH GATE ROAD IS COMPLETED AND AVAILABLE FOR USE OR FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS AS MEASURED FROM THE DATE THE FIRST GRADING PERMIT IS ISSUED FOR THE SUBDIVISION. FURTHERMORE, CONSTRUCTION TRAFFIC USE OF ALAMEDA WILL BE RESTRICTED TO THE HOURS OF 6:30 AM TO 6:30 PM MONDAY THROUGH FRIDAY AND 9:00 AM TO 5:00 PM SATURDAY WITH NO CONSTRUCTION TRAFFIC USE ON SUNDAY. THIS RESTRICTION IS THE RESULT OF AGREEMENTS MADE BETWEEN THE APPLICANT AND ADJACENT RESIDENTS. 128TH STREET OR OTHER ROUTE ACCEPTABLE TO THE CITY MAY BE USED FOR CONSTRUCTION ACCESS AT THE END OF THE AFOREMENTIONED PERIOD SHOULD RANCH GATE ROAD BE UNAVAILABLE. THIS STIPULATION MAY BE AMENDED AS DEEMED NECESSARY WITH THE CONCURRENCE OF CITY STAFF.
4. **RIGHT-OF-WAY ABANDONMENT.** With the final plat submittal, the developer shall submit an application to abandon any existing right-of-way, Goldie Brown roadway easements, and GLO Patent roadway easements that are not to be incorporated in the site street system. The city makes no commitment to approve the application for abandonment.
5. **EXCEPTION PARCEL ACCESS.** Before any final plan approval, the developer shall dedicate an extension of the private street tracts or public right-of-way to provide acceptable access to the following exception parcels: APN 217-01-023D, 217-01-023E, 217-01-023F, 217-01-023G, & 217-01-011A. The access shall be in a form acceptable to city staff or as approved in the master circulation plan. Documentation shall be provided from any of these property owners that will utilize private street access indicating their consent to eliminate their public access prior to city approval of the abandonment of the public roadway easements.
6. **MULTI-USE TRAIL.** Before any certificate of occupancy is issued for the site, the developer shall dedicate and construct the following trails:
 - a. A minimum 4-foot wide multi-use trail along the west side of 128th Street within the required right-of-way.
 - b. A minimum 4-foot wide **PUBLIC** multi-use trail within a 25-foot wide easement connecting the main development gate on the west side of the property to 128th Street.

- c A minimum 4-foot wide multi-use trail along the south side of Ranch Gate Road as noted above

The alignment of these trails shall be subject to approval by the city's Trails Planner prior to dedication. The trail shall be designed in conformance with the Design Standards and Policies Manual - Landscaping and Parks

- 7 PRIVATE STREET CONSTRUCTION All private streets shall be constructed to full public street standards, except equivalent construction materials or wider cross-sections may be approved by city staff. In addition, all private streets shall conform to the following requirements:
 - A No internal private streets shall be incorporated into the city's public street system at a future date unless they are constructed, inspected, maintained and approved in conformance with the city's public street standards. Before any lot is sold, the developer shall record a notice satisfactory to city staff indicating that the private streets shall not be maintained by the city.
 - B Before issuance of any certificate of occupancy for the site, the developer shall post access points to private streets to identify that vehicles are entering a private street system.
 - C Secured access shall be provided on private streets only. The developer shall locate security gates a minimum of 75 feet from the back of curb to the intersecting street. The developer shall provide a vehicular turn-around between the public street and the security gate.

DRAINAGE AND FLOOD CONTROL

- 1 CONCEPTUAL DRAINAGE REPORT With the Development Review Board submittal, the developer shall submit a conceptual drainage report and plan subject to city staff approval. The conceptual report and plan shall conform to the approved Storm Water Waiver request (Plan Check #749-05-1), and the Design Standards and Policies Manual - Drainage Report Preparation

WATER

- 1 BASIS OF DESIGN REPORT (WATER) Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall conform to the approved Master Plan (Plan Check #749-05), and the Design Standards and Policies Manual. In addition, the basis of design report and plan shall
 - a Identify the location, size, condition and availability of existing water lines and related water related facilities such as water valves, water services, fire hydrants, back-flow prevention structures, etc
 - b Identify the timing of and parties responsible for construction of all water facilities
 - c Include a complete description of requirements relating to project phasing
- 2 APPROVED BASIS OF DESIGN REPORT Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall have obtained approval of the Basis of Design Report
- 3 WATERLINE EASEMENTS Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code the Design Standards and Policies Manual, all water easements necessary to serve the site

WASTEWATER

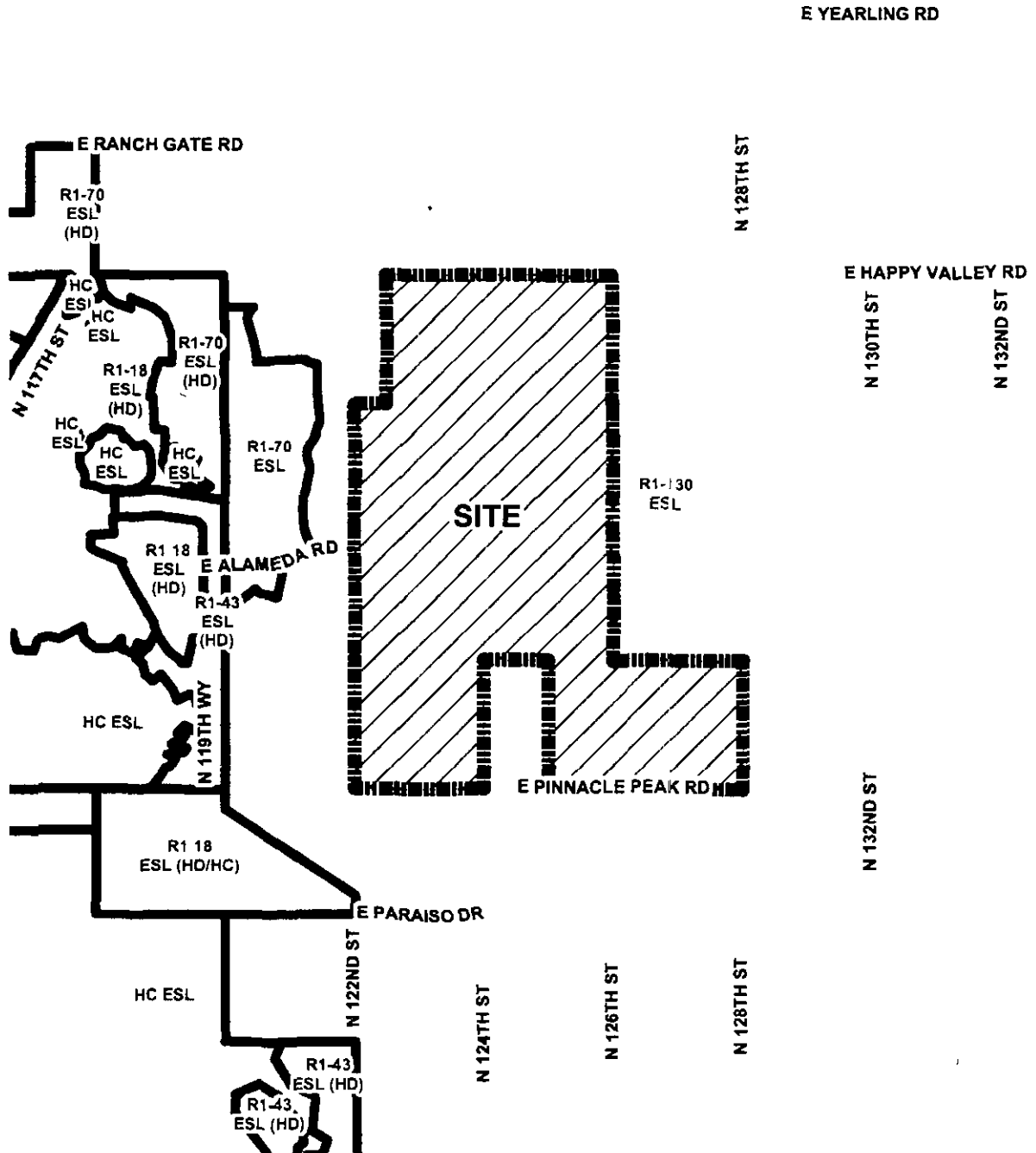
- 1 BASIS OF DESIGN REPORT (SANITARY SEWER) Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall be in

conformance with the approved Master Plan (Plan Check #749-05), and the Design Standards and Policies Manual. In addition, the basis of design report and plan shall

- a Identify the location of, the size, condition and availability of existing sanitary sewer lines and wastewater related facilities
 - b Identify the timing of and parties responsible for construction of all sanitary sewer facilities
 - c Include a complete description of requirements relating to project phasing
- 2 **APPROVED BASIS OF DESIGN REPORT** Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall have obtained approval of the Basis of Design Report
 - 3 **SANITARY SEWER EASEMENTS** Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all sewer easements necessary to serve the site
 - 4 **CONVEYANCE OF TRACTS/LOTS** Unless otherwise agreed to in writing by the Asset Management Coordinator, each tract or lot dedicated to the city shall be conveyed by a general warranty deed, and accompanied by a title policy in favor of the city, both to the satisfaction of city staff as designated by the Asset Management Coordinator



Approval of Amended Development Standards Pursuant to 1-ZN-2005



1-ZN-2005

EXHIBIT 3