

AMENDED DEVELOPMENT STANDARDS JUSTIFICATION

To accommodate the proposed Palo development, we are requesting to modify the Development Standards to account for reduced setbacks along public streets from 20' to 16'. Our requested reductions are shown below in **BOLD CAPS** for additions and ~~strikethrough~~ for removals.

Sec. 5.3000. – Downtown (D)

Sec. 5.3006. – Property development standards.

A. Prior Development Types.

1. Properties zoned Type 1.5 before December 31, 2012. Changes to properties zoned Type 1.5 after December 31, 2012 shall comply with the regulations of the Type 2 development type.
2. Properties zoned Downtown Medical - Type 2 and Downtown Regional Use - Type 2 before May 22, 2018. Changes to properties zoned Downtown Medical - Type 2 and Downtown Regional Use - Type 2 after May 22, 2018 shall comply with the regulations of the Type 3 development type.

B. Density, Gross Floor Area Ratio (GFAR), and Building Height Maximum.

1. Density and GFAR maximum are shown in Table 5.3006.B.
2. The building height maximum is shown in Table 5.3006.B., except as provided in Subsection 5.3006.B.3.
3. The additional height regulations of Article VII. shall not apply.

Table 5.3006.B. Density, Gross Floor Area Ratio (GFAR), and Building Height Maximums				
Development Type	Building Height Maximum ⁽¹⁾	GFAR Maximum without Bonus(es)	GFAR Maximum with Bonus(es) ⁽²⁾	Density Maximum (per acre of gross lot area)
Type 1 within Historic Old Town District	40 feet	1.3	2.0	50 dwelling units
Type 1 outside of the Historic Old Town District	48 feet	1.3	2.0	50 dwelling units
Type 2 and Type 2.5	66 feet	1.3	2.0	50 dwelling units
Type 3	84 feet	1.3	2.0	50 dwelling units
Notes: 1. Inclusive of all roof top appurtenances. 2. See Table 5.3008.B.				

C. Setbacks from public streets, except alleys.

1. The minimum setback from public streets (except alleys) is shown in Table 5.3006.C. The setback is measured from the back of curb.

Table 5.3006.C. Minimum Setback for Buildings Adjacent to Public Streets, except alleys	
Street	Minimum Building Setback
North Drinkwater Boulevard and North Goldwater Boulevard	30 feet
East Indian School Road	30 feet
East Camelback Road	40 feet
North Scottsdale Road in Type 3 Area	40 feet
North Scottsdale Road in Type 1, Type 2 or Type 2.5 Areas	20 feet
All other public streets and public street segments in the Type 1 Area	14 feet
All other public streets and public street segments in the Type 2 or Type 2.5 Areas	20 16 feet
Note: See the Downtown Plan Urban Design & Architectural Guidelines for locations of the public streets and setbacks above.	

2. The adjustment of front yard requirements in Article VII. does not apply.

D. *Setbacks from major intersections.*

1. On each corner of an intersection designated as an Old Town Major Intersection in the Downtown Plan, the property owner shall provide at least 2,500 square feet of open space at grade and up to a height of 30 feet. The open space shall be located within 70 feet of the intersection of the property lines at the corner. Those major intersections include:
 - a. East Camelback Road and North Goldwater Boulevard.
 - b. East Camelback Road and North Scottsdale Road.
 - c. East Indian School Road and North Goldwater Boulevard.
 - d. East Indian School Road and North Drinkwater Boulevard.
 - e. East Second Street and North Goldwater Boulevard.
 - f. East Second Street and North Drinkwater Boulevard.

E. *Setbacks from Single-family Residential districts shown on Table 4.100.A., or the portion of a Planned Community (P-C) with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A., or any Planned Residential Development (PRD) District.*

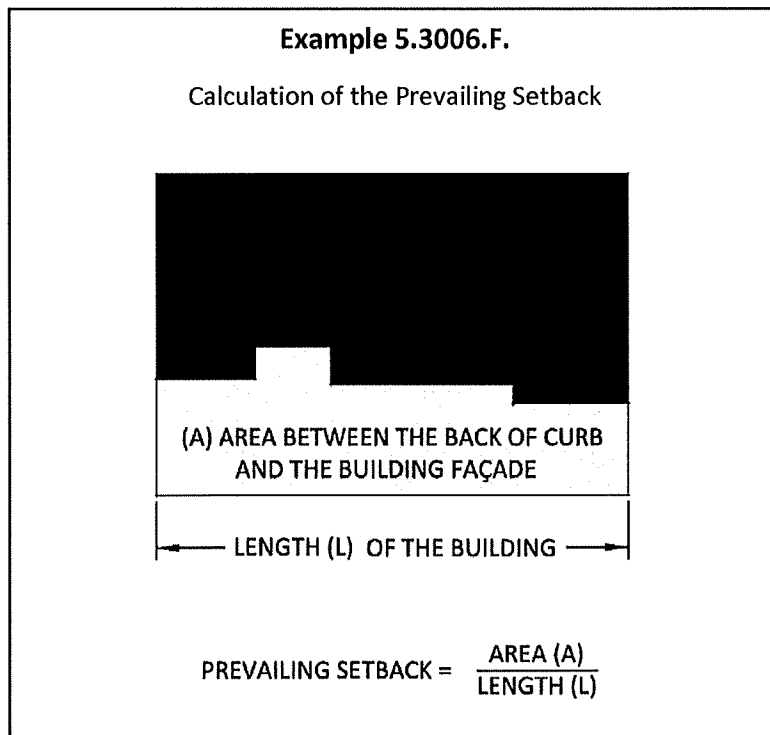
1. The minimum setback is:
 - a. Ten feet from a single-family residential district shown on Table 4.100.A., or the portion of a Planned Community (P-C) with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A., or any Planned Residential Development (PRD) District.
 - b. Ten feet from an alley that abuts a property zoned with a single-family residential district shown on Table 4.100.A., or the portion of a Planned Community (P-C) with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A., or any Planned Residential Development (PRD) District, measured from the center of the alley.
 - c. Exception. The setback from a single-family residential district shown on Table 4.100.A., or the portion of a Planned Community (P-C) with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A., or any Planned Residential Development (PRD) District, shall not apply to properties abutting the Arizona Canal.
2. Walls and fences up to a height of eight (8) feet are allowed on the property line, or within the required setback above, if the wall or fence is at least ten (10) feet from the center of an alley.

F. *Building location.*

1. A building adjacent to a public street (except alleys) shall be located as follows:
 - a. In a Type 1 Area, at least fifty (50) percent of the:
 - i. Length of the building façade shall be located at the minimum setback; and
 - ii. Area of the building façade at grade and up to a height of thirty (30) feet shall be located at the minimum setback.
 - b. In a Type 2 Area, a Type 2.5 Area, or a Type 3 Area, at least twenty-five (25) percent of the:
 - i. Length of the building façade shall be located at the minimum setback;
 - ii. Length of a building façade at grade and up to a height of thirty (30) feet shall be set back at least ten (10) additional feet; and
 - iii. Area of the building façade at grade and up to a height of thirty (30) feet shall be located at the minimum setback.
2. In a Type 2 Area, a Type 2.5 Area, or a Type 3 Area, a building with a building façade length of two hundred (200) feet or more shall be located to achieve a prevailing setback shown in Table 5.3006.F. The building façades on a corner lot are calculated separately, and not added together.

Table 5.3006.F. Prevailing Setbacks for Buildings Adjacent to a Public Street (except alleys)	
Street	Prevailing Setback
North Drinkwater Boulevard and North Goldwater Boulevard	Between 35 and 45 Feet
East Camelback Road	Between 45 and 60 Feet
North Scottsdale Road north of the Arizona Canal	Between 45 and 60 Feet
All other public street and public street segments	Between 25 and 35 Feet

- The prevailing setback is equal to the area between the back of curb and the building façade, divided by the length of the building, as shown in Example 5.3006.F.



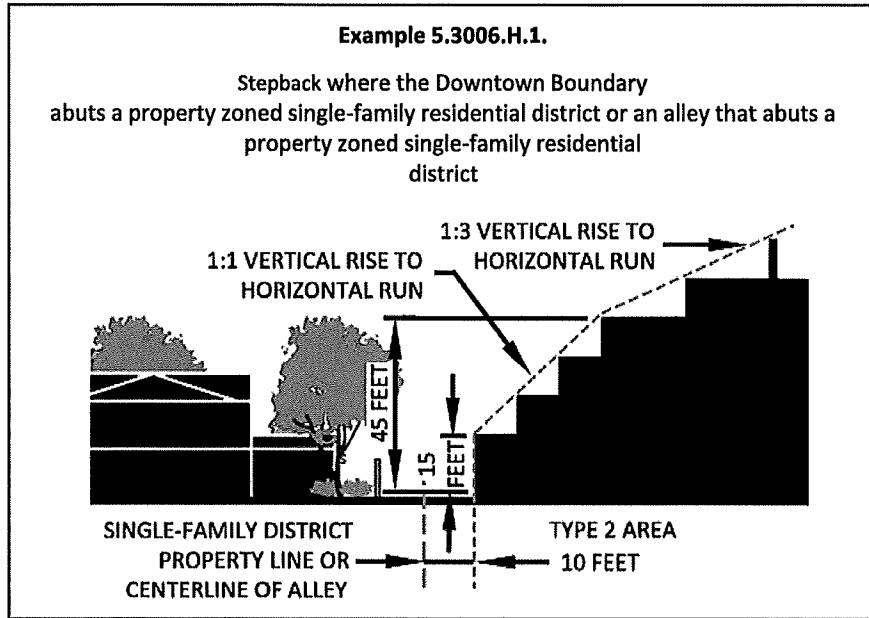
G. *Private outdoor living space.*

- All dwelling units shall include private outdoor living space located beside the dwelling unit.
- Each private outdoor living space shall be at least six (6) feet deep and sixty (60) square feet in area.

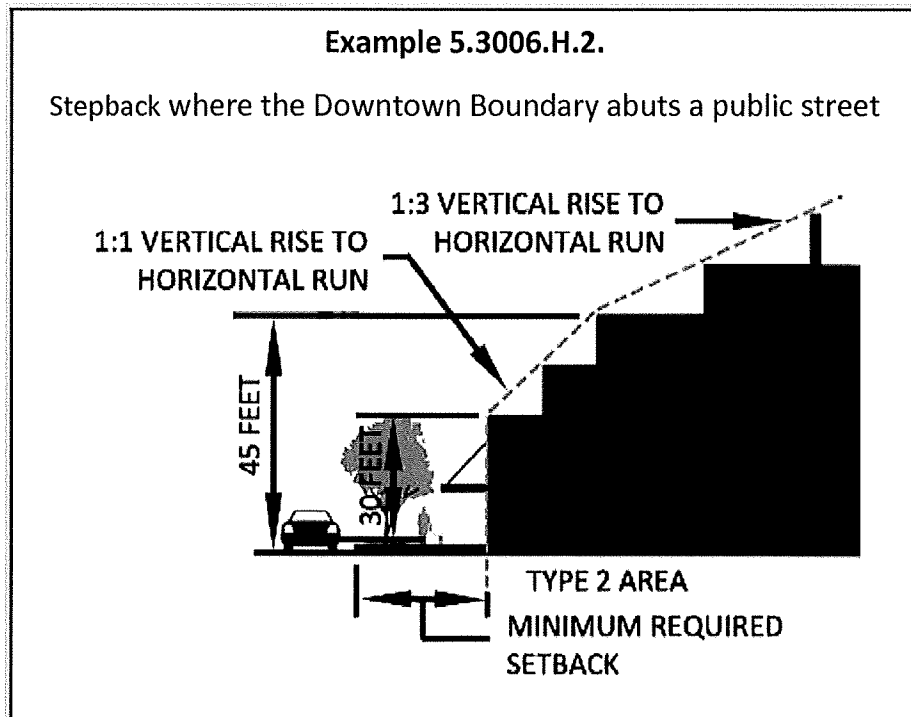
H. *Stepbacks.*

1. Property in a Type 1 Area: The stepback plane shall incline at a ratio of 1:1 beginning thirty (30) feet:
 - a. Above the minimum setback from the public street (except alleys),
 - b. Above the rear property line, and
 - c. Above the property line abutting an alley.
2. Property in a Type 2 Area, a Type 2.5 Area, or a Type 3 Area adjacent to or abutting a Type 1 Area:
 - a. The stepback plane shall incline at a ratio of 1:1, beginning thirty (30) feet above the minimum setback from the public street (except alleys), where the public street abuts a Type 1 Area.
 - b. The stepback plane shall incline at a ratio of 1:1, beginning thirty (30) feet above a property line that abuts (i) a Type 1 Area, or (ii) an alley that abuts a Type 1 Area.
 - c. The stepback plane shall incline in conformance with the applicable requirements of this section for property lines that do not abut (i) a Type 1 Area, or (ii) an alley that abuts a Type 1 Area.
3. Property in a Type 2 Area or a Type 2.5 Area not described above: The stepback plane shall incline at a ratio of 1:1, beginning thirty (30) feet above (i) the minimum setback from the public street (except alleys), and (ii) all other property lines, to forty-five (45) feet; and beginning at forty-five (45) feet, incline at a ratio of 2:1.
4. Property in a Type 3 Area not described above: The stepback plane shall incline at a ratio of 2:1, beginning forty-five (45) feet above (i) the minimum setback from the public street (except alleys), and (ii) all other property lines.
5. Downtown Boundary—additional requirements for property in a Type 2 Area, a Type 2.5 Area, or a Type 3 Area:
 - a. Where the Downtown Boundary abuts a single-family residential district or an alley that abuts a single-family residential district shown on Table 4.100.A., or the portion of a Planned Community (P-C) with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A., or any Planned Residential Development (PRD) District:
 - i. The setback shall be 10 feet from the single-family residential district shown on Table 4.100.A., or the portion of a Planned Community (P-C) with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A., or any Planned Residential Development (PRD) District, or the centerline of the alley.

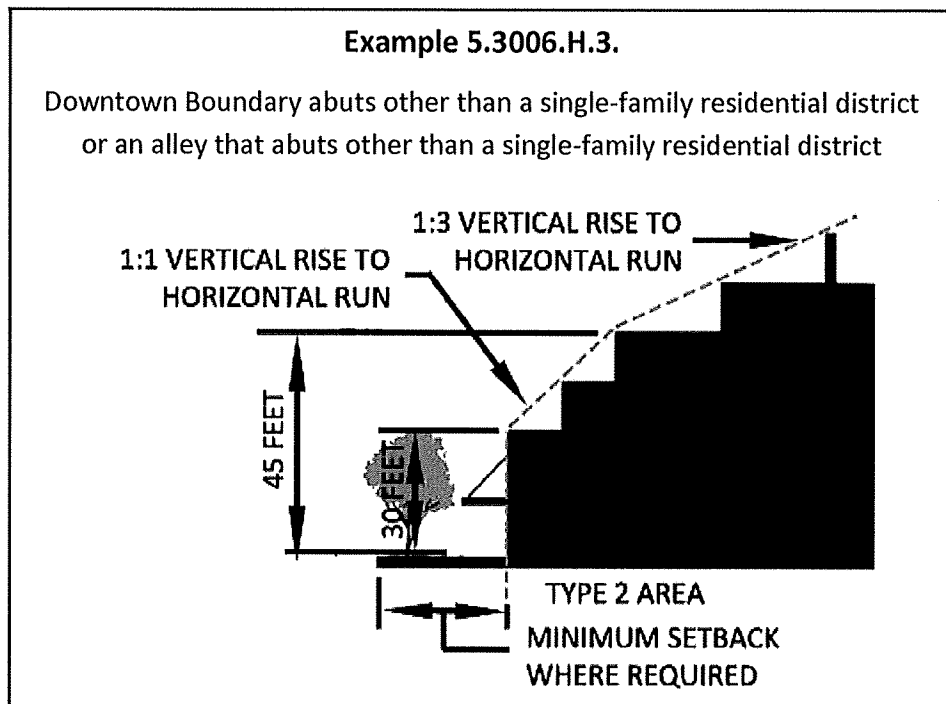
- ii. The stepback plane shall incline at a ratio of 1:1, beginning fifteen (15) feet above the setback line to forty-five (45) feet; and beginning at forty-five (45) feet, incline at a ratio of 1:3.



- b. Where the Downtown Boundary abuts a public street (except alleys), the stepback plane shall incline at a ratio of 1:1, beginning thirty (30) feet above the minimum setback from the public street (except alleys) to forty-five (45) feet; and beginning at forty-five (45) feet, incline at a ratio of 1:3.



- c. Where the Downtown Boundary does not abut a single-family residential district or an alley that abuts a single-family residential district shown on Table 4.100.A., or the portion of a Planned Community (P-C) with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A., or any Planned Residential Development (PRD) District:
 - i. The setback shall be ten (10) feet from the centerline of the alley.
 - ii. The stepback plane shall incline at a ratio of 1:1, beginning thirty (30) feet above the setback line from the alley and thirty (30) feet above all other property lines to forty-five (45) feet; and beginning at forty-five (45) feet, incline at a ratio of 1:3.



- 6. If there is a conflict at the intersection of the stepback planes, the more gradual slope controls.
- I. *Exceptions to building location, setback, prevailing setback and stepback standards.*
 - 1. As outlined in Subsections 5.3006.I.2 through 5.3006.I.4. below, and except as provided in Subsection 5.3006.I.9. below, certain exceptions to building location, setback and stepback standards are allowed if the Development Review Board finds the exceptions conform to:
 - a. The Downtown Plan and Downtown Plan Urban Design & Architectural Guidelines; and
 - b. The sight distance requirements of the Design Standards and Policy Manual.

2. Subject to design approval by the Development Review Board, the following exceptions to building location, setback and stepback standards are allowed:
 - a. A maximum of five (5) feet for cornices, eaves, parapets and fireplaces.
 - b. A maximum of seven (7) feet for canopies and other covers over sidewalks, balconies and terraces.
 - c. Balcony walls and railings with a maximum inside height of forty-five (45) inches.
 - d. Uncovered balconies, uncovered terraces and patios at and below grade.
 - e. Covered sidewalks and uncovered terraces directly above a sidewalk.
3. Subject to design approval by the Development Review Board, in a Type 2 Area, a Type 2.5 Area, or a Type 3 Area, a maximum fifteen (15) feet exception to stepback and setback standards above the first floor (not specified in I.2. above), is allowed for projections that:
 - a. Are less than fifty (50) percent of the length of the segment of the building façade where the projections occur; and
 - b. Are less than thirty-three (33) percent of the surface area of the segment of the building façade where the projections occur.
4. Subject to design approval by the Development Review Board, an exception to the stepback standard is allowed for stairwells and elevator shafts.
5. The minimum setback from public streets (except alleys) shall be equal to the average prevailing setback of all buildings on the same frontage if forty (40) percent or more of the existing buildings on the frontage are closer to the curb than the requirement of Table 5.3006.C.
6. The prevailing setback of a building with a building façade length of two hundred (200) feet or more shall be between five (5) feet and fifteen (15) feet greater than the average of the prevailing setbacks of all existing buildings on the same frontage, if forty (40) percent or more of the existing buildings on the frontage are nearer the curb than the requirement in Table 5.3006.F.
7. The minimum setback from public street (except alleys) shall be equal to the average prevailing setback of all buildings on the same frontage, but in a Type 2 Area, a Type 2.5 Area, or a Type 3 Area, not less than sixteen (16) feet.
8. The prevailing setback of a building with a building façade length of two hundred (200) feet or more shall be between five (5) feet and fifteen (15) feet greater than the minimum setback.
9. Exceptions to setback or stepback standards are not allowed:

- a. To cross a property line; however, exceptions that encroach into the public street may be allowed, subject to the Scottsdale Revised Code.
 - b. On the side or rear, where the property line abuts a single-family residential district or an alley that abuts a single-family residential district shown on Table 4.100.A., or the portion of a Planned Community (P-C) with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A., or any Planned Residential Development (PRD) District; however, a maximum five (5) feet exception to the setback standard is allowed for stairwells, and elevator shafts, mechanical equipment and related screening, chimneys, parapets, and ridges of sloped roofs. This requirement does not apply to properties abutting the Arizona Canal.
 - c. To increase the building height maximum.
10. Where the building location requirements in Subsection 5.3006.F.1. above cannot be met due to the location of the street line, the following shall apply:
- a. In a Type 1 Area, at least fifty (50) percent of the:
 - i. Length of the building façade shall be located at the street line; and
 - ii. Area of the building façade at grade and up to a height of thirty (30) feet shall be located at the minimum setback.
 - b. In a Type 2 Area, a Type 2.5 Area, or a Type 3 Area, at least twenty-five (25) percent of the:
 - i. Length of the building façade shall be located at the street line;
 - ii. Length of a building façade at grade and up to a height of thirty (30) feet shall be set back at least ten (10) additional feet; and
 - iii. Area of the building façade at grade and up to a height of thirty (30) feet shall be located at the minimum setback.

J. *Shaded sidewalks.*

- 1. The property owner shall provide shaded sidewalks that conform to the Downtown Plan Urban Design & Architectural Guidelines, subject to Development Review Board approval.

K. *Signs.*

- 1. The provisions of Article VIII. shall apply.

L. *Off-street parking.*

- 1. The provisions of Article IX. shall apply, except as provided below.
- 2. Vehicle parking is prohibited in the required setback specified in Table 5.3006.C.

3. The underground portion of a parking structure may be built to the property line.
4. A development with dwelling units that is required to provide:
 - a. Fifty (50) to two hundred (200) parking spaces for the dwelling units, shall provide at least ninety (90) percent of those parking spaces in a parking structure, podium parking, or tuck-under parking.
 - b. Two hundred one (201) or more parking spaces for the dwelling units, shall provide at least ninety (90) percent of those parking spaces in a parking structure, excluding podium parking and tuck-under parking.
5. The Development Review Board may approve an above-ground parking structure, podium parking and tuck-under parking adjacent to a public street if it finds that such parking conforms to the Downtown Plan and Downtown Plan Urban Design & Architectural Guidelines.

M. *Landscaping.*

1. The provisions of Article X. shall apply.