APPENDIX B - BASIC ZONING ORDINANCE[1]

Footnotes:

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Editor's note— This appendix contains the city's basic zoning ordinance (Ord. No. 455, originally adopted June 17, 1969), as amended. In the preparation of this appendix, the city's compilation of same has been used. History notes indicate provisions amended after May, 1985, as such compilation was current through May, 1985. In the preparation of this appendix, the word "section" when used in catchlines has been abbreviated. In addition obvious spelling errors have been corrected. Other changes in style (e.g., capitalization, etc.) have been made so as to conform the ordinance, insofar as practical, to the style of the new Scottsdale Revised Code. All other changes are shown in brackets or are explained in editorial notes.

Cross reference— Buildings and building regulations, Ch. 31; stormwater and floodplain management, Ch. 37; planning, development and fees, Ch. 46; subdivisions, Ch. 48.

ORDINANCE NO. 455

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, COMPREHENSIVELY AMENDING ORDINANCE NO. 147, AS AMENDED, ESTABLISHING LAND USE CLASSIFICATIONS; DIVIDING THE CITY INTO DISTRICTS; IMPOSING REGULATIONS, PROHIBITIONS AND RESTRICTIONS FOR THE PROMOTION OF HEALTH, SAFETY, CONVENIENCE AND WELFARE; GOVERNING THE USE OF LAND FOR RESIDENTIAL AND NONRESIDENTIAL PURPOSES; REGULATING AND LIMITING THE HEIGHT AND BULK OF BUILDINGS AND OTHER STRUCTURES; LIMITING LOT OCCUPANCY AND THE SIZE OF YARDS AND OTHER OPEN SPACES; ESTABLISHING STANDARDS OF PERFORMANCE AND DESIGN; ADOPTING A MAP OF SAID LAND USE DISTRICTS; CREATING BOARDS AND DEFINING THE POWERS AND DUTIES OF SAID BOARDS; PRESCRIBING PROCEDURES FOR CHANGES OF DISTRICTS, CONDITIONAL USE PERMITS, VARIANCES, AND OTHER PERMITS; PRESCRIBING PENALTIES FOR VIOLATIONS OF SAID ORDINANCE; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED by the Mayor and Council of the City of Scottsdale, Arizona, as follows:

Ordinance No. 147 of the City of Scottsdale, as amended, is hereby comprehensively amended to read as follows; and the district map, as amended, is hereby comprehensively amended by Maps 1 and 2 dated June 17, 1969, which are incorporated herein and by this reference made a part hereof:

ARTICLE I. - ADMINISTRATION AND PROCEDURES[2]

Footnotes:

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Editor's note— Ord. No. 2830, § 1, adopted Oct. 17, 1995, amended art. I and incorporated the provisions of art. II into art. I. See the Code Comparative Table for a detailed analysis of this ordinance.

Sec. 1.100. - Miscellaneous Administrative Provisions.

Sec. 1.101. - Purpose and title.

A. *Purpose:* The purpose this ordinance is to promote and protect the public health, safety, and welfare of the citizens of the City of Scottsdale and to provide for the social, physical and economic advantages resulting from comprehensive and orderly planned use of land resources, as reflected in the General Plan.

B. *Title:* This ordinance may be cited as the "Zoning Ordinance of the City of Scottsdale".

(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.102. - Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 4329, § 1, 12-5-17)

Sec. 1.103. - Conflict.

This ordinance is not intended to interfere with or abrogate or annul any easement, covenant or other agreement between parties.

(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.104. - Zoning in newly annexed areas.

Unincorporated areas annexed by the City of Scottsdale may retain Maricopa County zoning until such time as city zoning is adopted by the City Council. City zoning shall be adopted within six (6) months from the effective date of the annexation.

(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.200. - Zoning Administrator.

The City Manager, or such other city employee as the City Manager may designate, shall serve as the Zoning Administrator. The Zoning Administrator may delegate to a designee those duties assigned by the Zoning Ordinance to the Zoning Administrator.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3314, § 1, 4-18-00; Ord. No. 3920, § 1(Exh. § 1), 11-9-10)

Sec. 1.201. - Enforcement.

The Zoning Administrator shall enforce this Zoning Ordinance and the stipulations or conditions of zoning district map amendments, conditional use permits, municipal use master site plans, development review, abandonments, variances, lot splits and subdivision plats through the use of notices or orders as may be necessary for the purpose of enforcing compliance.

(Ord. No. 2552, § 1, 4-20-93; Ord. No. 2830, § 1, 10-17-95; Ord. No. 3314, § 1, 4-18-00; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 1), 5-6-14)

Sec. 1.202. - Interpretations and decisions.

A. The provisions of this Zoning Ordinance shall be interpreted and applied by the Zoning Administrator. Any request for a Zoning Ordinance interpretation or decision must be made in writing to the Zoning Administrator. The Zoning Administrator shall respond in writing to such requests for Zoning Ordinance interpretations or other decisions within forty-five (45) days from the date of the written request, provided no building permits have been issued on the subject development. A record of the Zoning Administrator's responses shall be available for public review.

B. The appeal of Zoning Ordinance interpretations or other decisions by the Zoning Administrator may be initiated by any aggrieved person or by any officer, department, board or commission of the city affected by the interpretation or decision of the Zoning Administrator. For purposes of this subsection an aggrieved person is one who receives a particular and direct adverse impact from the interpretation or decision which is distinguishable from the effects or impacts upon the general public. Appeals must be filed with the City Clerk no later than thirty (30) days after the Zoning Administrator issues any written interpretation or decision. Any timely appeal shall be processed pursuant to Section 1.805

C. When the provisions of this Zoning Ordinance are interpreted or applied they shall be held to be the minimum requirements for the promotion of the public safety, health and general welfare.

D. The presumption established in this Zoning Ordinance is that all general uses of land are permissible within at least one (1) zoning district in the city's planning jurisdiction. The use regulations set forth in each district cannot be all inclusive, and may include general use descriptions that encompass several specific uses. Uses specified in each district shall be interpreted liberally to include other uses which have similar impacts to the listed uses. However, the use regulations shall not be interpreted to allow more than one principal use in a dwelling in a residential district shown on Table 4.100.A. or the residential portion of a Planned Community P-C-, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown in Table 4.100.A., or to allow an unspecified use in one (1) zoning district which more closely relates to a use that is permissible in another zoning district. The Zoning Administrator shall interpret uses within each district.

E. Accessory uses are allowed in all districts. Accessory uses shall not alter the primary use of building or lot, or adversely affect other properties in the district. All accessory uses shall be reasonably compatible with the types of uses permitted in the surrounding areas.

(Ord. No. 2552, § 1, 4-20-93; Ord. No. 2830, § 1, 10-17-95; Ord. No. 3314, § 1, 4-18-00; Ord. No. 3920, § 1(Exh. § 2), 11-9-10; Ord. No. 4002, § 1(Res. No. 8967, Exh. A, § 1), 3-6-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 2), 5-6-14; Ord. No. 4326, § 1(Res. No. 10963, § 1 (Exh. A)), 12-5-17)

Sec. 1.203. - Inspections.

Inspections may be made by the Zoning Administrator.

If such inspection reveals that any property or portion of a project is not in compliance with the requirements of the applicable ordinances and codes, the Zoning Administrator shall report the discrepancy to the property owner, developer or their representative and shall order work on the project stopped or corrective action taken as appropriate.

(Ord. No. 2552, § 1, 4-20-93; Ord. No. 2830, § 1, 10-17-95)

Sec. 1.204. - Rules.

For carrying into effect the provisions of this Zoning Ordinance, the Zoning Administrator may adopt rules consistent with this Zoning Ordinance.

(Ord. No. 2552, § 1, 4-20-93; Ord. No. 2830, § 1, 10-17-95; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 3), 5-6-14)

Sec. 1.205. - Records.

The Zoning Administrator shall keep records of applications received, permits issued, inspections made, reports rendered and notices or orders issued.

(Ord. No. 2552, § 1, 4-20-93; Ord. No. 2830, § 1, 10-17-95)

Sec. 1.206. - Processing of development applications.

A. The Zoning Administrator shall process the following development applications: General Plan amendments, Zoning Ordinance text amendments, zoning district map amendments, conditional use permits, municipal use master site plan approvals, abandonments, development review, variances, conditional use permit revocations and subdivision plats.

B. The Historic Preservation Officer shall process the following development applications: Historic Property (HP) District designation, Certificates of No Effect, Certificates of Appropriateness, Certificates of Demolition Approval, and Certificates of Economic Hardship relating to development of historic and/or archaeological resources.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3242, § 1, 7-13-99; Ord. No. 3457, § 1(Exh. 1), 6-18-02; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 4), 5-6-14)

Sec. 1.207. - Minor amendments.

A. A minor amendment is one of the following:

(1) A change of no more than ten (10) percent of the required distance set forth in the development standards for a yard, setback or distance between buildings; or

(2) For properties that were originally developed under different development standards than those that currently apply, a change of no more than the amount necessary to align the current development standards for a yard, setback or distance between buildings to the development standards that were in place for a yard, setback or distance between buildings at the time the property originally developed.

B. A property owner requesting a minor amendment to this Zoning Ordinance shall file an application with the Zoning Administrator, on the form provided by the Zoning Administrator, together with a fee for a minor amendment. The form shall require a site plan of the property, highlighting the specific portion of the property affected by the minor amendment, and the reasons for the request.

C. Within ten (10) days after the Zoning Administrator receives a complete application, the property owner shall send notice, by first class mail, of the application to the property owners within three hundred (300) feet of any lot line of the property on which the minor amendment is being requested.

D. Comments may be made on the proposed minor amendment, and shall address the criteria in E.1. below, be in writing and directed to the Zoning Administrator within thirty (30) days after the mailing date of the notice.

E. 1. In reviewing an application for a minor amendment, the Zoning Administrator shall first determine whether the application meets the definition of a minor amendment set forth in A.

above. If the application meets the definition, the Zoning Administrator may grant the minor amendment if he or she determines that it enhances the built environment and would not be materially detrimental to the surrounding areas. In making his or her determination, the Zoning Administrator must find that the following criteria have been met:

a. That the minor amendment would continue to achieve the purpose of the underlying zoning district.

b. That the minor amendment would have no or only negligible visual impact from the street or surrounding properties.

c. That the minor amendment would be compatible and in character with existing buildings in the surrounding areas.

d. That the minor amendment would not materially impact or limit the use and enjoyment of adjacent properties or properties in the surrounding areas.

e. That the minor amendment would not be materially detrimental to the public health, safety or general welfare.

f. That the minor amendment represents the only minor amendment granted for the property.

2. The Zoning Administrator may grant the minor amendment subject to reasonable terms and conditions to mitigate its impact on adjacent properties and the surrounding development.

F. The Zoning Administrator shall issue a decision on the specific minor amendment requested no sooner than thirty (30) nor later than forty-five (45) days after notice, referred to in C. above, is mailed. The Zoning Administrator may grant, grant with conditions, or deny the minor amendment. If granted, the minor amendment must be narrowly tailored and limited to the specific portion of the property described in the application.

G. Any aggrieved person may appeal the Zoning Administrator's decision to the Board of Adjustment as set forth in the Zoning Ordinance.

H. An application for a minor amendment is unrelated to and does not impact a property owner's ability to apply for a variance.

I. The minor amendment procedure is inapplicable to the Foothills Overlay District, Environmentally Sensitive Lands Overlay District, Downtown District, and Downtown Overlay District.

(Ord. No. 3836, § 1, 2-10-09; Ord. No. 3920, § 1(Exh. § 3), 11-9-10; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 5, 6), 5-6-14)

Sec. 1.300. - Applications.

(Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 1), 8-25-14)

Sec. 1.301. - Initiation of development application.

Applications shall be initiated as described below.

A. *General Plan amendments:* The elements of the General Plan may be amended, supplemented or modified. Requests to amend the General Plan may be initiated by the Planning Commission, City Council or property owner of the real property which is the subject of the application.

B. *Zoning district map amendments:*

1. The zoning district map may be amended, supplemented, modified or repealed. Requests to amend the zoning district map may be initiated by the Planning Commission, City Council, or property owner of the real property which is the subject of the application.

2. An application to have an historic resource zoned HP District may be initiated by the Historic Preservation Commission, the Planning Commission, the City Council, or by property owner of real property which is the subject of the application.

C. *Zoning Ordinance text amendments:* The Zoning Ordinance text may be amended, supplemented, modified or repealed. Requests to amend the Zoning Ordinance text may be initiated by the Planning Commission, the City Council, or property owner of real property in the district to be amended or affected by the amendment.

D. *Conditional use permits:* Conditional use permits may be approved, amended or revoked. Requests for a conditional use permit may be initiated by the Planning Commission, the City Council or property owner of real property which is the subject of the application.

E. *Municipal use master site plans:* Municipal use master site plan requests may be initiated by the Planning Commission or the City Council.

F. *Abandonments:* Requests for the abandonment of a right-of-way shall be submitted pursuant to the Scottsdale Revised Code.

G. *Development applications:* Unless otherwise provided, all development applications are subject to Development Review Board approval. Development applications may be initiated by the property owner of real property which is the subject of the application.

H. *Zoning Ordinance variance:* Requests for a variance may be initiated by the property owner of real property which is the subject of the application.

I. *Subdivision plat:* Subdivision plats may be initiated by the property owner of real property which is the subject of the application.

J. *Zoning Ordinance minor amendment:* Requests for certain minor amendments to this Zoning Ordinance may be initiated by the property owner of real property which is the subject of the application.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3242, § 2, 7-13-99; Ord. No. 3457, § 1(Exh. 1), 6-18-02; Ord. No. 3836, § 1, 2-10-09; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 7), 5-6-14; Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 2), 8-25-14)

Sec. 1.302. - Pre-application conference.

Before submitting any development application, the applicant shall make a written request on City forms for a pre-application conference. The Zoning Administrator shall schedule a pre-application conference with the applicant for a date not more than forty-five (45) days following the receipt of the written request for the pre-application conference. The Zoning Administrator shall attend the conference with the applicant to discuss the general aspects of the proposal, the development approval process and the information that will be required from the applicant in order to submit a complete application. No application for any development application will be accepted before the required pre-application conference has been conducted, unless the pre-application conference has been waived by the Zoning Administrator. During or before, the pre-application meeting for a zoning district map amendment or Zoning Ordinance text amendment, the Zoning Administrator shall provide the applicant a checklist of the minimum requirements of the Citizen Review Process. The Citizen Review Process shall include a citizen review plan and report to promote citizen participation as prescribed in Section 1.305.C.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3332, § 1, 7-11-00; Ord. No. 3920, § 1(Exh. § 4), 11-9-10; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 8), 5-6-14)

Sec. 1.303. - Development application forms.

After the pre-application conference has occurred, an application for any of the development applications specified in Section 1.206 must be made to the Zoning Administrator on City forms. The application shall be accompanied by the appropriate fee and other information as the Zoning Administrator may in writing require.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3332, § 1, 7-11-00; Ord. No. 3378, § 1, 6-4-01; Ord. No. 3920, § 1(Exh. § 5), 11-9-10)

Sec. 1.304. - Required authorization for development applications.

The property owner shall sign the development application. Alternatively, an agent of the property owner may sign the development application with documentation of the property owner's written authorization.

If an application for zoning district map amendment includes properties other than that owned by the applicant, the applicant shall file a petition in favor of the request signed by the property owners representing at least 75 percent of the land area to be included in the application. Said petition shall bear the property owners' signatures and addresses, the legal description and the land area of each property represented on the petition and the total land area of properties included in the application.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3332, § 1, 7-11-00; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 9), 5-6-14)

Sec. 1.305. - Review of application.

A. *Review for completeness.* After the filing of a development application the Zoning Administrator shall review the application for completeness, and in the case of a complete application (other than an application for a conditional use permit for an adult use, which is governed by Section 1.403.A), shall forward the application to the secretary of the appropriate board or commission within twenty-one (21) days of the application submittal date.

If the applicant is required by this article to provide a public safety plan, lighting plan, exterior refuse control plan, or other plan subject to approval, the Zoning Administrator shall forward the plan to the reviewing department. The department shall complete its review of the plan and inform the Zoning Administrator and the applicant in writing whether the plan has been approved, and if not, of the steps necessary to correct any deficiencies.

B. *Incomplete applications.* If the Zoning Administrator determines the application is incomplete, the Zoning Administrator shall, within twenty-two (22) days of the application submittal date, convey to the applicant a written statement of the reasons therefor. The written statement shall not serve as verification of accuracy or completeness of the information submitted. The Zoning Administrator shall process any resubmitted application as a new application. If the Zoning Administrator has not forwarded a complete application to the secretary of the appropriate board or commission within six (6) months of the application submittal date, then the application may be considered withdrawn.

C. *Citizen Review Process:*

1. *Purpose.* The purpose of the Citizen Review Process is to:

a. Provide citizens and property owners sufficient time to learn the substance of zoning district map amendments and Zoning Ordinance text amendments that may affect them, and

b. Enhance communications with citizens regarding zoning district map amendments and Zoning Ordinance text amendments to promote early and effective citizen participation, and to identify and address issues at an early stage in the process.

2. *Citizen review plan and report.* Applications for zoning district map amendments and for Zoning Ordinance text amendments shall include a Citizen Review Process comprised of a citizen review plan and a citizen review report.

   a. *Citizen review plan.* A citizen review plan shall be submitted with the application and implemented prior to the notice of the first public hearing. At a minimum, the citizen review plan must include the following:

      i. The means by which adjacent property owners and other potentially affected citizens will receive early notification by the applicant of the substance of the request in order to promote early citizen involvement. The applicant's notification shall be prior to any notification made by the city required by Sections 1.605 and 1.702.

      ii. The early notification by the applicant shall also identify the method by which adjacent property owners and other potentially affected citizens will be provided an opportunity to express any issues or concerns prior to the notice of the first public hearing.

      iii. The means by which the school district will be notified if the zoning district map amendment application changes zoning classification(s) from a non-residential zoning classification to a residential zoning classification, and/or changes in residential zoning classification(s), and/or amends the stipulations that results in greater residential densities, thereby increasing the number of potential students.

         (1) The property owner shall deliver a letter by registered mail to the superintendent(s) of all applicable school districts at least 30 days prior to filing an application.

         (2) The letter shall provide specifics of the proposed zoning district map amendment, including the projected number of new residential units proposed within the development project, and the resulting projected number of new students. The projected number of new students shall be based upon a student-per-household ratio methodology approved and published by the appropriate school district(s). If a school district fails to establish a student-per-household ratio methodology for projecting the number of new students resulting from a rezoning application, then an estimate may be derived based upon an authoritative source using the most recent published census information.

         (3) The property owner shall include as part of the rezoning application a copy of the letter delivered to the school district(s).

         (4) School district input thereafter may be sought by the city or the property owner on the issue for consideration by the Planning Commission and/or City Council in making a decision on the rezoning application.

      iv. Additional information as required on a checklist for the Citizen Review Process.

      v. The applicant shall be responsible for notifying parties identified in the citizen review plan of any modification to their proposal prior to the notice of the first public hearing. The means of notification of the modification shall be identified in the citizen review report described below.

   b. *Citizen review report.* The applicant shall also provide to the Zoning Administrator a written report of the results of their citizen review effort prior to notice of the first public hearing. This report on the applicant's citizen review effort shall be included with the public hearing report. The means of notifying citizens identified in the case of a modification shall be identified in the citizen review report. If the citizen review report has been submitted and any additional modifications occur, the applicant shall submit an addendum to the citizen review report. The addendum shall describe the citizen involvement process which provided citizens the opportunity to review and comment on the modification.

   c. *Incomplete citizen review plan and/or report.* If the citizen review plan and/or report does not meet the requirements of Section 1.305.C., the application for the zoning district map

amendment or Zoning Ordinance text amendment shall be considered incomplete and shall not be scheduled for public hearing.

(Ord. No. 2552, § 1, 4-20-93; Ord. No. 2620, § 1, 8-2-94; Ord. No. 2830, § 1, 10-17-95; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3332, § 1, 7-11-00; Ord. No. 3920, § 1(Exh. § 6), 11-9-10; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 10), 5-6-14; Ord. No. 4365, § 1(Res. No. 11261, § 1(Exh. A, § 1)), 11-13-18)

Sec. 1.306. - Zoning Administrator recommendation.

The Zoning Administrator shall submit to the City Council, Planning Commission, Board of Adjustment and/or Development Review Board a report on all development applications prior to the public meetings. The report shall provide an assessment of and may include a recommendation on the application.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3340, § 1, 9-19-00; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 11), 5-6-14)

Sec. 1.307. - Development applications for historic property.

Development applications for property zoned or to be zoned (HP) Historic Property are subject to the rules, regulations, and procedures set forth in Section 6.100 (HP) Historic Property in addition to the requirements of article I of this Zoning Ordinance.

(Ord. No. 3242, § 3, 7-13-99; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 12), 5-6-14)

Sec. 1.400. - Conditional Use Permits.

Sec. 1.401. - Issuance.

Conditional use permits, which may be revocable, conditional or valid for a specified time period, may be granted only when expressly permitted by this ordinance and, except in the case of conditional use permits for adult uses under Section 1.403(A), only after the Planning Commission has made a recommendation and the City Council has found as follows:

A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:

    1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.

    2. Impact on surrounding areas resulting from an unusual volume or character of traffic.

B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.

C. The additional conditions specified in Section 1.403, as applicable, have been satisfied.

The burden of proof for satisfying the aforementioned requirements shall rest with the property owner.

(Ord. No. 2552, § 1, 4-20-93; Ord. No. 2830, § 1, 10-17-95; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 13), 5-6-14)

Sec. 1.402. - Violation, amendment, revocation.

Conditional use permits which have been approved by the City Council shall be subject to the following procedures and criteria regarding any violation, amendment, or revocation.

A. *Violation.* The property owner and operator shall comply with all requirements approved as part of the conditional use permit. The violation of any requirement imposed by the conditional use permit shall constitute a violation of this Zoning Ordinance and shall be subject to Section 1.1400.

B. *Amendment.* Conditional uses shall be developed in conformance to the approved plans as determined by the Zoning Administrator. An amendment to a conditional use permit is required before implementation of any material change in the scope and nature of an approved conditional use, material change in any conditions or stipulations to a conditional use permit or material change in the physical size, placement or structure of property subject to a conditional use permit. The Zoning Administrator shall have the discretion to determine if a proposed change warrants an amendment. An amendment must be approved as provided in Section 1.400 et seq. for the approval of conditional use permits.

C. *Revocation.* The City Council or the City Manager or its designee may initiate and the City Council may effect revocation or modification of a conditional use permit pursuant to Section 1.707.

D. Approval of a subsequent zoning district map amendment and/or a conditional use permit on a subject property shall automatically void all existing conditional use permits on the subject property. Exception: If the subsequent zoning district map amendment and/or conditional use permit application and approval specifically maintain the existing conditional use permit(s), and, if the existing conditional use permit(s) is allowed within the new requested zoning district, the existing conditional use permit(s) shall be considered valid.

(Ord. No. 2552, § 1, 4-20-93; Ord. No. 2830, § 1, 10-17-95; Ord. No. 3457, § 1(Exh. 1), 6-18-02; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 14, 15), 5-6-14)

Sec. 1.403. - Additional conditions for specific conditional uses.

A. *Adult uses.*

1. In order to prevent the adverse secondary effects associated with the establishment of adult uses, including neighborhood deterioration and blight, an increase in criminal activity and diminution in surrounding property values, the issuance of all conditional use permits for adult uses shall be subject to the provisions of this Section 1.403.A. The provisions of this Section 1.403.A. shall supersede the provisions of Section 1.401., but only as to the issuance of conditional use permits for adult uses, and Section 1.401. shall apply to the issuance of conditional use permits for all other conditional uses.

2. A conditional use permit application for any proposed adult use shall be submitted pursuant to the provisions of Section 1.300., including the procedures described therein for a pre-application conference and application. After the filing of a conditional use permit application for a proposed adult use, the Zoning Administrator shall, within fifteen (15) days of the filing of the application, determine if the application is complete. If the application is found to be incomplete, the Zoning Administrator shall immediately inform the property owner in writing, by certified mail of the reasons therefor. The Zoning Administrator shall process any resubmitted application in accordance with the same requirements applicable to the processing of the original application. A property owner may appeal the Zoning Administrator's determination that the application is incomplete to the City Council. Such appeal must be filed within five (5) working days of the date on which the Zoning Administrator's determination is received or returned, and shall be

considered and decided by the City Council no more than twenty (20) days after the filing of the appeal.

3. No conditional use permit application for any proposed adult use shall be deemed complete unless the Zoning Administrator has determined that all of the following conditions exist:

   a. No other adult use is located within one thousand (1,000) feet of the proposed adult use.

   b. The proposed adult use, if established, would not be located within five hundred (500) feet of the following protected uses, provided such protected uses is established on or before the date an application for the proposed adult use is filed:

      i. Day care center;

      ii. Educational service, elementary and secondary school;

      iii. Educational service, other than elementary and secondary school;

      iv. Public park;

      v. Teen dance center;

      vi. Game center;

      vii. Amusement park;

      viii. Public library;

      ix. Place of worship; or

      x. Community buildings or recreational facility not publicly owned (such as Boys or Girls Club, YMCA, etc.).

   c. The proposed adult use, if established, would not be located within five hundred (500) feet of any of the following zoning district boundaries: Single-family Residential R1-190, Single-family Residential R1-130, Single-family Residential R1-70, Single-family Residential R1-43, Single-family Residential R1-35, Single-family Residential R1-18, Single-family Residential R1-10, Single-family Residential R1-7, Single-family Residential R1-5, Two-family Residential R-2, Medium Density Residential R-3, Townhouse Residential R-4, Resort/Townhouse Residential R-4R, Multiple-family Residential R-5, Manufactured Home MH, Service Residential S-R (if occupied as a residential use), Downtown Residential/Hotel D/RH or any of the foregoing districts which also have a Planned Residential Development PRD, Planned Community P-C or Environmentally Sensitive Lands ESL designation, unless a petition requesting waiver of this requirement, signed by fifty-one (51) percent of those persons residing thirty (30) days or more within a five hundred-foot radius of the proposed location and by fifty-one (51) percent of those nongovernmental owners who own uses listed in paragraph 3.b within a five hundred-foot radius of the proposed location is received and verified by the Zoning Administrator. In such case, the City Council may waive conditions 3.b and 3.c.

4. For purposes of this section, streets, alleys and other thoroughfares adjacent to the zoning district boundaries specified in paragraph 3.c. shall themselves be considered within such district boundaries. With respect to any such street, alley or other thoroughfare, measurements to determine whether the proposed adult use is within five hundred (500) feet of such boundary shall be taken to the edge of such alley nearest to the proposed adult use, or to the centerline of such street or thoroughfare, or to the property line of the uses specified in Section 1.403.A.3.b. or an established adult use, unless such use is specified in Section 1.403.A.3.b. or an established adult use is part of a multi-tenant parcel, in which case the measurement shall be to the exterior building wall of the use in question. Measurement from the proposed adult use shall be taken from that portion of the proposed adult use, including projections therefrom, that is closest to the residential district, use specified in Section 1.403.A.3.b. or established adult use, unless such proposed adult use is to be part of a multi-tenant parcel, in which case the measurement shall be from the exterior building wall of the proposed adult use.

5. Where the conditional use permit application is determined to be complete, the Zoning Administrator shall forward the application to the secretary of the Planning Commission, who shall set days for public hearing before the Planning Commission and City Council, which dates shall be no more than thirty-five (35) and forty-five (45) calendar days, respectively, from the date of the filing of a complete application. Notice of the hearings shall be given in the same manner as provided in Sections 1.605. and 1.702., respectively.

6. Conditional use permits shall be granted when permitted by this ordinance, unless the City Council has found that the granting of such conditional use permit would endanger the public health, safety or welfare by significantly increasing the likelihood of one (1) or more of the following:

   a. Damage or nuisance to surrounding areas arising from noise, smoke, odor, dust, vibration or illumination.

   b. Hazards to the public health arising from the creation of a sanitary nuisance.

   c. Illegal conduct in the areas surrounding the proposed adult use.

   d. Adverse impacts on surrounding property resulting from an unusual volume or character or vehicular or pedestrian traffic.

   e. Substantial and demonstrable diminution of the market value of surrounding property.

7. No more than forty-five (45) days shall elapse between the filing of a complete conditional use permit application for an adult use and a determination by the City Council to grant or deny the permit, unless such delay is caused by the property owner. When denying a conditional use permit application for an adult use, the City Council shall specify each of the categories of harm set forth in Section 1.403.A.6. which it finds would be significantly increased by granting the application and the basis for such findings.

8. All conditional use permits for adult uses shall be subject to the following conditions:

   a. All exterior doors shall remain closed during business hours.

   b. All materials, projections, entertainment or other activities involving or depicting "specific sexual activities" or "specified anatomical areas" shall not be visible from off-premises areas or from portions of an establishment accessible to minors.

   c. Sound from projections or entertainment shall not be audible from off-premises areas.

   In addition, notwithstanding the provisions of Section 1.401., the City Council, in granting a conditional use permit for an adult use, may impose only such other conditions on the conditional use permit that would decrease the likelihood of occurrence of any of the adverse impacts listed in Section 1.403.A.6.

9. An applicant whose complete application for a conditional use permit for an adult use has been denied by the City Council, or approved by the City Council, but subject to conditions unacceptable to the applicant; or whose appeal from the Zoning Administrator's determination of completeness has been denied by the City Council shall have the right to seek prompt judicial review of the City Council's decision without any requirement of seeking reconsideration from the City Council or any other administrative or legislative relief.

10. Each of the provisions of this Section 1.403.A., including each of the categories of harm set forth in subsection A.6., shall be severable, and a judicial determination that any such provision is invalid on federal or state constitutional grounds, or otherwise, shall not affect the validity of:

    a. Any other provisions; or

    b. Any determination by the City Council insofar as it is based on any provision not determined to be invalid.

11. These provisions shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

B. *Banks or financial institutions.*

1. The maximum gross floor area of the building shall be five thousand (5,000) square feet.
2. If the bank is to include drive-thru services there shall be a maximum of two (2) drive-thru windows.
3. Setbacks:
    a. Side Yard.
        i. A side yard of not less than fifty (50) feet shall be maintained where the side of the lot abuts a single-family residential district, or abuts an alley which is adjacent to a single-family residential district, shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying single-family residential zoning district comparable to the residential districts shown on Table 4.100.A. The fifty (50) feet may include the width of the alley.
        ii. A side yard of not less than twenty-five (25) feet shall be maintained where the side lot abuts a multiple-family residential district or an alley adjacent to a multiple-family residential district.
    b. Rear Yard.
        i. A rear yard of not less than fifty (50) feet shall be maintained where the rear lot abuts a single-family residential district, or abuts an alley which is adjacent to the single-family residential district, shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying single-family residential zoning district comparable to the single-family residential districts shown on Table 4.100.A. The 50 feet may include the width of the alley.
        ii. A rear yard of not less than twenty-five (25) feet shall be maintained where the rear lot abuts a multiple-family residential district or an alley adjacent to a multiple-family district.
4. A minimum six-foot high masonry wall shall be provided on all property lines that abut a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. The wall shall be contiguous to a minimum five-foot wide planter.

C. *Bars, cocktail lounges, and/or after hours establishments.*

1. The use shall not disrupt existing balance of daytime and nighttime uses.
2. The use shall not disrupt pedestrian-oriented daytime activities.
3. If the site is located within the Downtown Overlay District D-O 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 six hundred (600) feet of the property and shall not be separated from the property by a major or minor arterial street.
4. If the use is located within five hundred (500) feet of a residential use or district then:
    a. The use shall not adversely impact residential uses.
    b. The use shall provide methods of buffering residential uses.

5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.

6. The property owner shall create a written exterior refuse control plan for approval by the City.

7. The property owner shall demonstrate how noise and light generated by the use shall be mitigated.

8. The use shall conform to the parking requirements of Article IX and shall not exceed capacity for traffic in the area.

9. After hours establishments must maintain a valid after hours establishment license.

D. *Big box.*

1. To minimize adverse impacts from visual, aesthetic, and operational characteristics associated with big boxes and maintain the quality of life, general health, welfare, and safety of the community, big boxes shall be subject to the provisions of this Subsection 1.403.D.

2. Remodeling or rezoning or addition to existing big box:

   a. Nothing in this Section 1.403.D. shall be reason to deny applications to remodel an existing big box or to rezone an existing big box.

   b. A Conditional Use Permit shall be required for any expansion of a big box beyond a cumulative ten (10) percent of the existing square feet of the big box existing at the time of the adoption of this ordinance requirement.

3. A conditional use permit application for any proposed big box shall be submitted pursuant to the provisions of Article I, Section 1.300. In addition, all big box conditional use permit applications shall comply with the following submittal requirements and provisions unless otherwise approved by the City Council.

   a. An activity operations plan detailing characteristics of all operational activities.

   b. An outdoor activity plan describing the location, use, and characteristics of all outdoor activities.

   c. Service areas plan documenting hours of service area operations and activities.

   d. Display and storage areas shall occur within enclosed walls integral to the building.

   e. Items located within storage and display areas shall be screened from view from any single-family or multifamily residential district property.

   f. A refuse and litter control plan.

   g. A landscape and buffer plan.

   h. An outdoor lighting and mitigation plan documenting all aspects of lighting and its impacts in context with surrounding property characteristics; and how those impacts are not intrusive upon those properties. The outdoor lighting and mitigation plan shall include but is not limited to: hours of illumination, photometric analysis, and light fixture details for all lighting.

   i. A noise control plan and mitigation plan documenting the noise impacts in context with surrounding property characteristics; and how those impacts are lessened on those properties. The noise control and mitigation plan shall be accompanied by either acoustical planning documentation for new development or acoustical retrofitting documentation for alteration of existing development.

   j. Parking, vehicle circulation, pedestrian circulation, and transit service plans:

      i. Documenting impact in context with surrounding property characteristics and how the proposed use impacts are not intrusive upon those properties.

ii. Documenting all accessibility, safety, and convenience of access to adjacent properties.

iii. Documenting functional pedestrian scale elements and amenities.

k. A traffic control plan including traffic generated by the use compiled into a traffic impact study and circulation study which documents how these impacts are mitigated.

l. All structures and buildings shall be of a design character, including mass, scale, height, colors and other elements, compatible with the area in which the site is located.

m. All site, structure, and building design shall be in substantial conformity with the Commercial Design Guidelines.

n. All Development Review applications for big box shall be submitted for review by the Development Review Board and shall be processed with public notification requirements of Section 1.605 of this Zoning Ordinance.

o. In addition, when deemed to be necessary because of the nature of the use and potential adverse impact on the community, other specific conditions may be imposed.

E. *Cemeteries.*

1. Cemeteries, including business office and storage building, shall contain a minimum of forty (40) acres, at least ten (10) acres of which shall be subdivided and developed in the initial plat. The cemetery may include accessory uses such as a chapel, a mortuary, a mausoleum, and those industrial uses which are incidental to the operation of a cemetery. Industrial uses shall include such things as the manufacture of burial vaults and headstone foundations, provided all of the products are used on the site and are not offered for sale and use elsewhere. The cemetery shall not include uses of an industrial nature other than those stated herein. Failure to receive approval of the Arizona State Real Estate Commissioner within twelve (12) months from the date of the City Council approval of the use permit shall render the use permit null and void.

2. The application shall include:

a. A certified copy of the articles of incorporation showing that a corporation has been organized and exits for the purpose of owning and developing a cemetery.

b. A current study showing that the ratio of available ground interment spaces to the city's population does not exceed four (4) spaces per person.

c. A proposed plat or map of the cemetery showing access to the cemetery from public roads; the sites of any proposed mortuary, chapel, or mausoleum structures; and a detailed landscape plan showing, particularly, any other buildings or significant structures.

3. The applicant must demonstrate financial responsibility to comply with all state and local laws governing the development and maintenance of a memorial park cemetery.

4. The applicant must demonstrate proposed cemetery will be adequately endowed for its perpetual care and maintenance to the extent that a trust fund shall be established in accordance with, and subject to, all provisions of the Arizona Revised Statutes and that said trust fund requirement be included as a covenant of the cemetery corporation in its sales agreements approved by the Arizona State Real Estate Commissioner.

F. *Commercial stable.*

1. The minimum property size shall be ten (10) acres gross.

2. The proposed site shall not be adjacent to single-family residential properties of less than two (2) gross acres in size unless that residential property contains an equestrian trail easement along the contiguous boundary.

3. Structures or facilities used for stabling, storing, showing or training of animals, and for temporary manure storage shall be set back a minimum of one hundred (100) feet from any

adjacent privately-owned property. Dwelling units, accessory structures incidental to dwelling units, and irrigated pasture may occur within the one-hundred-foot setback area subject to the setback requirements of the applicable zoning district.

4. The front yard shall be that of the applicable zoning district or forty (40) feet, whichever is greater.

5. All pasture and animal storage areas shall be enclosed with fences or walls of a minimum of four (4) feet six (6) inches in height. The design of these enclosures shall be shown on drawings submitted with the use permit application.

6. The property owner shall provide a specific plan which includes the physical containment and location for manure storage and/or a disposal program which minimizes odor and fly impacts in adjacent parcels. The spreading and tilling of manure into the soil of paddock, pasture or arena areas may be considered manure disposal.

7. The property owner shall provide a specific program for fly control in barn and stable areas which minimizes the attraction to and successful breeding of flies.

8. All activity and pasture areas shall be grassed, sprinklered, or treated with regularly tilled high organic soil mix for dust suppression.

9. There shall be no shows or other activities which would generate more traffic than is normal to a residential area, unless the proposed site has direct access from a major street as set forth in the Transportation Master Plan and the Design Standards & Policies Manual. Permission for such shows and activities may be obtained from the City Council. Notification shall be provided in a letter that explains the nature and duration of the activity, and accommodations for spectators, traffic and additional parking for vehicles. This letter shall be submitted to the City Clerk at least one (1) month prior to the date of the show or activity.

10. All laws applicable to the public health must be complied with for the entire period of operation of the stable.

11. Upon renovation of the use permit or abandonment of the commercial stable operation any accessory residential structures shall be removed.

G. *Day care center.*

1. The proposed facility shall comply with all requirements of the county and state health departments.

2. A solid wall or fence, a minimum of six (6) feet high, and a buffer shall be provided around play areas abutting any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

3. A maximum of one-half (½) of the area for required parking may be used as a portion of the outdoor play area. If the building changes uses, all required parking areas shall be utilized as parking.

H. *Educational Service:* Private school, university or college in compliance with, but not limited to, the following standards, as well as those otherwise required in the underlying District.

1. There shall be no facilities regularly used for overnight housing or sleeping of students.

2. Minimum lot area: 43,000 square feet.

3. Maximum floor area ratio: 0.2.

4. Noise: Outdoor speaker systems or bells are not allowed unless specifically approved by City Council.

5. Required open space:

   i. Minimum: 0.24 multiplied by the net lot area.

ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.

iii. NAOS may be included in the required open space.

6. Parking:

i. Parking shall be allowed in the front yard setbacks of the district for schools on streets classified in the Transportation Master Plan as minor collector or greater. On all other street classifications, parking shall be located behind the established front building line(s).

ii. There shall be a three-foot high landscaped berm or screen wall along the street frontage where parking occurs.

iii. A minimum of fifteen (15) percent of all parking areas shall be landscaped in addition to open space required above.

iv. A twenty-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

7. Lighting:

i. All pole-mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height.

ii. All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., shall be setback a minimum of thirty (30) feet from the property line.

iii. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.

8. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

9. Access and circulation plan:

i. All private schools, universities and colleges shall have frontage on a street classified in the Transportation Master Plan as a minor collector or greater.

ii. Side street access to a local collector residential street is prohibited when the number of students allowed to attend the school is greater than two hundred fifty (250).

iii. A drop off area shall be provided that accommodates a minimum of five (5) cars at one (1) time.

iv. The applicant shall submit a circulation plan to ensure minimal conflicts between the student drop-off area(s), potential van and bus drop-off area(s), parking, access driveway(s), pedestrian paths, and bicycle paths on site.

10. Operations:

i. No outdoor activities shall be permitted after 8:00 p.m. unless otherwise approved through a special event permit.

ii. Any additions to, expansions of, or proposed playgrounds or outdoor activity areas shall be setback fifty (50) feet from the property line (including right-of-way width) of any property with a zoning of any single-family residential district shown on Table 4.100.A., or the

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

iii. Any additions to, expansions of, or proposed playgrounds or outdoor activity areas shall be setback twenty-five (25) feet from the property line (including right-of-way width) of any property with a zoning of Two-family Residential (R-2), Medium Density Residential (R-3), Townhouse Residential (R-4), Resort/Townhouse Residential (R-4R), Multiple-family Residential (R-5), or Manufactured Home (M-H).

[iv.] All playgrounds and outdoor activity areas shall be screened from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. by a minimum six-foot high screen wall and/or landscape screen, as approved by the Development Review Board.

11. Building design: All buildings shall be designed to be compatible with the surrounding residential neighborhood, subject to review and approval by the Development Review Board.

I. *Gas station* .

1. The application shall include detailed landscape plans showing plant, type, size and spacing. All landscape plans shall include an automated watering system. Planting areas shall cover a minimum of five (5) percent of the lot area and may be required to cover as much as twenty (20) percent of the site, depending upon site size. All trees planted shall have a minimum caliper of two (2) inches and all shrubs shall be at least five-gallon size. Lack of care and maintenance of the landscaped areas is cause for revoking the Conditional Use Permit.

2. All structures approved under this Conditional Use Permit shall be of a unique design appropriate for the area in which they are to be constructed. All canopies shall be connected to the roof of the main structure unless otherwise approved. Renderings of any buildings shall accompany each application and construction shall be in reasonable conformity thereto.

3. All sources of artificial light shall be concealed and attached to the main structure, unless otherwise approved. All lighting shall be designed to minimize glare.

4. The minimum area of a parcel, exclusive of street dedication, shall be twenty-two thousand five hundred (22,500) square feet.

5. A solid masonry wall or planting screen is required between all gas station sites and a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. The wall height shall be as determined in each case based on the site and surrounding property contextual relationships.

J. *Hospital* .

1. The application shall include written proof the proposal meets all state and county regulations.

2. Building height (excluding rooftop appurtenances). Maximum: seventy-five (75) feet.

3. Required open space.

a. Minimum open space: 0.24 multiplied by the net lot area, distributed as follows.

i. Frontage open space minimum: 0.75 multiplied by the minimum open space, except as follows:

(1) Minimum: thirty (30) square feet per one (1) linear foot of public street frontage.

(2) Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage.

ii. The remainder of the minimum open space, less the frontage open space, shall be provided as common open space.

4. Yards. When the height of the building exceeds sixty (60) feet the following yard requirements shall apply. If building height is less than sixty (60) feet the district yard requirements shall apply.

a. Side Yard.

i. A side yard of not less than 100 feet shall be maintained where the side of the lot abuts a single-family residential district, or abuts an alley which is adjacent to a single-family residential district, shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying single-family residential district comparable to the residential districts shown on Table 4.100.A. The 100 feet may include the width of the alley.

ii. A side yard of not less than seventy-five (75) feet shall be maintained where the side lot abuts a multiple-family residential district. The seventy-five (75) feet may include any alley adjacent to the multiple-family residential district.

b. Rear Yard.

i. A rear yard of not less than one hundred (100) feet shall be maintained where the rear lot abuts a single-family residential district, or abuts an alley which is adjacent to the single-family residential district, shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying single-family residential district comparable to the residential districts shown on Table 4.100.A. The one hundred (100) feet may include the width of the alley.

ii. A rear yard of not less than seventy-five (75) feet shall be maintained where the rear lot abuts a multiple-family residential district or abuts an alley which is adjacent to the multiple-family residential district. The seventy-five (75) feet may include the width of the alley.

K. *Live entertainment.*

1. The applicant has provided and obtained City approval of a written Security and Maintenance Plan.

2. The applicant has provided written evidence that sound resulting from indoor live entertainment will be contained within the building, except where external speakers are permitted by Conditional Use Permit to allow indoor live entertainment to be heard outdoors.

3. The applicant has provided a lighting plan that addresses exterior lighting on the property, in accordance with Article VII. of the Zoning Ordinance and the Security and Maintenance Plan requirements.

4. The applicant has provided a floor plan which identifies the areas for the primary use and for accessory functions, including but not limited to areas for performances.

5. If the establishment is not in the Downtown Area, and access to the establishment is from a street other than one classified by the Transportation Master Plan as minor collector or greater, the applicant shall provide a traffic analysis which complies with the City's transportation guidelines. The traffic analysis shall demonstrate that the level of service on all streets accessed by the use meets the City's standards.

6. If the Zoning Administrator determines that a parking study is necessary the applicant shall provide a study which complies with the City's requirements.

7. The owner shall provide any additional information required by the Zoning Administrator to evaluate the impacts of the proposed use upon the area.

8. All building openings such as doors, windows and movable wall panels shall be closed but not locked, except as permitted by Conditional Use Permit. Doors and service windows may be opened temporarily to allow passage.

9. No external speakers used for live entertainment or outdoor live entertainment activities will be permitted on the premises of a use, which is located within five hundred (500) feet of a residential district shown on Table 4.100.A.

10. The owner and operator shall comply with all plans approved as part of the Conditional Use Permit.

11. All patron entrances shall be illuminated in accordance with the Building Code and the exterior lighting plans approved by the Development Review Board.

12. Noise generated from the live entertainment shall conform to the City's Noise Ordinance.

L. *Medical marijuana caregiver cultivation.*

1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.

2. The medical marijuana caregiver cultivation use is at least one thousand five hundred (1,500) feet from the following uses within the City limits:

   a. Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., and

   b. Any elementary or secondary school or pre-school.

   c. Any Place of worship.

   d. Any Day care.

   e. Any Public park.

3. The medical marijuana caregiver cultivation use is at least two thousand six hundred forty (2,640) feet from the following uses within the City limits:

   a. Another medical marijuana caregiver cultivation use, or

   b. Any medical marijuana use.

   However, no separation between these uses is required in the Industrial Park I-1 where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued caregiver registry identification card and a nonprofit medical marijuana dispensary registration certificate, respectively, under the same name or organization.

4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.

5. The property owner has provided a written exterior refuse control plan, subject to City approval.

6. The property owner has provided a written public safety plan, subject to City approval.

M. *Medical marijuana use.*

1. *Active Permitted Uses Existing as of September 30, 2016.* Active Medical marijuana uses legally established and operating under a valid Conditional Use Permit before September 30, 2016, including extensions, renewals, and amendments to existing approvals, shall be subject to the following conditions:

a. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.

b. The medical marijuana use is at least five hundred (500) feet from the following uses within the City limits:

(1) Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., and

(2) Any elementary or secondary school or pre-school.

c. The medical marijuana use is at least one thousand three hundred twenty (1,320) feet from the following uses within the City limits:

(1) Medical marijuana caregiver cultivation use, or

(2) Another medical marijuana use.

However, no separation between these uses is required in the Industrial Park District I-1 where a medical marijuana caregiver cultivation use or a medical marijuana use hold a state issued caregiver registry identification card and/or a nonprofit medical marijuana dispensary registration certificate under the same name or organization.

d. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.

e. The property owner has provided a written exterior refuse control plan, subject to City approval.

f. The property owner has provided a written public safety plan, subject to City approval.

g. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than 7:00 p.m.

h. There is no drive-through service, take-out window, or drive-in service.

2. *Permits Issued After September 30, 2016.* Medical marijuana uses seeking a Conditional Use Permit after September 30, 2016, shall be subject to the following conditions:

a. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.

b. The medical marijuana use is at least one thousand five hundred (1,500) feet from the following uses within the City limits:

(1) Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

(2) Any elementary or secondary school or pre-school.

(3) Any Place of worship.

(4) Any Day care.

(5) Any Public park.

c. The medical marijuana use is at least two thousand six hundred forty (2,640) feet from the following uses within the City limits:

(1) Medical marijuana caregiver cultivation use, or

(2) Another medical marijuana use.

However, no separation between these uses is required in the Industrial Park I-1 where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued caregiver registry identification card and a nonprofit medical marijuana dispensary registration certificate, respectively, under the same name or organization.

d. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.

e. The property owner has provided a written exterior refuse control plan, subject to City approval.

f. The property owner has provided a written public safety plan, subject to City approval.

g. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than 7:00 p.m.

h. There is no drive-through service, take-out window, or drive-in service.

N. *Plant nursery.*

1. The site plan shall indicate all areas of outdoor display of plant and nonplant materials.

2. No bulk storage of planting materials shall be allowed on site. All outdoor storage shall be located at the rear of the site and be totally screened by a minimum six-foot high solid masonry wall.

3. Truck loading/unloading areas shall be screened from street views.

4. Large trucks and tractors shall not be allowed on site except for the purpose of transporting vegetation to and from the nursery site.

5. Outdoor public address systems shall not be allowed.

6. Only low-level lighting shall be allowed.

7. Bulk trash containers shall not be allowed on site.

O. *Ranch.*

1. The minimum property shall be five (5) acres gross.

2. Structures or facilities used for the stabling, storing, showing or training of animals and for temporary manure storage shall be set back a minimum of fifty (50) feet from any single-family residential property other than those zoned Single-family Residential R1-190 and Single-family Residential R1-130. Dwelling units, accessory structures incidental to dwelling units, and irrigated pasturage may occur within the fifty-foot setback area subject to the setback requirements of the applicable zoning district.

3. The front yard shall be that of the applicable zoning district or forty (40) feet, whichever is greater.

4. There shall be no shows or other activities which would generate more traffic than is normal to a residential area unless the proposed site has direct access from a major street as set forth in the Transportation Master Plan and the Design Standards & Policies Manual. Permission for such shows may be obtained from City Council. Notification shall be provided in a letter that explains the nature and duration of the activity, accommodations for spectators, traffic impacts and additional parking for vehicles. This letter shall be submitted to the City Clerk at least one (1) month prior to the date of the show or activity.

5. All pasture and animal storage shall be enclosed with fences or walls of a minimum of four (4) feet six (6) inches in height. The design of these enclosures shall be shown on drawings submitted with the use permit application.

6. The property owner shall provide a specific plan which includes the physical containment and location for manure storage and/or a disposal program which minimizes odor and fly impacts on adjacent parcels. The spreading and tilling of manure into the soil of paddock, pasture or arena areas may be considered manure disposal.

7. The property owner shall provide a specific program for fly control in barn and stable areas which minimizes the attraction to and successful breeding of flies.

8. All laws applicable to the public health must be complied with for the entire period of operation of the ranch.

9. All activity and pasture areas shall be grassed, sprinklered, or treated with regularly tilled high organic soil mix for dust suppression.

10. Upon revocation of the use permit or abandonment of the ranch operation any accessory residential structures shall be removed.

P. *Residential health care facility.*

1. Specialized residential health care facilities, without Downtown District zoning.

   a. The number of beds shall not exceed eighty (80) per acre of gross lot area.

   b. Required open space.

      i. Minimum open space: 0.24 multiplied by the net lot area distributed as follows.

         (1) Frontage open space minimum: 0.50 multiplied by the total open space, except as follows:

            (A) Minimum: twenty (20) square feet per one (1) linear foot of public street frontage.

            (B) Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage.

         (2) The remainder of the minimum open space, less the frontage open space, shall be provided as common open space.

   c. The site shall be designed, to the maximum extent feasible, so that on-site parking is oriented to the building(s) to provide convenient pedestrian access for residents, guests, and visitors.

2. Specialized residential health care facilities, with the Downtown District zoning.

   a. The number of beds shall not exceed one hundred (100) per acre of gross lot area.

3. Minimal residential health care facilities, without Downtown District zoning.

   a. Minimum gross lot area: one (1) acre.

   b. The number of units shall not exceed forty (40) dwelling units acre of gross lot area.

   c. Required open space.

      i. Minimum open space: 0.24 multiplied by the net lot area distributed as follows.

         (1) Frontage open space minimum: 0.50 multiplied by the total open space, except as follows:

            (A) Minimum: twenty (20) square feet per one (1) linear foot of public street frontage.

(B) Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage.

(2) The remainder of the minimum open space, less the frontage open space, shall be provided as common open space.

d. The site shall be designed, to the maximum extent feasible, so that on-site parking is oriented to the building(s) to provide convenient pedestrian access for residents, guests, and visitors.

4. Minimal residential health care facilities, with Downtown District zoning.

a. Minimum gross lot area: one (1) acre.

b. The number of units shall not exceed fifty (50) dwelling units per acre of gross lot area.

Q. *Seasonal art festival.*

1. The minimum lot area shall be five (5) gross acres in the Resort/Townhouse Residential R-4R, Central Business C-2, Regional Shopping Center C-S, General Commercial C-4, and Planned Community Center PCC districts and shall be two and one-half (2½) acres in the Planned Regional Center PRC and Downtown D districts.

2. In no case shall the gross floor area of all structures exceed the amount equal to 0.60 multiplied by net lot area in square feet.

3. Volume is limited to the net lot area in square feet multiplied by nine (9) feet for any building.

4. Required open space:

a. Minimum: 0.20 multiplied by the net lot area.

b. Additional open space requirements shall be determined by the Development Review Board.

5. No structure shall exceed thirty-six (36) feet in height.

6. Yards.

a. Front yard.

i. A front yard of not less than fifty (50) feet shall be maintained where the front of the lot abuts an expressway or a major arterial.

ii. A front yard of not less than thirty (30) feet shall be maintained where the front of the lot abuts a minor arterial or less heavily traveled street.

iii. There shall be a landscape screen as determined by Development Review Board approval.

b. Side yard.

i. A side yard of not less than thirty (30) feet shall be maintained where the side of the lot abuts a minor arterial or less heavily traveled street.

ii. A side yard of not less than fifty (50) feet shall be maintained where the rear of a lot abuts a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

iii. There shall be a landscape screen as determined by Development Review Board approval.

c. A rear yard of not less than fifty (50) feet shall be maintained where the side of a lot abuts a residential district shown on Table 4.100.A., or the residential portion of a Planned

Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

d. Operations and storage shall normally be conducted within an area contained by a temporary or permanent security fence which is screened by landscaping as described in paragraphs a.3. and b.3. preceding and as determined by Development Review Board approval or conditioned by use permit approval.

7. Parking improvements.

a. Dustproofed parking areas may be approved pursuant to Article IX.

8. The arts and crafts displayed must be original work produced by the artists represented or reproductions of the original work of those artists.

9. One (1) legal organization shall be responsible for sales and the collection of sales tax.

10. The property owner shall create a written fire safety plan for approval by the City.

11. Within two (2) weeks of the closing of the business for that season all temporary structures will be removed and the site will be returned to essentially an original appearance.

12. Food service, if any, shall be provided by qualified concessionaires and will meet all health and sanitation standards established by the appropriate governmental authorities.

13. Adequate restroom facilities shall be provided.

14. The grounds, parking lot and yards shall be maintained in a clean and neat condition at all times. Trash receptacles shall be available throughout the grounds and all trash containers shall be screened from off-site view.

15. Entertainment, if any, shall not create noise levels in excess of ambient noise levels or fifty (50) DB, whichever is greater, measured at the property line.

16. The granting of a use permit shall not produce an incremental or cumulative effect of similar uses which would be detrimental to the city.

17. On-site restrooms, offices and maintenance facilities shall be housed in permanent structures if the festival(s) occupies a site for more than two hundred seventy (270) days in any three-year period.

R. *Teen dance center.*

1. No teen dance center shall be located within three hundred (300) feet of an establishment selling packaged spirituous liquors.

2. No portion of a teen dance center shall at any time be illuminated with lighting of less than two (2) footcandles per square foot. This requirement shall apply to parking areas and any other outdoor areas related to the dancing operation.

3. The property owner shall create a written security plan for approval by the City.

4. No disorderly or boisterous person or any person using spirituous liquors or illegal drugs shall be permitted to enter the premises or remain on the premises.

5. A patron who leaves that portion of the premises in which the dancing operation is contained shall not be readmitted without paying a separate fee for readmission.

6. A teen dance center shall not operate without a valid business license.

S. *Tennis club.*

1. The minimum property size shall be three (3) acres.

2. If courts are lighted, lighting standards shall not exceed thirty (30) feet in height. Lighting shall be placed and shielded so as not to be detrimental to adjoining properties.

3. Fencing of courts shall not exceed twelve (12) feet in height and may be required to be opaque by the City Council.

4. There shall be no shows, tournaments or other activity which would generate more traffic than is normal to a residential area, unless access is provided from an arterial street as set forth in the Transportation Master Plan and the Design Standards & Policies Manual. Permission for such shows and activities may be obtained from the City Council. Permission shall be requested in a letter that explains the nature and duration of the activity and accommodations for spectators, additional parking and traffic. This letter shall be submitted to the City Clerk at least one (1) week prior to the hearing at which consideration is desired.

5. There shall be a minimum fifty-foot wide landscape area adjacent to any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. The City Council may approve an alternative landscape area.

6. Development review approval shall be obtained for all structures.

7. Hours of operation may be controlled by the City Council.

8. Perimeter fencing of the site may be required by the City Council.

T. *Vehicle leasing, rental or sales.*

1. Required parking shall not be used for vehicle display or storage.

U. *Vehicle repair.*

1. All repairs shall be performed within an enclosed building.

2. Vehicles may only enter the rear of the building, except vehicles may enter the side of the building if the lot is:

   a. A corner lot,

   b. A lot abutting a residential district shown on Table 4.100.A.,

   c. A lot abutting the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., or

   d. Separated by an alley from one (1) of the districts set forth in subsection 2.b. or 2.c. above.

3. If the lots meets any requirement of subsection 2. above, and side entry bays are proposed, the side entry repair bays shall be screened from street views by solid masonry walls, and the landscape plan shall demonstrate to the Development Review Board's satisfaction, that the proposed screening does not impact the streetscape by exposing repair bays, unassembled vehicles, vehicle repair activities, or vehicle parts.

4. All vehicles awaiting repair shall be screened from view by a masonry wall or landscape screen.

5. Required parking shall not be used for vehicle storage.

V. *Wireless communications facility (WCF) Type 4.*

1. All use permits shall be granted for a maximum of five (5) years from the date of City Council approval. The applicant shall be responsible for initiating a review of the approved wireless facility and shall demonstrate that changes in technology, that are economically feasible, have not eliminated the need for the use permit. If a new use permit is not granted, the applicant shall be responsible for the removal of the facility. When a use permit is granted for a co-location on a facility with an existing use permit, the action of granting the new use permit shall extend the existing use permit so that they will expire simultaneously.

2. To the degree a proposed WCF meets height requirements set forth in this ordinance, no use permit shall be granted when heights are found to be intrusive, obtrusive or out of character with the surrounding area.
3. Antennas and pole diameters shall be harmonious with the existing context and not be intrusive or obtrusive on the landscape or views.
4. The shape of the WCF shall blend with other similar vertical objects and not be intrusive in its setting or obtrusive to views.
5. The WCF shall blend into its setting and, to the extent that it is visible, not be intrusive on the landscape or obtrusive on views.

(Ord. No. 1841, § 1, 10-15-85; Ord. No. 1851, § 1, 11-5-85; Ord. No. 1876, § 1, 1-21-86; Ord. No. 1902, § 1, 9-2-86; Ord. No. 1971, § 1, 8-4-87; Ord. No. 2266, § 1, 11-21-89; Ord. No. 2311, § 1, 8-21-90; Ord. No. 2420, § 1, 12-17-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2526, § 1, 3-16-93; Ord. No. 2586, § 1, 8-3-93; Ord. No. 2620, § 1, 8-2-94; Ord. No. 2830, § 1, 10-17-95; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, § 1, 10-7-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3394, 6-19-01; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3542, § 1, 12-9-03; Ord. No. 3879, § 1(Exh. §§ 1—3), 3-2-10; Ord. No. 3920, § 1(Exh. §§ 7—14), 11-9-10; Ord. No. 3923, § 1(Exh. § 1), 1-25-11; Ord. No. 3980, § 1(Res. 8895, § 1, Exh. A, § 1), 12-6-11; Ord. No. 3982, § 1(Res. No. 8902, Exh. A, § 1), 1-10-12; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 1—10), 4-3-12; Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, §§ 1—3), 11-14-12; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, §§ 1, 2), 6-18-13; Ord. No. 4123, § 1(Res. No. 9596, Exh. A, § 1), 1-14-14; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 16—26), 5-6-14; Ord. No. 4213, § 1, 6-2-15; Ord. No. 4271, §§ 1, 2, 8-31-16; Ord. No. 4365, § 1(Res. No. 11261, § 1(Exh. A, § 2)), 11-13-18)

Sec. 1.500. - Municipal Use Master Site Plans.

Sec. 1.501. - Municipal use master site plans approval process.

Prior to City Council approval, the Development Review Board and Planning Commission shall review and make a recommendation to the City Council regarding a proposed municipal use master site plan for any site larger than one (1) acre of gross lot area.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 4), 11-14-12)

Sec. 1.502. - Public hearing.

The City Council may hold a public hearing concerning the master site plan for any proposed municipal use upon finding that the proposed master site plan is potentially detrimental to adjacent property, or upon finding that the proposed municipal use is of general community interest, pursuant to Section 1.702.

(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.600. - Planning Commission.

Sec. 1.601. - Powers of the Planning Commission.

The Planning Commission shall hold public hearings as required by law and make recommendations to the City Council on all matters concerning or relating to General Plan amendments, zoning district map amendments, Zoning Ordinance text amendments, conditional use permits, municipal use master site plans and abandonments and any other matters within the scope of the planning and zoning powers available to cities in Arizona. The Planning Commission acts as an advisory board to the City Council on land use and zoning matters. The Planning Commission is also authorized to confer with other advisory commissions.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 27), 5-6-14)

Sec. 1.602. - Organization.

There is hereby created a Planning Commission.

A. The Planning Commission shall consist of seven (7) members who shall be appointed by the City Council. The length of term and other conditions of appointment are set forth in Section 2-241 of the Scottsdale Revised Code. The members of the Planning Commission shall serve without compensation.

B. The Planning Commission may adopt rules and by-laws as it deems necessary for matters relative to its work and administration of its duties.

(Ord. No. 2830, § 1, 10-17-95)

Charter reference— Boards, commissions, etc., art. 5, § 1 et seq.

Sec. 1.603. - Election of officers.

The Planning Commission shall elect its own chairman and vice-chairman. The secretary to the Zoning Administrator shall serve as the secretary of the Planning Commission. The Zoning Administrator shall sign all reports and recommendations to the City Council and, when desired, furnish the council with the facts as to the adoption of any such report or recommendation and particularly with reference to the number of members of the Planning Commission who participated at the meeting at which any such report or recommendation was authorized, and such other information as to the work of the Planning Commission as the City Council may request.

(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.604. - Planning Commission hearings; report to City Council.

All development applications for General Plan amendments, zoning district map amendments, Zoning Ordinance text amendments, conditional use permits, municipal use master site plans and abandonments shall first be submitted to the Planning Commission. The Planning Commission shall hold a public hearing in relation to the proposed development application at which citizens shall have an opportunity to be heard. The Planning Commission shall then make a recommendation to the City Council.

The City Council or City Manager may submit other proposed city policies related to the General Plan to the Planning Commission on which to hold a public hearing and to make a recommendation to the City Council.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 28), 5-6-14)

Sec. 1.605. - Hearing and notice of Planning Commission meetings for zoning district map amendments, Zoning Ordinance text amendments, conditional use permits, municipal use master site plans and abandonments.

The notice of Planning Commission meetings shall include the date, time and place of the meeting, general explanations of the matters to be considered and general descriptions of the areas affected. Such notice shall be given at least fifteen (15) days before the hearing in the following manner:

A. The notice shall be published at least once in a newspaper of general circulation published or circulated in the City of Scottsdale. If there is no such newspaper, it shall be posted on the affected property in such a manner as to be legible from the public right-of-way and in at least ten (10) public places in the municipality. A posted notice shall be printed so that the following are visible from a distance of one hundred (100) feet: The word "zoning", the present zoning district classification, the proposed zoning district classification and the date and time of the hearing.

B. In proceedings involving rezoning of land which abuts other municipalities or unincorporated areas of the county or a combination thereof, copies of the notice of public hearing shall be transmitted to the planning agency of such governmental unit abutting such land. In addition to notice of publication, the city may give notice of the hearing in such other manner as it may deem necessary or desirable.

C. In proceedings that are not initiated by the property owner involving rezoning of land which may change the zoning classification, notice by first class mail shall be sent to each real property owner, as shown on the last assessment of the property, of the area to be rezoned and all property owners, as shown on the last assessment of the property, within three hundred (300) feet of the property, to be rezoned.

D. In proceedings involving one (1) or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by paragraph E. of this Section 1.605:

   (1) A ten (10) percent or more increase or decrease in the number of square feet or units that may be developed.

   (2) A ten (10) percent or more increase or reduction in the allowable height of buildings.

   (3) An increase or reduction in the allowable number of stories of buildings.

   (4) A ten (10) percent or more increase or decrease in setback or open space requirements.

   (5) An increase or reduction in permitted uses.

E. In proceedings governed by paragraph D. of this section, the city shall provide notice to property owners pursuant to at least one (1) of the following notification procedures:

   (1) Notice shall be sent by first class mail to each property owner, as shown on the last assessment, whose real property is directly governed by the changes.

   (2) If the city issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the municipality shall include notice of such changes with such utility bills or other mailings.

   (3) The city shall publish such requested changes prior to the first hearing on such changes in a newspaper of general circulation in the city. The changes shall be published in a "display ad" covering not less than one-eighth (1/8) of a full page.

F. If notice is provided pursuant to subparagraphs (2) or (3) of paragraph E., the city shall also send notice by first class mail to persons who register their names and addresses with the city as being interested in receiving such notice. The city may charge a fee in conformance with state law for providing this service.

G. Notwithstanding the notice requirements set forth in paragraph E. of this section the failure of any person or organization to receive notice shall not constitute grounds for any court to invalidate the actions of the city for which the notice as given.

(Ord. No. 2292, 6-5-90; Ord. No. 2830, § 1, 10-17-95; Ord. No. 3225, §§ 1—4, 5-4-99; Ord. No. 3378, § 1, 6-4-01; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 29—31), 5-6-14)

Sec. 1.606. - Hearing and notice of Planning Commission meetings on General Plan amendments.

The Planning Commission shall hold at least one (1) public hearing before making a recommendation on a General Plan or any amendment to such plan. When the initial General Plan or any major amendment to an existing General Plan is being considered, the Planning Commission shall hold two (2) or more public hearings at different locations within the city. Notice of the time and place of a hearing and availability of studies and summaries related thereto shall be given at least fifteen (15) and not more than thirty (30) calendar days before the hearing by:

A. Publication at least once in a newspaper of general circulation published or circulated in the city, or if there is none, the notice shall be posted in at least ten (10) public places in the city.

B. Such other manner in addition to publication as the city may deem necessary or desirable.

(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.607. - Action of Planning Commission.

Upon completion of the public hearing on a development application, the Planning Commission shall within fifteen (15) days of its public hearing transmit a copy of its findings and recommendations to the applicant and the City Council. The report of the Planning Commission shall be numbered consecutively in the order of filing and become a permanent record of the Planning Commission and the City Clerk.

A. The findings of the Planning Commission on a zoning district map amendment shall include a determination that the proposed zoning district map amendment is consistent with the adopted General Plan.

B. The findings of the Planning Commission on a conditional use permit shall be pursuant to Section 1.401.

(Ord. No. 2552, § 1, 4-20-93; Ord. No. 2830, § 1, 10-17-95; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 32), 5-6-14)

Sec. 1.608. - Failure of Planning Commission to report on a development application.

The Planning Commission shall report to the City Council on development applications within ninety (90) days after the filing of the application. The reports shall be a recommendation of approval, denial or continuance. If after twelve (12) months after the filing of the application the Planning Commission has not forwarded a recommendation for approval or denial, the City Council may direct the Planning Commission to recommend either approval or denial within a time period specified by the City Council.

(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.700. - City Council.

Sec. 1.701. - Powers of the City Council.

The City Council shall hold public hearings as required by law on all matters concerning or relating to General Plan amendments, zoning district map amendments, Zoning Ordinance text amendments, conditional use permits, conditional use permit revocations, municipal use master site plans, abandonments, and appeals from Development Review Board.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3457, § 1(Exh. 1), 6-18-02; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 33), 5-6-14)

Sec. 1.702. - Hearing and notice of City Council meetings.

A. After the Planning Commission has held a public hearing on a zoning district map amendment, text amendment, conditional use permit, municipal use master site plans or abandonment application, the City Council may adopt the recommendation of the Planning Commission without soliciting public testimony if there is no objection, no request for public hearing, nor other protests. The City Council shall hold a second public hearing if requested by any aggrieved person, or by any member of the public.

B. Notice of the time and place of the City Council hearing per Section 1.702.A., and for conditional use permit revocation initiation and action, shall be given in the time and manner provided for notice of the hearing by the Planning Commission pursuant to Section 1.605. In addition, the city may give notice of the hearing in such other manner as it may deem necessary or desirable.

C. The City Council shall hold at least one (1) public hearing before adopting the General Plan or any General Plan amendment. Notice of the time and place of the hearing shall be given in the time and manner provided for notice of the hearing by the Planning Commission pursuant to Section 1.606.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3457, § 1(Exh. 1), 6-18-02; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 34), 5-6-14)

Sec. 1.703. - City Council decision.

Following the conclusion of the public hearing before the City Council upon any development application, the City Council may approve, deny or continue a development application. The City Council may place such additional conditions on the approval of a development application as it deems necessary to carry out the provisions and intent of this Zoning Ordinance. These conditions may include limitations on the length of time of the approval for conditional uses.

(Ord. No. 2552, § 1, 4-20-93; Ord. No. 2830, § 1, 10-17-95; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 35), 5-6-14)

Sec. 1.704. - Conditional zoning.

If the City Council approves an amendment to the zoning district map conditioned upon a time schedule for issuance of a building permit for the specific use(s) or for the dedication of rights-of-way or for any other specific requirement and the condition has not been satisfied within the specified time period, the following actions may be initiated.

A. The City Council or Planning Commission may initiate an application to amend or remove the time condition, or

B. The City Council or Planning Commission may initiate an application to revert the zoning to its former classification, or

C. The property owner may initiate an application to amend or remove the time condition.

The application shall be processed pursuant to the notice and hearing procedures set forth in Sections 1.605 and 1.702 of this Zoning Ordinance.

All stipulations of zoning district map amendments shall be enforced pursuant to Section 1.201.

(Ord. No. 2800, § 1, 7-18-95; Ord. No. 2830, § 1, 10-17-95; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 36), 5-6-14)

Sec. 1.705. - Another development application after denial or withdrawal.

If a development application is denied by the City Council or that the application is withdrawn after the Planning Commission hearing, the Planning Commission shall have the authority to refuse to accept another development application for the same proposal within a year of the original hearing.

(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.706. - Legal protest by property owners.

Legal protests may be filed against a requested zoning district map amendment subject to the below requirements.

A. The legal protest against a proposed zoning district map amendment shall be filed in writing with the City Clerk at or before 12:00 noon on the Friday preceding the City Council hearing at which the zoning district map amendment will be considered.

B. The zoning district map amendment shall not become effective except by a favorable vote of three-fourths of all members of the City Council. If any members of the City Council are unable to vote on the zoning district map amendment because of a conflict of interest, then the required number of votes for passage of the zoning district map amendment shall be three-fourths of the remaining membership of the City Council, provided that such required number of votes shall in no event be less than a majority of the full membership of the City Council. For the purposes of this subsection, the vote shall be rounded to the nearest whole number. Tenths of a number ending in 4 or less shall be rounded down, and tenths of a number ending in 5 or higher shall be rounded up.

C. A legal protest may be filed only by property owner(s) who represent the conditions outlined in Title 9, Chapter 4, Article 6.1, Section 9.462.04 of the Arizona Revised Statutes, as amended.

(Ord. No. 2495, § 1, 9-1-92; Ord. No. 2830, § 1, 10-17-95; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 37), 5-6-14; Ord. No. 4329, § 1, 12-5-17)

Sec. 1.707. - Conditional Use Permit Revocation.

A. The City Council may revoke or modify a conditional use permit upon a finding of:

1. A material change in the conditional use without an amendment; or

2. Material noncompliance with the conditions prescribed upon issuance of the conditional use permit or with representations by the permittee as to the nature of the conditional use to be conducted; or

3. Operation of the conditional use in such a manner as to cause a substantial detrimental impact on the community.

B. A revocation hearing shall be conducted by the City Council following the notice and hearing procedures of Section 1.702.

C. The conditional use permit shall be revoked or modified if four (4) of the City Council members find that one (1) or more of conditions set forth above in paragraph A. of this section has occurred.

D. Any person aggrieved by a decision of the City Council pursuant to this section, or any taxpayer, city officer or department affected by a decision of the Council pursuant to this section, may appeal the Council's decision to the Superior Court at any time within thirty (30) days after the Council has rendered its decision.

(Ord. No. 3457, § 1(Exh. 1), 6-18-02; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 38), 5-6-14)

Sec. 1.800. - Board of Adjustment.

Sec. 1.801. - Powers of the Board of Adjustment.

The Board of Adjustment shall hear all applications for:

A. Variances from the provisions of this Zoning Ordinance;

B. Appeals from the Zoning Administrator's interpretation of the Zoning Ordinance or other decisions;

C. Requests for Disability Accommodation made pursuant to section 1.920; and

D. Under the Land Divisions ordinance, the General Manager's interpretations and decisions made on appeals.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3314, § 1, 4-18-00; Ord. No. 3457, § 1(Exh. 1), 6-18-02; Ord. No. 3788, § 1, 5-20-08; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 39), 5-6-14; Ord. No. 4326, § 1(Res. No. 10963, § 1(Exh. A)), 12-5-17)

Sec. 1.802. - Organization.

There is hereby created a "Board of Adjustment".

A. The Board shall consist of seven (7) members who shall be appointed by the City Council. The length of and other conditions of appointment are set forth in Section 2-241 of the Scottsdale Revised Code. The members of the Board of Adjustment shall serve without compensation.

B. The Board of Adjustment may adopt rules and by-laws as it deems necessary for matters relative to its work and administrative duties.

(Ord. No. 2830, § 1, 10-17-95)

Charter reference— Boards, commissions, etc., art. 5, § 1 et seq.

Sec. 1.803. - Hearing and notice of Board of Adjustment meetings.

Upon receipt in proper form of an application, the Board of Adjustment shall proceed to hold a public hearing upon said application not more than sixty-five (65) days, nor less than fifteen (15) days after such filing, at which time the community shall be given an opportunity to be heard. The date, time and place of the Board of Adjustment meeting shall be published in a newspaper of general circulation in the City and shall be posted on the property which is the subject of the application included in the request. Both such publication and posting shall not be less than fifteen (15) days before the hearing. The notices shall describe the nature of the requested variance, or requested appeal of the interpretation or decision.

(Ord. No. 2332, 2-5-91; Ord. No. 2830, § 1, 10-17-95; Ord. No. 3314, § 1, 4-18-00; Ord. No. 3457, § 1(Exh. 1), 6-18-02; Ord. No. 3788, § 2, 5-20-08; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 40), 5-6-14)

Sec. 1.804. - Variances.

A. A variance from the provisions of this Zoning Ordinance shall not be authorized unless the Board shall find upon sufficient evidence:

1. That because of special circumstances applicable to the property including its size, shape, topography, location, or surroundings, the strict application of the Zoning Ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district; and

2. That the authorization of the variance is necessary for the preservation of privileges and rights enjoyed by other property of the same classification in the same zoning district, and does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located; and

3. That the special circumstances applicable to the property were not self-imposed or created by the property owner; and

4. That authorization of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

B. The Board of Adjustment may not make any changes in the uses permitted in any zoning classification.

C. The Board may prescribe in connection with any variance such conditions as the Board may deem necessary in order to fully carry out the provisions and intent of this Zoning Ordinance. Violation of any such condition shall be a violation of this ordinance and such violation shall render the variance null and void.

D. The concurring vote of a majority of all the members of the Board shall be necessary to authorize any variance from the terms and conditions of this Zoning Ordinance.

E. A variance shall be considered void if the use has not commenced or a building permit has not been issued within one (1) year from the date of the Board of Adjustment's decision, or within any other time frame stipulated by the Board of Adjustment. Extensions of approval may be granted by the Board. Such requests for extension shall be processed as a variance request.

(Ord. No. 2830, § 1, 10-17-95; Ord. No 3314, § 1, 4-18-00; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 41), 5-6-14)

Sec. 1.805. - Appeals from interpretations and decisions under the Zoning Ordinance and Land Divisions ordinance.

A. The Board shall hear appeals from the:

(1) Zoning Administrator's interpretation of the Zoning Ordinance or other decisions; and

(2) Under the Land Divisions ordinance, the General Manager's interpretations and decisions made on appeals.

The Board of Adjustment shall determine those matters over which it has jurisdiction.

B. An appeal shall stay all proceedings in the matter appealed from, unless the person from whom the appeal is taken certifies in writing to the Board the stay would cause imminent peril to life or property.

In such case, proceedings shall not be stayed, except by a restraining order granted by the Board or by a court of record on application and notice to the person from whom the appeal is taken. The Board shall fix a reasonable time for hearing the appeal and give notice thereof.

C. An appeal hearing pursuant to this subsection shall be conducted by the Board of Adjustment following the notice and hearing procedures of section 1.803, except posting on the subject property is not required when no specific property is at issue.

D. The Board shall determine whether:

(1) The Zoning Administrator's interpretation of the Zoning Ordinance or other decision is arbitrary, capricious or an abuse of discretion; or

(2) Under the Land Divisions ordinance, the General Manager's interpretation or decision on an appeal is arbitrary, capricious or an abuse of discretion.

E. A concurring vote of a majority of all the members of the Board shall be necessary to reverse an interpretation or a decision on appeals. Unless a majority of the board affirmatively votes to reverse the interpretation or decision, the decision of the Board shall be to uphold the interpretation or decision.

F. The decision of the Board of Adjustment may be appealed as provided in section 1.806 of this Zoning Ordinance.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3314, § 1, 4-18-00; Ord. No. 3788, § 3, 5-20-08; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 42, 43), 5-6-14)

Sec. 1.806. - Disability Accommodation.

A. A disability accommodation from a development standard or separation requirement shall not be authorized unless the Board shall find upon sufficient evidence all of the following:

1. The requested accommodation is requested by or on the behalf of one (1) or more individuals with a disability protected under federal and Arizona fair housing laws (42 U.S.C. § 3600 et seq. and A.R.S. § 41-1491 et seq.);

2. The requested accommodation is necessary to afford an individual with a disability equal opportunity to use and enjoy a dwelling;

3. The standard or requirement unduly restricts the opportunity for a person with a disability from finding adequate housing within the City of Scottsdale;

4. The requested accommodation does not fundamentally alter the nature and purpose of the Zoning Ordinance of the City of Scottsdale;

5. The requested accommodation will not impose an undue financial or administrative burden on the City, as "undue financial or administrative burden" is defined in federal and Arizona fair housing laws (42 U.S.C. § 3600 et seq. and A.R.S. § 41-1491 et seq.) and interpretive case law;

B. The profitability or financial hardship of the owner/service provider of a facility shall not be considered in determining whether to grant a disability accommodation.

C. The requested accommodation must comply with all applicable building and fire codes.

D. The requested accommodation must not, under the specific facts of the application, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

(Ord. No. 4326, § 1(Res. No. 10963, § 1(Exh. A)), 12-5-17)

Sec. 1.807. - Appeals of Board of Adjustment decisions.

Any person aggrieved by a decision of the Board of Adjustment, or any taxpayer, city officer or department affected by a decision of the Board, may appeal the Board's decision to the Superior Court at any time within thirty (30) days after the Board has rendered its decision.

(Ord. No. 2332, 2-5-91; Ord. No. 2830, § 1, 10-17-95; Ord. No. 3314, § 1, 4-18-00; Ord. No. 3457, § 1(Exh. 1), 6-18-02; Res. No. 10963, § 1(Exh. A), 12-5-17)

Editor's note— Res. No. 10963, § 1(Exh. A), adopted Dec. 5, 2017, renumbered § 1.806 as 1.807.

Sec. 1.900. - Development Review Board.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 5), 11-14-12)

Sec. 1.901. - Purpose.

The purpose of the Development Review Board is to review all aspects of the proposed design of a development including, but not limited to, site planning and the relationship of the development to the surrounding environment and the community, guided by the Development Review Board criteria. In addition, Development Review Board establishes design policies and guidelines that support the character and design goals and policies of the General Plan. The Development Review Board recognizes the interdependence of land values, aesthetics and good site planning, for it is a well-known fact that Scottsdale's economic and environmental well-being depends a great deal upon the distinctive character and natural attractiveness which contribute substantially to its potential as a recreational resort area and regional trade center. Development review is intended to enrich the lives of all the citizens of Scottsdale by promoting harmonious, safe, attractive and compatible development, and is therefore considered to be in furtherance of public health, safety and general welfare.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 1), 11-19-13)

Sec. 1.902. - Powers of the Development Review Board.

A. The Development Review Board has authority to:

1. Approve, approve with stipulations, or deny:
    a. Applications for development review;
    b. Development standard modifications only as set forth in the districts where the Development Review Board is specifically authorized;
    c. Applications for the location of artwork provided in accordance with the Cultural Improvement Program or Public Art Program;
2. Make recommendations to the Planning Commission or City Council on:
    a. Municipal use master site plans;
    b. Design components of development plans associated with an application for a zoning district map amendment or Conditional Use Permit;
3. Adopt by resolution:
    a. Design policies and guidelines that support the character and design goals and policies of the General Plan;
    b. The Design Standards and Policies Manual; and

4. Hear appeals from the administrative design decisions of the Zoning Administrator's approval of a minor development application.

B. The Development Review Board may impose reasonable stipulations. Violation of any such stipulations shall be a violation of this Zoning Ordinance.

C. The Development Review Board may continue any matter to a later date.

D. Unless otherwise provided, all development is subject to Development Review Board approval.

E. The Development Review Board does not have authority to:

1. Interpret, or grant variances from, the provisions of the Zoning Ordinance or the Scottsdale Revised Code, or

2. Review the design of a detached single-family dwelling and associated accessory structures.

(Ord. No. 2301, § 1, 7-17-90; Ord. No. 2305, § 1, 2-19-91; Ord. No. 2830, § 1, 10-17-95; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01; Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 6), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 44), 5-6-14; Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 3), 8-25-14)

Sec. 1.903. - Organization.

A. There is hereby created a Development Review Board.

1. The Development Review Board shall consist of seven members. The membership shall consist of:

a. A City Council member;

b. A Planning Commission member; and

c. Five public members, three of whom shall be architects, landscape architects, environmental scientists or persons otherwise qualified by design background training or experience; and two of whom shall be land developers, builders, or contractors.

2. The City Council member and the Planning Commission member shall serve three-month revolving terms. The City Council shall appoint the other five members, who shall serve without compensation. The length and term and other conditions of appointment are set forth in the Scottsdale Revised Code.

3. The Development Review Board may adopt by-laws and rules that are consistent with the Scottsdale Revised Code as it deems necessary for matters relative to its work and administration of its duties.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 2830, § 1, 10-17-95; Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 7), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 45), 5-6-14)

Charter reference— Boards, commissions, etc., art. 5, § 1 et seq.

Sec. 1.904. - Criteria.

A. In considering any application for development, the Development Review Board shall be guided by the following criteria:

1. The Board shall examine the design and theme of the application for consistency with the design and character components of the applicable guidelines, development standards, Design Standards and Policies Manual, master plans, character plan and General Plan.

2. The architectural character, landscaping and site design of the proposed development shall:

   a. Promote a desirable relationship of structures to one another, to open spaces and topography, both on the site and in the surrounding neighborhood;

   b. Avoid excessive variety and monotonous repetition;

   c. Recognize the unique climatic and other environmental factors of this region to respond to the Sonoran Desert environment, as specified in the Sensitive Design Principles;

   d. Conform to the recommendations and guidelines in the Environmentally Sensitive Lands (ESL) Ordinance, in the ESL Overlay District; and

   e. Incorporate unique or characteristic architectural features, including building height, size, shape, color, texture, setback or architectural details, in the Historic Property Overlay District.

3. Ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas and pedestrian ways shall be so designed as to promote safety and convenience.

4. If provided, mechanical equipment, appurtenances and utilities, and their associated screening shall be integral to the building design.

5. Within the Downtown Area, building and site design shall:

   a. Demonstrate conformance with the Downtown Plan Urban Design & Architectural Guidelines;

   b. Incorporate urban and architectural design that address human scale and incorporate pedestrian-oriented environment at the street level;

   c. Reflect contemporary and historic interpretations of Sonoran Desert architectural traditions, by subdividing the overall massing into smaller elements, expressing small scale details, and recessing fenestrations;

   d. Reflect the design features and materials of the urban neighborhoods in which the development is located; and

   e. Incorporate enhanced design and aesthetics of building mass, height, materials, and intensity with transitions between adjacent/abutting Type 1 and Type 2 Areas, and adjacent/abutting Type 2 Areas and existing development outside the Downtown Area.

6. The location of artwork provided in accordance with the Cultural Improvement Program or Public Art Program shall address the following criteria:

   a. Accessibility to the public;

   b. Location near pedestrian circulation routes consistent with existing or future development or natural features;

   c. Location near the primary pedestrian or vehicular entrance of a development;

   d. Location in conformance with the Design Standards and Policies Manual for locations affecting existing utilities, public utility easements, and vehicular sight distance requirements; and

   e. Location in conformance to standards for public safety.

B. The property owner shall address all applicable criteria in this section.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 2830, § 1, 10-17-95; Ord. No. 3395, § 1, 12-11-01; Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 8), 11-14-12; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 2), 11-19-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 46), 5-6-14)

Sec. 1.905. - Findings.

A. The Development Review Board may approve, or approve with stipulations, a development application or portion thereof, if it finds the development application complies with the criteria in this Article and applicable design components of the character plans, master plans, design guidelines and the Design Standards and Policies Manual.

B. The Development Review Board may deny a total development, or a portion of a development if it finds that the development application fails to comply with the criteria in this Article or applicable design components of the General Plan, character plans, master plans, design guidelines or the Design Standards and Policies Manual.

C. The Development Review Board may approve, approve with stipulations, or deny the location of artwork that is provided in accordance with the Cultural Improvement Program or Public Art Program, if it finds the location addresses the criteria in this Article.

(Ord. No. 1950, § 1, 7-6-87; Ord. No. 2034, § 1, 7-19-88; Ord. No. 2287, § 1, 6-5-90; Ord. No. 2301, § 1, 7-17-90; Ord. No. 2663, § 1, 6-6-94; Ord. No. 2830, § 1, 10-17-95; Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 9), 11-14-12)

Sec. 1.906. - Additional findings in the Downtown Area.

A. In addition to the findings of Section 1.905. for all development in the Downtown Area, the Development Review Board may approve, or approve with stipulations, a development or portion thereof, if it finds that the development application:

1. Is in substantial conformance with the applicable design components of the Downtown Plan and Downtown Plan Urban Design & Architectural Guidelines; and

2. Incorporates building(s) compatible with the urban form, human scale, design features, and materials of the urban neighborhoods within which the development is located; and

3. Incorporates site design elements, within the design of public and primary pedestrian access areas, that promote pedestrian character and comfort through the use of microclimatic design, and shade, that is appropriate for the Sonoran Desert climate.

B. In addition to the findings of Section 1.906.A. for all development in the Downtown Area, the Development Review Board may approve, or approve with stipulations, a development or portion thereof, if it finds that the development application offers sensitive architectural, site, and landscape design solutions to address transitions of building mass, height, intensity and complementary material to adjacent/abutting properties and properties beyond the Downtown Area, for:

1. Development within one hundred (100) feet of a property within a Downtown Plan Type 1 Area, and

2. Development within three hundred fifty (350) feet of a property beyond the Downtown Area.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 10), 11-14-12)

Sec. 1.907. - Appeals of Development Review Board decisions.

A. The Development Review Board's decision shall be final unless:

1. Within 30 days after the Board's decision, the property owner submits to the City Clerk a written appeal of the Board's decision; or

2. At the next regularly-scheduled City Council meeting at least 15 days after the Board's decision, the City Council votes to review the Board's decision.

B. The property owner's appeal of the Development Review Board decision shall include a statement of the grounds of the appeal, and the relief requested.

C. City Council initiation of an appeal.

1. At the next regularly-scheduled City Council meeting at least 15 days after the Board's decision, the City Council shall decide by majority vote of those present whether to review a Development Review Board decision.

2. Within 5 days after the City Council votes to review the Development Review Board decision, the Zoning Administrator shall notify the property owner of the date and time of the City Council meeting to review the Board's decision.

D. City Council review of a Development Review Board decision.

1. The City Clerk shall schedule the property owner's or the City Council review, of a Development Review Board decision on the next regularly-scheduled City Council meeting at least 30 days after the appeal or City Council vote to review.

2. The City Council at its meeting, shall affirm, modify, or reverse the decision of the Development Review Board. The decision of the City Council shall be final.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 11), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 47), 5-6-14)

Sec. 1.908. - Zoning Administrator review of minor development applications.

A. The Zoning Administrator shall have the authority to approve, approve with stipulations, or deny minor development applications. The Zoning Administrator shall have the discretion to determine if a development application is minor. Minor development applications which do not reduce any development standard and do not significantly alter previous Development Review Board decisions, or other previous approvals, may include, but are not limited to:

1. Demolition and post-demolition site improvements;

2. Exterior finish and color changes;

3. Minor additions;

4. Landscaping;

5. Signs;

6. Site plan revisions;

7. Satellite receiving earth stations in excess of one (1) meter in diameter in all districts; or

8. Type 1 and Type 2 wireless communications facilities, subject to Article VII.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 12), 11-14-12; Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 4), 8-25-14)

Sec. 1.909. - Appeals of Zoning Administrator decisions on minor development applications.

A. The Zoning Administrator's decision regarding a minor development application shall be final unless, within 30 days after the date of the written decision, the property owner files an appeal of the decision in writing to the Zoning Administrator.

B. The Zoning Administrator shall schedule an appeal to the Development Review Board on the second regularly-scheduled Development Review Board meeting after the appeal has been filed.

C. The Development Review Board at its meeting, shall affirm, modify, or reverse the decision of the Zoning Administrator.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 13), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 48), 5-6-14)

Sec. 1.910. - Expiration of approval.

A. If a building permit has not been issued, development plans expire two (2) years after approval by the Development Review Board or Zoning Administrator unless the Development Review Board or Zoning Administrator specifies a different time period.

B. The Zoning Administrator may grant one extension of up to one year for a Development Review Board approval, if the property owner files a written request for an extension with the Zoning Administrator before the approval expires.

C. The Zoning Administrator may grant one extension of up to one year for a minor development application approval, if the property owner files a written request for an extension with the Zoning Administrator before the approval expires.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 14), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 49), 5-6-14)

Sec. 1.911. - Enforcement.

A. A building permit shall be issued only if:

1. The plans presented for the building permit are in conformance with the plans that were approved by the Development Review Board or Zoning Administrator, and

2. All applicable time limits have not expired.

B. The Zoning Administrator is responsible for enforcing the Zoning Ordinance, and all conditions and stipulations related to approvals of development applications. In addition to other enforcement mechanisms, a stop work order may be issued.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3920, § 1(Exh. § 15), 11-9-10; Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 15), 11-14-12)

Sec. 1.920. - Request for Disability Accommodation.

An applicant may request a disability accommodation from a development standard or separation requirement if the standard or requirement unduly restricts the opportunity for a person with a disability from finding adequate housing within the city of Scottsdale. The zoning administrator may administratively approve up to a ten percent (10%) modification of a development standard or separation requirement upon finding that such a modification will further the policies contained in the Arizona and federal fair housing laws and the Americans with Disabilities Act. All other requests for disability accommodation shall be submitted to the Board of Adjustment as a request for disability accommodation.

(Ord. No. 4326, § 1(Res. No. 10963, § 1(Exh. A)), 12-5-17)

Sec. 1.1000. - Historic Preservation Commission.

Sec. 1.1001. - Purpose and powers.

The Scottsdale Historic Preservation Commission shall advise the Planning Commission and the City Council in all matters concerning historic and archaeological preservation, shall consider and make recommendations to the Planning Commission and the City Council about applications to designate and rezone property as HP District, and exercise the powers the City Council has delegated to the Commission.

(Ord. No. 3242, § 4, 7-13-99)

Sec. 1.1002. - Historic Preservation Officer and City Archaeologist.

A. The City Council hereby authorizes the City Manager, or designee, to designate an Historic Preservation Officer and a City Archaeologist.

B. The Historic Preservation Officer and City Archaeologist shall assist the Historic Preservation Commission in carrying out its duties, and perform administrative duties required by Chapter 46, Article VI of the Scottsdale Revised Code and by the Zoning Ordinance of the City of Scottsdale.

(Ord. No. 3242, § 4, 7-13-99)

Sec. 1.1003. - Procedures; notice and hearing.

A. All applications for Historic Property (HP) District zoning shall be considered by the Historic Preservation Commission pursuant to the requirements of Section 6.100 of the Zoning Ordinance of the City of Scottsdale.

B. All applications for development of property within an HP District are subject to the provisions of Section 6.100 of the Zoning Ordinance of the City of Scottsdale.

(Ord. No. 3242, § 4, 7-13-99)

Sec. 1.1100. - CONSTRUCTION DOCUMENT APPROVAL AND PERMITS ISSUANCE.[3]

Footnotes:

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Note— Ord. No. 3242, § 5, adopted July 13, 1999, renumbered §§ 1.1001—1.1003 as §§ 1.1101—1.1103. See the Code Comparative Table. Subsequently, Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 3), adopted November 19, 2013 amended the title of § 1.1100 to read as herein set out. Prior to this ordinance, § 1.1100 was titled "Building Permits."

Sec. 1.1101. - Required approvals and permits.

A. When required by the Scottsdale Revised Code or the Design Standards and Policies Manual, a property owner shall submit an application and construction documents. The application and construction documents shall include all information necessary to demonstrate compliance with applicable provisions of the Scottsdale Revised Code and Design Standards and Policies Manual, and any conditions of a development application approval.

B. When one or more approvals or permits are required by the Scottsdale Revised Code, it is unlawful to do the following without the approval(s) and permit(s): construct, alter, repair, remove or demolish, or to begin the construction, alteration, removal or demolition of a building, structure or other improvements to a property.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3242, § 5, 7-13-99; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 4), 11-19-13)

Sec. 1.1102. - Partial approvals.

Nothing in this section shall be construed to prevent the Zoning Administrator from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been presented and have been found to comply with this Zoning Ordinance.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3242, § 5, 7-13-99; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 50), 5-6-14)

Sec. 1.1103. - Revocation of permits.

The Zoning Administrator may revoke a permit or approval issued under the provisions of this Zoning Ordinance in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3242, § 5, 7-13-99; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 51), 5-6-14)

Sec. 1.1200. - Certificates of Occupancy.[4]

Footnotes:

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Note— Ord. No. 3242, § 5, adopted July 13, 1999, renumbered §§ 1.1100—1.1102 as §§ 1.1200—1.1202.

Sec. 1.1201. - Certificate of occupancy for land.

A. Certificate of occupancy or certification of shell building for the use of vacant land or the change in the character of the use of land as herein provided, shall be applied for before any such land shall be occupied or used, and a certificate of occupancy or certification of shell building shall be issued within three (3) days after the application has been made, provided such use is in conformity with the provisions of any code or ordinance of the city.

B. The issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of any code or ordinance of the city. Certificates presuming to give authority to violate or cancel the provisions of any code or ordinance of the city shall not be valid.

C. Compliance with Development Review Board approval. Prior to the issuance of a certification of shell building or a final certificate of occupancy, there must be full compliance with all stipulations of the Development Review Board.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3242, § 5, 7-13-99; Ord. No. 3920, § 1(Exh. § 16), 11-9-10; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 52), 5-6-14)

Sec. 1.1202. - Statement of compliance with law; record.

Certificate of occupancy or certification of shell building shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of this Zoning Ordinance. A record of all certificates shall be kept on file with the City.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3242, § 5, 7-13-99; Ord. No. 3920, § 1(Exh. § 17), 11-9-10; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 53), 5-6-14)

Sec. 1.1300. - Nonconforming Uses and Structures.[5]

Footnotes:

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Note— Ord. No. 3242, § 5, adopted July 13, 1999, renumbered §§ 1.1200—1.1206 as §§ 1.1300—1.1306.

Sec. 1.1301. - Continuance of nonconforming use of land; change to another nonconforming use.

The lawful use of land existing at the time of the passage of this ordinance or of an amendment to this Zoning Ordinance or to the zoning district in which the land is located, although such use does not conform to the provisions hereof for said land, may be continued. A nonconforming use may be changed to another nonconforming use which is for the same or more restricted classification, subject to a use permit. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3242, § 5, 7-13-99; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 54), 5-6-14)

Sec. 1.1302. - Continuance of nonconforming structure; change to another nonconforming structure.

A lawful structure existing at the time of the passage of this Zoning Ordinance or of an amendment to this Zoning Ordinance to the zoning district in which the structure is located may be continued, although such structure does not conform with the provisions of this Zoning Ordinance for such structure.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3242, § 5, 7-13-99; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 55), 5-6-14)

Sec. 1.1303. - Abandonment of nonconforming structure or use of land.

In the event that a nonconforming use of any structure or land is abandoned, then any future use of said structure or land shall be in conformity with the provisions of this Zoning Ordinance. A nonconforming structure or use of land discontinued for a period of six (6) months or longer is presumed abandoned.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3242, § 5, 7-13-99; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 56), 5-6-14)

Sec. 1.1304. - Enlargement, extension, reconstruction or structural alteration of nonconforming structure; enlargement of nonconforming use.

A. Except as set forth in paragraph (b) of this subsection, no existing structure designed or arranged in a manner not permitted under the regulations of this Zoning Ordinance for the district in which such structure is located shall be enlarged, extended, reconstructed or structurally altered unless such structure together with such enlargement, extension, reconstruction or structural alterations conform in every respect with the regulations specified by this Zoning Ordinance for such district in which said structure is located. Provided nothing herein shall prohibit any reasonable repairs or alterations to such structure. Similarly, except as set forth in paragraph (c) of this subsection, no existing use not permitted under the regulations of this Zoning Ordinance shall be enlarged or extended unless such use conforms in every respect with the regulations specified by this ordinance for the district in which such use is located.

B. For all dwellings located in residential zoning districts that are not located within an environmentally sensitive lands overlay zone:

1. Structural enlargements, extensions, reconstruction or modifications to dwellings are permitted if:

   a. The enlargement, extension, reconstruction or modification is made to the ground level story;

   b. The height of any portion of the dwelling is not increased;

   c. The total of the initial and any subsequent enlargement, extension, reconstruction or modification constitutes less than fifty (50) percent of the gross floor area of the existing dwelling; and

   d. The dwelling enlargement, extension, reconstruction, or structural modification conforms to all of the regulations specified by this Zoning Ordinance for such district in which the dwelling is located.

2. Nothing contained in this subsection shall prohibit any reasonable repairs or alterations to such dwelling.

3. An existing use not permitted under the regulations of this Zoning Ordinance shall not be enlarged or extended unless such use conforms to the regulations specified by this Zoning Ordinance for the district in which the use is located.

C. Any authorized care home that is lawfully located and operating in a residential zoning district on December 5, 2017, may continue to operate in their existing location. Nothing in this section will grandfather a care home operating unlawfully or that is located in violation of the provisions of the Zoning Ordinance of the City of Scottsdale existing on December 5, 2017.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3242, § 5, 7-13-99; Ord. No. 3708, § 1(Exh. 1), 11-21-06; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 57), 5-6-14; Ord. No. 4326, § 1(Res. No. 10963, § 1(Exh. A)), 12-5-17)

Sec. 1.1305. - Destruction of nonconforming structure.

If at any time any structure in existence at the time of the adoption of this ordinance or of an amendment to this ordinance or to the zoning district in which the structure is located, which does not conform to the regulations for the district in which it is located, shall be destroyed by fire, explosion, or act of God to the extent of fifty (50) percent or more of its value as determined by three (3) competent appraisers, then and without further action by the City Council the structure and the land on which the structure was located shall from and after the date of such destruction be subject to all the regulations specified by this ordinance for the district in which such structure is located.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3242, § 5, 7-13-99)

Sec. 1.1306. - Use of structure or land in violation of previous zoning regulations.

Nothing in this Zoning Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or land in violation of zoning regulations in effect at the time of the effective date of this Zoning Ordinance.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3242, § 5, 7-13-99; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 58), 5-6-14)

Sec. 1.1400. - Violation and Penalty.

(Ord. No. 4121, § 1, 12-9-13)

Sec. 1.1401. - Classification of penalty.

A. Any person, firm, corporation, partnership, or association, whether as principal, owner, agent, tenant, or otherwise, who violates, disobeys, omits, or refuses to comply with, or who resists the enforcement of any of the provisions of this Zoning Ordinance is subject to a civil sanction (by issuance of a civil citation or long form complaint) or administrative remedy, including an administrative consent order.

B. Notwithstanding subsection A of this section,

   1. If a violation is enforced by issuance of a civil citation or long form complaint, a second or subsequent violation of this Zoning Ordinance within two (2) years of the date of the first civil citation or long form complaint shall be deemed a misdemeanor.

(Ord. No. 4121, § 1, 12-9-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 59), 5-6-14)

Sec. 1.1402. - Penalties.

A. Upon a finding of responsible to a civil violation, the court shall impose a civil sanction not greater than two thousand five-hundred dollars ($2,500.00) except if the violation is for a non-permitted use or a conditional use permit stipulation then the mandatory minimum civil sanction shall be five hundred dollars ($500.00).

B. Upon a conviction of a misdemeanor, the court may impose a sentence in accordance with section 1-8(a) of the Scottsdale Revised Code and state law for class one misdemeanors. Probation may be imposed in accordance with the provisions of Title 12, Chapter 9, Arizona Revised Statutes.

C. In addition to the penalties prescribed in this section, a property owner found in violation of section 6.1035 shall be sentenced pursuant to section 6.1100.C.4.

(Ord. No. 4121, § 1, 12-9-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 60), 5-6-14)

Sec. 1.1403. - Commencement of civil action.

A. A civil violation may be commenced by issuance of a citation or by long form complaint.

B. The citation will be substantially in the same form as the Arizona Traffic Ticket and Complaint and shall direct the defendant to appear in Scottsdale City Court at a date specified in the citation.

C. Service of the citation may be accomplished and will be deemed proper and complete by any of the following methods:

1. By having the defendant sign the citation with a promise to appear in court.
2. If the defendant refuses to sign the citation by hand delivering a copy of the citation to the defendant.
3. By mailing a copy of the citation to the person charged by certified or registered mail, return receipt requested, to the person's last known address.
4. In the event service cannot be accomplished as set forth in subsections C.1, C.2 or C.3, by any means allowed by the Arizona Rules of Civil Procedure for the Superior Court may be used.

(Ord. No. 4121, § 1, 12-9-13)

Sec. 1.1404. - Authority to issue civil complaint.

The Zoning Administrator, Scottsdale Police Officer, City Attorney, or the City Manager or designee, may issue a civil citation pursuant to this chapter.

(Ord. No. 4121, § 1, 12-9-13)

Sec. 1.1405. - Default judgment.

A. If the defendant fails to appear as directed on the citation, the court shall enter a default judgment and shall impose a civil sanction for the violation.

B. If the defendant fails to appear for a pre-trial conference or trial, the defendant's failure to appear shall be deemed an admission of the offense and the court shall enter judgment against the defendant and shall impose a civil sanction for the violation.

(Ord. No. 4121, § 1, 12-9-13)

Sec. 1.1406. - Rules of procedure.

A. The Arizona Rules of Court in Civil Traffic Violation Cases shall be followed by the Scottsdale City Court for civil violations of this Zoning Ordinance except as modified or where inconsistent with the provisions of this Article.

B. The Arizona Rules of Criminal Procedure shall be followed by the Scottsdale City Court for criminal violations of this Zoning Ordinance except as modified or where inconsistent with provisions of this Article.

(Ord. No. 4121, § 1, 12-9-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 61), 5-6-14)

Sec. 1.1407. - Collection of civil sanctions.

Any judgment for civil sanctions taken pursuant to this Article may be collected as any other civil judgment.

(Ord. No. 4121, § 1, 12-9-13)

Sec. 1.1408. - Violations not exclusive.

Violations of this Zoning Ordinance are in addition to any other violation enumerated within the Scottsdale ordinances and Code and in no way limits the penalties, actions, or abatement procedures

which may be taken by the City of Scottsdale for any violation of this Zoning Ordinance which is also a violation of any other ordinance or Code provision of the City of Scottsdale, or statutes of the State of Arizona.

(Ord. No. 4121, § 1, 12-9-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 62), 5-6-14)

Sec. 1.1409. - Each day separate violation.

Each day any violation of any provision of this ordinance or the failure to perform any act or duty required by this Zoning Ordinance continues shall constitute a separate offense.

(Ord. No. 4121, § 1, 12-9-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 63), 5-6-14)

Sec. 1.1410. - Injunction.

A. If any building or structure is constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Zoning Ordinance, the city, or any property owner or tenant in the same contiguous zoning district as the building or structure in question, in addition to other remedies, may institute any appropriate action or proceedings:

   1. To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use;

   2. To prevent the occupancy of the building structure or land;

   3. To prevent any illegal act, conduct, business or use in or about the premises; or

   4. To restrain, correct or abate the violation.

B. When any such action is instituted by a property owner or tenant, notice of such action shall be served upon the City at the time suit is begun, by serving a copy of the complaint on the City Clerk.

C. In any such action or proceeding, the court with jurisdiction thereof has the power and in its discretion may issue a restraining order, or a preliminary injunction, as well as a permanent injunction, upon such terms and under such conditions as will do justice and enforce the purpose of this Zoning Ordinance.

(Ord. No. 4121, § 1, 12-9-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 64), 5-6-14)

Secs. 1.1500—1.1504. - Reserved.

Editor's note— Ord. No. 4365, § 1(Res. No. 11261, § 1(Exh. A, § 2)), adopted Nov. 13, 2018, repealed §§ 1.1500—1.1504, which pertained to collaborative city and school planning, applicability, determination by applicable school districts, processing of applications for rezoning, and no assurance of school attendance boundaries, and derived from Ord. No. 3464, § 1, adopted Sept. 9, 2002; Ord. No. 3920, § 1(Exh. § 20), adopted Nov. 9, 2010; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 65—67), adopted May 6, 2014.

ARTICLE III. - DEFINITIONS

Sec. 3.100. - General.

For the purpose of this Zoning 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." Land use activities defined herein are generally exclusive of other defined and/or specific uses in the Zoning Ordinance.

Abutting shall mean the condition of two (2) adjoining properties having a common property line or boundary, including cases where two (2) or more lots adjoin only a corner or corners, but not including cases where adjoining lots are separated by a street or alley.

Access or *accessway* shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Zoning Ordinance.

Accessory building is a secondary building, the use of which is customarily incidental to that of a dominant use of the main building.

Accessory use is an activity customarily incidental, related, appropriate and clearly subordinate to the principal use of the lot or building.

Acre shall mean a land area measuring forty-three thousand five hundred sixty (43,560) square feet.

Adjacent shall mean the condition of being near to or close to but not necessarily having a common dividing line, i.e., two (2) properties which are separated only by a street or alley shall be considered as adjacent to one another.

Adult bookstore shall mean any commercial establishment having as a substantial or significant portion of its stock in trade books, magazines, other periodicals, motion pictures, or video cassettes, video disks or other similar means of visual communication which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

Adult live entertainment establishment shall mean any commercial establishment which provides any of the following entertainment or services during any part of two (2) or more consecutive days or during any part of more than one (1) day within any ninety (90) day period:

A. Any dancing, such as bottomless or topless, striptease, go-go, flash, exotic dancers, or any similar performance where the dancer's clothing does not completely and opaquely cover "specified anatomic areas" as defined herein.

B. Any modeling, wrestling, sports performance or service or retail activity where the clothing of the participants does not completely and opaquely cover "specified anatomical areas" as defined herein.

Adult novelty store shall mean any commercial establishment having as a substantial or significant portion of its stock in trade instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities," excluding condoms and other birth control and disease prevention products.

Adult theater shall mean any commercial establishment regularly use for presenting for observation by patrons therein any film or plate negative, film or plate positive, film or tape designed to be projected on a screen for exhibition, or films, glass slides or transparencies, either in negative or positive form, and which is designed for exhibition by projection on a screen, or in any type of viewing booth or any other visual presentation, including supportive audio or other sensory communication media, which projects images by electronic, mechanical, or similar means which may be viewed by patrons alone or in groups of two (2) or more which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas."

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.

Adult uses shall mean adult bookstores, adult novelty stores, adult theaters, or adult live entertainment establishments.

Alley is a public thoroughfare which affords only a secondary means of vehicular access to abutting property and is not intended for general traffic circulation.

Alley, centerline shall mean the centerline of an alley right-of-way as determined by the Manager of Transportation.

Alternative concealment WCF means a free-standing unoccupied structure that camouflages, integrates, or conceals the presence of wireless communications facility antennas. Some examples include, but are not limited to, art/sculptures and artificial trees, cacti, and rock formations. This does not include antennas concealed in buildings and within flagpoles.

Amendment shall mean a change in the wording, context or substance of this Zoning Ordinance, an addition or deletion or a change in the district boundaries or classifications upon the district map, which imposes any regulation not heretofore imposed or removed or modifies any such regulation theretofore imposed.

Amusement park shall mean a commercial amusement activity such as a carnival, circus, miniature golf course or similar establishment which does not require an enclosed building.

Analogous use shall mean any use which is comparable to the permitted uses, is similar in one (1) or more important ways to the permitted uses, or resembles the permitted uses in one (1) or more aspects. Analogous uses shall not be any more deleterious, obnoxious or harmful than the uses permitted.

Animal clinic or *animal hospital* shall mean a place where animals or pets are given medical or surgical treatment in emergency cases and are cared for during the time of such treatment. Use as kennel shall be limited to short-time boarding and shall be only incidental to such hospital use and shall be enclosed in a soundproof structure.

Antenna means a device from which radio frequency signals are sent and/or received. Some examples include, but are not limited to, whip antenna, panel antenna and dish antenna.

Archaeological resources means any material remains of past human life or activities which are at least fifty (50) years old and of historic or pre-historic significance. Such materials include, but are not limited to petroglyphs, pictographs, paintings, ornaments, jewelry, textiles, ceremonial objects, armaments, vessels, ships, vehicles, human skeletal remains, rock art, pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, water-control devices, pit houses, rock paintings, rock carvings, intaglios, graves, personal items and clothing, household or business refuse, printed matter, manufactured items, or any piece of any of the forgoing items.

Archaeological site means a concentration of archaeological resources inferred to be locations used for past specific human activities.

Archaeological site, recorded, means an archaeological site in Arizona that has been identified by a qualified archaeologist and has been recorded in a database at the Arizona State Museum and/or the State Historic Preservation Office (SHPO) so that the location is mapped and documentation on the archaeological resources found at the location or collected from the location is available for research use.

Archaeological site, significant, shall mean archaeological resources determined by the Historic Preservation Officer, Historic Preservation Commission, or a Committee of the Commission, to be significant in the City of Scottsdale when one (1) or more of the city's nine (9) criteria for significance are contained in the archaeological resources on a property, or designated HP District by City Council.

Archaeologist, City, is the person appointed by the City Manager, or designee, to administer the sections of the Zoning Ordinance of the City of Scottsdale relating to archaeological resources.

Archaeologist, qualified, shall mean a person or firm meeting the Arizona State Museum's standards and professional qualifications.

Balcony is a platform projected from a building with a floor height above grade.

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) percent of the gross floor area.

B. The kitchen is less than fifteen (15) percent 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 9:00 p.m.

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.

Basement shall mean that portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. (See story).

Berm is a mound of earth used as a barrier, an aesthetic feature, or for screening.

Big box shall mean any single retail space with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet.

Boarding stable. See *commercial stable* .

Boulder collapse is the natural process of splitting or felling of large boulders (four (4) feet or larger in dimension).

Boulder features are exposed bedrock or bedrock clusters produced by the weathering of granite or other bedrock in place. Boulder features are categorized as 1) single boulder formations and 2) boulder clusters, which meet the following criteria: a single boulder formation is defined as a primarily single, solid rock formation that has at least one (1) dimension of twenty-five (25) feet or more across, and a height at one (1) point above the surrounding terrain of twenty (20) feet or more. Boulder clusters are defined as a collection of boulders and rock outcroppings in which the individual boulders are typically eight (8) feet in diameter or larger and the collective boulders are densely clustered. Boulder clusters shall have a collective width of at least fifty (50) feet and a height at one (1) point above the surrounding terrain of at least twenty-five (25) feet.

Boulder rolling is the natural phenomenon where granite, gneiss, basalt or similar rock fragments, with one (1) dimension of four (4) feet or more, are dislodged from rock outcrops or steep rock slopes and slide or roll downhill.

Buffer is a landscape area or other open space used to lessen the impact of an adjacent development.

Buffered setback is an area adjacent to a street, designated in the General Plan or in a Character Area Plan, that remains undisturbed or is landscaped to create a parkway type of streetscape.

Building shall mean any structure for the shelter, housing or enclosure of persons, animals, chattels or property of any kind, with the exception of dog houses, play houses and similar structures. Each portion of a building separated by dividing wall or walls without openings may be deemed a separate building for the purpose of issuing building permits.

Building envelope is the three (3) dimensional space on a property occupied by a building, regulated by the building height, setback, stepback, yard, and other provisions of the Zoning Ordinance.

Building façade is the side(s) of a building facing a public street, except alleys.

Building façade length is a measurement of the building façade in a straight line from the farthest corners of the building.

Building footprint shall mean the building area occupied by a single tenant and associated tenant spaces having common access within the confines of the primary use. The building footprint does not include outdoor activity areas, basements, or floor areas above the first floor level.

Building height, is the vertical distance measured from a point of reference elevation established 12 inches above the average elevation at the top of the curb of the street or streets adjacent to the property, or to the top of the crown of the roadway or roadways, if there is no curb, to the highest point of the coping of a flat roof, or to the highest point of a mansard roof or to the highest gable of a pitch or hip roof. In cases where drainage considerations supersede this Zoning Ordinance, the point of reference elevation would be subject to the approval of the Floodplain Administrator.

Building mounted antenna shall include any antenna that is located on the roof or attached to the walls of, or integrated into buildings, church steeples, cooling towers, elevator bulkheads, parapets, penthouses, fire towers, tanks, and water towers, or other structures.

Building valuation is the appraisal determined by the Building Official and based on the building valuation data published by the International Conference of Building Officials.

Building Official is the person, or designee, or successor, who administers the construction codes as adopted by the City of Scottsdale.

Building site shall mean the area of a building together with associated parking areas and open space required by this Zoning Ordinance. A building site may encompass more than one (1) lot.

Canister-mount means a cylindrical shaped form concealing wireless communications antennas mounted on a monopole, other type of pole, or tower.

Care home shall mean a dwelling shared as a primary residence by no more than ten (10) adults with a disability that is licensed as a health care institution under Arizona law, and in which on-site supervisory or other care services are provided to the disabled residents. For purposes of this definition, a person must live in the dwelling a minimum of thirty (30) consecutive days for this dwelling to be considered a primary residence. A care home is a principal, not an accessory, use.

Carport is an accessory building or portion of a main building, with two (2) or more open sides, used for vehicle parking. Enclosed storage facilities may be provided as part of a carport.

Carwash is a commercial facility where the washing, drying, polishing, vacuuming, or detailing of vehicles is done either mechanically or by a person.

Cellar shall mean that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. (See story).

Certificate of Appropriateness is the City form stating that the proposed work on an historic or archaeological resource is compatible with the historic or archaeological character of the property and, therefore: (1) the proposed work may be completed as specified in the certificate; and (2) the City may issue any permits needed to do the work specified in the certificate.

Certificate of No Effect is the City form stating that proposed work on an historic or archaeological resource will have no detrimental effect on the historic character of the resource.

Certificate of Demolition Approval is the City form authorizing removal of all or part of a structure which is located within an Historic Property District or an area under application for Historic Property District designation.

Certificate of Economic Hardship is the City form demonstrating that a reasonable rate of return cannot be obtained for an income producing property or that no beneficial use exists for a non-income producing property.

Church, synagogue or *temple* . See place of worship.

City shall mean the City of Scottsdale.

City Council shall mean the City Council of the City of Scottsdale.

Cluster housing shall mean housing which qualifies for section 7.856 [6.1082], "cluster development option", or is perceived as a complex of closely related structures.

Co-location means the use of a single mount and/or structure by more than one (1) wireless communications service provider. Some examples include, but are not limited to, a tower, a monopole, a power pole, and a sports/field light pole.

Common open space is any meaningful open space, other than private outdoor living space, frontage open space, parking areas or parking lot landscaping, intended for use by all occupants of a development. This space may include recreation areas.

Conditional uses shall mean those uses specified with each zoning district which require approval of a special permit by the City Council. Such permits may be limited by specific conditions, restrictions, terms or time periods, and may be revocable.

Condominium shall mean an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in air space in a residential, industrial or commercial building on such real property, such as apartment, office or store.

Construction envelope is one (1) or more specified areas on a lot or parcel within which all structures, driveways, parking, nonnative landscaping, water surfaces, decks, walks, walls, and recreation areas are located. Underground utilities and perimeter walls may be located beyond the construction envelope.

Corporate headquarters office shall mean a complex of buildings whose purpose is to be the administrative center of a business enterprise. Corporate headquarters may include transient residential units only for employees subject to any and all provisions of this ordinance.

Corral shall mean a fence-type structure consisting of vertical posts and horizontal members, and so constructed that seventy-five (75) percent or more of the vertical surface is open. Chain link or other similar types of wire fences are not intended to be included in this definition and shall be classified as a fence or wall.

Cost of artwork is the actual, direct cost of creating and installing artwork, including artist fees to create the artwork, transportation of the artwork to the site, and installation materials and labor. Cost of artwork does not include incidental costs to the artist or laborers such as food, lodging and travel costs.

Cultural Improvement Program is the program established by this Zoning Ordinance.

Cultural institution is a library or museum or comparable use, for providing access to the arts and sciences.

Curb is the edge of a street, following the curves of the street for bus bays, turn lanes, parking areas and changing directions.

Curb, back of is the edge of the curb farthest from the centerline of the street.

Curb elevation shall mean the average elevation of a curb adjacent to a development from which the height of a building is determined.

Day care shall mean the care, supervision and guidance of a person or persons who is unaccompanied by a parent, child, guardian or custodian, for periods of less than twenty-four (24) hours per day, in a place other than persons' own home or homes.

Day care center is any facility providing, for compensation, the care, supervision and guidance of five (5) or more people unaccompanied by parent, guardian or custodian, on a regular basis for periods of less than twenty-four (24) hours per day, in a place other than the persons' own dwelling.

Day care group home is a dwelling providing, for compensation, the care, supervision and guidance of not more than ten (10) people, unaccompanied by parent, guardian or custodian, on a regular basis for periods of less than twenty-four (24) hours per day, in a place other than the persons' own dwelling.

Day care home is a dwelling providing, for compensation, the care, supervision and guidance of no more than four (4) people unaccompanied by parent, guardian or custodian, on a regular basis for periods of less than twenty-four (24) hours per day, in a place other than the persons' own dwelling.

Demolish shall mean any act or process which removes a building or other structure or any portion thereof.

Demolition permit shall mean a permit issued by the building official allowing the permittee to demolish a building or structure.

Density is usually used to describe the number of dwelling units per acre in residential districts, while intensity is usually used to describe floor area ratio of development in nonresidential zoning districts. Where both residential and nonresidential districts are encompassed, the term intensity is generally used.

Density based land uses shall mean those of a residential nature.

Desert Scenic Roadways Setback is an area along one (1) mile and one-half (½) mile roads within the Environmentally Sensitive Lands ESL District (not already established as scenic corridors or roadways with Buffered Setbacks but designated in the General Plan) intended to preserve views and native vegetation.

Development is the performance of any building or mining operation, the making of any material change in the use or appearance of any structure or land, the installation of public artwork provided in accordance with the Cultural Improvement Program or Public Art Program, the division of land into two (2) or more parcels, and the creation or termination of access rights. "Development" includes, but is not limited to, such activities as the construction, reconstruction, or alteration of the size, or material change in the external appearance of a structure or land; commencement of mining excavation, trenching, or grading; demolition of a structure or removal of vegetation; deposit of refuse, solid waste or fill; alteration of a floodplain, or bank of watercourse.

Development agreement shall mean an agreement made pursuant to A.R.S. § 9-500.05.

Development Master Plan (DMP) is a detailed plan with multiple infrastructure and design components to provide overall coordination for a complex and often multiple-phased zoning district map amendment.

Development Plan (DP) is a comprehensive conceptual plan covering an entire zoning district map amendment project area which addresses how components of the development work together.

Development project is any development resulting from the approval of a building permit, lot split, preliminary or final plat, rezoning application, grading permit, public or private infrastructure improvement, variance requests, development review, master plans, native plant removal, relocation or revegetation, or use permit.

Development site is a specific area within the development project which is proposed for a specified zone, use, or density, and may be developed separately from the balance of the development project.

Disability means a physical or mental impairment that substantially limits one (1) or more major life activities where the person with a disability either has a record of having such impairment or is regarded as having such impairment. A person with a disability shall not include any person currently engaging in the illegal use of controlled substances under Arizona law. The term disability will be interpreted consistent with the Americans with Disabilities Act and the Federal Fair Housing Act.

District shall mean any zone as shown on the zoning map of the City of Scottsdale for which there are uniform regulations governing the use of buildings and premises or the height and area of buildings.

District map is the City's zoning map, which is a part of the City's Zoning Ordinance.

Downtown Area is the area described by the Downtown Plan.

Downtown Boundary is the designated outline of the Downtown Area.

Downtown Plan is the plan, and any amendments, adopted by the City Council. After August 1, 2018, Downtown Plan shall be used interchangeably with the Old Town Plan.

Downtown Plan Urban Design & Architectural Guidelines are the design guidelines, and any amendments, for the Downtown Area, approved by the Development Review Board. After August 1,

2018, Downtown Plan Urban Design & Architectural Guidelines shall be used interchangeably with the Old Town Plan Urban Design & Architectural Guidelines.

Dwelling shall mean any building, or portion thereof, that is designed principally for residential purposes and that includes sleeping, cooking and sanitary facilities.

Dwelling, multiple shall mean a building or portion thereof designed for occupancy by three (3) or more families.

Dwelling, single-family shall mean a building designed for occupancy by one (1) family.

Dwelling, two-family shall mean a building designed for occupancy by two (2) families.

Dwelling unit shall mean one (1) or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and having its own cooking and sanitary facilities.

Educational service, elementary and secondary school shall mean a public, charter, or private school where instruction is imparted providing primary and secondary education for grades kindergarten through twelve (12), such as pre-school, elementary, middle, junior high and high schools.

Educational service, other than elementary and secondary school shall mean a college, university, public or private school providing domestic, recreational and other types of instruction, such as trades, occupations, vocations, dance, gymnastics, cooking, music, martial arts and handicraft.

Efficiency apartment shall mean a dwelling unit which has only one (1) combined living and sleeping room, said dwelling unit, however, may also have a separate room containing only kitchen facilities and also a separate room containing only sanitary facilities.

Environmental scientists are professionals with training or experience in areas such as environmental planning, physical geography, environmental geology, ecology, botany, soil sciences, or natural resource administration.

Environmental design concept master plan is a document that includes plans, design methods, guidelines and other similar material that outline the concepts to be used on a development project for open spaces, streetscapes, trails, common and public areas and the protection, conservation, and enhancement of environmentally sensitive features or conditions of a parcel.

Equipment cabinet means an enclosed shed or box at the base of or near a wireless communications antenna mount within which are housed, among other things, batteries, cables, cable trays, and electrical equipment (hereinafter referred to as "equipment").

Exposed/shallow bedrock is bedrock which is exposed or which has irregular patches of soil cover that may vary in depth or location over time. The maximum depth of the soil cover is three (3) feet. Locations containing exposed/shallow bedrock shall be mapped if they have a minimum horizontal dimension of forty (40) feet or more.

Family shall mean one (1) to six (6) adults and, if any, their related dependent children occupying a premise[s] and living as a single housekeeping unit. For purposes of the Zoning Ordinance, " *Family* " includes a residential facility as that term is defined in Title 36, Chapter 5.1, Article 2 of the Arizona Revised Statutes, in which persons with developmental disabilities live and that is licensed, operated, supported or supervised by the State of Arizona.

Farm shall mean an area of five (5) or more contiguous acres which is used for the production of farm crops such as vegetables, fruit trees, cotton or grain and their storage, as well as raising thereon of farm animals such as poultry or swine on a limited basis. Farms also include dairy produce [products]. Farming does not include the commercial raising of animals, commercial pen feeding (feed lots) or the commercial feeding of garbage or offal to swine or other animals.

Financial institution is a bank, credit union, savings and loan, payday loan, lender, savings and loan association, or check cashing business; that is primarily engaged in deposits and withdrawals, loans, lease financing, investments, fiduciary activities, exchange of currencies, transfer of money, cash advances, credit services, or the sale and processing of cashier's checks, traveler checks, or money orders.

Flag lot is a lot that is narrower along the roadway frontage than at the building site and employs a long, narrow driveway and lot line configuration that extends from the roadway to the building site.

Floor area, except as otherwise provided herein, is the area of a building floor, measured from the exterior faces of the exterior walls or from the center lines of common walls separating two (2) buildings.

Floor area ratio is the ratio of gross floor area to the net lot area of a site.

Frontage shall mean all property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or, if the street is dead end, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street including property fronting on a cul-de-sac.

Frontage open space is the meaningful open space between the street line and a building. Frontage open space generally provides a setting for the building and visual continuity within the community. Frontage open space may extend between structures or between a structure and a side property line to a depth of not more than one-half (½) the width of the opening.

Front building façade shall mean the exterior walls of a building which face a public or private street.

Garage, private is any accessory building or portion of a main building used for parking the occupant's vehicle(s).

Game center shall mean a place or facility where pinball or other similar electronic games are played for amusement only. "Game center" shall not be construed so as to include bingo games nor shall it be construed so as to include gambling devices or any other devices prohibited by law.

Gas station is a facility selling vehicle fuels, and may include retail sales of consumer goods.

General Manager is the City department head, or designee, or successor, whose responsibilities include planning and development functions.

Golf course, regulation or par-three is a facility other than a miniature golf course for the playing of golf at which there may be a clubhouse including rest rooms and locker rooms. A golf course may provide additional services customarily furnished such as swimming, outdoor recreation and related retail sales that may include a restaurant, excluding drive-through restaurant and excluding drive-in restaurant, and cocktail lounge if approved as a part of the required use permit.

Golf training center shall mean a facility other than a miniature golf course or commercial driving range providing primarily both indoor and outdoor professional instruction in all phases of golf learning skills. Accessory uses may be allowed if approved as part of the required use permit.

Grade (adjacent ground elevation) shall mean the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five (5) feet distant from said wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line if it is less than five (5) feet distant from said wall. In case walls are parallel to and within five (5) feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley or public way.

Green Construction Code is the building and construction code, and any amendments, adopted by the City Council to implement Scottsdale's Green Building Program.

Gross floor area is the sum of the floor areas of all the floors of a building or buildings, including mezzanines, measured from the exterior faces of exterior walls or from the center lines of common walls separating two (2) buildings. Gross floor area does not include:

a. Parking areas.

b. Uncovered steps.

c. Exterior balcony space.

d. Exterior ground floor patio space.

e. Basement space used for unoccupied storage.

f. Elevator shafts and space occupied by electrical and mechanical rooms.

Gross floor area ratio (GFAR) is the ratio of nonresidential floor area to the gross lot area.

Gross lot area shall mean the area of a lot including one-half (½) of all dedicated streets and alleys abutting the property.

Group home means a dwelling shared by more than six (6) adults as their primary residence in which no supervisory or other care is provided. For purposes of this definition, a person must live in the dwelling a minimum of thirty (30) consecutive days for this dwelling to be considered a primary residence.

Guest house is an accessory building used to house guests of the occupants of the main dwelling.

Hardscape is a built element added to a landscape area, including but not limited to concrete walkways, benches, recreation equipment, statuary and fountains.

Health and fitness studio is a facility where gymnastic, sports training, general exercise and related activities, such as therapeutic massage or Pilates, are performed for the purpose of physical fitness.

Hedge shall mean shrubs, bushes or other living plant material forming a visual or physical barrier.

Hillside landforms are the more elevated, deeper and rugged landforms which tend to divide broad desert valleys or separate the lower deserts from higher plateau regions, to the north and east. These landforms include mountains, hills, buttes, or escarpments predominantly composed of bedrock materials. Typical bedrock materials include volcanics such as basalt and tuff; intrusives such as granite; and metamorphics such as diorites, quartzites, and schists. Locally slopes may be covered by colluvium comprised of upslope bedrock materials or by thin veneers of in-situ soils. Land slopes are usually above fifteen (15) percent and in most cases are over thirty-five (35) percent, but may be as little as five (5) percent in isolated pockets, typically atop ledges or near ridge tops. Drainageways are relatively poorly defined on the slopes but collect into deep canyon bottom courses strewn with large-sized rubble. Hazards which may be present include boulder rolling, rock falls, debris movement and general slope instability. The surface movement of materials occurs as a result of both gravity and water transport. The surface material size includes larger boulders, rocks and gravel as well as grainy soil materials.

HP or *Historic Property District* shall mean an historic resource subject to HP (Historic Property) zoning overlay zoning.

Historic designation report shall mean the written and visual information compiled to demonstrate how and why a Scottsdale resource may be eligible to be placed on the Scottsdale Historic Register and zoned HP District.

Historic Preservation Commission shall mean the Historic Preservation Commission appointed by the Scottsdale City Council for the City of Scottsdale.

Historic Preservation Officer shall mean the person appointed by the City Manager to administer the Historic Preservation Program and maintain the Scottsdale Historic Register.

Historic Preservation Plan shall mean a plan for the preservation of historic resources and landmarks on the Scottsdale Historic Register.

Home occupation shall mean any occupation or profession carried on by a member of a family, residing on the premises, and which is clearly incidental to the use of the structure for dwelling purposes and which does not change the exterior character of the premises in any way. There shall be no commodity sold upon the premises, nor shall such use generate pedestrian or vehicular traffic beyond that normal to the district in which it is located, and further there shall be no signs, buildings or structures other than those permitted in the district.

A carport or garage may not be used for home occupations. There shall be no use of material or mechanical equipment not recognized as being part of normal household or hobby use. Home occupation shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman, or other professionals for consultation or emergency treatment, but not for general practice.

Hospital shall mean a facility for the general and emergency treatment of human ailments, with bed care and shall include sanitarium and clinic but shall not include convalescent or nursing home.

Hotel is a type of travel accommodation offering lodging to the general public where guest room entrances typically open to the inside of the building.

Intensity is usually used to describe floor area ratio of development in nonresidential districts, while density describes number of dwelling units per acre in residential districts. Where both residential and nonresidential districts are encompassed, the term intensity is generally used.

Internalized community storage is an establishment that offers storage in an enclosed building, with access to storage units only from the interior of the building. The use may include a dwelling unit/office for on-site supervision, but may not include outdoor storage.

Irrigation system shall mean an underground watering system which consists of heads, valves, pipes, etc., used for the sole purpose of sustaining and promoting plant life.

Kennel shall mean any premises where six (6) or more dogs or cats are bred, boarded and/or trained.

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 for the storage of food or beverages.

Land slope is the ratio of the vertical rise in the land elevation over the horizontal dimension of the rise. For the purposes of the Zoning Ordinance the maximum horizontal dimension that shall be used to measure slope is one hundred (100) feet. The allowed techniques for measuring slopes include the "slide-chord" method, computerized methods, or other methods approved by the Zoning Administrator.

Landscape area is an area which has been improved with landscape materials, and may include hardscape.

Landscape materials are natural elements used to improve an outdoor area, including organic items such as trees, shrubs, groundcovers, cacti, turf, and vines; and inorganic materials such as boulders and gravel.

Landscape plan is a graphic representation of the development site indicating the location of all existing and proposed landscape and any hardscape improvements, including buffers.

Landscaping is an improvement of outdoor property using landscape materials, and may include hardscape.

Light manufacturing is processing, fabricating, and assembling products, that produces no significant off-site noise, vibration, air pollution, fire hazard, odor or noxious emissions. Light manufacturing excludes the initial processing of raw materials.

Light reflective value (LRV). A measurement of the amount of light reflected by a paint color.

Lighting, outdoor is lighting mounted outdoors, including, but not limited to, lighting in landscaping and parking areas; for recreational areas; on the exterior of building and structure walls; under eaves, patio covers and open sided structures. Exterior lighting is outdoor lighting.

Lighting shield is the internal or external louvers, visors, or other barrier integral to a luminaire that obscures the light source. Lighting required to be shielded shall meet the definition of lighting shield.

Live entertainment is a performance in person before an audience at a nonresidential establishment, but excludes the following:

A. Adult uses;

B. One or two performers without electronic amplification;

C. Incidental modeling of clothing and/or singing by employees or patrons, for which no additional floor area is required;

D. Disc jockey (DJ) who plays recorded music, but does not perform for the audience;

E. Karaoke;

F. Performances at an educational service or place of worship;

G. Indoor performances at travel accommodations; or

H. Outdoor performances at travel accommodations for a wedding ceremony, but not performances for a wedding reception.

Loading space shall mean a permanently maintained space on the same lot as the main building accessible to a street or alley.

Lot shall mean a legally created parcel of land occupied or intended for occupancy by one (1) main building together with its accessory buildings, and uses customarily incident to it, including the open spaces required by this Zoning Ordinance and having its principal frontage upon a street as defined in this Zoning Ordinance.

Lot area shall mean the same as *net lot area* .

Lot, corner shall mean a lot adjoining two (2) or more streets at their intersections.

Lot coverage is the land covered by building(s) on a site. It is described as a percentage of net lot area covered by the floor area of the first floor of the building(s).

Lot, depth of shall mean the horizontal distance between the front and rear lot lines.

Lot, double frontage shall mean a lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

Lot, interior shall mean a lot other than a corner lot or key lot.

Lot, key shall mean a lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and facing on the street which forms the side boundary of the corner lot.

Lot lines shall mean the lines bounding a lot.

Lot of record shall mean a lot which is a part of a subdivision, the plat of which has been recorded in the Office of the Clerk of Maricopa County Recorder's Office; or parcel of land, the deed of which is recorded in the office of the county recorder.

Lot width shall mean, in the case of irregularly shaped lots, lots having side lot lines not parallel, or lots on the curve of a street, the distance between side lot lines measured thirty (30) feet behind the required minimum front setback line parallel to the street or street chord.

Lower desert landforms are the lower plains and expanses which typically occupy the broad lowlands and floodplains between isolated desert mountains. These landforms generally include basin floors and active alluvial fans. Generally, the depth to bedrock is deep to very deep (one hundred (100) feet to over two thousand (2,000) feet) and the texture of the alluvium is fine to medium grained. Caliche may be present but typically occurs in discontinuous lenses and is not strongly indurated. The land is low to moderately sloping and typically there is very little break, either by channels or ridges, in the planer character of the terrain. The typical land slopes are overwhelmingly less than five (5) percent, although in rare localized situations, slopes may reach fifteen (15) percent. Drainageways often are poorly defined, with the low side banks, and stream courses show substantial evidence of continuous braiding and overflows into widespread sheet flows. Hazards predominately relate to overbank and sheet flooding, but may in some areas, include the potential for earthcracks. Most material transport is by water flows although wind transport may become significant if the soil surface is disturbed. Materials are almost exclusively fine silts and loams with only very limited pockets of gravels and stones.

Manager of Transportation is the City department head, or designee, or successor, whose duties include transportation functions.

Manufactured home shall mean a dwelling that has been certified as a manufactured home by the applicable State of Arizona or United States government agency.

Manufactured home park is any parcel that is used for parking manufactured homes or residential trailers that are used as dwellings.

Manufactured home space is any plot of ground within a manufactured home park designed to accommodate one (1) manufactured home or residential trailer.

Mass grading shall mean the process of clearing, grading, excavating, and/or filling or combination thereof for two (2) or more lots, two (2) or more building pads, or a site where more than sixty (60) percent of the lot area will be disturbed which may include the clearing, grading, excavating, or filling the adjoining street(s), in preparation for future development.

Mature trees are healthy, full-bodied trees with a shape characteristic of the species with the following minimum sizes:

a. Palms: trunk eight (8) feet high.

b. Single trunk trees: two (2) inch caliper.

c. Multiple trunk trees: one (1) inch caliper average trunk.

Medical marijuana is all the parts of the plant of the genus cannabis whether growing or not, and the seed of such plants that can be administered to treat or alleviate a condition(s) of a medical marijuana qualifying patient cardholder.

Medical marijuana caregiver cultivation is a facility where a "designated caregiver" grows medical marijuana (as "designated caregiver" is defined in Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, as amended).

Medical marijuana qualifying patient cardholder is a "qualifying patient" who is a "cardholder" as those terms are defined in Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, as amended.

Medical marijuana use is an establishment where medical marijuana may be acquired, grown or cultivated, harvested, prepared, processed, manufactured, compounded, encapsulated, infused, packaged, dispensed, sold, provided, shared, and exchanged; and as an accessory use medical marijuana related supplies and educational materials may be provided or sold.

Micro-brewery/distillery is a use engaged in brewing, distilling, vinification and/or blending beer, ale, malt liquors, nonalcoholic beer, wine, spirit liquors, and liqueurs.

Minimal residential health care facility shall mean a residential health care facility which provides resident rooms or residential units, and may include independent living units and such services such as central dining, transportation and limited medical assistance.

Minor work shall mean any change, modification, restoration, rehabilitation, or renovation of the features of an historic resource that does not materially change the historic characteristics of the property and is consistent with the Historic Preservation Plan for the historic resource.

Mitigation Plan means a plan for the recovery or protection of discovered archaeological resources.

Mixed-use commercial center is a development that contains only nonresidential uses, consisting of a minimum of 10,000 square feet of gross floor area and a minimum of five nonresidential uses.

Mixed-use development is a development that contains nonresidential and residential uses that are arranged either horizontally and/or vertically within a development's area.

Monopole means a facility used exclusively for wireless communications antenna mounts and is self-supporting with a single shaft of steel, concrete or wood. Monopoles with a flag (antennas concealed within flagpoles) are found in Section 7.200 H.

Motel is a type of travel accommodation offering lodging to the general public where guest room entrances typically open to the outside of the building.

Mount means the ground or the structure to which a wireless communications facility is attached.

Move shall mean any relocation of a building or structure on its site or to another site.

Multimedia production is a facility for staging and recording video or audio productions, including but not limited to, video, electronic, motion picture, television, radio, sound and live show production.

Municipal use shall mean any use provided to the general public which is operated by or contracted for by the city. Municipal use shall not include any vehicle, bicycle, equestrian, or pedestrian right-of-way dedications or easements or scenic dedications or easements, single purpose flood control corridors, or utilities which are located underground.

Munsell Book of Color is a system that describes color in terms of three (3) standardized attributes: hue, value (lightness/darkness) and chroma (intensity). Numerical values define each color attribute, and the colors are arranged in the book in equal visual steps for each attribute.

Natural area open space is an area of undisturbed natural desert, but may include revegetated areas.

Natural landmarks are those prominent, unique terrain features which due to their character and location are considered landmarks for the city or for a local region within the city. Such "landmarks" may or may not be named features. These features shall be indicated on maps of record at the city and shall be designated by the city council. Historical and archaeological sites shall also be considered as landmarks.

Net lot area is the area included within lot lines after all right-of-way dedications have been made as required in the Transportation Master Plan and the Design Standards & Policies Manual.

Nonconforming building shall mean a building or portion thereof which was lawful when established but which does not conform to a subsequently established district or district regulations.

Nonconforming lot shall mean a parcel of land having less area, frontage or dimensions than required in the district in which it is located.

Nonconforming use shall mean any building or land lawfully occupied by a use at the time of passage of this Zoning Ordinance or amendment thereto which does not conform after passage of this Zoning Ordinance or amendment thereto with the use regulations of the district in which located.

Non-density based uses shall mean those of nonresidential nature.

Office is an establishment or activity primarily engaged in professional, clerical or medical services, including inpatient services.

Old Town Design District Area is area within the Downtown Area described in the Downtown Plan Urban Design & Architectural Guidelines.

Open space is meaningful outdoor space for passive or active use. It includes, but is not limited to, settings for development, recreation areas, landscaping, hardscape, water features, seating areas, plazas, gazebos, sidewalks and trails. Open space does not include parking areas or parking lot landscaping.

Outdoor sales display area is an outdoor space that is used for displaying merchandise, except vehicles, sold within a building located on the same site as the outdoor sales display area.

Outdoor vehicle display is an outdoor space used for displaying vehicles for rent or sale from a building located on the same site as the outdoor vehicle display.

Parcel is a legally defined lot, or contiguous group of lots in single ownership or under single control, and considered a unit for purposes of development and open space calculation.

Parking lot shall mean a parcel of land devoted to parking spaces as set forth by the parking standards of the City of Scottsdale.

Parking space is a delineated area to park a vehicle.

Parking structure is an above-ground or underground structure used for parking vehicles.

Parking structure, above-ground is a structure of two (2) or more levels, starting at or above-ground level.

Parking structure, underground is a structure of one (1) or more levels, fully below ground level, except for the ramp into the parking structure.

Patio home shall mean an attached or detached single-family dwelling constructed with no side yard on one (1) side of the lot.

Peak means a point of maximum elevation of a hill or mountain.

Perimeter wall shall mean a wall that surrounds a subdivision or a group of related districts and/or subdivisions.

Permitted use shall mean a use specifically permitted on a use analogous to those specifically permitted.

Personal care service is a business that provides a service such as: hair/skin/nail care, make-up/tattoo/body art, tanning, massage, shoe repair, tailoring/garment repair, laundromat, or dry cleaning.

Place of worship shall mean a permanently located building commonly used for religious worship. Churches, synagogues or temples shall conform to the uniform building code and are subject to development review approval.

Planning Commission shall mean the Planning Commission of the City of Scottsdale.

Podium parking is one (1) level of vehicle parking at ground level or partially below ground level, on fifty (50) percent or more of the ground level of a habitable building, with a building or open space above the parking.

Pool hall is a facility which provides, for playing pool, four (4) or more pool tables.

Preservation easement shall mean a nonpossessory interest in real property, granted to the City pursuant to Arizona Revised Statutes Title 33, Chapter 2, Article 4, Conservation Easements, which imposes limitations or affirmative obligations on the property to preserve the historical, architectural, archaeological, or cultural aspects of the real property.

Private outdoor living space is a visibly delineated space open to the natural elements of wind, air and light. This space complements a project's other open space areas and supports the setting for a building, visual continuity within the community, and a variety of spaces in the streetscape and within a project. This space may be partially sheltered by architectural elements of the primary building but it is not enclosed with building components such as windows, screens, doors and similar elements.

Prohibited use shall mean a use not specifically permitted or a use analogous to those not specifically permitted.

Property owner is the person holding fee simple title to real property as shown on the records of the Maricopa County Assessor's Office, unless title ownership is otherwise clearly demonstrated to the Zoning Administrator's satisfaction.

Protected peak is a peak identified by the city as being visually significant and consequently important to the city's image and economy. Protected peaks are designated on maps by the city.

Protected ridge is a ridge identified by the city as being visually significant and important to the city's image and economy. Protected ridges are designated on maps by the city.

Public Art Program is the program established by Scottsdale Revised Code, Chapter 20.

Public floor area shall mean for the purpose of determining parking requirements, all areas of a building that are used by the public excluding public rest rooms.

Ranch shall mean a lot which is used primarily for the breeding of horses; raising of livestock; individual training or training of small groups of eight (8) or fewer students; practice polo courses and arenas not used for scheduled, public, or club events; boarding only of horses, mules or ponies directly involved with current breeding or training activities; and ancillary sales and previews of livestock and occasional weekend seminars and clinics. Permanent housing for ranch employees shall be permitted as

an accessory use to the ranch. No feed lot shall be permitted. A ranch shall meet the provisions of the applicable zoning district and the conditions of Section 1.403.

Related dependent children shall mean all persons under the age of 18 (eighteen), or who have been declared dependent by a court of competent jurisdiction, who are related to one (1) of the adults by blood, guardianship, or adoption, or who is the foster child of one (1) of the adults.

Replacement/Reuse Plan shall mean a plan for redevelopment of a site within an HP District.

Residential health care facility shall mean a health care institution with, at a minimum, 24-hour supervisory care services.

Resort is a type of travel accommodation containing more than five (5) dwelling units and/or guest rooms and providing outdoor recreational activities and accessory commercial uses, including retail, restaurant, banquet space, event center, or other similar use.

Restaurant is an establishment whose primary business is serving food to the public. Examples of accessory restaurant uses include, but are not limited to, microbrewery, miscellaneous retail and packaged food sales, and play areas. Preparation of food may be included in the restaurant operation. Examples of restaurants include full-service dining, self-service dining, cafe, cafeteria, coffee shop, delicatessen, food service shop, ice cream parlor, and pizza parlor.

Restaurant, drive-in is a restaurant with food service to people who are in vehicles for the consumption of the food in vehicles on the restaurant premises.

Restaurant, drive-through is a restaurant with food service through a service window to people who are in vehicles for consumption of the food off the premises.

Restoration service is a facility or activity that restores used or damaged products to their original condition, including but not limited to restoration of antique and rare vehicles, furniture, or antiques, excluding vehicle repair.

Retail shall mean a sale for any purpose including resale of tangible personal property, and excluding specified uses such as gun shop, pawnshop, wholesale sales, and vehicles.

Revegetated area is land restored through the process of revegetation.

Revegetation is the restoration of disturbed or damaged land by planting trees, shrubs, cacti, groundcover or other plants, consistent with the natural desert.

Ridge means a relatively narrow elevation which is prominent because of the steep angle at which it rises; an elongated crest, or series of crests, significantly higher than the adjoining ground.

Rockfalls are events where metamorphic, schist, or other paty rocks drop, slide, or roll downhill from a rock outcrop or steep slope. Areas at risk from rockfalls are below the sources of these falls.

Rooftop appurtenances are the structures, equipment and screening on the top of a building, including utility penthouses, elevator penthouses and other non-habitable structures.

Rooming house. See *boardinghouse* .

Sales, incidental shall mean any sales which may occur as a result of or in connection with uses permitted on a property.

Editor's note— Ordinance No. 1876 adopted January 21, 1986, adopted zoning ordinance amendments contained in Exhibit A thereto. Exhibit A consisted of a "draft page", and the sections amended were apparently reproduced in their entirety. The definition of "sales incidental" was on the "draft page", but was not in section 3.100 as amended.

Satellite receiving earth station shall mean a parabolic antenna designed to receive electromagnetic transmissions from a satellite.

Scenic corridor is the required landscape setback abutting certain major roadways as identified in the City's General Plan.

School district is a governmental organization formed under state law to provide public education for specific areas. In the city of Scottsdale this includes the Scottsdale Unified District, Paradise Valley Unified District, Cave Creek Unified District, Fountain Hills Unified District, Balsz Elementary District and Phoenix Union High School District.

Scottsdale's Green Building Program is the program, and any amendments, adopted by the City Council to encourage design and building techniques that minimize environmental impact, reduce the energy consumption and contribute to the public health, and the program's associated building codes and policies.

Scottsdale Historic Register shall mean the list, compiled and kept by the Historic Preservation Officer, of historic and archaeological resources in the City of Scottsdale which are designated HP District.

Seasonal art festival shall mean a temporary or permanent facility which is primarily operated for the sale and display of arts and crafts. Ancillary uses may include food sales, special events, and support offices. The festival shall display the art or craftwork of at least ten (10) independent persons or companies. The festival shall operate for a period over not less than thirty (30) consecutive days nor over more than ninety (90) consecutive days with the facility being open at least four (4) days each week. No two (2) festivals may occupy the same site within forty-five (45) days of each other.

Sensitive Design Principles is the document, and any amendments, adopted by the City Council.

Severely constrained area (SCA) is any land within the hillside landform which contains land slopes over twenty-five (25) percent, unstable slopes, or special features, including any land which is surrounded by one (1) of these conditions.

Shopping center shall mean a group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas and pedestrian malls or plazas provided on the property as an integral part of the unit.

Sight line representation means a drawing in which a sight line is drawn from the closest façade of each building, private road or right-of-way (viewpoint) within five hundred (500) feet of the wireless communications facility to the highest point (visible point) of the wireless communications facility. Each sight line shall be depicted in profile, drawn at one (1) inch equals forty (40) feet unless otherwise specified by the city. The profiles shall show all intervening trees and structures.

Single housekeeping unit shall mean a group of one (1) or more persons residing together in a dwelling who share use of and responsibility for common areas, household activities, and responsibilities such as meals, chores, household maintenance, and expenses. This term excludes living situations where an entity or individual other than a resident provides job training or life skill development services on-site, or provides supervisory, medical, personal, or custodial care services to more than six (6) adults residing in the dwelling.

Slope collapse includes those soil slopes which, due to their steepness and internal structures, are prone to land or mud slides or similar mass wasting events.

Snug-mount means an antenna mounted no more than eight (8) inches from the edge/face of the pole, tower, or structure to which it is mounted.

Specialized residential health care facility shall mean a health care institution that provides inpatient beds or resident beds and nursing services to persons who need continuous nursing services but who do not require hospital care or direct daily care from a physician.

Specified anatomical areas shall mean less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities shall mean human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Springs shall include areas where permanent or ephemeral flows or ponding of water naturally occur. Such sites may include mountainous or canyon conditions where water flows or seeps out from water-bearing geologic structures or tanks and rock-bottomed washes where water typically collects for extended periods of time.

Stable, commercial shall mean a lot which may be used for commercial riding stable open to the general public; boarding of livestock not involved with current breeding or training; training involving large groups of eight (8) or more students; polo fields or arenas used for scheduled, public or club events; and those uses permitted in a ranch. No feed lot shall be permitted. A commercial stable shall meet the provisions of the applicable zoning district and the conditions of Section 1.403.

Stable, private shall mean a detached accessory building for the keeping of horses, mules or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.

Stepback plane is the imaginary surface of the building envelope that angles toward the interior of a property at a specified vertical to horizontal ratio.

Story shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than six (6) feet above the grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar or unused underfloor space shall be considered as a story.

Street shall mean a dedicated public or private passageway which affords a principal means of access to abutting property.

Street, centerline is the centerline of a street right-of-way as determined by the Manager of Transportation.

Street line shall mean a dividing line between a lot, tract or parcel of land and a contiguous street (right-of-way).

Street, public is a right-of-way dedicated to the public.

Structural alterations shall mean any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof.

Structural roof element is the highest part of the building's structure that supports the building's roof.

Structure shall mean any piece of work constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground, but not including a tent, vehicle, residential trailer or mobile home.

Structure, temporary shall mean any piece of work which is readily movable and used or intended to be used for a period not to exceed ninety (90) consecutive days. Such structure shall be subject to all applicable property development standards for the district in which it is located.

Supervisory care services means general supervision, including daily awareness of resident functioning and continuing needs, and the ability to intervene in a crisis and to assist in the self-administration of prescribed medications.

Swimming pool is any structure intended for swimming or recreational bathing that contains water over eighteen (18) inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

Talus slopes are areas covered by loose piles of rocks and/or boulders and are typically void of surface soils and vegetation if they are active.

Tattoo parlor is a business that provides services for the human body such as: tattooing, branding, scarification and piercing. An establishment is not a tattoo parlor if it provides these services as an ancillary use.

Teen dance center shall mean an enclosed or unenclosed structure which is open to persons from fifteen (15) through twenty (20) years of age unaccompanied by adults at which music is furnished for the purpose of social dancing, and at which a person fifteen (15) through twenty (20) years of age pays an admission, membership dues, or a minimum fee or cover charge, whether or not admission is limited to members only. "Teen dance center" shall include the enclosed or unenclosed structure and the surrounding premises used for parking or any activity related to the dancing operation.

Temporary/security fencing shall mean a fence that is provided to secure a site and is not intended to be a permanent improvement to the site.

Tennis club shall mean a commercial facility for the playing of tennis at which there is a clubhouse including rest rooms. A tennis facility may provide additional services customarily furnished by a club such as swimming, outdoor recreation and related retail sales, that may include a restaurant and cocktail lounge if approved as a part of the required use permit.

Timeshare is any arrangement, plan or similar device, other than an exchange program, whether by membership agreement, sales, lease, deed license or right-to-use agreement in which an owner, in exchange for consideration receives ownership rights in or the right to use accommodations for a period of time that is less than a full year.

Tower means a facility used for wireless communications antenna mounts and consists of more than a single structural support. No guy wires shall be permitted.

Townhouse shall mean a single-family dwelling with party walls and no side yards between abutting dwellings.

Transportation Master Plan is the plan, and any amendments, adopted by the City Council.

Travel accommodation is a building or group of buildings, other than a single-family or multi-family dwelling unit, in which lodging, with or without related services and facilities, is provided and offered to transient guests for stays of less than thirty (30) days. Travel accommodation does not include vacation rental or short-term rental as defined in this section. A travel accommodation may include accessory commercial uses, such as retail, restaurant, banquet space, event center or other similar use.

Tuck-under parking is vehicle parking on less than fifty (50) percent of the ground level of a habitable building.

Type 1 Area is the area of the Downtown Area that is described by the Downtown Plan as Type 1.

Type 2 Area is the area of the Downtown Area that is described by the Downtown Plan as Type 2.

Underlying zoning is the zoning district which exists on the property to which an overlay district has been applied.

Undisturbed land shall mean any area of land in its existing natural condition.

University or *college* shall mean an educational institution offering academic courses and awarding baccalaureate or higher degrees.

Upper desert landforms are typically the irregular terrain at the base of or surrounding mountain ridges or isolated mountain outcrops. These landforms include pediments, piedmonts, abandoned alluvial fan segments, alluvial-colluvial slopes, uplifted and dissected inactive alluvial shops, and ridge/valley complexes. Underlying materials include shallow (ten (10) to one hundred (100) feet) depths to bedrock, medium to strongly calichified alluvium, and fanglomerate. Locally there may be small hillocks, rock outcrops, boulder formations and fields, or bedrock balds which occur in isolated or grouped patterns. Land slopes range from two (2) percent to thirty-five (35) percent but are predominately in the five (5) percent to twenty (20) percent range. Drainageways are typically well incised with stream capacities greater than historic flow levels. Occasionally there may be old floodplain terraces benched between the wash bottom and distinct wash banks or there may be minor stream braiding which lasts for short

distances and then reforms into a single main channel. Hazards are generally limited to flooding in channel bottoms and occasional bank collapse along sharply incised wash banks. The transport of material is dominated by water transport concentrated in drainage courses and the surface material size typically ranges from coarse silts to medium-sized cobbles.

Use shall mean the purpose for which land or building is occupied, or maintained, arranged, designed or intended.

Use permit shall mean a permit granted to a property owner by the City Council to conduct a use allowed as a permitted use in a zoning district subject to a use permit. A use permit may be granted at the discretion of the City Council after a public hearing.

Variance shall mean a modification of the provisions of the Zoning Ordinance granted by the Board of Adjustment upon a finding that strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property for which the variance is granted and not caused by the property owner.

Vacant site shall mean land that has been or has not been disturbed and/or was previously developed, and may contain structures, but does not contain buildings.

Vacation rental or *Short-term rental* is a dwelling offered for a rental term of less than thirty days to transient guests, visitors or family members, excluding travel accommodation as defined in this section. Vacation rental or short-term rental does not include a dwelling that is used for any nonresidential use, including retail, restaurant, banquet space, event center or other similar use.

Vehicle is a device in, on, or by which a person or property is transported, such as cars, motorcycles, boats, horse trailers and general trailers, trucks, buses, campers, and recreational vehicles.

Vehicle repair is all aspects of vehicle repair including, but not limited to, preventive maintenance, lubrication, tune-up, tire replacement, decorative treatments, audio or electronic installation, upholstery, paint, and body work.

Vehicle storage facility is a commercial building or parcel used for storing four (4) or more vehicles that are not occupied for living purposes or used as dwellings.

Veterinary service is a use which is primarily engaged in the practice of veterinary medicine, dentistry, or surgery for animals and associated care that is provided to these animals during the time of such treatment.

Viewpoints are positions at "minor collector street" and higher classification street intersections within the Environmentally Sensitive Lands (ESL) area as identified in the Transportation Master Plan from which development in the hillside landform can be observed.

Viewsheds are the major segments of the natural terrain which are visible above the natural vegetation from scenic viewpoints which are defined in this Zoning Ordinance.

Vista corridor is the area along major watercourses or other features as designated in the General Plan to protect major wildlife habitat, protect distant views, separate land uses, and provide links for trails and paths.

Volume is the three-dimensional space a building occupies above-grade.

Wall shall mean any structure or device required by this Zoning Ordinance for screening purposes forming a physical barrier, which is so constructed that fifty (50) percent or more of the vertical surface is closed and prevents the passage of light, air and vision through said surface in a horizontal plane. This shall include concrete, concrete block, wood or other materials that are solids and are so assembled as to form a screen. Where a solid wall is specified, one hundred (100) percent of the vertical surface shall be closed, except for approved gates or other access ways. Where a masonry wall is specified, said wall shall be concrete block, brick, stone or other similar material and one hundred (100) percent of the vertical surface shall be closed, except for approved gates or other access ways.

Warehouse shall mean a building or building used for the storage of goods of any type, and where no retail operation is conducted.

Watercourse means a natural or man made lake, river, creek, stream, wash, arroyo, channel, culvert, pipes or any other topographic feature, through, on or over which waters flow at least periodically. "Watercourses" include specifically designated areas in which substantial flood damage may occur.

Watercourses, major are washes having a 100-year flood flow rate of seven hundred fifty (750) cfs or greater.

Watercourses, minor are washes having a capacity of at least fifty (50) cfs and a 100-year flood flow rate of up to seven hundred fifty (750) cfs.

Wholesale shall mean the sale of tangible personal property for resale by a licensed retailer and not the sale of tangible personal property for consumption by the purchaser.

Wildland/urban interface is an area where development and native desert wildland areas meet at a well-defined boundary.

Wildland/urban intermix is an area where development and native desert wildland areas meet with no clearly defined boundary.

Wireless communications facility (WCF) means a facility for the transmission and/or reception of radio frequency signals, including over-the-air broadcasting signals, usually consisting of antennas, equipment cabinet, a support structure, and/or other transmission and reception devices. Exemption: ham radio, amateur radio facilities, commercial radio and television broadcasting towers, and point-to-point end-user facilities less than one (1) meter in diameter.

Wireless communications facilities shall be categorized as Type 1, Type 2, Type 3, or Type 4 facilities, subject to Section 7.200H. (wireless communications facilities).

Work/live is a commercial use with an accessory residential use. The commercial use may have employees, and may generate pedestrian and vehicular traffic.

Yard is the space between a building and the adjoining lot lines, which is unoccupied and unobstructed by any portion of the building from the ground upward. The yard is the minimum horizontal distance between the lot line and the main building.

Yard, front is a yard on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The front yard of a residential corner lot is the yard adjacent to the shorter street frontage. The front yard of a commercial corner lot is the yard adjacent to the major street as determined by the Zoning Administrator.

Yard, rear is a yard on the same lot with a main building between the rear line of the building and the rear line of the lot extending the full width of the lot. The rear lot line is that lot line opposite the front lot line. Where these are not parallel, the rear lot line shall be that line which is intersected by a line drawn perpendicular through a tangent to the midpoint of the front lot line. If the line drawn through the tangent to the midpoint of the front line strikes a ten-foot long line drawn parallel to the tangent then that line shall be considered the rear lot line for purposes of determining setbacks, and all other lot lines between that and the front line shall be side lot lines. If the lot has frontage on a cul-de-sac, the rear lot line shall be the lot line which most closely approximates the rear lot line of abutting lots.

Yard, side is a yard on the same lot with a main building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side lot line. An interior side yard is defined as the side yard adjacent to a common lot line.

Zoning Administrator is the person, or designee, or successor, with the duties prescribed in Article I.

(Ord. No. 1851, § 1, 11-5-85; Ord. No. 1876, § 1, 1-21-86; Ord. No. 1923, § 1, 12-16-86; Ord. No. 1994, §§ 1, 1-19-88; Ord. No. 2266, 1, 11-21-89; Ord. No. 2311, § 1, 8-21-90; Ord. No. 2305, § 1, 2-19-91; Ord. No. 2420, § 1, 12-17-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2431, § 1, 1-21-92; Ord. No. 2526, § 2, 3-16-93; Ord. No. 2509, § 1, 6-1-93; Ord. No. 2636, § 1, 2-15-94; Ord. No. 2620, § 1, 8-2-94; Ord. No. 2830, § 1, 10-17-95; Ord. No. 2831, § 1, 9-19-95; Ord.

No. 2858, § 1, 12-5-95; Ord. No. 3048, § 1, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3242, § 6, 7-13-99; Ord. No. 3274, § 5, 12-7-99; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3394, 6-19-01; Ord. No. 3365, § 1, 12-11-01; Ord. No. 3395, § 1, 12-11-01; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3501, § 1, 4-1-03; Ord. No. 3542, § 1, 12-9-03; Ord. No. 3724, § 1(Exh. 1), 3-6-07; Ord. No. 3760, § 1, 11-6-07; Ord. No. 3854, § 1, 6-9-09; Ord. No. 3869, § 1, 10-6-09; Ord. No. 3879, § 1(Exh. § 4), 3-2-10; Ord. No. 3896, § 1(Exh. § 1), 6-8-10; Ord. No. 3899, § 1(Res. No. 8342, Exh. A, § 2), 8-30-10; Ord. No. 3920, § 1(Exh. § 21), 11-9-10; Ord. No. 3923, § 1(Exh. § 2), 1-25-11; Ord. No. 3926, § 1(Exh. § 1), 2-15-11; Ord. No. 3980, § 1(Res. 8895, § 1, Exh. A, § 2), 12-6-11; Ord. No. 3982, § 1(Res. No. 8902, Exh. A, § 2), 1-10-12; Ord. No. 3992, § 1(Res. No. 8922, Exh. A, § 1), 1-24-12; Ord. No. 4002, § 1(Res. No. 8967, Exh. A, § 2), 3-6-12; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 11), 4-3-12; Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 16), 11-14-12; Ord. No. 4042, § 1(Exh. 1), 10-16-12; Ord. No. 4048, § 1(Res. No. 9223, § 1(Exh. A, § 1), 11-14-12; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 3), 6-18-13; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 5), 11-19-13; Ord. No. 4121, § 1, 12-9-13; Ord. No. 4123, § 1(Res. No. 9596, Exh. A, § 2), 1-14-14; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 69), 5-6-14; Ord. No. 4163, § 1(1), 8-25-14; Ord. No. 4265, § 1, 6-21-16; Ord. No. 4288, § 1(Res. No. 10650, § 1, Exh. A), 11-14-16; Ord. No. 4329, § 2, 12-5-17; Ord. No. 4326, § 1(Res. No. 10963, § 1(Exh. A)), 12-5-17; Ord. No. 4355, § 1(Res. No. 11190, § 1, Exh. A), 7-2-18; Ord. No. 4365, § 1(Res. No. 11261, § 1(Exh. A, § 4)), 11-13-18)

ARTICLE IV. - DISTRICTS AND BOUNDARIES THEREOF

Sec. 4.100. - Division of City into Districts; Enumeration.

In order to classify, regulate, restrict and separate the use of land, buildings and structures and to regulate and to limit the type, height and bulk of buildings and structures and to regulate the areas of yards and other open areas around and between the buildings and structures and to regulate the density of dwelling units, the city is hereby divided into the following districts:

A. *Residential Districts:*

Table 4.100.A. Residential Districts	
R1-190	Single-family Residential—190,000 square feet per lot
R1-130	Single-family Residential—130,000 square feet per lot
R1-70	Single-family Residential—70,000 square feet per lot
R1-43	Single-family Residential—43,000 square feet per lot
R1-35	Single-family Residential—35,000 square feet per lot
R1-18	Single-family Residential—18,000 square feet per lot

R1-10	Single-family Residential—10,000 square feet per lot
R1-7	Single-family Residential—7,000 square feet per lot
R1-5	Single-family Residential—4,700 square feet per lot
R-2	Two-family Residential
R-3	Medium Density Residential
R-4	Townhouse Residential
R-4R	Resort/Townhouse Residential
R-5	Multiple-family Residential
M-H	Manufactured Home

B. *Commercial Districts:*

Table 4.100.B. Commercial Districts	
S-R	Service-Residential
C-S	Regional Shopping Center
C-1	Neighborhood Commercial
C-2	Central Business
C-3	Highway Commercial
C-4	General Commercial
SS	Support Services
C-O	Commercial Office

PCoC	Planned Convenience Center
PNC	Planned Neighborhood Center
PCC	Planned Community Center

C. *Industrial Districts:*

Table 4.100.C. Industrial Districts	
I-G	Light Employment
I-1	Industrial Park

D. *Mixed-use Districts:*

Table 4.100.D. Mixed-use Districts	
D	Downtown
P-C	Planned Community
PRC	Planned Regional Center
PCP	Planned Commerce Park
PUD	Planned Unit Development

E. *Supplementary Districts:*

Table 4.100.E. Supplementary Districts	
P-1	Parking P-1; Passenger Vehicle Parking, Limited

P-2	Parking P-2; Passenger Vehicle Parking
P-3	Parking P-3
P-4	Parking P-4
W-P	Western Theme Park
SC	Special Campus
H-P	Historic Property
OS	Open Space
COS	Conservation Open Space
ESL	Environmentally Sensitive Lands
F-O	Foothills Overlay
DO	Downtown Overlay
PBD	Planned Block Development Overlay
PSD	Planned Shared Development Overlay

(Ord. No. 2470, § 1, 6-16-92; Ord. No. 3854, § 2, 6-9-09; Ord. No. 3980, § 1(Res. 8895, § 1, Exh. A, § 3), 12-6-11; Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 17), 11-14-12; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 6), 11-19-13; Ord. No. 4244, § 1, 5-17-16; Ord. No. 4329, § 3, 12-5-17)

Sec. 4.200. - Boundaries of Districts.

Sec. 4.201. - Rules where uncertainty may arise.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the district map accompanying and made a part of this ordinance, the following rules apply:

A. The district boundaries are street centerlines or alley centerlines unless otherwise shown, and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by street or alley centerlines, the street centerlines or alley centerlines shall be construed to be the boundary of the district.

B. Where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

C. In unsubdivided property, the district boundary lines on the map accompanying and made a part of this ordinance shall be determined by use of the scale appearing on the map.

D. Where the district boundaries are not otherwise indicated and where the property has been, or may hereafter be, divided into blocks and lots, the district boundaries shall be construed to be the lot lines and/or the abutting street centerlines or alley centerlines.

(Ord. No. 4329, § 3, 12-5-17)

Sec. 4.301. - Reserved.

Editor's note— Ord. No. 2830, § 1, adopted Oct. 17, 1995, renumbered § 4.301 as § 1.104.

ARTICLE V. - DISTRICT REGULATIONS

Sec. 5.010. - Single-family Residential (R1-190).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 12), 4-3-12)

Sec. 5.011. - 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.

Sec. 5.012. - 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. Any use shown as permitted in Table 5.012., subject to the use limitations as listed.

B. *Uses permitted by conditional use permit* .

1. Any use shown as permitted by conditional use permit in Table 5.012., subject to the use limitations as listed, and any additional conditional use permit criteria.

Table 5.012. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Accessory buildings including private garages, swimming pools, and recreation buildings and courts	P

2. Accessory uses including home occupation	P (1)
3. Care home	P (2)
4. Cemetery (see Section 1.403. for criteria)	CU
5. Community buildings and recreational facilities not publicly owned, such as: athletic fields, boys' clubs, commercial stables, ranches, and tennis clubs (see Section 1.403. for criteria)	CU
6. Day care home	P
7. Day care group home	P
8. Dwelling unit, single-family, including Vacation rental or Short-term rental	P (3)
9. Farm	CU
10. Educational service, elementary and secondary school (see Section 1.403. for criteria)	CU (4) (5)
11. Educational service, other than elementary and secondary school, colleges and universities only (see Section 1.403. for criteria)	CU (4)
12. Golf course (except miniature golf course or commercial driving range)	CU
13. Guest house, as an accessory use	P (6)
14. Ham transmitting or receiving radio antennas in excess of seventy (70) feet	CU
15. Model home, temporary sales office/buildings	P (7)
16. Municipal uses	P
17. Place of worship	P (8)
18. Public utility buildings, structures or appurtenances thereto for public service uses	CU
19. Wireless communication facility, Type 1, 2 and 3	P (9)

20. Wireless communication facility, Type 4	CU (10)

Use Limitations:

(1) The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.

(2) Care home is subject to the following criteria:

a. *Floor area ratio:* Is limited to thirty-five hundredths (0.35) of the net lot area.

b. *Capacity:* The maximum number of residents, including up to ten (10) disabled persons, the manager/supervisor, property owner, and residential staff at the home is twelve (12) per residential lot.

c. *Location:* A care home shall not be located within twelve hundred (1200) feet, measured from lot line to lot line, of another care home.

d. *Compatibility:* The home and its premises shall be maintained in a clean, well-kept condition that is consistent in materials and design style with homes in the surrounding or adjacent neighborhood.

e. *Criteria:* Care homes must be licensed by the State of Arizona and must provide proof of such licensing by the State of Arizona as a health care institution to the Director of Planning prior to the commencement of operations. All care homes must pass an initial and annual fire inspection administered by the Scottsdale Fire Department. Proof of such inspection and of correction of any noted deficiencies must be available at the care home at all times.

f. *Accommodation:* A disabled person may request a disability accommodation from the above criteria or a development standard pursuant to Section 1.806. of this Zoning Ordinance.

(3) Limited to one main dwelling unit per lot.

(4) Conditional use permit is not required for public or charter educational services.

(5) Educational service, charter school: minimum lot size is forty-three thousand (43,000) square feet.

(6) Guest house, as an accessory use subject to the following criteria:

a. The cumulative square footage of the guest house(s) shall be no greater than one-half (1/2) the livable square footage of the main dwelling.

b. Any guest house shall be connected to the existing water meter for the main dwelling. It shall not be separately metered.

c. The guest house shall not be rented or offered for rent independent of the main dwelling.

(7) For uses incidental to construction work and/or home sales, to be removed upon completion or abandonment of construction work and/or home sales.

(8) Place of worship subject to compliance with the following standards, as well as those otherwise required in the underlying District:

a. *Lot area:* The minimum lot area shall be equal to that required for the district, except that no lot shall be less than twenty thousand (20,000) square feet (net).

b. *Floor area ratio:* In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.

c. *Building height:* Development Review Board may allow building heights, including towers, spires, and mechanical equipment (such equipment must be screened) limited to thirty (30) feet in height, and may allow a maximum of ten (10) percent of the roof area to exceed the height limit by fifteen (15) feet. Height and location are subject to the Development Review Board review and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods. (This provision supersedes Section 7.100. through 7.102., exceptions to height restrictions, which shall not apply to churches within the underlying District.)

d. *Required open space:*

   i. Minimum: 0.24 multiplied by the net lot area.

   ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.

   iii. NAOS may be included in the required open space.

e. *Parking:*

   i. Parking shall observe the minimum front yard setbacks of the underlying District for all frontages. On streets classified in the Transportation Master Plan as major arterial or greater, parking may be located between the established front building line and the front yard setback. On all other street classifications, parking shall be located behind the established front building lines.

   ii. A minimum of fifteen (15) percent of all parking areas shall be landscaped.

   iii. A ten-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

f. *Lighting:*

   i. All pole-mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height.

   ii. All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., shall be set back a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be shut off by 10:00 p.m.

   iii. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.

g. *Screening:*

   i. There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines that are adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

   ii. There shall be a three-foot high landscaped berm along all street frontages where parking occurs.

h. *Access:*

i. All places of worship must have primary access to a street classified in the Transportation Master Plan as a minor collector or greater.

ii. Access to a local or local collector residential street is prohibited when the primary worship center, auditorium, or other major gathering place exceeds three thousand (3,000) square feet.

i. *Operations:* No outdoor activities shall be permitted after 10:00 p.m.

j. *Noise:* Outdoor speakers or paging systems are not allowed.

(9) Subject to the requirements of Sections 1.904., 3.100., and 7.200.

(10) Subject to the requirements of Sections 1.400., 3.100., and 7.200.

(Ord. No. 2394, § 1, 9-16-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2470, § 1, 6-16-92; Ord. No. 2493, § 1, 9-1-92; Ord. No. 2636, § 1, 2-15-94; Ord. No. 2683, 6-21-94; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3697, § 1(Exh. 1), 9-26-06; Ord. No. 3879, § 1(Exh. § 5), 3-2-10; Ord. No. 3899, § 1(Res. No. 8342, Exh. A, § 3), 8-30-10; Ord. No. 3920, § 1(Exh. §§ 22, 23), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 13, 14), 4-3-12; Ord. No. 4140, § 1(Res. No. 9643, Exh. A, § 1), 2-25-14; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 70—72), 5-6-14; Ord. No. 4288, § 1(Res. No. 10650, § 1, Exh. A), 11-14-16; Ord. No. 4326, § 1(Res. No. 10963, § 1(Exh. A)), 12-5-17; Ord. No. 4329, § 3, 12-5-17; Ord. No. 4365, § 1(Res. No. 11261, § 1(Exh. A, § 5)), 11-13-18)

Sec. 5.013. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 5), adopted Aug. 25, 2014, repealed § 5.013 which pertained to approvals required and derived from Ord. No. 3225, § 1, adopted May 4, 1999.

Sec. 5.014. - Property development standards.

The following property development standards shall apply to all land and buildings in the R1-190 District:

A. *Lot area.*

1. Each lot shall have a minimum lot area of not less than one hundred ninety thousand (190,000) 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 three hundred (300) 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) feet.

   b. Where lots have a double frontage on two (2) streets, the required front yard of sixty (60) feet shall be provided on both streets.

   c. On a corner lot, the required front yard of sixty (60) 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) 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) 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) feet.

G. *Walls, fences and landscaping.* Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side and rear yard. Walls, fences and hedges up to twelve (12) feet in height are allowed subject to a sixty-foot setback from the side and rear property line. Walls, fences and hedges up to three (3) feet in height are allowed 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 within 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 of the longer street frontage need only conform to the side yard requirements.

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. 2509, § 1, 6-1-93; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 15, 16), 4-3-12)

Sec. 5.015. - Off-street parking.

The provisions of article IX shall apply.

Sec. 5.016. - Signs.

The provisions of article VIII shall apply.

[Secs. 5.017—5.019. Reserved.]

Sec. 5.020. - Single-family Residential (R1-130).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 17), 4-3-12)

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:

1. Any use shown as permitted in Table 5.012., subject to the use limitations as listed.

B. *Uses permitted by conditional use permit* .

1. Any use shown as permitted by conditional use permit in Table 5.012., subject to the use limitations as listed, and any additional conditional use permit criteria.

(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; Ord. No. 4365, § 1(Res. No. 11261, § 1(Exh. A, § 5)), 11-13-18)

Sec. 5.023. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 6), adopted Aug. 25, 2014, repealed § 5.023 which pertained to approvals required and derived from Ord. No. 2470, § 1, adopted June 16, 1992, and Ord. No. 3225, § 1, adopted May 4, 1999.

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 thirty thousand (130,000) 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) 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) feet.

b. Where lots have a double frontage on two (2) streets, the required front yard of sixty (60) feet shall be provided on both streets.

c. On a corner lot, the required front yard of sixty (60) 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) 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) 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) feet.

G. *Walls, fences and landscaping.* Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side and rear yard. Walls, fences and hedges up to twelve (12) feet in height are allowed subject to a sixty-foot setback from the side and rear property line. Walls, fences and hedges up to three (3) feet in height are allowed 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 within 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 of the longer street frontage need only conform to the side yard requirements.

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; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 18, 19), 4-3-12)

Sec. 5.025. - Off-street parking.

The provisions of article IX shall apply.

(Ord. No. 2470, § 1, 6-16-92)

Sec. 5.026. - Signs.

The provisions of article VIII shall apply.

(Ord. No. 2470, § 1, 6-16-92)

[Secs. 5.027—5.029. Reserved.]

Sec. 5.030. - Single-family Residential (R1-70).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 20), 4-3-12)

Sec. 5.031. - Purpose.

This district is intended to promote and preserve residential development. Large lots are required to maintain 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. 5.032. - 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. Any use shown as permitted in Table 5.012., subject to the use limitations as listed.

B. *Uses permitted by conditional use permit* .

1. Any use shown as permitted by conditional use permit in Table 5.012., subject to the use limitations as listed, and any additional conditional use permit criteria.

2. Specialized Residential Health Care Facility. Where there is a conflict with the modified standards specified for this use, the more restrictive standards shall take precedence.)

a. A Specialized Residential Health Care Facility must have no more than sixteen (16) beds per gross acre of land and shall comply with the following:

i. *Location:* all Residential Health Care Facilities shall have frontage on a street classified by the Scottsdale General Plan (Transportation Master Plan) as a minor arterial or greater.

ii. *Location:* all Residential Health Care Facilities shall be located within one thousand three hundred twenty (1,320) feet of the property line of commercially zoned property.

iii. *Parking:* the site plan shall be designed so that on-site parking is oriented to the building(s) in a manner that will provide convenient pedestrian access for residents, guests, and visitors. All parking areas shall be screened from the street and from neighboring properties by a minimum three-foot high undulating wall and/or landscaping. A minimum of fifteen (15) percent of all parking areas shall be landscaped. A minimum twenty-foot landscape setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

iv. Buffer minimum: Twenty-foot landscape area adjacent to all residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

b. Compatibility: All site improvements, including but not limited to, the buildings, parking areas, and other areas, should be designed to be consistent with homes allowed in the surrounding or adjacent neighborhood. Building materials and form should be responsive to the Sonoran Desert climate. To promote design compatibility, the Development Review Board application shall emphasize the following:

i. Design elements such as varied building forms, variety of window sizes and placements, covered patios, sloped roofs and other such elements associated with large custom designed single-family dwellings.

ii. Building materials that reflect the character of the Sonoran Desert including materials that are unpolished and have substantial texture with no exterior painted surfaces.

iii. Limiting the use of non-native plant materials to a maximum of five (5) percent of the total lot area and that such materials will be placed in courtyards surrounded by buildings and walls at least six (6) feet in height.

iv. Building and site design using passive solar control techniques such as, but not limited to, overhangs, recessed doors and windows, architectural screens in front of areas of glass, and earth mounded against the base of the building walls.

v. Site design that minimizes exterior heat gain through the elimination of asphaltic paving materials and the shading of at least fifty (50) percent of all parking, walkway and patio surfaces by mature trees and/or shade structures.

vi. Exterior water conservation measures including but not limited to water harvesting.

(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; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3907, § 1(Exh. 1), 8-31-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 21), 4-3-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 73), 5-6-14; Ord. No. 4365, § 1(Res. No. 11261, § 1(Exh. A, § 5)), 11-13-18)

Sec. 5.033. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 7), adopted Aug. 25, 2014, repealed § 5.033 which pertained to approvals required and derived from Ord. No. 2470, § 1, adopted June 16, 1992, and Ord. No. 3225, § 1, adopted May 4, 1999.

Sec. 5.034. - Property development standards.

The following property development standards shall apply to all land and buildings in the R1-70 District:

A. *Lot area.*

1. Each lot shall have a minimum lot area of not less than seventy thousand (70,000) 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.

3. Specialized Residential Health Care Facility: the minimum lot area shall be five (5) gross acres.

B. *Lot dimensions.*

Width. All lots shall have a minimum width of two hundred fifty (250) 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) feet.

b. Where lots have a double frontage on two (2) streets, the required front yard of sixty (60) feet shall be provided on both streets.

c. On a corner lot, the required front yard of sixty (60) 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) 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) 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) feet.

G. *Walls, fences and landscaping.* Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side and rear yard. Walls, fences and hedges up to twelve (12) feet in height are allowed subject to a twenty-foot setback from the side and rear property line. Walls, fences and hedges up to three (3) feet in height are allowed 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 within 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 of the longer street frontage need only conform to the side yard requirements.

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. Access for Specialized Residential Health Care Facilities shall be provided in the following manner:

1. All Specialized Residential Health Care Facilities shall have access to a street classified by the Scottsdale General Plan (Transportation Master Plan) as a minor collector or greater.

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; Ord. No. 3907, § 1(Exh. 1), 8-31-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 22, 23), 4-3-12)

Sec. 5.035. - Off-street parking.

The provisions of article IX shall apply.

(Ord. No. 2470, § 1, 6-16-92)

Sec. 5.036. - Signs.

The provisions of article VIII shall apply.

(Ord. No. 2470, § 1, 6-16-92)

[Secs. 5.037—5.099. Reserved.]

Sec. 5.100. - Single-family Residential (R1-43).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 24), 4-3-12)

Sec. 5.101. - 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.

Sec. 5.102. - 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. Any use shown as permitted in Table 5.102., subject to the use limitations as listed.

B. *Uses permitted by conditional use permit* .

1. Any use shown as permitted by conditional use permit in Table 5.102., subject to the use limitations as listed, and any additional conditional use permit criteria.

Table 5.102. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Accessory buildings including private garages, swimming pools, and recreation buildings and courts	P
2. Accessory uses including home occupation	P (1)
3. Care home	P (2)
4. Cemetery (see Section 1.403. for criteria)	CU
5. Community buildings and recreational facilities not publicly owned, such as: athletic fields, boys' clubs, commercial stables, ranches, and tennis clubs (see Section 1.403. for criteria)	CU
6. Day care home	P
7. Day care group home	P
8. Dwelling unit, single-family, including Vacation rental or Short-term rental	P (3)

9. Farm	CU
10. Educational service, elementary and secondary school (see Section 1.403. for criteria)	CU (4) (5)
11. Educational service, other than elementary and secondary school, colleges and universities only (see Section 1.403. for criteria)	CU (4)
12. Golf course (except miniature golf course or commercial driving range)	CU
13. Guest house, as an accessory use	P (6)
14. Ham transmitting or receiving radio antennas in excess of seventy (70) feet	CU
15. Model home, temporary sales office/buildings	P (7)
16. Municipal uses	P
17. Place of worship	P (8)
18. Public utility buildings, structures or appurtenances thereto for public service uses	CU
19. Wireless communication facility, Type 1, 2 and 3	P (9)
20. Wireless communication facility, Type 4	CU (10)

Use Limitations:

(1) The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.

(2) Care home is subject to the following criteria:

a. *Floor area ratio:* Is limited to thirty-five hundredths (0.35) of the net lot area.

b. *Capacity:* The maximum number of residents, including up to ten (10) disabled persons, the manager/supervisor, property owner, and residential staff at the home is twelve (12) per residential lot.

c. *Location:* A care home shall not be located within twelve hundred (1200) feet, measured from lot line to lot line, of another care home.

d. *Compatibility:* The home and its premises shall be maintained in a clean, well-kept condition that is consistent in materials and design style with homes in the surrounding or adjacent neighborhood.

e. *Criteria:* Care homes must be licensed by the State of Arizona and must provide proof of such licensing by the State of Arizona as a health care institution to the Director of Planning prior to the commencement of operations. All care homes must pass an initial and annual fire inspection administered by the Scottsdale Fire Department. Proof of such inspection and of correction of any noted deficiencies must be available at the care home at all times.

f. *Accommodation:* A disabled person may request a disability accommodation from the above criteria or a development standard pursuant to Section 1.806. of this Zoning Ordinance.

(3) Limited to one main dwelling unit per lot.

(4) Conditional use permit is not required for public or charter educational services.

(5) Educational service, charter school: minimum lot size is forty-three thousand (43,000) square feet.

(6) Guest house, as an accessory use subject to the following criteria:

a. The cumulative square footage of the guest house(s) shall be no greater than one-half (1/2) the livable square footage of the main dwelling.

b. Any guest house shall be connected to the existing water meter for the main dwelling. It shall not be separately metered.

c. The guest house shall not be rented or offered for rent independent of the main dwelling.

(7) For uses incidental to construction work and/or home sales, to be removed upon completion or abandonment of construction work and/or home sales.

(8) Place of worship subject to compliance with the following standards, as well as those otherwise required in the underlying District:

a. *Lot area:* The minimum lot area shall be equal to that required for the district, except that no lot shall be less than twenty thousand (20,000) square feet (net).

b. *Floor area ratio:* In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.

c. *Building height:* Development Review Board may allow building heights, including towers, spires, and mechanical equipment (such equipment must be screened) limited to thirty (30) feet in height, and may allow a maximum of ten (10) percent of the roof area to exceed the height limit by fifteen (15) feet. Height and location are subject to the Development Review Board review and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods. (This provision supersedes Section 7.100. through 7.102., exceptions to height restrictions, which shall not apply to churches within the underlying District.)

d. *Required open space:*

i. Minimum: 0.24 multiplied by the net lot area.

ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.

iii. NAOS may be included in the required open space.

e. *Parking:*

i. Parking shall observe the minimum front yard setbacks of the underlying District for all frontages. On streets classified in the Transportation Master Plan as major arterial or greater, parking may be located between the established front building line and the

front yard setback. On all other street classifications, parking shall be located behind the established front building lines.

ii. A minimum of fifteen (15) percent of all parking areas shall be landscaped.

iii. A ten-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

f. *Lighting:*

i. All pole-mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height.

ii. All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., shall be set back a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be shut off by 10:00 p.m.

iii. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.

g. *Screening:*

i. There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines that are adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

ii. There shall be a three-foot high landscaped berm along all street frontages where parking occurs.

h. *Access:*

i. All places of worship must have primary access to a street classified in the Transportation Master Plan as a minor collector or greater.

ii. Access to a local or local collector residential street is prohibited when the primary worship center, auditorium, or other major gathering place exceeds three thousand (3,000) square feet.

i. *Operations:* No outdoor activities shall be permitted after 10:00 p.m.

j. *Noise:* Outdoor speakers or paging systems are not allowed.

(9) Subject to the requirements of Sections 1.904., 3.100., and 7.200.

(10) Subject to the requirements of Sections 1.400., 3.100., and 7.200.

(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. 2636, § 1, 2-15-94; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3697, § 1(Exh. 1), 9-26-06; Ord. No. 3879, § 1(Exh. § 6), 3-2-10; Ord. No. 3899, § 1(Res. No. 8342, Exh. A, § 4), 8-30-10; Ord. No. 3920, § 1(Exh. §§ 24, 25), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 25, 26), 4-3-12; Ord. No. 4140, § 1(Res. No. 9643, Exh. A, § 2), 2-25-14; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 74, 75), 5-

6-14; Ord. No. 4288, § 1(Res. No. 10650, § 1, Exh. A), 11-14-16; Ord. No. 4326, § 1(Res. No. 10963, § 1(Exh. A)), 12-5-17; Ord. No. 4365, § 1(Res. No. 11261, § 1(Exh. A, § 5)), 11-13-18)

Sec. 5.103. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 8), adopted Aug. 25, 2014, repealed § 5.103 which pertained to approvals required and derived from Ord. No. 3225, § 1, adopted May 4, 1999.

Sec. 5.104. - Property development standards.

The following property development standards shall apply to all land and buildings in the R1-43 District:

A. *Lot area.*

1. Each lot shall have a minimum lot area of not less than forty-three thousand (43,000) 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 lot width of 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 forty (40) feet.

b. Where lots have a double frontage on two (2) streets, the required front yard of forty (40) feet shall be provided on both streets.

c. On a corner lot, the required front yard of forty (40) feet shall be provided on each street. No accessory buildings shall be con-structed 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 twenty (20) feet on each side of a building.

3. Rear Yard. There shall be a rear yard having a depth of not less than thirty-five (35) 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 forty (40) feet.

G. *Walls, fences and landscaping.* Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side and rear yard. Walls, fences and hedges up to twelve (12) feet in height are allowed subject to a twenty-foot setback from the side and rear property line. Walls, fences and hedges up to three (3) feet in height are allowed 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 within 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 of the longer street frontage need only conform to the side yard requirements.

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. 2509, § 1, 6-1-93; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 27, 28), 4-3-12)

Sec. 5.105. - Off-street parking.

The provisions of article IX shall apply.

Sec. 5.106. - Signs.

The provisions of article VIII shall apply.

Sec. 5.107.

[Repealed by Ordinance No. 1575.]

Sec. 5.200. - Single-family Residential (R1-35).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 29), 4-3-12)

Sec. 5.201. - Purpose.

This district is intended to promote and preserve residential development. The minimum lot size, although less than one (1) acre, still results in 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.

Sec. 5.202. - 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. Any use shown as permitted in Table 5.102., subject to the use limitations as listed.

B. *Uses permitted by conditional use permit* .

1. Any use shown as permitted by conditional use permit in Table 5.102., subject to the use limitations as listed, and any additional conditional use permit criteria.

(Ord. No. 3048, § 2, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3493, § 1, 3-4-03; Ord. No. 4365, § 1(Res. No. 11261, § 1(Exh. A, § 5)), 11-13-18)

Sec. 5.203. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 9), adopted Aug. 25, 2014, repealed § 5.203 which pertained to approvals required and derived from Ord. No. 3225, § 1, adopted May 4, 1999.

Sec. 5.204. - Property development standards.

The following property development standards shall apply to all land and buildings in the R1-35 District:

A. *Lot area.*

1. Each lot shall have a minimum lot area of not less than thirty-five thousand (35,000) 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 dimension.*

1. Width. All lots shall have a minimum width of one hundred thirty-five (135) feet.

C. *Density.* There shall not be 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 provided in article VII.

E. *Yards.*

1. Front Yard.

a. There shall be a front yard having a depth of not less than forty (40) feet.

b. Where lots have a double frontage on two (2) streets, the required front yard of forty (40) feet shall be provided on both streets.

c. On a corner lot, the required front yard of forty (40) 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 side yards of not less than fifteen (15) feet on each side of a building.

3. Rear Yard. There shall be a rear yard having a depth of not less than thirty-five (35) feet.

4. Other requirements and exceptions as specified in article VII.

F. *Distance between buildings.*

1. There shall not be 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 thirty (30) feet.

G. *Walls, fences and landscaping.* Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side or rear yard. Walls, fences and hedges up to three (3) feet in height are allowed 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 within 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 longer street frontage need only conform to the side yard requirements.

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. 2509, § 1, 6-1-93; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 30, 31), 4-3-12)

Sec. 5.205. - Off-street parking.

The provisions of article IX shall apply.

Sec. 5.207. - Signs.

The provisions of article VIII shall apply.

Sec. 5.300. - Single-family Residential (R1-18).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 32), 4-3-12)

Sec. 5.301. - Purpose.

This district is intended to promote and preserve residential development. Lot size is such that a low density of population is still maintained. Land use is composed chiefly of individual homes, together with required recreation, religious and educational facilities as the basic elements of a balanced neighborhood.

Sec. 5.302. - Use regulations.

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

1. Any use shown as permitted in Table 5.102., subject to the use limitations as listed.

B. *Uses permitted by conditional use permit* .

1. Any use shown as permitted by conditional use permit in Table 5.102., subject to the use limitations as listed, and any additional conditional use permit criteria.

(Ord. No. 3048, § 2, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3493, § 1, 3-4-03; Ord. No. 4365, § 1(Res. No. 11261, § 1(Exh. A, § 5)), 11-13-18)

Sec. 5.303. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 10), adopted Aug. 25, 2014, repealed § 5.303 which pertained to approvals required and derived from Ord. No. 3225, § 1, adopted May 4, 1999.

Sec. 5.304. - Property development standards.

The following property development standards shall apply to all land and buildings in the R1-18 district:

A. *Lot area.*

1. Each lot shall have a minimum area of not less than eighteen thousand (18,000) 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.*

1. Width. All lots shall have a minimum width of one hundred twenty (120) feet.

C. *Density.* There shall not be 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 thirty-five (35) feet.

b. Where lots have a double frontage on two (2) streets, the required front yard of thirty-five (35) feet shall be provided on both streets.

c. On a corner lot, the required front yard of thirty-five (35) feet shall be provided on each street. *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 on each side of a building having a width of not less than ten (10) feet.

3. Rear Yard. There shall be a rear yard having a depth of not less than thirty (30) 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 not be less than twenty (20) feet.

G. *Walls, fences and landscaping.* Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side or rear yard. Walls, fences and hedges up to three (3) feet in height are allowed 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 within 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 longer street frontage need only conform to the side yard requirements.

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.

(Ord. No. 2509, § 1, 6-1-93; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 33), 4-3-12)

Sec. 5.305. - Off-street parking.

The provisions of article IX shall apply.

Sec. 5.306. - Signs.

The provisions of article VIII shall apply.

Sec. 5.400. - Single-family Residential (R1-10).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 34), 4-3-12)

Sec. 5.401. - Purpose.

This district is intended to promote and preserve residential development. Lot size permits a higher density of population. Land use is composed chiefly of individual homes, together with required recreational, religious and educational facilities as the basic elements of a balanced neighborhood.

Sec. 5.402. - 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. Any use shown as permitted in Table 5.102., subject to the use limitations as listed.

B. *Uses permitted by conditional use permit* .

1. Any use shown as permitted by conditional use permit in Table 5.102., subject to the use limitations as listed, and any additional conditional use permit criteria.

(Ord. No. 3048, § 2, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3493, § 1, 3-4-03; Ord. No. 4365, § 1(Res. No. 11261, § 1(Exh. A, § 5)), 11-13-18)

Sec. 5.403. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 11), adopted Aug. 25, 2014, repealed § 5.403 which pertained to approvals required and derived from Ord. No. 3225, § 1, adopted May 4, 1999.

Sec. 5.404. - Property development standards.

The following property development standards shall apply to all land and buildings in the R1-10 district:

A. *Lot area.*

1. Each lot shall have a minimum area of not less than ten thousand (10,000) 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 dimension.*

1. Width. All lots shall have a minimum width of eighty (80) feet.

C. *Density.* There shall not be more than one (1) single-family 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 thirty (30) feet.

b. Where lots have a double frontage on two (2) streets, the required front yard of thirty (30) feet shall be provided on both streets.

c. Where a lot is located at the intersection of two (2) or more streets, there shall be a yard conforming to the front yard requirements on the street with the narrowest frontage and a yard of not less than fifteen (15) feet on the intersecting street. *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 on each side of a building having an aggregate width of not less than seven (7) feet.

3. Rear Yard. There shall be a rear yard having a depth of not less than twenty-five (25) feet.

a. The main building or additions to the main building may extend into the required rear yard subject to the following requirements:

(1) The main building or additions to the main building shall be set back fifteen (15) feet from the rear property line.

(2) The main building or addition to the main building shall not occupy more than thirty (30) percent of the area between the rear setback line and the rear property line.

4. Other requirements and exceptions as specified in article VII.

F. *Distance between buildings.*

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

2. The minimum distance between main buildings on adjacent lots shall not be less than fourteen (14) feet.

G. *Walls, fences and landscaping.* Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side or rear yard. Walls, fences and hedges up to three (3) feet in height are allowed 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 within 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 longer street frontage need only conform to the side yard requirements.

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.

(Ord. No. 2509, § 1, 6-1-93; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 35), 4-3-12)

Sec. 5.405. - Off-street parking.

The provisions of article IX shall apply.

Sec. 5.406. - Signs.

The provisions of article VIII shall apply.

Sec. 5.500. - Single-family Residential (R1-7).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 36), 4-3-12)

Sec. 5.501. - Purpose.

This district is intended to promote and preserve urban single-family residential development. Lot size permits the highest density of population attainable in a single-family residential district. The principal land use is a single-family dwelling. Uses incidental or accessory to dwellings, recreations, religious and educational facilities are included.

Sec. 5.502. - 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. Any use shown as permitted in Table 5.102., subject to the use limitations as listed.

B. *Uses permitted by conditional use permit* .

1. Any use shown as permitted by conditional use permit in Table 5.102., subject to the use limitations as listed, and any additional conditional use permit criteria.

(Ord. No. 3048, § 2, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3493, § 1, 3-4-03; Ord. No. 4365, § 1(Res. No. 11261, § 1(Exh. A, § 5)), 11-13-18)

Sec. 5.503. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 12), adopted Aug. 25, 2014, repealed § 5.503 which pertained to approvals required and derived from Ord. No. 3225, § 1, adopted May 4, 1999.

Sec. 5.504. - Property development standards.

The following property development standards shall apply to all land and buildings in the R1-7 district:

A. *Lot area.*

1. Each lot shall have a minimum area of not less than seven thousand (7,000) 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 seventy (70) feet.

C. *Density.* There shall not be 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.* Except as otherwise provided in this Section 5.504:

1. *Front yard.* Each lot shall have a front yard with a minimum depth of twenty (20) feet.

2. *Side yard.* Each lot shall have two (2) side yards with a minimum depth of five (5) feet.

3. *Rear yard.* Each lot shall have a rear yard with a minimum depth of twenty-five (25) feet or twenty-two (22) feet where the property owner has dedicated a minimum of eight (8) feet for alley purposes.

4. *Double frontage lot yards.* A double frontage lot shall have a front yard with a minimum depth of twenty (20) feet, and a rear yard with a minimum depth of twenty-five (25) feet. The Zoning Administrator shall determine which yard is the front yard of a double frontage lot.

5. *Corner lot yards.* A corner lot shall have a front yard with a minimum depth of twenty (20) feet on the shorter street frontage, and a yard with a minimum depth of five (5) feet on the longer street frontage. However, if a corner lot abuts a key lot or an alley adjacent to a key lot, the yard on the longer street frontage shall have a minimum depth of ten (10) feet.

6. All yards shall conform to Article VII.

F. *Distance between buildings.* There shall not be less than five (5) feet between an accessory building and any main building.

G. *Walls, fences and hedges.*

1. Front yards. Walls, fences and hedges with a maximum height of three (3) feet are allowed on the front property line or in the front yard. However, walls, fences and hedges with a maximum height of six (6) feet are allowed in the front yard if:

   a. Not more than forty (40) percent of the front yard set forth in E. above is enclosed, and

   b. A minimum setback of three (3) feet from the front property line is provided.

2. Side and rear yards. Walls, fences and hedges with a maximum height of eight (8) feet are allowed on the side or rear property line or in the side or rear yard.

3. Corner lot yards. Except as provided in Article VII, walls, fences and hedges:

   a. With a maximum height of three (3) feet are allowed in the front yard of a corner lot on the shorter street frontage.

   b. With a maximum height of six (6) feet are allowed in the front yard of a corner lot on the shorter street frontage if:

      i. Not more than forty (40) percent of the front yard set forth in E. above is enclosed, and

      ii. A minimum setback of three (3) feet from the front property line is provided.

   c. With a maximum height of six (6) feet are allowed:

      i. In the yard on the longer street frontage between the setback of the main building and the rear property line, or

      ii. On the property line on the longer street frontage between the setback of the main building and the rear property line.

4. The height of any wall, fence or hedge is measured from within the enclosure.

H. *Main buildings and additions to main buildings.*

1. The main building and an addition to the main building may extend into the rear yard if:

   a. It is set back a minimum of fifteen (15) feet from the rear property line or twelve (12) feet where the property owner has dedicated a minimum of eight (8) feet for alley purposes, and

   b. It does not occupy more than thirty (30) percent of the area of the rear yard as set forth in E. above.

2. A patio cover and/or covered porch is allowed in the front yard if:

   a It is structurally integrated with compatible building materials to, and not taller than, the main building's roof;

   b. It is set back a minimum of ten (10) feet from the front property line; and

   c. The combined area of the patio cover and covered porch does not encompass more than twenty-two (22) percent of the front yard set forth in E. above.

3. A carport attached to the main building is allowed in the front yard if:

a. It is structurally integrated with compatible building materials to the main building's roof,

b. It is set back a minimum of ten (10) feet from the front property line,

c. It does not encompass more than twenty (20) percent of the front yard set forth in E. above,

d. The entrance to the carport is perpendicular to the street, and

e. It is constructed so that a minimum of twenty-five (25) percent of the front side shall remain open.

4. Regardless of the distance between buildings set forth in F. above, a carport attached to the main building is allowed in the side yard and on the side property line if:

a. It is structurally integrated with compatible building materials to the main building's roof;

b. It does not abut a carport, garage or similar structure on the adjacent lot; and

c. The property owner adjacent to the proposed carport grants to the City a five-foot wide nonbuildable easement, on a City form, recorded with the Maricopa County Recorder's Office and filed with the City.

I. *Accessory buildings and structures.*

1. *On any lot:*

a. No accessory building shall be located in the front yard.

b. No accessory building shall be located in the side yard between the front and rear building planes of the main building.

c. No accessory building shall be constructed closer than two (2) feet to any side or rear lot line. However, an accessory building used as a garage or carport may be constructed on the rear lot line with the entrance to the garage or carport perpendicular to the alley.

d. Any accessory building within a side yard or required rear yard, or accessory building used as a garage or carport with the entrance to the garage or carport perpendicular to the alley, which is more than twelve (12) feet in height shall be set back one (1) additional foot for each foot of building height above twelve (12) feet.

e. An electric or gas fire place is allowed in the front yard if:

i. It does not exceed six (6) feet in height;

ii. It is within the area enclosed by a wall;

iii. The wall encloses not more than forty (40) percent of the front yard as set forth in E. above, and is setback a minimum of three (3) feet from the property line.

2. *On a corner lot:*

a. No accessory building shall be located in the front yard or in the yard on the longer street frontage.

b. A private garage, whether attached or detached, with perpendicular access through the yard on the longer street frontage, shall be located a minimum of twenty (20) feet from the right-of-way line.

J. *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.

(Ord. No. 2557, § 1, 5-4-93; Ord. No. 2509, § 1, 6-1-93; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3760, § 2, 11-6-07; Ord. No. 3853, § 1, 10-5-10; Ord. No. 3920, § 1(Exh. § 26), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 37), 4-3-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 76—78), 5-6-14)

Sec. 5.505. - Off-street parking.

The provisions of article IX shall apply.

Sec. 5.506. - Signs.

The provisions of article VIII shall apply.

Sec. 5.550. - Single-family Residential (R1-5).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 38), 4-3-12)

Sec. 5.551. - Purpose.

This district is intended to provide an urban single-family residential development. This district is the most intense single-family district and provides a patio home style of development. It should provide a transition between attached and multi-family residential areas and modest density single-family areas. Uses incidental or accessory to dwellings, recreational, religious and educational facilities are included.

(Ord. No. 2293, § 1, 5-15-90)

Sec. 5.552. - Use regulations.

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

1. Any use shown as permitted in Table 5.102., subject to the use limitations as listed.

B. *Uses permitted by conditional use permit* .

1. Any use shown as permitted by conditional use permit in Table 5.102., subject to the use limitations as listed, and any additional conditional use permit criteria.

(Ord. No. 2293, § 1, 5-15-90; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3493, § 1, 3-4-03; Ord. No. 4365, § 1(Res. No. 11261, § 1(Exh. A, § 5)), 11-13-18)

Sec. 5.553. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 13), adopted Aug. 25, 2014, repealed § 5.553 which pertained to approvals required and derived from Ord. No. 2293, § 1, adopted May 15, 1990, and Ord. No. 3225, § 1, adopted May 4, 1999.

Sec. 5.554. - Property development standards.

The following property development standards shall apply to all land and buildings in the R1-5 District:

A. *Lot area.*

1. Each lot shall have a minimum area of not less than four thousand seven hundred (4,700) square feet.

B. *Lot dimensions.*

1. Low width. All lots shall have a minimum width of forty-five (45) feet. All corner lots at the intersection of two (2) streets shall have a minimum width of fifty-five (55) feet.

2. Lot depth. All lots shall have a minimum depth of eight-five (85) feet.

C. *Density.* There shall not be 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 which provides the following setbacks:

i. Fifteen (15) feet from the property line to the main building.

b. Where lots have double frontage on two (2) streets the required yard where access is not provided shall be:

i. Fifteen (15) feet from the property line where the street is a local residential street; or

ii. Twenty-five (25) feet from the property line where the street is a collector, arterial, parkway, expressway or freeway classification.

These requirements do not apply to fences and walls, pools and accessory buildings.

c. Where the lot is located at the intersection of two (2) or more streets there shall be a yard conforming to the front yard requirements on the street with the narrowest frontage and a yard of not less than ten (10) feet in depth from property line to the main building.

2. Side Yards.

a. There shall be a side yard on each side of a building of zero feet or five (5) feet or more.

b. There shall be an aggregate side yard width of ten (10) feet.

c. If there is to be a side yard setback of zero feet, all side yards for lots within the residential block where the zero side yards occur shall be clearly identified on the recorded subdivision plat.

3. Rear Yard. There shall be a rear yard of:

a. Fifteen (15) feet where the rear yard abuts the following districts: Single-family Residential R1-5, Medium Density Residential R-3, Townhouse Residential R-4, Resort/Townhouse Residential R-4R, Multiple-family Residential R-5, Service Residential S-R, Regional Shopping Center C-S, Neighborhood Commercial C-1, Central Business C-2, Highway Commercial C-3, General Commercial C-4, Support Services SS, Commercial Office C-O, Planned Convenience Center PCoC, Planned Neighborhood Center PNC, Planned Community Center PCC, Planned Regional Center PRC, Downtown D, Light Employment I-G, Industrial Park I-1, Conservation Open Space COS, Open Space OS, Environmentally Sensitive Lands ESL; or

b. Twenty-five (25) feet where the rear year abuts other single-family residential districts, as shown on Table 4.100.A., or the single-family residential portion of a Planned

Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A.

4. Other requirements and exceptions as specified in Article VII.

F. *Garage setbacks.*

1. The garage or carport shall be set back from the back of street improvements according to the following table:

Angle of the face of the garage from parallel to the street	Minimum setback
0° (parallel) to 29°	20′
30° to 44°	17′
45° to 59°	14′
60° +	10′

In no case shall the garage or carport face be closer to the property line than ten (10) feet.

2. The sides and rear walls of a garage or carport shall conform to the standard main building yard requirements.

G. *Distance between buildings.*

1. There shall not be less than eight (8) feet between an accessory building and main building.

2. The minimum distance between main buildings on adjacent lots shall not be less than ten (10) feet.

H. *Buildings, walls, fences and landscaping.*

1. Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side or rear yard. Walls, fences and hedges up to three (3) feet in height are allowed on the front property line or within the required front yard except as provided in Article VII, subsection E.1.b. above and subsection 2. below. The height of the wall or fence is measured from within the enclosure.

2. In the front yard walls and fences a maximum of six (6) feet in height are allowed provided:

   a. The yard enclosed by such wall or fence shall not include more than thirty-three (33) percent of the area between the front property line and the front setback line.

   b. The wall or fence shall be set back three (3) feet from the front property line.

   c. The provisions of Section 7.104 shall apply on corner lots.

3. In the required front yard patio covers are allowed when in conjunction with the enclosure of the front yard (as provided in Section 5.554.H.2) subject to the following requirements:

a. The area encompassed by the patio cover shall not include more than twenty (20) percent of the area between the front property line and the front setback line.

b. The patio cover shall be set back a minimum of ten (10) feet from the front property line.

c. The patio cover shall be structurally integrated with similar or compatible building materials to the roof system of the main building.

d. The patio cover shall be constructed so that a minimum of fifty (50) percent of the roof structure is open and unobstructed to the sky.

I. *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.

(Ord. No. 2293, § 1, 5-15-90; Ord. No. 2509, § 1, 6-1-93; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 39—41), 4-3-12)

Sec. 5.555. - Off-street parking.

The provisions of article IX shall apply.

(Ord. No. 2293, § 1, 5-15-90)

Sec. 5.556. - Signs.

The provisions of article VIII shall apply.

(Ord. No. 2293, § 1, 5-15-90)

Sec. 5.600. - Two-family Residential (R-2).

(Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 14), 8-25-14)

Sec. 5.601. - Purpose.

This district is intended to permit two-family dwellings; use incidental or accessory to dwellings; recreational, religious, educational facilities are included.

Sec. 5.602. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 15), adopted Aug. 25, 2014, repealed § 5.602 which pertained to approvals required and derived from Ord. No. 3225, § 1, adopted May 4, 1999.

Sec. 5.603. - 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. Any use shown as permitted in Table 5.102., subject to the use limitations as listed.

2. Dwellings, two-family.

B. *Uses permitted by conditional use permit* .

1. Any use shown as permitted by conditional use permit in Table 5.102., subject to the use limitations as listed, and any additional conditional use permit criteria.

(Ord. No. 3048, § 2, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3493, § 1, 3-4-03; Ord. No. 4365, § 1(Res. No. 11261, § 1(Exh. A, § 5)), 11-13-18)

Sec. 5.604. - Property development standards.

The following property development standards shall apply to all land and buildings in the R-2 district:

A. *Lot area.*

1. Each lot used for single-family or two-family residential purposes shall have a minimum lot area of eight thousand (8,000) 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 lots may be used for any purpose permitted in this section.

B. *Lot dimension.* Each lot used for single-family or two-family residential purposes shall have a width of not less than seventy (70) feet.

C. *Density.* There shall not be more than one (1) single-family or one (1) two-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 twenty (20) feet.

b. Where lots have a double frontage, the required front yard shall be provided on both streets.

c. Where a lot is located at the intersection of two (2) or more streets, one (1) yard shall conform to the front yard requirements and one (1) yard shall have a depth of not less than ten (10) feet; provided, however, the buildable width of a lot of record at the time of passage of this ordinance need not be reduced to less than thirty (30) feet.

d. No accessory building shall project into yards required to conform with the front yard requirements.

2. Side Yard. There shall be side yards on each side of a building having an aggregate width of not less than fourteen (14) feet; provided, however, the minimum side yard shall not be less than five (5) feet in width.

3. Rear Yard. There shall be a rear yard having a depth of not less than thirty (30) feet.

4. Other requirements and exceptions as specified in article VII.

F. *Distance between buildings.*

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

2. The minimum distance between main buildings on adjacent lots shall be fourteen (14) feet.

G. *Buildings, walls, fences and landscaping.* Walls, fences and hedges not to exceed six (6) feet in height shall be permitted on the property line or within the required side or rear yard. Walls,

fences and hedges shall not exceed three (3) feet in height on the required front property line or within the required front yard except as provided in article VII.

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.

(Ord. No. 2509, § 1, 6-1-93)

Sec. 5.605. - Off-street parking.

The provisions of article IX shall apply.

Sec. 5.606. - Signs.

The provisions of article VIII shall apply.

Sec. 5.700. - Medium Density Residential (R-3).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 42), 4-3-12)

Sec. 5.701. - Purpose.

This district is intended to fulfill the need for medium density residential development. The property development standards are designed to allow maximum flexibility while maintaining an environment compatible with single-family neighborhoods. This district will generally serve as an integral part of the neighborhood, allowing for a variety of housing types.

Sec. 5.702. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 16), adopted Aug. 25, 2014, repealed § 5.702 which pertained to approvals required and derived from Ord. No. 3225, § 1, adopted May 4, 1999.

Sec. 5.703. - 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. Any use shown as permitted in Table 5.703., subject to the use limitations as listed.

B. *Uses permitted by conditional use permit* .

1. Any use shown as permitted by conditional use permit in Table 5.703., subject to the use limitations as listed, and any additional conditional use permit criteria.

Table 5.703. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Accessory buildings including private garages, swimming pools, and	P

recreation buildings and courts	
2. Accessory uses including home occupation	P (1)
3. Community buildings and recreational facilities not publicly owned, such as: athletic fields, boys' clubs, commercial stables, ranches, and tennis clubs (see Section 1.403. for criteria)	CU
4. Day care home	P
5. Dwelling unit(s), including Vacation rental or Short-term rental	P
6. Educational service, elementary and secondary school (see Section 1.403. for criteria)	CU (2) (3)
7. Educational service, other than elementary and secondary school, colleges and universities only (see Section 1.403. for criteria)	CU (2)
8. Group home	P
9. Model home, temporary sales office/buildings	P (4)
10. Municipal uses	P
11. Place of worship	P (5)
12. Residential health care facility (see Section 1.403. for criteria, except as modified in Section 5.704.C.)	CU
13. Wireless communication facility, Type 1, 2 and 3	P (6)
14. Wireless communication facility, Type 4	CU (7)

Use Limitations:

(1) The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.

(2) Conditional use permit is not required for public or charter educational services.

(3) Educational service, charter school: minimum lot size is forty-three thousand (43,000) square feet.

(4) For uses incidental to construction work and/or home sales, to be removed upon completion or abandonment of construction work and/or home sales.

(5) Place of worship subject to compliance with the following standards, as well as those otherwise required in the underlying District:

a. *Lot area:* The minimum lot area shall be equal to that required for the district, except that no lot shall be less than twenty thousand (20,000) square feet (net).

b. *Floor area ratio:* In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.

c. *Building height:* Development Review Board may allow building heights, including towers, spires, and mechanical equipment (such equipment must be screened) limited to thirty (30) feet in height, and may allow a maximum of ten (10) percent of the roof area to exceed the height limit by fifteen (15) feet. Height and location are subject to the Development Review Board review and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods. (This provision supersedes Section 7.100. through 7.102., exceptions to height restrictions, which shall not apply to churches within the underlying District.)

d. *Required open space:*

i. Minimum: 0.24 multiplied by the net lot area.

ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.

iii. NAOS may be included in the required open space.

e. *Parking:*

i. Parking shall observe the minimum front yard setbacks of the underlying District for all frontages. On streets classified in the Transportation Master Plan as major arterial or greater, parking may be located between the established front building line and the front yard setback. On all other street classifications, parking shall be located behind the established front building lines.

ii. A minimum of fifteen (15) percent of all parking areas shall be landscaped.

iii. A ten-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

f. *Lighting:*

i. All pole-mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height.

ii. All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., shall be set back a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be shut off by 10:00 p.m.

iii. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.

g. *Screening:*

i. There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines that are adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

ii. There shall be a three-foot high landscaped berm along all street frontages where parking occurs.

h. *Access:*

i. All places of worship must have primary access to a street classified in the Transportation Master Plan as a minor collector or greater.

ii. Access to a local or local collector residential street is prohibited when the primary worship center, auditorium, or other major gathering place exceeds three thousand (3,000) square feet.

i. *Operations:* No outdoor activities shall be permitted after 10:00 p.m.

j. *Noise:* Outdoor speakers or paging systems are not allowed.

(6) Subject to the requirements of Sections 1.904., 3.100., and 7.200.

(7) Subject to the requirements of Sections 1.400., 3.100., and 7.200.

(Ord. No. 2430, § 1, 1-21-92; Ord. No. 2470, § 1, 6-16-92; Ord. No. 2510, § 1, 11-17-92; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3697, § 1(Exh. 1), 9-26-06; Ord. No. 3811, § 1, 11-17-08; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 79), 5-6-14; Ord. No. 4288, § 1(Res. No. 10650, § 1, Exh. A), 11-14-16; Ord. No. 4326, § 1(Res. No. 10963, § 1(Exh. A)), 12-5-17; Ord. No. 4365, § 1(Res. No. 11261, § 1(Exh. A, § 5)), 11-13-18)

Sec. 5.704. - Property development standards.

The following property development standards shall apply to all land and buildings in the R-3 District:

A. *Required open space.*

1. Minimum open space: 0.36 multiplied by the net lot area distributed as follows.

a. Frontage open space minimum: 0.12 multiplied by the net lot area, except as follows:

i. Minimum: Twenty (20) square feet per one (1) linear foot of public street frontage.

ii. Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage.

b. The remainder of the minimum open space, less the frontage open space, shall be common open space.

2. Private outdoor living space.

a. First story dwelling units, minimum: 0.10 multiplied by the gross floor area of the unit.

b. Dwelling units above the first story, minimum: 0.05 multiplied by the gross floor area of the unit.

c. The private outdoor living space shall be located beside the dwelling unit which it serves and shall be for the exclusive use of the unit occupant(s), but is not part of the unit's gross floor area.

3. Parking areas and parking lot landscaping are not included in the required open space.

B. *Building height.*

1. No building shall exceed thirty (30) feet in height except as otherwise provided in article VII.

2. If the R-3 development abuts a single-family residential district or an alley abutting a single-family residential district, the building height may be limited to one (1) story as determined by Development Review Board approval.

C. *Density.*

1. The minimum gross land area per dwelling unit shall be three thousand three hundred seventy (3,370) square feet.

2. Specialized residential health care facility: the number of beds shall not exceed forty-three (43) beds per gross acre of land.

3. Minimal residential health care facility: the number of dwelling units shall not exceed twenty-two (22) dwelling units per gross acre of land.

D. *Building setback.*

1. Wherever an R-3 development abuts an R-1, R-4, R-4R or M-H district or an alley abutting any of those districts, a yard of not less than fifteen (15) feet shall be maintained, except that accessory buildings for purpose of storage or carports may be constructed to within fifteen (15) feet of the adjacent district boundary line.

2. Whenever an R-3 development abuts any district other than R-1, R-2, R-4, R-4R or M-H or abuts an alley adjacent to such other district, a building may be constructed on the property line. However, if any yard is to be maintained, it shall be not less than ten (10) feet in depth. Larger yards may be required by the Development Review [Board] or City Council if the existing or future development of the area around the site warrants such larger yards.

E. *Distance between buildings.* There shall be not less than ten (10) feet between an accessory building and the main building or between two (2) main buildings, except that an accessory building with two (2) or more open sides, one (1) of which is adjacent to the main building, may be built to within six (6) feet of the main building.

F. *Walls, fences and required screening.*

1. Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required yard areas, except within the required frontage open space, within which they may not exceed three (3) feet in height, or except as otherwise provided in article VII.

2. All parking areas shall be screened from view from all public streets.

3. All mechanical structures and appurtenances shall be screened as approved by the Development Review Board.

4. All storage and refuse areas shall be screened as determined by the Development Review Board.

G. *Access.* All lots shall have frontage on and have vehicular access from a dedicated street, unless a secondary means of permanent vehicle access has been approved by the Development Review Board.

(Ord. No. 1922, § 1, 11-4-86; Ord. No. 2509, § 1, 6-1-93; Ord. No. 2818, § 1, 10-17-95; Ord. No. 3811, § 1, 11-17-08; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 43, 44), 4-3-12)

Sec. 5.705. - Off-street parking.

The provisions of article IX shall apply.

Sec. 5.706. - Signs.

The provisions of article VIII shall apply.

Sec. 5.707. - Landscaping.

Unless otherwise provided, the provisions of Article X. apply.

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 45), 4-3-12)

Sec. 5.800. - Townhouse Residential (R-4).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 46), 4-3-12)

Sec. 5.801. - Purpose.

This district is intended to provide for relatively low density development having individual ownership and built-in privacy either in the form of party wall construction or enclosed yards and courts.

(Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 80), 5-6-14)

Sec. 5.802. - Development plan.

A. *Development Plan at time of rezoning.*

1. The Planning Commission or City Council may require any application for rezoning to the R-4 District to be accompanied by Development Plan which shall show the following:
    a. Topography.
    b. Proposed street system.
    c. Proposed block layouts.
    d. Proposed reservation for parks, parkways, playgrounds, recreation areas and other open spaces.
    e. Off-street parking space.
    f. Types of dwelling and portions of the area proposed therefor.
    g. Locations of dwellings, garages and/or parking spaces.
    h. A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed dwelling types.
    i. A tabulation of overall density per gross acres.
    j. Preliminary plans and elevations of the several dwelling types.

(Ord. No. 3225, § 1, 5-4-99; Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 17), 8-25-14)

Sec. 5.803. - Use regulations.

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

1. Any use shown as permitted in Table 5.803., subject to the use limitations as listed.

B. *Uses permitted by conditional use permit* .

1. Any use shown as permitted by conditional use permit in Table 5.803., subject to the use limitations as listed, and any additional conditional use permit criteria.

Table 5.803. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Accessory buildings including private garages, swimming pools, and recreation buildings and courts	P
2. Accessory uses including home occupation	P (1)
3. Community buildings and recreational facilities not publicly owned, such as: athletic fields, boys' clubs, commercial stables, ranches, and tennis clubs (see Section 1.403. for criteria)	CU
4. Day care home	P
5. Educational service, elementary and secondary school (see Section 1.403. for criteria)	CU (2) (3)
6. Educational service, other than elementary and secondary school, colleges and universities only (see Section 1.403. for criteria)	CU (2)
7. Group home	P
8. Model home, temporary sales office/buildings	P (4)
9. Municipal uses	P
10. Place of worship	P
11. Residential health care facility (see Section 1.403. for criteria, except as modified in Section 5.804.D.)	CU
12. Single-family dwelling having either party walls or walled courtyards,	P

including Vacation rental or Short-term rental	
13. Wireless communication facility, Type 1, 2 and 3	P (5)
14. Wireless communication facility, Type 4	CU (6)

Use Limitations:

(1) The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.

(2) Conditional use permit is not required for public or charter educational services.

(3) Educational service, charter school: minimum lot size is forty-three thousand (43,000) square feet.

(4) For uses incidental to construction work and/or home sales, to be removed upon completion or abandonment of construction work and/or home sales.

(5) Subject to the requirements of Sections 1.904., 3.100., and 7.200.

(6) Subject to the requirements of Sections 1.400., 3.100., and 7.200.

(Ord. No. 2394, § 1, 9-16-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3697, § 1(Exh. 1), 9-26-06; Ord. No. 3811, § 1, 11-17-08; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 81), 5-6-14; Ord. No. 4288, § 1(Res. No. 10650, § 1, Exh. A), 11-14-16; Ord. No. 4326, § 1(Res. No. 10963, § 1(Exh. A)), 12-5-17; Ord. No. 4365, § 1(Res. No. 11261, § 1(Exh. A, § 5)), 11-13-18)

Sec. 5.804. - Property development standards.

The following property standards shall apply to all land and buildings in the R-4 district:

A. *Minimum property size.*

1. Any property for which R-4 zoning is requested shall contain a minimum of eight thousand (8,000) square feet.

B. *Required common open space.*

1. Minimum: 0.10 multiplied by the total gross land area of the development, including landscape areas and recreation areas.
2. Accessory buildings for recreation may occupy up to 0.15 multiplied by the minimum required common open space.
3. This common open space is not required for developments with densities of less than five (5) units per acre.
4. The City Council may waive this common open space requirement based on the development's relationship with an existing public park or recreation area.

C. *Building height.*

1. The building height shall be as determined by Development Review Board except that no building shall exceed thirty (30) feet in height and except as otherwise provided in article VII.

2. If the R-4 development abuts a single-family residential district or an alley abutting a single-family residential district, the City Council may limit the building height to one (1) story as determined by Development Review Board.

D. *Density.*

1. The overall density shall not exceed one (1) dwelling unit per five thousand two hundred forty (5,240) square feet of gross land area.

2. Specialized residential health care facility: the number of beds shall not exceed twenty-eight (28) beds per gross acre of land.

3. Minimal residential health care facility: the number of units shall not exceed fourteen (14) dwelling units per gross acre of land.

E. *Building setback.*

1. Wherever an R-4 development abuts an R-1, R-4R or M-H district or an alley abutting any of those districts, the following shall apply:

   a. A yard of not less than fifteen (15) feet shall be maintained for the single story structures.

   b. An additional depth of ten (10) feet shall be provided for each additional story.

2. Within an R-4 development or wherever an R-4 development abuts any district other than R-1, R-4R or M-H, or abuts an alley adjacent to such other district, a building may be constructed on the property line. However, if any yard is to be maintained, it shall be not less than ten (10) feet in depth. Larger yards may be required by the Development Review [Board] or City Council if the existing or future development of the area around the site warrants such larger yards.

3. No building or part thereof shall be erected or altered in this district that is nearer a dedicated street than fifteen (15) feet except that the average setback from any dedicated street shall be twenty (20) feet.

   Exception:

   a. Where a lot is located at the intersection of two (2) or more streets the setback on one (1) street shall be not less than ten (10) feet.

4. No more than thirty (30) percent of the frontage dwelling units shall have living space above one (1) story in height that is located within fifty (50) feet of any dedicated street.

F. *Distance between buildings.*

1. There shall not be less than ten (10) feet between an accessory building and a main building or between two (2) main buildings, except that an accessory building with two (2) or more open sides, one (1) of which is adjacent to the main building, may be built to within six (6) feet of the main building.

G. *Walls, fences and required screening.*

1. Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required yard areas, except within the required frontage open space, within which they may not exceed three (3) feet in height, or except as otherwise provided in Article VII.

2. All parking areas shall be screened to a height of three (3) feet above the parking surface.

3. Storage and refuse areas shall be screened as determined by Development Review Board.

H. *Access.* Access shall be as determined by Development Review Board.

(Ord. No. 1922, § 1, 11-4-86; Ord. No. 2509, § 1, 6-1-93; Ord. No. 2818, § 1, 10-17-95; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3811, § 1, 11-17-08; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 47, 48), 4-3-12)

Sec. 5.805. - Off-street parking.

The provisions of article IX shall apply.

Sec. 5.806. - Signs.

The provisions of article VIII shall apply.

Sec. 5.807. - Landscaping.

Unless otherwise provided, the provisions of Article X. apply.

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 49), 4-3-12)

Sec. 5.900. - Resort/Townhouse Residential (R-4R).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 50), 4-3-12)

Sec. 5.901. - Purpose.

This district is intended primarily for self-contained accommodations which include recreational amenities and services customarily furnished at hotels, including the service of meals. Additionally, the district provides for residential development having either party walls or walled courtyards.

(Ord. No. 3069, § 1, 9-16-97)

Sec. 5.902. - Development plan.

A. *Development Plan at time of rezoning.*

1. The Planning Commission or City Council may require any application for rezoning to the R-4R District to be accompanied by a Development Plan which shall show the following:
   a. Topography.
   b. Proposed street system.
   c. Proposed block layouts.
   d. Proposed reservation for parks, parkways, playgrounds, recreation areas and other open spaces.
   e. Off-street parking space.
   f. Types of buildings and portions of the area proposed therefor.
   g. Locations of buildings, garages and/or parking spaces.

h. A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed building types.

i. A tabulation of overall density per gross acres.

j. Preliminary plans and elevations of proposed major buildings and any proposed dwelling types.

(Ord. No. 3225, § 1, 5-4-99; Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 18), 8-25-14)

Sec. 5.903. - 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. Any use shown as permitted in Table 5.903., subject to the use limitations as listed.

B. *Uses permitted by conditional use permit* .

1. Any use shown as permitted by conditional use permit in Table 5.903., subject to the use limitations as listed, and any additional conditional use permit criteria.

Table 5.903. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Accessory buildings including private garages, swimming pools, recreation buildings and courts, and walled driveway entrances	P
2. Accessory uses including home occupation	P (1)
3. Community buildings and recreational facilities not publicly owned, such as: athletic fields, boys' clubs, commercial stables, ranches, and tennis clubs (see Section 1.403. for criteria)	CU
4. Day care home	P
5. Dwelling unit(s) having party walls or walled courtyards, including Vacation rental or Short-term rental	P
6. Educational service, elementary and secondary school (see Section 1.403. for criteria)	CU (2) (3)
7. Educational service, other than elementary and secondary school, colleges and universities only (see Section 1.403. for criteria)	CU (2)

8. Golf course	CU
9. Group home	P
10. Model home, temporary sales office/buildings	P (4)
11. Municipal uses	P
12. Place of worship	P
13. Travel accommodation	P
14. Wireless communication facility, Type 1, 2 and 3	P (5)
15. Wireless communication facility, Type 4	CU (6)

Use Limitations:

(1) The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.

(2) Conditional use permit is not required for public or charter educational services.

(3) Educational service, charter school: minimum lot size is forty-three thousand (43,000) square feet.

(4) For uses incidental to construction work and/or home sales, to be removed upon completion or abandonment of construction work and/or home sales.

(5) Subject to the requirements of Sections 1.904., 3.100., and 7.200.

(6) Subject to the requirements of Sections 1.400., 3.100., and 7.200.

(Ord. No. 2323, § 1, 12-4-90; Ord. No. 2394, § 1, 9-16-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2571, § 1, 6-15-93; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3697, § 1(Exh. 1), 9-26-06; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 82), 5-6-14; Ord. No. 4288, § 1(Res. No. 10650, § 1, Exh. A), 11-14-16; Ord. No. 4326, § 1(Res. No. 10963, § 1(Exh. A)), 12-5-17; Ord. No. 4365, § 1(Res. No. 11261, § 1(Exh. A, § 5)), 11-13-18)

Sec. 5.904. - Property development standards.

The following property development standards shall apply to all land and buildings in the R-4R District:

A. *Lot area.* The overall site shall contain a minimum of seven and one-half (7½) acres prior to street dedications.

B. *Lot dimensions.*

1. Width. The overall site shall have a minimum width of three hundred (300) feet.

C. *Density.*

1. The minimum gross land area per guest room shall be four thousand one hundred (4,100) square feet.

2. The minimum gross land area per dwelling unit having either party walls or walled courtyards made available for rent, lease or sale shall be five thousand seven hundred seventy (5,770) square feet.

3. Buildings may cover an aggregate area of twenty-five (25) percent excluding parking areas.

4. The City Council may regulate concentrations of density by site plan approval.

D. *Building height.*

1. No building shall exceed thirty-five (35) feet in height.

E. *Overall side yard requirements.*

1. There shall be a yard a minimum of thirty (30) feet in depth adjacent to all perimeter property lines, including property lines abutting perimeter streets, except that the minimum yard shall be only twenty (20) feet adjacent to those perimeter property lines that abut districts other than a single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A.

2. Within one hundred (100) feet of any perimeter street or any single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A., all buildings shall be:

   a. Used only for guest rooms that are detached from central hotel facilities or for dwelling units.

   b. A maximum of one (1) story in height.

3. There shall be a yard a minimum of one hundred (100) feet in depth adjacent to all perimeter streets, maintained as open space except for vehicular access ways, unless buildings as allowed in 2. above are constructed.

4. Within fifty (50) feet of any district boundary line other than a single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A., or any property line abutting additional Resort/Townhouse Residential R-4R zoning, all buildings shall be:

   a. Used only for guest rooms that are detached from central hotel facilities or for dwelling units.

   b. A maximum of one (1) story in height.

F. *Walls, fences and landscaping.* Walls, fences and hedges up to eight (8) feet in height and walled driveway entrances up to six (6) feet in height are permitted, except that walls, fences and hedges up to three (3) feet in height in the required one hundred-foot yard along street frontages and in the ten (10) feet adjacent to the street where a thirty-foot setback is allowed along street frontages. Those yards must be maintained as landscape areas and may be penetrated by pedestrian and vehicular access ways only. Walled driveway entrances up to six

(6) feet in height are permitted within the setback requirements if such entrance is compatible with the surrounding development.

G. Other requirements and exceptions as specified in article VII.

(Ord. No. 1922, § 1, 11-4-86; Ord. No. 2509, § 1, 6-1-93; Ord. No. 2818, § 1, 10-17-95; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 51—53), 4-3-12)

Sec. 5.905. - Parking.

The provisions of article IX shall apply.

Sec. 5.906. - Signs.

The provisions of article VIII shall apply.

Sec. 5.907. - Landscaping.

Unless otherwise provided, the provisions of Article X. apply.

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 54), 4-3-12)

Sec. 5.1000. - Multiple-family Residential (R-5).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 55), 4-3-12)

Sec. 5.1001. - Purpose.

This district is intended to provide for development of multiple-family residential and allows a high density of population with a proportional increase in amenities as the density rises. The district is basically residential in character and promotes a high quality environment through aesthetically oriented property development standards.

Sec. 5.1002. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 19), adopted Aug. 25, 2014, repealed § 5.1002 which pertained to approvals required and derived from Ord. No. 3225, § 1, adopted May 4, 1999.

Sec. 5.1003. - 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. Any use shown as permitted in Table 5.1003., subject to the use limitations as listed.

B. *Uses permitted by conditional use permit* .

1. Any use shown as permitted by conditional use permit in Table 5.1003., subject to the use limitations as listed, and any additional conditional use permit criteria.

Table 5.1003. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Accessory buildings including private garages, swimming pools, and recreation buildings and courts	P
2. Accessory uses including home occupation	P (1)
3. Commercial and/or ham transmitting or receiving radio and television antennas in excess of seventy (70) feet	CU
4. Community buildings and recreational facilities not publicly owned, such as: athletic fields, boys' clubs, commercial stables, private lake, ranches, semi-private lake, and tennis clubs (see Section 1.403. for criteria)	CU
5. Day care home	P
6. Day care center	CU
7. Dwelling, single-family detached or attached, including Vacation rental or Short-term rental	P
8. Dwelling, multi-family	P
9. Educational service, elementary and secondary school (see Section 1.403. for criteria)	CU (2)
10. Educational service, other than elementary and secondary school, colleges and universities only (see Section 1.403. for criteria)	CU (2)
11. Golf course, regulation or par-three, that is incidental to and located within the development	CU
12. Group home	P
13. Model home, temporary sales office/buildings	P (3)
14. Municipal uses	P

15. Place of worship	P
16. Plant nursery (see Section 1.403. for criteria)	CU
17. Private club	CU
18. Public buildings other than hospitals	CU
19. Public utility buildings, structures or appurtenances thereto for public service uses	CU
20. Residential health care facility (see Section 1.403. for criteria)	CU
21. Travel accommodation	CU
22. Wireless communication facility, Type 1, 2 and 3	P (4)
23. Wireless communication facility, Type 4	CU (5)

Use Limitations:

(1) The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.

(2) Conditional use permit is not required for public or charter educational services.

(3) For uses incidental to construction work and/or home sales, to be removed upon completion or abandonment of construction work and/or home sales.

(4) Subject to the requirements of Sections 1.904., 3.100., and 7.200.

(5) Subject to the requirements of Sections 1.400., 3.100., and 7.200.

(Ord. No. 2266, § 1, 11-21-89; Ord. No. 2394, § 1, 9-16-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3697, § 1(Exh. 1), 9-26-06; Ord. No. 3899, § 1(Res. No. 8342, Exh. A. §§ 5, 6), 8-30-10; Ord. No. 3920, § 1(Exh. § 27), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 56), 4-3-12; Ord. No. 4140, § 1(Res. No. 9643, Exh. A, § 3), 2-25-14; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 83), 5-6-14; Ord. No. 4288, § 1(Res. No. 10650, § 1, Exh. A), 11-14-16; Ord. No. 4326, § 1(Res. No. 10963, § 1(Exh. A)), 12-5-17; Ord. No. 4365, § 1(Res. No. 11261, § 1(Exh. A, § 5)), 11-13-18)

Sec. 5.1004. - Property development standards.

The following property development standards shall apply to all land and buildings in the R-5 District.

A. *Minimum property size.*

1. Each parcel or lot within a development shall be a minimum net lot size of thirty-five thousand (35,000) square feet.

2. If an R-5 zoned parcel of land or a lot of record in separate ownership has an area of less than thirty-five thousand (35,000) square feet and has been lawfully established and recorded prior to the adoption of this requirement on October 2, 1979, such lot may be used for any purpose permitted in this section, subject to all other requirements of this ordinance.

B. *Required open space.*

1. Density based uses.

a. Minimum open space per Section 5.1004.D., distributed as follows:

i. Frontage open space minimum: 0.50 multiplied by the minimum open space per Section 5.1004.D., except as follows:

(1) Minimum: Twenty (20) square feet per one (1) linear foot of public street frontage.

(2) Not required to exceed more than fifty (50) square feet per one (1) linear foot of public street frontage.

ii. The remainder of the density based uses minimum open space per Section 5.1004.D., less the frontage open space, shall be common open space.

b. Private outdoor living space.

i. First story dwelling units, minimum: 0.10 multiplied by the gross floor area of the unit.

ii. Dwelling units above the first story, minimum: 0.05 multiplied by the gross floor area of the unit.

iii. The private outdoor living space shall be located beside the dwelling unit which it serves and shall be for the exclusive use of the unit occupant(s), but is not part of the unit's gross floor area.

2. Non-density based uses.

a. Minimum open space: 0.24 multiplied by the net lot area distributed as follows.

i. Frontage open space minimum: 0.50 multiplied by the minimum open space.

ii. The remainder of the non-density based uses minimum open space, less the frontage open space, shall be provided as common open space.

3. Parking areas and parking lot landscaping are not included in the required open space.

C. *Building height.*

1. No building shall exceed thirty-six (36) feet in height except as otherwise provided in article VII.

2. Building height shall not exceed one (1) story within fifty (50) feet of any R-1, R-2, R-3, R-4, R-4R or M-H district boundary line.

D. *Density requirements.* Compliance with the standards under columns 3 and 4 determine allowable density for dwelling and guest units.

ALLOWABLE DENSITY		STANDARDS	
1	2	3	4
Dwelling Units Per Acre (and corresponding gross land area per unit requirement)	Timeshare or Guest Units Per Acre (and corresponding gross land area per unit requirement)	Minimum Percentage of Net Lot Area to be maintained in Open Space	Minimum Percentage of the Tree Requirement to be provided in Mature Trees
17 (2562) or less	24 (1816) or less	22	40
18 (2422)	25.5 (1708)	25	50
19 (2292)	27 (1613)	28	60
20 (2180)	28.5 (1528)	31	70
21 (2074)	30 (1452)	34	80
22 (1980)	31.5 (1382)	37	90
23 (1890)	33 (1320)	40	100

E. *Building setback.*

1. Wherever an R-5 development abuts an R-1, R-2, R-3, R-4, R-4R or M-H district or an alley abutting any of those districts, a yard of not less than fifteen (15) feet shall be maintained.

2. Wherever an R-5 development abuts any district other than R-1, R-2, R-3, R-4, R-4R or M-H, or abuts an alley adjacent to such other district, a building may be constructed on the property line. However, if any yard is to be maintained, it shall be not less than ten (10) feet in depth. Larger yards may be required by the Development Review Board or City Council if the existing or future development of the area around the site warrants such larger yards.

F. *Distance between buildings.*

1. There shall not be less than ten (10) feet between an accessory building and a main building or between two (2) main buildings, except that an accessory building with two (2) or more open sides, one (1) of which is adjacent to the main building, may be built to within six (6) feet of the main building.

G. *Walls, fences and required screening.*

1. Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required yard areas, except within the required frontage open spaces, within which they may not exceed three (3) feet in height, or except as otherwise provided in article VII.
2. All parking areas adjacent to a public street shall be screened with a wall to a height of three (3) feet above the parking surface.
3. All mechanical structures and appurtenances shall be screened as approved by the Development Review Board.
4. All storage and refuse areas shall be screened as determined by Development Review [Board].

H. *Access.* All lots shall have frontage on and have vehicular access from a dedicated street, unless a secondary means of permanent vehicle access has been approved by the Development Review Board.

(Ord. No. 1840, § 1(5.1004), 10-15-85; Ord. No. 1922, § 1, 11-4-86; Ord. No. 2430, 1-21-92; Ord. No. 2509, § 1, 6-1-93; Ord. No. 2818, § 1, 10-17-95; Ord. No. 3225, § 1, 5-4-99; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 57, 58), 4-3-12)

Sec. 5.1005. - Off-street parking.

The provisions of article IX shall apply.

Sec. 5.1006. - Signs.

The provisions of article VIII shall apply.

Sec. 5.1007. - Landscaping.

Unless otherwise provided, the provisions of Article X. apply.

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 59), 4-3-12)

Sec. 5.1100. - Service Residential (S-R).[7]

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 60), 4-3-12)

Footnotes:

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Editor's note— Ord. No. 4176, § 1, adopted Nov. 18, 2014, repealed §§ 5.1101 and 5.1103—5.1107 and enacted new §§ 5.1101—5.1107 as set out herein. The former sections pertained to similar subject matter and derived from Ord. No. 1840, § 1, adopted Oct. 15, 1985; Ord. No. 2335, § 1, adopted Jan. 15, 1991; Ord. No. 2394, § 1, adopted Sept. 16, 1991; Ord. No. 2430, § 1, adopted Jan. 21, 1992; Ord. No. 2470, § 1, adopted June 16, 1992; Ord. No. 2509, § 1, adopted June 1, 1993; Ord. No. 2818, § 1, adopted Oct. 17, 1995; Ord. No. 2858, § 1, adopted Dec. 5, 1995; Ord. No. 3048, § 2, adopted Oct. 7, 1997; Ord. No. 3034, § 1, adopted Nov. 4, 1997; Ord. No. 3103, § 1, adopted Jan. 6, 1998; Ord. No. 3225, § 1, adopted May 4, 1999; Ord. No. 3493, § 1, adopted March 4, 2003; Ord. No. 3899, § 1(Res. No. 8342, Exh. A, § 7), adopted Aug. 30, 2010; Ord. No. 3920, § 1(Exh. § 28), adopted Nov. 9, 2010; Ord. No. 3926, § 1(Exh. § 2), adopted Feb. 15, 2011; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 61—65), adopted April 3, 2012; and Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 84), adopted May 6, 2014.

Sec. 5.1101. - Purpose.

This district is transitional, intended primarily to provide offices of a residential scale and character, to serve nearby neighborhoods; and secondarily, to offer medium density residential land uses. Strict property development standards lessen the impact of more intense land uses on adjacent single-family residential districts, while encouraging sensitive design.

(Ord. No. 4176, § 1, 11-18-14)

Sec. 5.1102. - Use regulations.

A. The uses allowed in the S-R District are shown in Table 5.1102.A. with additional limitations on uses as listed.

B. Drive-through and drive-in services are not permitted.

Table 5.1102.A. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Day care center with drop off or outdoor play area farther than 100 feet from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.	P (1)
2. Day care center with drop off or outdoor play area within 100 feet of a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.	CU (1)
3. Dwelling	P (1)
4. Educational service, elementary and secondary school	P (1) (2)
5. Educational service, other than elementary and secondary school	P
6. Financial institution	P
7. Medical and diagnostics laboratory	P
8. Municipal use	P

9. Office	P
10. Place of worship	P (1) (3)
11. Veterinary and pet care service	P (4)
12. Wireless communications facility, Type 1, 2, and 3	P
13. Wireless communications facility, Type 4	CU

Use Limitations:

(1) Uses are allowed except in the AC-3 area as described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended.

(2) Educational services, elementary and secondary school, are subject to the following standards:

a. Distance to adult use. Minimum: 1,320 feet.

b. Net lot area. Minimum: 43,000 square feet.

c. The facility shall not have outdoor speaker systems or bells.

d. Outdoor playgrounds and recreation areas shall be:

i. Located not less than 50 feet from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A;

ii. Located within the rear or side yard; and

iii. Enclosed and screened by a six-foot wall or fence.

e. A drop-off area accommodating a minimum of five vehicles shall be located along a sidewalk or landing area connected to the main entrance to the facility. This area shall not include internal site traffic aisles, parking spaces, or fire lanes.

f. Public trails or pedestrian connections shall link to the front door of the main building.

g. The circulation plan shall show minimal conflicts among the student drop-off area, any vehicle drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

h. Facilities located in the AC-2 area, described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended, shall be constructed with sound transmission requirements of the International Building Code (IBC).

(3) Places of worship are subject to the following standards:

a. *Net lot area.* Minimum: 20,000 square feet.

b. *Floor area ratio.* Maximum: 0.2.

c. *Building and structure height.*

i. Building height including mechanical equipment (such equipment shall be screened). Maximum: 30 feet.

However:

(1) Non-habitable steeples, towers and spires that cover a maximum of ten (10) percent of the roof area, maximum: 45 feet.

(2) Non-habitable freestanding steeples, towers and spires. Maximum: 45 feet.

ii. Building height exceptions contained in Article VII shall not apply.

d. *Required open space.*

i. Minimum: 0.24 multiplied by the net lot area.

ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.

iii. NAOS may be included in the required open space.

e. *Lighting.*

i. All pole mounted lighting shall be shielded, directed downward and a maximum of sixteen (16) feet in height.

ii. All lighting adjacent to residential districts shall be set back a minimum of thirty (30) feet from the property line.

iii. All lighting, other than security lighting, shall not be operated between 10:00 p.m. and 6:00 a.m.

f. *Screening.*

i. Screening shall be as approved by the Development Review Board.

g. *Access.*

i. All places of worship must have primary access to a street classified in the Transportation Master Plan as a minor collector or greater.

h. *Operations.*

i. No outdoor activities shall be permitted after 10:00 p.m.

ii. The use shall not have outdoor speakers.

(4) Veterinary and pet care services are permitted if all facilities are within a soundproof building. However, outdoor activities are permitted if:

a. An employee or pet owner shall accompany an animal at all times when the animal is outside the building.

b. All outdoor areas are maintained in a clean and sanitary condition, including immediate and proper disposal of animal waste.

c. The outdoor areas are set back at least 100 feet from any lot line abutting a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits.

d. There is no outdoor kennel boarding.

(Ord. No. 4176, § 1, 11-18-14)

Sec. 5.1103. - Property development standards.

The following property development standards shall apply to all land and buildings in the S-R District.

A. *Density.*

1. Maximum: 12 dwelling units per acre of gross lot area.

B. *Building height (excluding rooftop appurtenances).* Maximum: 18 feet.

C. *Required open space.*

1. Density based uses. Minimum open space: 0.36 multiplied by the net lot area.
2. Non-density based uses. Minimum open space: 0.24 multiplied by the net lot area.
3. Minimum open space is distributed as follows:
   a. Frontage open space minimum: 0.12 multiplied by the net lot area, except as follows:
      i. Lots with one (1) street frontage. Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage excluding driveways.
      ii. Lots with two (2) or more street frontages.
         (1) Minimum: Twenty (20) square feet per one (1) linear foot of public street frontage excluding driveways, for one (1) street.
         (2) Minimum: Ten (10) square feet per one (1) linear foot of public street frontage excluding driveways, for all other streets.
   b. The remainder of the minimum open space, less the frontage open space, shall be common open space.
4. Private outdoor living space.
   a. Ground floor dwelling units, minimum: 0.10 multiplied by the gross floor area of the unit.
   b. Above the ground floor dwelling units, minimum: 0.05 multiplied by the gross floor area of the unit.
   c. The private outdoor living space shall be located beside the dwelling unit which it serves and shall be for the exclusive use of the unit occupant(s), but is not part of the unit's gross floor area.
5. Parking areas and parking lot landscaping are not included in the required open space.
6. NAOS may be included in the required open space.

D. *Distance between buildings.*

1. Minimum: 10 feet between all buildings.
2. However an accessory building with two or more open sides, one which is adjacent to the main building, minimum: 6 feet to the main building.

E. *Walls and fences.*

1. On side and rear property lines, walls and fences are permitted. Maximum height: eight feet.
2. Within frontage open space: Maximum height: three feet.

F. *Screening.*

1. All operations shall be conducted within a completely enclosed building or within an area contained by a wall or fence as determined by Development Review Board approval.

(Ord. No. 4176, § 1, 11-18-14)

Sec. 5.1104. - General provisions.

Unless otherwise provided, the provisions of Article VII. shall apply.

(Ord. No. 4176, § 1, 11-18-14)

Sec. 5.1105. - Signs.

The provisions of Article VIII shall apply.

(Ord. No. 4176, § 1, 11-18-14)

Sec. 5.1106. - Off-street parking.

The provisions of Article IX shall apply.

(Ord. No. 4176, § 1, 11-18-14)

Sec. 5.1107. - Landscaping.

Unless otherwise provided, the provisions of Article X. shall apply.

(Ord. No. 4176, § 1, 11-18-14)

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

Editor's note— Ord. No. 4044, § 1(Res. No. 9210, § 1(Attach. § 1), adopted October 16, 2012, repealed §§ 5.1200—5.1207. Section 2 of said Attach. enacted provisions designated as new §§ 5.1200—5.1208. Prior to inclusion of said ordinance, said provisions pertained to similar subject matter. See also the Code Comparative Table.

Sec. 5.1201. - Purpose.

This district is intended to provide for regional shopping and business uses located along major arterials. The Regional Shopping Center (C-S) development is intended to result in a high quality setting for commercial development with large and small buildings grouped together in a related and cohesive environment.

(Ord. No. 4044, § 1(Res. No. 9210, § 1(Attach., § 2), 10-16-12)

Sec. 5.1202. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 21), adopted Aug. 25, 2014, repealed § 5.1202 which pertained to development review board approval and derived from Ord. No. 4044, § 1(Res. No. 9210, § 1, Attach., § 1), adopted Oct. 6, 2012.

Sec. 5.1203. - Use regulations.

A. The uses allowed in the C-S District are shown in Table 5.1203.A. with additional limitations on uses as listed.

B. Drive-through and drive-in services are not permitted in the Downtown Area.

Table 5.1203.A. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Bar	CU
2. Big box	P (1), CU (1)
3. Bowling alley	P
4. Carwash	CU
5. Day care center with drop off or outdoor play area farther than 100 feet from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.	P (2)
6. Day care center with drop off or outdoor play area within 100 feet of a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.	CU (2)
7. Educational service, elementary and secondary school	P (2) (3)
8. Financial institution, including drive-through and drive-in service	P
9. Furniture and home furnishing sales	P
10. Game center	CU
11. Gas station	CU
12. Live entertainment	CU

13. Medical and diagnostic laboratory	P
14. Municipal use	P
15. Office	P
16. Personal care service	P
17. Place of worship	P (2)
18. Plant nursery	P
19. Restaurant, including drive-in	CU
20. Restaurant, including drive-through	P
21. Retail	P
22. Theater	P (2)
23. Vehicle leasing, rental or sales with indoor vehicle display and storage located in an enclosed building	P (4)
24. Vehicle leasing, rental or sales with outdoor vehicle display and storage located more than 150 feet from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits	P (4)
25. Vehicle leasing, rental or sales with outdoor vehicle display and storage located 150 feet or less from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits	CU
26. Vehicle repair, located more than 150 feet from a residential district shown on Table 4.100.A., the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to	P (5)

the zoning district line all within the City limits	
27. Vehicle repair, located 150 feet or less from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits	CU
28. Veterinary, pet care service	P (6)
29. Wireless communications facility, Type 1, 2, and 3	P
30. Wireless communications facility, Type 4	CU

Use Limitations:

(1) Big box retail sales are not allowed in the Environmentally Sensitive Lands Overlay District and are subject to a conditional use permit if:

a. Primary access is from a local residential street, or

b. Residential property is located within 1,300 feet of the big box property line, except where the residential property is developed with nonresidential uses or separated from the big box by the Loop 101 Pima Freeway.

(2) Uses are allowed except in the AC-3 area as described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended.

(3) Educational services, elementary and secondary school, are subject to the following standards:

a. The facility shall be located not less than five hundred (500) feet from any adult use.

b. The net lot area for the facility shall be a minimum of forty-three thousand (43,000) square feet.

c. The facility shall not have outdoor speaker systems or bells.

d. A maximum of one-third (1/3) of the required parking may be shared parking with other uses located within six hundred (600) feet of the building front entrance.

e. Outdoor playgrounds and recreation areas shall be:

i. Located not less than fifty (50) feet from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A;

ii. Located within the rear or side yard; and

iii. Enclosed and screened by a six-foot wall or fence.

f. 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 facility. This area shall not include internal site traffic aisles, parking spaces, or fire lanes.

g. Public trails or pedestrian connections shall link to the front door of the main building, subject to Development Review Board approval.

h. The circulation plan shall show minimal conflicts among the student drop-off area, any vehicle drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

i. Facilities located in the AC-2 area, described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended, shall be constructed with sound transmission requirements of the International Building Code (IBC).

(4) Vehicle leasing, rental or sales with indoor vehicle display and storage located in an enclosed building is subject to the following standards:

a. Required parking shall not be used for vehicle storage or display.

b. None of the above criteria shall prohibit the Development Review Board from considering an application to reconstruct or remodel an existing vehicle leasing, rental or sales with indoor vehicle display and storage located in an enclosed building facility.

(5) The vehicle repair use is subject to the following standards:

a. All repairs shall be performed within an enclosed building.

b. Vehicles may only enter the rear of the building, except vehicles may enter the side of the building if the lot is:

i. A corner lot,

ii. A lot abutting a residential district shown on Table 4.100.A.,

iii. A lot abutting the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., or

iv. Separated by an alley from one (1) of the districts set forth in subsection b.ii. or b.iii. above.

c. If the lots meets any requirement of subsection b. above, and side entry bays are proposed, the side entry repair bays shall be screened from street views by solid masonry walls, and the landscape plan shall demonstrate to the Development Review Board's satisfaction, that the proposed screening does not impact the streetscape by exposing repair bays, unassembled vehicles, vehicle repair activities, or vehicle parts.

d. All vehicles awaiting repair shall be screened from view by a masonry wall or landscape screen.

e. Required parking shall not be used for vehicle storage.

f. None of the above criteria shall prohibit the Development Review Board from considering an application to reconstruct or remodel an existing vehicle repair facility.

(6) Veterinary and pet care services are permitted if all facilities are within a soundproof building. However, outdoor activities are permitted if:

a. An employee or pet owner shall accompany an animal at all times when the animal is outside the building.

b. The property owner and operator maintain all outdoor areas in a clean and sanitary condition, including immediate and proper disposal of animal waste.

c. The outdoor areas are set back at least one hundred (100) feet from any lot line abutting a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

d. There is no outdoor kennel boarding.

(Ord. No. 4044, § 1(Res. No. 9210, § 1(Attach., § 2), 10-16-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 85, 86), 5-6-14)

Sec. 5.1204. - Property development standards.

The following property development standards shall apply to all land and buildings in the C-S District.

A. *Property size.* Minimum: ten (10) acres gross lot area.

B. *Lot coverage.* Maximum: twenty-five (25) percent.

C. *Floor area ratio.* Maximum: 0.80.

D. *Building height (excluding rooftop appurtenances).* Maximum: thirty-six (36) feet.

E. *Required open space.*

1. Minimum: 0.10 multiplied by the net lot area.
2. For building heights over twelve (12) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twelve (12) feet.
3. Parking areas and parking lot landscaping are not included in the required open space.
4. NAOS may be included in the required open space.

F. *Yards.*

1. Front yard.
   a. Minimum twenty-five (25) feet.
   b. Parking is not allowed in required front yards.
2. Side and rear yards.
   a. Minimum fifty (50) feet, including any alley width, from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

G. *Screening.*

1. All operations and storage shall be conducted within a completely enclosed building or within an area contained by a wall or fence as determined by the Development Review Board approval.

(Ord. No. 4044, § 1(Res. No. 9210, § 1(Attach., § 2), 10-16-12)

Sec. 5.1205. - General provisions.

Unless otherwise provided, the provisions of Article VII. shall apply.

(Ord. No. 4044, § 1(Res. No. 9210, § 1(Attach., § 2), 10-16-12)

Sec. 5.1206. - Signs.

The provisions of Article VIII. shall apply.

(Ord. No. 4044, § 1(Res. No. 9210, § 1(Attach., § 2), 10-16-12)

Sec. 5.1207. - Off-street parking.

The provisions of Article IX. shall apply.

(Ord. No. 4044, § 1(Res. No. 9210, § 1(Attach., § 2), 10-16-12)

Sec. 5.1208. - Landscaping.

Unless otherwise provided, the provisions of Article X. shall apply.

(Ord. No. 4044, § 1(Res. No. 9210, § 1(Attach., § 2), 10-16-12)

Sec. 5.1300. - Neighborhood Commercial (C-1).

Editor's note— Ord. No. 4082, § 1(Res. No. 9410, Exh. A, § 1), adopted May 14, 2013, repealed §§ 5.1300—5.1307. Section 2 of said exhibit enacted provisions designated as new §§ 5.1300—5.1308. Prior to inclusion of said ordinance, said provisions pertained to similar subject matter. See also the Code Comparative Table.

Sec. 5.1301. - Purpose.

This district is intended to provide a center for convenience shopping and services for nearby neighborhoods. The district provides for small business retail and service establishments which supply commodities and services to meet the daily needs of the community.

(Ord. No. 4082, § 1(Res. No. 9410, Exh. A, § 2), 5-14-13)

Sec. 5.1302. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 22), adopted Aug. 25, 2014, repealed § 5.1302 which pertained to development review board approval and derived from Ord. No. 4082, § 1(Res. No. 9410, § 1, Exh. A, § 2), adopted May 14, 2013.

Sec. 5.1303. - Use regulations.

A. The uses allowed in the C-1 District are shown in Table 5.1303.A. with additional limitations on uses as listed.

B. Drive-through and drive-in services are not permitted in the Downtown Area.

Table 5.1303.A. Use Table

Land Uses	Permitted (P)

	or Conditional Use (CU)
1. Carwash	CU
2. Community buildings and recreational facilities not publicly owned	CU
3. Courier and messenger	P
4. Day care center with drop off or outdoor play area farther than one hundred (100) feet from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.	P (1)
5. Day care center with drop off or outdoor play area within one hundred (100) feet of a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.	CU (1)
6. Dwelling units physically integrated with business establishments (limited to one (1) dwelling unit per business establishment)	P (1)
7. Educational service, elementary and secondary school	P (1) (2)
8. Educational service, other than elementary and secondary school	P
9. Financial institution, including drive-through and drive-in service	P
10. Furniture and home furnishing sales	P
11. Gas station	CU
12. Health and fitness studio	P
13. Internalized community storage	P
14. Live entertainment	CU

15. Municipal use	P
16. Multimedia production without communication tower	P
17. Office	P
18. Personal care service	P
19. Place of worship	P (1)
20. Plant nursery	P
21. Public utility buildings, structures or appurtenances thereto for public service uses	CU
22. Residential health care facility	P (1) (3)
23. Restaurant, including drive-through restaurant but excluding drive-in restaurant	P
24. Retail	P
25. Veterinary and pet care service	P (4)
26. Wireless communications facility, Type 1, 2, and 3	P
27. Wireless communications facility, Type 4	CU

Use Limitations:

(1) Uses are allowed except in the AC-3 area as described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended.

(2) Educational services, elementary and secondary school, are subject to the following standards:

a. The facility shall be located not less than five hundred (500) feet from any adult use.

b. The net lot area for the facility shall be a minimum of forty-three thousand (43,000) square feet.

c. The facility shall not have outdoor speaker systems or bells.

d. A maximum of one-third (1/3) of the required parking may be shared parking with other uses located within six hundred (600) feet of the building front entrance.

e. Outdoor playgrounds and recreation areas shall be:

i. Located not less than fifty (50) feet from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A;

ii. Located within the rear or side yard; and

iii. Enclosed and screened by a six-foot wall or fence.

f. 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 facility. This area shall not include internal site traffic aisles, parking spaces, or fire lanes.

g. Public trails or pedestrian connections shall link to the front door of the main building, subject to Development Review Board approval.

h. The circulation plan shall show minimal conflicts among the student drop-off area, any vehicle drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

i. Facilities located in the AC-2 area, described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended, shall be constructed with sound transmission requirements of the International Building Code (IBC).

(3) Residential health care facilities.

a. Specialized residential health care facilities.

i. The number of beds shall not exceed eighty (80) per acre of gross lot area.

ii. Required open space.

(1) Minimum open space: 0.24 multiplied by the net lot area distributed as follows.

(a) Frontage open space minimum: 0.50 multiplied by the total open space, except as follows:

(i) Minimum: Twenty (20) square feet per one (1) linear foot of public street frontage.

(ii) Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage.

(b) The remainder of the minimum open space, less the frontage open space, shall be provided as common open space.

b. Minimal residential health care facilities.

i. The gross lot area shall not be less than one (1) acre.

ii. The number of units shall not exceed forty (40) dwelling units per gross acre of land.

iii. Required open space.

(1) Minimum open space: 0.24 multiplied by the net lot area distributed as follows.

(a) Frontage open space minimum: 0.50 multiplied by the total open space, except as follows:

(i) Minimum: Twenty (20) square feet per one (1) linear foot of public street frontage.

(ii) Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage.

(b) The remainder of the minimum open space, less the frontage open space, shall be provided as common open space.

(4) Veterinary and pet care services are permitted if all facilities are within a soundproof building. However, outdoor activities are permitted if:

a. An employee or pet owner shall accompany an animal at all times when the animal is outside the building.

b. The property owner and operator maintain all outdoor areas in a clean and sanitary condition, including immediate and proper disposal of animal waste.

c. The outdoor areas are set back at least one hundred (100) feet from any lot line abutting a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits.

d. There is no outdoor kennel boarding.

(Ord. No. 4082, § 1(Res. No. 9410, Exh. A, § 2), 5-14-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 87), 5-6-14)

Sec. 5.1304. - Property development standards.

The following property development standards shall apply to all land and buildings in the C-1 District:

A. *Floor area ratio.* Maximum: 0.80.

B. *Building height (excluding rooftop appurtenances).* Maximum: Thirty-six (36) feet.

C. *Required open space.*

1. Total open space.

a. Minimum: 0.10 multiplied by the net lot area.

b. For building heights over twelve (12) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twelve (12) feet.

2. Total open space is distributed as follows:

a. Frontage open space minimum: 0.50 multiplied by the total open space requirement.

b. The remainder of the total open space, less the frontage open space, shall be common open space.

3. Parking areas and parking lot landscaping are not included in the required open space.

4. NAOS may be included in the required open space.

D. *Yards.*

1. *Front yard.*

a Minimum: the applicable front yard, or corner lot yard, residential district development standard where the C-1 district is on the same side of the street and is located within one hundred (100) feet of a residential lot zoned with a single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential district shown on Table 4.100.A.

2. *Side and rear yards.*

a. Minimum: Fifty (50) feet, including any alley width, from a single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A.

b. Minimum: Twenty-five (25) feet, including any alley width, from a multiple-family residential district.

E. *Screening.*

1. All operations and storage shall be conducted within a completely enclosed building or within an area contained by a wall or fence as determined by Development Review Board approval.

(Ord. No. 4082, § 1(Res. No. 9410, Exh. A, § 2), 5-14-13)

Sec. 5.1305. - General provisions.

Unless otherwise provided, the provisions of Article VII shall apply.

(Ord. No. 4082, § 1(Res. No. 9410, Exh. A, § 2), 5-14-13)

Sec. 5.1306. - Signs.

The provisions of Article VIII shall apply.

(Ord. No. 4082, § 1(Res. No. 9410, Exh. A, § 2), 5-14-13)

Sec. 5.1307. - Off-street parking.

The provisions of Article IX shall apply.

(Ord. No. 4082, § 1(Res. No. 9410, Exh. A, § 2), 5-14-13)

Sec. 5.1308. - Landscaping.

Unless otherwise provided, the provisions of Article X shall apply.

(Ord. No. 4082, § 1(Res. No. 9410, Exh. A, § 2), 5-14-13)

Sec. 5.1400. - Central Business (C-2).

Editor's note— Ord. No. 4041, § 1(Res. No. 9208, § 1(Exh. A, § 1), adopted October 16, 2012, repealed §§ 5.1400—5.1407. Section 2 of said Exhibit A enacted provisions designated as new §§ 5.1400—5.1408. Prior to inclusion of said ordinance, said provisions pertained to similar subject matter. See also the Code Comparative Table.

Sec. 5.1401. - Purpose.

This district is intended to permit uses for recurring shopping and service needs for multiple neighborhoods. This district includes uses usually associated with office and retail shopping developments, typically located near residential neighborhoods.

(Ord. No. 4041, § 1(Res. No. 9208, § 1(Exh. A, § 2), 10-16-12)

Sec. 5.1402. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 23), adopted Aug. 25, 2014, repealed § 5.1402 which pertained to development review board approval and derived from Ord. No. 4041, § 1(Res. No. 9208, § 1, Exh. A § 2), adopted Oct. 16, 2012.

Sec. 5.1403. - Use regulations.

A. The uses allowed in the C-2 District are shown in Table 5.1403.A. with additional limitations on uses as listed.

B. Downtown Area and Downtown Overlay zoning.

1. Drive-through and drive-in services are not permitted in the Downtown Area.
2. The dwelling unit limitation of one dwelling unit for each business establishment does not apply to property zoned Downtown Overlay.

Table 5.1403.A. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Adult uses	CU
2. Bar	CU
3. Big box	P (1), CU (1)
4. Bowling alley	P
5. Bus station, excluding overnight parking and storage of buses	CU
6. Carwash	CU
7. Civic and social organization	P (2)
8. Courier and messenger	P

9. Cultural institution	P (2)
10. Day care center with drop off or outdoor play area farther than 100 feet from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.	P (2)
11. Day care center with drop off or outdoor play area within 100 feet of a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.	CU (2)
12. Dwelling units physically integrated with commercial establishments (limited to one dwelling unit for each business establishment)	P (2)
13. Educational service, elementary and secondary school	P (2) (3)
14. Educational service, other than elementary and secondary school	P
15. Financial institution, including drive-through and drive-in service	P
16. Funeral home and funeral services	CU
17. Furniture and home furnishing sales	P
18. Game center	CU
19. Gas station	CU
20. Gun shop	P
21. Health and fitness studio	P
22. Internalized community storage	P
23. Live entertainment	CU
24. Medical and diagnostic laboratory	P
25. Multimedia production without communication tower	P

26. Municipal use	P
27. Office	P
28. Pawnshop	P
29. Personal care service	P
30. Place of worship	P (2)
31. Plant nursery	P
32. Pool hall	CU
33. Residential health care facility	P (2) (4)
34. Restaurant, including drive-through but excluding drive-in	P
35. Retail	P
36. Seasonal art festival	CU
37. Teen dance center	CU
38. Theater	P (2)
39. Travel accommodation	P (2)
40. Vehicle leasing, rental or sales with indoor or outdoor vehicle display and storage	CU
41. Vehicle repair	CU
42. Veterinary and pet care service	P (5)
43. Wireless communications facility, Type 1, 2, and 3	P
44. Wireless communications facility, Type 4	CU

Use Limitations:

(1) Big box retail sales are not allowed in the Environmentally Sensitive Lands Overlay District and are subject to a conditional use permit if:

a. Primary access is from a local residential street, or

b. Residential property is located within 1,300 feet of the big box property line, except where the residential property is developed with nonresidential uses or separated from the big box by the Loop 101 Pima Freeway.

(2) Uses are allowed except in the AC-3 area as described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended.

(3) Educational services, elementary and secondary school, are subject to the following standards:

a. The facility shall be located not less than five hundred (500) feet from any adult use.

b. The net lot area for the facility shall be a minimum of forty-three thousand (43,000) square feet.

c. The facility shall not have outdoor speaker systems or bells.

d. A maximum of one-third (1/3) of the required parking may be shared parking with other uses located within six hundred (600) feet of the building front entrance.

e. Outdoor playgrounds and recreation areas shall be:

i. Located not less than fifty (50) feet from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A;

ii. Located within the rear or side yard; and

iii. Enclosed and screened by a six-foot wall or fence.

f. 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 facility. This drop-off area shall not include internal site traffic aisles, parking spaces, or fire lanes.

g. Public trails or pedestrian connections shall link to the front door of the main building, subject to Development Review Board approval.

h. The circulation plan shall show minimal conflicts among the student drop-off area, any vehicle drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

i. Facilities located in the AC-2 area, described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended, shall be constructed with sound transmission requirements of the International Building Code (IBC).

(4) Residential health care facilities.

a. Specialized residential health care facilities.

i. The number of beds shall not exceed eighty (80) per acre of gross lot area.

ii. Required open space.

(1) Minimum open space: 0.24 multiplied by the net lot area distributed as follows:

(a) Frontage open space minimum: 0.50 multiplied by the total open space, except as follows:

(i) Minimum: twenty (20) square feet per one (1) linear foot of public street frontage.

(ii) Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage.

(b) The remainder of the minimum open space, less the frontage open space, shall be provided as common open space.

iii. The site shall be designed, to the maximum extent feasible, so that on-site parking is oriented to the building(s) to provide convenient pedestrian access for residents, guests, and visitors.

b. Minimal residential health care facilities.

i. The gross lot area shall not be less than one (1) acre.

ii. The number of units shall not exceed forty (40) dwelling units per acre of gross lot area.

iii. Required open space.

(1) Minimum open space: 0.24 multiplied by the net lot area distributed as follows:

(a) Frontage open space minimum: 0.50 multiplied by the total open space, except as follows:

(i) Minimum: twenty (20) square feet per one (1) linear foot of public street frontage.

(ii) Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage.

(b) The remainder of the minimum open space, less the frontage open space, shall be provided as common open space.

iv. The site shall be designed, to the maximum extent feasible, so that on-site parking is oriented to the building(s) to provide convenient pedestrian access for residents, guests, and visitors.

(5) Veterinary and pet care services are permitted if all facilities are within a soundproof building. However, outdoor activities are permitted if:

a. An employee or pet owner shall accompany an animal at all times when the animal is outside the building.

b. The property owner and operator maintain all outdoor areas in a clean and sanitary condition, including immediate and proper disposal of animal waste.

c. The outdoor areas are set back at least one hundred (100) feet from any lot line abutting a residential district, or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits.

d. There is no outdoor kennel boarding.

(Ord. No. 4041, § 1(Res. No. 9208, § 1(Exh. A, § 2), 10-16-12; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 7), 11-19-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 88, 89), 5-6-14)

Sec. 5.1404. - Property development standards.

The following property development standards shall apply to all land and buildings in the C-2 District:

A. *Floor area ratio.* Maximum: 0.80.

B. *Building height (excluding rooftop appurtenances).* Maximum: 36 feet.

C. *Required open space.*

1. Total open space.

   a. Minimum: 0.10 multiplied by the net lot area.

   b. For building heights over twelve (12) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twelve (12) feet.

2. Total open space is distributed as follows:

   a. Frontage open space minimum: 0.50 multiplied by the total open space requirement.

   b. The remainder of the total open space, less the frontage open space, shall be common open space.

3. Parking areas and parking lot landscaping are not included in the required open space.

4. NAOS may be included in the required open space.

D. *Yards.*

1. Side and rear yards.

   a. Minimum fifty (50) feet, including any alley width, from a single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A.

   b. Minimum twenty-five (25) feet, including any alley width, from a multiple-family residential district.

E. *Screening.*

1. All operations and storage shall be conducted within a completely enclosed building or within an area contained by a wall or fence as determined by Development Review Board approval.

(Ord. No. 4041, § 1(Res. No. 9208, § 1(Exh. A, § 2), 10-16-12)

Sec. 5.1405. - General provisions.

Unless otherwise provided, the provisions of Article VII. shall apply.

(Ord. No. 4041, § 1(Res. No. 9208, § 1(Exh. A, § 2), 10-16-12)

Sec. 5.1406. - Signs.

The provisions of Article VIII. shall apply.

(Ord. No. 4041, § 1(Res. No. 9208, § 1(Exh. A, § 2), 10-16-12)

Sec. 5.1407. - Off-street parking.

The provisions of Article IX. shall apply.

(Ord. No. 4041, § 1(Res. No. 9208, § 1(Exh. A, § 2), 10-16-12)

Sec. 5.1408. - Landscaping.

Unless otherwise provided, the provisions of Article X. shall apply.

(Ord. No. 4041, § 1(Res. No. 9208, § 1(Exh. A, § 2), 10-16-12)

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

Editor's note— Ord. No. 4043, § 1(Res. No. 9209, § 1(Exh. A, § 1), adopted October 16, 2012, repealed §§ 5.1500—5.1507. Section 2 of said Exhibit A enacted provisions designated as new §§ 5.1500—5.1508. Prior to inclusion of said ordinance, said provisions pertained to similar subject matter. See also the Code Comparative Table.

Sec. 5.1501. - Purpose.

This district is intended to permit most types of commercial activities located along major streets, including shopping and service needs. This district promotes high quality development, including on-site and streetscape landscape areas, and standards for an attractive setting for commercial activities and adjacent uses.

(Ord. No. 4043, § 1(Res. No. 9209, § 1(Exh. A, § 2), 10-16-12)

Sec. 5.1502. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 24), adopted Aug. 25, 2014, repealed § 5.1502 which pertained to development review board approval and derived from Ord. No. 4043, § 1(Res. No. 9209, § 1, Exh. A, § 2), adopted Oct. 16, 2012.

Sec. 5.1503. - Use regulations.

A. The uses allowed in the C-3 District are shown in Table 5.1503.A. with additional limitations on uses as listed.

B. Drive-through and drive-in services are not permitted in the Downtown Area.

Table 5.1503.A. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Adult uses	CU
2. Amusement park	CU

3. Auction sales	P
4. Bar	CU
5. Big box	P (1), CU (1)
6. Bowling alley	P
7. Bus station, excluding overnight parking and storage of buses	CU
8. Carwash	CU
9. Civic and social organization	P (2)
10. Community buildings and recreational facilities not publicly owned	CU
11. Courier and messenger	P
12. Cultural institution	P (2)
13. Day care center with drop off or outdoor play area farther than 100 feet from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.	P (2)
14. Day care center with drop off or outdoor play area within 100 feet of a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.	CU (2)
15. Educational service, elementary and secondary school	P (2) (3)
16. Educational service, other than elementary and secondary school	P
17. Equipment sales, rental, and storage yard	CU
18. Financial institution, including drive-through and drive-in service	P
19. Funeral home and funeral services	CU

20. Furniture and home furnishing sales	P
21. Game center	CU
22. Gas station	CU
23. Gun shop	P
24. Health and fitness studio	P
25. Internalized community storage	P
26. Live entertainment	CU
27. Medical and diagnostic laboratory	P
28. Miniature golf course	CU
29. Multimedia production without communication tower	P
30. Municipal use	P
31. Office	P
32. Outdoor sales display area	CU
33. Pawnshop	P
34. Personal care service	P
35. Place of worship	P (2)
36. Plant nursery	P
37. Pool hall	CU
38. Repair and maintenance	P
39. Residential health care facility	P (2) (4)

40. Restaurant, including drive-through and including drive-in	P
41. Retail	P
42. Seasonal art festival	CU
43. Sports arena	CU (2)
44. Swimming pool sales office, including display pools only; but excluding construction equipment storage yard	P
45. Teen dance center	CU
46. Theater	P (2)
47. Travel accommodation	P (2)
48. Vehicle leasing, rental or sales with indoor vehicle display and storage located in an enclosed building	P (5)
49. Vehicle leasing, rental or sales with outdoor vehicle display and storage located more than 150 feet from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits	P (5)
50. Vehicle leasing, rental or sales with outdoor vehicle display and storage located 150 feet or less from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits	CU
51. Vehicle repair, located more than 150 feet from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits	P (6)

52. Vehicle repair, located 150 feet or less from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits	CU
53. Vehicle storage facility	CU (7)
54. Veterinary and pet care service	P (8)
55. Wholesale sales	P
56. Wireless communications facility, Type 1, 2, and 3	P
57. Wireless communications facility, Type 4	CU

Use Limitations:

(1) Big box retail sales are not allowed in the Environmentally Sensitive Lands Overlay District and are subject to a conditional use permit if:

a. Primary access is from a local residential street, or

b. Residential property is located within 1,300 feet of the big box property line, except where the residential property is developed with nonresidential uses or separated from the big box by the Loop 101 Pima Freeway.

(2) Uses are allowed except in the AC-3 area as described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended.

(3) Educational services, elementary and secondary school, are subject to the following standards:

a. The facility shall be located not less than five hundred (500) feet from any adult use.

b. The net lot area for the facility shall be a minimum of forty-three thousand (43,000) square feet.

c. The facility shall not have outdoor speaker systems or bells.

d. A maximum of one-third (1/3) of the required parking may be shared parking with other uses located within six hundred (600) feet of the building front entrance.

e. Outdoor playgrounds and recreation areas shall be:

i. Located not less than fifty (50) feet from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A;

ii. Located within the rear or side yard; and

iii. Enclosed and screened by a six-foot wall or fence.

f. 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 facility. This area shall not include internal site traffic aisles, parking spaces, or fire lanes.

g. Public trails or pedestrian connections shall link to the front door of the main building, subject to Development Review Board approval.

h. The circulation plan shall show minimal conflicts among the student drop-off area, any vehicle drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

i. Facilities located in the AC-2 area, described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended, shall be constructed with sound transmission requirements of the International Building Code (IBC).

(4) Residential health care facilities.

a. Specialized residential health care facilities.

i. The number of beds shall not exceed eighty (80) per acre of gross lot area.

ii. Required open space.

(1) Minimum open space: 0.24 multiplied by the net lot area distributed as follows:

(a) Frontage open space minimum: 0.50 multiplied by the total open space, except as follows:

(i) Minimum: twenty (20) square feet per one (1) linear foot of public street frontage.

(ii) Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage.

(b) The remainder of the minimum open space, less the frontage open space, shall be provided as common open space.

iii. The site shall be designed, to the maximum extent feasible, so that on-site parking is oriented to the building(s) to provide convenient pedestrian access for residents, guests, and visitors.

b. Minimal residential health care facilities.

i. The gross lot area shall not be less than one (1) acre.

ii. The number of units shall not exceed forty (40) dwelling units per acre of gross lot area.

iii. Required open space.

(1) Minimum open space: 0.24 multiplied by the net lot area distributed as follows.

(a) Frontage open space minimum: 0.50 multiplied by the total open space, except as follows:

(i) Minimum: twenty (20) square feet per one (1) linear foot of public street frontage.

(ii) Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage.

(b) The remainder of the minimum open space, less the frontage open space, shall be provided as common open space.

iv. The site shall be designed, to the maximum extent feasible, so that on-site parking is oriented to the building(s) to provide convenient pedestrian access for residents, guests, and visitors.

(5) Vehicle leasing, rental or sales with indoor vehicle display and storage is subject to the following:

a. Required parking shall not be used for vehicle storage and display.

b. None of the above criteria shall prohibit the Development Review Board from considering an application to reconstruct or remodel an existing vehicle leasing, rental or sales with indoor vehicle display and storage facility.

(6) Vehicle repair is subject to the following:

a. All repairs shall be performed within an enclosed building.

b. Vehicles may only enter the rear of the building, except vehicles may enter the side of the building if the lot is:

i. A corner lot,

ii. A lot abutting a residential district shown on Table 4.100.A.,

iii. A lot abutting the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., or

iv. Separated by an alley from one (1) of the districts set forth in subsection ii. or iii. above.

c. If the lot meets any requirement of subsection b. above, and side entry bays are proposed, the side entry repair bays shall be screened from street views by solid masonry walls, and the landscape plan shall demonstrate to the Development Review Board's satisfaction, that the proposed screening does not impact the streetscape by exposing repair bays, unassembled vehicles, vehicle repair activities, or vehicle parts.

d. All vehicles awaiting repair shall be screened from view by a masonry wall or landscape screen.

e. Required parking shall not be used for vehicle storage.

f. None of the above criteria shall prohibit the Development Review Board from considering an application to reconstruct or remodel an existing vehicle repair facility.

(7) Vehicle storage facilities may include an apartment/office for on-site supervision but no vehicle shall be used as a dwelling, even temporarily.

(8) Veterinary and pet care services are permitted if all facilities are within a soundproof building. However, outdoor activities are permitted if:

a. An employee or pet owner shall accompany an animal at all times when the animal is outside the building.

b. The property owner and operator maintain all outdoor areas in a clean and sanitary condition, including immediate and proper disposal of animal waste.

c. The outdoor areas are set back at least one hundred (100) feet from any lot line abutting a residential district, or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits.

d. There is no outdoor kennel boarding.

(Ord. No. 4043, § 1(Res. No. 9209, § 1(Exh. A, § 2), 10-16-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 90, 91), 5-6-14)

Sec. 5.1504. - Property development standards.

The following property development standards shall apply to all land and buildings in the C-3 District:

A. *Floor area ratio.* Maximum: 0.80.

B. *Building height (excluding rooftop appurtenances).* Maximum: thirty-six (36) feet.

C. *Required open space.*

1. Total open space.

a. Minimum: 0.10 multiplied by the net lot area.

b. For building heights over twelve (12) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twelve (12) feet.

2. Total open space is distributed as follows:

a. Frontage open space minimum: 0.50 multiplied by the total open space requirement.

b. The remainder of the total open space, less the frontage open space, shall be common open space.

3. Parking areas and parking lot landscaping are not included in the required open space.

4. NAOS may be included in the open space requirements.

D. *Yards.*

1. Side and rear yards.

a. Minimum fifty (50) feet, including any alley width, from a single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A.

b. Minimum twenty-five (25) feet, including any alley width, from a multiple-family residential district.

E. *Screening.*

1. Except as otherwise specified, all operations and storage shall be conducted within a completely enclosed building or within an area contained by a wall or fence as determined by Development Review Board approval.

(Ord. No. 4043, § 1(Res. No. 9209, § 1(Exh. A, § 2), 10-16-12)

Sec. 5.1505. - General provisions.

Unless otherwise provided, the provisions of Article VII. shall apply.

(Ord. No. 4043, § 1(Res. No. 9209, § 1(Exh. A, § 2), 10-16-12)

Sec. 5.1506. - Signs.

The provisions of Article VIII. shall apply.

(Ord. No. 4043, § 1(Res. No. 9209, § 1(Exh. A, § 2), 10-16-12)

Sec. 5.1507 - Off-street parking.

The provisions of Article IX. shall apply.

(Ord. No. 4043, § 1(Res. No. 9209, § 1(Exh. A, § 2), 10-16-12)

Sec. 5.1508. - Landscaping.

Unless otherwise provided, the provisions of Article X. shall apply.

(Ord. No. 4043, § 1(Res. No. 9209, § 1(Exh. A, § 2), 10-16-12)

Sec. 5.1600. - General Commercial (C-4).

Editor's note— Ord. No. 4003, § 1(Res. No. 8968, Exh. A, § 1), adopted March 6, 2012, repealed §§ 5.1600—5.1606, which pertained to (C-4) GENERAL COMMERCIAL DISTRICT. Section 2 of said resolution enacted provisions designated as §§ 5.1600—5.1608 to read as herein set out. See also the Code Comparative Table.

(Ord. No. 4003, § 1(Res. No. 8968, Exh. A, § 2), 3-6-12; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 88), 4-3-12)

Sec. 5.1601. - Purpose.

The C-4 District is intended to provide space for the heaviest type of commercial activities found in the city, including light manufacturing, warehousing, wholesaling and vehicle leasing, rental, sales and repair. This district provides opportunities for light industrial uses in order to sustain and enhance the community's economic viability and employment opportunities. The development standards are intended to provide development flexibility consistent with the community's sensitive design principles, and appropriate transition in areas adjacent to residential districts.

(Ord. No. 4003, § 1(Res. No. 8968, Exh. A, § 2), 3-6-12)

Sec. 5.1602. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 25), adopted Aug. 25, 2014, repealed § 5.1602 which pertained to development review board approval and derived from Ord. No. 4003, § 1(Res. No. 8968, Exh. A, § 2), adopted March 6, 2012.

Sec. 5.1603. - Use regulations.

The uses allowed in the C-4 District are shown in Table 5.1603. with additional limitations on certain uses listed below.

Table 5.1603. Land Use Table	
Land Uses	Permitted (P) or Conditional Use (CU)
1. Amusement and theme parks	CU
2. Appliance sales	P
3. Arts and craft production	P
4. Big Box	P (1), CU (1)
5. Building material and garden sales	P (2)
6. Car wash	CU
7. Day care center with drop off or outdoor play area farther than 100 feet from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.	P (6)
8. Educational service other than elementary and secondary school	P
9. Educational service, elementary and secondary school	P (3) (6)
10. Equipment sales, rental, and storage	P
11. Farm supply sales	P
12. Furniture and home furnishing sales	P
13. Gas station	CU
14. General and specialty trade contractors	P
15. Internalized community storage	P

16. Light manufacturing	P
17. Multimedia production with communication tower equal to or less than 100 feet in height	P
18. Multimedia production with communication tower over 100 feet in height	CU
19. Municipal use	P
20. Outdoor sales display area	CU
21. Recyclable material collection center	P
22. Repair and maintenance	P
23. Scientific research and development	P
24. Seasonal art festival	CU
25. Swimming pool sales (including display and equipment storage)	P
26. Towing service	CU
27. Utility service yard	P
28. Vehicle emissions testing facility	P
29. Vehicle repair	P(4)
30. Vehicle leasing, sales, or rental (with outdoor vehicle display)	P
31. Vehicle storage facility (not including vehicles used as dwelling/camping)	P
32. Veterinary and pet care services	P (5)
33. Wholesale, warehouse and distribution	P
34. Wireless communications facilities, Type 4	CU
35. Wireless communications facilities, Type 1, 2, 3	P

Use Limitations:

(1) Big box retail sales are not allowed in the Environmentally Sensitive Lands Overlay District and are subject to a conditional use permit if:

a. Primary access is from a local residential street, or

b. Residential property is located within one thousand three hundred (1,300) feet of the big box property line, except where the residential property is developed with nonresidential uses or separated from the big box by the Loop 101 Pima Freeway.

(2) Excludes concrete mixing/manufacturing.

(3) Educational service, elementary school and secondary school are subject to Development Review Board approval and shall meet the following standards:

a. The facility shall be located a minimum of five hundred (500) feet from any adult use.

b. The net lot area for the facility shall be a minimum of forty-three thousand (43,000) square feet.

c. The facility shall not have outside speaker systems or bells.

d. All lighting adjacent to residential districts shall be set back a minimum of thirty (30) feet from the property line.

e. A minimum twenty-four-foot setback shall be provided and maintained where parking is adjacent to residential districts.

f. All outdoor playgrounds and recreation areas shall be located within the side or rear yard and shall be enclosed by a six-foot-tall wall or fence.

g. 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 facility.

h. Facilities located in the AC-2 area, described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended, shall be constructed with sound attenuation measures to reduce outdoor-to-indoor noise by twenty-five (25) decibels. Compliance with the noise attenuation measures set forth in Appendix F to FAA Part 150 Noise Compatibility Study Section 4.00 is deemed compliance with this requirement.

(4) Vehicle repair, subject to the following:

a. Vehicles may only enter the rear of the building, except vehicles may enter the side of the building if the lot is:

i. A corner lot,

ii. A lot abutting a residential district as shown on Table 4.100.A.,

iii. A lot abutting a residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., or

iv. Separated by an alley from one (1) of the districts set for in subsection a.ii. or a.iii. above.

b. If the lots meet any requirement of subsection 5.1603(4)a. above, and side entry bays are proposed, the side entry repair bays shall be screened from street views by solid masonry walls, and the landscape plan shall demonstrate to the Development Review Board's satisfaction, that the proposed screening does not impact the streetscape by exposing repair bays, unassembled vehicles, vehicle repair activities, or vehicle parts.

c. All vehicles awaiting repair shall be screened form view by a masonry wall or landscape screen.

d. Required parking shall not be used for vehicle storage.

e. None of the above criteria shall prohibit the Development Review Board from considering an application to reconstruct or remodel an existing vehicle repair facility.

(5) Veterinary and pet care services are permitted if all facilities are within a soundproof building. However, outdoor activities are permitted if:

a. An employee or pet owner accompanies an animal at all times when the animal is outside the building.

b. The property owner and operator maintain all outdoor areas in a clean and sanitary condition, including immediate and proper disposal of animal waste.

c. The outdoor areas are set back at least one hundred (100) feet from any lot line abutting a residential district.

(6) Uses are allowed except in the AC-3 area as described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended.

(Ord. No. 4003, § 1(Res. No. 8968, Exh. A, § 2), 3-6-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 92, 93), 5-6-14; Ord. No. 4193, § 1, 3-3-15)

Sec. 5.1604. - Property development standards.

The following property development standards shall apply to all land and buildings in the C-4 District.

A. *Floor area ratio.*

1. Maximum: 0.80 multiplied by net lot area.

B. *Required open space.*

1. Total open space.

a. Minimum: 0.05 multiplied by the net lot area.

b. For building heights over twelve (12) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each additional foot of building height over twelve (12) feet.

2. Total open space is distributed as follows:

a. Frontage open space minimum: 0.50 multiplied by the required total open space.

b. The remainder of the total open space, less the frontage open space, shall be common open space.

3. Parking areas and parking lot landscaping are not included in the required open space.

4. NAOS may be included in the required open space.

C. *Building height.*

1. Maximum: Thirty-six (36) feet, except as otherwise provided in Article VII.

D. *Yards.*

1. Front Yard.

a. No front yard is required except as required in Article VII and this subsection D.1.

b. If a block is partly in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100A., the front yard regulations of the applicable residential district shall apply.

c. Refer to B.2.a. above, Frontage open space minimum.

d. Where parking occurs between a building and the street a yard of thirty-five (35) feet in depth shall be maintained. This depth may be decreased to a minimum of twenty (20) feet subject to Section 10.402.D.3.

2. Side and rear minimum: Fifty (50) feet from a single-family residential district and twenty-five (25) feet from a multiple-family residential district. Measurement may include the width of an alley adjacent to a residential district.

3. All outdoor activities, including storage, minimum: Fifty (50) feet from a residential district as shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

E. *Screening.*

1. All activities, mechanical equipment, outdoor storage, and refuse areas shall be within an enclosed building, or screened by a solid wall at least six (6) feet in height or as otherwise approved by the Development Review Board.

2. No outdoor storage shall be visible from off-site.

3. Other requirements and exceptions are as specified in Article VII and Article X.

(Ord. No. 4003, § 1(Res. No. 8968, Exh. A, § 2), 3-6-12; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 89, 90), 4-3-12)

Sec. 5.1605. - General provisions.

Unless otherwise provided in this district, the provisions of Article VII shall apply.

(Ord. No. 4003, § 1(Res. No. 8968, Exh. A, § 2), 3-6-12)

Sec. 5.1606. - Signs.

The provisions of Article VIII shall apply.

(Ord. No. 4003, § 1(Res. No. 8968, Exh. A, § 2), 3-6-12)

Sec. 5.1607. - Off-street parking.

The provisions of Article IX shall apply.

(Ord. No. 4003, § 1(Res. No. 8968, Exh. A, § 2), 3-6-12)

Sec. 5.1608. - Landscaping.

Unless otherwise provided, the provisions of Article X. apply.

(Ord. No. 4003, § 1(Res. No. 8968, Exh. A, § 2), 3-6-12; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 91), 4-3-12)

Sec. 5.1700. - Support Services (S-S).

(Ord. No. 4126, § 1, 1-14-14)

Editor's note— Ord. No. 4126, § 1, adopted Jan. 14, 2014, repealed §§ 5.1700—5.1707 and enacted provisions designated new §§ 5.1700—5.1708. Prior to inclusion of said ordinance, said provisions pertained to similar subject matter. See also the Code Comparative Table.

Sec. 5.1701. - Purpose.

This district is intended to provide space for limited construction operations and other uses with similar impacts without direct arterial access. Setback requirements in this district promote carefully planned locations that will not adversely impact adjacent properties.

(Ord. No. 4126, § 1, 1-14-14)

Sec. 5.1702. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 26), adopted Aug. 25, 2014, repealed § 5.1702 which pertained to approvals required and derived from Ord. No. 4126, § 1, adopted Jan. 14, 2014.

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Sec. 5.1703. - Use regulations.

A. The uses allowed in the S-S District are shown in Table 5.1703.A. with additional limitations on uses as listed.

B. Drive-through and drive-in services are not permitted in the Downtown Area.

Table 5.1703.A. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Building material and garden sales	P (1)
2. Equipment sales, rental, and storage	P
3. General and specialty trade contractors	P
4. Municipal use	P

5. Towing service	CU
6. Utility service yard	P
7. Wireless communications facility, Type 1, 2, and 3	P
8. Wireless communications facility, Type 4	CU

Use Limitations:

(1) Excludes concrete mixing/manufacturing.

(Ord. No. 4126, § 1, 1-14-14)

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Sec. 5.1704. - Property development standards.

The following property development standards shall apply to all land and buildings in the S-S District:

A. *Floor area ratio.* Maximum: 0.80.

B. *Building height (excluding rooftop appurtenances).* Maximum: Thirty-six (36) feet.

C. *Required open space.*

1. Total open space.
    a. Minimum: 0.05 multiplied by the net lot area.
    b. For building heights over twelve (12) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twelve (12) feet.
    c. Total open space shall be provided as frontage open space.
2. Parking areas and parking lot landscaping are not included in the required open space.
3. NAOS may be included in the required open space.

D. *Yards.*

1. Front Yard.
    a. Minimum: Twenty (20) feet.

E. *Screening.*

1. All operations and storage shall be conducted within a completely enclosed building or within an area contained by a wall or fence as determined by Development Review Board approval.

(Ord. No. 4126, § 1, 1-14-14)

Sec. 5.1705. - General provisions.

Unless otherwise provided, the provisions of Article VII shall apply.

(Ord. No. 4126, § 1, 1-14-14)

Sec. 5.1706. - Signs.

The provisions of Article VIII shall apply.

(Ord. No. 4126, § 1, 1-14-14)

Sec. 5.1707. - Off-street parking.

The provisions of Article IX shall apply.

(Ord. No. 4126, § 1, 1-14-14)

Sec. 5.1708. - Landscaping.

Unless otherwise provided, the provisions of Article X shall apply.

(Ord. No. 4126, § 1, 1-14-14)

Sec. 5.1800. - Industrial Park (I-1).

Editor's note— Ord. No. 4002, § 1(Res. No. 8967, Exh. A, § 3), adopted March 6, 2012, repealed §§ 5.1800—5.1806, which pertained to (I-1) INDUSTRIAL PARK DISTRICT. Section 4 of said resolution enacted provisions designated as §§ 5.1800—5.1808 to read as herein set out. See also the Code Comparative Table.

(Ord. No. 4002, § 1(Res. No. 8967, Exh. A, § 4), 3-6-12; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 98), 4-3-12)

Sec. 5.1801. - Purpose.

The I-1 District is intended to provide for light manufacturing, aeronautical, light industrial, office and supportive uses to sustain and enhance major employment opportunities. The development standards are intended to provide development flexibility consistent with the sensitive design principles, and appropriate transition in areas adjacent to residential districts.

(Ord. No. 4002, § 1(Res. No. 8967, Exh. A, § 4), 3-6-12)

Sec. 5.1802. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 27), adopted Aug. 25, 2014, repealed § 5.1802 which pertained to development review board approval and derived from Ord. No. 4002, § 1(Res. No. 8967, Exh. A, § 4), adopted March 6, 2012.

Sec. 5.1803. - Use regulations.

The uses allowed in the I-1 District are shown in Table 5.1803 with additional limitations on certain uses listed below.

Table 5.1803. Land Use Table	
Land Uses	Permitted (P), or Conditional Use (CU)
1. Aeronautical use, except off-airport heliport or helipad	P (1)
2. Auction sales	CU
3. Courier and messenger	P
4. Data processing, hosting and related service	P
5. Day care center with drop off or outdoor play area farther than 100 feet from a residential district	P (2)
6. Day care center with drop off or outdoor play area within 100 feet of a residential district	CU (2)
7. Educational service other than elementary and secondary school	P
8. Educational service, elementary and secondary school	CU (2)(3)
9. Electronic shopping and mail-order service	P
10. Equipment and vehicle storage	P
11. Financial institution, excluding drive-through and drive-in service	P
12. Financial institution, including drive-through and drive-in service	CU (4)
13. Furniture and home furnishing sales	P
14. Health and fitness studio	P

15. Industrial launderer	P
16. Internalized community storage	P
17. Light manufacturing	P
18. Medical and diagnostic laboratory	P
19. Medical marijuana caregiver cultivation	CU
20. Medical marijuana use	CU
21. Multimedia production with communication tower equal to or less than 100 feet in height	P
22. Multimedia production with communication tower over 100 feet in height	CU
23. Municipal use	P
24. Off-airport heliport or helipad	CU
25. Office	P
26. Personal care service	P (4)
27. Place of worship	P (2)
28. Restaurant, excluding drive-through and drive-in service	P
29. Restaurant, including drive-through and drive-in service	CU (4)
30. Restoration service	P
31. Scenic and sightseeing transportation	P
32. Scientific research and development	P
33. Taxi and limousine service	P
34. Utility service yard	CU

35. Vehicle emissions testing facility	P
36. Vehicle storage not adjacent to residential districts	P
37. Vehicle storage adjacent to residential districts	CU
38. Wholesale, warehouse and distribution	P
39. Wireless communications facility, Type 1, 2, & 3	P
40. Wireless communications facility, Type 4	CU

Use Limitations:

(1) Aeronautical uses are subject to Chapter 5 of the Scottsdale Revised Code.

(2) Uses are allowed except in the AC-3 area as described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended.

(3) Educational service, elementary and secondary schools, are subject to a conditional use permit and shall meet the following standards:

a. The facility shall be located a minimum of five hundred (500) feet from any adult use.

b. The net lot area for the facility shall be a minimum of forty-three thousand (43,000) square feet.

c. The facility shall not have outside speaker systems or bells.

d. All lighting adjacent to residential districts shall be set back a minimum of thirty (30) feet from the property line.

e. A minimum twenty-four (24) feet setback shall be provided and landscaped where parking is adjacent to residential districts.

f. All outdoor playgrounds and recreation areas shall be located within the side or rear yard and shall be enclosed by a six-foot wall or fence.

g. 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 facility.

h. Facilities located in the AC-2 area, described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended, shall be constructed with sound attenuation measures to reduce outdoor to indoor noise by twenty-five (25) decibels. Compliance with the noise attenuation measures set forth in Appendix F to FAA Part 150 Noise Compatibility Study Section 4.00 is deemed compliance with this requirement.

(4) Uses that are not accessory uses shall front on a major collector or higher street classification.

(Ord. No. 4002, § 1(Res. No. 8967, Exh. A, § 4), 3-6-12)

Sec. 5.1804. - Property development standards.

The following property development standards apply to all land and buildings in the I-1 District:

A. *Floor area ratio.*

1. Maximum: 0.80 multiplied by the net lot area.

B. *Required open space.*

1. Minimum: 0.10 multiplied by the net lot area.

2. For building heights over twelve (12) feet: the minimum required open space plus 0.003 multiplied by the net lot area, for each foot of building height over twelve (12) feet.

3. Reduction for on-lot taxilane safety area and aircraft staging area: the open space calculated in B.1. or B.2. above may be reduced by up to 0.50 multiplied by the required open space, for the amount of on-lot taxilane safety area and aircraft staging area provided.

4. Parking areas and parking lot landscaping are not included in the required open space.

5. NAOS may be included in the required open space.

C. *Building height.*

1. Maximum: Fifty-two (52) feet, except as otherwise provided below and in Article VII.

2. Maximum building height within three hundred (300) feet of a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.: Thirty-six (36) feet.

D. *Yards.*

1. Front minimum: Twenty (20) feet.

2. Side and rear minimum: Thirty (30) feet from a residential district shown on Table 4.100.A., or the residential portion of a P-C, or any portion of a PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

3. All outdoor activities, including storage, minimum: Fifty (50) feet from a residential district shown on Table 4.100.A., or the residential portion of a P-C, or any portion of a PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

E. *Screening.*

1. All outdoor activities, mechanical equipment, outdoor storage and refuse areas shall be within an enclosed building, or screened by a solid wall at least six (6) feet in height or as otherwise approved by the Development Review Board.

2. No outdoor storage shall be visible from off-site.

3. Other requirements and exceptions are as specified in Article VII and Article X.

(Ord. No. 4002, § 1(Res. No. 8967, Exh. A, § 4), 3-6-12)

Sec. 5.1805. - General provisions.

Unless otherwise provided in this district, the provisions of Article VII shall apply.

(Ord. No. 4002, § 1(Res. No. 8967, Exh. A, § 4), 3-6-12)

Sec. 5.1806. - Signs.

The provisions of Article VIII shall apply.

(Ord. No. 4002, § 1(Res. No. 8967, Exh. A, § 4), 3-6-12)

Sec. 5.1807. - Off-street parking.

The provisions of Article IX shall apply.

(Ord. No. 4002, § 1(Res. No. 8967, Exh. A, § 4), 3-6-12)

Sec. 5.1808. - Landscaping.

Unless otherwise provided, the provisions of Article X. apply.

(Ord. No. 4002, § 1(Res. No. 8967, Exh. A, § 4), 3-6-12; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 99), 4-3-12)

Sec. 5.1900. - Light Employment (I-G).

Editor's note— Ord. No. 4004, § 1(Exh. A, § 1), adopted March 6, 2012, repealed §§ 5.1900—5.1908, which pertained to (I-G) LIGHT EMPLOYMENT DISTRICT. Section 2 of said Exhibit A enacted provisions designated as §§ 5.1900—5.1908 to read as herein set out. See also the Code Comparative Table.

(Ord. No. 4004, § 1(Exh. A, § 2), 3-6-12; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 100), 4-3-12)

Sec. 5.1901. - Purpose.

The I-G District is intended to provide employment uses such as educational institutions, research, technological and light manufacturing activities and supportive uses that are compatible with and transition to adjacent residential districts. The development standards are intended to provide development flexibility consistent with the sensitive design principles, and appropriate transition in areas adjacent to residential districts.

(Ord. No. 4004, § 1(Exh. A, § 2), 3-6-12)

Sec. 5.1902. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 28), adopted Aug. 25, 2014, repealed § 5.1902 which pertained to development review board approval and derived from Ord. No. 4004, § 1(Exh. A, § 2), adopted March 6, 2012.

Sec. 5.1903. - Use regulations.

The uses allowed in the I-G District are shown in Table 5.1903 with additional limitations on certain uses listed below.

Table 5.1903. Land Use Table	
Land uses	Permitted (P) or Conditional Use (CU)
1. Arts and craft production	P
2. Courier and messenger	P
3. Data processing, hosting and related service	P
4. Day care center with drop off or outdoor play area farther than 100 feet from a residential district	P (2)
5. Day care center with drop off or outdoor play area within 100 feet of a residential district	CU (2)
6. Educational service other than elementary and secondary school	P
7. Educational service, elementary and secondary school	CU (1) (2)
8. Electronic shopping and mail-order service	P
9. Health and fitness studio	P
10. Light manufacturing	P
11. Medical and diagnostic laboratory	P
12. Multimedia production excluding communication tower	P
13. Municipal use	P
14. Office	P
15. Place of worship	P (2)

16. Scientific research and development	P
17. Wholesale, warehouse and distribution	P
18. Wireless communications facility, Type 1, 2, & 3	P
19. Wireless communications facility, Type 4	CU

Use limitations.

(1) Educational service, elementary and secondary schools, are subject to a conditional use permit and shall meet the following standards:

a. The facility shall be located a minimum of five hundred (500) feet from any adult use.

b. The net lot area for the facility shall be a minimum of forty-three thousand (43,000) square feet.

c. The facility shall not have outside speaker systems or bells.

d. All lighting adjacent to residential districts shall be set back a minimum of thirty (30) feet from the property line.

e. A minimum twenty-four (24) feet setback shall be provided and landscaped where parking is adjacent to residential districts.

f. All outdoor playgrounds and recreation areas shall be located within the side or rear yard and shall be enclosed by a six-foot wall or fence.

g. 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 facility.

h. Facilities located in the AC-2 area, described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended, shall be constructed with sound attenuation measures to reduce outdoor to indoor noise by twenty-five (25) decibels. Compliance with the noise attenuation measures set forth in Appendix F to FAA Part 150 Noise Compatibility Study Section 4.00 is deemed compliance with this requirement.

i. Uses that are not accessory uses shall front on a major collector or higher street classification.

(2) Uses are allowed except in the AC-3 area as described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended.

(Ord. No. 4004, § 1(Exh. A, § 2), 3-6-12)

Sec. 5.1904 - Property development standards.

The following property development standards shall apply to all land and buildings in the I-G District.

A. *Floor area ratio.*

1. Maximum: 0.60 multiplied by the net lot area.

B. *Building dimensions.*

All building walls facing residential districts shall be limited to horizontal dimension of one hundred fifty (150) feet without an interruption of the building wall plane with either a recess or an offset, as determined by the Development Review Board.

C. *Required open space.*

1. Minimum: 0.24 multiplied by the net lot area.
2. Parking areas and parking lot landscaping are not included in the required open space.
3. NAOS may be included in the required open space.

D. *Building height.*

1. Maximum: Thirty (30) feet in height, including mechanical equipment.

E. *Lot coverage.*

1. Maximum: 0.50 multiplied by the net lot area.

F. *Yards.*

1. Front:
    a. Minimum: Twenty (20) feet.
2. Side and rear:
    a. Minimum: Fifty (50) feet from a single-family residential district.
    b. Minimum: Twenty-five (25) feet from residential districts other than single-family.
3. All outdoor activities, including storage, minimum: Fifty (50) feet from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

G. *Screening.*

1. All activities, mechanical equipment, outdoor storage, and refuse areas shall be within an enclosed building, or screened by a solid wall at least six (6) feet in height or as otherwise approved by the Development Review Board.
2. No outdoor storage shall be visible from off-site.
3. Other requirements and exceptions are as specified in Article VII and Article X.

(Ord. No. 4004, § 1(Exh. A, § 2), 3-6-12; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 101), 4-3-12)

Sec. 5.1905. - General Provisions.

Unless otherwise provided in this district, the provisions of Article VII shall apply.

(Ord. No. 4004, § 1(Exh. A, § 2), 3-6-12)

Sec. 5.1906. - Signs.

The provisions of Article VIII shall apply.

(Ord. No. 4004, § 1(Exh. A, § 2), 3-6-12)

Sec. 5.1907. - Off-street parking.

The provisions of Article IX shall apply.

(Ord. No. 4004, § 1(Exh. A, § 2), 3-6-12)

Sec. 5.1908. - Landscaping.

Unless otherwise provided, the provisions of Article X. apply.

(Ord. No. 4004, § 1(Exh. A, § 2), 3-6-12; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 102), 4-3-12)

Sec. 5.2000. - Manufactured Home (M-H).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 103), 4-3-12)

Sec. 5.2001. - Purpose.

This district is intended to provide for the development of manufactured home parks at standards consistent with the health, safety and welfare of the community. Further, it is intended that, by the criteria set forth in this section said development will better the existing environment.

Sec. 5.2002. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 29), adopted Aug. 25, 2014, repealed § 5.2002 which pertained to approvals required and derived from Ord. No. 3225, § 1, adopted May 4, 1999.

Sec. 5.2003. - 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. Any use shown as permitted in Table 5.2003., subject to the use limitations as listed.

B. *Uses permitted by conditional use permit* .

1. Any use shown as permitted by conditional use permit in Table 5.2003., subject to the use limitations as listed, and any additional conditional use permit criteria.

Table 5.2003. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Accessory buildings including private garages, swimming pools, and recreation buildings and courts	P

2. Accessory uses including home occupation	P (1)
3. Community buildings and recreational facilities not publicly owned, such as: athletic fields, boys' clubs, commercial stables, ranches, and tennis clubs (see Section 1.403. for criteria)	CU
4. Day care group home	P
5. Day care home	P
6. Educational service, elementary and secondary school (see Section 1.403. for criteria)	CU (2)
7. Educational service, other than elementary and secondary school, colleges and universities only (see Section 1.403. for criteria)	CU (2)
8. Installation of residential trailers and manufactured homes	P
9. Model home, temporary sales office/buildings	P (3)
10. Municipal uses	P
11. Place of worship	P (4)
12. Public utility buildings, structures or appurtenances thereto for public uses	CU
13. Single-family dwelling units	P
14. Wireless communication facility, Type 1, 2 and 3	P (5)
15. Wireless communication facility, Type 4	CU (6)

Use Limitations:

(1) The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.

(2) Conditional use permit is not required for public or charter educational services.

(3) For uses incidental to construction work and/or home sales, to be removed upon completion or abandonment of construction work and/or home sales.

(4) Place of worship subject to compliance with the following standards, as well as those otherwise required in the underlying District:

a. *Lot area:* The minimum lot area shall be equal to that required for the district, except that no lot shall be less than twenty thousand (20,000) square feet (net).

b. *Floor area ratio:* In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.

c. *Building height:* Development Review Board may allow building heights, including towers, spires, and mechanical equipment (such equipment must be screened) limited to thirty (30) feet in height, and may allow a maximum of ten (10) percent of the roof area to exceed the height limit by fifteen (15) feet. Height and location are subject to the Development Review Board review and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods. (This provision supersedes Section 7.100. through 7.102., exceptions to height restrictions, which shall not apply to churches within the underlying District.)

d. *Required open space:*

i. Minimum: 0.24 multiplied by the net lot area.

ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.

iii. NAOS may be included in the required open space.

e. *Parking:*

i. Parking shall observe the minimum front yard setbacks of the underlying District for all frontages. On streets classified in the Transportation Master Plan as major arterial or greater, parking may be located between the established front building line and the front yard setback. On all other street classifications, parking shall be located behind the established front building lines.

ii. A minimum of fifteen (15) percent of all parking areas shall be landscaped.

iii. A ten-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

f. *Lighting:*

i. All pole-mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height.

ii. All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., shall be set back a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be shut off by 10:00 p.m.

iii. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.

g. *Screening:*

i. There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines that are adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development

(PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

ii. There shall be a three-foot high landscaped berm along all street frontages where parking occurs.

h. *Access:*

i. All places of worship must have primary access to a street classified in the Transportation Master Plan as a minor collector or greater.

ii. Access to a local or local collector residential street is prohibited when the primary worship center, auditorium, or other major gathering place exceeds three thousand (3,000) square feet.

i. *Operations:* No outdoor activities shall be permitted after 10:00 p.m.

j. *Noise:* Outdoor speakers or paging systems are not allowed.

(5) Subject to the requirements of Sections 1.904., 3.100., and 7.200.

(6) Subject to the requirements of Sections 1.400., 3.100., and 7.200.

(Ord. No. 2430, § 1, 1-21-92; Ord. No. 2799, § 1, 6-5-95; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3697, § 1(Exh. 1), 9-26-06; Ord. No. 3920, § 1(Exh. § 32), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 104), 4-3-12; Ord. No. 4140, § 1(Res. No. 9643, Exh. A, § 4), 2-25-14; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 94), 5-6-14; Ord. No. 4365, § 1(Res. No. 11261, § 1(Exh. A, § 5)), 11-13-18)

Sec. 5.2004. - Property development standards.

The following property development standards shall apply to all land, buildings and manufactured homes in the M-H district.

A. *Area.*

1. Each parcel of land used for a manufactured home park shall have a minimum area of ten (10) acres.

2. There shall be a minimum of seven thousand (7,000) square feet of gross land area within a manufactured home park per manufactured home.

B. *Dimensions.*

1. Width. Each manufactured home space shall have a minimum width of fifty (50) feet.

2. Depth. Each manufactured home space shall have a minimum depth of eighty (80) feet.

C. *Density.* There shall be not more than one (1) manufactured home per each manufactured home space.

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 sixteen (16) feet.

b. Where spaces have frontage on more than one (1) street the required front yard shall be ten (10) feet on street frontages other than the narrowest frontage.

c. There shall be a setback of twenty (20) feet from the property line to any garage door or to a carport cover from the property line to the carport.

2. Side Yard.

a. There shall be side yards on each side of a building or manufactured home.

b. The aggregate width of side yards on a manufactured home space shall not be less than ten (10) feet.

c. The minimum side yard shall not be less than five (5) feet in width for enclosed main buildings or garages and three (3) feet in width for carports open on at least two (2) sides.

3. Rear Yard. There shall be a rear yard having a minimum depth of ten (10) feet.

4. Perimeter setbacks. All main buildings or garages shall be setback a minimum of twenty (20) feet from the perimeter property line of the manufactured home park.

F. *Distance between buildings.*

1. Accessory buildings may be attached to the main building or manufactured home or if separate shall be not less than ten (10) feet away from the main building or manufactured home.

2. The distance between main buildings or manufactured homes along with attached garages or carports on adjacent lots shall be not less than ten (10) feet.

G. *Buildings, walls, fences and landscaping.*

1. Walls, fences and hedges not to exceed six (6) feet in height shall be permitted on the property line or within the side or rear yard. Walls, fences and hedges not to exceed three (3) feet in height shall be permitted within the front yard except as otherwise provided in article VII.

2. All manufactured home parks shall have decorative masonry walls as approved by the Development Review Board.

3. Landscaping shall be provided as required by the Development Review Board, with a minimum of five (5) percent of all common parking and driveway areas to be landscaped.

H. *Access.*

1. Manufactured home parks shall have vehicular access from a street classified as a collector or greater.

2. Access roads within the manufactured home park shall be paved to a minimum width of not less than twenty-eight (28) feet with concrete curbs or edging.

(Ord. No. 2509, § 1, 6-1-93; Ord. No. 2799, § 1, 6-5-95)

Sec. 5.2005. - Off-street parking.

The provisions of article IX shall apply.

Sec. 5.2006. - Signs.

The provisions of article VIII shall apply.

Sec. 5.2007. - Other requirements.

A. Maximum coverage including buildings, manufactured homes and paved areas shall be sixty (60) percent.

B. Manufactured homes shall be equipped with toilet and bath facilities and shall be connected to the sanitary sewer line. Water, telephone and electric service shall be provided and all utilities shall be underground.

C. One (1) or more community recreation areas, each having not less than three thousand (3,000) square feet in area, shall be set aside within the manufactured home parks. The total area set aside for recreation shall be not less than ten (10) percent of the gross manufactured home park area.

D. Residential trailers or manufactured homes shall be installed with the bottom flush with the ground or with a skirt matching the building or mound that shields from view the bottom space under the unit.

(Ord. No. 2809, § 1, 7-18-95)

Sec. 5.2008. - Reserved.

Editor's note— Ord. No. 2799, § 1, adopted June 5, 1995, repealed former § 5.2008, which pertained to building permits.

Sec. 5.2100. - Planned Community (P-C).[8]

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 105), 4-3-12)

Footnotes:

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Editor's note— Ord. No. 3258, § 1, adopted Oct. 5, 1999, amended § 5.2100 in its entirety. Formerly said section pertained to similar subject matter. See the Code Comparative Table.

Sec. 5.2101. - Purpose.

This is a zoning district that may be developed only in accordance with a specific development plan. The approved development plan is an integral part of this zoning district and all development shall comply with said plan. The planned community district is designed and intended to enable and encourage the development of large tracts of land which are under unified ownership or control, or lands which by reason of existing or planned land uses are appropriate for development under this section, so as to achieve land development patterns which will maintain and enhance the physical, social and economic values of an area.

To this end, there may be provided within such areas a combination of land uses, including a variety of residential types, commercial, industrial, public and semi-public areas, arranged and designed in accordance with modern land planning principles and development techniques; and in such a manner as to be properly related to each other, the surrounding community, the planned thoroughfare system, and other public facilities such as water and sewer systems, parks, schools and utilities.

The planned community district and procedure are further established to provide a land developer with reasonable assurance that specific uses proposed from time to time, if in accordance with an approved development plan, will be acceptable to the city; and to provide the City Planning Commission and the City Council with a long-term proposal for the development of a given area.

(Ord. No. 3258, § 1, 10-5-99)

Sec. 5.2102. - General provisions.

A. *Qualifications.* P-C districts may be established on parcels of land which, because of their unified ownership or control, size, topography, proximity to large public facilities, or exceptional or unusual locational advantages, are suitable for planned development in a manner consistent with the purposes of this section.

B. *Minimum district size.*

1. Minimum parcel size for any P-C District established within the boundaries of the single Central Business District designated by the City Council in Resolution No. 8356: ten (10) acres of gross lot area of all lots shown on the Development Plan.

2. Minimum parcel size for any P-C District established outside the boundaries of the single Central Business District designated by the City Council in Resolution No. 8356: one hundred sixty (160) acres of gross lot area of all lots shown on the Development Plan.

C. *Property development standards.* All land uses in a P-C district shall conform to the property development standards of the comparable zoning district. Modification of the comparable district's standards may be allowed as provided in the modification procedure below. The Zoning Administrator shall determine, primarily on the basis of proposed use and density, which of the districts of this Zoning Ordinance is most closely comparable to the proposed development.

Property development standards modification procedure. Application shall be made and the procedure followed as provided in Section 1.300. Development Applications; with the addition that an application for proposed amendments to development standards in a designated redevelopment area shall first be heard by the Development Review Board, Section 1.900. The application shall be accompanied by written terminology, graphic material, and will illustrate the conditions that the modified standards will produce, so as to enable the Planning Commission and the City Council to make the determination that the modification will produce a living environment, landscape quality and life-style superior to that produced by existing standards.

D. All provisions of this Zoning Ordinance shall apply to development in the P-C district except as allowed in the immediately preceding paragraph C.

(Ord. No. 3258, § 1, 10-5-99; Ord. No. 3920, § 1(Exh. § 33), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 106), 4-3-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 95), 5-6-14; Ord. No. 4164, § 1(Res. No. 9856, § 1, Exh. A, § 30), 8-25-14; Ord. No. 4239, § 1, 9-13-16)

Sec. 5.2103. - Development Plan (DP).

The zoning district map amendment application shall be accompanied by a Development Plan as required in Article VII.

(Ord. No. 3258, § 1, 10-5-99; Ord. No. 3920, § 1(Exh. § 34), 11-9-10; Ord. No. 4048, § 1(Res. No. 9223, § 1(Exh. A, § 2), 11-14-12)

Sec. 5.2104. - Findings required.

Before approval or modified approval of an application for a proposed P-C District, the Planning Commission and the City Council must find:

A. That the development proposed is in substantial harmony with the General Plan, and can be coordinated with existing and planned development of surrounding areas.

B. That the streets and thoroughfares proposed are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated thereby.

C. The Planning Commission and City Council shall further find that the facts submitted with the application and presented at the hearing establish beyond reasonable doubt that:

1. In the case of proposed residential development, that such development will constitute a residential environment of sustained desirability and stability; that it will be in harmony with the character of the surrounding area; and that the sites proposed for public facilities, such as schools, playgrounds and parks, are adequate to serve the anticipated population. The Planning Commission and City Council shall be presented written acknowledgment of this from the appropriate school district, the Scottsdale Parks and Recreation Commission and any other responsible agency.
2. In the case of proposed industrial or research uses, that such development will be appropriate in area, location and overall planning to the purpose intended; and that the design and development standards are such as to create an industrial environment of sustained desirability and stability.
3. In the case of proposed commercial, educational, cultural, recreational and other nonresidential uses, that such development will be appropriate in area, location and overall planning to the purpose intended; and that such development will be in harmony with the character of the surrounding areas.

(Ord. No. 3258, § 1, 10-5-99; Ord. No. 3920, § 1(Exh. § 35), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 107, 108), 4-3-12; Ord. No. 4048, § 1(Res. No. 9223, § 1(Exh. A, §§ 3, 4), 11-14-12; Ord. No. 4140, § 1(Res. No. 9643, Exh. A, § 5), 2-25-14; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 96), 5-6-14)

Editor's note— Formerly § 5.2105.

Sec. 5.2105. - Conformance to approved plans.

A P-C District shall be developed in conformance with the approved Development Plan and Development Master Plans as provided in Article VII.

(Ord. No. 4048, § 1(Res. No. 9223, § 1(Exh. A, § 5), 11-14-12)

Sec. 5.2200. - Commercial Office (C-O).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 109), 4-3-12; Ord. No. 4030, § 1(Exh. 1, §§ 1, 2), 6-19-12)

Editor's note— Ord. No. 4030, § 1(Exh. 1, § 1) adopted June 19, 2012, repealed former §§ 5.2201—5.2207 and enacted Exh. 1, § 2, enacted new provisions designated as §§ 5.2201—2.2208. See also the Code Comparative Table for a detailed analysis of inclusion.

Sec. 5.2201. - Purpose.

This district is intended to provide an environment desirable for and conducive to development of office and related uses adjacent to commercial areas. In addition, some specified uses are permitted with use limitations which promote their compatibility with office and residential uses. The development standards are intended to provide separation of office buildings from nearby residential areas, and provide a high quality setting for office uses.

(Ord. No. 4030, § 1(Exh. 1, § 2), 6-19-12, eff. 7-19-12)

Sec. 5.2202. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 31), adopted Aug. 25, 2014, repealed § 5.2202 which pertained to development review board approval and derived from Ord. No. 4030, § 1(Exh. 1, § 2), adopted June 19, 2012.

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Sec. 5.2203. - Use regulations.

The uses allowed in the C-O District are shown in Table 5.2203.A. with additional limitations on certain uses listed below.

Table 5.2203.A. Use Table	
Land Use	Permitted (P) or Conditional Use (CU)
1. Animal and veterinary hospital	P(1)
2. Courier and messenger	P
3. Cultural institution, civic and social organization	P
4. Day care center with drop off or outdoor play area farther than 100 feet from a residential district	P (2)
5. Day care center with drop off or outdoor play area within 100 feet of a residential district	CU (2)
6. Educational service, elementary and secondary school	P (2)(3)
7. Educational service, other than elementary and secondary school	P
8. Financial institution, including drive-through and drive-in service	P
9. Funeral home and funeral services	CU(2)
10. Health and fitness studio	P
11. Hospital	CU (2)

12. Medical and diagnostic laboratory	P
13. Medical marijuana use, excluding medical marijuana cultivation	CU
14. Multimedia production excluding communication tower	P
15. Municipal use	P
16. Office	P
17. Place of worship	P (2)
18. Residential health care facility	P (2) (4)
19. Scientific research and development	CU
20. Wireless communications facility, Type 1, 2, and 3	P
21. Wireless communications facility, Type 4	CU

Use Limitations:

(1) Animal and veterinary hospital.

i. Outdoor kennels are not allowed.

ii. An employee or pet owner shall accompany an animal at all times when the animal is outdoors.

iii. The property owner and operator shall maintain all outdoor areas in a clean and sanitary condition, including immediate and proper disposal of animal waste.

(2) Uses are allowed except in the AC-3 area as described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended.

(3) Educational services, elementary and secondary school are subject to the following standards:

a. The facility shall be located a minimum of five hundred (500) feet from any adult use.

b. The net lot area for the facility shall be a minimum of forty-three thousand (43,000) square feet.

c. The facility shall not have outdoor speaker systems or bells.

d. All outdoor playgrounds and recreation areas shall be enclosed by a six-foot wall or fence and located a minimum of fifty (50) feet from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a

Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

e. 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 facility. This area shall not include internal site traffic aisles, parking spaces, or fire lanes.

f. Public trails or pedestrian connections shall be incorporated into the site plan and subject to Development Review Board approval.

g. The circulation plan shall show minimal conflicts among the student drop-off area, any vehicle drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

h. Facilities located in the AC-2 area, described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended, shall be constructed with sound attenuation measures to reduce outdoor to indoor noise by twenty-five (25) decibels. Compliance with the noise attenuation measures set forth in Appendix F to FAA Part 150 Noise Compatibility Study Section 4.00 is deemed compliance with this requirement.

(4) Residential health care facilities.

i. Specialized residential health care facilities.

a. The number of beds shall not exceed eighty (80) per acre of gross lot area.

b. Required open space.

i. Minimum open space: 0.24 multiplied by the net lot area distributed as follows.

(1) Frontage open space minimum: 0.50 multiplied by the total open space, except as follows:

(A) Minimum: Twenty (20) square feet per one (1) linear foot of public street frontage.

(B) Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage.

(2) The remainder of the minimum open space, less the frontage open space, shall be provided as common open space.

c. The site shall be designed to provide convenient pedestrian access for residents, guests, and visitors.

ii. Minimal residential health care facilities.

a. The gross lot area shall not be less than one (1) acre.

b. The number of units shall not exceed forty (40) dwelling units per acre of gross lot area.

c. Required open space.

i. Minimum open space: 0.24 multiplied by the net lot area distributed as follows.

(1) Frontage open space minimum: 0.50 multiplied by the total open space, except as follows:

(A) Minimum: Twenty (20) square feet per one (1) linear foot of public street frontage.

(B) Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage.

(2) The remainder of the minimum open space, less the frontage open space, shall be provided as common open space.

d. The site shall be designed to provide convenient pedestrian access for residents, guests, and visitors.

(Ord. No. 4030, § 1(Exh. 1, § 2), 6-19-12, eff. 7-19-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 97), 5-6-14)

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Sec. 5.2204. - Property development standards.

The following property development standards shall apply to all land and buildings in the C-O District:

A. *Floor area ratio.* Maximum: 0.80.

B. *Required open space.*

1. Total open space.

a. Minimum: 0.15 multiplied by the net lot area.

b. For building heights over twelve (12) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twelve (12) feet.

2. Total open space is distributed as follows:

a. Frontage open space minimum: 0.50 multiplied by the total open space requirement.

b. The remainder of the total open space, less the frontage open space, shall be common open space.

3. Parking areas and parking lot landscaping are not included in the required open space.

4. NAOS may be included in the required open space.

C. *Building height maximum (excluding rooftop appurtenances).*

1. Maximum: Forty-eight (48) feet.

2. For portions of buildings within one hundred (100) feet of any Single-family Residential R-1 District or any Two-family Residential R-2, Medium Density Residential R-3, Townhouse Residential R-4, Resort/Townhouse Residential R-4R, or Manufactured Home M-H district, shown on Table 4.100.A., or the portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to these residential districts, maximum: thirty-two (32) feet.

D. *Yards.*

1. Side and rear yards.

a. Minimum fifty (50) feet, including any alley width, from a single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A.

b. Minimum twenty-five (25) feet, including any alley width, from any residential district other than a single-family residential district shown on Table 4.100.A., or portion of a Planned Community P-C with an underlying zoning district comparable to any residential district other than a single-family residential district shown on Table 4.100.A.

E. *Screening.*

1. Walls.
    a. On the property line or within the required yards: Maximum eight (8) feet in height.
    b. Within frontage open space: Maximum three (3) feet in height.
2. All outdoor operations, mechanical equipment and appurtenances, storage and refuse areas shall be within an enclosed building, or screened by a solid wall at least six (6) feet in height or as otherwise approved by the Development Review Board.

(Ord. No. 4030, § 1(Exh. 1, § 2), 6-19-12, eff. 7-19-12)

Sec. 5.2205. - General provisions.

The provisions of Article VII shall apply.

(Ord. No. 4030, § 1(Exh. 1, § 2), 6-19-12, eff. 7-19-12)

Sec. 5.2206. - Signs.

The provisions of Article VIII shall apply.

(Ord. No. 4030, § 1(Exh. 1, § 2), 6-19-12, eff. 7-19-12)

Sec. 5.2207. - Off-street parking.

The provisions of Article IX shall apply.

(Ord. No. 4030, § 1(Exh. 1, § 2), 6-19-12, eff. 7-19-12)

Sec. 5.2208. - Landscaping.

The provisions of Article X shall apply.

(Ord. No. 4030, § 1(Exh. 1, § 2), 6-19-12, eff. 7-19-12)

[Sec. 5.2300. Reserved.]

Sec. 5.2400. - Planned Neighborhood Center (PNC).

Editor's note— Ord. No. 4083, § 1(Res. No. 9411, Exh. A, § 1), adopted May 14, 2013, repealed §§ 5.2400—5.2407. Section 2 of said exhibit enacted provisions designated as new §§ 5.2400—5.2410. Prior to inclusion of said ordinance, said provisions pertained to similar subject matter. See also the Code Comparative Table.

Sec. 5.2401. - Purpose.

This district is intended to provide a hub of activity and a focal point in the community. The center provides professional offices, services and retail sales to meet the daily needs of the residents and patrons. Residential uses are encouraged to provide a live-work atmosphere of day and nighttime activities.

(Ord. No. 4083, § 1(Res. No. 9411, Exh. A, § 2), 5-14-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 98), 5-6-14)

Sec. 5.2402. - District size requirement.

A. Minimum: four (4) acres of gross lot area.

B. Maximum: fifteen (15) acres of gross lot area.

(Ord. No. 4083, § 1(Res. No. 9411, Exh. A, § 2), 5-14-13)

Sec. 5.2403. - Development Plan at time of rezoning.

A. The zoning district map amendment application shall be accompanied by a Development Plan as required in Article VII.

(Ord. No. 4083, § 1(Res. No. 9411, Exh. A, § 2), 5-14-13; Ord. No. 4164, § 1(Res. No. 9856, § 1, Exh. A, § 32), 8-25-14)

Sec. 5.2404. - Conformance to approved plans.

A PNC District shall be developed in conformance with the approved Development Plan and any Development Master Plan as provided in Article VII.

(Ord. No. 4083, § 1(Res. No. 9411, Exh. A, § 2), 5-14-13)

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Sec. 5.2405. - Use regulations.

A. The uses allowed in the PNC District are shown in Table 5.2405.A. with additional limitations on uses as listed.

B. Drive-through and drive-in services are not permitted in the Downtown Area.

Table 5.2405.A. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Carwash	CU
2. Community buildings and recreational facilities not publicly owned	CU
3. Courier and messenger	P

4. Day care center with drop off or outdoor play area farther than one hundred (100) feet from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.	P (1)
5. Day care center with drop off or outdoor play area within one hundred (100) feet of a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.	CU (1)
6. Dwelling units physically integrated with business establishments	P (1)
7. Educational service, elementary and secondary school	P (1) (2)
8. Educational service, other than elementary and secondary school	P
9. Financial institution, including drive-through and drive-in service	P
10. Furniture and home furnishing sales	P
11. Game center	CU
12. Gas station	CU
13. Health and fitness studio	P
14. Internalized community storage	P
15. Live entertainment	CU
16. Multimedia production without communication tower.	P
17. Municipal use	P
18. Office	P
19. Personal care service	P
20. Place of worship	P (1)

21. Residential health care facility, limited to 40 percent of the PNC zoning district map amendment site area	P (1) (3)
22. Restaurant, including drive-through restaurant but excluding drive-in restaurant	P
23. Retail	P
24. Theater	P (1)
25. Veterinary and pet care service	P (4)
26. Wireless communications facility, Type 1, 2, and 3	P
27. Wireless communications facility, Type 4	CU

Use Limitations:

(1) Uses are allowed except in the AC-3 area as described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended.

(2) Educational services, elementary and secondary school, are subject to the following standards:

a. The facility shall be located not less than five hundred (500) feet from any adult use.

b. The net lot area for the facility shall be a minimum of forty-three thousand (43,000) square feet.

c. The facility shall not have outdoor speaker systems or bells.

d. A maximum of one-third (1/3) of the required parking may be shared parking with other uses located within six hundred (600) feet of the building front entrance.

e. Outdoor playgrounds and recreation areas shall be:

i. Located not less than fifty (50) feet from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A;

ii. Located within the rear or side yard; and

iii. Enclosed and screened by a six-foot tall wall or fence.

f. 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 facility. This area shall not include internal site traffic aisles, parking spaces, or fire lanes.

g. Public trails or pedestrian connections shall link to the front door of the main building, subject to Development Review Board approval.

h. The circulation plan shall show minimal conflicts among the student drop-off area, any vehicle drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

i. Facilities located in the AC-2 area, described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended, shall be constructed with sound transmission requirements of the International Building Code (IBC).

(3) Residential health care facilities.

a. Specialized residential health care facilities.

i. The site size shall not exceed forty (40) percent of the gross acreage of the PNC District map amendment for the site.

ii. The number of beds shall not exceed eighty (80) per acre of gross lot area.

iii. Required open space.

(1) Minimum open space: 0.24 multiplied by the net lot area distributed as follows:

(a) Frontage open space minimum: 0.50 multiplied by the total open space, except as follows:

(i) Minimum: Twenty (20) square feet per one (1) linear foot of public street frontage.

(ii) Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage.

(b) The remainder of the minimum open space, less the frontage open space, shall be provided as common open space.

b. Minimal residential health care facilities.

i. The gross lot area shall not be less than one (1) acre.

ii. The site size shall not exceed forty (40) percent of the gross acreage of the PNC District map amendment for the site.

iii. The number of units shall not exceed forty (40) dwelling units per acre of gross lot area.

iv. Required open space.

(1) Minimum open space: 0.24 multiplied by the net lot area distributed as follows.

(a) Frontage open space minimum: 0.50 multiplied by the total open space, except as follows:

(i) Minimum: Twenty (20) square feet per one (1) linear foot of public street frontage.

(ii) Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage.

(b) The remainder of the minimum open space, less the frontage open space, shall be provided as common open space.

(4) Veterinary and pet care services are permitted if all facilities are within a soundproof building. However, outdoor activities are permitted if:

a. An employee or pet owner shall accompany an animal at all times when the animal is outside the building.

b. The property owner and operator maintain all outdoor areas in a clean and sanitary condition, including immediate and proper disposal of animal waste.

c. The outdoor areas are set back at least one hundred (100) feet from any lot line abutting a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits.

d. There is no outdoor kennel boarding.

(Ord. No. 4083, § 1(Res. No. 9411, Exh. A, § 2), 5-14-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 99, 100), 5-6-14)

Sec. 5.2406. - Property development standards.

The following property development standards shall apply to all land and buildings in the P.N.C. district:

A. Density.

1. Residential development physically integrated with business establishments.

a. Maximum: Four (4.0) dwelling units per acre of gross lot area.

B. Floor area ratio.

1. Maximum: 0.50.

2. Residential use floor area is not included in computing floor area ratio.

C. Building height (excluding rooftop appurtenances). Maximum: Thirty-six (36) feet.

D. Required open space.

1. Common open space.

a. Minimum: 0.16 multiplied by the net lot area.

b. For building heights over twelve (12) feet: the minimum open space requirement plus 0.005 multiplied by the net lot area for each foot of building height over twelve (12) feet.

2. Frontage open space minimum: 0.50 multiplied by the required common open space, except as follows:

a. At least thirty (30) square feet per one (1) linear foot of public street frontage.

b. Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage.

3. Private outdoor living space.

a. Ground floor dwelling units and residential health care facility units: none required.

b. Above ground floor dwelling units, minimum: 0.05 multiplied by the gross floor area of the unit.

c. The private outdoor living space shall be located beside the dwelling unit which it serves and shall be for the exclusive use of the unit occupant(s), but is not part of the unit's gross floor area.

4. Parking areas and parking lot landscaping are not included in the required open space.

5. NAOS may be included in the required open space.

E. Yards.

1. Side and Rear Yards.

a. Minimum: Eighty (80) feet from an abutting property line or an alley adjacent to a property with a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development with an underlying zoning district comparable to the residential district shown on Table 4.100.A.

F. Screening.

1. All operations and storage shall be conducted within a completely enclosed building or within an area contained by a wall or fence as determined by Development Review Board approval.

(Ord. No. 4083, § 1(Res. No. 9411, Exh. A, § 2), 5-14-13)

Sec. 5.2407. - General provisions.

Unless otherwise provided, the provisions of Article VII shall apply.

(Ord. No. 4083, § 1(Res. No. 9411, Exh. A, § 2), 5-14-13)

Sec. 5.2408. - Signs.

The provisions of Article VIII shall apply.

(Ord. No. 4083, § 1(Res. No. 9411, Exh. A, § 2), 5-14-13)

Sec. 5.2409. - Off-street parking.

Unless otherwise provided, the provisions of Article IX shall apply.

(Ord. No. 4083, § 1(Res. No. 9411, Exh. A, § 2), 5-14-13)

Sec. 5.2410. - Landscaping.

Unless otherwise provided, the provisions of Article X shall apply.

(Ord. No. 4083, § 1(Res. No. 9411, Exh. A, § 2), 5-14-13)

Sec. 5.2500. - Planned Community Center (PCC).

(Ord. No. 4123, § 1(Res. No. 9596, Exh. A, § 4), 1-14-14)

Editor's note— Ord. No. 4123, § 1(Res. No. 9596, Exh. A, § 3), adopted Jan. 14, 2014, repealed §§ 5.2500—5.2508. Section 4 of said exhibit enacted provisions designated new §§ 5.2500—5.2510. Prior to inclusion of said ordinance, said provisions pertained to similar subject matter. See also the Code Comparative Table.

Sec. 5.2501. - Purpose.

This district is intended to provide a large variety of retail goods and personal and professional services for multiple neighborhoods. Residential uses are encouraged to promote day and night time activity.

(Ord. No. 4123, § 1(Res. No. 9596, Exh. A, § 4), 1-14-14)

Sec. 5.2502. - Development plan size requirement.

A. *Minimum:* Fifteen (15) acres of gross lot area.

B. *Maximum:* Thirty (30) acres of gross lot area.

(Ord. No. 4123, § 1(Res. No. 9596, Exh. A, § 4), 1-14-14)

Sec. 5.2503. - Development Plan at time of rezoning.

A. The zoning district map amendment application shall be accompanied by a Development Plan as required in Article VII.

(Ord. No. 4123, § 1(Res. No. 9596, Exh. A, § 4), 1-14-14; Ord. No. 4164, § 1(Res. No. 9856, § 1, Exh. A, § 33), 8-25-14)

Sec. 5.2504. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 34), adopted Aug. 25, 2014, repealed § 5.2504 which pertained to approvals required and derived from Ord. No. 4123, § 1(Res. No. 9596, Exh. A, § 4), adopted Jan. 14, 2014.

Sec. 5.2505. - Use regulations.

A. The uses allowed in the PCC District are shown in Table 5.2505.A. with additional limitations on uses as listed.

B. Drive-through and drive-in services are not permitted in the Downtown Area.

Table 5.2505.A. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Bar	CU
2. Big box	P (1), CU (1)
3. Carwash	CU

4. Civic and social organization	P (2)
5. Community buildings and recreational facilities not publicly owned	CU
6. Courier and messenger	P
7. Cultural institution	P (2)
8. Day care center with drop off or outdoor play area farther than 100 feet from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.	P (2)
9. Day care center with drop off or outdoor play area within 100 feet of a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.	CU (2)
10. Dwelling units physically integrated with business establishments	P (2)
11. Educational service, elementary and secondary school	P (2) (3)
12. Educational service, other than elementary and secondary school	P
13. Financial institution, including drive-through and drive-in service	P
14. Furniture and home furnishing sales	P
15. Gas station	CU
16. Health and fitness studio	P
17. Internalized community storage	P
18. Live entertainment	CU
19. Medical and diagnostics laboratory	P
20. Multimedia production without communication tower	P

21. Municipal use	P
22. Office	P
23. Personal care service	P
24. Place of worship	P (2)
25. Public utility buildings, structures or appurtenances thereto for public service uses	CU
26. Residential health care facility	P (2) (4)
27. Restaurant including drive-through restaurant but excluding drive-in restaurant	P
28. Retail	P
29. Seasonal art festival	CU
30. Theater	P (2)
31. Travel accommodation	P (2)
32. Vehicle leasing, rental, or sales	CU
33. Vehicle repair	CU
34. Veterinary and pet care service	P (5)
35. Wireless communications facility, Type 1, 2, and 3	P
36. Wireless communications facility, Type 4	CU

———

Use Limitations:

(1) Big box retail sales are not allowed in the Environmentally Sensitive Lands Overlay District and are subject to a conditional use permit if:

a. Primary access is from a local residential street, or

b. Residential property is located within 1,300 feet of the big box property line, except where the residential property is developed with nonresidential uses or separated from the big box by the Loop 101 Pima Freeway.

(2) Uses are allowed except in the AC-3 area as described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended.

(3) Educational services, elementary and secondary school, are subject to the following standards:

a. The facility shall be located not less than five hundred (500) feet from any adult use.

b. The net lot area for the facility shall be a minimum of forty-three thousand (43,000) square feet.

c. The facility shall not have outdoor speaker systems or bells.

d. A maximum of one-third (1/3) of the required parking may be shared parking with other uses located within six hundred (600) feet of the building front entrance.

e. Outdoor playgrounds and recreation areas shall be:

i. Located not less than fifty (50) feet from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A;

ii. Located within the rear or side yard; and

iii. Enclosed and screened by a six-foot wall or fence.

f. 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 facility. This area shall not include internal site traffic aisles, parking spaces, or fire lanes.

g. Public trails or pedestrian connections shall link to the front door of the main building, subject to Development Review Board approval.

h. The circulation plan shall show minimal conflicts among the student drop-off area, any vehicle drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

i. Facilities located in the AC-2 area, described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended, shall be constructed with sound transmission requirements of the International Building Code (IBC).

(4) Residential health care facilities.

a. Specialized residential health care facilities.

i. The site size shall not exceed thirty-five (35) percent of the Development Plan.

ii. The number of beds shall not exceed eighty (80) beds per acre of gross lot area of the Development Plan.

b. Minimal residential health care facilities.

i. The site size shall not exceed thirty-five (35) percent of the Development Plan.

ii. The number of units shall not exceed forty (40) dwelling units per acre of gross lot area of the Development Plan.

(5) Veterinary and pet care services are permitted if all facilities are within a soundproof building. However, outdoor activities are permitted if:

a. An employee or pet owner shall accompany an animal at all times when the animal is outside the building.

b. The property owner and operator maintain all outdoor areas in a clean and sanitary condition, including immediate and proper disposal of animal waste.

c. The outdoor areas are set back at least one hundred (100) feet from any lot line abutting a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits.

d. There is no outdoor kennel boarding.

(Ord. No. 4123, § 1(Res. No. 9596, Exh. A, § 4), 1-14-14; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 101, 102), 5-6-14)

Sec. 5.2506. - Property development standards.

The following property development standards shall apply to all land and buildings in the PCC District:

A. *Density.*

1. Dwelling units (excluding residential health care facility) physically integrated with business establishments.

a. Maximum: 4.0 dwelling units per acre of gross lot area of the Development Plan.

B. *Floor area ratio.*

1. Maximum: 0.30 of the Development Plan.

2. Residential use floor area is not included in computing floor area ratio.

C. *Building height (excluding rooftop appurtenances).* Maximum: Thirty-six (36) feet.

D. *Required open space.*

1. Common open space.

a. Minimum: 0.16 multiplied by the net lot area of the Development Plan.

b. For building heights over twelve (12) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area of the Development Plan for each foot of building height over twelve (12) feet.

2. Frontage open space minimum: 0.35 multiplied by the required common open space, except as follows:

a. At least thirty (30) square feet per one (1) linear foot of public street frontage.

b. Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage.

3. Private outdoor living space.

a. Ground floor dwelling units and residential health care facility units: none required.

b. Above ground floor dwelling units, minimum: 0.05 multiplied by the gross floor area of the unit.

c. The private outdoor living space shall be located beside the dwelling unit which it serves and shall be for the exclusive use of the unit occupant(s), but is not part of the unit's gross floor area.

4. Parking areas and parking lot landscaping are not included in the required open space.

5. NAOS may be included in the required open space.

E. *Yards.*

1. Side and Rear Yards.

a. Minimum: Eighty (80) feet from the district line of a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development with an underlying zoning district comparable to the residential district shown on Table 4.100.A.

F. *Screening.*

1. All operations and storage shall be conducted within a completely enclosed building or within an area contained by a wall or fence as determined by Development Review Board approval.

(Ord. No. 4123, § 1(Res. No. 9596, Exh. A, § 4), 1-14-14)

Sec. 5.2507. - General provisions.

Unless otherwise provided, the provisions of Article VII shall apply.

(Ord. No. 4123, § 1(Res. No. 9596, Exh. A, § 4), 1-14-14)

Sec. 5.2508. - Signs.

The provisions of Article VIII shall apply.

(Ord. No. 4123, § 1(Res. No. 9596, Exh. A, § 4), 1-14-14)

Sec. 5.2509. - Off-street parking.

The provisions of Article IX shall apply.

(Ord. No. 4123, § 1(Res. No. 9596, Exh. A, § 4), 1-14-14)

Sec. 5.2510. - Landscaping.

Unless otherwise provided, the provisions of Article X shall apply.

(Ord. No. 4123, § 1(Res. No. 9596, Exh. A, § 4), 1-14-14)

Sec. 5.2600. - Planned Regional Center (PRC).

(Ord. No. 4124, § 1(Res. No. 9599, Exh. A, § 2), 1-14-14)

Editor's note— Ord. No. 4124, § 1(Res. No. 9599, Exh. A, § 1), adopted Jan. 14, 2014, repealed §§ 5.2600—5.2608. Section 2 of said exhibit enacted provisions designated new §§ 5.2600—5.2612. Prior to inclusion of said ordinance, said provisions pertained to similar subject matter. See also the Code Comparative Table.

Sec. 5.2601. - Purpose.

This district is intended to provide for regional shopping, business, and residential uses within a planned center serving a broad region. The Planned Regional Center (PRC) development should be pedestrian oriented with complementary mixed uses that are carefully interrelated by site design.

(Ord. No. 4124, § 1(Res. No. 9599, Exh. A, § 2), 1-14-14)

Sec. 5.2602. - Development plan size requirement.

A. Minimum: Twenty-five (25) acres of gross lot area.

(Ord. No. 4124, § 1(Res. No. 9599, Exh. A, § 2), 1-14-14)

Sec. 5.2603. - Development Plan at time of rezoning.

A. The zoning district map amendment application shall be accompanied by a Development Plan as provided in Article VII.

(Ord. No. 4124, § 1(Res. No. 9599, Exh. A, § 2), 1-14-14; Ord. No. 4164, § 1(Res. No. 9856, § 1, Exh. A, § 35), 8-25-14)

Sec. 5.2604. - Conformance to approved plans.

A PRC District shall be developed in conformance with the approved Development Plan and Development Master Plans as provided in Article VII.

(Ord. No. 4124, § 1(Res. No. 9599, Exh. A, § 2), 1-14-14)

_____

Sec. 5.2605. - Use regulations.

A. The uses allowed in the PRC District are shown in Table 5.2605.A. with additional limitations on uses as listed.

B. Drive-through and drive-in services are not permitted in the Downtown Area.

Table 5.2605.A. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Aquarium, indoor	CU
2. Bar	CU

3. Big box	P (1), CU (1)
4. Carwash	CU
5. Civic and social organization	P (2)
6. Community buildings and recreational facilities not publically owned	CU
7. Courier and messenger	P
8. Cultural institution	P (2)
9. Day care center	P (2)
10. Dwelling	P (2)
11. Educational service, elementary and secondary school	P (2) (3)
12. Educational service other than elementary and secondary school	P
13. Financial institution, including drive-through and drive-in service	P
14. Furniture and home furnishings sales	P
15. Game center	P
16. Gas station	CU
17. Health and fitness studio	P
18. Live entertainment	CU
19. Municipal use	P
20. Multimedia production without communication tower	P
21. Multimedia production with communication tower	CU
22. Office	P

23. Personal care service	P
24. Place of worship	P (2)
25. Planetarium	CU
26. Plant nursery	P
27. Pool hall	P
28. Repair and maintenance	P
29. Residential health care facility	P (2) (4)
30. Restaurant, including drive-through and drive-in	P
31. Retail	P
32. Seasonal art festival	CU
33. Teen dance center	CU
34. Theater	P
35. Travel accommodations	P (2)
36. Vehicle leasing, rental or sales with indoor vehicle display and storage located in an enclosed building	P (5)
37. Vehicle leasing, rental or sales with outdoor vehicle display and storage	CU
38. Vehicle repair	CU
39. Veterinary and pet care service	P (6)
40. Wireless communications facilities; Types 1, 2, and 3	P
41. Wireless communications facilities; Type 4	CU

Use Limitations:

(1) Big box retail sales are not allowed in the Environmentally Sensitive Lands Overlay District and are subject to a Conditional Use Permit if:

a. Primary access is from a local residential street, or

b. Residential property is located within one thousand three hundred (1,300) feet of the big box property line, except where the residential property is developed with nonresidential uses or separated from the big box by the Loop 101 Pima Freeway.

(2) Uses are allowed except in the AC-3 area as described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended.

(3) Educational services, elementary and secondary school, are subject to the following standards:

a. The facility shall be located not less than five hundred (500) feet from any adult use.

b. The net lot area for the facility shall be a minimum of forty-three thousand (43,000) square feet.

c. The facility shall not have outdoor speaker systems or bells.

d. A maximum of one-third (1/3) of the required parking may be shared parking with other uses located within six hundred (600) feet of the building front entrance.

e. Outdoor playgrounds and recreation areas shall be:

i. Located not less than fifty (50) feet from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A;

ii. Located within the rear or side yard; and

iii. Enclosed and screened by a six-foot tall wall or fence.

f. 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 facility. This area shall not include internal site traffic aisles, parking spaces, or fire lanes.

g. Public trails or pedestrian connections shall link to the front door of the main building, subject to Development Review Board approval.

h. The circulation plan shall show minimal conflicts among the student drop-off area, any vehicle drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

i. Facilities located in the AC-2 area, described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended, shall be constructed with sound transmission requirements of the International Building Code (IBC).

(4) Residential health care facilities.

a. Specialized residential health care facilities.

i. The number of beds shall not exceed eighty (80) per acre of gross lot area of the Development Plan.

b. Minimal residential health care facilities.

i. The number of units shall not exceed forty (40) dwelling units per acre of gross lot area of the Development Plan.

(5) Vehicle leasing, rental or sales.

a. Required parking shall not be used for vehicle storage.

(6) Veterinary and pet care services are permitted if all facilities are within a soundproof building. However, outdoor activities are permitted if:

a. An employee or pet owner shall accompany an animal at all times when the animal is outside the building.

b. The property owner and operator maintain all outdoor areas in a clean and sanitary condition, including immediate and proper disposal of animal waste.

c. The outdoor areas are set back at least one hundred (100) feet from any lot line adjacent to a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits.

d. There is no outdoor kennel boarding.

(Ord. No. 4124, § 1(Res. No. 9599, Exh. A, § 2), 1-14-14; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 103), 5-6-14)

Sec. 5.2606. - Property development standards.

The following property development standards shall apply to all land and buildings in the PRC District.

A. *Density.*

1. Dwelling units (excluding residential health care facilities). Maximum: Twenty-one (21) units per acre of gross lot area of the Development Plan.

B. *Floor area ratio.*

1. Nondensity based land uses. Maximum: 0.80 of the net lot area of the Development Plan.

2. Dwelling units. Maximum: Fifty (50) percent of the gross floor area of the Development Plan's nondensity based land uses.

C. *Building height (excluding rooftop appurtenances).* Maximum: Sixty (60) feet.

D. *Required open space.*

1. Open space.

a. Minimum 0.10 multiplied by the net lot area of the Development Plan.

b. For building heights over twelve (12) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area of the of the Development Plan for each foot of building height over twelve (12) feet.

c. Not required to exceed 0.20 multiplied by the net lot area of the Development Plan.

d. Open space is distributed as follows:

i. Frontage open space minimum: 0.25 multiplied by the required open space, except as follows:

(1) At least thirty (30) square feet per one (1) linear foot of public street frontage.

(2) Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage.

(3) This does not include the open space in Section 5.2608.C.1.d. required for amended development standards.

2. Courtyard minimum: 0.01 multiplied by the net lot area of the Development Plan.

   a. The courtyard is in addition to open space.

   b. A portion of the planned regional center shall be oriented toward and open onto a courtyard.

   c. The courtyard shall be enclosed by buildings on at least three (3) sides.

   d. The Development Review Board may waive the courtyard if the Board finds that a suitable alternative design is presented.

3. Parking areas and parking lot landscaping are not included in the required open space.

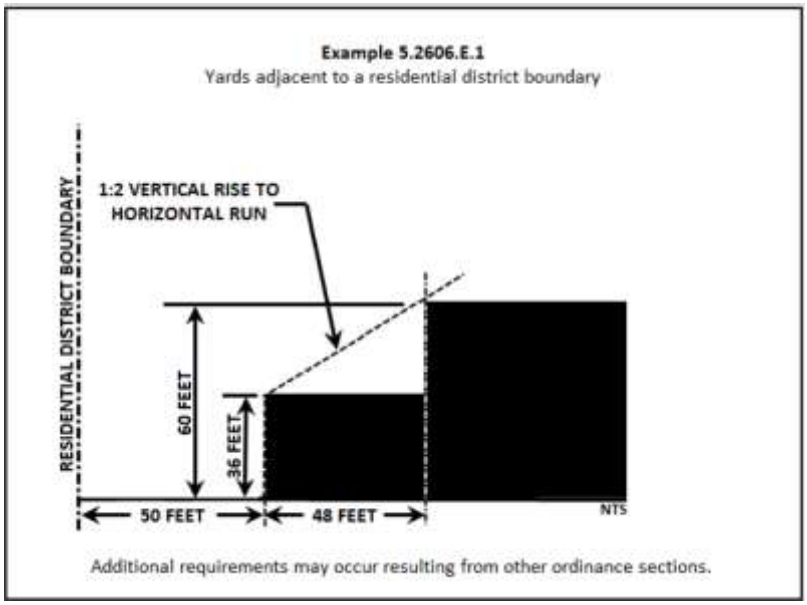
4. NAOS may be included in the required open space.

E. *Setbacks and stepbacks adjacent to a residential district boundary.*

1. Adjacent to a residential district boundary shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.:

   a. Setback minimum: Fifty (50) feet measured from the residential district boundary.

   b. Stepback plane: incline at a ratio of 1:2 beginning thirty-six (36) feet above grade at the minimum setback. See Example 5.2606.E.1.



F. *Stepbacks where not adjacent to a residential district boundary.*

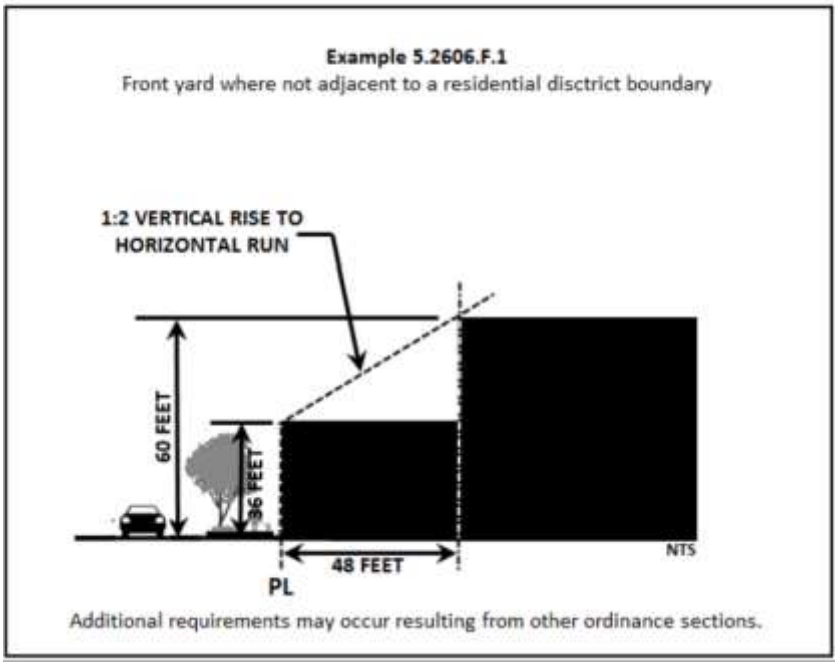
1. Not adjacent to a residential district boundary shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.:

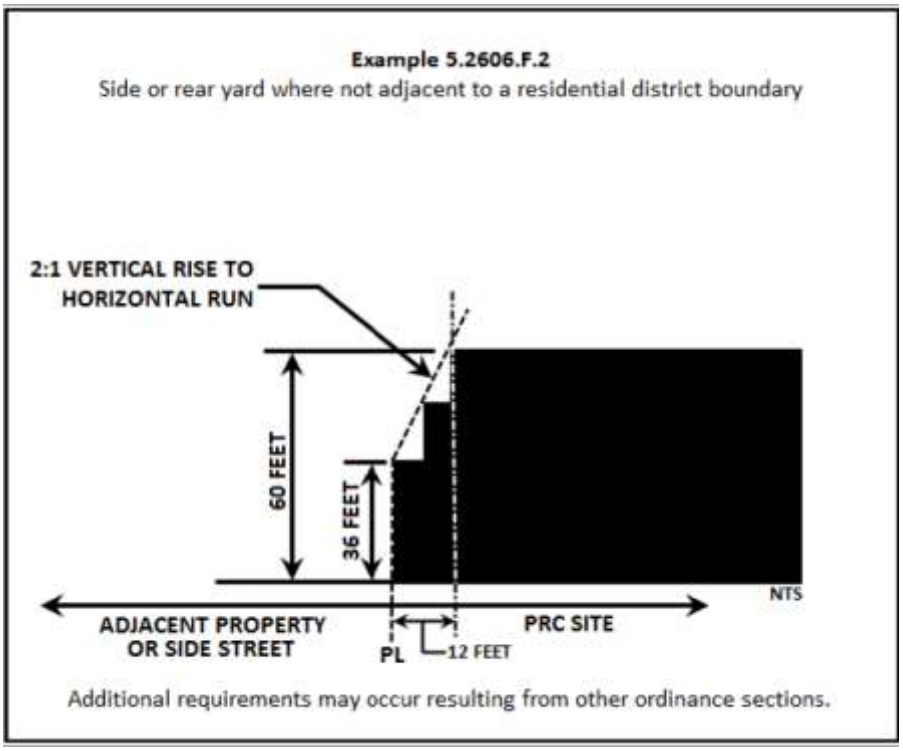
   a. *Front yard.*

      i. The stepback at the perimeter of the Development Plan shall incline at a ratio of 1:2 beginning thirty-six (36) feet above the property line. See Example 5.2606.F.1.

b. *Side and Rear Yards.*

i. The stepback at the perimeter of the Development Plan shall incline at a ratio of 2:1 beginning thirty-six (36) feet above the property line. See Example 5.2606.F.2.





G. *Screening.*

1. All operations and storage shall be conducted within a completely enclosed building or within an area contained by a wall or fence as determined by Development Review Board approval.

(Ord. No. 4124, § 1(Res. No. 9599, Exh. A, § 2), 1-14-14)

Sec. 5.2607. - Freestanding ornamental monument height.

A. *Purpose.* Building height may be amended to encourage creativity and enhancement of the built environment through the inclusion of a freestanding ornamental monument.

B. *Maximum height:* subject to City Council approval.

C. *Additional development standards and requirements.*

1. The monument shall be accessible by pedestrians.
2. The monument shall not include signs.
3. The portion of the monument above sixty (60) feet in building height shall not include habitable space.
4. The monument shall be integrated with the Development Plan components including but not limited to the Development Program, Conceptual Open Space Plan, Transitions Plan, Parking Plan, and Special Impacts Analysis (Lighting Program, View and Shading Analysis).

D. *Process.*

1. Before the first Planning Commission hearing on a freestanding ornamental monument height, the Development Review Board shall make a recommendation to the Planning Commission regarding the proposal based on the following criteria.
   a. The height and location of the monument shall relate to the context and character of the site and surrounding area and not be intrusive.
   b. The monument shall respond to Scottsdale's history and location within the Sonoran Desert environment.
   c. The monument shall be designed as a focal point for the Development Plan project area.
   d. The monument is a signature piece that serves as a community amenity by contributing to the experience of place, offering a visual amenity, exhibiting relationships to the community's cultural or historical heritage and environmental location, or that adds to the city's quality of life for residents and visitors.
2. The Planning Commission shall consider the Development Review Board recommendation. The City Council shall consider the Development Review Board recommendation and Planning Commission recommendation.

(Ord. No. 4124, § 1(Res. No. 9599, Exh. A, § 2), 1-14-14)

Sec. 5.2608. - Amended development standards for enhanced design - floor area ratio and building height.

A. *Purpose.* The floor area ratio and building height development standards may be amended to encourage sensitivity to site conditions and provide flexibility in planning.

B. *Applicability.* The Development Plan shall show the specific locations of the amended development standards.

C. *Maximum amended development standards.*

1. *Floor area ratio.*

    a. Maximum: 1.0 of the net lot area of all lots within the Development Plan boundary.

    b. A floor area ratio greater than 1.0 may be located on the portion of the Development Plan where the amended floor area ratio is located. However, the overall Development Plan shall not exceed a floor area ratio of 1.0.

2. *Building height (including rooftop appurtenances).* Maximum: Ninety (90) feet.

D. *Additional requirements.*

1. The following requirements are applicable to the amended development standards where shown on the Development Plan:

    a. Vertically integrated mixed-use development is required.

    b. Non-density based use distribution: five percent of the total gross floor area shall be non-density based uses located within the story at grade.

    c. Density based uses or guest unit distribution. Minimum: Twenty (20) percent of the total gross floor area shall be density based uses or guest units, or a combination of the two.

    d. Open space.

        i. Additional: Equal to or greater than 0.05 multiplied by the land area where the amended development standards are located on the Development Plan.

        ii. Placement: The additional open space shall be placed in the same location as the amended development standards.

    e. Building massing at the perimeter of the Development Plan.

        i. Stepbacks adjacent to a residential district boundary.

            (1) Portions of buildings that are adjacent to a residential district boundary shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. Minimum: Building height of sixty (60) feet or less is as required in Section 5.2606.E. Building heights greater than sixty (60) feet, the minimum is as follows: 1:1 vertical rise to horizontal run, beginning at the point where the sixty (60) feet of building height can be located. See Example 5.2608.D.1.

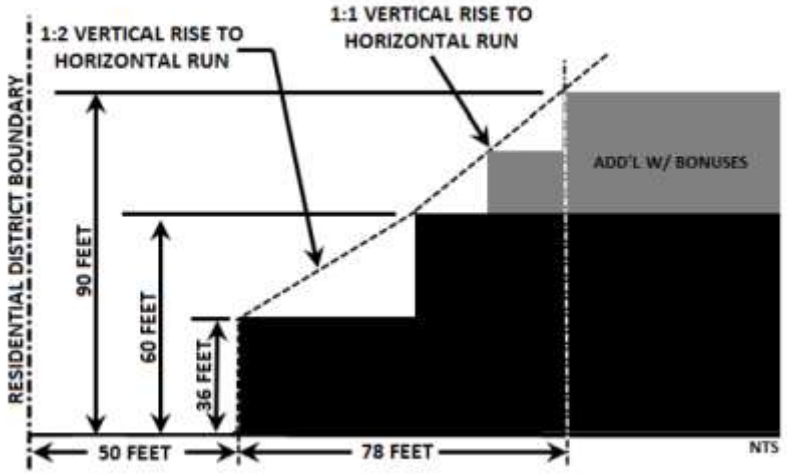
        ii. Stepbacks where not adjacent to a residential district boundary.

            (1) Front yard. Minimum: Building height of sixty (60) feet or less is as required in Section 5.2606.F.1.a. Building heights greater than sixty (60) feet, the minimum is as follows: 1:1 vertical rise to horizontal run, beginning at the point where the sixty (60) feet of building height can be located. See Example 5.2608.D.2.

            (2) Side and rear yards. Minimum: Building height of sixty (60) feet or less is as required in Section 5.2606.F.1.b. Building heights greater than sixty (60) feet, the minimum is as follows: 2:1 vertical rise to horizontal run, beginning at the point where the sixty (60) feet of building height can be located. See Example 5.2608.D.3.

Example 5.2608.D.1

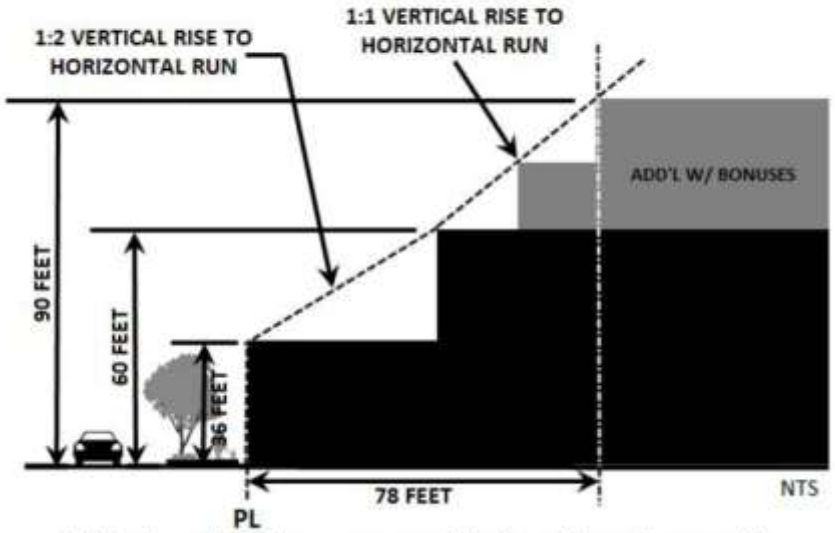
Yards adjacent to a residential district boundary



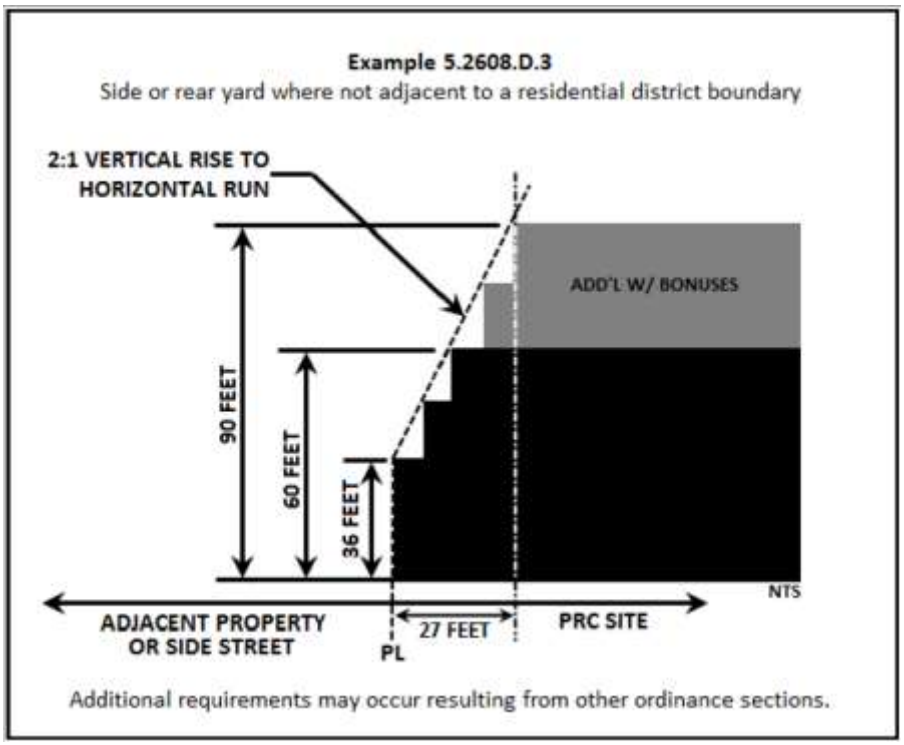
Additional requirements may occur resulting from other ordinance sections.

Example 5.2608.D.2

Front yard where not adjacent to a residential district boundary



Additional requirements may occur resulting from other ordinance sections.



iii. Building facade length. Maximum: Two hundred (200) feet without an offset or recess in the building wall plane.

iv. Building facade offset or recess. Minimum: Twenty (20) feet in depth projecting away from the street for a minimum distance equivalent to twenty (20) percent of the building width, and angled between ninety (90) degrees and forty-five (45) degrees to the building wall plane.

f. Parking.

i. Underground parking structures are required and shall be integrated into the building as determined by the Development Review Board.

ii. Above-ground parking structures may be provided and shall be fully concealed from the public view through integration of the parking structure into the building and the use of architecturally integrated materials as determined by the Development Review Board.

2. Scottsdale's Green Building Program. The development shall be in compliance with Scottsdale's Green Building Program requirements.

E. *Process.*

1. Before the first Planning Commission hearing, the Development Review Board shall make a recommendation to the Planning Commission regarding the proposal based on the following criteria.

a. The location and massing design of the proposed increase in height relate to the context and character of the site and surrounding area and are not intrusive.

b. The development contributes to the future continuity of character area design concepts, corridor design guidelines, and other City design policies.

2. The Planning Commission shall consider the Development Review Board recommendation. The City Council shall consider the Development Review Board recommendation and Planning Commission recommendation.

(Ord. No. 4124, § 1(Res. No. 9599, Exh. A, § 2), 1-14-14; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 104), 5-6-14)

Sec. 5.2609. - General provisions.

Unless otherwise provided, the provisions of Article VII shall apply.

(Ord. No. 4124, § 1(Res. No. 9599, Exh. A, § 2), 1-14-14)

Sec. 5.2610. - Signs.

The provisions of Article VIII shall apply except a master sign program shall be submitted with the development review application.

(Ord. No. 4124, § 1(Res. No. 9599, Exh. A, § 2), 1-14-14)

Sec. 5.2611. - Off-street parking.

The provisions of Article IX shall apply.

(Ord. No. 4124, § 1(Res. No. 9599, Exh. A, § 2), 1-14-14)

Sec. 5.2612. - Landscaping.

Unless otherwise provided, the provisions of Article X shall apply.

(Ord. No. 4124, § 1(Res. No. 9599, Exh. A, § 2), 1-14-14)

Sec. 5.2700. - Planned Convenience Center (PCoC).

Editor's note— Ord. No. 4080, § 1(Res. No. 9409, Exh. A, § 1), adopted May 14, 2013, repealed §§ 5.2700—5.2707. Section 2 of said exhibit enacted provisions designated as new §§ 5.2700—5.2709. Prior to inclusion of said ordinance, said provisions pertained to similar subject matter. See also the Code Comparative Table.

Sec. 5.2701. - Purpose.

This district is intended to provide basic convenience goods shopping and services within walking distance of nearby residences. The district provides for retail and service establishments which supply commodities or perform services to meet the daily needs of the neighborhood.

(Ord. No. 4080, § 1(Res. No. 9409, Exh. A, § 2), 5-14-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 105), 5-6-14)

Sec. 5.2702. - District size requirement.

Maximum: one (1) acre of gross lot area.

(Ord. No. 4080, § 1(Res. No. 9409, Exh. A, § 2), 5-14-13)

Sec. 5.2703. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 36), adopted Aug. 25, 2014, repealed § 5.2703 which pertained to development board approval and derived from Ord. No. 4080, § 1(Res. No. 9409, Exh. A, § 2), adopted May 14, 2013.

Sec. 5.2704. - Use regulations.

A. The uses allowed in the PCoC District are shown in Table 5.2703.A. with additional limitations on uses as listed.

B. Drive-through and drive-in services are not permitted in the Downtown Area.

Table 5.2703.A. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Carwash	CU
2. Courier and messenger	P
3. Day care center with drop off or outdoor play area farther than one hundred (100) feet from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.	P (1)
4. Day care center with drop off or outdoor play area within one hundred (100) feet of a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.	CU (1)
5. Dwelling units physically integrated with business establishments (limited to one (1) dwelling unit per business establishment)	P (1)
6. Educational service, other than elementary and secondary school	P
7. Gas station	CU
8. Municipal use	P

9. Office	P
10. Personal care service	P
11. Restaurant, excluding drive-through restaurant and excluding drive-in restaurant	P
12. Retail	P
13. Veterinary and pet care service	P (2)
14. Wireless communications facility, Type 1, 2, and 3	P
15. Wireless communications facility, Type 4	CU

Use Limitations:

(1) Uses are allowed except in the AC-3 area as described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended.

(2) Veterinary and pet care services are permitted if all facilities are within a soundproof building. However, outdoor activities are permitted if:

a. An employee or pet owner shall accompany an animal at all times when the animal is outside the building.

b. The property owner and operator maintain all outdoor areas in a clean and sanitary condition, including immediate and proper disposal of animal waste.

c. The outdoor areas are set back at least one hundred (100) feet from any lot line abutting a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits.

d. There is no outdoor kennel boarding.

(Ord. No. 4080, § 1(Res. No. 9409, Exh. A, § 2), 5-14-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 106), 5-6-14)

Sec. 5.2705. - Property development standards.

The following property development standards shall apply to all land and buildings in the PCoC District:

A. Density.

1. Residential development physically integrated with business establishments.

a. Maximum: Four (4.0) dwelling units per acre of gross lot area.

B. Floor area ratio.

1. Maximum: 0.20.

2. Residential use floor area is not included in computing floor area ratio.

C. Building height (excluding rooftop appurtenances). Maximum: Twenty-four (24) feet.

D. Required open space.

1. Common open space.

a. Minimum: 0.24 multiplied by the net lot area.

b. For building heights over twelve (12) feet. The minimum required open space plus 0.004 multiplied by the net lot area for each foot of building height over twelve (12) feet.

2. Frontage open space minimum: 0.50 multiplied by the required common open space requirement.

3. Parking areas and parking lot landscaping are not included in the required open space.

4. NAOS requirements may be included in the required open space.

E. Yards.

1. Front yard.

a. Minimum: the applicable front yard, or corner lot yard, residential district development standard where the PCoC district is on the same side of the street and is located within one hundred (100) feet of a residential lot zoned with a single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential district shown on Table 4.100.A.

2. Side and Rear Yards.

a. Minimum: Twenty (20) feet, including up to one-half (½) of any alley width, where the property abuts a residential district shown on Table 4.100.A., or single-family residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to a residential district shown on Table 4.100.A.

b. Minimum: six (6) feet between any parking area and any residential district shown on Table 4.100.A., or a residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to a residential district shown on Table 4.100.A.

F. Screening.

1. All operations and storage shall be conducted within a completely enclosed building or within an area contained by a wall or fence as determined by Development Review Board approval.

(Ord. No. 4080, § 1(Res. No. 9409, Exh. A, § 2), 5-14-13)

Sec. 5.2706. - General provisions.

Unless otherwise provided, the provisions of Article VII shall apply.

(Ord. No. 4080, § 1(Res. No. 9409, Exh. A, § 2), 5-14-13)

Sec. 5.2707. - Signs.

The provisions of Article VIII shall apply.

(Ord. No. 4080, § 1(Res. No. 9409, Exh. A, § 2), 5-14-13)

Sec. 5.2708. - Off-street parking and loading.

The provisions of Article IX shall apply.

(Ord. No. 4080, § 1(Res. No. 9409, Exh. A, § 2), 5-14-13)

Sec. 5.2709. - Landscaping.

Unless otherwise provided, the provisions of Article X shall apply.

(Ord. No. 4080, § 1(Res. No. 9409, Exh. A, § 2), 5-14-13)

Sec. 5.2800. - Western Theme Park (WP).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 138), 4-3-12)

Sec. 5.2801. - Purpose.

This WP District shall be applied to sites of a minimum size of one hundred sixty (160) gross acres and is intended to provide for multi-purpose facility(ies) capable of accommodating a mixture of equestrian, recreation, convention meetings, conferences and/or major exhibitions, auction(s), trade show and other similar events for international to local sized group functions within a major southwestern themed park. The WP District also recognizes the importance of unique land uses in a campus/theme park setting to Scottsdale's economy and quality of life and it is the purpose of this WP District to provide for quality development; to encourage imaginative, innovative site planning and to balance the protection of the environment with the provision of unique land uses. These uses include, but are not limited to convention/tourism/conference centers, and cultural, educational, and recreational uses containing, within the limits outlined below, a broad variety of thematic recreational, entertainment and ancillary general commercial uses. These general commercial uses would be similar to those found in other commercial districts, which would lend themselves to a pedestrian atmosphere with adequate on-site facilities to accommodate diverse user groups and event sizes. The WP District would also encourage development in keeping with the natural amenities of its locale that preserves the unique resources of the facility. It is further intended to provide open space areas so that the uses are located and site improvements made to lessen the impact of more intense land uses from residential areas and so that highway frontage promotes a desirable image of the community.

(Ord. No. 2233, § 1, 5-2-89; Ord. No. 3758, § 1(Exh. 1), 11-6-07; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 139), 4-3-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 107), 5-6-14)

Sec. 5.2802. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 37), adopted Aug. 25, 2014, repealed § 5.2802 which pertained to approvals required and derived from Ord. No. 3225, § 1, adopted May 4, 1999, and Ord. No. 3758, § 1(Exh. 1), adopted Nov. 6, 2007.

Sec. 5.2803. - Application requirements.

The zoning district map amendment application shall be accompanied by a Development Plan as required in Article VII.

(Ord. No. 3758, § 1(Exh. 1), 11-6-07; Ord. No. 4048, § 1(Res. No. 9223, § 1(Exh. A, § 10), 11-14-12)

Sec. 5.2804. - Use regulations.

The uses allowed in the WP district are generally those cultural, educational, and theme park recreational/commercial uses which are thematic, together with open space and landscaped areas so that buildings, structures, or premises evoke a sense of place, appearance, and atmosphere of the American southwest.

Building structures or premises shall be used and buildings and structures shall hereinafter be erected, altered or enlarged only for the uses set forth in this section. Unless otherwise restricted by the approvals required herein, permitted uses shall include uses as defined below.

A. *Permitted uses.* Permitted uses shall be allowed as indoor or outdoor uses and shall include the following:

1. Retail sales.

a. Antique store.

b. Art gallery.

c. Bookstore.

d. Craft specialty retail shops conducted in conjunction with jewelry, leather goods, silk screening, sculpturing and wood carving, antiques, gifts, clothing, photography, candle making, flower making, belt making, belt buckle making, ceramics, and pottery.

e. Feed store.

f. Florist.

g. Gift shop.

h. Public auctions.

i. Food and beverage facilities; restaurant excluding drive-through restaurant and excluding drive-in restaurant; and food facilities including ice cream making, candy making, and bakeries.

2. Services.

a. Accessory office, accessory postal service, and accessory banking service.

b. Barbeque and cookout areas, which may include activities permitted in Section 5.2804.A.2.h., k., and u., and as indicated on the approved development plan.

c. Dwelling units for employees.

d. Equine racing, excluding pari-mutuel wagering.

e. Events of limited duration which are consistent with the nature and intent of the Western Theme Park district excluding racing and other competitive events involving the operation of motorized vehicles.

f. Fireworks, not later than 10:00 p.m.

g. Gymnasium, racquet, paddle or handball courts.

h. Horse rides, burro rides, hay rides, stagecoach rides, railroad train rides.

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

j. Live entertainment, patron dancing, performing arts, and western shows, such as mock gunfights, and similar activities.

k. Livestock pens and stables.

l. Merry-go-round.

m. Mini-arcades, shooting galleries, gold panning.

n. Movie studios, television and motion picture filming and production.

o. Municipal uses.

p. Private clubs, fraternities, sororities and lodges.

q. Portable camping trailer; motor home; travel trailer; portable truck camper sites for temporary lodging. Lodging for a period not exceeding thirty (30) days shall be considered temporary.

r. Travel accommodation.

s. Restored or replica structures reminiscent of the historical American West.

t. Rodeos, equine contests and expositions, equine training facilities.

u. Shows and exhibits.

v. Wedding chapel.

w. Wireless communications facilities; Types 1, 2, and 3, subject to the requirements of Sections 1.906., 3.100. and 7.200.

3. Convention, conference or exhibition centers. Facilities including large volume halls and rooms for conducting convention meetings, conferences, trade shows and/or major exhibitions and auctions.

4. Cultural facilities.

a. *Museums.* Facilities which display, store, restore, research, and educate in connection with collections of artwork, prehistoric and/or historic artifacts, relics, scientific or natural history and southwestern deserts.

b. *Performing and fine arts facilities.* Facilities used for theaters for live and cinematic performance, training and rehearsal in performing and audio/visual arts, and recording studios, and/or facilities, including historic art complexes which include collaborative studios and galleries used for the creation, display and sale of fine art work including, but not limited to, paintings, sculpture and limited edition print work and seasonal fine art work festivals.

c. *Regional, scientific, historical, cultural and environmental interpretive centers.* Facilities which provide education, research, and/or archives regarding regional historic or prehistoric themes, regional natural history themes, or scientific themes, including entertainment venues and features that are accessory to the primary uses.

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

1. Community buildings and recreational facilities not publicly owned.

2. Wireless communications facilities; Type 4, subject to requirements of Sections 1.400, 3.100 and 7.200.

C. *Ancillary uses.* An ancillary use is defined to mean a use necessary to support the complete functioning of the primary uses. It is anticipated that ancillary uses could include but would not be limited to the following:

1. Commercial uses;
2. Office;
3. Residential uses necessary for clients, employees, guests or students directly associated with the primary use;
4. Service; and
5. Specialty retail.

The Development Plan must include a statement of justification and a description of the nature and type of any proposed ancillary use. Any proposed ancillary use must be considered by the City Council (unless the below referenced administrative exception applies) at the time the development plan is approved or amended. Before the City Council approves any proposed ancillary use, it must first find that the ancillary use is necessary to support the complete functioning of the approved primary uses.

(Ord. No. 2430, § 1, 1-21-92; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3758, § 1(Exh. 1), 11-6-07; Ord. No. 3926, § 1(Exh. § 12), 2-15-11; Ord. No. 3980, § 1(Res. 8895, § 1, Exh. A, § 26), 12-6-11; Ord. No. 4048, § 1(Res. No. 9223, § 1(Exh. A, § 11), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 108), 5-6-14; Ord. No. 4288, § 1(Res. No. 10650, § 1, Exh. A), 11-14-16)

Sec. 5.2805. - Property development standards.

The following property development standards shall apply to all land and buildings in the WP District:

A. *Floor area ratio.* Is limited to eight-hundredths (0.08) of the net lot area.

B. *Volume.* Is limited to the net lot area in square feet multiplied by ninety-six-hundredths (0.096) feet for any building.

C. *Required open space.*

1. Total open space.
    a. Minimum: 0.10 multiplied by the net lot area.
2. Total open space is distributed as follows:
    a. Frontage open space minimum: 0.50 multiplied by the required total open space.
    b. The remainder of the total open space, less the frontage open space, shall be common open space.
3. Parking areas and parking lot landscaping are not included in the required open space.
4. NAOS may be applied towards the required open space.

D. *Building height.* No building shall exceed thirty-six (36) feet in height except as otherwise provided in article VII or as follows:

1. Where the city council determines that the unique operating or structural characteristics of buildings, structures or other facilities located within the themed district justifies a height greater than thirty-six (36) feet, the city council may approve a greater height at the time the development plan is approved or amended, providing the city council finds that any one (1) of the following criteria have been met:

(a) The approved development plan contains a use requiring an operational need for a single span building(s) requiring one hundred thousand (100,000) square feet or more of unobstructed floor space (having no interior structural supporting columns or walls) and the required structural roofing spans to accomplish this open area necessitate the increased building height; or

(b) The approved development plan provides for underground or structured parking to be placed under a proposed building which raises the building pad and necessitates the increased building height; or

(c) The approved development plan provides for preservation of historic or conservation areas within the development plan site, or provisions for public recreation facilities within the development plan site which reduces the area of developable land for buildings and necessitates the increased height to compensate for the reduced building pad area.

Any building height greater than sixty (60) feet shall be subject to the following additional requirement:

(1) The maximum building height shall be stepped back from the edge of the property line at one (1) foot of vertical dimension for every three (3) feet of horizontal dimension as measured from the base height of sixty (60) feet.

F. *Density.*

1. Resorts shall provide not less than ten (10) guest rooms and/or dwelling units with a minimum gross land area of one thousand (1,000) square feet per unit within the area master planned for resort use.

G. *Yards.*

1. Front yard.

a. No front yard is required except as required in this Subsection G.1. and Article VII.

b. Refer to C.2.a. above, Frontage open space minimum.

c. There shall be an area of open space, penetrated only by access drives and walks, between a street frontage and buildings, parking lots, or other activity areas.

2. Side yard.

a. A side yard of not less than three hundred (300) feet shall be maintained where the side of the lot abuts an alley which is adjacent to a single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A. The three hundred (300) feet may include the width of the alley.

b. A side yard of not less than three hundred (300) feet shall be maintained where the side lot abuts a multiple-family residential district. The three hundred (300) feet may include any alley adjacent to the multiple-family residential district.

3. Rear yard.

a. A rear yard of not less than three hundred (300) feet shall be maintained where the rear lot abuts a single-family residential district, or abuts an alley which is adjacent to the single-family residential district, shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A. The three hundred (300) feet may include the width of the alley.

b. A rear yard of not less than three hundred (300) feet shall be maintained where the rear lot abuts a multiple-family residential district. The three hundred (300) feet may include any alley adjacent to the multiple-family residential district.

4. Operations and storage. Where feasible, operations and storage shall be conducted within a completely enclosed building or within an area contained by a wall or fence as determined by Development Review Board approval or development plan approval.

(Ord. No. 1840, § 1, 10-15-85; Ord. No. 2818, § 1, 10-17-95; Ord. No. 3758, § 1(Exh. 1), 10-30-07; Ord. No. 3879, § 1(Exh. § 21), 3-2-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 140—142), 4-3-12)

Sec. 5.2806. - Off-street parking.

The provisions of article IX shall apply.

(Ord. No. 2736, § 1, 3-7-95; Ord. No. 3758, § 1(Exh. 1), 10-30-07)

Sec. 5.2807. - Signs.

The provisions of article VIII shall apply.

(Ord. No. 3760, § 3, 11-6-07)

Sec. 5.2808. - Noise.

1. *Intrusive noise limits.*

a. *Intrusive noise limits.* Intrusive noise from park activity shall not create a noise level in excess of the ambient noise level or the exterior noise level standards, whichever is greater.

b. *Exterior noise level standards.* In the event the ambient noise level within properties in proximity to the park is less than the following exterior noise level standards, the following exterior noise level standards shall apply as the intrusive noise level limit:

Zone	Exterior Noise Level Standards	
	11 p.m. to 7 a.m.	7 a.m. to 11 p.m.
Residential	45dB(A)	55dB(A)
Nonresidential	50	55

c. *Noise level duration categories.* In consideration of these exterior noise standards, the theme park owner shall not allow the creation of any noise when the foregoing causes the noise level measured on any commercial or residential property in the general vicinity of the park, to exceed:

(1) The exterior noise level standard for a cumulative period of more than thirty (30) minutes in any hours; or

(2) The exterior noise level standard plus five (5) dB(A) for a cumulative period of more than fifteen (15) minutes in any hour; or

(3) The exterior noise level standard plus ten (10) dB(A) for a cumulative period of more than five (5) minutes in any hour; or

(4) The exterior noise level standard plus fifteen (15) dB(A) for a cumulative period of more than one (1) minute in any hour; or

(5) The exterior noise level standard plus twenty (20) dB(A) for any period of time within an hour.

d. *Ambient noise level limit.* In the event that the ambient noise level on the adjacent commercial or residential properties exceeds any of the first four (4) noise level categories above, the intrusive noise level limit for the cumulative period applicable to the category shall be increased to reflect the ambient noise level. In the event that the ambient noise level exceeds the fifth noise limit category, the maximum intrusive noise level limit shall be increased to reflect the maximum ambient noise level.

e. *Zone-to-zone intrusive noise level limit.* In the event that the intrusive noise propagates from the theme park across commercial districts into residential districts, the noise level standard in the residential district shall apply as the intrusive noise level limit for the residential properties affected.

2. *Compliance requirements.*

a. *Declaration of negligible park activity noise level.* If a park activity is to be located within a structure or enclosure, or if, in the opinion of the architect, an activity is, by established precedent, known to produce a negligible noise level, such activity may be declared to produce negligible intrusive noise. For this category of activity, noise level estimates at the property line are not required. If, in the opinion of the development review board, such a declaration is not considered appropriate for an activity so declared, an acoustical analysis report shall be required.

b. *Identification of noise producing activity.* The design drawings shall identify each item of activity not placed in the negligible noise level category, its location relative to property lines, and the estimate noise level at the property line that will be generated by the activity when operated during the course of its intended use.

c. *Acoustical analysis report.* An acoustical analysis report, prepared under the supervision of a person experienced in the field of acoustical engineering and signed by the architect, shall be submitted with the application for a building permit. Such report shall be required for all activities declared by the architect or engineer or the development review board to generate noise levels which may exceed the limits specified in section 5.2808.1. The report shall indicate the level of noise to be produced by the activity and the method by which the noise is reduced to comply with the limits established in section 5.2808.1. Such methods may include, but shall not be limited to:

(1) The use of noise barriers;

(2) Enclosures or partial enclosures;

(3) Structures including buildings;

(4) Mufflers or silencers; and/or

(5) Placement of the activity at a location where the ambient noise level at the property line is equal to or higher than that to be produced by noise from the activity.

d. *Noise control plan.* A significant number of the activities and related noise control measures within the theme park require administrative controls. These include such controls as the hours of operation, selection of the location for noise producing events (cookouts, dancing, outdoor show, etc.), and the placement and adjustment of sound amplification equipment. The theme park owner shall provide the development review board with a noise control plan which indicates the methods by which the intrusive noise standards of section 5.2808.1 shall be met. This plan shall include the time-of-day, day-of-week, and seasonal variation for the operation of each of the activities (cookouts, dances, shows, exhibits, etc.) associated with the master plan and the specific plans for the theme park. In addition, the plan shall identify approved locations for the placement of sound amplification equipment, and it shall indicate the methods by which the park management will supervise and/or control the level of noise produced by such equipment as needed for compliance with the intrusive noise level limits of section 5.2808.1. Control methods shall include, but not be limited to:

(1) Size and performance limitations on sound amplification equipment.

(2) Band shells and/or noise barriers.

(3) Appropriately designed baffles and/or horns.

(4) Direct supervision of events and the control of equipment.

e. *Field testing.* Only when inspection indicates that the installation and/or construction of the activity area is not in accordance with the approved design, or if the operation of the park activity is not in accordance with the approved noise control plan, field testing may be required. If such is the case, the Development Review Board may require the theme park owner to perform a field test and provide a test report. The test shall include measurements at representative locations along the property line or at approximate locations in proximity to the property line if obstructions exist. The height of the sound level meter shall be five (5) feet from the grade unless a more appropriate height is declared by the development review board to be representative of the measurement of the intruding noise. Measurements shall be obtained at locations at least ten (10) feet from existing structures and/or walls.

f. *Formal complaint.* When a written complaint has been filed with the development review board regarding noncompliance with the intrusive noise limits provided in section 5.2808.1, a field test to resolve the complaint is required. The city shall retain an acoustical engineer to perform the field measurements needed.

3. *Declaration of noncompliance.* The development review board shall declare a condition of noncompliance when park activity causes the noise level, when measured on any property in the general vicinity of the theme park, to exceed the intrusive noise level limits. Upon submitting such a declaration to the theme park owner, and after providing a reasonable period of time to comply, operation of the offending activity may be suspended and alterations may be required to create a condition of compliance. The development review board may require another test prior to declaring the item or items of equipment in compliance with the standard. In the event the tests show a condition of noncompliance with the intrusive noise level limits, the activity shall again be suspended.

4. *Exemptions.*

a. *Construction.* Noise sources associated with construction, repair, remodeling, or grading within the theme park are exempted from the provisions of this Zoning Ordinance, provided the construction activities take place between the hours of sunrise to sunset on weekdays, including Saturday, or at any time on Sundays, or a federal holiday.

b. *Emergency repairs.* Noise sources associated with the emergency repair of power lines, water supplies, ventilation equipment, fences, guard rails, etc., are exempted from the provisions of this Zoning Ordinance.

c. *Fireworks display.* Fireworks displays as limited in duration, hour-of-day and day-of-year by the City of Scottsdale, are exempted from the provisions of this Zoning Ordinance.

d. *Nonconformity.* Noise producing structures, facilities, or activities legally established prior to the effective date of section 5.2808 which do not conform to the provisions of section 5.2808 shall be considered to be legally nonconforming. Such structures, facilities, or activities may continue in their nonconforming state and may make reasonable repairs and alterations.

Structural repairs, addition, enlargements, changes of occupancy may be made subject to complying with the provisions of section 5.2808 and all other provisions of this Zoning Ordinance.

5. *Definitions.*

a. *Ambient noise level.* Ambient noise level shall mean the all-encompassing noise associated with sources near and far within a given environment, usually being a composite of sounds from many sources. The ambient noise level shall be measured at the location and approximate time at which a comparison with the park activity is to be made and shall exclude the noise produced by the activities of the western theme park.

b. *Architect.* An architect registered in the State of Arizona, who, by reason of his training and experience in the science and technology of acoustics or by reason of the advice obtained from an individual qualified in acoustics, is considered qualified to pass judgment on acoustical design, materials, and methods of construction for the attenuation of noise and the control of noise related activity. The qualifications of the architect and/or his engineer advisor relative to acoustical design, must be submitted to and found to be acceptable by the development review board.

c. *Cumulative period.* Cumulative period shall mean an additive period of time composed of individual time segments which may be continuous or interrupted.

d. *Decibel.* Decibel (dB) shall mean a unit or level which denotes the ratio between two (2) quantities which are proportional to power; the number of decibels corresponding to the ratio of two (2) amounts of power is ten (10) times the logarithm to the base ten (10) of this ratio.

e. *Emergency work.* Emergency work shall mean any machinery, vehicle, or work used, employee, or performed in an effort to protect, provide, or restore safe conditions within the park for the patrons, or work by utilities when restoring utility service.

f. *Formal complaint.* A written complaint submitted to the development review board alleging noncompliance with the intrusive noise limits of this Zoning Ordinance.

g. *Intrusive noise.* Noise produced by park activity which propagates across the theme park property lines into residential or commercial districts.

h. *Noise level.* Noise level shall mean the a-weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a referenced pressure of @ micronewtons per square meter.

i. *Park activity.* Park activity shall mean all noise-producing activity involving fans, air conditioning, refrigeration units, pumps, compressors, motors, etc., and all activities associated with live or recorded music, and/or voice communications, either amplified or unamplified and all vehicle related noise including that generated by trucks, buses, rail vehicles (trains), motorcycles, stagecoaches, hay wagons, etc., and all people-related noise-producing activity such as singing, dancing, clapping, and/or crowd response.

j. *Sound level meter.* Sound level meter shall mean an instrument meeting American National Standard Institute's standard (ANSI) S1.4-1971 for type 1 or type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

k. *Sound pressure level.* Sound pressure level in decibels of a sound shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of sound to the reference pressure. The reference pressure shall be explicitly stated.

(Ord. No. 3225, § 1, 5-4-99; Ord. No. 3758, § 1(Exh. 1), 10-30-07; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 109—113), 5-6-14)

Sec. 5.2809. - Landscaping.

Unless otherwise provided, the provisions of Article X. apply.

(Ord. No. 2470, § 1, 6-16-92; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 143), 4-3-12)

Sec. 5.2810. - Conformance to approved plans.

A WP District shall be developed in conformance with the approved Development Plan and Development Master Plans as provided in Article VII.

(Ord. No. 4048, § 1(Res. No. 9223, § 1(Exh. A, § 12), 11-14-12)

Sec. 5.3000. - Downtown (D).

Editor's note— Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 18), adopted November 14 2012, repealed former §§ 5.3000—5.3090 and enacted new provisions designated as new §§ 5.3000—5.3008. Prior to inclusion of said ordinance, said provisions pertained to similar subject matter. See also the Code Comparative Table.

Sec. 5.3001. - Purpose.

A. The purpose of the D District is to provide use regulations and development standards to implement the Downtown Plan and the Downtown Plan Urban Design & Architectural Guidelines. The Downtown Area is planned as a concentration of a variety of uses and community interests in a small geographic area comprised of several sub-districts. In order to support a high quality urban development pattern the D District is intended to:

1. Preserve and protect the character of the diverse collection of vibrant mixed-use pedestrian-oriented districts;
2. Promote an enhanced, pedestrian-oriented, streetscape environment on certain key streets in the Downtown Area;
3. Encourage commercial and residential land uses that activate the streetscape;
4. Create different building setback requirements that fit into the existing character of the district, the classification of the adjacent streets, and the multi-modal transportation network;
5. Establish and enhance connectivity in and around the Downtown Area and districts, focusing on walkability and other modes of transportation;
6. Incorporate contextually sensitive planning, architecture and urban design;
7. Promote sustainability with sensitivity to the Sonoran Desert;
8. Promote arts and culture;
9. Support economic vitality through public-private participation; and

10. Continue to have Old Town Scottsdale recognized as a premier destination.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 18), 11-14-12; Ord. No. 4355, § 1(Res. No. 11190, § 2, Exh. A), 7-2-18)

Sec. 5.3002. - Applicability.

The D District shall only be applied to property within the Downtown Area.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 18), 11-14-12)

Sec. 5.3003. - Downtown District sub-districts.

A. The Downtown Plan shows the following sub-districts on the Downtown Plan's Future Land Use map:

1. Downtown Core (D/DC),
2. Downtown Civic Center (D/DCC),
3. Downtown Medical (D/DM),
4. Downtown Multiple Use (D/DMU), and
5. Downtown Regional Use (D/DRU).

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 18), 11-14-12; Ord. No. 4355, § 1(Res. No. 11190, § 2, Exh. A), 7-2-18)

Editor's note— Ord. No. 4355, § 1(Res. No. 11190, § 1, Exh. A), adopted July 2, 2018, renumbered §§ 5.3004 and 5.3005 as §§ 5.3004 and 5.3005.

Sec. 5.3004. - Use regulations.

A. Changes to properties after December 31, 2012 shall comply with the regulations of the sub-districts shown in Table 5.3004.A.

Table 5.3004.A, Sub-districts after December 31, 2012

Sub-district before December 31, 2012	Sub-district after December 31, 2012
Retail Specialty (RS)	Downtown Core (D/DC)
Office/Commercial (OC)	Downtown Multiple Use (D/DMU)
Office/Residential (OR)	Downtown Multiple Use (D/DMU)
Regional Commercial Office (RCO)	Downtown Regional Use (D/DRU)

Residential/Hotel (RH)	Downtown Multiple Use (D/DMU)
Medical (M)	Downtown Medical (D/DM)
Civic Center (CC)	Downtown Civic Center (D/DCC)
Residential High Density (RHD)	Downtown Multiple Use (DMU)

B. Drive-through and drive-in services are not permitted in the Downtown Area.

C. Temporary buildings, structures and mobile vendors are only allowed on a property as accessory to construction work on the property, and shall be promptly removed upon completion of construction work or the Zoning Administrator's request.

D. The land uses for each of the sub-districts are shown in Table 5.3004.D.

Table 5.3004.D., Land Uses
for Each Sub-district of the Downtown District

- **P—is a permitted use.**
- **P(#)—is a permitted use with limitations described in the notes (P(#)) following Table 5.3004.D.**
- **CU—is a use subject to a Conditional Use Permit.**

Land use	Downtown Core (DC) Sub-districts	Downtown Civic Center (DCC) Sub-district	Downtown Medical (DM) Sub-district	Downtown Multiple Use (DMU) Sub-district	Downtown Regional Use (DRU) Sub-district
Adult use				CU	CU
After hours establishment				CU	CU
Ambulance service			P		
Bar	CU	CU		CU	CU
Big box					P
Civic and social organization		P		P	P

Cultural institution	P	P	P	P	P
Day care center			P	P	
Dwelling unit	P(1)	P	P	P	P
Educational service—elementary and secondary school					CU
Educational service—other than elementary and secondary school	P		P	P	P
Financial institution	P		P	P	P
Funeral home and funeral service				CU	CU
Game center and/or pool hall				CU	CU
Health and fitness studio			P	P	P
Helipad			P		CU
Hospital			P	P	P
Live entertainment	CU	CU		CU	CU
Medical diagnostic laboratory			P	P	P
Multimedia production				CU	CU
Municipal use	P	P	P	P	P
Office	P	P	P	P	P
Personal care service	P	P	P	P	P
Pet care service				P(3)	P(3)

Place of worship	P			P	P
Public utility buildings, structures or appurtenances thereto for public service uses			CU	CU	CU
Residential health care facility (minimal and specialized)			P	CU	P
Restaurant	P	P	P	P	P
Retail	P	P	P	P	P
Theater	P(2)	P(2)		P(2)	P(2)
Travel accommodation		P	P	P	P
Vehicle leasing, rental, and sales				CU	CU
Veterinary service			P(3)	P(3)	P(3)
Wireless communication facility		P (4)	P (4)	P (4)	P (4)
Work/live	P	P	P	P	P

Limitations on uses:

1. A dwelling unit shall not occupy more than thirty-five (35) percent of the first floor area.
2. A theater with live entertainment is subject to a Conditional Use Permit.
3. All facilities are within a soundproof building. However, outdoor activities are permitted if:

a. An employee or pet owner shall accompany an animal at all times when the animal is outside the building.

b. The property owner/operator maintains all outdoor areas in a clean and sanitary condition, including immediate and proper disposal of animal waste.

c. The outdoor areas are set back at least one hundred (100) feet from any lot line abutting a residential district, or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits.

d. There is no outdoor kennel boarding.

4. Refer to Article VII.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 18), 11-14-12; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, §§ 4, 5), 6-18-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 114), 5-6-14; Ord. No. 4355, § 1(Res. No. 11190, § 2, Exh. A), 7-2-18)

Editor's note— See editor's note for § 5.3003.

Sec. 5.3005. - Downtown District development types.

A. The Downtown Plan shows the following development types on the Downtown Plan's Development Types map:

1. Type 1,
2. Type 2,
3. Type 2.5, and
4. Type 3.

(Ord. No. 4355, § 1(Res. No. 11190, § 2, Exh. A), 7-2-18)

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 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 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

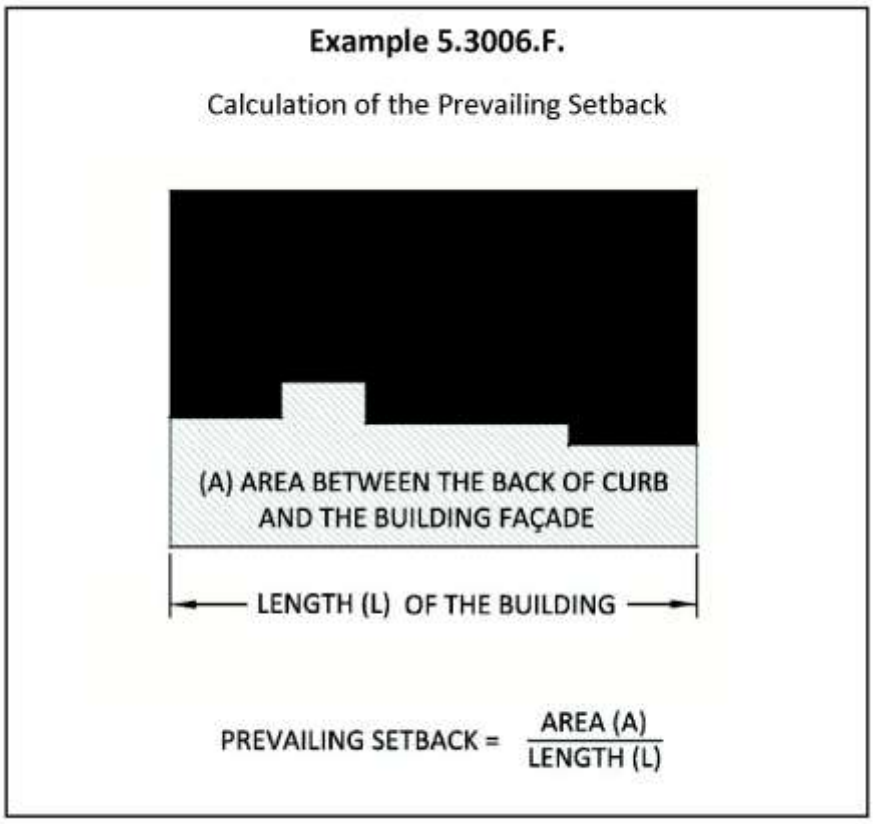
iii. Area of the building façade at grade and up to a height of thirty (30) feet shall be located at the minimum setback.

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

3. 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.*

1. All dwelling units shall include private outdoor living space located beside the dwelling unit.
2. 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.

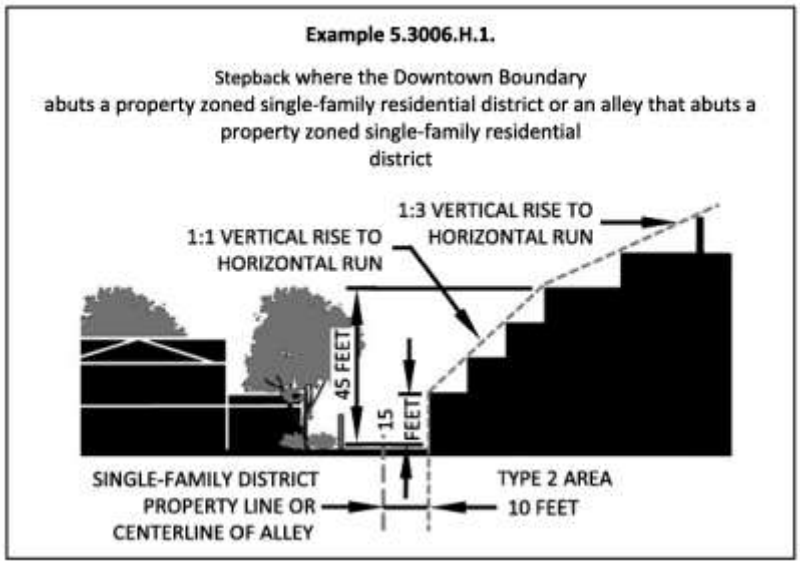
4. Property in a Type 3 Area not described above: The stepback plane shall incline at a ratio of 2:1, beginning forty-five (45) feet above (i) the minimum setback from the public street (except alleys), and (ii) all other property lines.

5. Downtown Boundary—additional requirements for property in a Type 2 Area, a Type 2.5 Area, or a Type 3 Area:

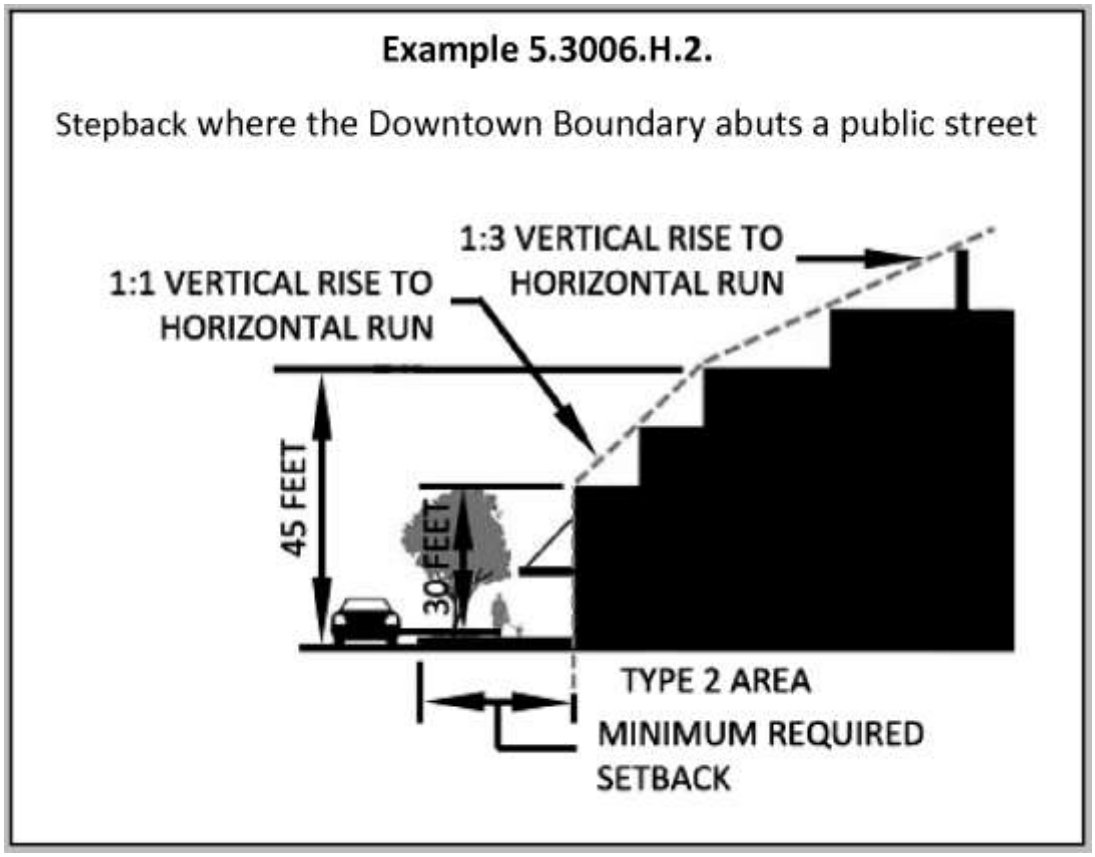
   a. Where the Downtown Boundary abuts a single-family residential district or an alley that abuts a single-family residential district shown on Table 4.100.A., or the portion of a Planned Community (P-C) with an underlying zoning district comparable to the single-family residential districts shown on 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.



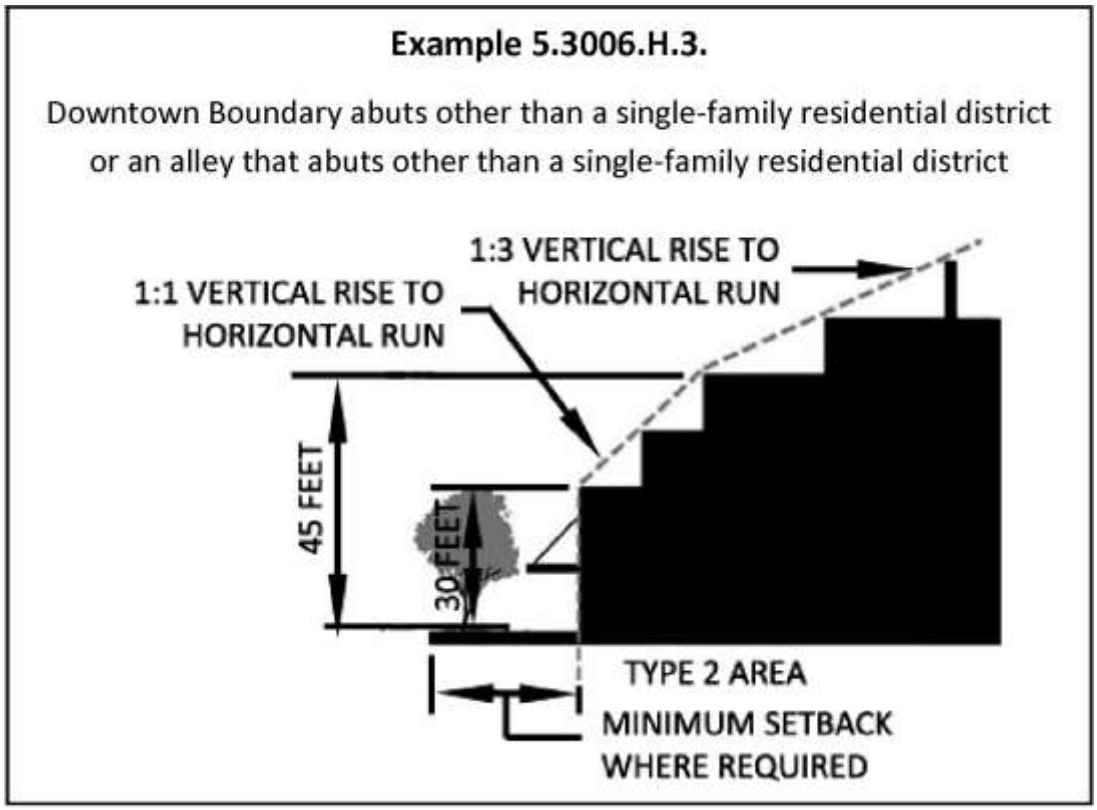
   b. Where the Downtown Boundary abuts a public street (except alleys), the stepback plane shall incline at a ratio of 1:1, beginning thirty (30) feet above the minimum setback from the public street (except alleys) to forty-five (45) feet; and beginning at forty-five (45) feet, incline at a ratio of 1:3.



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 stepback 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 can not 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 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.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 18), 11-14-12; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, §§ 6—9), 6-18-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 115—118), 5-6-14; Ord. No. 4355, § 1(Res. No. 11190, § 2, Exh. A), 7-2-18)

Sec. 5.3007. - Property development standards for small parcels.

A. For development of a parcel with a gross lot area less than twenty thousand (20,000) square feet, the Development Review Board may reduce the setbacks and stepbacks of the underlying district up to ten (10) percent, if the reductions conform to the Downtown Plan and Downtown Plan Urban Design & Architectural Guidelines.

B. For development of a parcel with a gross lot area less than twenty thousand (20,000) square feet, the City Council may reduce the setbacks and stepbacks of the underlying district by ten (10) percent or more, if the reductions conform to the Downtown Plan and Downtown Plan Urban Design & Architectural Guidelines.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 18), 11-14-12)

Sec. 5.3008. - Bonus provisions.

A. Purpose. The bonus provisions provide higher gross floor area ratios (GFAR) for properties zoned Downtown District that provide significant sustainable, high-quality urban design and other features, beyond those required by the City, to achieve the goals of the General Plan and Downtown Plan and increase the quality of life for the community.

B. *Gross Floor Area Ratio (GFAR) bonus.*

1. GFAR bonuses are as set forth in Table 5.3008.B., Gross Floor Area Ratio Bonuses.

Table 5.3008.B. Gross Floor Area Ratio Bonuses

Mechanism	Bonus	Regulations
Underground parking structure	0.4 GFAR	Section 5.3008.C.1.
Incorporation of dwelling units	One square foot of nonresidential floor area for each square foot of dwelling floor area, up to 0.5 additional GFAR	Section 5.3008.C.2.
Above-ground parking structure	0.1 GFAR	Section 5.3008.C.3.
Downtown historic preservation	0.2 GFAR	Section 5.3008.C.4.

C. *Bonus provision regulations.*

1. Underground parking structure. At least ninety (90) percent of the total required parking for the development shall be in an underground parking structure. Each phase of construction shall provide its pro rata share of required parking in an underground parking structure.
2. Incorporation of dwelling units. The floor plan shall identify the amount and locations of floor area used exclusively for dwellings.
3. Above-ground parking structure. At least ninety (90) percent of the total required parking shall be on the second floor or above in an above-ground parking structure. Each phase of construction shall provide its pro rata share of required parking in an above-ground parking structure.
4. Downtown historic preservation. Where applicable, the Development Plan shall incorporate property zoned historic property, and include a Historic Preservation Plan.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 18), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 119, 120), 5-6-14)

Sec. 5.4000. - Planned Airpark Core Development (PCP).[9]

Footnotes:

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Editor's note— Ord. No. 4120, § 1(Res. No. 9585, Exh. A, § 1), adopted December 9, 2013, repealed former §§ 5.4000—5.4006 and enacted new provisions designated as §§ 5.4000—5.4012 to read as herein set out. Prior to inclusion of said ordinance, 5.4000 pertained to Planned Commerce Park (PCP). See also the Code Comparative Table.

Sec. 5.4001. - Purpose.

The purpose of the PCP District is to promote, encourage, and accommodate innovatively designed and master-planned mixed-use developments within the Greater Airpark Character Area. The PCP District should:

A. Accommodate mixed-use commerce and employment centers.

B. Provide a dynamic complement to employment cores with support retail, service, tourism, cultural, and residential uses.

C. Promote an efficient and safe traffic circulation system through the inclusion of a mix of complementary uses and provisions for multiple modes of travel.

D. Promote architectural excellence and creative design through development standards that create high quality character for structures, site plans, and streetscapes.

E. Protect adjacent neighborhoods through strict development standards while encouraging innovative site planning and environmental sensitivity throughout the PCP District.

F. Provide an open space framework of enhanced streetscapes, functional pedestrian spaces, enhanced view corridors and other public environmental amenities.

G. Promote environmental stewardship and sustainability through the application of recognized and established environmentally responsible building techniques and desert appropriate design approaches.

(Ord. No. 4120, § 1(Res. No. 9585, Exh. A, § 1), 12-9-13)

Sec. 5.4002. - Applicability.

The PCP District is only applicable to properties within the Greater Airpark Character Area Plan.

(Ord. No. 4120, § 1(Res. No. 9585, Exh. A, § 1), 12-9-13)

Sec. 5.4003. - Application requirements.

A. *Development Plan size requirement.* Minimum: 2 acres of gross lot area.

B. *Zoning District Map Amendment Applications.* An application for PCP zoning shall be accompanied by a Development Plan as required in Article VII.

C. *Development Master Plans.* Developments within the PCP District that are developed in more than one phase shall submit Development Master Plans, as required in Article VII.

(Ord. No. 4120, § 1(Res. No. 9585, Exh. A, § 1), 12-9-13)

Sec. 5.4004. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 39), adopted Aug. 25, 2014, repealed § 5.4004 which pertained to approvals required and derived from Ord. No. 4120, § 1(Res. No. 9585, Ex. A, § 1), adopted Dec. 9, 2013.

Sec. 5.4005. - Conformance to approved plans.

A. A PCP District shall be developed in conformance with the approved Development Plan and other required Development Master Plans as provided in Article VII.

(Ord. No. 4120, § 1(Res. No. 9585, Exh. A, § 1), 12-9-13; Ord. No. 4356, § 1(Res. No. 11191, § 1, Exh. A), 7-2-18)

Sec. 5.4006. - Use Regulations.

A. The uses allowed in the PCP District are shown in Table 5.4006.A. with additional limitations on uses as listed. The land uses that correspond for each of the land use designations in the Greater Airpark Character Area Plan are as set forth in the sub-districts below in Table 5.4006.A. The land use designations depicted on the Greater Airpark Future Land Use Plan Map are:

1. Airpark Mixed Use Residential (AMU-R)
2. Airpark Mixed Use (AMU)
3. Employment (EMP)
4. Aviation (AV), and
5. Regional Tourism (RT).

B. Drive-through and drive-in services are not allowed in the PCP-AMU-R, PCP-AMU, PCP-AV and PCP-RT sub-districts.

Table 5.4006.A. Use Table

Land Uses	Sub-Districts				
(P is a Permitted use.)	PCP-AMU-R	PCP-AMU	PCP-EMP	PCP-AV	PCP-RT
1. Aeronautical use				P (3)	
2. Bar	P	P			P
3. Civic and social organization	P (2)	P (2)	P (2)		P (2)
4. Cultural institution	P (2)	P (2)	P (2)		P (2)
5. Day care center	P (2, 6)	P (2, 6)			P (2, 6)
6. Dwelling	P (2, 4, 6)				P (2, 6)
7. Educational service, elementary and secondary school	P (2, 6)	P (2, 6)	P (1, 2, 6)		P (1, 2, 6)
8. Educational service, other than elementary and secondary school	P (2, 6)	P (2, 6)	P (2, 6)	P (1, 2, 6)	P (2, 6)

9. Financial institution	P	P	P (1)		P (1)
10. Health and fitness studio	P	P	P		P
11. Internalized Community Storage		P	P	P	
12. Light manufacturing		P	P	P	
13. Live entertainment	P	P			P
14. Medical and diagnostic laboratory	P	P	P		
15. Medical recovery or therapy center	P (2, 4, 6)	P (2, 4, 6)	P (2, 6)		P (1, 2, 6)
16. Multimedia production without communication tower	P (4)	P	P		P
17. Municipal use	P	P	P	P	P
18. Office	P (4)	P (4)	P		P
19. Personal care service	P	P	P (1)		P
20. Place of worship	P (2, 6)	P (2, 6)	P (1, 2, 6)		P (1, 2, 6)
21. Recreation facility					P
22. Residential health care facility	P (2, 4, 5, 6)				P (1, 2, 5, 6)
23. Restaurant	P	P	P (1)		P
24. Retail	P	P			P
25. Scientific research and development		P (4)	P	P	
26. Sports arena		P (1, 2)	P (1, 2)		P (2)

27. Theater	P (2, 6)	P (2, 6)			P (2, 6)
28. Travel accommodations	P (2, 6)	P (2, 6)	P (1, 2, 6)		P (2, 6)
29. Vehicle leasing, rental, or sales	P (4)	P (1, 4)	P (1, 4)	P	P (4)
30. Veterinary and pet care service	P	P			P
31. Wholesale, warehousing and distribution			P	P	
32. Wireless communications facility, Type 1, 2, and 3.	P	P	P	P	P
33. Wireless communications facility, Type 4.	CU	CU	CU	CU	CU

Use Limitations:

(1) Limited to a site with frontage on a major collector or arterial street.

(2) Limited to areas outside of the AC-3 area as described in the City's procedures for development near the Scottsdale Airport and in the Scottsdale Revised Code, Chapter 5 - Aviation, as amended.

(3) Limited to a site with frontage onto an airport taxilane or taxiway.

(4) Limited to a maximum of 50 percent of the ground floor building area of the Development Plan.

(5) Limited to a maximum density of 40 dwelling units per acre of gross lot area of the Development Plan.

(6) Limited to a sound transmission class of not less than 50 (45 if field tested) as provided in the International Building Code (IBC), and subject to fair disclosure requirements to notify property owners and tenants within the Airport Influence Area.

(Ord. No. 4120, § 1(Res. No. 9585, Exh. A, § 1), 12-9-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 121), 5-6-14; Ord. No. 4356, § 1(Res. No. 11191, § 1, Exh. A), 7-2-18; Ord. No. 4376, § 1(Exh. A), 12-12-18)

Sec. 5.4007. - Development standards.

A. *Floor area ratio* . Maximum: 0.8 for the Development Plan.

B. *Building height (including all rooftop appurtenances)* .

1. Maximum:

a. 54 feet if the Development Plan area is between 2.00 and 5.00 acres,

b. 62 feet if the Development Plan area is between 5.01 and 10.00 acres, and

c. 84 feet if the Development Plan area is more than 10.00 acres, except as provided below.

2. Maximum near single family residential:

a. 42 feet within 300 feet of any 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.

3. Rooftop appurtenances. These structures including the screening of them shall not cover more than 35 percent of the roof area of the building(s) in the Development Plan.

C. Required open space.

1. Total open space.

a. Minimum: 25 percent of net lot area of the Development Plan.

2. Parking areas and parking lot landscaping are not included in the required open space.

D. *Building setbacks* .

1. Front setback.

a. Minimum: 25 feet along arterial and major collector streets.

b. Minimum: 30 feet along minor collector and local streets.

2. Measuring setbacks along streets. All setbacks shall be measured from the curb line along streets.

3. Signature intersections. At the intersection of two streets, when both streets are classified as a major collector or arterial, there shall be a building setback triangle. The two equal sides of the triangle shall be 70 feet, starting from the point of intersection of the extension of the property lines at the corner. Within the triangle at least 50 percent of the area shall be shaded by structural or landscape materials.

4. Side and rear setbacks.

a. Abutting residential districts (as shown on Table 4.100.A., or the portion of a Planned Community (P-C) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., or a Planned Residential Development (PRD) District). (See Example 5.4007.E.1.)

i. Minimum: 60 feet from any single-family residential district, and

ii. Minimum: 30 feet from all other residential districts.

b. Abutting nonresidential districts. (See Example 5.4007.E.2)

i. Minimum: 15 feet.

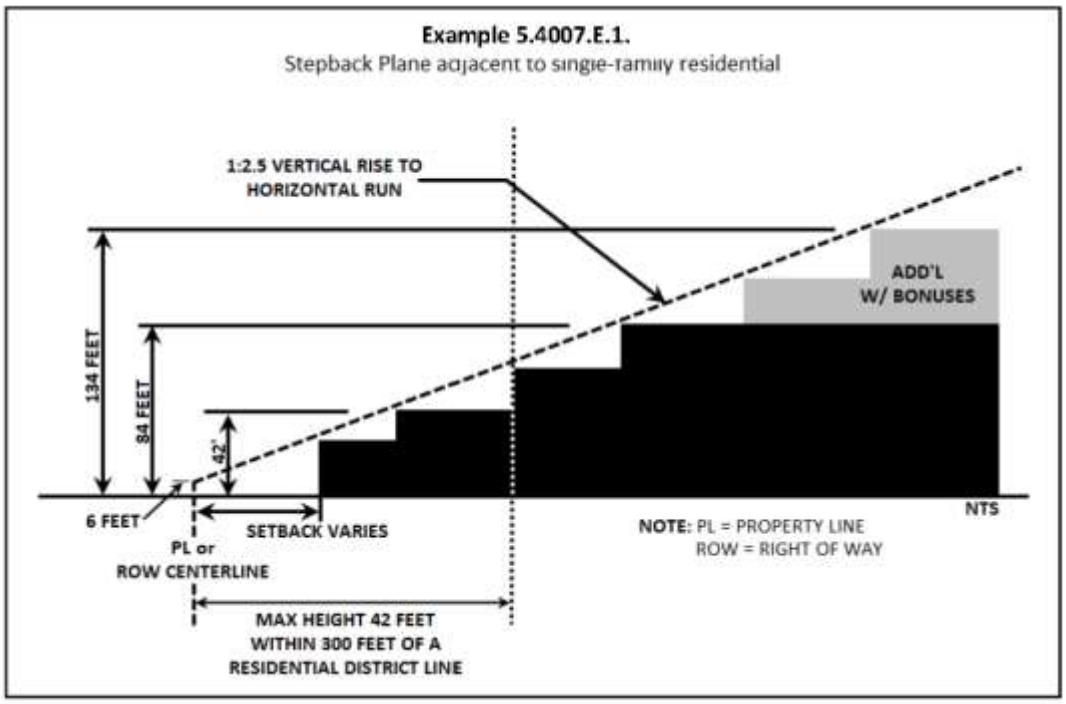
E. Stepback plane:

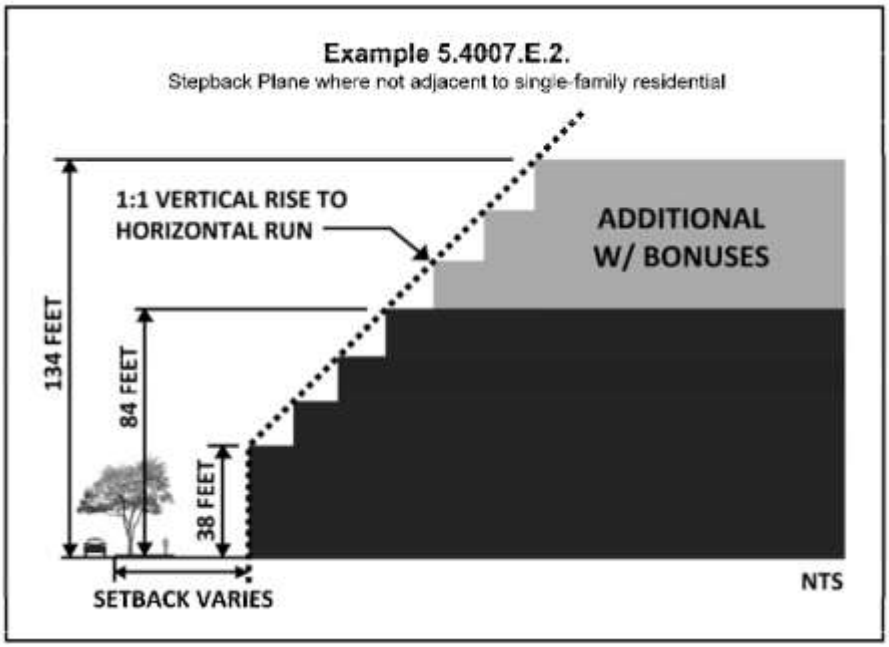
1. Abutting single family districts (as shown on Table 4.100.A., or the portion of a Planned Community (P-C) with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A., or a Planned Residential Development (PRD) District).

a. Vertical to horizontal ratio: 1:2.5, beginning 6 feet above the PCP District boundary. (See Example 5.4007.E.1.)

2. Other locations.

a. Vertical to horizontal ratio: 1:1, beginning 38 feet above the setback line. (See Example 5.4007.E.2.)





3. Minor amendments to achieve a more suitable Development Plan. Upon demonstration of significant sustainable, high-quality urban design and other features beyond those required by the City, the Zoning Administrator may approve up to a maximum of 10 percent deviation to the stepback plane requirements. Exception: Amendments cannot be applied to the requirements of Section 5.4007.E.1.

F. *Screening.* All operations and storage shall be conducted within a completely enclosed building or within an area contained by a wall or fence as determined by Development Review Board approval.

(Ord. No. 4120, § 1(Res. No. 9585, Exh. A, § 1), 12-9-13; Ord. No. 4356, § 1(Res. No. 11191, § 1, Exh. A), 7-2-18)

Sec. 5.4008. - Bonus provisions.

A. *Applicability* . The City Council may approve bonus development standards for property zoned PCP upon demonstration of noteworthy investments in sustainable, high-quality design and other features that provide public benefits, improve the quality of life in the community, and assist in achieving the goals and policies of the General Plan, Greater Airpark Character Area Plan, and City objectives, subject to the following criteria:

1. Minimum Development Plan area: 4.00 acres of gross lot area.

2. Limitations:

a. Bonus development standards cannot be applied to any portion of a PCP District Development Plan that is less than 300 feet from a single family district (as 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 a Planned Residential Development (PRD) District).

b. Bonus development standards cannot be applied to any portion of a PCP District Development Plan that is within the AC-3 area shown on Figure 1, Airport Influence Area, in the Scottsdale Revised Code, Chapter 5—Aviation, as amended.

B. *Bonus development allowances* . Subject to the maximum bonus development standards as provided below, the City Council may approve an increase of the floor area ratio (FAR) and/or an increase of the building height based upon the property owner providing Special Public Improvements as identified below and/or any other community benefit(s) approved by City Council as part of a Development Plan.

C. *Maximum bonus development standards:*

1. Floor area ratio.

a. Maximum: 2.0 for the Development Plan.

2. Building height (inclusive of all rooftop appurtenances).

a. Maximum:

i. Development Plan area of 4.00 to 5.00 acres of gross lot area: 92 feet.

ii. Development Plan area of 5.01 to 10.00 acres of gross lot area: 104 feet.

iii. Development Plan area of 10.01 to 15.99 acres of gross lot area: 116 feet.

iv. Development Plan area of 16.00 acres or more of gross lot area: 134 feet.

v. The total floor area(s) of any single floor above building heights greater than 92 feet shall not exceed 20% of the total ground floor building area of the Development Plan.

b. Maximum near single-family residential. Maximum building height shall be 42 feet within 300 feet of any 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.

D. *Allocation of bonus development standards* . The Development Plan shall identify the specific allocation of bonus development standards and is subject to City Council approval.

E. *Special Public Improvements requirements* . Development projects utilizing Special Public Improvements and/or other community benefit(s) to achieve bonus development standards shall comply with the Special Public Improvements requirements as outlined in Section 7.1200.

F. *Special conditions* .

1. Building materials: Reflective materials are limited to 60 percent of the building wall area for portions of a building located above a building height of 104 feet.

2. Open Space. Minimum: 28 percent of the net lot area of the Development Plan receiving a bonus.

G. *Bonus development standards procedures* .

1. Any application of bonus development standards, or amendment to application of bonus development standards, shall be subject to City Council approval through a zoning district map amendment with a Development Plan. A development agreement is required with the utilization of Special Public Improvements and/or any other proposed community benefit(s).

   a. The Development Plan shall include a development project narrative that:

      i. Describes, in addition to other project narrative requirements, the bonus development standards sought, specifying the proposed floor area ratio and/or building height, as applicable,

      ii. Identifies how the development project will comply with the Special Public Improvements requirements and/or an analysis of any other proposed community benefit(s), as applicable, and

      iii. Provides the method and calculations for determining the Total Construction Cost Estimate, as outlined in Section 7.1200, as applicable.

   b. The development agreement shall be in a form satisfactory to the City Attorney and include, but not be limited to, the requirements outlined in Section 7.1200.

(Ord. No. 4120, § 1(Res. No. 9585, Exh. A, § 1), 12-9-13; Ord. No. 4356, § 1(Res. No. 11191, § 1, Exh. A), 7-2-18)

Sec. 5.4009. - General Provisions.

Except as otherwise provided, the provisions of Article VII apply.

(Ord. No. 4120, § 1(Res. No. 9585, Exh. A, § 1), 12-9-13)

Sec 5.4010. - Sign Requirements.

The provisions of Article VIII apply. In lieu of using the PCP sign standards of Article VII, the property owner may choose to use signs allowed in the Planned Regional Center (PRC) District in the PCP District.

(Ord. No. 4120, § 1(Res. No. 9585, Exh. A, § 1), 12-9-13)

Sec. 5.4011. - Parking and Loading Requirements.

The provisions of Article IX apply.

(Ord. No. 4120, § 1(Res. No. 9585, Exh. A, § 1), 12-9-13)

Sec. 5.4012. - Landscaping Requirements.

The provisions of Article X apply.

(Ord. No. 4120, § 1(Res. No. 9585, Exh. A, § 1), 12-9-13)

Sec. 5.5000. - Planned Unit Development (PUD).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 158), 4-3-12)

Sec. 5.5001. - Purpose.

The purpose of the planned unit development district is to promote the goals of the general plan, area plans, and design guidelines in areas of the city that are designated by the general plan for a combination of land uses in a mixed-use development pattern of either horizontal or vertical design. This zoning district recognizes that adherence to a traditional pattern of development standards, i.e. height, setback, lot coverage, space, bulk and use specifications contained elsewhere in this code would preclude the application of the more flexible PUD concept. Commercial, employment, hospitality, multi-family residential, and townhouse residential uses are encouraged to be provided with intensities and densities that promote a mix of day and nighttime activities. Developments within this district shall be compatible with development characteristics as expressed in the city's design standards and policies.

(Ord. No. 3854, § 3, 6-9-09)

Sec. 5.5002. - Application requirements—Development Plan (DP).

A. The zoning district map amendment application for the PUD District shall comply with the submittal requirements of Article I Administration and Procedures.

B. The zoning district map amendment application for the PUD District shall be accompanied by a DP as provided in Article VII.

(Ord. No. 3854, § 3, 6-9-09; Ord. No. 3920, § 1(Exh. § 48), 11-9-10; Ord. No. 4048, § 1(Res. No. 9223, § 1(Exh. A, § 13), 11-14-12)

Sec. 5.5003. - Approvals required.

A. *PUD Zoning District approval criteria.*

1. As part of the approval or modified approval of an application for a PUD District, the Planning Commission shall recommend and the City Council shall find that the following criteria have been met:

    a. The proposed development promotes revitalization, the goals, policies, and guidelines of the General Plan, area plans, and design guidelines.

    b. The proposed development's uses, densities, or development standards would not otherwise be permitted by the property's existing zoning.

    c. The proposed development will be compatible with adjacent land uses and promotes the stability and integrity of abutting or adjacent residential neighborhoods.

    d. There is adequate infrastructure and city services to serve the development.

    e. The proposal meets the following location criteria:

        i. The proposed development is not located within any area zoned Environmentally Sensitive Lands Ordinance (ESL) nor within the boundaries of the Downtown Area.

        ii. The proposed development fronts onto a major or minor arterial and/or major collector street as designated in the Transportation Master Plan.

B. *Amended development standards.*

1. To encourage sensitivity to site conditions and provide flexibility in planning, development standards outlined in Section 5.5005., excluding C. Allowable building height and D. Exception to building height, may be amended upon recommendation by the Planning Commission and a finding by the City Council that the amended development standards achieve the purposes of the planned unit development district better than the existing standards.

C. *Development Plan (DP).*

1. *Approval.*

a. Development Review Board considerations.

i. The Development Review Board shall review the DP elements and make a recommendation to the Planning Commission, based on the following considerations:

(1) The design contained in the DP is compatible with development in the area that it may directly affect and the DP provides a benefit to the city and adjacent neighborhoods.

(2) The DP is environmentally responsive, incorporates green building principles, contributes to the city's design guidelines and design objectives, and that any deviations from the design guidelines must be justified by compensating benefits of the DP.

(3) The DP will not significantly increase solar shading of adjacent land in comparison with a development that could be developed under the existing zoning district.

(4) The DP promotes connectivity between adjacent and abutting parcels, and provides open spaces that are visible at the public right-of-way and useful to the development.

b. Upon receiving a recommendation from the Development Review Board, the Planning Commission shall make a recommendation to the City Council for consideration of the DP.

2. *Amendments.*

a. *Minor amendments to achieve a more suitable Development Plan.*

i. Minor amendments are allowed:

(1) For a maximum of ten (10) percent of any DP element.

(2) To adjust the location of uses shown on the DP.

ii. Minor amendments do not include an increase above the building height(s) or exception to building height, density or intensity.

iii. Minor amendments to the City Council approved DP may be approved by the Zoning Administrator as an administrative action.

b. *Major amendments.*

i. Major amendments are those that increase the building height(s), density, intensity, and/or that exceed ten (10) percent of any DP element.

ii. Approval of any major amendments will require a public hearing in accordance with Article I of the Zoning Ordinance by the Planning Commission and the City Council. If the design elements are affected by the request to amend the DP, a public hearing by the Development Review Board shall be required. Upon receiving a recommendation from the Development Review Board, the Planning Commission shall make a recommendation to the City Council for consideration of the major amendment DP.

(Ord. No. 3854, § 3, 6-9-09; Ord. No. 3920, § 1(Exh. § 49), 11-9-10; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 122), 5-6-14; Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 40), 8-25-14)

Sec. 5.5004. - Use regulations.

A. *Permitted uses.* All permitted uses of the Commercial Office (C-O) District and the Planned Regional Center (PRC) District, shall be permitted in the PUD District with horizontal and/or vertical combinations of mixed-uses. Residential uses shall be limited to multi-family dwellings and townhouses.

B. *Uses subject to conditional use permit.* Subject to the approval of a conditional use permit, as specified in Article I, all uses subject to a conditional use permit of the Commercial Office C-O, excluding medical marijuana use, and the Planned Regional Center PRC, excluding a big box development greater than seventy-five thousand (75,000) square feet, may be permitted in the Planned Unit Development PUD District.

C. Where there is a conflict between the Commercial Office (C-O) District and the Planned Regional Center (PRC) District provisions, the less restrictive provision shall apply.

(Ord. No. 3854, § 3, 6-9-09; Ord. No. 3923, § 1(Exh. § 5), 1-25-11; Ord. No. 3982, § 1(Res. No. 8902, Exh. A, § 5), 1-10-12)

Sec. 5.5005. - Development standards.

A. *PUD development area.*

1. Gross acreage.

   a. The minimum gross site area of any PUD development shall be one-half (0.5) acre and the maximum gross site area shall be fifteen (15) acres, except as specified in Section 5.5005.A.1.b.

   b. When the PUD is the most appropriate district to achieve mixed-use development, the City Council may authorize a PUD development in a site area greater than fifteen (15) gross acres up to a maximum of twenty-five (25) gross acres.

B. *Density and intensity.*

1. The overall density of residential uses shall be established by the approved DP.

2. The overall intensity of commercial uses shall not exceed 0.8 floor area ratio, except as provided in Section 5.5005.B.3.

3. The City Council may approve intensity of commercial uses greater than 0.8 floor area ratio subject to any of the following criteria:

   a. The proposed DP provides improved dedicated public open space.

   b. The proposed DP provides a public parking facility(ies).

   c. The proposed DP provides shared parking as established in Article IX parking and loading requirements.

C. *Allowable building height.*

1. *Building height:*

   a. Shall be a maximum of forty-eight (48) feet, except as otherwise provided in Section 5.5005.D. and 5.5005.F.

D. *Exception to building height.*

1. Architecturally integrated features, such as roof top mechanical equipment for utility and communication purposes, elevator bulk head, stairwell, screen wall, railing, trellis and patio cover may exceed the building height up to ten (10) feet provided that the area within the said exceptions do not exceed a total of thirty (30) percent of a building's roof area. However, the City Council may approve either greater mechanical height or building roof area coverage where the DP and supporting materials demonstrate the allowable exception cannot reasonably be achieved.
2. Architecturally integrated, active solar systems may exceed thirty (30) percent of a building's roof area subject to development review board approval.
3. Roof top garden structures may exceed the building height up to five (5) feet.

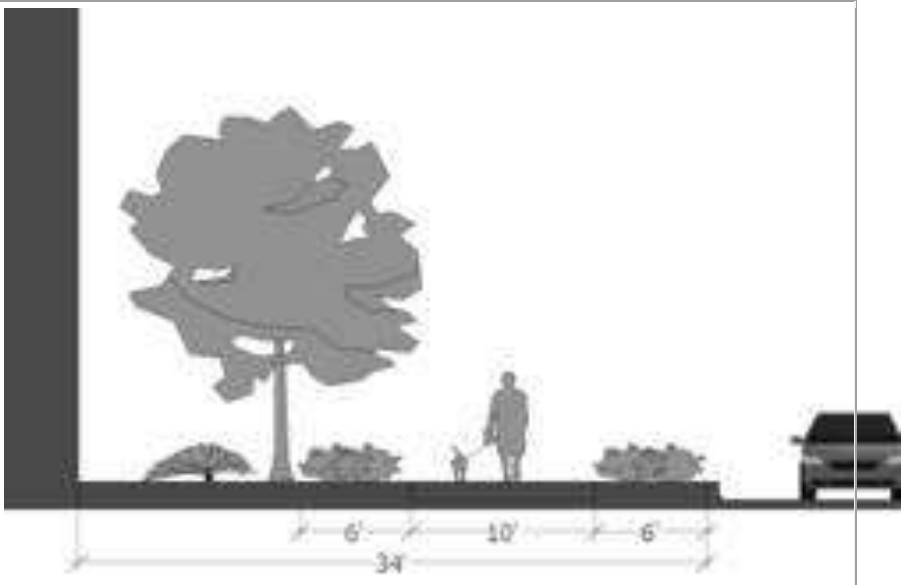
———

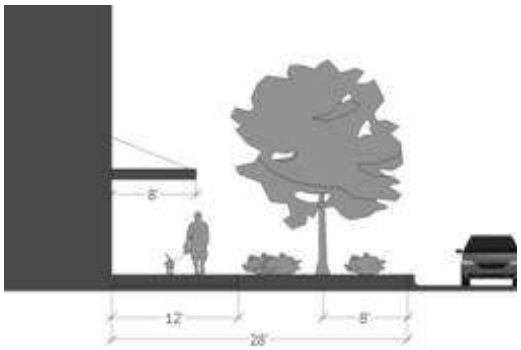
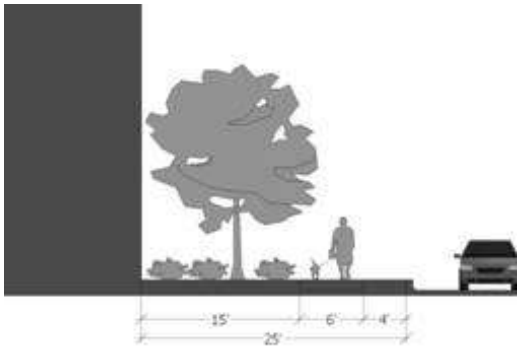
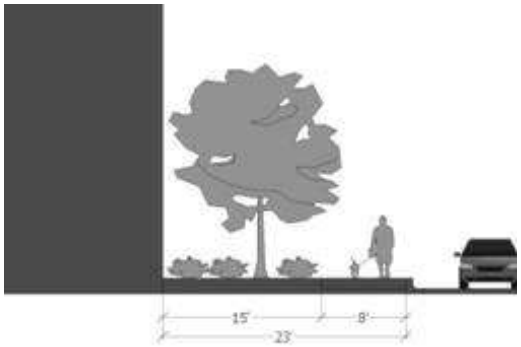
E. *Building setbacks.*

1. *Minimum setback.* Buildings adjacent to public and private streets shall be setback from the back of the planned curb line, including the planned curb line for bus bays and turn lanes, in accordance with Section 5.5005.E. Table A. The planned curb line, including the planned location for bus bays and turn lanes, shall be as described in the Transportation Master Plan and the Design Standards & Policies Manual.

TABLE A

BUILDING SETBACK FROM BACK OF THE PLANNED CURB ALONG STREETS

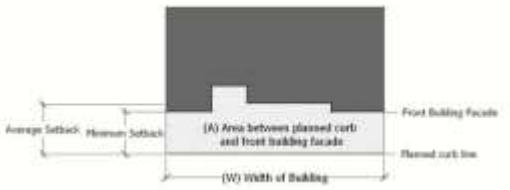
Street Classification Type and Use	Minimum Setback	Average Setback	Setback Diagram - This Illustrates Setbacks, Excluding Average Setback. Dimensions are for Illustrative Purposes.
Major and Minor Arterial - Residential on First Floor Adjacent to the Street	34 feet	40 feet	

Major and Minor Arterial - Retail and Commercial on First Floor Adjacent to the Street	28 feet	32 feet	
Major and Minor Collector, Local Streets, and Unclassified Streets (Including Private Streets but Excluding Alleys) - Residential on First Floor Adjacent to the Street	25 feet	30 feet	
Major and Minor Collector, Local Streets, and Unclassified Streets (Including Private Streets but Excluding Alleys) - Retail and	23 feet	28 feet	

Commercial on First Floor Adjacent to the Street			

2. *Average setback.* The front building façade shall be placed to achieve an average setback as specified in Table A. The average setback shall be equal to the land area located between the planned curb line and the front building façade divided by the width of the front building façade.

AVERAGE SETBACK DIAGRAM - THIS DIAGRAM ILLUSTRATES SECTION 5.5005.E.2.



$$\frac{\text{(A) Area}}{\text{(W)}} = \text{Average Setback (According to Table A)}$$

3. *Designated scenic corridor or buffered setback.* Where a designated scenic corridor or a buffered setback is existing or planned the setback shall be the required width of the designated scenic corridor or buffered setback. The Planned Unit Development (PUD) District average setback shall not apply.

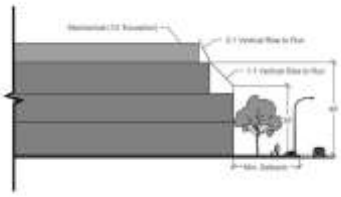
F. *Building envelope.*

1. Starting at a point thirty-six (36) feet above the minimum building setback line, the building envelope inclined stepback plane shall slope upwards at 1:1 (ratio of the vertical rise to the horizontal run) to a point measured forty-eight (48) feet above the minimum building setback line. Thereafter the building envelope inclined stepback plane shall slope upwards at 2:1 (ratio

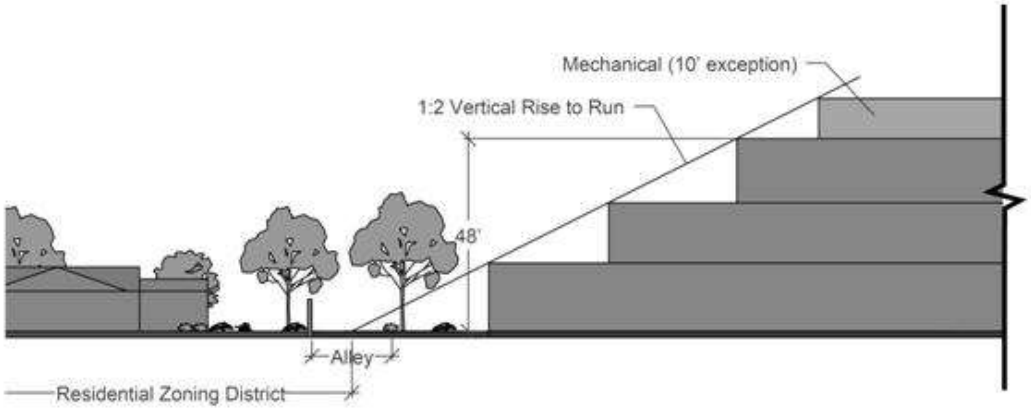
of the vertical rise to the horizontal run) on all sides of a property adjacent to public and private streets.

2. PUD Developments abutting or adjacent to a residential zoning district shall have a building envelope inclined stepback plane of 1:2 (ratio of the vertical rise to the horizontal run) starting on the residential zoning district boundary, except as specified Section 5.5005.F.3.

BUILDING ENVELOPE DIAGRAM - THIS DIAGRAM ILLUSTRATES SECTION 5.5005.F.1.



BUILDING ENVELOPE DIAGRAM - THIS DIAGRAM ILLUSTRATES SECTION 5.5005.F.2.



3. PUD Developments adjacent to a residential zoning district, where the properties are separated by a major and/or minor arterial street as classified by the Transportation Master Plan and the Design Standards & Policies Manual, shall comply with Section 5.5005.F.1.

G. *Encroachment beyond the building envelope.*

1. A maximum encroachment of fifteen (15) feet may be allowed for:

a. Architectural ornaments and similar features, and

b. Trellis, canopies, balconies, patios and partial or full patio enclosures, covered walks, and screen walls.

2. Any encroachment into the right-of-way, roadway easement, or right-of-way easement requires a city issued encroachment permit and/or agreement.

3. The requirements of article vii. General provisions shall not apply to Section 5.5005.G.

H. *Setback abutting a residential zoning district.*

1. A setback of twenty (20) feet shall be provided along the property line abutting a residential zoning district(s). The setback area shall be landscaped and may include space reserved for services such as refuse, recycling, utility boxes, and amenities such as playground equipment, picnic tables, and screen walls.

I. *Required open space.* Open space is only required for developments that include residential uses.

1. Private outdoor living space.

a. Minimum: 0.05 multiplied by the gross floor area of the dwelling unit.

b. The private outdoor living space shall be located beside the dwelling unit which it serves and shall be for the exclusive use of the unit occupant(s), but is not part of the unit's gross floor area.

2. Common open space.

a. Minimum: 0.10 multiplied by the total gross site area of the development.

b. Common open space is not required if the overall density of the development is less than five (5) dwelling units per acre.

J. *Landscape improvements.* The provisions of Article X. Landscaping requirements shall apply.

(Ord. No. 3854, § 3, 6-9-09; Ord. No. 3920, § 1(Exh. §§ 50, 51), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 159), 4-3-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 123), 5-6-14)

Sec. 5.5006. - Off-street parking and loading.

A. Parking shall not be located between the building and the street; and shall not be located between the average building setback line and the street.

B. Structured parking and parking garages shall be screened from street views and any views from residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. Screening shall be provided by building spaces that are habitable or that provide an architectural screen. Architectural screening shall be subject to Development Review Board approval.

C. The provisions of Article IX. Parking and loading requirements shall apply.

(Ord. No. 3854, § 3, 6-9-09; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 160), 4-3-12)

Sec. 5.5007. - Signs.

A. The provisions of Article VIII. Sign requirements shall apply except a master sign plan shall be submitted at the time of development review application.

(Ord. No. 3854, § 3, 6-9-09)

ARTICLE VI. - SUPPLEMENTARY DISTRICTS

Sec. 6.100. - (HP) Historic Property.[10]

Footnotes:

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Editor's note— Ord. No. 3242, § 7, adopted July 13, 1999, repealed §§ 6.100—6.108 in their entirety. Subsequently said ordinance added §§ 6.100—6.125 which pertained to similar subject matter.

Sec. 6.110. - In General.

Sec. 6.111. - Purposes.

The (HP) Historic Property zoning overlay district is intended to protect and enhance the cultural, historical, social or archaeological heritage of the City of Scottsdale. The HP District encourages the retention of historic resources by keeping them in active use in their original appearance, setting, and placement. More specifically, the purposes of these historic preservation regulations are to:

A. Protect, enhance and preserve improvements and landscape features of historic resources which represent distinctive elements of the city's cultural, educational, social, economic, political, architectural and archaeological history;

B. Safeguard the city's historic, aesthetic and cultural heritage, and encourage cultural heritage tourism at appropriate historic and archaeological sites;

C. Foster civic pride in the accomplishments of the past and promote public awareness of the rich heritage of Scottsdale from all periods of history and prehistory;

D. Retain and enhance historic resources and those properties which contribute to the character of an Historic Property District, and encourage their adaptation for current use;

E. Assure that alterations of existing structures are compatible with the original structure and character of an historic resource;

F. Assure new construction and subdivision of lots in an Historic Property District are compatible with the character of the District;

G. Encourage the restoration of historic resources, and protect and enhance property values through the restoration, preservation and promotion of historic resources.

(Ord. No. 3242, § 7, 7-13-99)

Sec. 6.112. - Definitions.

In addition to the definitions found in section 3.100 of the Zoning Ordinance, and where there is a conflict between definitions, the following definitions apply to section 6.100 of the Zoning Ordinance:

Alter or *remodel* shall mean any architectural, structural, landscaping, electrical, or mechanical change to an historic resource that requires a building permit.

Building shall mean a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. The term "building" may refer to an historically related complex such as a courthouse and jail, or a house and barn.

District shall mean a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may contain areas that are geographically separated but linked by association or history.

Historic property or *historic resource* means any prehistoric or historic district, site, building, structure, object, or landmark included in, or eligible for inclusion on, the National Register of Historic Places, the Arizona Register of Historic Places, or the Scottsdale Historic Register, including artifacts, records, and material remains related to such property or resource. The term includes archaeological resources.

Institution means a nonprofit corporation or a nonprofit establishment for public use.

Landmark shall mean an historic resource that the City Council designates as possessing exceptional significance.

Object shall mean a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment. This term may include landscape features.

Site shall mean the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure. A site may encompass more than one lot or parcel.

Structure shall mean any piece of work constructed or erected by humans, and made up of interdependent and interrelated parts in a definite pattern.

(Ord. No. 3242, § 7, 7-13-99; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 124), 5-6-14)

Sec. 6.113. - Criteria.

A. *Historic Resource.* To be eligible for designation as an historic resource and placement on the Scottsdale Historic Register, a district, site, building, structure, or object must be located in Scottsdale and have special historical significance in United States, Arizona or Scottsdale history, architecture, archaeology, engineering, or culture. Fifty (50) years of age is a general estimate of the time necessary for achieving historical significance, but resources younger than fifty (50) years are eligible for designation as an historic property and placement on the Scottsdale Historic Register in appropriate cases. Historical significance is present in buildings, districts, structures, sites, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

1. That are associated with events that have made a significant contribution to the broad patterns of our history; or
2. That are associated with the lives of persons significant in our past; or
3. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable whole whose components may lack individual distinction; or
4. That have yielded, or may be likely to yield, information important in prehistory or history; and
5. That in addition to having retained their integrity of location, design, setting, materials, workmanship, feeling, and association, possess physical features necessary to convey that significance and are significant within the historic context of the Scottsdale geographic area and chronological periods known to have been associated with the occupation and settlement of Scottsdale by people from all involved cultures.

B. *Landmarks.* To be eligible for designation as a Landmark, a district, site, building, structure or object must meet all the criteria for designation as an historic resource and placement on the Scottsdale

Historic Register, and in addition must possess exceptional significance in United States, Arizona or Scottsdale history, archaeology, architecture, engineering, or culture, as determined by the City Council. Such exceptional significance is present in those historic resources which:

1. Contain outstanding or extraordinary examples of an architectural style; and/or
2. Contain or are associated with a major historic event or activity; and/or
3. Are associated with the lives of historically significant persons; and/or
4. Embody distinctive characteristics of a type, period, or method of construction; and/or
5. Represent the work of a master; and/or
6. Contain important, intact archaeological resources; and/or
7. Are of unique visual quality and identification; and/or
8. Are of general historic or cultural recognition by the community.

(Ord. No. 3242, § 7, 7-13-99; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 125), 5-6-14)

Sec. 6.114. - Existing HP exemption.

Properties that were zoned HP Historic Property under the old HP zoning standards, last amended by Ordinance No. 2830, shall be exempt from the new HP District ordinance standards for a period of one (1) year from the effective date of Ordinance No. 3242. This exemption shall only apply to properties zoned HP prior to the effective date of the new HP District standards.

A. The properties zoned HP prior to the new standards shall continue to follow all the old HP Historic Property district standards during the one (1) year exemption period.

B. At the end of the one (1) year exemption period, all of the HP District standards in Ordinance No. 3242 shall apply to the exempt properties zoned HP under the old standards, provided that the HP District has not been removed by an ordinance adopted by City Council during the exemption period.

(Ord. No. 3242, § 7, 7-13-99)

Sec. 6.115. - Use regulations and property development standards.

A. *Uses permitted.* Any use permitted in the underlying zone.

B. *Uses permitted by conditional use permit.* Any use permitted by conditional use permit in the underlying zone.

C. *Property development standards.* The development standards of the underlying zone shall apply in addition to the development requirements imposed by this section on Historic Property.

(Ord. No. 3242, § 7, 7-13-99)

Sec. 6.116. - Off-street parking.

The provisions of article IX shall apply.

(Ord. No. 3242, § 7, 7-13-99)

Sec. 6.117. - Signs.

The sign provisions of article VIII shall apply.

(Ord. No. 3242, § 7, 7-13-99)

Sec. 6.118. - Additional procedures for designating property HP District.

An application to designate property as historic is a request for overlay zoning on the property by applying the (HP) Historic Property zoning overlay district to the subject area. All rezoning notice and public hearing requirements of state law and Article I of the Zoning Ordinance must be followed for any HP District rezoning in addition to the requirements of this section. The additional procedures for designating property historic and for placement of the property on the Scottsdale Historic Register are as follows:

A. Upon receipt of the proper forms, and, where required, payment of the application fee, the Historic Preservation Officer shall publish notice in a newspaper of general circulation in the City that an application has been filed and will be considered by the Historic Preservation Commission at a public hearing at a specified date, time and place, at which time the community shall be given the opportunity to be heard. This public hearing notice shall be published not less than fifteen (15) days before the hearing and shall describe the location of the property and the nature of the application being considered.

B. The Historic Preservation Officer or designee shall conduct a preliminary study of the application and make a recommendation in the Historic Designation Report to the Historic Preservation Commission.

C. The Historic Preservation Commission shall review the application and the Historic Designation Report, and recommend to the Planning Commission and City Council approval or denial of the application.

D. At its public hearing on the request to place HP District overlay zoning on the property, the Planning Commission shall consider the application for HP District designation, the Historic Designation Report, and the recommendation of the Historic Preservation Commission. Notice of the hearing and posting the property shall be in accordance with the law applicable to a zoning map amendment.

E. After the Planning Commission has held a public hearing on the proposed zoning district map amendment and makes its recommendation, the City Council shall hold a public hearing. The City shall notify the applicant(s) and owner(s) of record of the proposed designated property of the date, time, and place of the public hearing, and shall provide notice of the public hearing in accordance with the law applicable to a zoning map amendment.

F. The City Council shall approve, approve with modifications, or deny the request for HP District designation and rezoning, and any associated Historic Preservation Plan. In the event further proceedings are deemed necessary, the City Council may remand the application to the Planning Commission and/or the Historic Preservation Commission. The property owners may file a legal protest in accordance with Section 1.706 of the Zoning Ordinance of the City of Scottsdale.

G. If the City Council approves the HP District designation the Historic Preservation Officer shall record the designation in the Scottsdale Historic Register.

H. Designation of an Historic Property District shall be followed by City Council adoption of a supplemental zoning map adding the suffix "HP" to the zoning classification of the property.

I. The following apply to designation of an historic resource as a Landmark:

1. Scottsdale Landmark designation can occur for a property already within an HP District zoning overlay or in conjunction with HP District designation.

2. As part of the recommendation to City Council for Landmark designation, the Historic Preservation Commission and/or the Planning Commission shall adopt findings documenting the uniqueness and exceptional significance of the subject historic resource.

(Ord. No. 3242, § 7, 7-13-99; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 126), 5-6-14)

Sec. 6.119. - Historic Preservation Plan

A. Before or within a reasonable time, as determined by the Historic Preservation Officer, following City Council approval of the HP District designation for an historic resource, the property owner and the Historic Preservation Officer shall prepare an Historic Preservation Plan. Such a plan shall:

1. Identify the geographical location of the HP District, and

2. Specify the objectives concerning the development or preservation of buildings, sites, objects, structures and landmarks within the HP District, and

3. Formulate a program for public action including the provision of public facilities and the regulation of private development and demolition necessary to realize these objectives, and

4. Describe any plans for public access and visitation of the property, including any planned participation in a cultural heritage tourism program, and

5. Set forth standards necessary to preserve and maintain the historical character of the historic resource. These standards shall include design guidelines that shall apply only to the exterior features of the historic resource.

a. Each Historic Preservation Plan shall include a general set of standards, reflecting the overall character of the HP District, which shall be used by the Historic Preservation Commission and the Historic Preservation Office to review applications for the certificates required within the HP District.

b. When the HP District involves single-family residences, the Historic Preservation Plan may include a development agreement and/or a preservation easement.

c. Upon approval by the City Council, an Historic Preservation Plan may include a specific set of design guidelines that modify the standards set in the underlying zoning district. If any of these provisions are to be contained in design guidelines for an HP District, the guidelines shall be approved according to the procedures for establishing HP Districts, including the public hearing processes before the Planning Commission and the City Council. In the alternative, this specific set of guidelines may be made part of the ordinance establishing the District and placing overlay HP District zoning on the property.

B. The Historic Preservation Plan is subject to approval by the Historic Preservation Commission, which may approve or modify the plan proposed by the applicant or the Historic Preservation Officer. The plan approved by the Commission is final unless within twenty (20) days of the date of the approval either the City Council initiates review of the plan or the property owner appeals the Historic Preservation Plan to the City Council. The property owner shall file an appeal with the City Clerk and shall include in the appeal request a brief statement of the grounds of the appeal and the relief requested.

C. The City Council shall have the right and prerogative to initiate its own review of any Historic Preservation Plan approved by the Historic Preservation Commission. Such a review must be initiated within twenty (20) days of the Historic Preservation Commission's approval of the Historic Preservation Plan. Notice of such Council-initiated review of any plan approved by the Historic Preservation Commission shall be given to the property owner and the Historic Preservation Officer by the City Clerk within ten (10) days after the Council votes to initiate a review of the Plan.

D. The City Clerk shall schedule the appeal for a City Council agenda not more than forty (40) or less than fifteen (15) days following submittal of the appeal. The City Council at its meeting shall uphold,

modify, or remand for further consideration the plan approved by the Commission. The decision of the City Council shall be final.

(Ord. No. 3242, § 7, 7-13-99; Ord. No. 3920, § 1(Exh. § 52), 11-9-10; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 127), 5-6-14)

Sec. 6.120. - Development of Historic Resources.

Sec. 6.121. - Alteration of historic resources; approvals required.

A. No building, permanent sign, or other structure in an HP District shall be erected, demolished, moved, restored, rehabilitated, reconstructed, altered, or changed in exterior appearance, nor shall any historic resource be altered, moved, remodeled, demolished, enlarged or extended contrary to the Historic Preservation Plan for the HP District or historic resource until plans for such activities have been submitted to and approved by the Historic Preservation Officer or the Historic Preservation Commission, and the City has issued a Certificate of No Effect, a Certificate of Appropriateness, or a Certificate of Demolition Approval for the subject property. This requirement is in addition to any other permit or approval required by law.

B. Failure to comply with a stipulation, standard, or plan made a part of any of these approvals shall constitute a violation of section 6.100 of the Zoning Ordinance. An approved plan shall be binding upon the property owner. No permit shall be issued for any building or structure not in compliance with the plan, except that temporary facilities shall be permitted in conjunction with construction. No structure or other element specified on the Historic Preservation Plan shall be eliminated, or altered or provided in another manner, unless an amendment is approved in conjunction with the procedures for original approval.

C. Maintenance of the historic resource pursuant to the Historic Preservation Plan is required. Ordinary maintenance or repair of any structure in the HP District that does not alter or modify the historic character of the structure will not require a Certificate of No Effect or a Certificate of Appropriateness.

(Ord. No. 3242, § 7, 7-13-99; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 128), 5-6-14)

Sec. 6.122. - Review process on applications requiring a Certificate of No Effect or a Certificate of Appropriateness.

A. When a building permit or other permit is sought from the City to alter, remodel, move, build, or otherwise develop or landscape property or archaeological sites in an HP District, issuance of the permit shall be deferred until after a Certificate of No Effect or a Certificate of Appropriateness is obtained from the Historic Preservation Commission.

B. In the event work requiring a Certificate of Appropriateness or a Certificate of No Effect is being performed without such a Certificate, the Historic Preservation Officer or other city inspector shall contact the person performing the work and ask that all work cease. If work continues, the Historic Preservation Officer shall ask that a Stop Work Order be issued by the Building Official. In the event work is being performed that is not in accordance with a Certificate of Appropriateness issued by the Historic Preservation Commission, the Historic Preservation Officer shall ask that a Stop Work Order be issued by the Building Official. The City may seek an injunction to enforce a Stop Work Order.

C. The Zoning Administrator shall refer requests for permits for property located within an HP District to the Historic Preservation Officer.

D. The Historic Preservation Officer or designee shall issue a Certificate of No Effect within seven (7) days after receipt of an application if:

1. It is determined the proposed work is minor and clearly within the adopted Historic Preservation Plan, and

2. Any modifications to the proposed work requested by the Historic Preservation Officer are agreed to by the property owner, and

3. The proposed work will not diminish, eliminate, or adversely affect the historic character of the subject property or the HP District.

E. A Certificate of No Effect shall expire and become null and void two (2) years from the date of issuance unless construction work is started within that time.

F. If a Certificate of No Effect is not issued, a Certificate of Appropriateness from the Historic Preservation Commission shall be required.

G. The review and decision on a Certificate of Appropriateness shall be conducted in the following manner:

1. In cases where Development Review Board approval is necessary in addition to a Certificate of Appropriateness, the Historic Preservation Officer and the Zoning Administrator shall confer to decide whether the historic aspects or the development review aspects dominate the proposed development, and shall decide whether it is more appropriate for the Historic Preservation Commission or the Development Review Board to consider the proposal. If the case is presented to the Historic Preservation Commission only, the Commission shall have the power to grant or deny Development Review Approval in addition to its ruling on the Certificate of Appropriateness.

2. In all cases to be heard by the Historic Preservation Commission, the Historic Preservation Officer shall review the application for a Certificate of Appropriateness and shall schedule a public hearing before the Commission within thirty (30) days of the filing of an application for a development permit. Notice of the application shall be posted on the property at least ten (10) days before the date set for the public hearing before the Historic Preservation Commission. The Historic Preservation Commission shall review the application in light of the standard set forth below and the evidence presented at the hearing, and shall either grant or deny the Certificate of Appropriateness, grant it with stipulations, or issue a Certificate of No Effect.

3. The standard for evaluating a Certificate of Appropriateness is consistent with the Historic Preservation Plan for the resource.

4. The property owner may appeal the Historic Preservation Commission's decision in writing to the City Council within twenty (20) days of the Commission's decision.

5. The City Council shall have the right to initiate its own review of any decision of the Historic Preservation Commission by a majority vote of the City Council made within twenty (20) days of the Commission's decision.

6. The City Clerk shall schedule the appeal for a City Council agenda not more than forty (40) or less than fifteen (15) days following submittal of the appeal. Notice of the hearing shall be mailed by first class mail to the property owner at least fifteen (15) days prior to the hearing and shall be posted on the property at least fifteen (15) days prior to the hearing.

7. In the event the initial hearing on an appeal to the City Council is not held within one hundred twenty (120) days of the date the permit application was filed, the Certificate of Appropriateness shall be deemed approved.

8. The City Council may uphold, reverse, or modify the decision of the Historic Preservation Commission.

9. The property owner, applicant, or any person aggrieved by the decision of City Council on a Certificate of No Effect or a Certificate of Appropriateness may appeal the City Council decision by filing a special action in Superior Court within thirty (30) days of that decision.

10. No change shall be made in the approved plans of the project after issuance of a Certificate of No Effect or a Certificate of Appropriateness without resubmitting the plans for the project to the Historic Preservation Officer and approval of the change in the same manner as provided above.

11. A Certificate of Appropriateness shall expire and become null and void two (2) years from the date of issuance unless construction work is started within that time.

H. If a Certificate of No Effect or a Certificate of Appropriateness is issued, the property owner shall proceed with any Development Review Board application required by the Zoning Ordinance.

(Ord. No. 3242, § 7, 7-13-99; Ord. No. 3920, § 1(Exh. §§ 53—55), 11-9-10; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 129—131), 5-6-14)

Sec. 6.123. - Demolition of historic resources.

A. No demolition permit shall be issued by the City to move or demolish all or any part of a building, structure, object or Landmark in an HP District without a Certificate of Demolition Approval. Requests for a Certificate of Demolition Approval shall be considered in the following manner:

1. Applications for a Certificate of Demolition Approval shall be filed with or referred to the Historic Preservation Officer. If the property owner is using economic hardship to justify the demolition, an application for a Certificate of Economic Hardship shall be filed with the application for a Certificate of Demolition Approval. The Historic Preservation Commission may establish criteria, for certain types of structures or actions, authorizing the Historic Preservation Officer to staff approve an application for a Certificate of Demolition Approval and to waive a public hearing.

2. A certificate of Demolition Approval shall be issued if the Building Official has determined that the structure, building or object is an imminent hazard to public safety and that repairs would be impractical.

3. The Historic Preservation Officer shall review the application for a Certificate of Demolition Approval and, if applicable, a Certificate for Economic Hardship, and shall schedule a public hearing before the Historic Preservation Commission within thirty (30) days of the application(s). Notice of the hearing shall be posted on the property at least ten (10) days before the hearing. Notice of the hearing shall be mailed by first class mail to the property owner at least ten (10) days prior to the hearing.

4. The Historic Preservation Commission shall conduct a public hearing and shall make a determination whether a Certificate of Demolition Approval should be approved and a demolition permit should be issued. The criteria used to make this determination shall be:

   a. The structure, building, or object is of no historic or architectural value or significance and does not contribute to the historic value of the resource; or

   b. Loss of the structure, building or object would not adversely affect the integrity of the HP District or the historic, architectural, or aesthetic relationship to adjacent properties, and its demolition is inconsequential to historic preservation needs of the area; or

   c. The Commission has determined that a Certificate of Economic Hardship should be granted for the historic resource based upon the property owner clearly demonstrating this hardship.

5. A Certificate of Demolition Approval may be conditioned on stipulations that provide for rights of access to the property for the City or its designee for purposes of documentation or for agreed upon removal of artifacts. Additionally, the Historic Preservation Commission may stipulate that the property owner supplement the approved Historic Preservation Plan for the historic resource with additional documentation prior to approval of demolition.

B. The decision of the Historic Preservation Commission to grant or deny demolition approval shall be final unless the property owner appeals in writing within twenty (20) days of the decision, or a majority of the City Council initiates its own review of the decision within twenty (20) days of that decision.

C. The City Clerk shall schedule any such appeal for a City Council agenda, not more than forty (40) or less than fifteen (15) days following submittal of the appeal. Notice of the hearing shall be mailed by first class mail to the property owner at least fifteen (15) days prior to the hearing and shall be posted on the property at least fifteen (15) days prior to the hearing. The City Council shall review the application in light of economic hardship, the subject property's lack of historic or architectural value and significance, alone or as part of an HP District, and the evidence presented at the hearing. The City Council shall either grant, grant with conditions, or deny the Certificate of Demolition Approval.

D. In the event the initial hearing on an appeal to the City Council is not held within one hundred twenty (120) days of the date the appeal was filed, the application for a Certificate of Demolition Approval shall be deemed approved.

E. If an application for a Certificate of Demolition Approval of any historic resource is denied, no Certificate of Demolition Approval or demolition permit shall be issued for a period of one year from the date on which the Historic Preservation Commission denied the application.

F. Upon denial of a Certificate of Demolition Approval by the Historic Preservation Commission, the Historic Preservation Officer shall contact the property owner to determine what available assistance might be feasible to place the property into productive use. If a feasible rehabilitation or use is not found for the property the Historic Preservation Officer and Historic Preservation Commission shall investigate with the property owner methods of private or public acquisition of the property.

G. For properties designated Landmarks, the restraint of demolition is presumptively a minimum of two (2) years from the date on which the application was denied by the Historic Preservation Commission. Review upon request by the property owner may be made after one year. Procedures shall be as follows: one year after the denial of a demolition approval, if no feasible use or ownership is found for the Landmark, the property owner may request that the Historic Preservation Commission issue a waiver of all or a part of the balance of the restraint of demolition

H. If a Certificate of Demolition Approval is granted on any basis other than that of an imminent hazard to public safety or economic hardship, or is denied and the restraint of demolition under the above provisions has expired, the Historic Preservation Officer shall not issue a Certificate of Demolition Approval and the Building Official shall not issue a demolition permit until a Replacement/Reuse Plan for the property has been filed with the Historic Preservation Officer. The plan may be filed at any time following denial of the application for a Certificate of Demolition Approval and shall be in compliance with existing zoning, the General Plan, and any adopted Neighborhood or Character Area Plan, and the Historic Preservation Plan applicable to the property. Vacant land or non-use shall not be considered responsive to this requirement.

1. The requirement for filing a Replacement/Reuse Plan shall be waived by the Historic Preservation Officer if, following demolition, no historic feature will remain in the HP District and upon a finding that such a requirement is unnecessary to assure compatibility with other resources designated historic in the vicinity.

2. The Historic Preservation Officer shall make a decision on a request for a waiver of the Replacement/Reuse Plan requirement within thirty (30) days of receipt of the request.

3. The property owner may appeal the decision of the Historic Preservation Officer within twenty (20) days of the action. The Historic Preservation Commission shall conduct a public hearing on the appeal. Notice of the hearing shall be posted on the property at least fifteen (15) days prior to the hearing.

4. The Commission's decision shall be final unless appealed by the property owner in writing within twenty (20) days following the hearing. If a waiver is approved, the Commission shall, upon demolition or removal of the structure, building, or object, initiate an application to remove the HP District designation from the property.

I. Any new development on the property shall be in conformance with the replacement/reuse Plan submitted in conjunction with the Certificate of Demolition Approval. Any changes from the plan shall require a Certificate of Appropriateness.

J. A Certificate of Demolition Approval shall expire and become null and void one (1) year from the date of issuance unless demolition is started within that time.

(Ord. No. 3242, § 7, 7-13-99; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 132), 5-6-14)

Sec. 6.124. - Stay of demolition pending consideration of application for designation.

A. No demolition permit shall be issued by the City for a resource that is located within an area of an application for HP District between such time as the application is filed with the City and the time action is taken on the application by the City Council, unless a Certificate of Demolition Approval is issued by the Historic Preservation Commission or the City Council.

B. The following procedures are hereby established for the review of proposed demolition of property which is part of or located in areas where an application for HP District designation is pending:

1. All property owner requests for a demolition permit for property that is part of a pending application for HP District designation will be referred to the Historic Preservation Officer. The Historic Preservation Officer shall inform the property owner that they must apply for a Certificate of Demolition Approval. The Historic Preservation Commission may establish criteria, for certain types of structures or actions, authorizing the Historic Preservation Officer to staff approve an application for a Certificate of Demolition Approval and to waive a public hearing.

2. The Historic Preservation Officer shall review the application for a Certificate of Demolition Approval and shall schedule a public hearing of the Historic Preservation Commission within sixty (60) days following the filing of the Certificate of Demolition Approval application. Notice of the hearing shall be posted on the property at least thirty (30) days before the hearing. Notice of the hearing shall be mailed by first class mail to the property owner at least fifteen (15) days prior to the hearing.

3. At the public hearing, the Commission shall issue a Certificate of Demolition Approval only if the property owner demonstrates:

a. That the building, structure or addition is of minimal historic significance because of its location, condition, modifications, or other factors, and its demolition is inconsequential to the historic preservation needs of the area; or

b. That the denial of a Certificate of Demolition Approval and a demolition permit will result in an economic hardship to the property owner as discussed in a section 6.135; or

c. That the building has been determined by the Building Official to be an imminent hazard to the public safety and that repairs would be impractical.

4. The Commission's decision shall be final unless appealed by the property owner in writing within twenty (20) days following the decision. The City Council may initiate its own review of a decision of the Historic Preservation Commission to grant or deny demolition approval by a majority vote of the City Council made within twenty (20) days following the decision. If appealed the City Clerk shall schedule the appeal for a City Council agenda, not more than forty (40) or less than fifteen (15) days following submittal of the appeal. Notice of the hearing shall be mailed by first class mail to the property owner and at least fifteen (15) days prior to the hearing and shall be posted on the property at least fifteen (15) days prior to the hearing.

C. In the event a Certificate of Demolition Approval is denied, no permit for demolition shall be issued for one (1) year from the date of the Historic Preservation Commission's initial hearing on the subject property, except if HP District zoning has not been placed on the property at the expiration of the one (1) year from the date the application was filed, the Historic Preservation Officer shall issue a Certificate of Demolition Approval for the subject property.

D. At the time of adoption of HP District zoning, the temporary restraint of demolition and any stays of demolition in effect shall expire. Demolition approvals at that time shall be regulated by section 6.123 pertaining specifically to the process of demolition approval in an HP District.

E. A Certificate of Demolition Approval may be conditioned on stipulations that provide for rights of access to the property for the purposes of documentation or for agreed upon removal of artifacts. Additionally the Historic Preservation Officer may stipulate that the property owner provide an approved Historic Designation Report of the structure including photographs and other relevant information to the Historic Preservation Commission prior to approval of demolition.

F. A Certificate of Demolition Approval shall expire and become null and void one (1) year from the date of issuance unless demolition is started within that time.

(Ord. No. 3242, § 7, 7-13-99; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 133, 134), 5-6-14)

Sec. 6.125. - Certificate of economic hardship.

A. Separate standards for obtaining a Certificate of Economic Hardship are established for investment or income producing and non-income producing properties:

1. Economic hardship for a non-income producing property shall be found when the property owner demonstrates that the property has no beneficial use as a single-family dwelling or an institution in its present condition or if rehabilitated.

2. Economic hardship for an income producing property shall be found when the property owner demonstrates that a reasonable rate of return cannot be obtained from the resource if it retains its historic features, buildings, or structures in either its present condition or if it is rehabilitated.

B. Property owners seeking a Certificate of Economic Hardship must provide sufficient information, as determined by the Historic Preservation Officer, to support the application for the Certificate. Demonstration of an economic hardship shall not be based on or include any of the following circumstances:

1. Willful or negligent acts by the property owner;

2. Purchase of the property for substantially more than market value;

3. Failure to perform normal maintenance and repairs;

4. Failure to diligently solicit and retain tenants;

5. Failure to provide normal tenant improvements.

C. The Commission may require a property owner who has received a recommendation for a Certificate of Economic Hardship to complete the following prior to being granted a Certificate of Demolition Approval:

1. Documentation of the sites, buildings, structures, or objects which are intended to be demolished.

2. Preparation of a salvage strategy for reuse of the building materials deemed valuable by the Historic Preservation Commission for other preservation and restoration activities.

D. A Certificate of Demolition Approval may be conditioned on stipulations that provide for rights of access to the property for the purposes of documentation or for agreed upon removal of artifacts.

E. A Certificate of Demolition approval shall expire and become null and void one (1) year from the date of issuance unless demolition is started within that time.

(Ord. No. 3242, § 7, 7-13-99; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 135—137), 5-6-14)

Sec. 6.130. - Enforcement.[11]

Footnotes:

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Editor's note— The following penalty provisions apply to any violation of the provisions of §§ 6.100—6.133 of the Zoning Ordinance.

Sec. 6.131. - Classification of penalty.

(A) Any person, firm, corporation, partnership, or association whether as principal, owner, agent, tenant, or otherwise who violates, disobeys, omits, or refuses to comply with, or who resists the enforcement of any of the provisions of section 6.100, (HP) Historic Property, is subject to a civil sanction.

(B) A second or subsequent violation of any of the provisions of section 6.100, (HP) Historic Property, within a two-year period following a finding of responsible to a civil violation of section 6.100 shall be charged as a Class One misdemeanor offense.

(C) Each day any violation of any provision of section 6.100, (HP) Historic Property, or the failure to perform any act or duty required by section 6.100 continues shall constitute a separate violation.

(Ord. No. 3242, § 8, 7-13-99)

Sec. 6.132. - Penalties.

(A) Upon a finding of responsible to a civil violation, the court shall impose a civil sanction not to exceed one thousand dollars ($1,000.00), nor less than a fine of two hundred fifty dollars ($250.00). Each day any violation of any provision of section 6.100, (HP) Historic Property, or the failure to perform any act or duty required by Section 6.100 continues shall constitute a separate violation.

(B) Upon a conviction of a misdemeanor the court may impose a sentence in accordance with section 1-8(a) of the Scottsdale Revised Code and State law for class one misdemeanors.

(C) Additional penalties for violation of any section or other part of section 6.100, (HP) Historic Property:

(1) Any person who constructs, reconstructs, alters, restores, renovates, relocates, stabilizes, repairs or demolishes any historic or archaeological resource or landmark in violation of any section of this ordinance shall be required to restore the resource or landmark to its appearance or setting prior to the violation. Any action to enforce this provision shall be brought by the City of Scottsdale. This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty.

(2) If construction, reconstruction, alteration, restoration, renovation, relocation, or stabilization of an archaeological or historic resource or landmark located in an HP District, or on publicly-owned land, or on a public right-of-way occurs without a Certificate of No Effect, a Certificate of Demolition Approval, or a Certificate of Appropriateness, then the Scottsdale business license of the company, individual, principal owner, or its or his successor in interest initiating (such as the developer or property owner) such construction, reconstruction, alteration, restoration, renovation, relocation, or stabilization shall be revoked for a period of three (3) years.

(3) If demolition of an archaeological or historic resource or landmark located in an HP District, or located on publicly-owned property, or on a public right-of-way occurs without a permit or a Certificate of Demolition Approval, then any permits on subject property will be denied for a period of three (3) years. In addition, the property owner shall not be entitled to a permit allowing any curb cuts on the subject property for a period of three (3) years from and after the date of such demolition.

(Ord. No. 3242, § 8, 7-13-99; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 138), 5-6-14)

Sec. 6.133. - Enforcement actions.

The provisions of Sections 1.1400 through 1.1412 of the Zoning Ordinance of the City of Scottsdale apply to actions to enforce Section 6.100, (HP) Historic Property.

(Ord. No. 3242, § 8, 7-13-99)

Sec. 6.200. - Planned Residential Development (PRD).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 161), 4-3-12)

Sec. 6.201. - Purpose.

The purpose of the planned residential development district is to encourage imaginative and innovative planning of residential neighborhoods to encourage the preservation of open space and significant natural features, to offer a wide variety of dwelling unit types, to permit greater flexibility in design of residential neighborhoods, and to enable development of parcels of property that would be difficult to develop under conventional zoning and subdivision regulations.

Sec. 6.202. - Definition.

A planned residential development is a residential development improved in accordance with an overall project plan and is characterized by the following: The density regulations of the zone in which the planned residential development is located are applied to the total area of the planned residential development rather than separately to individual lots.

Sec. 6.203. - Maximum property size.

No planned residential development (PRD) shall be established on any parcel in excess of three hundred twenty (320) acres.

Sec. 6.204. - Application requirements.

A. The zoning district map amendment application for the PRD District shall be accompanied by a Development Plan as provided in Article VII.

B. The PRD District shall be developed in conformance with the approved Development Plan and Development Master Plans as provided in Article VII.

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 162, 163), 4-3-12; Ord. No. 4048, § 1(Res. No. 9223, § 1(Exh. A, § 14), 11-14-12)

Sec. 6.205. - Design criteria and development standards.

A. *Design criteria.* The planned residential development shall observe the following design criteria:

1. The overall plan shall be comprehensive, embracing the land, buildings, landscape and their interrelationships and shall conform in all respects to all adopted plans of all governmental agencies for the area in which the proposed development is located.

2. The plan shall provide open space, circulation, off-street parking, and pertinent amenities. Buildings, structures and facilities in the parcel shall be well integrated, oriented and related to the topographic and natural landscape features of the site.

3. The proposed development shall be compatible with existing and planned land use, and with circulation patterns on adjoining properties. It shall not constitute a disruptive element to the neighborhood and community.
4. The internal street system shall not be a dominant feature in the overall design, rather it should be designed for the efficient and safe flow of vehicles without creating a disruptive influence on the activity and function of any common areas and facilities.
5. Common areas and recreation areas shall be so located so as to be readily accessible to the occupants of the dwelling units and shall be well related to any common open spaces provided.
6. Architectural harmony within the development and within the neighborhood and community shall be obtained so far as practicable.

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 164), 4-3-12)

Sec. 6.206. - Property development standards.

A. All land uses in a PRD district shall conform to the allowable uses of the underlying zoning district. Modification of the underlying district's development standards may be allowed as provided in the modification procedure below.

B. All structures or buildings except detached single-family residences shall have development review approval as outlined in article I, section 1.900 hereof prior to being built or remodeled upon land in the PRD district.

C. Any use requiring a conditional use permit in the underlying zoning district shall obtain approval as outlined in article I, section 1.400 unless the use is indicated on the development plan, then only development review approval is required as outlined in article I, section 1.900.

D. All provisions of the zoning ordinance shall apply to development in the PRD district except as specifically permitted in this section, 6.206.

E. All structures built within a planned residential district shall, as a requirement for a building permit, indicate on the structural plans the manner in which all mechanical equipment is to be screened.

(Ord. No. 3225, § 1, 5-4-99)

Sec. 6.207. - Property development standards modification procedure.

The application shall be accompanied by written terminology and graphic material, and will illustrate the conditions that the modified standards will produce, so as to enable the Planning Commission and the City Council to make the determination that the modification will produce a living environment, landscape quality and life-style superior to that produced by the existing standards.

Sec. 6.208. - Maximum density requirements.

A. A PRD District development shall have a maximum density as follows:

Zone	Base Density	1 Factor	2 Factors	3 Factors	4 Factors
R1-5	5.000	5.250	5.500	5.750	6.000
R1-7	4.200	4.400	4.600	4.800	5.000

R1-10	3.150	3.300	3.450	3.600	3.750
R1-18	1.900	2.000	2.100	2.200	2.300
R1-35	1.050	1.100	1.150	1.200	1.250
R1-43	0.850	0.900	0.950	1.000	1.050
R1-70	0.525	0.550	0.575	0.600	0.625
R1-130	0.315	0.330	0.345	0.360	0.375
R1-190	0.210	0.220	0.230	0.240	0.250

The density of a PRD District development may be increased from the base density as allowed by the following criteria. However, in no case shall the density of a PRD District exceed the four (4) factor density of the underlying zone.

Table 6.208.B. Criteria for Base Density Increase		
		Increase From Base-Density
1.	Preservation of natural features. Preservation of natural features shall include the preservation of major washes, significant stands of native vegetation or other topographic or scenic natural features, provided such features are left in	1 factor

	their undisturbed natural state.	
2.	Provision of common open space. Common open space shall be distinguishable by its quantity or quality and accessibility to the residents.	1 factor
3.	Innovative site plan. An innovative site plan shall mean a site plan which features a street pattern which discourages through traffic, ensures the privacy of the residents of the development and is in harmony with the topography and other natural features. An innovative site plan could also include a variety of lot sizes and dwelling unit types.	1 factor
4.	Interior amenities. Interior amenities shall mean the provision of private recreational facilities such as tennis courts, recreation centers, bike paths and equestrian trails which are accessible to the residents of the	1 factor

	development.	
5.	Substantial public benefit. Substantial public benefit shall mean the provision of public facilities that are both unusual in character and serve the needs of an area greater than the immediate development. No density increase for substantial public benefit may be approved unless the public facilities provided are in excess of the typically-required street improvements, sidewalks, bike paths, equestrian trails and drainage facilities.	1 factor

Upon finding that one (1) or more of the above criteria is exceeded to an extraordinary degree the City Council may approve a density increase greater than that specified in any single criteria but in no case to exceed a combined total of four (4) factors.

(Ord. No. 1922, § 1, 11-4-86; Ord. No. 2293, § 1, 5-15-90; Ord. No. 2492, § 1, 9-1-92; Ord. No. 2631, § 1, 1-18-94; Ord. No. 2830, § 1, 10-17-95; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 165), 4-3-12)

Sec. 6.209. - Open space requirements.

The amount and location of private outdoor living space and common open space shall be determined by the development plan with approval by the City Council.

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 166), 4-3-12)

Sec. 6.210. - Building height.

1. Building height shall not exceed thirty (30) feet.
2. Buildings shall not exceed one (1) story within fifty (50) feet of an R-1 district boundary line where:
   I. There exists on an adjacent lot a one-story residence, or
   II. There are zoning restrictions which limit adjacent undeveloped lots to one-story residences.

(Ord. No. 2313, § 1, 8-21-90)

Sec. 6.211. - Parking requirements.

A. Parking shall be provided for:
   1. Efficiency and one-bedroom dwelling units shall provide a minimum of one (1) on-site resident parking space plus one (1) off-street guest parking space.
   2. Dwelling units with two (2) bedrooms shall provide a minimum of two (2) on-site resident parking spaces plus one (1) off-street guest parking space.
   3. Dwelling units with three (3) or more bedrooms shall provide a minimum of two (2) on-site resident parking spaces plus two (2) off-street guest parking spaces.

B. The required on-site resident parking shall be covered parking.

C. Adequate parking facilities for recreational vehicles shall be provided.

Sec. 6.212. - Findings required.

Before approval or modified approval of an application for a proposed PRD district, the Planning Commission and City Council must find:

A. That the development proposed is in substantial harmony with the General Plan of the City of Scottsdale, and can be coordinated with existing and planned development of surrounding areas.

B. That the streets and thoroughfares proposed are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated thereby.

C. The Planning Commission and City Council shall further find that the facts submitted with the application and presented at the hearing will establish beyond a reasonable doubt that the planned residential development will constitute a residential environment of sustained desirability and stability that it will be in harmony with the character of the surrounding area; and that the sites proposed for public facilities such as schools, playgrounds and parks, are adequate to serve the anticipated population.

D. Reserved.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3920, § 1(Exh. § 56), 11-9-10)

Sec. 6.213. - Perimeter setback requirements.

1. Where a planned residential development (PRD) project abuts an R-1, MH, or R-4 district, the buildings on the (PRD) shall be set back from the perimeter property line a distance at least as much as the required rear yard or perimeter setback of the adjacent district.

2. Where a planned residential development (PRD) project abuts an R-1, MH or R-4 district where perimeter walls are specifically approved or required to be set back from the common perimeter property line, perimeter walls on the PRD development shall provide equal or greater setbacks.

(Ord. No. 2313, § 1, 8-21-90)

Sec. 6.300. - Parking P-1 District; Passenger Vehicle Parking, Limited.

Sec. 6.301. - Purpose.

The parking P-1 district is intended to provide necessary off-street parking in appropriate locations for nonresidential uses. It is further intended that the development of such P-1 district be accomplished according to an approved plan so that such vehicle parking may be compatible with adjacent or nearby uses.

Sec. 6.302. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 41), adopted Aug. 25, 2014, repealed § 6.302 which pertained to approvals required and derived from Ord. No. 3225, § 1, adopted May 4, 1999.

Sec. 6.303. - Use regulations.

A. *Permitted uses.* Surfaced parking lots for the off-street parking of passenger vehicles.

B. *Uses permitted by a conditional use permit.* Recyclable material collection center.

(Ord. No. 3980, § 1(Res. 8895, § 1, Exh. A, § 38), 12-6-11)

Sec. 6.304. - Property development standards.

A. The provisions of article IX shall apply, unless otherwise approved by the Development Review Board.

B. There shall be a masonry wall or landscape screen on any property lines that are adjacent to any residential district. Height is to be determined by Development Review Board approval.

(Ord. No. 2736, § 1, 3-7-95)

Sec. 6.305. - Signs.

The provisions of article VIII shall apply.

Sec. 6.400. - Parking P-2 District; Vehicle Parking.

Sec. 6.401. - Purpose.

The intent of this district is to provide off-street parking.

(Ord. No. 3142, § 1, 5-19-98)

Sec. 6.402. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 42), adopted Aug. 25, 2014, repealed § 6.402 which pertained to approvals required and derived from Ord. No. 2736, § 1, adopted March 7, 1995, and Ord. No 3142, § 1, adopted May 19, 1998.

Sec. 6.403. - Use regulations.

A. *Permitted uses.* Structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Surfaced parking lots.
2. Carports.
3. Parking structures.
4. Refuse enclosures.
5. Storage buildings, subject to the Zoning Administrator's approval if the storage building:
    a. Is smaller than five hundred (500) square feet, and
    b. Occupies an area unusable as a parking space.
6. Permitted uses of Downtown Overlay D-O, Commercial Business District C-2, or Highway Commercial District C-3, in a building above ground level parking.

(Ord. No. 3142, § 1, 5-19-98; Ord. No. 3980, § 1(Res. 8895, § 1, Exh. A, § 40), 12-6-11; Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 19), 11-14-12)

Sec. 6.404. - Property development standards.

A. Building height maximum (excluding rooftop appurtenances): thirty-six (36) feet.

B. Landscaping shall be provided as determined by Development Review Board approval.

(Ord. No. 3142, § 1, 5-19-98; Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 20), 11-14-12)

Sec. 6.405. - Signs.

The provisions of article VIII shall apply.

Sec. 6.500. - Parking P-3 District.

P-3 is an overlay district which shall be used in conjunction with land zoned C-2 (Central Business District), C-3 (Highway Commercial District), or as provided in Section 6.500.A.

A. In the Downtown Area, any property that is currently zoned with the P-3 Overlay may request a zoning district map amendment to the Downtown District and P-3 Overlay provided that the total area of the property that has P-3 Overlay zoning will not be expanded.

(Ord. No. 3142, § 1, 5-19-98; Ord. No. 3896, § 1(Exh. § 3), 6-8-10; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 139), 5-6-14)

Sec. 6.501. - Purpose.

The intent of this district is to provide parking credits to create a mixture of common uses vital to an urban setting.

(Ord. No. 2736, § 1, 3-7-95; Ord. No. 3142, § 1, 5-19-98)

Sec. 6.502. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 43), adopted Aug. 25, 2014, repealed § 6.502 which pertained to approvals required and derived from Ord. No. 2736, § 1, adopted March 7, 1995, and Ord. No 3142, § 1, adopted May 19, 1998.

Sec. 6.503. - Use regulations.

Buildings, structures or premises shall be used and buildings, structures, and lots shall hereafter be erected, altered or enlarged only as provided in the underlying C-2, C-3, or D districts.

(Ord. No. 2736, § 1, 3-7-95; Ord. No. 3142, § 1, 5-19-98; Ord. No. 3896, § 1(Exh. § 4), 6-8-10)

Sec. 6.504. - Property development standards.

The property development standards of the attached district shall apply to all land and buildings in the P-3 district, except in the D district, and as provided below:

A. *Floor area ratio.* Is limited to one (1) multiplied by the net lot area of the portion of the parcel zoned P-3.

B. *Volume.* Is limited to the product of the parcel zoned P-3, in square feet, multiplied by twelve (12) feet for any building.

C. *Building height.* No building shall exceed eighteen (18) feet in height within one hundred (100) feet of any single-family residential district.

D. *Setbacks.* Requirements in the attached district providing for setbacks from adjacent residential districts shall not apply when a P-1 or P-2 district lies between the residential district and the P-3 district.

(Ord. No. 3879, § 1(Exh. § 24), 3-2-10; Ord. No. 3896, § 1(Exh. § 4), 6-8-10)

Sec. 6.505. - Parking regulations (P-3).

The provisions of article IX shall apply except that a parking credit shall be granted to the attached property at the following rates for the following uses, subject to all other regulations of this Zoning Ordinance:

A. *Credit.* Parking shall be credited to P-3 zoned areas at a rate of one (1) space per three hundred (300) square feet of the net lot area zoned P-3.

B. *Additional required parking.* All development proposals and/or changes in use to a use with a parking requirement in excess of one (1) space per three hundred (300) square feet of gross floor area shall provide a parking study that identifies how all parking in excess of any credits will be provided consistent with article IX.

(Ord. No. 2736, § 1, 3-7-95; Ord. No. 3142, § 1, 5-19-98; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 140), 5-6-14)

Sec. 6.506. - Signs.

The provisions of article VIII shall apply.

Sec. 6.600. - Parking P-4 District.

Sec. 6.601. - Purpose.

It is intended that this overlay zone encourage a reduction in parking requirements for large scale developments, provided that application of the provisions of this Zoning Ordinance will not result in adverse traffic and parking impacts upon the site or the community. The procedure set forth in article I, section 1.300, et seq., shall be followed when applying this zone to any commercial zone provided in this Zoning Ordinance.

(Ord. No. 1900, § 1, 7-15-86; Ord. No. 2736, § 1, 3-7-95; Ord. No. 3225, § 1, 5-4-99; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 141), 5-6-14)

Sec. 6.602. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 44), adopted Aug. 25, 2014, repealed § 6.602 which pertained to approvals required and derived from Ord. No. 1900, § 1, adopted July 15, 1986; Ord. No. 2736, § 1, adopted March 7, 1995, and Ord. No 3225, § 1, adopted May 4, 1999.

Sec. 6.603. - Use regulations.

Permitted uses. Buildings, structures, or premises shall be used and building and structures shall hereafter be erected, altered or enlarged only as provided in the underlying district, and in addition thereto all parking facilities shall be provided by means of a multi-level structure of an underground facility.

(Ord. No. 1900, § 1, 7-15-86)

Sec. 6.604. - Property development standards.

The property development standards of the underlying district shall apply to all land and buildings in the P-4 district, and in addition thereto applications for the provisions of this district shall include:

A. *Traffic impact study* including, but not limited to, analysis of:
   1. Trip generation.
   2. Trip distribution.
   3. Access and egress via all transportation modes serving the site.
   4. Parking design including proposed bicycle parking facilities.
   5. Internal circulation including conflicts with other modes of transportation.
   6. Capacity analysis.
   7. Effect on roadway system.
   8. Proximity to hospitals and fire stations and other emergency centers.
   9. Proposed solutions.

B. *Site plan.* A complete site plan, pursuant to the requirements of site plan review.

C. *Representative floor plan.* A representative floor plan indicating that the projected development has a floor area of over fifty thousand (50,000) square feet.

(Ord. No. 1900, § 1, 7-15-86; Ord. No. 2736, § 1, 3-7-95)

Sec. 6.605. - Parking regulations.

The general provisions of article IX relating to parking and loading regulations shall apply to the P-4 district, but any specific provision relating to the parking area required by article IX shall be subordinate to the requirements approved as part of the P-4 overlay.

(Ord. No. 1900, § 1, 7-15-86)

Sec. 6.700. - Conservation Open Space (COS).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 167), 4-3-12)

Sec. 6.701. - Purpose.

The purpose of the conservation open space (COS) district is to protect and conserve significant natural and visual resources in the city, and to promote the public health, safety, and welfare by providing land use controls for those areas set aside for open spaces. In general, land proposed to be rezoned COS contains environmental conditions that are constraints to development, but these conditions are assets to the community if left undisturbed. Specifically, COS is intended to:

A. Conserve significant natural features and open spaces, such as major rock outcrops and boulder fields, major ridges and peaks, mountains, prime wash habitats, and valuable vegetation specimens.

B. Conserve the character of the natural desert and provide opportunities for hiking, horseback riding, bicycling, and desert tours in a natural setting.

C. Assure the continued existence of adequate wildlife habitat and foster the free movement of wildlife within the district.

D. Promote a continued economic benefit to the region by protecting natural open space areas for the visual and recreational enjoyment of residents and visitors.

E. Provide a mechanism for recognizing and protecting private and public lands that have been designated for conservation by the property owner.

(Ord. No. 2275, § 1, 1-16-90; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 168), 4-3-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 142), 5-6-14)

Sec. 6.702. - General provisions.

A. *Establishment of district.* The conservation open space (COS) district is hereby established as shown on the official zoning district map and shall be designated on this map as "COS."

B. *Applicability.*

1. General Applicability. The COS district is intended to be applied to property at the request of the property owner. The request may accompany a rezoning of additional land included in the same application, or it may be an independent application to rezone an entire parcel COS. The City may also initiate a COS rezoning.

2. Applicability to Hillside District. Land previously rezoned as hillside conservation (HC) area, and identified as permanent open space, may be zoned conservation open space. The property owner or the City may initiate a COS rezoning.

3. Dedications and Donations. The COS district may be applied by the City to land that is preserved for public use by an easement, or is dedicated and/or donated to the City or other entity, for the purpose of keeping the land as permanent natural open space.

C. *Application requirements.*

1. Include information to demonstrate that the property is suitable for conservation.

2. Identify and locate on a map any permitted or conditional uses proposed for the property.

3. Identify and locate on a map any easements or dedications for the property, including trail easements.

4. Demonstrate to the satisfaction of the City, that the entire property shall be permanently maintained as a natural open space through easements, donation, or dedication to the City or other entity, and shall be contained entirely within common tracts that are not crossed by individual property lines. If the property is owned by a homeowners association, the property shall be maintained through a common maintenance agreement.

D. *Fee waiver.* If the dedication, and/or donation of land for COS designation is to the City, and the City accepts the gift, the donor shall not be charged any fee by the City for rezoning the property conservation open space (COS).

(Ord. No. 2275, § 1, 1-16-90; Ord. No. 3920, § 1(Exh. § 57), 11-9-10)

Sec. 6.703. - Use regulations.

A. *Permitted uses.* The primary use of the COS district shall be as permanent natural open space. Permitted uses include:

1. Unpaved trails or paths for the use of pedestrians, bicycles, and horses.

2. Archaeological or historic site.

3. Wireless communications facilities; Types 1, 2, and 3 (allowed only when fully concealed on water tanks, City facilities/buildings, and alternative concealment structures), subject to the requirements of sections 1.906, 3.100, and 7.200. Facilities shall be located on the periphery of the district and shall only use existing access drives.

B. *Conditional uses.*

1. Paved trails or paths excluding use by motorized vehicles.

2. Access driveways and parking areas for uses including, but not limited to, equestrian trail nodes, hiking trailheads, picnic areas, or scenic lookouts.

3. Grazing livestock on a commercial basis, including fencing.

4. Permanent drainage facilities that have been revegetated to be consistent with the surrounding natural vegetation.

5. Wireless communications facilities; Type 4 (allowed only on water tanks, City facilities/buildings, utility poles and towers, and alternative concealment structures), subject to the requirements of Sections 1.400, 3.100, and 7.200. Facilities shall be located on the periphery of the district and shall only use existing access drives.

C. *Use permit criteria.* In addition to the findings required by section 1.401, the following shall be considered in determining the appropriateness of a conditional use:

1. The conditional use is consistent with the purposes of COS, section 6.701.

2. The conditional use is compatible with the conservation of natural open space within the COS area, and the disturbed land area is minimized.
3. The conditional use provides an opportunity for people to enjoy the natural beauty of the area through outdoor recreational activities, while restricting access to the majority of the COS area.
4. Access to a COS area is designed to have limited visual impacts on any surrounding land that is developed or planned for development.

(Ord. No. 2275, § 1, 1-16-90; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3920, § 1(Exh. § 58), 11-9-10)

Sec. 6.704. - COS District development standards.

A. In order to fulfill the purposes of the COS District, all of the land that is not used for a permitted or conditional use in accordance with Section 6.703. shall be natural area open space.

B. The construction envelope for any permitted or conditional use shall be clearly identified and protected during construction by methods and techniques approved by the City.

C. Revegetated areas.

1. Whenever a portion of the property is disturbed by the construction of a permitted or conditional use, the disturbed area shall be revegetated around the improvements to restore a natural desert character. The location of areas to be restored to a natural appearance and the revegetation techniques used shall be subject to City approval.
2. If a portion of the land proposed for the COS District has been cleared of vegetation, the disturbed area shall be restored to a natural appearance through revegetation and regrading subject to City approval.
3. Underground utility corridors and drainage improvements not located in the construction envelopes shall be included in the revegetated open space.

D. The minimum width of property zoned COS District shall be forty (40) feet and the minimum contiguous area for the COS District is four thousand (4,000) square feet.

E. Setbacks.

1. None required for permitted uses.
2. Conditional Uses. Setbacks may be required for a conditional use at the time of site plan approval if it is determined by the City that setbacks are consistent with the purposes of the COS District in Section 6.701 and the use permit criteria in Section 6.703.

(Ord. No. 2275, § 1, 1-16-90; Ord. No. 3920, § 1(Exh. §§ 59, 60), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 169, 170), 4-3-12)

Sec. 6.705. - Off-street parking.

The provisions of article IX shall apply. The number of parking spaces required for recreational use areas shall be based upon the anticipated use of the area at the time the conditional use is approved.

(Ord. No. 2275, § 1, 1-16-90)

Sec. 6.706. - Signs.

The provisions of article VIII shall apply.

(Ord. No. 2275, § 1, 1-16-90)

Sec. 6.800. - Special Campus (SC).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 171), 4-3-12)

Sec. 6.801. - Purpose.

Recognizing the importance of unique land uses in a campus setting to Scottsdale's economy and quality of life it is the purpose of the special campus district to provide for quality development; to encourage imaginative, innovative site planning and to balance the protection of the environment with the provision of unique land uses such as, but not limited to, cultural, educational, medical, health-care, solar, communications, biotechnical, and recreational uses.

(Ord. No. 2588, § 1, 9-21-93; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 143), 5-6-14)

Sec. 6.802. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 45), adopted Aug. 25, 2014, repealed § 6.802 which pertained to approvals required and derived from Ord. No. 12588, § 1, adopted Sept. 21, 1993, and Ord. No 3225, § 1, adopted May 4, 1999.

Sec. 6.803. - Use regulations.

Building structures or premises shall be used and buildings and structures shall hereinafter be erected, altered or enlarged only for the uses set forth in this section. Unless otherwise restricted by the approvals required herein, permitted uses shall include uses as defined below.

A. *Permitted uses.* The primary permitted uses shall include the following:

1. *Cultural facilities.*

a. Museums. Facilities which display, store, restore, research, and educate in connection with collections of artwork, prehistoric and historic artifacts, relics, etc.

b. Performing and fine arts facilities. Facilities used for theaters for live and cinematic performance, training and rehearsal in performing and audio/visual arts, and recording studios, and/or facilities, including historic art complexes which include collaborative studios and galleries used for the creation, display and sale of fine art work including but not limited to paintings, sculpture and limited edition print work.

c. Regional, scientific, historical, cultural and environmental interpretive centers. Facilities which provide education, research, and archives regarding regional historic or prehistoric themes, regional natural history themes, or scientific themes, along with entertainment features integrated with the aforementioned.

2. *Educational and research facilities.*

a. Colleges and universities. Facilities which provide accredited post-high school degrees, including extensions and/or branches of existing campuses.

b. Fine arts and advanced technical art school. Facilities which provide post-high school education and training for fields such as fine arts or advanced technical arts such as electronics, computer science, and aeronautics.

c. Research institutes. Facilities which conduct basic and applied research in specific scientific or technological fields, including, but not limited to, solar, communications, high-technology, and biotechnology, also included educational services, research archives, and proto-type production and testing.

3. *Medical facilities.*

a. Medical care facilities. Multiple function and integrated group practice clinics and similar service organizations which provide diagnostic services and extensive medical treatment such as, but not limited to, surgical, chemical, therapeutic activities along with support hospitals or major multiple service hospital with any of the following support facilities: continuous nursing care; specialty care practice, including but not limited to trauma care; medical schools and associated dormitories; medical appliance sales; medical laboratories; pharmaceutical sales, etc., where there is special emphasis on episodic care and/or specialized care which is demonstrated as being regional or international in its client base.

b. Medical research facilities. Facilities for carrying on investigation in the natural or physical sciences, or engineering and development as an extension of investigation with the objective or creating end products in the bio-medical field of industry including pilot plant operation.

4. *Other special facilities.*

a. Convention, conference or exhibition centers. Facilities including large volume halls and rooms for conducting convention meetings, conferences and/or major exhibitions.

b. Movie studios.

B. *Ancillary uses.* The application for a Special Campus (SC) District zoning district map amendment shall include a statement of justification and a description of the nature and type of the proposed ancillary uses for the file. Ancillary uses shall be those uses which are needed to support the complete functioning of the primary uses listed above. The City shall keep on file for each special campus zoning district map amendment a list of those ancillary uses approved for the campus. The Zoning Administrator may at anytime determine that uses can be included by virtue of being analogous to those already permitted or listed.

1. *Minor campus (SCMn).* Those specialty retail, office, hotel, production and storage uses which are internal to or essential to the function of the primary use. Also residential uses necessary for employees, guests or students directly associated with the primary use, or municipal uses.

2. Major campuses (SCMj). Those specialty retail, service, office, warehousing and wholesale, transportation, light manufacturing, travel accommodation uses which are essential to and/or complementary of the primary uses. Also residential uses necessary for clients, employees, guests or students directly associated with the primary use. Those commercial uses set forth in Section 5.1403 that are ancillary to and supportive of the primary use and/or uses, or municipal uses.

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

1. Medical marijuana use, where the primary campus use is a hospital or medical establishment.

2. Wireless communications facilities; Types 1, 2, 3, and 4 (except new monopoles or towers), subject to the requirements of Sections 1.400., 3.100., and 7.200. Facilities shall be located along a major or minor arterial street.

(Ord. No. 2588, § 1, 9-21-93; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3920, § 1(Exh. § 61), 11-9-10; Ord. No. 3923, § 1(Exh. § 6), 1-25-11; Ord. No. 3982, § 1(Res. No. 8902, Exh. A, § 6), 1-10-

12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 144, 145), 5-6-14; Ord. No. 4288, § 1(Res. No. 10650, § 1, Exh. A), 11-14-16)

Sec. 6.804. - General standards and incentives.

A. A minor campus district shall occupy less than forty (40) gross acres. The minimum width and depth shall be four hundred (400) feet.

A major campus district shall occupy forty (40) gross acres or more. The minimum width and depth shall be eight hundred (800) feet.

Contiguous parcels, not including right-of-way, of lesser size or dimension may be added to an established special campus district subject to the approval of the City Council.

B. Except as otherwise permitted in section 6.804.C., or in section 7.100 et seq., the maximum building height shall be thirty-eight (38) feet above the natural grade.

C. Where the city determines that the unique operating or structural characteristics of buildings, structures or other facilities located within the SC District justifies a height greater than that normally allowed within this SC District, the City Council may approve the greater height as a part of the development plan, either as an absolute figure or by means of formulas and performance criteria. Any building height greater than thirty-eight (38) feet shall be subject to the following general criteria:

1. These building heights shall be permitted only on those portions of the site not affected by the transition areas as specified in Section 6.805.C.2.a. and b.

2. The maximum building height shall be stepped back from the edge of the transition area at one (1) foot of vertical dimension for every three (3) feet of horizontal dimension as measured from the base height of thirty-eight (38) feet.

3. For each five (5) feet of building height greater than thirty-eight (38) feet the open space requirement shall be increased by one (1) percent above what is required herein in Section 6.805.B.

D. Floor area ratio is limited to six-tenths (0.6) of the net lot area except as modified herein.

E. The City Council may approve as part of the development plan guidelines, including formulas, performance criteria, and/or incentives, which, in order to achieve specified community goals, provide means for the additional height as identified in section 6.804.C. above and/or additional floor area greater than that specified in section 6.804.D. above. Such flexibility shall be based upon considerations such as but not limited to: underground parking, preservation of historic sites on or off-site, preservation of conservation areas on or off-site for which no density transfer has been previously received from either on or off-site, special public improvements above what is normally required for the development, or major contributions to public arts or public recreation facilities.

F. To the extent that the adoption of a special campus overlay district shall conflict with the regulations, requirements, stipulations or standards of other provisions within the Zoning Ordinance, the more permissive shall apply, unless otherwise specified herein.

(Ord. No. 2588, § 1, 9-21-93; Ord. No. 2895, § 1, 3-19-96; Ord. No. 2996, § 1, 3-4-97; Ord. No. 3879, § 1(Exh. § 25), 3-2-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 172), 4-3-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 146), 5-6-14)

Sec. 6.805. - Development Plan.

The zoning district map amendment application for the SC District shall be accompanied by a Development Plan as provided in Article VII.

(Ord. No. 2588, § 1, 9-21-93; Ord. No. 2895, § 1, 3-19-96; Ord. No. 2996, § 1, 3-4-97; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3920, § 1(Exh. §§ 62—68), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 173—175), 4-3-12; Ord. No. 4048, § 1(Res. No. 9223, § 1(Exh. A, § 15), 11-14-12)

Sec. 6.806. - Performance standards.

A. *Open space plan.*

1. Performance. The open space included in a SC District shall be equal to or greater than that typically required for comparable uses and locations as required for building heights up to 38 feet or the Environmentally Sensitive Lands ESL District. The open space plan shall incorporate open spaces identified on the General Plan such as scenic corridors, vista corridors, major buffers, etc., and may be coordinated with open spaces identified by plat, site plan approval or the General Plan on adjacent parcels. In no case shall the total open space, excluding parking lot landscaping, be less than 0.20 multiplied by the gross land area of the SC District.

B. *Transition area plan.*

1. Performance. Transition areas shall be provided on the SC District development which maintain sensitivity to the specific characteristics and features of adjacent environment and neighborhood conditions.

2. Standards. The following specific standards provide guidelines for appropriate transition areas along the perimeter of a SC District development. Alternate standards may be approved by the City Council.

   a. Transition areas shall begin at the perimeter property line if the SC District abuts another zoning district or is adjacent to a local street or minor collector street. If the SC District is adjacent to a major collector, arterial, parkway or larger street the transition area shall begin at the centerline of the street.

   b. The development standards for Transition areas shall be as shown in the following Table 6.806.A.

TABLE 6.806.A. Transitions

Development Standard [2]	**Adjacent Zoning Districts [1]**				
	I	**II**	**III**	**IV**	**V**
Minimum width of transition area	498′	399′	302′	197′	92′
Minimum width of landscape area at perimeter of the site	90′	50′	30′	20′	20′
Building setback	120′	75′	50′	35′	20′
Minimum open space ratio in transition area	0.50	0.40	0.30	0.25	0.20
Maximum floor area ratio in transition area	0.20	0.30	0.40	0.50	0.60

Building height stepback [3]	1:21	1:18	1:14	1:19	1:4

Table Notes:

[1] Adjacent zoning districts include:

I. Single-family Residential R1-190, Single-family Residential R1-130, Single-family Residential R1-70, Conservation Open Space COS;

II. Single-family Residential R1-43, Single-family Residential R1-35, Single-family Residential R1-18, Open Space OS;

III. Single-family Residential R1-10, Single-family Residential R1-7, Single-family Residential R1-5, Two-family Residential R-2, Townhouse Residential R-4, Resort/Townhouse Residential R-4R, Manufactured Home M-H;

IV. Medium Density Residential R-3, Multiple-family Residential R-5, Service Residential S-R, Neighborhood Commercial C-1, Planned Neighborhood Center PNC, Planned Convenience Center PCoC, Downtown D - Type I; and

V. Central Business C-2, Highway Commercial C-3, General Commercial C-4, Planned Community Center PCC, Industrial Park I-1, Light Employment I-G, Commercial Office C-O.

No transition area is required adjacent to the following zoning districts: Central Business C-2, Planned Regional Center PRC, Western Theme Park WP, Planned Commerce Park PCP, Special Campus SC, and Downtown D -Type II.

If the General Plan proposes an adjacent land use that is more intense than the existing land use, the applicable development standards shall be those shown in Table 6.806.A., Transitions, for the more intense land use.

[2] These standards may be modified by the City Council if the SC District is applied to an existing facility in order to accommodate previously determined transitions for the site.

[3] As measured from a height of twenty (20) feet at the building setback.

c. Transition areas along streets. In order to maintain consistent streetscapes the following shall be provided adjacent to the street right-of-way. These shall have precedence over related standards included in Section 6.806 C.2.b.

TABLE 6.806.B. Transition Areas Along Streets

Street Classification	Minimum Width of Landscape Area Along Right-of-Way (feet)	Minimum Building Setback (feet)
Local	20	20
Minor collector	25	30

Major collector	30	40
Minor arterial	35	60
Major arterial	40	80
Parkway	50	100

3. Plan elements. The transition area plan shall include a description of the transition area being proposed/used, the location of the transition zone, any setback and height limits and the location of the adjacent land use categories as defined herein.

C. *Parking plan.*

1. Performance. The parking provided in a SC District shall provide sufficient numbers and types of parking spaces in locations with the appropriate proximity to serve the various uses identified on the development plan. Adequate on-site parking shall be provided during each phase of the development of the site. No parking generated by the uses included in the development plan shall occur on unimproved land, public streets, properties not included within the development plan or major access driveways. Parking shall not result in increased downstream flood flows.

D. *Circulation plan.*

1. Performance. The development of a special campus shall provide sufficient internal and external circulation to assure safe and uncongested access into, through and out of the site. The improvement of the circulation facilities shall be concurrent with the traffic demands created by the development.

E. *Drainage plan.*

1. Performance. The development shall provide drainage facilities which protect the site and adjacent sites from excessive storm flows and associated erosion and sedimentation. The drainage solution shall protect, where reasonable, the location, character and vegetation of major natural drainage courses.

F. *Special impact plan.*

1. Performance. The development of the special campus shall not result in any substantial (as determined by the City Council at the time of approval) lighting, dust or noise pollution impacts on adjacent existing uses or planned uses.

G. *Environmental design plan and design guidelines.*

1. Performance. All signage and graphics used on the site shall be designed in a consistent and compatible manner. The size and locations of signage shall be limited to that which is necessary to notify the public of the individual uses, establishments and buildings, as well as directional signage needed to guide and serve the public and service traffic. The size, text and location of signs shall not exceed the normal limitations for signs in other comparable districts, subject to the City Council approval of additional signage. The landscaping of the development shall provide a well-screened setting which includes the timely maturity of plant materials, strong consideration for water conservation, compatibility with the City's streetscape and character plans, and considers the functional needs of the different uses and facilities included in the development. The development shall provide an architectural character which embodies an overall campus theme to the various uses and facilities; includes wherever reasonable a

distinctly southwestern palette of styles and materials; reflects the City's character plan; and is compatible with neighboring development themes and character.

(Ord. No. 2588, § 1, 9-21-93; Ord. No. 2895, § 1, 3-19-96; Ord. No. 2996, § 1, 3-4-97; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3920, § 1(Exh. §§ 62—68), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 173—175), 4-3-12; Ord. No. 4048, § 1(Res. No. 9223, § 1(Exh. A, § 15), 11-14-12)

Sec. 6.900. - Open Space (OS).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 176), 4-3-12)

Sec. 6.901. - Purpose.

This district is intended to provide for land uses in areas generally subject to periodic inundation. It is further intended to provide for land uses in areas which have been set aside to serve recreational functions or to provide open space areas.

Sec. 6.902. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 46), adopted Aug. 25, 2014, repealed § 6.902 which pertained to approvals required and derived from Ord. No 3225, § 1, adopted May 4, 1999.

Sec. 6.903. - Use regulations.

The uses allowed in the O-S District are those recreational uses which are primarily open space and landscape areas and which are designed so as to present no hazard to life or property when located in areas subject to periodic inundation.

A. *Permitted uses.*

1. Wireless communications facilities; building mounted, located on sixty-nine (69) kilovolt, or above, electrical utility poles, or as a joint use with ball field lights within a park; types 1, 2, AND 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.

B. *Uses permitted by conditional use permit.*

1. Golf course (excluding miniature golf or commercial driving range).

1.5. Golf training center.

2. Municipal uses.

3. Park.

3.1. Wireless communications facilities; building mounted, located on sixty-nine (69) kilovolt, or above, electrical utility poles, or as a joint use with ball field lights within a park; Type 4, subject to requirements of sections 1.400, 3.100 and 7.200.

4. Parking, attended (when required by an abutting use and excluding overnight parking).

5. Picnic grounds.

6. Playgrounds.

7. Tennis court or club.

(Ord. No. 1923, § 1, 12-16-86; Ord. No. 2430, § 1, 1-21-92; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3493, § 1, 3-4-03; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 177), 4-3-12)

Editor's note— The arabic numbers for uses in paragraph A above were not present in Ord. No. 1917. As they were present prior to enactment of Ord. No. 1917, the arabic numbers have been editorially supplied.

Sec. 6.904. - Property development standards.

The following property development standards shall apply to all land or buildings in the O-S zoning district.

A. *Lot width.* The minimum width of property zoned O-S shall be two hundred (200) feet.

B. *Building height.* No building shall exceed twenty-four (24) feet in height except as otherwise provided in article VII.

C. *Yards.*

1. A yard of not less than thirty (30) feet shall be maintained between all buildings and all adjacent residential districts.

2. All buildings shall maintain a setback of not less than twenty-five (25) feet from all streets.

D. *Walls, fences and required screening.*

1. All parking areas shall be screened from all public streets by three-foot wall or solid landscaping three (3) feet in height. This requirement shall not apply when such a wall or landscaping would impede the flow of floodwater.

2. All mechanical structures and appurtenances shall be screened as approved by the Development Review Board.

3. The design of perimeter walls or fences shall be approved by the Development Review Board.

4. All storage and refuse areas shall be screened as determined by Development Review Board approval.

5. Other requirements and exceptions as specified in article VII.

(Ord. No. 2818, § 1, 10-17-95)

Sec. 6.905. - Off-street parking.

The provisions of article IX shall apply.

Sec. 6.906. - Signs.

The provisions of article VIII shall apply.

Sec. 6.907. - Lighting.

The provisions of section 7.600 shall apply.

(Ord. No. 3225, § 1, 5-4-99)

Sec. 6.1000. - Foothills Overlay (F-O).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 178), 4-3-12)

Sec. 6.1001. - Purpose.

The F-O District provides a means to recognize and further preserve the rural desert character in the low density lands that are generally not within subdivisions to which the F-O District has been applied by defining additional standards that help to define the area's unique character. These standards are intended to result in minimum visual impact for buildings and other improvements and to further the related purposes of the Environmentally Sensitive Lands ESL District that relate to preservation of the desert and blending the form of buildings into the desert environment.

Specifically, these regulations are intended to:

A. Conserve the character of the natural desert.

B. Minimize the impacts of development by controlling the location, intensity, pattern, design, construction techniques, and materials of development and construction.

C. Retain the visual character of the natural desert to the greatest extent feasible by regulating building mass location, colors, and materials; grading location, design and treatment; and landscaping.

D. Maintain significant open spaces which provide view corridors and buffers, protect landmarks and prime wash habitats, and maintain the city's unique desert setting.

E. Protect environmentally sensitive lands, while also recognizing the reasonable expectations of property owners.

F. Encourage innovative planning, design and construction techniques for development in environmentally sensitive areas.

(Ord. No. 3367, § 1, 2-6-01; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 179), 4-3-12)

Sec. 6.1002. - Applicability.

The foothills overlay (F-O) district may be overlaid upon the following zoning districts: R1-43, R1-70, R1-130, R1-190 and COS, HC and OS and may be combined with the ESL and HD overlay districts.

(Ord. No. 3367, § 1, 2-6-01)

Sec. 6.1003. - Use regulations.

A. *Permitted uses.* Any use permitted in the underlying zoning district.

B. *Uses permitted by conditional use permit.* Any use permitted by conditional use permit in the underlying zoning district.

(Ord. No. 3367, § 1, 2-6-01)

Sec. 6.1004. - Property development standards.

The property development standards of the underlying district shall apply except as modified below.

A. *Building height:*

1. *Buildings in general:* No building shall exceed twenty-four (24) feet in height, except as otherwise provided in this section.

2. *Institutional buildings:* Public, semipublic or public service buildings, institutions, or schools, when permitted in a district, may be erected to a height not exceeding forty (40) feet, provided that the buildings are set back from each property line at least twenty-five (25) feet for each one (1) foot of additional building height above twenty-four (24) feet and provided that the building meets all yards and setbacks provided herein and within the underlying district. If the parcel of such a use or building is less than ten (10) gross acres in size the maximum building height shall be twenty-four (24) feet.

B. *Walls, fences and hedges:*

1. Walls, fences, or hedges up to six (6) feet in height are allowed on the property line and within the parcel except within a required front yard. The use of undulating walls that follow the land form are highly encouraged.

2. Walls, fences or hedges taller than three (3) feet in height shall not be placed within a required front yard.

3. The maximum portion of a parcel that may be enclosed by walls, fences and hedges taller than three (3) feet in height but not taller than six (6) feet in height, except as provided in section 6.1004b, in which case walls of up to eight (8) feet in height may be built, shall be as follows:

Parcel size: Maximum enclosure area by walls and building (including the area of any accessory building).

Parcel size:	Maximum Permitted Percent of Enclosure of the Net Lot Area:
32,000 to 69,999 sq. ft.	60% of net lot area
70,000 to 189,999 sq. ft.	55% of net lot area
190,000 sq. ft. or more	45% of net lot area

4. Exceptions:

a. No wall, fence or hedge may be placed in a location that separates a Natural Area Open Space (NAOS) from an abutting street right-of-way or road/access easement or an abutting Natural Area Open Space (NAOS).

b. Walls, fences or hedges up to eight (8) feet tall may be placed within a required rear or side yard along collector or larger street as classified in the Transportation Master Plan, provided that the wall is set back a minimum of fifty (50) feet and a maximum of one hundred (100) feet from the right-of-way. If a street is designated in the General Plan as a scenic corridor, the walls, fences or hedges shall be set back a minimum of one hundred twenty-five (125) feet and a maximum of one hundred seventy-five (175) feet from the right-of-way.

c. A corral fence not exceeding six (6) feet in height shall be permitted on the property line or within any yard, except that no corral fence may be placed within ten (10) feet of a street right-of-way or a dedicated public trail easement or pathway easement.

Areas enclosed by a corral fence are not subject to the provisions of Section 6.1004.B.3.

C. *Accessory buildings:*

1. The minimum setback for accessory buildings from the rear or side property line shall be:

Lot Size:	Setback:
32,000—69,000 square feet	5 feet
70,000—189,999 square feet	10 feet
190,000 square feet or more	15 feet

2. The minimum distance between an accessory building and main residence or guest house on an abutting lot shall be:

Lot Size:	Minimum Distance:
32,000—69,000 square feet	40 feet
70,000—189,999 square feet	60 feet
190,000 square feet or more	60 feet

3. The minimum distance between an accessory building and any other building on the same parcel when the accessory building is located within the required rear yard or within twenty (20) feet of a side property line in the R1-43 district or within thirty (30) feet of a side property line in the R1-70, R1-130 or R1-190 districts shall be:

Lot Size:	Minimum Distance:
32,000—69,999 square feet	10 feet
70,000—189,999 square feet	15 feet
190,000 square feet or more	20 feet

4. The minimum distance between accessory buildings on the same parcel that are located within the portion of the property excluding the required front, required side or required rear yards or between more than one (1) main building on the same parcel shall be:

Lot Size:	Minimum Distance:
32,000—69,999 square feet	5 feet
70,000—189,999 square feet	10 feet
190,000 square feet or more	10 feet

5. No accessory building may be placed closer to the front property line than the main building if the main building is at or within the following distance of the property line:

Lot Size:	Distance from Main Building to Front Property Line:
32,000—69,999 square feet	60 feet
70,000—189,999 square feet	80 feet
190,000 square feet or more	100 feet

6. The total maximum area under roof of all accessory buildings shall be:

Lot Size	Maximum Area (Accessory Building Only)
45,000 sq. ft. or less	30% of rear yard (excluding any dedicated NAOS)
45,001—70,000 sq. ft.	8,000 sq. ft.
70,001—130,000 sq. ft.	14,000 sq. ft.
130,001—240,000 sq. ft.	25,000 sq. ft.

Greater than 240,000 sq. ft.	40,000 sq. ft.

7. The maximum size of any single accessory building shall be:

Lot Size:	Maximum Size:
32,000—69,999 square feet	6,000 square feet
70,000—189,999 square feet	12,000 square feet
190,000 square feet or more	35,000 square feet

8. Large building setbacks: The minimum setback from the property line for any building of six thousand (6,000) square feet (under roof) or more shall be:

Setback by Building Size/Lot Size

Building Size:	32,000— 69,000 sq. ft.	70,000— 189,999 sq. ft.	190,000 sq. ft. or more
6,000—8,000 sq. ft.	50 feet	70 feet	75 feet
8,001—12,000 sq. ft.	N/A*	75 feet	75 feet
Greater than 12,000	N/A*	N/A*	90 feet

* NA: This size building is not physically possible or allowed (see section 7 above).

D. *Outdoor lighting:*

1. All outdoor lighting below three (3) feet in height shall be shielded. All outdoor lighting above three (3) feet in height shall be full cutoff fixtures and directed downward.
2. Outdoor lighting height maximum: sixteen (16) feet.
3. Exemption: Security lights that do not stay on more than fifteen (15) minutes do not require shields or full cutoff fixtures.

E. *Sensitive building design and integration:*

1. Reflective building materials are prohibited.
2. No paint colors shall be used which have a light reflective value (LRV) greater than forty (40) percent.
3. Exterior paint and material colors shall not exceed a value of six (6) as indicated in the Munsell Book of Color.
4. Plant materials that are not indigenous to the area shall not exceed twenty (20) feet in height and shall be limited to yards enclosed by walls or solid fences that are a minimum of three (3) feet in height. A list of indigenous plants is available from the City. Outdoor community recreation facilities shall be allowed turf as specified in Section 6.1004.E.5.
5. Turf shall be limited to enclosed areas not visible off-site from lower elevations. Outdoor recreation facilities, including parks and golf courses, shall be exempt from this standard.
6. Any parking or staging areas located on any parcel shall be screened from the street and from neighboring properties by low undulating walls and/or berms.

F. *Special exceptions for unique conditions* Where there are substantial existing improvements to a property at the time the foothills overlay (FO) is applied to the property and/or there are significant areas of natural features occurring on the property, the property owner may seek relief from the standards contained within the foothills overlay (FO) using the following procedures and standards:

1. Substantial existing improvements shall include a main residence in combination with other structures and improvements such as guest houses, detached garages, barns, studios, tennis courts, hotwalkers, arenas, etc., that occupy at least thirty-five (35) percent of the net lot of the property at the time that the foothills overlay (FO) is applied to the property.
2. Significant areas of natural features may include large boulders or boulder clusters; ridges, small hills and mountains with slopes generally exceeding fifteen (15) percent and with a vertical dimension of at least fifteen (15) feet; or large washes with a unobstructed bottom width of at least ten (10) feet or a calculated 100-year storm flow of at least two hundred fifty (250) cubic feet-per-second (C.F.S.) that in aggregate occupy at least twenty-five (25) percent of the net lot area of the property or occupy a location on the property that interferes with the application of the standards contained within the foothills overlay (FO).
3. It shall be the responsibility of the applicant to demonstrate that either or both of the conditions described above apply to the property.
4. Development review process: The Development Review Board may approve a reduction in the standards contained in the foothills overlay (FO) ordinance of up to but not exceeding twenty-five (25) percent of the standard and not exceeding the standards contained in the applicable underlying zoning district. The Development Review Board may approve such reductions if it has determined that the applicant has demonstrated that the results of the proposal meet the stated purposes of the foothills overlay (FO) and the environmentally sensitive lands overlay (ESLO) and that such reductions are consistent with the character and structure of uses that occur on adjacent properties.
5. Public hearing process: The city council may approve a reduction of the standards contained in the Foothills Overlay (FO) exceeding twenty-five (25) percent if it has determined that the applicant has demonstrated that the proposal meets the stated purposes of the Foothills Overlay (FO) and the Environmentally Sensitive Lands Overlay (ESLO) and that the results of the proposed reductions are consistent in character and structure with uses on properties within one thousand (1,000) feet of the property.

(Ord. No. 3367, § 1, 2-6-01; Ord. No. 3920, § 1(Exh. §§ 69, 70), 11-9-10; Ord. No. 4163, § 1(2), 8-25-14)

Sec. 6.1010. - Environmentally Sensitive Lands (ESL).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 180), 4-3-12)

Sec. 6.1011. - Purpose.

The purpose of the ESL District is to identify and protect environmentally sensitive lands in the city and to promote the public health, safety and welfare by providing appropriate and reasonable controls for the development of such lands. Specifically, the ESL District is intended to:

A. Protect people and property from hazardous conditions characteristic of environmentally sensitive lands and their development. Such hazards include rockfalls, rolling boulders, other unstable slopes, flooding, flood-related mud slides, subsidence, erosion, and sedimentation.

B. Protect and preserve significant natural and visual resources. Such resources include, but are not limited to, major boulder outcrops and large boulders, major ridges and peaks, prime wildlife habitat and corridors, unique vegetation specimens, significant washes, and significant riparian habitats.

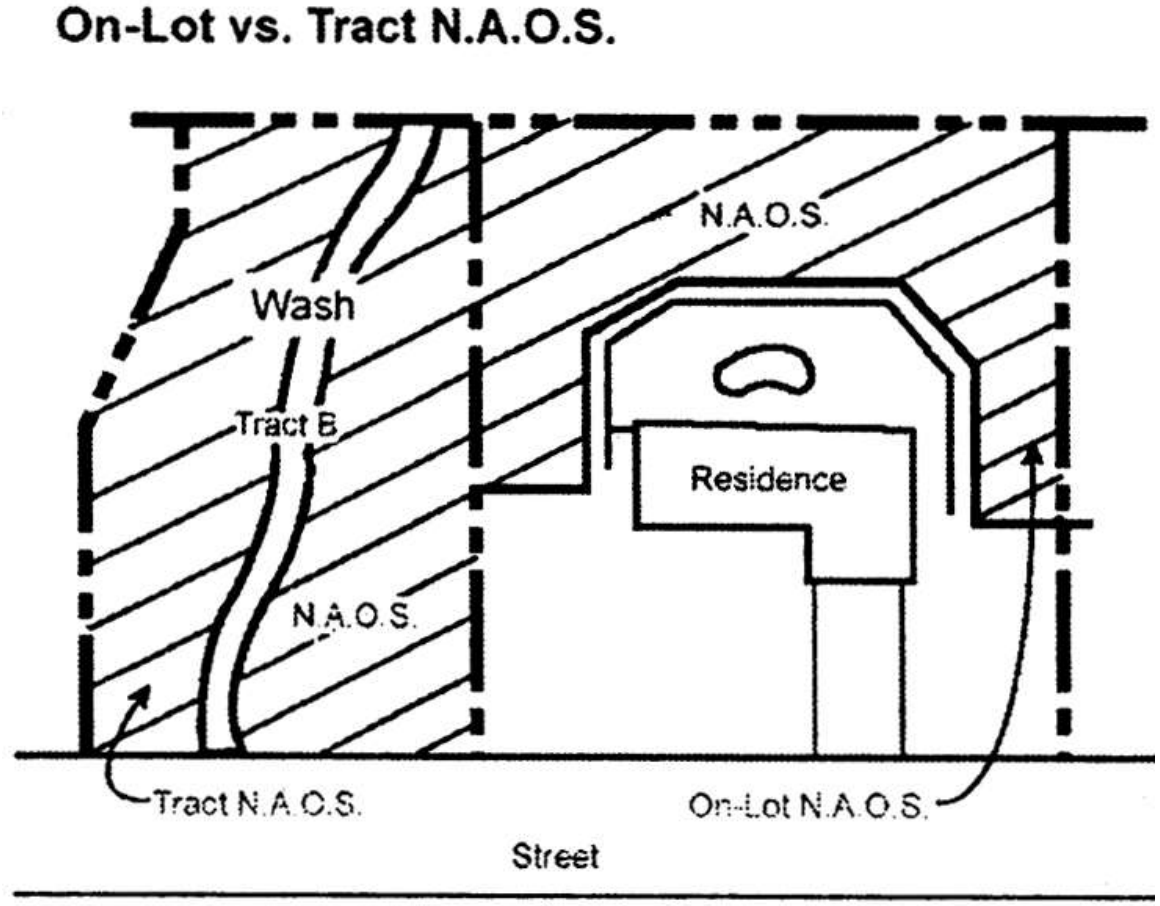
C. Protect renewable and nonrenewable resources such as water quality, air quality, soils, and natural vegetation from incompatible land uses.

D. Minimize the costs of providing public services and facilities in ESL District areas such as streets, water, sewer, emergency services, sanitation services, parks, and recreation. Costs associated with the design and development of infrastructure in environmentally sensitive areas can be higher than costs in other areas of the city due to the unique and fragile nature of such lands.

———

E. Conserve the character of the natural desert. Guide the location and distribution of meaningful on-lot and common tract open space and protect sensitive environmental features to sustain the unique desert character found in ESL District areas.

Figure 6.1011.A.



F. Recognize and conserve the economic, educational, recreational, historic, archaeological, and other cultural assets of the environment that provide amenities and services for residents and visitors.

G. Assure that decisions regarding development in environmentally sensitive areas are based on complete and accurate information about the environmental conditions including drainage features and probable development impacts.

H. Minimize the impacts of development by controlling the location, intensity, pattern, design, construction techniques, and materials of development and construction.

I. Retain the visual character of the natural landscape to the greatest extent feasible by regulating building mass, location, colors, and materials; grading location, design and treatment; and landscaping design and materials.

J. Maintain significant open spaces which provide view corridors, buffers, protect landmarks and large boulders, and prime wash habitats, by preserving these features in their natural state to maintain the city's unique desert setting.

K. Protect environmentally sensitive lands, while also recognizing the legitimate expectations of property owners and the city's overall economic goals.

L. Encourage innovative planning, design, and construction techniques for development in environmentally sensitive areas.

(Ord. No. 2305, 1, 2-19-91; Ord. No. 3395, § 1, 12-11-01; Ord. No. 3501, § 1, 4-1-03; Ord. No. 3540, § 1(Exh. 1), 4-20-04; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 181), 4-3-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 147), 5-6-14)

Sec. 6.1020. - Applicability of Regulations.

Sec. 6.1021. - Applicable districts and conditions.

All underlying zoning districts, to which the ESL overlay zoning district applies, shall be identified with the suffix "ESL". To accomplish the purposes in Section 6.1010, the City may apply the ESL district to lands that contain one (1) or more of the following environmental conditions:

A. Land slopes of fifteen (15) percent or greater.

B. Unstable slopes, which exhibit one (1) or more of the following conditions:

1. Boulder collapse
2. Boulder rolling
3. Rockfalls
4. Slope collapse
5. Talus slopes

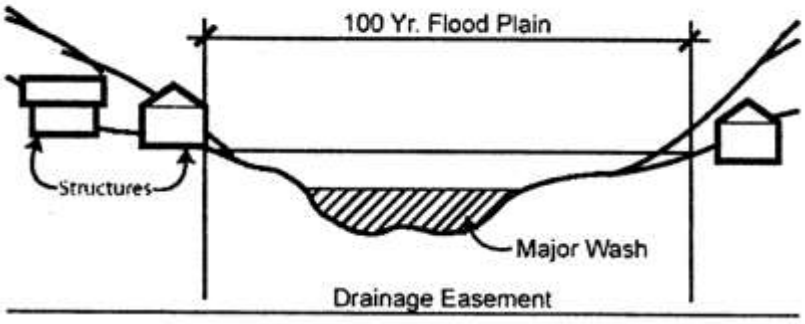
C. Special features, as described in the definitions (Section 3.100) and the Protected Peaks and Ridges Map:

1. Boulder features
2. Natural landmarks, including archaeological sites
3. Protected peaks
4. Protected ridges

D. Watercourses:

1. Major watercourses

Major Washes / Flood Plains



2. Minor watercourses

E. Exposed/shallow bedrock

F. Undisturbed native vegetation

G. Wildlife habitat

H. Landform classes as indicated on the ESLO Landforms and Protected Peaks and Ridges Maps:

1. Lower desert landform
2. Upper desert landform
3. Hillside landform

(Ord. No. 3395, § 1, 12-11-01; Ord. No. 3501, § 1, 4-1-03)

Sec. 6.1022. - Exemptions and exceptions.

A. The ESL regulations shall apply to all public or private development projects within the ESL district, except as provided in Sections 6.1022B. and 6.1023, exemptions. In the event of a conflict between the ESL regulations and any other provision of the Zoning Ordinance, the ESL regulations shall prevail.

B. New construction shall comply with the requirements of this Ordinance except for development approved prior to May 21, 2004 as shown on the ESLO exemptions schedule below:

ESLO EXEMPTIONS SCHEDULE - SPECIFIC DEVELOPMENT STANDARD (2)

		Selection of NAOS & 50 cfs wash protection	Building Height (24 feet) for Single-family Residential (R-1) Districts	Subdivision Perimeter Walls	Individual Lot Walls (lots zoned R1-35 or larger)	Construction Envelopes	Paint LRV
Stage of development as of May 21, 2004	1) No approved plans	Not Exempt	Not Exempt	Not Exempt	Not Exempt	Not Exempt	Not Exempt
	2) Approved rezoning with amended development standards	Exempt if addressed in amended standards	Exempt if addressed in amended standards	Exempt if addressed in amended standards	Exempt if addressed in amended standards	Not Exempt	Not Exempt
	3) Approved Masterplan Development (1)	Exempt	Exempt	Exempt if addressed in the Master	Exempt	Exempt	Exempt

				Plan			
	4) Approved residential Preliminary Plat	Exempt	Exempt if addressed in plat approval	Exempt if addressed in Plat Approval	Exempt if addressed in plat approval	Not Exempt	Not Exempt
	5) DRB Approval (other than single-family residential)	Exempt	N/A	N/A	N/A	Not Exempt	Not Exempt
	6) Approved Final Plat	Exempt	Exempt	Exempt if addressed in Plat Approval	Exempt if addressed in plat approval	Not Exempt	Not Exempt
	7) Rezoning and Development under Hillside District	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
	8) Building Permit	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt

Notes:

1) Masterplan Development is: At least eighty (80) acres in area, and a) contains at least two (2) zoning districts, and/or b) contains at least two (2) phases.

2) Development Agreements control when they are in conflict with Zoning Ordinance standards.

C. Development exempted by Section 6.1022.B shall comply with the standards and processes applicable to the development at the date of such approval. New applications for exempted properties are strongly encouraged to follow as closely as feasible the most recent ESL standards.

D. Hardship/exemption provisions—Upon an application by a property owner claiming that the application of an ESL amendment causes hardship, City Council may allow a property to develop under a previously adopted requirement of ESL, upon findings that:

1. A substantial hardship is demonstrated that would significantly reduce the ability to use a parcel(s),
2. The exception will be consistent with the intent and purpose of the Environmentally Sensitive Lands Ordinance, and
3. The application of the new ESL standards would not achieve significant benefit for the protection of the environment and the community.

(Ord. No. 3395, § 1, 12-11-01; Ord. No. 3540, § 1(Exh. 1), 4-20-04; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § § 148, 149), 5-6-14)

Sec. 6.1023. - Hillside district exemptions.

The ESL regulations shall not apply to a development project, which was the subject of a pending application as of February 19, 1991, or development approvals under the provisions of the former hillside district, Section 6.800 through 6.810. For the purposes of this Section, "development approval" means rezoning, use permit, subdivision plat, master plan, Development Review Board, variance or building permit approval.

A. *Applicability of hillside district regulations.* Exempt development projects shall be developed under the hillside district regulations and development standards in effect when the development project was approved, including rezoning stipulations.

B. *Application of ESL regulations to exempt development projects.* The property owner of a development project exempt under this Section may elect to develop under the ESL regulations. The election must be communicated in writing to the Zoning Administrator before application is made for further development approval following the effective date of ESLO (February 19, 1991).

C. If the effect of an election to develop under the ESL regulations is to alter the densities or land uses approved under the hillside district, or changes the size or configuration of any hillside conservation (HC) zoned area, the election is conditioned upon City Council approval of a rezoning pursuant to the provisions of sections 1.300 and 6.1090.

D. If the property owner of an exempt development project elects to apply the ESL regulations to only a portion of the development project, the property owner must demonstrate that those portions of the project developed or to be developed under hillside district regulations meet all requirements of those regulations, including the preservation of hillside conservation areas through easement or dedication.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 150, 151), 5-6-14)

Sec. 6.1024. - Special exceptions from the ESL regulations.

A. Special exceptions from the ESL regulations may be approved by the Zoning Administrator in the following circumstances:

1. *Nonbuildable parcel.* If the application of the ESL regulations to a parcel, which was a legally constituted lot on which development would have been permitted prior to the adoption date of ESLO (February 19, 1991), would prevent the development of at least one (1) single-family dwelling, the parcel may be developed with one (1) single-family dwelling pursuant to the grant

of a special exception, provided that such development otherwise conforms to the ESL regulations as closely as reasonably possible.

2. *Nonhillside district development project approvals.* Modifications to development project approvals, or subsequent development approvals for development projects approved under nonhillside district zoning classifications prior to the effective date of ESLO (February 19, 1991) are subject to the ESL regulations. However, it is the intent of these regulations that such development project be brought into compliance with the ESL regulations as closely as reasonably possible without creating undue hardship on the property owner.

B. Special Exception Submittal Requirements. In addition to the submittal requirements described in section 6.1090, applications for special exceptions from the ESL regulations authorized in this section shall include the following:

1. Documentation of existing development approvals for the development site and the special exception eligibility of the parcel.

2. Environmental mapping necessary to identify the ESL regulation(s) from which the special exception is requested.

3. A development plan showing the approved land uses and the areas that will be affected by the proposed special exception.

4. A report describing the proposed exceptions from the ESL regulations and describing the rationale for the exceptions.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3395, § 1, 12-11-01; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 152), 5-6-14)

Sec. 6.1030. - Approvals Required.

Sec. 6.1031. - Rezonings and use permits in Hillside Landform.

When reviewing the compatibility of rezoning and use permit applications in the Hillside Landform on land with slopes between fifteen (15) and twenty-five (25) percent that is not a severely constrained area, the following shall be considered:

A. Grading and other site preparations are within the limits established by the Development Design Guidelines for Environmentally Sensitive Lands, and whether essential grading complements the natural land forms.

B. Vehicular and pedestrian circulation conforms to the Development Design Guidelines for Environmentally Sensitive Lands, and is within the emergency standards acceptable for fire truck use.

C. Views to development from viewpoints have been analyzed, and whether satisfactory methods will be used for revegetation, plant protection/salvage, minimization of cuts and fills, and blending of structures with the site in terms of building mass and color hue, value, and chroma (from the Munsell Book of Color).

D. Human lives and property are protected from unstable slopes, flooding, and other safety hazards.

E. The placement, grouping, scale, and shaping of structures complements the natural landscape.

F. Large, graded bare areas are fully revegetated.

(Ord. No. 3395, § 1, 12-11-01; Ord. No. 3920, § 1(Exh. § 71), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 182), 4-3-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 153), 5-6-14)

Sec. 6.1032. - Plats.

All applications for preliminary plats in the ESL Overlay District shall be reviewed for compliance with the ESL provisions and subject to Development Review Board approval.

(Ord. No. 3395, § 1, 12-11-01; Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 47), 8-25-14)

Sec. 6.1033. - Individual Single-Family Applications in the Hillside Landform.

Single-family homes that are not part of a subdivision plat and proposed within the Hillside Landform shall be reviewed for compliance with specified site design criteria intended to promote public safety and shall be subject to Development Review Board approval. (See Section 6.1070(C)).

(Ord. No. 3395, § 1, 12-11-01; Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 48), 8-25-14)

Sec. 6.1034. - Master Development Plan Applications.

A. When a master development plan is required, a rezoning shall not be approved without the concurrent approval by the City Council of the site development, conceptual circulation, and conceptual phasing master plans, and conceptual open space master plan for the entire area to be rezoned.

B. No on-site or off-site development for any phase of a master development plan shall begin until the circulation, phasing, parking, drainage, water, and wastewater master plans have been approved by the City, and the environmental design concept master plan has been approved by the Development Review Board.

   1. The master plans shall be provided for the entire development project unless it can be demonstrated to the City that the master plan can be prepared for one (1) or more discreet phases that can stand alone independent of the entire project.

C. Approvals for individual buildings shall not be granted until the master development plan, including all the required parts of the plan, has been approved.

D. Modifications to approved master development plans.

   1. Major changes to the permitted uses, density or gross floor area described in a site development master plan or to other master plans approved as part of a rezoning, use permit or City Council approved amended development standards must be reviewed and approved by the City Council subject to the notice and hearing provisions of Article I. In general, major changes are those that affect more than ten (10) percent of either the land or gross building square footage. A change may be major due to the impacts of the proposed changes, even where less than ten (10) percent of land or intensity is affected.

      The transfer of units between parcels as provided in an approved master-planned development zoning case is not a major change.

   2. Minor changes to the site development plan and all other master plans, consistent in scope and intent with the originally approved plans, may be approved by the Zoning Administrator. In general, minor changes affect less than ten (10) percent of either the land area or gross building square footage.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01; Ord. No. 3920, § 1(Exh. § 72), 11-9-10)

Sec. 6.1035. - Site Preparation Limitations.

No person shall grade, clear, grub, remove plants or conduct any other form of construction or site preparation upon a property until any applicable Natural Area Open Space (NAOS) plan has been approved:

A. By the Development Review Board as part of a case or preliminary plat, or by City staff as part of building or other applicable plans, and

B. Appropriate permits have been issued.

(Ord. No. 3702, § 1, 2-20-07; Ord. No. 3920, § 1(Exh. § 73), 11-9-10)

Sec. 6.1040. - ESL Use Restrictions.

Land uses shall be those permitted in the underlying zoning district except as follows:

Land uses in the hillside landform areas with land slopes over twenty-five (25) percent, special features or unstable slopes are restricted to the following, provided that uses must also be permitted by the underlying zoning: residential uses including resort units and related streets and utilities; the activities identified in the Conservation Open Space (COS) district; (section 6.703 of the Zoning Ordinance) and golf tees. Ancillary resort uses, such as restaurants, meeting rooms or parking areas for more than five (5) cars are not permitted.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1050. - Intensity of Development.

The ESL Landforms and Protected Peaks and Ridges Maps shall be used, unless otherwise exempted by Section 6.1022B or 6.1023.

The intensity of development in the lower desert and upper desert landforms shall be determined by the underlying zoning district, and shall not exceed the maximum as provided in Table B, Section 6.1081. Where the NAOS density incentive or cluster option is used, Table B shall serve as the "base" intensity on the parcel.

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The intensity of development in the hillside landform shall be determined as follows:

A. The base and maximum intensities of development in the hillside landform on slopes less than twenty-five (25) percent, on exposed/shallow bedrock, or in major or minor watercourses, shall be as follows:

	Single-Family Detached D.U./Acre	Attached Multifamily D.U./Acre	Resort Hotel/Casita Units/Acre	Nonresidential Floor Area Ratio
Base	0.2	1.0	2.0	0.05
Maximum	1.0	3.0	8.0	0.20

———

1. The underlying zoning must permit the base intensities and uses.

2. Intensities above the base level up to the maximum intensity may be approved by the City Council after notice and hearing as provided in Section 1.600 and 1.700, and upon a finding that the proposed intensity meets the guidelines set forth in Section 6.1031.

3. Resort hotel/casita units are limited to resort hotel guest rooms or casitas that do not have individual driveway access to each unit. Parking areas for more than five (5) cars, restaurants, meeting rooms, and other ancillary uses must be located on land that is not a severely constrained area.

B. Except when modified as provided in subparagraph (E) of this section, the maximum permitted intensity on land in the hillside landform with slopes from twenty-five (25) to thirty-five (35) percent or boulder features, shall be one (1) dwelling or resort unit per twenty (20) acres (1/20 or .05 d.u./ac.). Ancillary resort uses, such as restaurants, are not permitted.

1. After recommendation by the Planning Commission, intensities up to a maximum intensity of one (1) dwelling or resort unit per five (5) acres (1/5 or .2 d.u./ac.) may be approved by the City Council, upon finding that the land proposed for the increased intensity is not visible from viewpoints, and that the proposed intensity is compatible with the considerations listed in Section 6.1031. In making its determination, the City Council shall consider the following factors:

   a. Visibility and viewpoints of the proposed developments from scenic corridors, collector and arterial streets.

   b. The impact of the development on the environmental conditions listed in Section 6.1021.

C. Except when modified as provided in subparagraph E. of this section, the maximum permitted intensity on land in the hillside landform with slopes over thirty-five (35) percent or on unstable slopes shall be one (1) dwelling or resort unit per forty (40) acres (1/40 or .025 d.u./ac.). Ancillary resort uses, such as restaurants, are not permitted.

D. General guidelines.

1. If a lot encompasses two (2) slope categories the intensity limit is determined by reference to the slope category of the land on which the majority of the construction envelope is located. The purpose of this provision is to provide flexibility in lot configuration.

E. The City Council may grant a special exception from the maximum intensities allowed by subparagraphs B. and C. of this section for parcels which meet the following requirements:

1. *Qualifications.* Only parcels, which meet the following qualifications, are eligible for development as a special exception under the provisions of this subparagraph E.:

   a. The parcel consists of at least nine (9) acres, at least eighty (80) percent of which are severely constrained areas.

   b. On February 19, 1991, the parcel was a legally constituted lot on which development would have been permitted under the terms of the ordinance in effect at the time the lot was created or was annexed to the city.

   c. No density transfer is proposed.

   d. The area which will be disturbed by the proposed development is less than twenty (20) percent of the development site area.

   e. More than eighty (80) percent of the development site area will be preserved as natural area open space (NAOS).

2. *Findings.* Higher intensities may be granted pursuant to the special exception permitted by this subparagraph only where the Council finds that:

a. The maximum intensities otherwise permitted by this ordinance would create a substantial disincentive to develop the site with a desirable and appropriate use and/or intensity, and the requested change is the minimum required in order to remove excessive constraints on the development of the site.

b. The requested intensity will not create increased health or safety hazards to people or property resulting from unstable slopes or other environmental hazards.

c. Units will be placed at lower elevations or at other locations on the property selected to reduce the grading which will be required to access the structures.

d. Visibility of development from viewpoints as defined in Section 3.100 is limited.

3. *Procedure.*

a. Before the City Council hears an application for special exception, the Development Review Board shall review the plans to ensure that any development proposed for unstable slopes, special features or other environmental conditions, is appropriate to these conditions, and preserves them to the maximum extent possible.

b. Applications for exceptions under this section shall include the submittals set forth in Section 6.1090 of this Ordinance, and shall be subject to notice and hearing as provided in Sections 1.600 and 1.700.

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F. The permitted development intensity in the hillside landform shall be calculated as follows:

1. Determine the location of each environmental condition referenced in section 6.1050A., B., and C. If more than one (1) condition is present on the same land area that which imposes the greatest restriction shall determine the intensity for development on that land area.

Slope Category	Landform Condition	Base Lot Area Per Dwelling Unit	Potential Density
Under 25%	Major/Minor washes protected peaks/ridges	5 acres	*Subject to Council Approval
25—35%	Exposed bedrock shallow bedrock	20 acres	*Subject to Council Approval
Over 35%	Boulders, unstable slopes	40 acres	*Subject to Council Approval

2. Determine the amount of land in acres impacted by each environmental condition.

3. Multiply the total acreage impacted by each environmental condition by the intensity permitted by section 6.1050A. through C. for that condition.

4. On parcels of twenty (20) or more gross acres, the permitted intensity for small areas of twenty thousand (20,000) square feet or less which have environmental conditions different than those of the surrounding area, shall be determined by the intensity permitted on the surrounding area. If a small area abuts both a lower and a higher intensity area, the small area shall be divided equally between the two (2) intensities.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01; Ord. No. 3501, § 1, 4-1-03; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 154, 155), 5-6-14)

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Sec. 6.1060. - Open Space Requirements.

A. *Natural Area Open Space (NAOS) requirements.* A percentage of the acreage containing natural desert shall be set aside as NAOS.

1. Characteristics of NAOS. NAOS should:

   a. Preserve sensitive environmental conditions;

   b. Retain and protect meaningful desert open space that due to its size, function, visibility, accessibility, or strategic location is a community amenity or resource;

   c. Maintain visual amenities;

   d. Mitigate hazards; and

   e. Promote the public health, safety and welfare.

2. Amount of NAOS. The minimum percentage of NAOS based on slope and landform category is provided in Table 6.1060.A.

   NAOS requirements are determined by Table 6.1060.A., indicating slope and landform which corresponds to the location of other environmental conditions such as unstable slopes, undisturbed desert vegetation, boulder features, and watercourses. Where these provisions conflict with the minimum NAOS dimensions described in Section 6.1060.F., the more restrictive provisions of Section 6.1060.F. shall take precedence.

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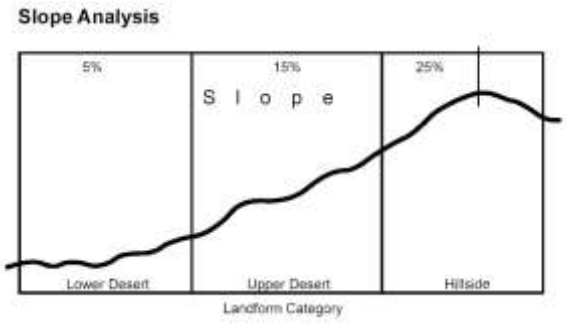
Table 6.1060.A.
Minimum Percentage NAOS Based on Slope and Landform Category

Slope	Lower Desert Landform	Upper Desert Landform	Hillside Landform
0—2%	20%	25%	50%
Over 2% up to 5%	25%	25%	50%
Over 5% up to 10%	30%	35%	50%
Over 10% up to 15%	30%	45%	50%

Over 15% up to 25%	30%	45%	65%
Over 25%	30%	45%	80%
Minimum NAOS after reductions if applicable. (See Sec. 6.1060.B.)	15% (See Sec. 6.1060.F. for minimum dimensions)	20% (See Sec. 6.1060.F. for minimum dimensions)	40% (See Sec. 6.1060.F. for minimum dimensions)

3. Permanent maintenance of NAOS. The entire NAOS area shall be permanently maintained as NAOS through easements, donation or dedication to the City and/or conservancy, land trust or similar organization that has goals and purposes consistent with permanently maintaining NAOS and can demonstrate its ability to maintain the NAOS to the satisfaction of the City.
4. If NAOS is located on individual lots (on-lot NAOS), the property owner shall be responsible for maintenance. (See Section 6.1100 for detailed information regarding maintenance of NAOS.)
5. Common-tract NAOS locations and boundaries, including precise acreage, shall be shown on the subdivision plat and/or map of dedication.
6. On-lot NAOS locations: In applications where NAOS is provided on individual lots, approximate boundaries and precise acreage of the proposed NAOS shall be shown on and conform to an exhibit approved by the City prior to or concurrent with filing a final subdivision plat and/or map of dedication.

Figure 6.1060.A.



Slope Analysis

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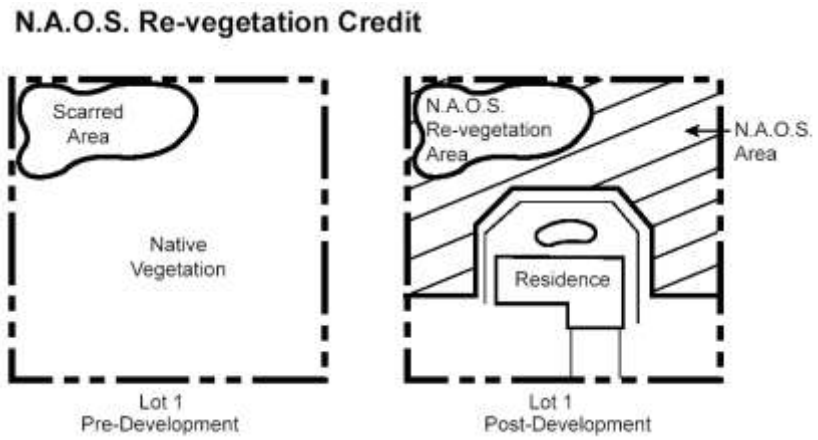
7. Until recordation of a document showing the City approved NAOS location, all land within a project is considered potential NAOS and shall be left in its natural topographic and vegetative condition.

B. *NAOS reduction.* NAOS requirements may be reduced as provided herein. The minimum NAOS after reductions, for the gross lot area of the development project and for each development site or parcel shall be fifteen (15) percent in lower desert, twenty (20) percent in upper desert, and forty (40) percent in hillside landforms.

1. *Proportional reduction in NAOS for Conservation Open Space COS and Hillside Conservation HC areas.* A property owner is entitled to reduce the required NAOS by calculating the percentage of the total parcel that is zoned Conservation Open Space (COS) and Hillside Conservation (HC) areas, and reducing the NAOS requirement for the remainder of the property by this same percentage.
2. *Reduction for regional drainage facility.* Where a development site contains areas dedicated for regional stormwater management pursuant to approved city regional drainage and flood control plans developed by the city, having a design flow of two thousand (2,000) cfs or more and providing drainage for one (1) square mile (one (1) section) or more, the NAOS requirement shall be reduced as follows:
    a. The NAOS requirement shall be reduced one (1) square foot for each revegetated one (1) square foot of the regional drainage facility (1:1).
    b. The NAOS requirement shall be reduced one (1) square foot for each two (2) square feet of turf or similar improvements for recreational areas within the regional drainage facility (1:2). The reduction for improved areas shall not exceed fifty (50) percent of the original NAOS requirement.

Figure 6.1060.B.



3. *Reduction for revegetation.* On land stripped of natural vegetation or scarred prior to January 1, 1990, the NAOS requirement for the parcel shall be reduced by two (2) square feet for every one (1) square foot of revegetated NAOS (2:1). This provision cannot be used to increase the maximum revegetated NAOS above the thirty (30) percent maximum referenced in Section 6.1060D.2.
4. *Reduction for designated historical or archaeological site.* Land designated as a permanently protected historical or archaeological site, approved by the city, shall be used to reduce the required NAOS by two (2) square feet for each one (1) square foot of approved site (2:1).
5. *Lower desert landform with minimal slopes and limited environmental conditions.* Sites within the lower desert landform having slopes of zero (0) percent—five (5) percent, may reduce the required amount of NAOS to fifteen (15) percent if the applicant can demonstrate to the satisfaction of the Zoning Administrator that the property contains no boulder features, no minor or major watercourses and contains undisturbed native plant densities* with less than ten (10) trees/cacti per acre. Where these provisions conflict with the minimum NAOS dimensions described in Section 6.1060.F., the more restrictive provisions of Section 6.1060.F. shall take precedence.

    *Native plants include the specific species defined in Article V, Protection Of Native Plants, Section 46-105 through 46-120 of the Scottsdale Revised Code.

C. *Density Incentive for increases in NAOS.*

1. A density incentive bonus up to twenty (20) percent of the density otherwise allowed under Table 6.1081.A., Base Intensity by Zoning District, may be granted if more NAOS is provided than is required in Section 6.1060.A. of this Zoning Ordinance. The bonus shall be subject to approval by the City Council after notice and hearing as provided in Sections 1.600. and 1.700., and providing further that the following criteria are met:

    a. The bonus applies only in the Single-family Residential R1-43, Single-family Residential R1-70, Single-family Residential R1-130, and Single-family Residential R1-190 Districts.

    b. The incentive must be calculated using the base NAOS standards for the development project, and cannot be used in combination with any reductions in NAOS.

    c. The additional NAOS must be undeveloped natural area and cannot include revegetated areas.

    d. The additional NAOS must respond to site conditions and the surrounding context to maximize connections with existing or planned open space on adjoining properties including the McDowell Sonoran Preserve. The locations of this additional NAOS shall be along major watercourses, along the frontage of collector or larger streets, along the boundary of the McDowell Sonoran Preserve or on slopes of twenty-five (25) percent or steeper.

    e. The additional NAOS shall be provided in common area tracts and shall not be provided on an individual single-family lot.

2. The increase in density is calculated by multiplying the percent of gross land area of the parcel to be provided as additional NAOS, times the base density as established in Table 6.1081.A.

D. *Types of NAOS.* The NAOS requirement may be satisfied by two (2) types of open space: undeveloped natural areas and revegetated areas.

1. *Undeveloped natural areas.* Undeveloped natural areas shall constitute a minimum of seventy (70) percent of the required NAOS. This minimum applies to both "on-lot" and "common tract" NAOS.

    a. *Infill planting.* When native plants in a designated undeveloped natural area are significantly less dense than under natural conditions because of disturbance to the land, the density and number of species of native plants may be increased to approximate the natural conditions of the surrounding area.

    b. Infill planting areas shall count as undeveloped natural area for NAOS if approved by the City.

2. *Revegetated areas* . Revegetated areas shall qualify as NAOS, but shall not constitute more than thirty (30) percent of the required NAOS. These provisions cannot be used in conjunction with those contained in Section 6.1060.B.3. to increase the maximum percentage of revegetated NAOS above thirty (30) percent. Revegetated areas shall meet following requirements:

    a. Planting programs for revegetated areas may include transplanted and seeded methods of application and shall include a list of proposed plant species and quantities. (See Section 6.1091.A.1.k.)

    b. Planting programs shall be consistent with the slope aspect of the surrounding natural vegetation, and shall be consistent with the species and density of surrounding vegetation and adjacent natural desert.

    c. All materials, design and construction techniques for revegetation shall be subject to City approval.

    d. Incorporate boulders and salvaged surface material to match and blend with surrounding desert character.

e. Provide a temporary watering program.

f. In those cases where previously scarred or cleared areas are to be restored, the plant species and density shall be determined by matching the existing natural vegetation on similar terrain in the vicinity.

g. The design and installation of revegetation shall help to minimize the downstream transport of sedimentation.

E. *Improved open space.* When the required open space of the underlying zoning district exceeds the NAOS requirements imposed by the ESL District standards, the balance of the required open space may be either improved open space or NAOS. Improved open space includes landscape areas, turf areas, parks, golf courses and other recreation areas excluding any associated buildings.

F. *Distribution of NAOS.*

1. *NAOS dimensions.*

a. The minimum contiguous area for NAOS is four thousand (4,000) square feet.

b. The minimum horizontal dimension for NAOS areas is thirty (30) feet, except that the minimum horizontal dimension for NAOS located along roadsides will be twenty (20) feet.

c. Where the minimum finished lot size is twenty-two thousand (22,000) square feet or less, NAOS shall be placed in common tracts, or on other lots within the same subdivision unless the minor application is approved with NAOS placement in contiguous areas on adjacent lots. See Section 6.1070.A. for on-lot NAOS design standards and Section 6.1090. for on-lot NAOS submittal requirements.

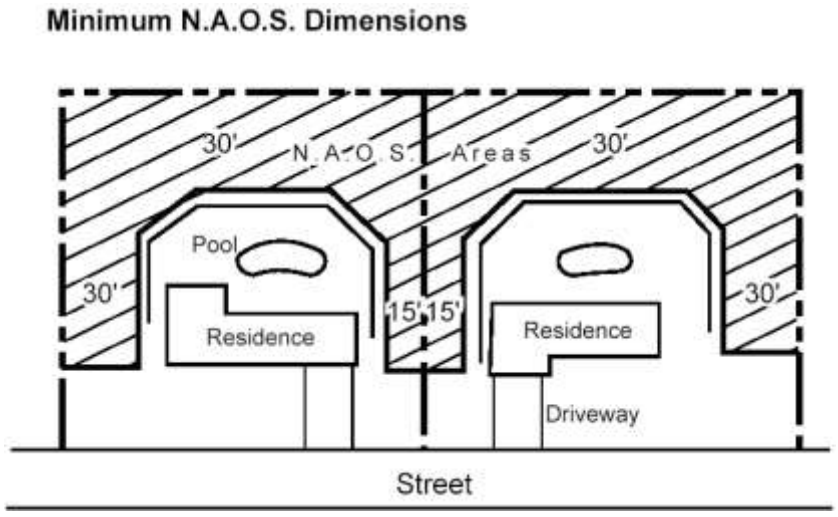
2. *Modification of NAOS dimensions.* The minimum NAOS dimensions set forth above may be modified as a minor application, subject to the following criteria:

a. The NAOS location standards set forth in paragraph 3. are met.

b. Reductions in dimensions will maintain NAOS areas that are easily recognizable and that will not result in maintenance problems due to their proposed locations.

c. Adjacent land uses, such as streets, will not negatively impact the viability of vegetation or other features of the land to be preserved.

Figure 6.1060.C.



3. *NAOS selection and location.* The location of NAOS on a site plan or preliminary plat shall emphasize the following, however, in no event shall the provisions of this section require greater

area of NAOS dedication than currently required by Section 6.1060.A., B. and C. of this Zoning Ordinance:

a. *Preservation of natural watercourses.* The need for unimpeded wildlife access and movement within and between NAOS areas is an important criteria. Therefore, minor and major watercourses, vista corridors and scenic corridors, particularly where located adjacent to the McDowell Sonoran Preserve, shall be given key consideration as riparian habitats associated with major and minor watercourses.

b. Continuity of open space within the development project and with adjacent developments or with the McDowell Sonoran Preserve.

c. Continuity of "on-lot" open spaces on adjoining lots.

d. Preservation of the most significant features and vegetation, including rock outcroppings, and significant concentrations of native vegetation in relation to the surrounding development project.

e. Distribution throughout the developed area and avoidance of concentration in one (1) location.

f. Location in areas where a buffer is desirable along the property boundary, or where it is contiguous with NAOS on adjacent property, including property within the McDowell Sonoran Preserve.

g. Location in areas visible from streets or common areas.

h. The City has prepared high priority NAOS location maps to provide guidance on the location of NAOS. Each site plan submitted shall demonstrate the best means to achieve the delineations of NAOS areas as depicted on these maps in order to meet City policies.

4. *NAOS distribution within master planned developments.* Where a master planned development provides NAOS in excess of the minimum NAOS requirement for specific development sites, such excess NAOS may be credited against NAOS requirements for other development sites on the master plan, provided that the NAOS credits are documented on an open space master plan which identifies excess NAOS by development site and allocates such excess to specific development sites elsewhere on the property.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01; Ord. No. 3501, § 1, 4-1-03; Ord. No. 3540, § 1(Exh. 1), 4-20-04; Ord. No. 3702, § 1, 2-20-07; Ord. No. 3827, § 1, 2-10-09; Ord. No. 3920, § 1(Exh. §§ 74—78), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 183—187), 4-3-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 156—163), 5-6-14)

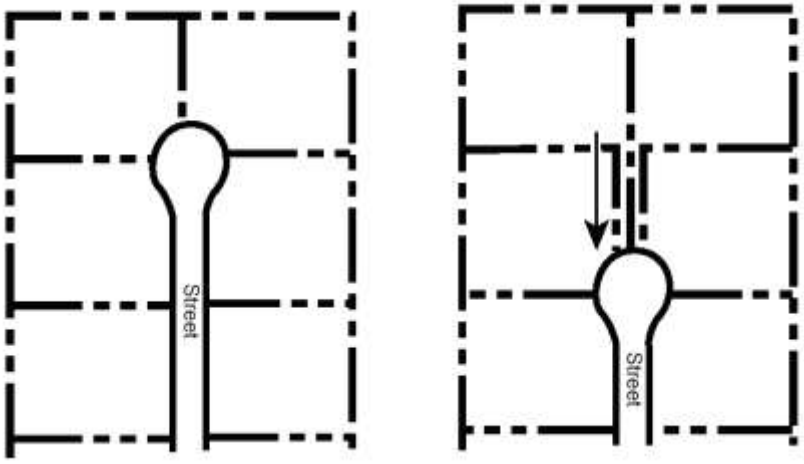
Sec. 6.1070. - Design Standards.

A. *General Standards.*

1. Development projects shall employ design techniques which reduce the disruption of the severely constrained areas (SCA) of a parcel defined in Section 6.1081.A.1., reduce the amount of streets and pavement, maximize open space, reduce the length of water and sewer systems, and minimize the restructuring of natural drainage systems.

Figure 6.1070.A.

Reduce the Amount of Streets



2. The intensity calculated in Sections 6.1050 and 6.1080 shall be the maximum permitted intensity. A construction envelope that is located in more than one (1) density category in Section 6.1050.B. and C. shall be considered as located in the higher density area if the majority of the floor area or construction envelope area (over fifty (50) percent) is in the less restricted condition and the incursion into a lower intensity area extends less than twenty (20) feet for structures or thirty-five (35) feet for construction envelopes.

Figure 6.1070.B.

Construction Envelope

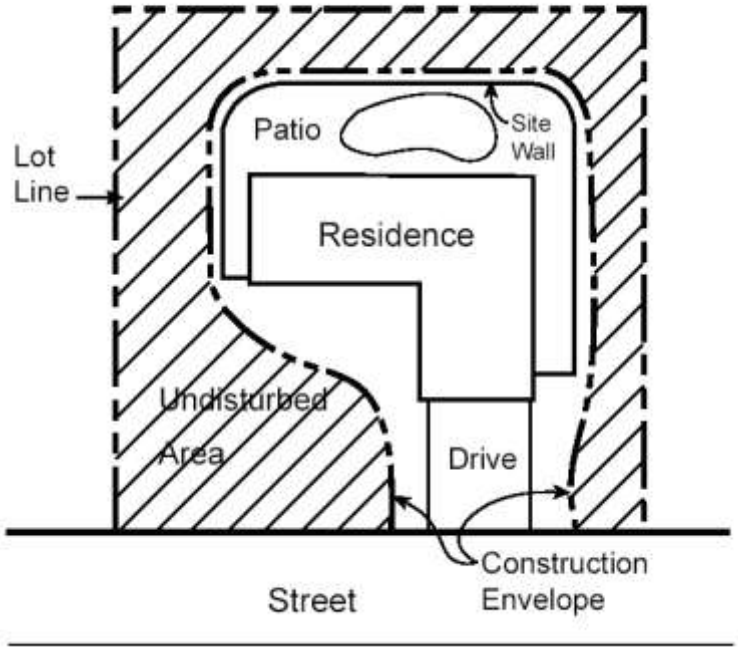
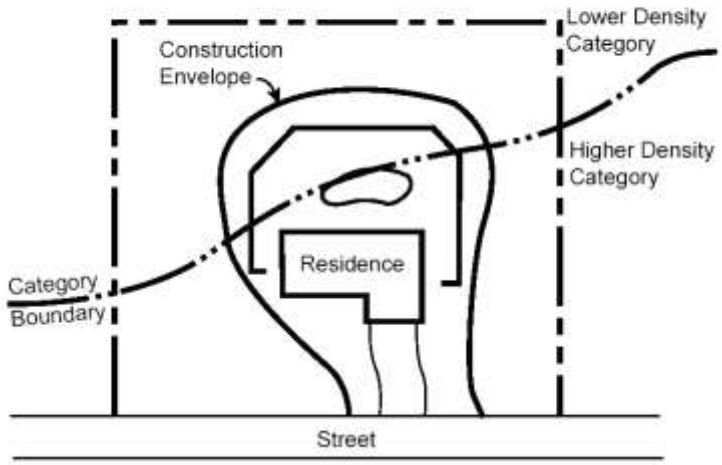


Figure 6.1070.C.

Construction Envelopes in 2 Categories



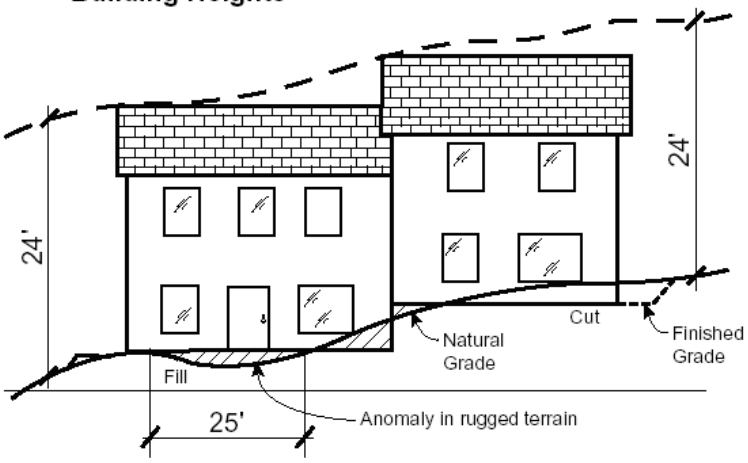
3. Construction envelopes are required when NAOS is proposed on individual lots.
4. Underground utility corridors and drainage improvements not located in construction envelopes shall be included in the revegetated areas.
5. The NAOS shall be clearly identified and protected during building by methods and techniques approved by the City.
6. On-lot NAOS shall be designed with consideration of the surrounding context to connect with existing or planned open space on adjacent properties so that continuous areas of meaningful open space are formed.
7. On-lot NAOS shall not be located within the required front yard where the front yard depth is less than forty (40) feet.

B. *Building heights.*

1. The maximum building height is that prescribed by the underlying district except as modified by the following:
   a. The maximum building height in the ESL shall be established by a plane measured vertically above the existing natural terrain elevation prior to grading; as the natural grade rises, the maximum height will rise accordingly. Small areas of rugged terrain inconsistent with this plane will not increase or reduce building height. Small areas are those features with a maximum width of twenty-five (25) feet.
   b. The maximum building height for all buildings in single-family residential (R1) districts including the Foothills Overlay, shall be twenty-four (24) feet unless exempted pursuant to Section 6.1022.

Figure 6.1070.D.

Building Heights



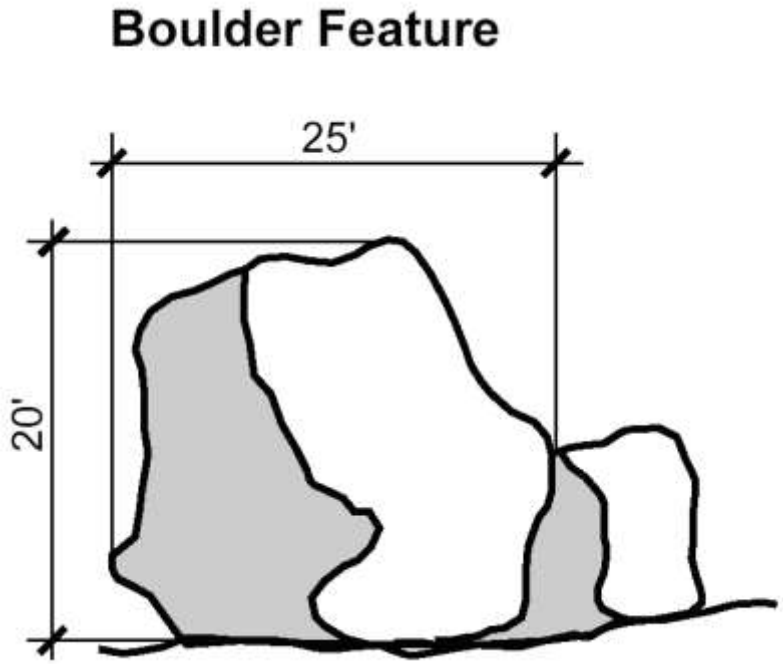
c. The maximum building height in the hillside landform shall be the height prescribed by the underlying district or thirty (30) feet whichever is lower, except as modified by Section 6.1070.B.1.d. below.

d. The Development Review Board may permit additional building heights in the hillside landform up to forty (40) feet where the additional height will reduce the visual impact of the structure or site work from established viewpoints, and will reduce the area required for grading, or other land disturbance activities, on sensitive conditions.

C. Hillside Landform Site Design Criteria: Hillside lands are prone to natural hazards. In order to protect lives and property from disasters resulting from poorly designed hillside development and to mitigate the potential for increased erosion, boulder rolling, rockfalls, and landsliding, the Development Review Board shall review the site plans located within the hillside landform that are not part of a subdivision plat against the following criteria:

1. All construction shall be set back a minimum of twenty (20) feet from boulder features. The Development Review Board may approve exceptions to these criteria where specific design solutions protect public safety.

Figure 6.1070.E.



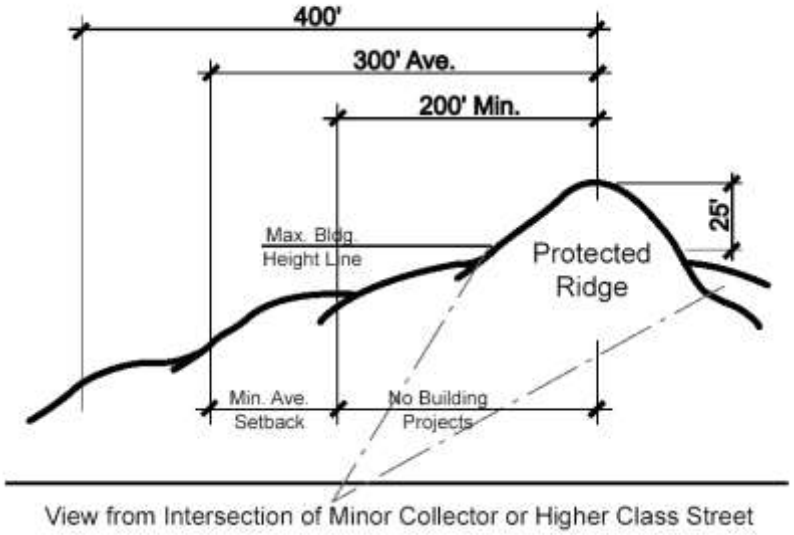
2. Unprotected slopes shall be protected from focused stormwater flows.
3. All storm runoff shall be directed towards natural channels using best practices for erosion control.
4. Minimize removal of native vegetation from areas not located in construction envelopes.
5. Minimize incidental impact from other natural hazards including erosion, subsidence, boulder rolling, rockfalls, flooding, flood related mud slides, unstable slopes and landsliding relating to the site and surrounding property.

D. *Protected Peaks and Ridges.*

1. All building projects shall be set back an average of three hundred (300) feet horizontally and a minimum of two hundred (200) feet from a protected peak or a protected ridge.

Figure 6.1070.F.

Viewpoints - Protected Ridges



2. The maximum elevation of any structure within four hundred (400) feet horizontally of a protected peak or ridge shall be at least twenty-five (25) feet below the elevation of the nearest point of a protected peak or ridge.

3. Protected peaks and ridges shall be identified on ESL Protected Peaks and Ridges Maps prepared by the City, and may be revised as follows:

   Request for map refinement shall include a visual analysis from viewpoints as defined in Section 3.100, and be subject to subsection E., below.

4. Protected peaks and ridges on a property shall be shown on final plats at the time of City Council approval.

E. *Revisions of ESL Landform and Protected Peaks and Ridges Maps.* Landforms are identified on the ESL Landforms and Protected Peaks and Ridges Maps by the City. The maps may be revised as follows:

1. Applicants for a specific development project may request a change in all or part of the landform boundaries on the ESL Landforms and Protected Peaks and Ridges Maps prior to or concurrently with a development project application. The applicant shall submit technical data to support the request. If the request represents more than a minor refinement, the requested landform boundary change shall be prepared by an Arizona State registered geologist and shall include a technical analysis to support the requested map revision. The definitions of the three (3) landform areas shall be used by consulting geologists for their analysis of changes in the landform boundaries.

2. Minor refinements to the ESL Landforms and Protected Peaks and Ridges Maps shall be subject to the approval of the City.

3. Major revisions of the ESL Landforms and Protected Peaks and Ridges Maps shall be subject to Development Review Board approval. Development Review Board approval shall occur prior to the Planning Commission and City Council public hearings if the request is made concurrently with a submittal for a rezoning or use permit approval.

4. A property owner may request a revision of the ESL Landforms and Protected Peaks and Ridges Maps on their property independently from a submittal for a specific project. Such submittals shall follow all processes and requirements in Section 6.1070.E.1. and shall be subject to approval of the Development Review Board.

F. *Boulder Features.* Development shall not be permitted on or immediately adjacent to boulder features within the ESL District and a setback of twenty (20) feet is required around the boulder feature unless otherwise approved by the Development Review Board. The Development Review Board may permit development on boulder features which meet this definition where the applicant demonstrates that the proposed construction will meet the following criteria:

1. When a proposed structure will be occupied, the applicant shall submit a technical analysis prepared by an Arizona State registered geologist demonstrating that the boulder feature is stable and does not present a threat to the proposed structure.

2. The applicant has demonstrated that the proposed construction will blend into the boulder feature so that the boulder feature is still substantially visible from public or private streets, and the structure does not detract significantly from the character of this special feature.

G. *Site and Structure Development Design Standards.*

1. *Within the ESL:*

a. Mirrored surfaces or any treatments which change ordinary glass into a mirrored surface are prohibited.

b. Reflective building and roofing materials (other than windows) including materials with high gloss finishes and bright, untarnished copper, aluminum, galvanized steel or other metallic surfaces, shall be textured or have a matte or non-reflective surface treatment to reduce the reflection of sunlight onto other property.

c. Materials used for exterior surfaces of all structures shall blend in color, hue, and tone with the surrounding natural desert setting to avoid high contrast.

d. Surface materials of walls, retaining walls or fences shall be similar to and compatible with those of the adjacent main buildings.

e. Development design and construction techniques should blend scale, form and visual character into the natural landform and minimize exposed scars.

f. Exterior lighting should be low scale and directed downward, recessed or shielded so that the light source is not visible from residential development in the area or from a public viewpoint.

g. No paint colors shall be used within any landform that have a LRV greater than thirty-five (35) percent.

h. Exterior paint and material colors shall not exceed a value of six (6) and a chroma of six (6) as indicated in the Munsell Book of Color.

i. Plant materials that are not indigenous to the ESL area shall be limited to enclosed yard areas and non-indigenous plants that have the potential of exceeding twenty (20) feet in height are prohibited. A list of indigenous plants is available from the City. Outdoor community recreation facilities, including parks and golf courses shall be allowed turf as specified in Section 6.1070.G.1.j.

j. Turf shall be limited to enclosed areas not visible offsite from lower elevation. Outdoor recreation facilities, including parks and golf courses, shall be exempt from this standard.

k. All equipment appurtenant to underground facilities, such as surface mounted utility transformers, pull boxes, pedestal cabinets, service terminals or other similar on-the-ground facilities, shall have an exterior treatment that has a LRV of less than thirty-five (35) percent or otherwise screened from view from the adjoining properties.

l. It is the intent of this Ordinance to leave washes in place and in natural conditions where practical. When necessary, modifications to natural watercourses and all walls and fences crossing natural watercourses shall be designed in accordance with the standards and policies specified in Chapter 37 (Floodplain and Stormwater Regulation) of the Scottsdale Revised Code, and the Design Standards & Policies Manual. Requests to modify, redirect,

or divert watercourses of fifty (50) cfs or greater flow in a one hundred-year event shall include the following:

i. Justification for the request.

ii. Plans showing:

(1) That the application will result in an equal or enhanced quality of open space.

(2) That any proposed wash modification will include restoration of the watercourse with vegetation of the same type and density removed for the modifications.

(3) If a wash is being redirected or modified that it enters and exits the site at the historic locations, and that the result will not impact drainage considerations for adjacent properties.

(4) If a wash is being diverted into a structural solution (e.g. underground pipe), that the change will not impact the drainage conditions on adjacent properties and will not reduce the integrity of any upstream or downstream corridor as meaningful open space.

An application for the modification of a wash mentioned above, may be granted by the Zoning Administrator subject to approval of the design solution for the drainage facilities and subject to the finding that the purpose of this overlay district (Section 6.1011.) has been achieved. However, in no event shall the provisions of this section require greater area of NAOS dedication than currently required by Section 6.1060.A., B. and C. of this Ordinance.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3395, § 1, 12-11-01; Ord. No. 3501, § 1, 4-1-03; Ord. No. 3540, § 1(Exh. 1), 4-20-04; Ord. No. 3920, § 1(Exh. §§ 79—81), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 188—191), 4-3-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 164, 165), 5-6-14)

Sec. 6.1071. - Design guidelines.

A. *General Guidelines.*

1. Clustering, density transfer, NAOS or CA should be used to protect the most sensitive areas on a plat.

2. Unless specifically approved by City Council:

a. NAOS shall not be enclosed by walls that disrupt its continuity with NAOS on adjacent properties;

b. Walls are prohibited from disrupting the continuity of NAOS corridors and wildlife corridors or habitats located along major and minor watercourses;

c. Walls shall not enclose or disconnect contiguous NAOS or be permitted to cross washes of fifty (50) cfs greater flow in a one hundred-year event;

d. Fences shall not block wildlife movement in and through NAOS and/or natural watercourses.

3. Subdivision walls are prohibited unless as allowed pursuant to the hardship exemption in Section 6.1022.D. When approved, perimeter walls shall be subject to the Development Review Board and shall incorporate the following criteria:

a. These walls shall incorporate alignments and vertical designs that undulate in a manner that blends with the character of the site's terrain and protects major native plant specimens and boulders;

b. These walls shall contain ground level openings of at least nine (9) square feet in area with a dimension of three (3) by three (3) feet, and be spaced no more than two hundred (200) feet apart, including openings for drainage ways, in order to allow wildlife movements and passage of localized stormwater flows;

c. These walls shall be built of materials that blend into the heavy textures and rustic character of the vegetation, boulders and other features of the natural desert setting; and

d. These walls shall be set back from the perimeter property line a minimum of:

1. Fifteen (15) feet where the subdivision or master planned development is adjacent to a vacant property;

2. Fifteen (15) feet or a distance equal to the required side yard for the underlying zoning district, whichever is greater, where the subdivision or master planned development is adjacent to a parcel that has an existing residence, an existing subdivision or the McDowell Sonoran Preserve; or

3. Zero (0) feet where the subdivision is adjacent to natural area open space (NAOS) or conservation area (CA) tract within the same subdivision or master planned development that the walls are located within.

4. On single-family residential parcels containing thirty-five thousand (35,000) square feet or larger, individual lot or site walls, where permitted by this Zoning Ordinance, shall be setback a minimum of fifteen (15) feet from a side or rear property line unless the parcel is adjacent to natural area open space (NAOS) or conservation area (CA) within a separate tract as a part of a master planned development or subdivision.

5. Sensitive site planning that responds to the environmental conditions will frequently lead to smaller average lot sizes, a reduction in disturbed land area, or fewer lots. A development application shall demonstrate that the proposed intensity can be developed on the site in a sensitive manner that is consistent with this Zoning Ordinance, the Development Design Guidelines for Environmentally Sensitive Lands, and other approved City policies and guidelines.

6. The specific location of a construction envelope shall be shown on the site plan submitted for the permit and shall be clearly fenced or contained during construction of the improvements permitted. Disturbance to sites during construction should be minimized and limited to the portions of the site on which improvement is shown on the approved site plan. All clearing, grading, grubbing etc, may occur only within the approved construction envelopes.

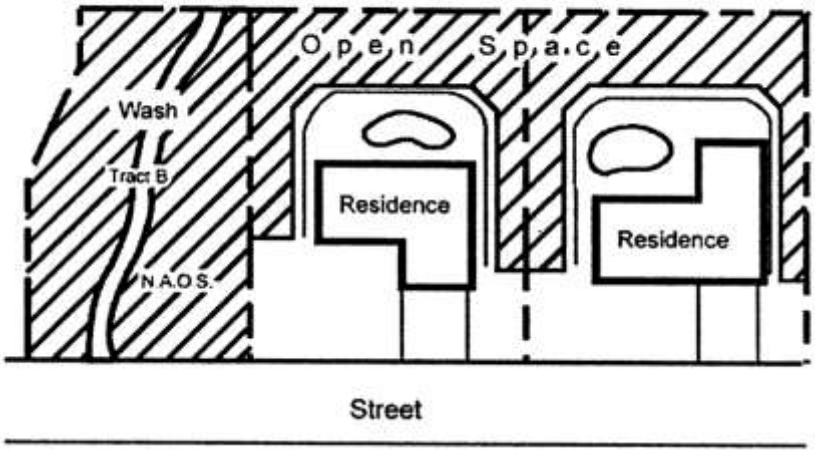
No grading permits shall be issued on lots with Single-family Residential R1-190, Single-family Residential R1-130, Single-family Residential R1-70, Single-family Residential R1-43 or Single-family Residential R1-35 zoning unless they are submitted in conjunction with building plans for on-site structures, except for drainage facilities, driveways or utilities required with the approved subdivision plans to serve the subdivision or adjacent properties.

B. *Guidelines for the McDowell Sonoran Preserve Boundary.*

1. NAOS not in the McDowell Sonoran Preserve boundary should be oriented to maintain habitat and unimpeded wildlife movement to and from the preserve.

2. Promote continuity of open spaces at the preserve boundary.

Meaningful Open Space



3. Maximize the provision of NAOS at the preserve boundary to create a natural buffer to the preserve.
4. Any trail development through NAOS areas adjacent to the preserve must be coordinated with the Preserve Trail Plan.

(Ord. No. 3395, § 1, 12-11-01; Ord. No. 3501, § 1, 4-1-03; Ord. No. 3540, § 1(Exh. 1), 4-20-04; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 192, 193), 4-3-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 166), 5-6-14)

Sec. 6.1080. - Sensitive Design Options

Sec. 6.1081. - Density transfer.

The density transfer option is intended to provide an incentive to move construction from portions of a parcel with severe environmental constraints to less constrained areas. A density transfer may be approved through the use of amended development standards and the approval processes in Sections 6.1083.A. and B. The benefits of transfer decline as development in the most sensitive areas increases. The use of this option can lead to the preservation of significant areas of environmentally sensitive lands including land slopes over fifteen (15) percent, watercourses, and special features.

A. *Density transfer for Conservation Area (CA).*

1. In order to qualify for the maximum rate of density transfer (1:1) the severely constrained areas (SCA) must be designated CA. The severely constrained areas are those portions of the hillside landform containing or surrounded by any one (1) of the following environmental conditions; provided that for purposes of density transfer only, SCA shall not include areas of ten (10) acres or more which do not contain any of the environmental conditions specified below, even if the area is surrounded by one (1) or more conditions, so long as any development proposed for the surrounded area is not visible from viewpoints established on the City's special features map:

    a. Land slopes over twenty-five (25) percent.

    b. Unstable slopes as listed in Section 6.1021.B.

    c. Special features as listed in Section 6.1021.C.

The rate of transfer for the parcel is reduced in proportion to reductions in the amount of SCA that is designated as CA.

2. Undisturbed natural areas and land stripped of natural vegetation or scarred prior to January 1, 1990, which has been revegetated may be established as CA as follows:

   a. The entire NAOS area will be permanently maintained as Natural Area Open Space through easements, donation or dedication to the City or other organization. If NAOS is located in a common tract owned by a homeowners association, the property shall be maintained through a common maintenance agreement.

   b. Land designated CA may also be rezoned to the conservation open space (COS) district except that only the unimproved land in the COS district is eligible for density transfer calculations.

   c. The receiving area is the portion of the property that will receive the density transfer. The maximum permitted density in the receiving area is equal to the number of units being transferred from the CA or unimproved COS areas, plus the base intensity for the receiving area from Table 6.1081.A.

3. Density transfer calculations. The base intensity for the existing zoning shall be determined using Table 6.1081.A. and shall be permitted to be transferred to another area of the parcel as follows:

   a. Determine the acreage of SCA on the gross parcel.

   b. Determine the percent of SCA that is designated CA by dividing the CA acreage by the SCA acreage. This percentage is the rate of density transfer for the parcel. Only the area of NAOS to be designated CA may be included in the calculation of land eligible for density transfer.

   c. Determine the base intensity for the land designated CA by multiplying the CA acreage times the intensity in Table 6.1081.A. for the applicable zoning district. Sensitive lands that are not SCA may also be selected for CA in order to transfer density to less constrained areas.

   d. Determine the number of units eligible for density transfer by multiplying the percent of land designated CA (b. above) times the base intensity for the land designated CA (c. above).

   e. The calculation established in a. through d. above may be summarized by the following formula:

Percentage of SCA designated CA	×	Acres designated CA	×	Base intensity of designated CA	=	Total permitted density transfer for the CA area

B. *Density transfer bonus for regional drainage.* In order to promote regional drainage and flood control, the land area required for regional drainage facilities, as part of an approved City regional drainage and flood control plan developed by the City, may be used for a density transfer as follows:

1. A one-hundred (100) percent transfer of the intensity permitted under the existing zoning by Table B may be used for a density transfer.

2. The land area from which the density is transferred must be legally secured through conservation or open space easements or dedication. The land may be designated CA or rezoned to the open space district (OS) where appropriate.

C. *Eligible receiving areas.* The portion of the development project that can receive density transfer shall have less sensitive environmental conditions than the CA or COS land from which the density is transferred. Eligible receiving areas are any portions of the development project that do not contain slopes over twenty-five (25) percent, unstable slopes, special features, minor watercourses or major watercourses.

D. *Off-site transfers.* Density transfers to noncontiguous parcels may be approved, in order to encourage the transfer of development rights from more sensitive areas to those that are less sensitive. Noncontiguous transfers permit the property owners of less sensitive lands to join in a single application with the property owner of more sensitive areas, and to transfer development potential from the more sensitive to the less sensitive areas without the need for rezoning.

An application to make a noncontiguous transfer must be signed by the property owners of both parcels, and must meet the procedural requirements of this section, and Section 6.1083., and the following criteria:

1. On February 19, 1991, the parcel was a legally constituted lot on which development would have been permitted under the terms of the Zoning Ordinance in effect at the time the lot was created or was annexed to the City.
2. At least eighty (80) percent of the parcel from which density will be transferred (the "transfer parcel") must consist of severely constrained areas.
3. No development will be permitted on the transfer parcel.
4. The transfer parcel must be permanently secured as CA through easements, donation or dedication to the City or other organization, by a means approved by the City or zoned COS.
5. The parcel to which density will be transferred (the "receiving parcel") must be located within the ESL in the upper desert or lower desert landform.
6. No permits will be issued for the receiving parcel, until the transfer parcel has been permanently secured as CA or rezoned COS.

Table 6.1081.A.
Base Intensity by Zoning District*

*These numbers shall be used in calculating the following:

a. The number of units or intensity to be used in a density transfer.
b. The maximum number of units for any parcel where a density transfer is not being used.
c. The "base" intensity on a parcel before the NAOS density incentive is applied.
   1. *Residential uses, excluding guest rooms.*

District	Factor (DU/AC)	District	Factor (DU/AC)
R1-190	0.21	R-3	12.93
R1-130	0.31	R-4	8.31
R1-70	0.55	R-4R	7.54

R1-43	0.83	R-5	23.00
R1-35	1.04	S-R	12.44
R1-18	1.87	PNC	4.00
R1-10	3.12	PCC	4.00
R1-7, MH	4.16	PCoC	4.00
R1-5	5.00	PCP	25.00
R-2	7.28		

2. *Hotels, motels, and resorts.*

District	Factor (Guest Rooms/Acre
R-4R	10.62
R-5	33.00
C-2	43.56
C-3	43.56
PRC	21.78
WP	43.56

3. *Nonresidential uses.*

District	Factor (Floor Area Ratio)

S-R	0.4
C-O, I-G, I-1,	0.6
C-1, C-2, C-3, C-4, C-5, SS, PRC, WP, PCP	0.8
PNC, PCC	0.3
PcoC	0.2
P-3	1.0

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3395, § 1, 12-11-01; Ord. No. 3920, §§ 1(Exh. § 82, 83), 11-9-10; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 167—174), 5-6-14)

Sec. 6.1082. - Cluster development option.

The cluster development option is intended to provide an opportunity for more flexibility in platting lots and for site planning under ESL regulations than in the underlying zoning districts. The Development Review Board may approve clustering if the application is in compliance with the standards in Section 6.1083.A. This option allows for increased sensitivity to site conditions and permits the clustering of the development onto less land area so portions of the land remain undisturbed. These standards cannot increase the intensity allowed on a development site. Clustering may enable more efficient land development. The following limitations apply:

A. The density shall not exceed the applicable density for the parcel. Before this site planning option is applied to a parcel, a determination of density must be approved according to the options and applicable procedures available including:

   1. Using Table B to determine the base intensity under existing zoning.
   2. Using Sections 6.1050B. and C. to determine permitted density.
   3. Using the density transfer procedures to increase the density.
   4. Rezoning the parcel.

B. The density that has been approved for any parcel may be allocated to any areas of a parcel with a plat or site plan subject to the following limitations:

   1. Development standards may only be modified in compliance with the requirements of Section 6.1083.
   2. The site plan, or plat, must comply with the requirements of Section 7.858, site planning standards and guidelines.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3395, § 1, 12-11-01; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 175), 5-6-14)

Sec. 6.1083. - Amended development standards.

A. To encourage sensitivity to site conditions and provide flexibility in site planning, development standards may be amended upon finding that the amended development standards achieve the purposes of the Environmentally Sensitive Lands ordinance in Section 6.1011 better than the existing development standards.

B. The Development Review Board may approve amended development standards for:

1. A subdivision, concurrent with a preliminary plat approval;

2. A land division, concurrent with a building site plan;

3. Any lot not established through a recorded plat, concurrent with a building site plan; and

4. Any lot established through a recorded plat before application of the ESL overlay district, concurrent with a building site plan.

C. The Development Review Board delegates its authority to approve amended development standards for all applications other than subdivisions to the Zoning Administrator. The Zoning Administrator shall sign the building site plan, if approved. The Development Review Board shall hear any appeal of the decision by the Zoning Administrator.

D. All applications for amended development standards:

1. Are subject to the application and public hearing requirements of Section 1.900;

2. Are for existing zoning districts and single-family dwellings only; and

3. Shall comply with Table A, Base Intensity By Zoning District, in Section 6.1081.

E. The Development Review Board, or the Zoning Administrator, may approve amended development standards in conformance with the following limitations:

1. In a subdivision or land division, the minimum lot area may be reduced up to twenty-five (25) percent.

2. For lots not in a subdivision or land division, the minimum lot area of the underlying zoning district shall not be reduced.

3. Minimum setbacks and minimum building separations may be reduced up to twenty-five (25) percent.

4. The minimum setback of a garage or carport that opens towards the street shall be twenty (20) feet from the back of curb, or back of sidewalk, when present.

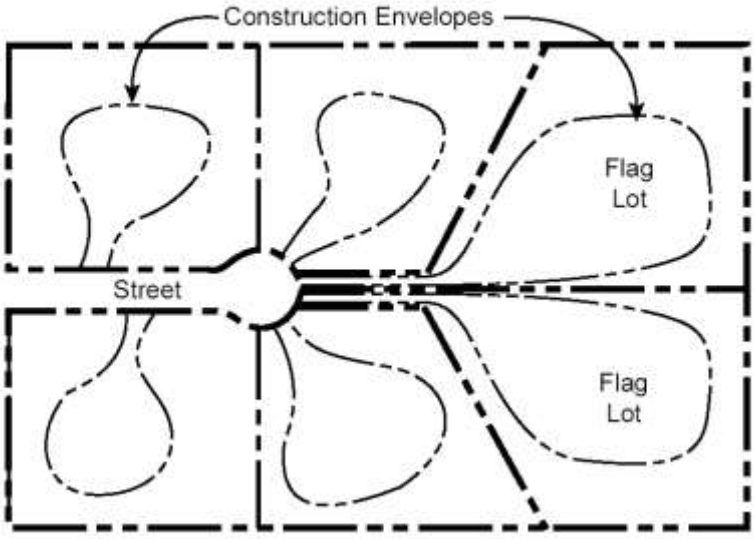
5. The minimum side yard or rear yard, where the side yard or rear yard is adjacent to a designated open space tract, may be reduced to five (5) feet.

6. Setbacks on the perimeter of a subdivision or land division shall be equal to or greater than the setbacks of the underlying zoning on adjacent parcels.

7. The minimum perimeter wall setback required in Section 6.1071.A.3.d. may be reduced to ten (10) feet.

Figure 6.1083.A.

Flag Lots



8. Minimum lot width may be reduced up to twenty-five (25) percent. Flag lots with a minimum lot width of twenty (20) feet may be used if a flag lot design better achieves the purposes of the Environmentally Sensitive Lands Ordinance.
9. If the underlying zoning is R1-18, R1-10, R1-7 or R1-5, one (1) of the side yard setbacks may be zero (0), if the dwellings are single-family detached homes. The minimum building separation shall be five (5) feet.
10. The subdivision or land division shall be served by public or private water and sanitary sewer facilities if the minimum lot sizes are less than sixty thousand (60,000) square feet.
11. Before any permit is issued, the required common open space shall be permanently maintained as natural open space in documents satisfactory to the City.
12. Planned Residential Development (PRD) shall conform to the design criteria in Section 6.205.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01; Ord. No. 3501, § 1, 4-1-03; Ord. No. 3540, § 1(Exh. 1), 4-20-04; Ord. No. 3696, § 1(Exh. 1), 9-26-06; Ord. No. 3920, § 1(Exh. §§ 84, 85), 11-9-10; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 176—178), 5-6-14)

Sec. 6.1090. - ESL Submittal Requirements

Sec. 6.1091. - All applications.

A. In addition to any other information required by the Zoning Ordinance and the Scottsdale Revised Code, applications for development approval under ESL District shall include the following:
   1. Base submittal requirements for all projects:
      a. Location and size of project boundaries, including any phasing plans.
      b. Project description.
      c. A.L.T.A. survey.

d. Site development plan showing all existing and proposed construction, including density calculations.

e. Aerial map.

f. Site plan superimposed on the aerial map.

g. Topography map (two-foot contours intervals).

h. Slope analysis superimposed on the topography map with NAOS calculation table.

i. NAOS analysis plan, including proposed civil improvements and proposed construction envelopes.

j. Environmental features map, including applicable landforms, protected peaks and ridges, unstable slopes, boulder features, watercourses, vegetation and wildlife habitats, viewsheds, and manmade or fire scarring.

k. Native plant submittal and revegetation plan and program, including transplanting and/or reseeding methods and the list of plants and density of application.

l. Geotechnical report for sites with shallow bedrock and/or boulders.

m. Drainage and grading report and plan.

n. Archaeology data, reports, and/or plans as required by Chapter 46 of the City Code.

2. Additional submittal requirements for master planned projects:

a. Master environmental design concept plan.

b. Phasing plan.

c. Circulation plan.

d. Water and wastewater plan.

3. Additional submittal requirements for preliminary plat and Development Review Board submittals:

a. Master environmental design concept plan.

b. Cuts and fills site plan.

c. Amended development standard justification report.

d. Vista/scenic corridors, including cross section details.

e. Public trail plan.

f. Landscape plan.

g. Color and material samples.

h. Wall plans.

i. Boulders that exceed six (6) feet in width and six (6) feet in height.

j. If proposing modification per Section 6.1070.G.1.l., the delineation of natural watercourses of fifty (50) cfs or greater flow in a one hundred-year event.

4. Additional submittal requirements for single-family residential permits:

a. Boulders that exceed six (6) feet in width and six (6) feet in height;

b. If proposing modification per section 6.1070.G.1.l., the delineation of natural watercourses of fifty (50) cfs or greater flow in a one hundred-year event.

5. Additional submittal requirements for land divisions.

a. The following information shall be shown on the building site plan:

i. The location of all yards as required by the underlying zoning district.

ii. The location of all setbacks for walls and fences as required in Section 6.1071.A.3.d, the underlying zoning district, and the Foothills Overlay FO District, if applicable.

iii. The location of all proposed drainage easements.

iv. The setbacks and minimum building separations for adjacent lots and the location of any existing improvements within forty (40) feet of the perimeter of the land division.

v. The location of any boulder features, rock outcroppings and areas with land slopes exceeding twenty-five (25) percent.

b. Verification of notice to all property owners of land within fifty (50) feet of the perimeter of the land division, including details of the notification method and the response of the property owners notified.

6. Additional submittal requirement for lots not in a subdivision or land division. A complete site plan for the main dwelling and all other proposed improvements to the lot.

7. Modified submittal requirements. The City may require additional information to identify or analyze specific environmental conditions, or may waive submittal requirements determined unnecessary for appropriate review of the project.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01; Ord. No. 3501, § 1, 4-1-03; Ord. No. 3540, § 1(Exh. 1), 4-20-04; Ord. No. 3696, § 1(Exh. 1), 9-26-06; Ord. No. 3920, § 1(Exh. § 86), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 194), 4-3-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 179, 180), 5-6-14)

Sec. 6.1092. - Master Development Plan Submittal.

A. A master development plan shall be submitted where:

1. The Land Divisions ordinance requires a development master plan.

2. The underlying zone requires a master development plan, e.g., Section 5.4002, Planned Commerce Park District (PCP), Section 6.204, Planned Residential Development (PRD) or Section 5.2103, Planned Community District (PC);

3. The Zoning Administrator determines that a master plan is necessary for the orderly development of the project, in accordance with the requirements of this Zoning Ordinance.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01; Ord. No. 3920, § 1(Exh. § 87), 11-9-10; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 181), 5-6-14)

Sec. 6.1100. - Maintenance and Violations.

A. *Maintenance—Improved areas.* The property owner of private property on which grading or other work has been performed pursuant to a grading plan approved under the ESL regulations, shall maintain in perpetuity and repair all graded surfaces and erosion control devices, retaining walls, drainage structures or devices, and planting and ground covers according to specifications established by the City.

B. *Maintenance—Natural Area Open Space (NAOS).*

1. NAOS shall be permanently preserved in its natural condition to be self-sustaining.

2. The removal of small amounts of man-made trash and debris that may accumulate within NAOS is permitted.

3. Clearing, pruning, raking, and landscaping within NAOS areas is prohibited except as provided in Subsections 4., 5., and 6. below.

4. Maintenance of public non-paved trails within NAOS shall be subject to specific approval by the City.

5. The removal of man-made dumping piles, and specified invasive, non-indigenous plants and weeds within NAOS shall be subject to specific approval by the City.

6. A defensible space will be permitted to be established and maintained around homes in Wildland/Urban Interface and Intermix areas as defined in Section 3.100. The removal of flash fuels, which include invasive annual grasses, for an area of thirty (30) feet from a habitable structure, to provide for fire safety around dwellings, is permitted, but shall not result in the destruction of native plants* within NAOS.

7. Dead or dying native plants within NAOS shall be left in place to provide wildlife habitat.

8. NAOS easements may be released by the Zoning Administrator only to the extent such releases conform to the standards set forth in Section 6.1060.F.

*Native plants include the specific species defined in Article V, Protection of Native Plants, Section 46-105 through 46-120 of the Scottsdale Revised Code.

C. *Violations.*

1. A violation of any provision of the Environmentally Sensitive Lands Ordinance shall be subject to the violation and penalty provisions in Article I of the Zoning Ordinance.

2. Upon conviction for a violation of any provision of Section 6.1100 or the conditions of a permit issued hereunder, the court shall impose a fee of fifty dollars ($50.00) for a preservation fund, in addition to any other fines or penalties.

3. Funds obtained from this fee shall be used to supplement the City's preservation efforts through deposit into the Trust for McDowell Mountain Land Acquisition.

4. In addition to the penalties in Section 1.1402, a property owner or owner's agent who is found in violation of Section 6.1035 shall fully restore the property to its natural topographic and vegetative condition, to the satisfaction of the City. The restoration shall be complete within one hundred twenty (120) days after the finding of violation. Failure to complete restoration within one hundred twenty (120) days is deemed authorization for the City to complete restoration at the expense of the property owner. The cost of the City's restoration shall become a lien against the property. All fees to apply for development approval on the property shall be twice the usual fees for such applications.

(Ord. No. 3395, § 1, 12-11-01; Ord. No. 3702, § 1, 2-20-07; Ord. No. 3920, § 1(Exh. § 88), 11-9-10; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 182, 183), 5-6-14)

Sec. 6.1110. - Appeals.

The property owner may appeal a decision of the Zoning Administrator to the Development Review Board. The appeal must be in writing, filed with the City within fifteen (15) days of the date on which written notice of the decision was mailed to the property owner, and must state the reasons for appeal, and the relief requested. The Zoning Administrator shall place the appeal on the next available Development Review Board agenda and shall notify the property owner in writing of the time and place at which the Development Review Board will consider the appeal. Decisions of the Development Review Board may be appealed to the City Council as provided in Article I.

(Ord. No. 3395, § 1, 12-11-01; Ord. No. 3501, § 1, 4-1-03; Ord. No. 3920, § 1(Exh. § 89), 11-9-10; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 184), 5-6-14)

Sec. 6.1200. - Downtown Overlay (DO).

Editor's note— Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 21), adopted November 14, 2012, repealed former §§ 6.1200—6.1209, and enacted provisions designated as new §§ 6.1200—6.1206 to read as herein set out. Prior to inclusion of said ordinance, § 6.1200 et seq. pertain to similar subject matter. See also the Code Comparative Table.

Sec. 6.1201. - Purpose.

A. This district is to promote the goals and policies of the Downtown Plan and provide increased intensities to revitalize Downtown Area properties. This district encourages urban design forms to accommodate additional dwelling units in mixed-use developments and stimulates sustainable live/work lifestyles within a vital urban environment.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 21), 11-14-12)

Sec. 6.1202. - Applicability.

A. The DO District shall only be applied to property within the Downtown Area.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 21), 11-14-12)

Sec. 6.1203. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 49), adopted Aug. 25, 2014, repealed § 6.1203 which pertained to approval requirements and derived from Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 21), adopted Nov. 14, 2012, and Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 185), adopted May 6, 2014.

Sec. 6.1204. - Use regulations.

A. The uses allowed are:

1. Dwelling units; and
2. The uses as allowed in the underlying zoning district.

B. Drive-through and drive-in services are not allowed in the Downtown Area.

C. Temporary buildings, structures and mobile vendors are only allowed on a property as accessory to construction work on the property, and shall be promptly removed upon completion of construction work or the Zoning Administrator's request.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 21), 11-14-12; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 8), 11-19-13)

Sec. 6.1205. - Property development standards.

A. If there is a conflict between the development standards of DO District and the development standards of the underlying district, the development standards of the DO District control, except for properties zoned Downtown District as the underlying district.

B. If there is a conflict between the DO District and Article VII, the DO District controls.

C. The following property development standards of the Downtown District shall apply to property zoned DO:

1. Setbacks from public streets, except alleys,
2. Setbacks from major intersections,
3. 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,
4. Building location,
5. Private outdoor living space,
6. Stepbacks,
7. Exceptions to building location, setback, prevailing setback, and stepback standards, and
8. Shaded sidewalks.

D. *Maximum first floor area for dwelling units* .

1. Type 1 Area. Maximum thirty five (35) percent of the first floor area.
2. Type 2 Area, Type 2.5 Area, or Type 3 Area with any commercial district zoning shown on Table 4.100.B. Maximum thirty five (35) percent of the first floor area.

E. *Building height.*

1. The building height maximum (including rooftop appurtenances) shall be that of the underlying zoning district, except in the Service Residential S-R district and as allowed in Article VII.
2. In the S-R District, the building height maximum (excluding rooftop appurtenances) is twenty-six (26) feet, and as allowed in Article VII.
3. Rooftop appurtenances that are parapets or railings (with a maximum inside height of forty-five (45) inches) for a rooftop patio are excluded from the building height maximum.

F. *Density.*

1. Maximum: twenty-three (23) dwelling units per acre of gross lot area.

G. *Gross floor area ratio (GFAR).*

1. Maximum: 1.3.

H. *Open Space* .

1. None required.

I. *Signs.*

1. The provisions of Article VIII. shall apply.

J. *Off-street parking* .

1. The off-street parking provisions of the Downtown District shall apply.

K. *Landscaping.*

1. The provisions of Article X. shall apply.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 21), 11-14-12; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, §§ 10, 11), 6-18-13; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, §§ 9—13), 11-19-13; Ord. No. 4355, § 1(Res. No. 11190, § 3, Exh. A), 7-2-18)

Sec. 6.1206. - Property development standards for small parcels.

A. The provisions for small parcels in the Downtown District shall apply to parcels with a gross lot area less than twenty thousand (20,000) square feet in the DO District.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 21), 11-14-12; Ord. No. 4355, § 1(Res. No. 11190, § 3, Exh. A), 7-2-18)

Sec. 6.1300. - Planned Block Development Overlay District (PBD).

Sec. 6.1301. - Purpose.

A. The purpose of the PBD Overlay District is to allow for development flexibility in the Downtown Area to assist the City in achieving the Downtown Plan, developing more Downtown Area public amenities, and adding land uses that would further promote the Downtown Area as a twenty-four (24) hour community.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 22), 11-14-12)

Sec. 6.1302. - Applicability.

A. The PBD Overlay District is applicable only to property zoned Downtown District.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 22), 11-14-12)

Sec. 6.1303. - District size requirement.

A. Gross lot area minimum: twenty thousand (20,000) square feet.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 22), 11-14-12)

Sec. 6.1303.1. - Development Plan (DP).

A. A zoning district map amendment application shall be accompanied by a Development Plan as required in Article VII.

(Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 12), 6-18-13; Ord. No. 4355, § 1(Res. No. 11190, § 4, Exh. A), 7-2-18)

Sec. 6.1304. - PBD Overlay District criteria.

A. Before the first Planning Commission hearing on a PBD Overlay District application, the Development Review Board shall make a recommendation to the Planning Commission regarding the Development Plan based on the following criteria.

1. Criteria for a PBD Overlay District application in a Type 1 Area:

a. The Development Plan shall reflect the goals and policies of the Character & Design Chapter of the Downtown Plan; and

b. The site development standards and building form shall be in conformance with the Downtown Plan Urban Design & Architectural Guidelines.

2. Criteria for a PBD Overlay District application in a Type 2 Area or a Type 2.5 Area:

a. The Development Plan shall reflect the goals and policies of the Character & Design Chapter of the Downtown Plan;

b. The site development standards and building form shall be in conformance with the Downtown Plan Urban Design & Architectural Guidelines;

c. The building form shall reflect the planned character of development within which the development project will be located;

d. The Development Plan shall incorporate standards for development within three hundred fifty (350) feet of the Downtown Boundary that address appropriate transitions in building heights and building massing between the proposed development and the zoning districts abutting or adjacent to the development;

e. The Development Plan for development within one hundred (100) feet of a Type 1 Area shall address appropriate transitions in building heights, building massing, and landscape materials between the proposed development and the Type 1 Area;

f. The Development Plan shall incorporate standards for development adjacent to public streets that include sidewalks, pedestrian linkages, building forms and architectural features that address human scale and pedestrian orientation; and

g. The pedestrian circulation shall be accessible and easy to navigate, and incorporate open space and pedestrian linkages to the public pedestrian circulation network.

3. Criteria for a PBD Overlay District application in the Type 3 Area:

a. The Development Plan shall reflect the goals and policies of the Character & Design Chapter of the Downtown Plan;

b. The site development standards and building form shall be in conformance with the Downtown Plan Urban Design & Architectural Guidelines;

c. The building form shall reflect the planned character of development within which the development project will be located;

d. The Development Plan shall incorporate standards for development within three hundred fifty (350) feet of the Downtown Boundary that address appropriate transitions in building heights and building massing between the proposed development and the zoning districts abutting or adjacent to the development;

e. The Development Plan for development within one hundred (100) feet of a Type 1 Area, a Type 2 Area and/or Type 2.5 Area shall address appropriate transitions in building heights, building massing, and landscape materials between the proposed development and the Type 1 Area, Type 2 Area and/or Type 2.5 Area;

f. The Development Plan shall incorporate standards for development adjacent to public streets that include sidewalks, pedestrian linkages, building forms and architectural features that address human scale and pedestrian orientation; and

g. The pedestrian circulation shall be accessible and easy to navigate, and incorporate open space and pedestrian linkages to the public pedestrian circulation network.

B. In addition to the criteria used by the City Council to review a zoning district map amendment application, the Planning Commission shall make a recommendation to the City Council, based on the following applicable criteria:

1. Standard criteria:

    a. The proposed development supports the land use elements of the General Plan and the Downtown Plan.

2. Criteria to add land uses to Table 5.3004.D., Land Uses for Each Sub-district of the Downtown District:

    a. Each proposed land use helps maintain a balance of land uses in the Downtown Area in accordance with the Downtown Plan.

    b. Each proposed land use is compatible with the adjacent development, and strengthens the mix of land uses and activities in the Downtown Area.

    c. Each proposed land use substantially implements the pedestrian oriented, twenty-four (24) hour downtown community goals of the Downtown Plan.

3. Criteria to achieve bonus(es):

    a. The proposed Development Plan reflects noteworthy investments to provide public benefits, improve the quality of life in the community, and assist in achieving the goals and policies of the General Plan, Downtown Plan and City objectives, in the vicinity where the development will be located.

C. The City Council may approve, or approve with stipulations, a development application or portion thereof, if it finds the development application meets the criteria of Subsection B above.

D. The property owner shall address the criteria in this section.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 22), 11-14-12; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 14), 11-19-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 186, 187), 5-6-14; Ord. No. 4355, § 1(Res. No. 11190, § 4, Exh. A), 7-2-18)

Sec. 6.1305. - Amendments to the Development Plan.

A. A property owner in a PBD Overlay District may request an amendment to the Development Plan, if the amendment does not change the property development standards of other properties in the PBD Overlay District.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 22), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 188), 5-6-14)

Sec. 6.1306. - Minimum requirements.

A. Property within a PBD Overlay District shall meet the following requirements, at a minimum:

    1. Compliance with the Cultural Improvements Program requirements, and

    2. Compliance with the International Green Construction Code.

(Ord. No. 4355, § 1(Res. No. 11190, § 4, Exh. A), 7-2-18)

Sec. 6.1307. - Use regulations.

A. The applicable underlying Downtown District's sub-district's use regulations shall apply to the PBD Overlay District, except that the City Council may add land uses. A zoning district map amendment's associated Development Plan for a PBD Overlay District shall include any additional land uses. The City Council may impose requirements on additional land uses.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 22), 11-14-12)

Sec. 6.1308. - Property development standards.

A. The property development standards of the PBD Overlay District shall control over the property development standards of the Downtown District.

B. Maximums for building height, GFAR and density, without bonuses, are shown on Table 6.1308.B.

1. The Development Plan shall identify the building heights for each property within the PBD Overlay District. If the building height is not identified, the maximum building height for that property shall be the building height maximum set forth in Table 6.1308.B. for the applicable Downtown District development type.

2. The Development Plan shall identify the GFAR for each property within the PBD Overlay District. If the GFAR is not identified in the Development Plan, the maximum GFAR for a property shall be 1.4.

3. The Development Plan shall identify the density for each property within the PBD Overlay District. If the density is not identified in the Development Plan, the maximum density for that property shall be fifty (50) dwelling units per acre of gross lot area.

Table 6.1308.B. Building Height, Gross Floor Area Ratio (GFAR), Density Maximums without bonuses

Development Type	Building Height Maximum (1)	GFAR Maximum	Density Maximum per acre of gross lot area
Type 1 within Historic Old Town District	40 feet	1.4	50 dwelling units
Type 1 outside of the Historic Old Town District	48 feet	1.4	50 dwelling units
Type 2 and Type 2.5	66 feet	1.4	50 dwelling units
Type 3	84 feet	1.4	50 dwelling units

Note:

1. Excludes rooftop appurtenances.

a. Maximum height for rooftop appurtenances: 6 feet.

b. Maximum coverage for rooftop appurtenances: 20% of the rooftop.

c. Minimum setback for rooftop appurtenances: 15 feet from all sides of the building.

C. *Private outdoor living space* .

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

D. *Setbacks.*

1. All buildings shall be set back in accordance with the approved Development Plan.

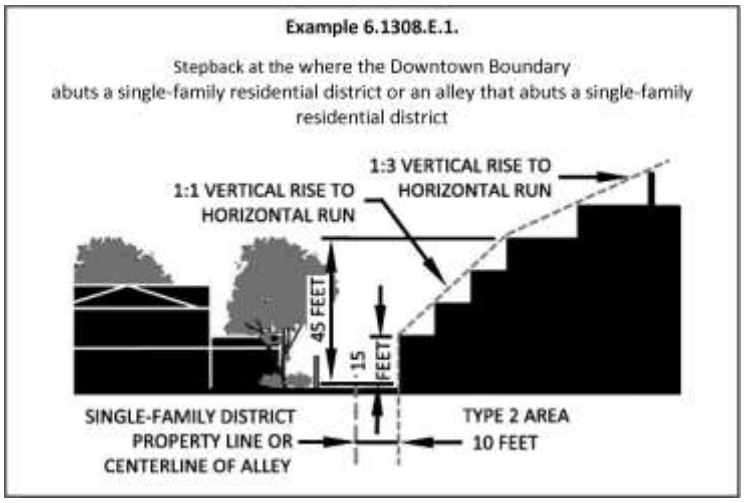
E. *Stepbacks.*

1. All building stepbacks shall be in accordance with the approved Development Plan; and
2. Downtown Boundary—Additional requirements for property in a Type 2, a Type 2.5, or 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 ten (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.

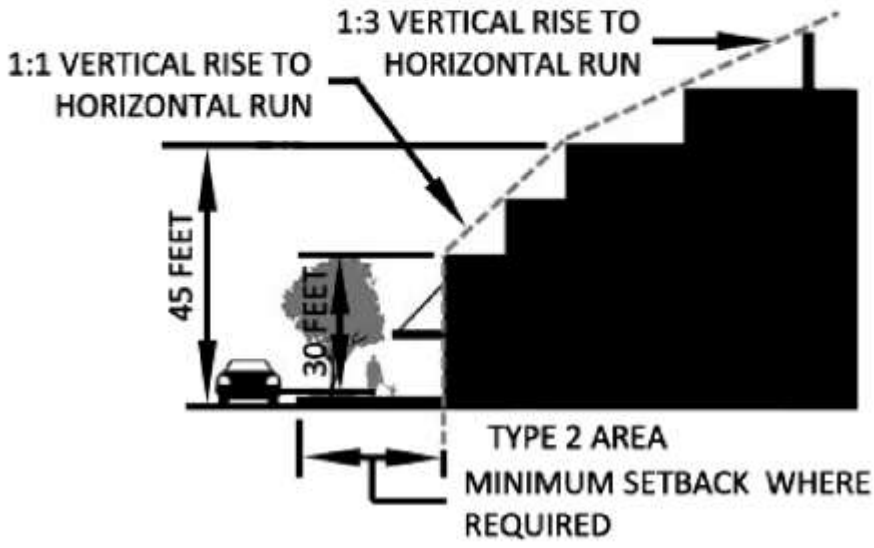
ii. The stepback plane shall incline at a ratio of 1:1, beginning fifteen (15) feet above the setback line to forty-five (45) feet; and beginning at forty-five (45) feet, incline at a ratio of 1:3.



b. Where the Downtown Boundary abuts a public street, 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.

Example 6.1308.E.2.

Stepback where the Downtown Boundary abuts a street or abuts a zoning district other than a single-family residential district



c. Where the Downtown Boundary does not abut a single-family residential district or does not abut 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.

3. If there is a conflict at the intersection of the stepback planes, the more gradual slope controls.

F. *Signs.*

1. The provisions of Article VIII shall apply.

G. *Off-street parking.*

1. The provisions of the Downtown District shall apply.

H. *Landscaping.*

1. The provisions of Article X shall apply.

I. *Additional requirements.*

1. Building locations and stepbacks, including exceptions to setbacks and stepbacks, shall conform to the Development Plan.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 22), 11-14-12; Ord. No. 4241, § 1, 3-29-16; Ord. No. 4355, § 1(Res. No. 11190, § 4, Exh. A), 7-2-18)

Sec. 6.1309. - Cultural Improvements Program requirements.

A. Property within a PBD Overlay District shall comply with the Cultural Improvements Program, except as provided below.

   1. For property rezoned to the PBD Overlay District before January 1, 2013, the property owner shall provide artwork, or pay an in-lieu fee, equal to at least one percent of the building valuation for the nonresidential floor area. For property rezoned to the PBD Overlay District before January 1, 2013, adding nonresidential floor area after December 31, 2012, the property owner shall provide artwork, or pay an in lieu fee, equal to at least one percent of the building valuation for the added nonresidential floor area.

   2. For property rezoned to the PBD Overlay District after December 31, 2012, the property owner shall provide artwork, or pay an in-lieu fee, equal to at least one percent of the building valuation for all floor area. For property rezoned to the PBD Overlay District after December 31, 2012, adding floor area after December 31, 2012, the property owner shall provide artwork, or pay an in lieu fee, equal to at least one percent of the building valuation for the added floor area.

B. In lieu fees shall be paid into the Downtown Cultural Trust Fund.

C. Exemptions.

   1. The following are exempt from the Cultural Improvement Program requirement:

      a. Interior tenant improvements.

      b. Residential uses in a PBD Overlay District that was rezoned before January 1, 2013.

      c. Dwellings, single-family and two-family.

      d. Properties zoned Special Campus in which cultural improvement program elements have been included in the development plan.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 22), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 189), 5-6-14)

Sec. 6.1310. - Bonus provisions.

A. *Applicability.*

   1. The City Council may approve bonus development standards for property zoned PBD Overlay upon demonstration of noteworthy investments in sustainable, high-quality urban design and other features that provide public benefits, improve the quality of life in the community, and assist in achieving the goals and policies of the General Plan, Downtown Plan and City objectives.

B. *Types of bonus development standards* .

   1. Bonuses may be obtained to increase the maximums set forth above for:

      a. Building height,

      b. Gross Floor Area Ratio, and

      c. Density.

C. *Bonus development standards* .

   1. No building height shall exceed the maximum shown on Table 6.1310.C.

2. No GFAR shall exceed the GFAR maximum shown on Table 6.1310.C.

3. No density shall exceed the density set forth in the development plan approved by the City Council.

Table 6.1310.C.
Gross Floor Area Ratio (GFAR) and Building Height Maximums
With Bonus(es)

Development Type	**Building Height Maximum** [(1)]			**GFAR Maximum**
	PBD gross lot area equal to or greater than			
	20,000 and less than 100,000 square feet	**100,000 and less than 200,000 square feet**	**200,000 square feet or more**	
Type 1	No additional height above the Base Building Height Maximum	No additional height above the Base Building Height Maximum	No additional height above the Base Building Height Maximum	2.5
Type 2	78 feet	90 feet	90 feet	3
Type 2.5	78 feet	90 feet	120 feet	3
Type 3	90 feet	120 feet	150 feet	4

Note: 1. Excludes rooftop appurtenances.

a. Maximum height for rooftop appurtenances: 6 feet.

b. Maximum coverage for rooftop appurtenances: 20% of the rooftop.

c. Minimum setback for rooftop appurtenances: 15 feet from all sides of the building.

D. *Bonus development standards procedures* .

1. Any application of bonus development standards, or application for amendment to existing bonus development standards, shall be subject to City Council approval through a zoning district map amendment with a Development Plan and development agreement.

a. The Development Plan shall include a development project narrative that:

i. Describes, in addition to other project narrative requirements, the bonus development standards sought, specifying the proposed gross floor area ratio, building height and or density, as applicable, and

ii. Identifies how the development project will comply with the Cultural Improvements Program requirements and the Special Public Improvements requirements and/or analysis of any other proposed community benefit(s), as applicable, and

iii. Provides the method and calculations for determining the Total Construction Cost Estimate, as outlined in Section 7.1200, as applicable.

2. The development agreement shall be in a form satisfactory to the City Attorney and include, but not be limited to, the requirements outlined in Section 7.1200.

E. *Special Public Improvements requirements* .

1. Development projects utilizing Special Public Improvements and/or other community benefit(s) to achieve bonus development standards must comply with the Special Public Improvements requirements as outlined in Section 7.1200.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 22), 11-14-12; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 15), 11-19-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 190—194), 5-6-14; Ord. No. 4241, §§ 2, 3, 3-29-16; Ord. No. 4355, § 1(Res. No. 11190, § 4, Exh. A), 7-2-18)

Sec. 6.1311. - Reserved.

Editor's note— Ord. No. 4355, § 1(Res. No. 11190, § 4, Exh. A), adopted July 2, 2018, repealed § 6.1311, which pertained to bonus provision regulations and derived from Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 22), adopted Nov. 14, 2012; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 16), adopted Nov. 19, 2013; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 195—201), adopted May 6, 2014.

Sec. 6.1400. - Planned Shared Development Overlay (PSD).

Sec. 6.1401. - Purpose.

A. The purpose of the PSD District is to provide the opportunity for application of development standards to a property as defined by its perimeter, rather than applying the standards to the individual lots, tracts, and parcels within the boundaries of the perimeter. The PSD District allows the City Council to grant amended development standards for the purposes of sharing development standards between the lots, tracts, and parcels within the boundaries of the District.

(Ord. No. 4244, § 2, 5-17-16)

Sec. 6.1402. - Applicability.

A. The PSD District may be overlaid upon all commercial and mixed-use districts as specified in Table 4.100.B. and Table 4.100.D., excluding the Downtown (D) District.

(Ord. No. 4244, § 2, 5-17-16; Ord. No. 4333, § 1, 3-6-18)

Sec. 6.1403. - District Size Requirement.

A. Minimum: Five (5) acres of gross lot area.

(Ord. No. 4244, § 2, 5-17-16)

Sec. 6.1404. - Development Plan.

A. The Zoning District Map Amendment application shall be accompanied by a Development Plan as required in Article VII.

(Ord. No. 4244, § 2, 5-17-16)

Sec. 6.1405. - Use Regulations.

A. The applicable underlying zoning district use regulations shall apply to the PSD District.

(Ord. No. 4244, § 2, 5-17-16)

Sec. 6.1406. - PSD District Requirements.

A. *Development standards.* The property, as defined by the PSD District perimeter boundary, shall comply with all required development standards of the underlying zoning district(s).

B. *Transfer of development rights.*

1. If the development of the individual lots, parcels, or tracts located within the PSD District will result in transfer of density or other development rights or obligations from one lot, parcel, or tract to another, then the proposed transfer of development rights shall be subject to the following additional requirements:

    a. The City shall be responsible for the issuance and recordation of instruments necessary to sever development rights and obligations from the sending property and to affix development rights and obligations to the receiving property. Such instrument shall be executed by the affected property owners and lienholders, and shall provide for the following:

        i. Approval and consent of any transfer of development rights and obligations by the property owners of both the sending and receiving properties.

        ii. The preservation of the character of the sending property and assurance that the prohibitions against the use and development of the sending property shall bind the landowner(s) and every successor in interest to the landowner(s).

        iii. The severance of transferable development rights and obligations from the sending property and the delayed transfer of development rights and obligations to the receiving property.

        iv. The purchase, sale, exchange or other conveyance of transferable development rights and obligations prior to the rights and obligations being affixed to a receiving property.

    b. The City shall monitor the severance, ownership, assignment and transfer of transferable development rights and obligations. All severance and transfer of development rights not approved by the City before made are void. Each owner has an affirmative duty to inform the City of any change in ownership and assignment of owner rights and obligations.

    c. The City at its option may purchase development rights and hold them for future resale.

d. The City may enter into an Intergovernmental Agreement with another municipality or county for the transfer of development rights between jurisdictions.

C. *Development agreement and maintenance of shared facilities.*

1. All proposals for the PSD District are subject to City Council approval of a development agreement that specifies:

a. The identity of the person(s)/entity(ies) owning all parcels within the PSD District, and a requirement that any person or entity owning a parcel will have an affirmative duty to notify the City of a proposed change in ownership.

b. The designation of a single City contact and property manager who is responsible for complying with and maintaining the shared facilities.

c. The legal description of the lots, parcels and tracts located within the PSD District.

d. The establishment of an association to maintain common areas, shared facilities and community-owned property.

e. A requirement that the association record a Master Declaration of Easements, Covenants, Conditions and Restrictions in the official records of the Maricopa County Recorder identifying how maintenance of the common areas, shared facilities and community-owned property will be maintained, and that the City be notified of such recordation. Each property owner and the Association will be responsible for the content and enforceability of such Declaration. The City will not be a party to, undertake a review of, approve, or disapprove such Declaration.

f. An indemnification by the property manager and property owners indemnifying and holding the City, its employees, agents and officials harmless from any and all claims including reasonable attorney's fees and costs that may arise from any person(s)/entity(ies) owning any part of the property within a PSD District, which they may bring against the City resulting from the development or from the division of property within a PSD District.

g. If, at any time, upon or after its creation, the PSD District includes or seeks to include residential condominiums subject to A.R.S. Section 33-1201 et seq., then, for purposes of the PSD District and this zoning ordinance, the term "property owner" shall mean the "unit owners' association" as defined in such statutes, and the Master Declaration of Easements, Covenants, Conditions and Restrictions for the PSD District shall explicitly so provide.

h. A requirement that the owners of the parcels within the PSD district are jointly and severally responsible for the maintenance of common areas, shared facilities, and community owned property. In no event will the City be bound by private agreements between property owners as to responsibility for such maintenance.

D. *Plat.* To establish property boundaries in conformance with the Development Plan, the owner shall submit the application for review in conformance with the City's codes, policies and regulations.

(Ord. No. 4244, § 2, 5-17-16; Ord. No. 4333, § 1, 3-6-18)

ARTICLE VII. - GENERAL PROVISIONS

Sec. 7.100. - Additional Height Regulations.

The regulations hereinafter set forth in this Article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Zoning Ordinance.

(Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 202), 5-6-14)

Sec. 7.101. - Permissible heights of sixty (60) and seventy-five (75) feet.

A. Public, semi-public or public service buildings, hospitals, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.

B. Churches and temples and hospitals with a use permit may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise.

(Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 203), 5-6-14)

Sec. 7.102. - Permissible height and area regulations, exceptions to height restrictions.

A. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lifts, tanks, water towers, and grain elevators and necessary mechanical appurtenances and the screening required for said appurtenances provided that both the appurtenances and the screening therefore do not cover more than fifty (50) percent of the roof area, may be erected to a height not exceeding one hundred (100) feet, except as authorized pursuant to Section 5.2604.D.3, in accordance with existing or hereafter adopted ordinances of the City of Scottsdale, Arizona.

B. In nonresidential districts only, ornamental towers and spires may be erected to a height not exceeding sixty (60) feet. No ornamental tower or spire shall contain occupied space that is higher than the maximum building height for the zone in which such ornamental tower or spire is located.

(Ord. No. 2320, § 1, 11-20-90; Ord. No. 3410, 11-26-01)

Sec. 7.103. - Structures near airplane runway or landing strip.

All structures and objects of natural growth within the boundaries of the Airport Influence Area, as defined in Chapter 5 of the Scottsdale Revised Code, shall conform to Chapter 5.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 23), 11-14-12)

Cross reference— Airport zoning, App. A.

Sec. 7.104. - Height limitations on walls, fences, landscape materials and structures on corner lots.

A. Walls, fences, hedges, landscape materials, gateway features and structures shall conform to the sight distance requirements of the Design Standards and Policies Manual.

(Ord. No. 3760, § 3, 11-6-07; Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 24), 11-14-12)

Sec. 7.105. - Screening requirements.

A. The following screening is required for all development, except single-family dwellings:

1. Exterior storage and refuse areas shall be screened by a solid wall or fence.

2. Exterior ground-mounted storage containers, mechanical equipment and satellite dishes shall be screened by a solid wall or fence at least one (1) foot taller than the object being screened.

3. Roof-mounted storage containers, mechanical equipment and satellite dishes shall be screened by a solid wall or louver system at least as tall as the tallest object being screened. The louver system shall completely obstruct the view of the object that is being screened.

4. Wall-mounted mechanical equipment, satellite dishes and utilities shall be screened or integrated into the architecture of the development.

5. Loading docks and service areas shall be screened with a wall, landscaping, or other screening material consistent with the development.

6. Roof-mounted storage containers and mechanical equipment visible from the windows of an adjacent taller building shall be screened.

B. The screening above is subject Development Review Board review, and Zoning Administrator approval.

C. Roof drainage systems, excluding scuppers, shall be concealed within the structure, or architecturally integrated with the design of the structure, subject Development Review Board review, and Zoning Administrator approval.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 25), 11-14-12; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 13, 11), 6-18-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 204), 5-6-14)

Sec. 7.200. - Additional Area Regulations.

A. *Accessory buildings.* This section shall apply only to residential districts.

1. No accessory building shall be constructed upon a lot unless the construction of the main building has been actually commenced.

2. No accessory building shall be permitted in a required front or side yard.

3. Accessory buildings may be constructed in a rear yard, but such accessory buildings shall not occupy more than thirty (30) percent of a rear yard, except in R-5 multiple-family residential districts where the lot is used for multiple-family units, accessory buildings may occupy seventy-five (75) percent of the rear yard.

4. Except as otherwise provided:

   a. Accessory buildings shall not be constructed closer than two (2) feet to any side or rear lot line, and

   b. Accessory buildings within a required side or rear yard, which are more than ten (10) feet in height, shall be set back an additional one (1) foot for each foot of building height above ten (10) feet.

5. Except as otherwise provided:

   a. Accessory buildings used as a garage or carport, having access from an alley, shall not be located closer than fifteen (15) feet to the centerline of said alley, and

   b. One (1) additional foot of setback shall be provided for each foot of building height above twelve (12) feet.

6. Accessory buildings used as a garage or carport, having direct access from a street, shall not be located closer than twenty (20) feet to the back of ultimate improvements, and one (1) additional foot of setback shall be provided for each foot of building height above twelve (12) feet.

B. *Projections into required yards of residential buildings.* This section shall apply only to residential districts. Yards shall be open and unobstructed from the ground to the sky except for the following:

1. Front Yards.

a. Sills, belt courses, cornices, eaves, and ornamental features may project two (2) feet into the required yard.

b. Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three (3) feet above the adjacent natural ground level may project into the required yard provided these projections be distant at least two (2) feet from the adjacent side lot line.

c. Balconies, stairs, covered porches may project four (4) feet into the required yard.

d. Canopies and awnings projecting over windows may extend into the required yard three (3) feet; however, a canopy extending from the main entrance to the sidewalk and not wider than the entrance may project to the front property line.

a. Chimneys may project two (2) feet into the required yard.

2. Side Yards.

a. Sills, belt courses, cornices, eaves, and ornamental features may project two (2) feet into the required yard.

b. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the adjacent natural ground level may project into the required yard provided these projections be distant at least two (2) feet from the adjacent side lot line.

c. Balconies and stairs may project two (2) feet into the required yard, but not nearer than two (2) feet to the adjacent side property line.

d. Canopies and awnings projecting over windows may extend into the required yard three (3) feet.

e. Chimneys may project two (2) feet into the required yard.

f. Mechanical equipment such as air conditioners may be constructed in the side yard provided the blower system is not directed toward the adjacent property, and provided said mechanical equipment shall not be closer than ten (10) feet to any opening to an indoor living area on an adjacent lot.

3. Rear Yards.

a. Sills, belt courses, cornices, eaves and ornamental features may project two (2) feet into the required yard.

b. Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three (3) feet above the adjacent natural ground level may project into the required yard provided these projections be distant at least two (2) feet from the adjacent side lot line.

c. Balconies and stairs may project four (4) feet into the required yard.

d. Covered porches may project into the required yard provided they are not nearer than ten (10) feet to the rear property line.

e. Canopies and awnings projecting over windows may extend into the required yard three (3) feet.

f. Chimneys may project two (2) feet into the required yard.

g. Mechanical equipment such as air conditioners may be constructed in the rear yard provided the blower system is not directed toward the adjacent property, and provided said mechanical equipment shall not be closer than ten (10) feet to any opening to an indoor living area on an adjacent lot.

C. *Basement or cellar occupancies.* This section shall apply only to residential districts. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed, and in no event shall the basement or cellar be occupied for longer than two (2) years from the time of completion of the basement or cellar.

D. *Temporary buildings.* Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but such temporary buildings shall be removed upon completion or abandonment of the construction work.

E. *Swimming pool.*

1. No swimming pool shall be located closer than two (2) feet to any property line. Any portion of a pool wall constructed with a distance from a property line less than the depth of the pool, may be subject to special structural requirements.

F. *Satellite receiving earth stations.* Satellite receiving earth stations may be located in rear and side yards provided that the installation is screened to the height of the installation from off-property views by means of buildings, solid walls, and/or solid fences. The height of screening shall comply with the requirements of the zoning district. The method of screening for installations below six (6) feet in height shall be approved by the planning staff. Appeals of staff decisions shall be made to the Development Review Board. Installations for a single-family residential use shall be limited to six (6) feet in height measured from grade level. Installations above six (6) feet in height of non-single residential family use shall be approved by the Development Review Board.

G. *Accessory uses.*

1. This section shall apply only to residential districts.

   a. Tennis courts. Tennis courts are a permitted accessory use to a single-family dwelling. Tennis courts, including the enclosure and lighting, may be built on a single-family lot as follows:

      i. Tennis courts shall not be permitted in a required front yard.

      ii. Tennis courts without lighting shall be setback five (5) feet from all side and rear lot lines (measure from the edge of the playing surface).

      iii. Tennis courts with lighting shall be setback twenty (20) feet from all side and rear lot lines (measured from the edge of the playing surface and base of the lighting standard).

      iv. Outdoor lights shall be shielded to comply with Section 7.600 of this Article and shall not be operated between 10:00 p.m. and sunrise.

      v. Tennis courts shall be fenced or otherwise enclosed to prevent tennis balls from landing on adjacent properties. The maximum wall and/or fence height shall comply with the standards of the zoning district for the lot.

      vi. Plans for the construction of a tennis court shall be submitted to the development services manager for a determination of zoning compliance. Tennis court plans shall include setback dimensions from all property lines and the location and height of any walls, fences, or lighting related to the tennis court.

2. This section applies only to dwelling units.

   a. Medical marijuana qualifying patient cardholder may cultivate medical marijuana if:

      (i) Permitted by the Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, as amended.

      (ii) The cultivation takes place in an "enclosed, locked facility" as that term is defined in the Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, as amended.

(iii) The medical marijuana is cultivated by the medical marijuana qualifying patient cardholder only: on the property where the cardholder resides if the cardholder resides in a single-family dwelling or two-family dwelling; or in the dwelling where the cardholder resides if the cardholder resides in an apartment, condominium or other communal living arrangement.

(iv) The medical marijuana is used only by the medical marijuana qualifying patient cardholder who resides in the dwelling unit.

H. *Wireless communications facilities (WCF).* The purpose of the WCF regulations is to encourage and promote wireless communications coverage for all areas of the city while minimizing the visual, environmental, and neighborhood impacts. The preferred WCF locations include locations having the least amount of visual and neighborhood impact. More preferred locations include commercial and industrial areas, and less preferred locations include residential and school areas. The wireless communications service providers shall adhere to all applicable federal regulations, such as the Federal Communications Commission (FCC) and the National Environmental Protection Act (NEPA). Locations may require an environmental assessment.

1. *WCF concealment and screening.* All WCF antennas, mounting hardware, and cabling shall be covered or painted to match the color and texture of the building, tower, or pole on which it is mounted. Equipment cabinets, service panels, and service connections shall be screened by solid walls, landscaping, or berms. Screening shall blend with or enhance the surrounding context in terms of scale, form, texture, materials, and color. WCF shall be concealed as much as possible by blending into the natural and/or physical environment. All gates shall be opaque.

2. *WCF height.* The height of free-standing WCF shall be measured from natural grade to the top of all appurtenances.

3. *WCF setbacks.* The setback of all WCF shall meet the yard development standards and step back requirements of the underlying zoning district, except as otherwise permitted herein.

4. *WCF co-location.* All new monopoles or towers over forty (40) feet in height shall allow for co-location by other wireless communications service providers. The applicant shall demonstrate that the engineering of the monopole or tower and the placement of ground-mounted WCF will accommodate other providers' WCF. The owner of the tower or monopole and the property on which it is located must certify that the monopole or tower is available for use by another wireless communications service provider on a reasonable and non-discriminatory basis.

5. *WCF lighting.* Any exterior lighting for WCF shall be fully shielded, screened by the same screening surrounding the WCF, and located below the height of the screening.

6. *WCF identification.* Each WCF shall be identified by a permanently installed plaque or marker, no larger than four (4) inches by six (6) inches, clearly identifying the wireless communications service provider's name, address, e-mail contact, and emergency phone number.

7. *Temporary WCF.* All temporary WCF shall be limited to being in conjunction with a special event, or be in response to an emergency or disaster as determined by the Zoning Administrator.

8. *WCF Types.* All WCF are classified as Type 1, Type 2, Type 3, or Type 4 (except temporary WCF). WCF Types are in order of preference, with Type 1 being the most preferable with the least number of impacts, and Type 4 being the least preferable with the most number of impacts. Each Type has specific criteria, requirements, processes, and guidelines. WCF user guidelines have been created to provide additional standards and expectations.

   In the event of a conflict, the more restrictive Type shall apply.

   A. *Type 1 WCF.* Type 1 WCF have antennas and equipment cabinets that are fully concealed. Type 1 WCF have an expedited review process and are subject to approval by the Zoning Administrator, subject to Section 1.906.

      1. Type 1 WCF shall not include the following:

A. WCF on lots where the existing or planned primary use is a single-family dwelling;

B. WCF within one hundred fifty (150) feet of a lot where the existing or planned primary use is a single-family dwelling;

C. WCF on school property (K-12); and

D. WCF within the recommended study boundary for the McDowell Sonoran Preserve as approved by city council.

2. Type 1 WCF shall only include the following:

A. The replacement of any existing WCF, if the replacement is smaller and/or more concealed than the original WCF, or there is no obvious visible change from the original WCF.

B. WCF on or within existing buildings, walls, and water tanks subject that antennas and equipment cabinets shall be fully concealed within or behind existing buildings, existing walls, and/or buried completely underground. All wall replacements shall match the existing colors and materials. Antenna and equipment cabinet locations shall comply with the height and yard development standards of the underlying zoning district. All equipment cabinets that are located within the right-of-way or completely underground are exempt from yard development standards.

C. On existing or replaced traffic signal poles, limited only to pre-approved pole designs with all equipment cabinets buried underground.

B. *Type 2 WCF.* All Type 2 WCF shall blend with the surroundings and are subject to approval by the Zoning Administrator, subject to Section 1.906.

1. Type 2 WCF shall not include the following:

A. WCF antennas on lots where the existing or planned primary use is a single-family dwelling;

B. WCF antennas within one hundred fifty (150) feet of a lot where the existing or planned primary use is a single-family dwelling;

C. WCF on school property (K-12); and

D. WCF within the recommended study boundary for the McDowell Sonoran Preserve as approved by city council.

2. Type 2 WCF shall only include the following:

A. WCF on or within buildings, walls, and water tanks subject to the following criteria:

1. Does not include R1 zoned properties with visible changes;

2. Antennas shall be fully concealed or snug-mount;

3. Existing building heights shall not increase by more than fifteen (15) percent, and no increase in height of water tanks;

4. Existing rooftop appurtenances shall not be raised in height more than two (2) feet;

5. New rooftop appurtenances shall comply with Section 7.100, shall be no more than ten (10) percent of the roof area, shall not exceed six-hundred (600) square feet, and shall not exceed six (6) feet in height; and

6. Antenna and equipment cabinet locations shall comply with the height and yard development standards of the underlying zoning district, except as provided in 7.C below.

7. Equipment cabinets:

   A. Shall be located inside buildings, screened behind walls, or buried underground;

   B. Ground-mounted equipment cabinets shall not exceed eight (8) feet in height and one hundred fifty (150) cubic feet (measured above ground); and

   C. All equipment cabinets that are located within the right-of-way or completely underground are exempt from yard development standards.

B. WCF co-located on existing monopoles and towers subject to the following criteria:

1. Monopole or tower shall not increase in height by more than six (6) feet, and shall not exceed eighty (80) feet (including the antenna) in total height;

2. Monopole diameter or tower footprint shall not increase;

3. Antennas shall be limited to snug-mount, canister-mount, and concealed antennas;

4. Canister shall not exceed eighteen (18) inches in diameter;

5. There shall be no more than three (3) separate WCF on each monopole or tower;

6. All cables shall be located inside the monopole or tower; and

7. Equipment cabinets:

   A. Shall be located inside buildings, screened behind walls, or buried underground:

   B. Equipment cabinet locations shall comply with the height and yard development standards of the underlying zoning district, except as provided in E. below.

   C. Equipment cabinets located in ESL right-of-way or ESL scenic corridor shall not exceed four (4) feet tall above natural grade and one hundred fifty (150) cubic feet measured above natural grade. Colors shall match corridor colors and no screenwall is required.

   D. Equipment cabinets located outside of ESL shall not exceed eight (8) feet in height and one hundred fifty (150) cubic feet (measured above ground); and

   E. All equipment cabinets that are located within the right-of-way or completely underground are exempt from yard development standards.

C. WCF located on existing or replaced utility poles and towers, subject to the following criteria:

1. WCF shall not be located on utility poles/towers planned for removal by the city, utility company, or improvement district;

2. Antennas located on twelve-kilovolt (12-KV) utility line poles shall only be located along collector, arterial, or higher classification streets;

3. Pole/tower size, diameter, and height shall be no larger/taller than would normally accommodate the necessary utility, as determined by the utility company;

4. Antennas shall be limited to snug-mount, canister-mount, and concealed antennas;

5. Canister shall not increase the pole height by more than six (6) feet, and shall not exceed eighty (80) feet in height;

6. Canister shall not exceed eighteen (18) inches in diameter;

7. There shall be no more than three (3) separate WCF on each pole or tower;

8. All cables shall be located inside the pole or concealed behind the tower structure; and

9. Equipment cabinets:

   A. Shall be located inside buildings, screened behind walls, or buried underground;

   B. Equipment cabinet locations shall comply with the height and yard development standards of the underlying zoning district, except as provided in E. below;

   C. Equipment cabinets located in ESL right-of-way or ESL scenic corridor shall not be more than four (4) feet tall measured above natural grade and one hundred fifty (150) cubic feet above natural grade. Colors shall match corridor colors and no screenwall is required.

   D. Equipment cabinets located outside ESL right-of-way and ESL scenic corridor shall not exceed eight (8) feet in height and one hundred fifty (150) cubic feet (measured above ground).

   E. All equipment cabinets that are located within the right-of-way or completely underground are exempt from yard development standards.

D. WCF located on existing or replaced sports and field light poles, subject to the following criteria:

1. WCF located in the ESL district and within scenic corridors shall not be type 2;

2. Replacement poles or pole reinforcement shall not exceed the diameter of the existing pole by more than forty (40) percent;

3. Antennas shall be limited to snug-mount, canister-mount, and concealed antennas;

4. Canister shall not increase the pole height by more than six (6) feet, and the pole shall not exceed eighty (80) feet (including the antenna);

5. Canister shall not exceed eighteen (18) inches in diameter;

6. There shall be no more than three (3) separate WCF on each pole;

7. All cables shall be located inside the pole, or match existing condition on nearby poles on same site; and

8. Equipment cabinets:

   A. Shall be located inside buildings, screened behind walls, or buried underground;

B. Shall comply with the height and yard development standards of the underlying zoning district, except as provided in D. below;

C. Shall not exceed eight (8) feet in height and one hundred fifty (150) cubic feet (measured above ground); and

D. All equipment cabinets that are located within the right-of-way or completely underground are exempt from yard development standards.

E. WCF located on traffic signal poles, subject to the following criteria:

1. New traffic signal poles shall be warranted by traffic volumes, as determined by the city;

2. Traffic signal pole diameter shall not exceed fourteen and one-half (14½) inches (city standard);

3. Antennas shall be limited to canister-mount antennas, shall be no more than eighteen (18) inches in diameter, and shall not increase the city standard traffic signal pole height by more than six (6) feet;

4. All cables shall be located inside the pole; and

5. Equipment cabinets:

A. Shall be located inside buildings, screened behind walls, pole mounted, or buried underground;

B. Shall comply with the height and yard development standards of the underlying zoning district, except as provided in E. below;

C. Equipment cabinets located in ESL right-of-way or ESL scenic corridor shall not exceed four (4) feet tall measured above natural grade and one hundred fifty (150) cubic feet above natural grade. Colors shall match approved corridor colors and no screenwall is required.

D. Equipment cabinets located outside ESL right-of-way and ESL scenic corridor shall not exceed eight (8) feet tall and one hundred fifty (150) cubic feet (measured above ground).

E. All equipment cabinets that are located within the right-of-way or completely underground are exempt from yard development standards.

F. WCF located on freeway directional sign poles, subject to the following criteria:

1. Antennas shall be limited to snug-mount, canister-mount, and concealed antennas;

2. Canisters shall not exceed eighteen (18) inches in diameter, and shall not increase the standard sign pole height by more than six (6) feet;

3. All cables shall be located inside the sign pole;

4. Equipment cabinets shall be screened behind walls, pole mounted, or buried underground; and

5. Colors shall match approved corridor colors.

G. WCF monopoles (new or replacement), not including monopoles with a flag, subject to the following criteria:

1. Limited to existing utility substations and limited to one (1) WCF monopole for every twenty thousand (20,000) square feet of substation;

2. Monopole and equipment cabinets shall be located in an existing utility substation enclosure that is fully screened by a solid wall (no WCF monopoles outside substation screen walls);

3. Monopole shall not exceed forty (40) feet in height, including antennas;

4. Monopole shall not exceed a diameter of fourteen (14) inches;

5. Antennas shall be limited to snug-mount, canister-mount, and concealed antennas;

6. Canister shall not exceed eighteen (18) inches in diameter; and

7. Equipment cabinets shall not be visible from outside the wall.

H. WCF equipment cabinets on single-family lots, subject to the following criteria:

1. Limited to equipment cabinets only (no antennas);

2. Lots shall be a minimum size of one (1) acre;

3. Equipment cabinets shall be buried, screened, and/or hidden;

4. Equipment cabinet locations shall comply with the height and yard development standards of the underlying zoning district, except as provided in 6. below;

5. Equipment cabinets with air-conditioning shall be enclosed by walls and setback a minimum of fifteen (15) feet from other lots where the existing or planned primary use is a single-family dwelling; and

6. All equipment cabinets that are located completely underground are exempt from yard development standards.

C. *Type 3 WCF.* All Type 3 WCF shall blend with the surrounding environment and require Development Review Board approval, subject to Section 1.900.

1. Type 3 WCF shall not include the following:

A. WCF antennas on lots where the existing or planned primary use is a single-family dwelling;

B. WCF within the recommended study boundary for the McDowell Sonoran Preserve as approved by city council.

2. Type 3 WCF shall only include the following:

A. WCF on or within buildings, walls, and water tanks, subject to the following criteria.

1. WCF shall be designed to match the structure on which it is mounted;

2. Equipment cabinets:

A. Shall be located inside buildings, screened behind walls, pole mounted, or buried underground;

B. Shall comply with the height and yard development standards of the underlying zoning district, except as provided in C. and D. below;

C. Equipment cabinets with air-conditioning shall be enclosed by walls and setback a minimum of fifteen (15) feet from lots where the existing or planned primary use is a single-family dwelling; and

D. All equipment cabinets that are located within the right-of-way or completely underground are exempt from yard development standards.

B. WCF co-located on existing monopoles and towers subject to the following criteria:

1. Monopole or tower shall not increase in height by more than twelve (12) feet, and shall not exceed eighty (80) feet (including the antenna) in total height;

2. Monopole shall not increase the diameter of the existing monopole by more than sixty percent (60%);

3. Antennas shall not extend more than two (2) feet from the monopole or tower;

4. Limited to three (3) separate WCF on each monopole or tower;

5. All cables shall be located inside the monopole or tower or within an encasement colored to match the monopole and located on a side with the least visual impact;

6. Equipment cabinets:

A. Shall be located inside buildings, screened behind walls, pole mounted, or buried underground;

B. Equipment cabinets located in ESL right-of-way or ESL scenic corridor shall not be more than six (6) feet tall measured above natural grade and one hundred fifty (150) cubic feet above natural grade. Colors shall match corridor colors and no screenwall is required.

C. Equipment cabinets located outside ESL right-of-way and ESL scenic corridor shall comply with the height and yard development standards of the underlying zoning district, except as provided in D. and E. below;

D. Equipment cabinets with air-conditioning shall be enclosed by walls and setback a minimum of fifteen (15) feet from lots where the existing or planned primary use is a single-family dwelling; and

E. All equipment cabinets that are located within the right-of-way or completely underground are exempt from yard development standards.

C. WCF located on existing or replaced utility poles and towers, subject to the following criteria:

1. WCF shall not be located on poles/towers planned for removal by the city, utility company, or improvement district;

2. Antennas located on twelve-kilovolt (12-KV) power line poles shall only be located along collector, arterial, or higher classification streets;

3. There shall be no more than three (3) separate WCF on each pole or tower;

4. Pole/tower size, diameter, and height shall be no larger/taller than would normally accommodate the necessary utility (not to exceed an eight (8) foot height increase);

5. Canister shall not increase the pole height by more than twelve (12) feet, not to exceed eighty (80) feet (including the antenna);

6. Canister shall not exceed eighteen (18) inches in diameter;

7. On poles, antennas shall not extend more than two (2) feet from the pole;

8. On towers, antennas shall not extend more than two (2) feet from the tower or exceed the maximum width of the tower;

9. All cables shall be located inside the pole or within an encasement to hide all cables colored to match the pole/tower and located to a side with the least visual impact;

10. Equipment cabinets:

    A. Shall be located inside buildings, screened behind walls, pole-mounted, or buried underground;

    B. Equipment cabinets located in ESL right-of-way or ESL scenic corridor shall not be more than six (6) feet tall measured above natural grade and one hundred fifty (150) cubic feet above natural grade. Colors shall match approved corridor colors and no screenwall is required.

    C. Equipment cabinets located outside ESL right-of-way and ESL scenic corridor shall comply with the height and yard development standards of the underlying zoning district;

    D. Equipment cabinets with air-conditioning shall be enclosed by walls and setback a minimum of fifteen (15) feet from lots where the existing or planned primary use is a single-family dwelling; and

    E. All equipment cabinets that are located within the right-of-way or completely underground are exempt from yard development standards.

D. WCF located on existing or replaced sports and field light poles, subject to the following criteria:

1. There shall be no more than three (3) separate WCF on each pole;

2. Pole shall not exceed the diameter of the existing pole by sixty percent (60%);

3. Canister shall not increase the pole height by more than twelve (12) feet, not to exceed eighty (80) feet (including the antenna);

4. Canister shall not exceed eighteen (18) inches in diameter;

5. Antennas shall not extend more than two (2) feet from the pole;

6. All cables shall be located inside the pole or within an encasement to hide all cables colored to match the pole and oriented to a side with the least visual impact;

7. Equipment cabinets:

    A. Shall be located inside buildings, screened behind walls, pole mounted, or buried underground;

    B. Equipment cabinet locations shall comply with the height and yard development standards of the underlying zoning district;

    C. Equipment cabinets with air-conditioning shall be enclosed by walls and setback a minimum of fifteen (15) feet from lots where the existing or planned primary use is a single-family dwelling; and

    D. All equipment cabinets that are located within the right-of-way or completely underground are exempt from yard development standards.

E. WCF located on traffic signal poles, subject to the following criteria:

1. New signal poles shall be warranted by traffic volumes, as determined by the city;

2. Traffic signal poles and WCF shall be no more than eighteen (18) inches in diameter and shall not increase the city standard signal pole height by more than six (6) feet;

3. Antennas shall be limited to snug-mount, canister-mount, and concealed antennas;

4. All cables shall be located inside the pole or within an encasement to hide all cables colored to match the pole and oriented to a side with the least visual impact;

5. Equipment cabinets:

   A. Shall be located inside buildings, screened behind walls, pole-mounted, or buried underground;

   B. Equipment cabinets located in ESL right-of-way or ESL scenic corridor shall not be more than six (6) feet tall measured above natural grade and one hundred fifty (150) cubic feet above natural grade. Colors shall match corridor colors and no screenwall is required.

   C. Equipment cabinets located outside ESL right-of-way and ESL scenic corridor shall comply with the height and yard development standards of the underlying zoning district;

   D. Equipment cabinets with air-conditioning shall be enclosed by walls and setback a minimum of fifteen (15) feet from lots where the existing or planned primary use is a single-family dwelling; and

   E. All equipment cabinets that are located within the right-of-way or completely underground are exempt from yard development standards.

F. WCF located on existing or replaced street light poles, parking lot light poles, and street sign poles, subject to the following criteria:

1. The replacement pole and WCF shall not increase the diameter of the existing pole by more than sixty (60) percent, not to exceed eighteen (18) inches total, or increase the height of the existing pole by more than six (6) feet;

2. Antennas shall be limited to snug-mount, canister-mount, and concealed antennas;

3. All cables shall be located inside the pole or within an encasement to hide all cables colored to match the pole and oriented to a side with the least visual impact;

4. Equipment cabinets:

   A. Shall be located inside buildings, screened behind walls, pole mounted, or buried underground;

   B. Equipment cabinet locations shall comply with the height and yard development standards of the underlying zoning district;

   C. Equipment cabinets with air-conditioning shall be enclosed by walls and setback a minimum of fifteen (15) feet from lots where the existing or planned primary use is a single-family dwelling; and

   D. All equipment cabinets that are located within the right-of-way or completely underground are exempt from yard development standards.

G. WCF located on freeway directional sign poles, subject to the following criteria:

1. Antennas shall be limited to snug-mount, canister-mount, and concealed antennas
2. Canisters shall be no more than eighteen (18) inches in diameter, and shall not increase the standard sign pole height by more than six (6) feet;
3. All cables shall be located inside the pole or encased in a sheath to match pole;
4. Equipment cabinets shall be screened behind walls, pole mounted, or buried underground; and
5. Colors shall match corridor colors.

H. Alternative concealment WCF, subject to the following criteria:

1. WCF shall comply with the height requirements of the underlying zoning district;
2. Equipment cabinets shall be concealed within the structure, fully screened, or buried underground;
3. Equipment cabinet locations shall comply with the height and yard development standards of the underlying zoning district;
4. Equipment cabinets with air-conditioning shall be enclosed by walls and setback a minimum of fifteen (15) feet from lots where the existing or planned primary use is a single-family dwelling; and
5. All equipment cabinets that are located within the right-of-way or completely underground are exempt from yard development standards.

D. *Type 4 WCF.* Type 4 WCF are the least preferred and generally have the most impact on their surrounding environments. All Type 4 WCF shall require a conditional use permit and are subject to Development Review Board approval (subject to Zoning Ordinance article 1).

1. Type 4 WCF include:

A. The following WCF are classified as Type 4 if they do not meet the criteria to be classified as Type 1, 2, or Type 3:

1. WCF located on or within buildings, walls, and water tanks;
2. WCF co-located on existing communication monopoles and towers;
3. WCF located on existing or replaced utility poles and towers;
4. WCF located on existing or replaced sports and field light poles;
5. WCF located on existing or replaced street light poles, parking light poles, and street sign poles;
6. WCF located on existing or replaced traffic signal poles; and
7. Alternative concealment WCF.

B. WCF concealed within flagpoles (monopoles with a flag).

C. WCF, including both antennas and equipment cabinets, located on lots where the existing primary use is a single-family dwelling and where the lot size is a minimum of five (5) acres. These WCF shall meet the height and yard development standards of the underlying zoning district, and shall be architecturally integrated into an existing building. No WCF shall be allowed on structures needing additional height allowed in Section 7.100 unless the additional height was built prior to the effective date of this ordinance provision.

D. WCF located within the recommended study boundary for the McDowell Sonoran preserve as approved by City Council, except new monopoles or towers.

E. The fourth or more separate WCF co-located on any one tower or pole.

F. WCF located on utility poles/towers that are planned for removal by the city, utility company, or improvement district.

G. Communication (WCF) monopoles or towers (new or replacement), not including monopoles with a flag, subject to the following:

1. Monopoles or towers on any school property (K—12):

A. Antenna heights shall not exceed eight (8) feet, not to exceed eighty (80) feet in total height (including the antenna).

2. Monopoles or towers in the I-1, C-4, and S-S districts:

A. Height shall not exceed eighty (80) feet including all antennas;

B. Shall be separated from the nearest monopole or tower a minimum distance of one-quarter (¼) mile; and

C. WCF which are located within two hundred (200) feet of a designated arterial or collector street, or within three hundred (300) feet of a R1 zoned property, shall have front and side yard setbacks a minimum of two (2) feet for every one (1) foot in height.

3. Monopoles or towers in the C-S, C-2, C-3, P.N.C., P.C.C., P.R.C., C-O, PCP, and W-P districts:

A. Height shall not exceed forty (40) feet including all antennas. Monopoles up to fifty (50) feet in height will be allowed in these districts if two (2) providers locate WCF on the pole at the time of final plans approval.

B. Any new monopole or tower shall be separated from the nearest monopole or tower a minimum distance of one-quarter (¼) mile.

4. Additional setbacks for monopoles and towers.

A. Monopoles or towers shall have a setback from the nearest edge of a scenic corridor, vista corridor or any land zoned open space (O-S), conservation open space (COS), hillside conservation (HC) or conservation area a minimum of three (3) feet for every one (1) foot in height.

B. Monopoles or towers shall have a minimum setback from any ESLO special feature of three hundred (300) feet.

C. Monopoles or towers shall have a setback from lots where the existing or planned primary use is a single-family dwelling a minimum of three (3) feet for every one (1) foot of height.

H. Type 4 equipment cabinets. Equipment cabinets for all type 4 WCF shall be located inside buildings/structures, screened behind walls, pole mounted, or buried underground. All equipment cabinets that are located within the right-of-way or completely underground are exempt from these setback requirements. However, all equipment cabinets with air-conditioning shall be enclosed and setback a minimum of fifteen (15) feet from other lots where the existing or planned primary use is a single-family dwelling.

9. *WCF submittal requirements.* Applicants proposing WCF (Types 1, 2, 3, or 4) shall submit the following:

A. All WCF:

1. A written report verifying that, at its maximum load, including cumulative effects of multiple facilities, the WCF meets or exceeds the Federal Communication Commission's radio frequency safety standards. Submission of this report is required before communication operations can begin, before any extension periods are granted, and before the city's acceptance of any improvements or upgrades to the WCF;
2. A map of the service area for the WCF;
3. A map that shows other existing or planned WCF that will be used by the WCF provider who is making the application. Describe the height, mounting style, and number of antennas on each WCF;
4. Photo documentation of existing conditions;
5. A photo simulation (except for type 1 WCF);
6. A concealment and screening plan showing the WCF blending with the existing environment;
7. Written description of efforts to minimize the visual impact of the antennas and equipment cabinets;
8. A site line representation drawing;
9. Community notification documentation, including the names and dates (notification shall be a minimum fifteen (15) days prior to application submittal); and
10. Written description of conformance with applicable design guidelines and use permit criteria.

B. New towers and monopoles (including monopoles with flags):

1. A map that shows any WCF monopoles or towers, and monopoles with flags, within a mile radius of the project that are existing or are currently under construction;
2. Written description of any efforts to co-locate the proposed WCF on another site or building. Include a map of the sites and provide engineering information or letters from the owners of the site describing why co-location is not a possibility;
3. A map that shows other potential stand-alone locations for the proposed WCF that have been explored. Describe why the proposed location is superior to other potential locations. Factors to consider in the community perspective shall include: costs, visual aspects, setbacks, and proximity to single family residences;
4. Written description of efforts to blend the WCF with the surrounding area, including the process for arriving at the color and materials for the proposed monopole or tower;
5. Written description of efforts to minimize the diameter of the monopole and the mass of the tower supporting the proposed WCF. Provide engineering/structural information related to these efforts; and
6. Written description of all equipment that will be ancillary to the antennas, such as whip and dish antennas. Describe the function of this ancillary equipment and the need to locate it on this WCF.

C. Properties within the environmentally sensitive lands (ESL) district:

1. Photo simulations taken from the closest streets and single family residences surrounding the proposed site;
2. Color samples and their light reflective values; and

3. Written analysis describing the most effective way to screen or blend the new WCF with the surrounding environment.

D. All WCF located on school properties (K—12) shall provide a letter demonstrating that the parents of the students and the surrounding neighbors were properly noticed of the proposed WCF (letters sent out, dates and times of public meetings, list of attendees, and minutes of meeting).

The Zoning Administrator may require additional information or may waive submittal requirements determined unnecessary for appropriate review of the project.

10. *Community notification.* For all WCF applications, the applicant shall provide written notice to residences, businesses, schools, and public facilities within seven hundred fifty (750) feet of the proposed WCF. All notices shall include a request that the recipient post and distribute the notice to all tenants, employees, and students.

11. *Continued monitoring.* Every three (3) years, each wireless communications service provider shall submit to the city a written report verifying that, at its maximum load, including cumulative effects of multiple facilities, each WCF was tested and certified to meet or exceed the Federal Communication Commission's radio frequency safety standards. The three (3) years shall be from the most recent approval of the respective WCF or from the effective date of this ordinance, whichever is earlier, and every three (3) years thereafter.

12. *Third party review.* The Zoning Administrator may require a third party review of the technical data submitted by the provider, to be paid for by the applicant. Selection of the third party expert may be by mutual agreement among the applicant and interested parties or at the discretion of the city, with a provision for the applicant and interested parties to comment on the proposed expert(s) and to review qualifications.

The expert review is intended to be a site-specific review of technical aspects of the wireless communications service WCF and not a subjective review of the site selection. Such a review shall address the accuracy and completeness of the technical data, whether the analysis techniques and methodologies are legitimate, the validity of the conclusions and any specific technical issues outlined by the City Council, Planning Commission, the Zoning Administrator, or interested parties.

The expert review of technical submission shall address the following:

A. The accuracy and completeness of submissions;

B. The applicability of analysis techniques and methodologies;

C. The validity of conclusions reached; and

D. Any specific technical issues designated by the city council or planning commission.

13. *Abandonment.* WCF which are not in use for six (6) or more months shall be removed by the wireless communications service provider or the property owner. This removal shall occur within ninety (90) days of the end of such six-month period. Upon removal, the site shall be revegetated to blend with the surrounding vegetation.

I. *Designated parking in front yards.* This section shall apply only to single-family detached homes in residential districts.

1. The total aggregate parking and/or driveway area shall be the lesser of thirty-five (35) percent of the front yard area or thirty (30) linear feet of the lot frontage.

2. No vehicle shall be occupied for permanent living purposes while stored at a residence.

3. Any vehicle parked in a front yard must be parked:

a. At least one (1) foot from any existing sidewalk that runs parallel to a public or private street;

b. At least three (3) feet from the street curb if there is no sidewalk along the street frontage; and

c. At least one (1) foot from the side lot line located within the front yard area.

4. General standards for designated parking areas:

a. All areas designated as parking or driveway shall be completely covered by (1) concrete, asphalt, cement or sealed aggregate pavement; (2) three (3) inches deep crushed rock completely contained in a permanent border; or (3) another stabilization material approved by Maricopa County.

b. All areas designated as parking or driveway shall be completely contained within a permanent border.

c. Dust free surface does not include areas of grass, lawn, compacted or hard packed dirt.

5. The provisions of this subsection I, shall apply to the parking of all vehicles and shall take precedence over the nonconforming use provisions of Article I.

(Ord. No. 1839, § 1, 10-15-85; Ord. No. 2020, § 1, 4-19-88; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2431, § 1, 1-21-92; Ord. No. 2470, § 1, 6-16-92; Ord. No. 2557, § 1, 5-4-93; Ord. No. 2509, § 1, 6-1-93; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3365, § 1, 12-11-01; Ord. No. 3484, § 1, 1-14-03; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3774, § 1, 3-18-08; Ord. No. 3853, § 2, 10-5-10; Ord. No. 3899, § 1(Res. No. 8342, Exh. A, § 17), 8-30-10; Ord. No. 3920, § 1(Exh. § 91), 11-9-10; Ord. No. 3923, § 1(Exh. § 7), 1-25-11; Ord. No. 3982, § 1(Res. No. 8902, Exh. A, § 7), 1-10-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 205), 5-6-14; Ord. No. 4265, § 1, 6-21-16)

Sec. 7.201. - Adjustment of front yard requirements.

The front yards heretofore established shall be adjusted in the following cases:

A. Where the forty (40) percent or more of the frontage on one (1) side of a street between two (2) intersecting streets is developed with buildings that have observed (with a variation of five (5) feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.

B. Where forty (40) percent or more of the frontage on one (1) side of a street between two (2) intersecting streets is developed with buildings that have not observed a front yard as described above, then:

1. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two (2) closest front corners of the adjacent buildings on the two (2) sides, or,

2. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one (1) side only, such building may be erected as close to the street as the existing adjacent building.

C. Any building hereafter erected in any commercial or industrial zone shall have minimum setbacks from the front lot line and the side lot as follows:

1. If the front lot line and/or the side lot line is immediately adjacent to either Scottsdale Road, Indian School Road or McDowell Road, the front setback and/or the side setback shall not be less than sixty-five (65) feet from the centerline of the right-of-way of either such said streets.

2. If the front lot line and/or side lot line is immediately adjacent to any other street other than Scottsdale Road, Indian School Road or McDowell Road, the front setback and/or side

setback shall be not less than forty (40) feet from the centerline of the right-of-way of any such said street.

Sec. 7.202. - Credit for area in dedicated right-of-way.

A. In any R-3, R-4, R-4R, R-5, S-R district, credit may be given in determining density and/or floor area ratio where required for one-half of all abutting dedicated streets, alleys, road easements, and/or alley easements.

B. Such credit shall not extend beyond the centerline of an existing dedication or easement as indicated above, or in the case of a partial existing dedication or easement, the credit shall not extend beyond what would be the centerline if full dedication or easement existed.

C. In the case of any question as to the location of said centerline, the Manager of Transportation shall make the final determination.

(Ord. No. 3920, § 1(Exh. § 92), 11-9-10)

Sec. 7.203. - Vacation rentals or Short-term rentals.

Any legally authorized vacation rental or short-term rental is subject to the following:

1. The owner of a vacation rental shall provide to the City of Scottsdale the name and contact information of a person designated as an emergency contact.
2. The vacation rental must at all times comply with all federal, state, and local laws, rules and regulations related to public health, safety, sanitation, solid waste, hazardous waste, traffic control, pollution control, noise, property maintenance, and nuisance abatement. The owner of the vacation rental shall be deemed responsible for any violation of such laws, rules, and regulations occurring on the vacation rental property.
3. No vacation rental may be used for the purpose of any of the following:
    a. Any commercial, industrial, manufacturing, or other non-residential purpose,
    b. Operating a retail business, restaurant, event or banquet center,
    c. Housing sex offenders,
    d. Operating or maintaining a structured sober living home,
    e. Selling controlled substances or pornography,
    f. Operating any adult-oriented business.

(Ord. No. 4288, § 1(Res. No. 10650, § 1, Exh. A), 11-14-16)

Sec. 7.300. - Effect or Establishment of Zoning Districts.

No building or land shall be devoted to any use other than a use permitted in the zoning district in which such building or land shall be located, with the exception of the following:

A. Uses lawfully established as of the effective date of this comprehensive amendment.

B. Conditional uses when allowed by permit in accordance with the zoning district in which such building or land shall be located.

C. Analogous uses.

D. Accessory uses customarily incidental to the permitted uses.

Sec. 7.400. - Abandoned or Junk Vehicles.

A. All abandoned or junk vehicles, or vehicles while being repaired or restored, shall be stored in an enclosed area by the owner or occupant of the property upon which such vehicle is located, in such a manner as to not be visible from any point lying without the property upon which abandoned or junk vehicle is stored or parked.

B. For the purposes of this section:

1. Abandoned or junk vehicle means a vehicle or any major portion thereof which is incapable of movement under its own power and will remain so without major repair or reconstruction.

2. Major repair means the removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block, or oil pan.

3. For the purposes of this Section 7.400, the term "vehicle" means any self-propelled device in, upon, or by which any person or property is or may be transported upon a public highway, except devices that are propelled by human power or vehicles that travel exclusively upon stationary rails or tracks.

(Ord. No. 3980, § 1(Res. 8895, § 1, Exh. A, § 41), 12-6-11)

Sec. 7.500. - Native Plant Materials.[12]

Purpose. These regulations are intended to establish procedures that insure the preservation of indigenous plant materials as specified below. These specified materials are found to enhance the City's physical and aesthetic character, contribute to the preservation of the fragile desert environment by preventing erosion and providing wildlife habitat, increase valuation of real property, and provide scenic opportunities unique to this region. Preservation of these specified plant materials is found to be a part of the General Plan and is found to be in the furtherance of the public health, safety and welfare.

This section shall establish a procedure for the review and approval of native plant programs in conjunction with the native plant permit process established in Chapter 46, Article V, of the Scottsdale Revised Code. The provisions of this section shall supplement the applicable provisions of the Scottsdale Revised Code, and shall not be construed as replacing, modifying, or invalidating those provisions.

(Ord. No. 2262, § 1, 8-15-89; Ord. No. 3920, § 1(Exh. § 93), 11-9-10)

Footnotes:

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Editor's note— Section 1 of Ord. No. 2262, adopted Aug. 15, 1989, amended § 7.500 to read as set out herein. Formerly, § 7.500 contained §§ 7.501—7.508, which pertained to indigenous plant materials and derived from Ord. No. 455, adopted June 17, 1969.

Cross reference— Native plant protection, § 46-105 et seq.

Sec. 7.501. - Findings.

The City of Scottsdale has determined that:

(1) Native vegetation within the City of Scottsdale is a unique natural resource which promotes tourism and contributes to the economic and aesthetic well-being of the community.

(2) Native vegetation, as an integral part of the Sonoran Desert, contributes to the high property values, high quality of life, and unique lifestyle which the community enjoys.

(3) Native vegetation is important in stabilizing desert soils and providing food and protection for many types of desert wildlife.

(4) Native vegetation is more drought tolerant, requires less maintenance, and uses less water than other types of landscaping materials.

(5) Native vegetation is a slow-growing type of plant material that cannot always be successfully relocated. Certain specimen plants, because of their form, age or location, cannot be replaced by a plant of like character.

(Ord. No. 2262, § 1, 8-15-89)

Sec. 7.502. - Native plant program; contents.

The native plant program is a plan which specifies the proposed treatment of protected native plants which are being disturbed during the development process. The Zoning Administrator shall review native plant programs presented as part of the native plant permit application and may approve, conditionally approve, or deny an application based upon compliance with and in consideration of the criteria contained herein.

(Ord. No. 2262, § 1, 8-15-89; Ord. No. 3920, § 1(Exh. § 94), 11-9-10)

Sec. 7.503. - Criteria.

Protected native plants shall not be destroyed, mutilated, or removed from the premises, or relocated on the premises except in accordance with an approved native plant program required in conjunction with the issuance of a native plant permit. No native plant program shall be approved until it has been demonstrated that the following criteria have been met:

(1) The density/intensity of development for the approved land use shall be an important element in the determination of the base requirements for plant retention and salvage. The proposed relocation program shall provide reasonable plant salvage, protection, and storage and shall insure consistency with existing neighborhood character.

(2) The site plan shall be designed to protect and incorporate significant on-site natural amenities (i.e. aesthetic, unique, historic, etc.) and minimize the number of salvageable plants which need to be removed to allow reasonable construction on the site. These relationships shall promote and enhance the character of the native environment rather than contrast or domesticate it.

(3) A vegetation inventory and analysis shall provide a clear, comprehensive overview and listing of plant materials, their condition and physical relationships on-site so as to aid the site planning and determination of plant salvageability.

(5) A conceptual analysis and design of the site revegetation and/or landscaping shall insure that the character of the project be consistent with the natural density, distribution, and maturity of vegetation on adjacent properties.

(6) The native plant program shall include a relocation program for excess salvageable plants.

(Ord. No. 2262, § 1, 8-15-89; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 206), 5-6-14)

Sec. 7.504. - Submittals required.

A native plant program shall consist of the following information. Additional information may also be required in order to insure that the purpose of this section is fulfilled.

A. Native plant inventory, containing:

1. Aerial photograph and/or site plan overlay at a minimum scale of 1″=100′ showing the location of all protected native plants within the proposed construction boundaries and within fifty (50) feet of the construction limits.

2. List of the number, species, size, general condition, and salvage status of all protected native plants within the proposed construction boundaries.

B. Native plant relocation methodology, containing the proposed location of all protected native plants to be relocated within the proposed construction boundaries.

C. Nursery site location where plant material is to be stored during construction.

(Ord. No. 2262, § 1, 8-15-89; Ord. No. 3920, § 1(Exh. § 95), 11-9-10)

Sec. 7.505. - Compliance.

A. Failure to comply with the requirements of the approved native plant program shall cause immediate suspension of all inspection activity. Inspection shall not resume until a sum of money is paid to the city for the purpose of replacing and maintaining protected native plant materials as required in the approved native plant program.

B. The Development Review Board shall determine the sum of money to be paid to the city from the following schedule:

1. *Protected native trees:* Three hundred dollars ($300.00) per caliper inch (measured one (1) foot above ground level).

2. *Protected native cacti:* Two hundred dollars ($200.00) per foot.

3. *Maximum per plant:* Ten thousand dollars ($10,000.00).

a. Determination of the sum of money to be paid to the city pursuant to this section shall be based upon the type, size, density, distribution, and condition of plant materials that existed on the property prior to the violation, or upon inspection of the remains of destroyed plant materials or other physical evidence as may be available. Appeal of a decision of the Development Review Board regarding this determination may be made to City Council in accordance with the rules and procedures established in Article I.

C. The sum of money required by this subsection shall be used to replace removed or damaged plant materials whose retention was required by this subsection and to maintain replacement plant materials for a period of three (3) years. Additionally, fifteen (15) percent of the total amount payable shall be kept by the city as payment for the enforcement of these regulations and administration of the agreement specified in Section 7.505(4).

D. Prior to issuance of any permits for construction on or development of the property on which the violation occurred, the property owner shall enter into an agreement with a landscape installation and maintenance service and the city to ensure replacement and three (3) years' maintenance of the replacement plant materials, to provide disbursement of the sum of money for the purposes of replacement and to pay administrative costs. The sum of money paid to the city in excess of the amounts specified in the agreement shall be refunded.

(Ord. No. 2262, § 1, 8-15-89; Ord. No. 3225, § 1, 5-4-99; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 207), 5-6-14)

Sec. 7.506. - Appeals.

Decisions made in administering the native plant program are minor applications that may be appealed in writing to the Development Review Board. The approval, with or without conditions, or denial by the Development Review Board of an application shall be final unless within twenty (20) days from the

date of the board's decision the property owner files an appeal in writing to the City Council. Such appeal shall be made to the City Clerk and shall indicate where the board was in error. The City Clerk shall schedule the appeal for a City Council agenda, and the City Council at its meeting shall uphold, modify, or overrule the decision of the board. The decision of the City Council shall be final.

(Ord. No. 2262, § 1, 8-15-89; Ord. No. 3920, § 1(Exh. § 96), 11-9-10; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 208), 5-6-14)

Sec. 7.600. - Outdoor Lighting.

Purpose. These regulations are intended to establish procedures and standards that minimize light pollution, reduce glare, increase energy conservation, and maintain the quality of Scottsdale's physical and aesthetic character. These regulations further implement the General Plan and are found to be in the furtherance of the public health, safety, and welfare. They are also intended to aid in the control of lighting which detrimentally affects astronomical observation.

(Ord. No. 3920, § 1(Exh. § 97), 11-9-10; Ord. No. 4163, § 1(3), 8-25-14)

Sec. 7.601. - Applicability and approval.

A. These regulations shall apply to all outdoor lighting, except lighting installed before July 5, 1983.

B. All outdoor lighting is subject to Development Review Board (DRB) approval, except lighting located on the exterior of a detached single family dwelling and its accessory building(s).

(Ord. No. 4163, § 1(3), 8-25-14)

Sec. 7.602. - Standards.

A. Outdoor lighting, except searchlights and sign lighting, shall meet the standards of Tables 7.602.A.1. and A.2.

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Table 7.602.A.1. Lighting Standards

Standard	Recreation, except recreation fields	Recreation fields [1]	Other outdoor lighting	Additional Regulations
Height [2]	20 feet	DRB review	DRB review	Educational service; Environmentally Sensitive Lands ESL District; Foothills Overlay F-O District; Place of Worship; Private school; Tennis club with Conditional Use Permit
Lens	Required	Not required	Required	None

Shield	Required	Required	See Table 7.602.A.2.	Foothills Overlay F-O District
Direct Light Source Down	Required	Required	See Table 7.602.A.2.	Environmentally Sensitive Lands ESL District; Foothills Overlay F-O District
Full Cutoff	Required	Not Required	See Table 7.602.A.2.	Foothills Overlay F-O District
Light Trespass [3]	Note 4a, 4b	DRB	Note 4b, 4c	None
Hours of Operation	Note 5	Note 5	DRB Review Note 6	Foothills Overlay F-O District; Place of Worship; Private school; Tennis court (Article VII)

Notes:

1. Recreation fields include, as examples: amphitheaters, baseball, driving ranges, football, softball, soccer, and volleyball.
2. Light height shall be measured from the bottom of the luminaire to the finished grade directly below.
3. Light trespass is measured at the property line at a point six feet above the finished grade, with the light meter facing the interior of the property on which the light source is placed.
4. Maximum light trespass:
    a. Non-residential or multiple-family use adjacent to or abutting single-family residential use, maximum: 0.3 foot candles.
    b. Single-family residential use adjacent to or abutting single-family residential use, maximum: 0.1 foot candles.
    c. Non-residential or multiple-family use adjacent to or abutting single-family use, maximum: subject to DRB approval.
5. Any light fixture with output equal to or greater than 2,600 initial lumens shall not be operated between 11:00 p.m. and 6:00 a.m.
6. Single-family residential use adjacent to or abutting single-family residential use: any light fixture with output equal to or greater than 2,600 initial lumens shall not be operated between 11:00 p.m. and 6:00 a.m., except security lighting may be operated for a period of not more than 15 minutes.

Table 7.602.A.2. Additional Standards for Other Outdoor Lighting

Total Initial Lumens of All Light Sources Within a Luminaire	Lighting Shield	Direct Downward	Full Cutoff
1600 or less	Yes [1], No	Yes [1], No [2]	No
Over 1600 to 3050	Yes	Yes [1], No [2, 3]	No
Over 3050	Yes	Yes	Yes

Notes:

1. Applies only to single-family residential districts.
2. All lighting mounted eight (8) feet or higher shall be directed downward.
3. Wherever practicable, lighting which is directed upward should be located on the west or east sides of the object being lit.

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B. *Searchlights.*

1. During the months of May through October, searchlights shall be operated only between the hours of 6:00 a.m. and 11:00 p.m.;
2. During the months of November through April, searchlights shall be operated only between the hours of 7:00 a.m. and 10:00 p.m.; and
3. Searchlights shall not be operated in any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. However, search lights are allowed for grand openings of new developments in any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

C. *Sign lighting.* The provisions of Article VIII shall apply.

(Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 17), 11-19-13; Ord. No. 4163, § 1(3), 8-25-14)

Sec. 7.603. - Nonstandard lighting.

Any lighting which does not meet the standards of this Zoning Ordinance shall require a use permit.

(Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 210), 5-6-14; Ord. No. 4163, § 1(3), 8-25-14)

Editor's note— Ord. No. 4163, § 1(3), adopted Aug. 25, 2014, repealed § 7.603 and renumbered the former § 7.604 as § 7.603 as set out herein. The historical notation has been retained with the amended provisions for reference purposes. The former § 7.603 pertained to submittals required and derived from Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 209), adopted May 6, 2014.

Sec. 7.700. - Temporary/Security Fencing.

Sec. 7.701. - Purpose.

These regulations are intended to establish procedures and standards regarding the use of temporary/security fencing on sites with construction activity, on sites with occupied buildings, on undisturbed land, on revegetated areas, around vacant buildings, on vacant sites, and for a special event.

(Ord. No. 3724, § 2(Exh. 2), 3-6-07; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 195), 4-3-12)

Sec. 7.702. - Exceptions.

A. Unless otherwise required by the Zoning Administrator, or the city's adopted building codes (building code), temporary/security fencing is not required for:

1. Exterior improvements that will be completed in three (3) weeks from the date of the permit issuance.
2. Demolition work that will be completed within one (1) week from the date of the permit issuance.
3. Emergency repairs necessary to protect the public health, safety, or welfare.
4. Construction activities that occur within an existing, completely enclosed, opaque fence or wall that will not be disturbed due to the construction activity.
5. Landscape improvements and landscape maintenance.
6. Plant removal and/or salvage.
7. Interior building construction activities.
8. Exterior painting.
9. Exterior cosmetic material finish repairs and routine maintenance.
10. Street and infrastructure improvements unless required in accordance with Section 7.705.E.
11. New building construction and/or renovations, including the site improvements if applicable, with a total area less than five thousand (5,000) square feet.

(Ord. No. 3724, § 2(Exh. 2), 3-6-07; Ord. No. 3920, § 1(Exh. § 98), 11-9-10)

Sec. 7.703. - Requirements for temporary/security fencing and permits.

A. The installation/erection of a temporary/security fence requires a building permit issued by the City. However, no building permit is required for a temporary/security fence on vacant sites or for an approved special event permit, unless required by the building code.

B. No construction on a site or in the public right-of-way that requires a temporary/security fence shall begin before the temporary/security fence is in place and approved by the Building Official. Except as specified in Section 7.702, the property owner shall provide a temporary/security fence in the following circumstances:

1. When construction and/or demolition occurs on any site visible from a public or private street, except for one (1) single-family dwelling and its associated site improvements;
2. When required in accordance with the building code; and/or
3. When mass grading occurs within three hundred (300) feet of a public or private street.

C. Temporary/security fencing within the right-of-way or roadway easement shall require a separate encroachment permit issued by the City.

D. A temporary/security fencing permit shall not be issued for more than ninety (90) days, unless the permit for the temporary/security fencing is associated with an active building permit as determined by the Building Official. The Building Official may authorize and/or require an extension of the temporary/security fencing permit if an active building permit has expired, and/or if a construction site is abandoned and/or is determined detrimental to the public health, safety, or welfare.

(Ord. No. 3724, § 2(Exh. 2), 3-6-07; Ord. No. 3920, § 1(Exh. §§ 99, 100), 11-9-10; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 211, 212), 5-6-14)

Sec. 7.704. - Removal of temporary/security fencing.

A. Temporary/security fencing associated with an active building permit may not be removed until approved by the Building Official. The property owner shall immediately remove the temporary/security fencing upon the approval of the Building Official.

1. Sites that contain multiple buildings shall maintain the temporary/security fencing around the portion of the site and buildings under construction as determined by the Building Official.

B. Temporary/security fencing associated with an exterior demolition permit shall not be removed until approved by the Building Official. The property owner shall immediately remove the temporary/security fencing upon the approval of the Building Official.

(Ord. No. 3724, § 2(Exh. 2), 3-6-07; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 213), 5-6-14)

Sec. 7.705. - Prohibited locations and enclosure.

A. Temporary/security fencing is prohibited around a vacant building and/or vacant site that does not have an active building permit for exterior improvements, or is not in compliance with the temporary/security fencing design requirements, unless the city's Building Official has deemed the building and/or site is uninhabitable, or detrimental to the public health, safety, or welfare in accordance with the Scottsdale Revised Code and has ordered the vacant building and/or vacant site to be secured as approved by the Building Official.

B. Unless approved by the Zoning Administrator, temporary/security fencing is prohibited in the following:

1. Natural Area Open Space(NAOS), Scenic Corridors, Buffered Setbacks, Desert Scenic Roadways Setbacks;

2. On undisturbed land;

3. On revegetated areas; and

4. Between a street and the NAOS, Scenic Corridors, Buffered Setbacks, Desert Scenic Roadways Setbacks, undisturbed land, or revegetated areas.

C. Occupied buildings not associated with a building permit or a special event permit shall not be enclosed with temporary/security fencing.

1. Temporary/security fencing associated with a building permit for exterior improvements of an occupied building or a special event permit that includes an occupied building shall not be installed in a manner to prohibit the safe and continued operation of the building in accordance with the building code. Required exits, existing structural elements, fire protection devices, and sanitary safeguards shall be maintained at all times in accordance with the building code.

D. Temporary/security fencing shall not be installed that results in a diversion of water onto a separately owned parcel, tract, right-of-way, right-of-way easement, roadway easement, and/or private street.

E. Existing streets, public transportation stops, fire hydrants, and/or public sidewalks shall not be enclosed by temporary/security fencing unless the Building Official determines that the facilities are required to be fenced to protect the public health, safety, or welfare.

(Ord. No. 3724, § 2(Exh. 2), 3-6-07; Ord. No. 3920, § 1(Exh. § 101), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 196), 4-3-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 214, 215), 5-6-14)

Sec. 7.706. - Signage and identification on temporary/security fencing.

A. Individual single-family dwellings and/or associated improvements shall not contain signs attached to the temporary/security fencing.

B. Temporary signs allowed in Article VIII may be attached to temporary/security fencing.

C. Emergency access identification, traffic control identification, access identification, safety identification, and other identification as required by the Occupational Safety and Health Administration and/or the building code shall be provided on the temporary/security fencing in accordance with the temporary/security fencing design requirements.

(Ord. No. 3724, § 2(Exh. 2), 3-6-07; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 18), 11-19-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 216), 5-6-14; Ord. No. 4300, § 1(Res. No. 10727, § 1(Exh. A, § 1), 5-23-17)

Sec. 7.707. - Temporary/security fencing design requirements.

A. All temporary/security fencing for construction sites shall include screening, emergency identification and safety identification that complies with the city's Design Standards & Policies Manual.

B. Temporary/security fencing that is electively provided on vacant sites and/or around vacant buildings shall comply with the city's Design Standards & Policies Manual.

C. Temporary/security fencing for an approved special event permit shall comply with the city's Design Standards & Policies Manual.

D. Temporary/security fencing shall not include barbed wire, razor wire, razor ribbon, concertina wire, or similar features.

(Ord. No. 3724, § 2(Exh. 2), 3-6-07)

Sec. 7.708. - Maintenance requirements.

A. Required temporary/security fencing and electively provided temporary/security fencing shall be built and maintained in good order in accordance with the building code.

B. Screening attached to temporary/security fencing shall be kept in neat and undamaged condition.

(Ord. No. 3724, § 2(Exh. 2), 3-6-07)

Sec. 7.800. - Master Plan Submittals.

(Ord. No. 4048, § 1(Res. No. 9223, § 1(Exh. A, § 16), 11-14-12)

Sec. 7.810. - Purpose.

This section contains the requirements for Development Plan submittals and Development Master Plans for projects that are to be developed in more than one (1) phase.

(Ord. No. 4048, § 1(Res. No. 9223, § 1(Exh. A, § 17), 11-14-12)

Sec. 7.820. - Development Plans (DP).

A. *General Intent.* The DP consists of several required or optional components such as land use, transportation, drainage, parking, and design. A DP helps address compliance with the Zoning Ordinance and allows for consideration of flexible development standards. Zoning districts that require a DP include, but are not limited to, Planned Community P-C, Planned Neighborhood Center PNC, Planned Community Center PCC, Planned Regional Center PRC, Planned Block Development Overlay District PBD in the Downtown D district, Western Theme Park W-P, Planned Airpark Core Development PCP, Planned Unit Development PUD, Planned Residential Development PRD, Planned Shared Development Overlay District PSD, and Special Campus SC.

B. *Basic Criteria.* A DP shall demonstrate compliance with the purposes of the applicable zoning district.

C. *DPs Required by District.* The following table outlines the components in a DP for each of the districts listed:

Note: R = Required component of the DP submittal.
O = Optional component of the DP submittal as determined by the Zoning Administrator.

Table 7.820.A Development Plans Required by District

Development Plan Component:	PNC	PCC	PRC	P-C	PCP	PUD	SC	W-P	PBD (D)	PRD	PSD
1. Development Program - List of Land Uses and Associated Density, Floor Area, Etc.	O	O	R	R	R	R	R	R	O	R	R
2. Development Program - Development Standards	O	O	O	R	O	O	O	O	R	R	R
3. Site Plan	R	R	R	O	R	R	R	R	R	R	R
4. Drainage Report - Including Basis of Design	O	O	O	R	R	R	R	R	O	R	O
5. Transportation Analysis and Concepts	O	O	R	R	R	O	R	R	O	R	O

6. Conceptual Open Space Plan	R	R	R	O	R	R	R	O	R	R	R
7. Transitions Plan	O	O	O	O	R	O	R	O	O	R	O
8. Parking Plan	O	O	R	O	R	R	R	O	R	O	R
9. Cultural Amenities Plan	O	O	O	O	R	R	O	O	R	O	O
10. Sensitive Design Concept Plan and Proposed Design Guidelines	O	O	O	O	R	O	R	O	O	O	O
11. Conceptual Signage Plan	O	O	O	O	R	O	O	O	O	O	O
12. Special Impacts Analysis (Lighting Program, Dust Control, Noise Analysis and Control, View and Shading Analysis)	O	O	O	O	O	O	R	R	O	O	O
13. Conceptual Phasing Plan	O	O	O	R	R	O	R	R	O	O	O
14. Building Height Plan	O	O	O	O	O	O	O	O	O	O	O

D. *Specific Submittal Requirements.* The Design Standards and Policies Manual (DSPM) sets forth what is required in each component of the DP.

E. *Approvals.* The City Council's approval of the proposed zoning district map amendment to the districts listed in the table above includes the approval of the DP. The approval is subject to the City Council finding that the DP meets the purpose of the zoning district and is in substantial harmony with the General Plan.

F. *Minor Changes.* Minor changes to the approved DP shall be those determined by the Zoning Administrator relative to the original approved zoning district map amendment DP, and all subsequent amendments to the DP. The Zoning Administrator shall consider whether the changes:

1. Remain in substantial conformance with the nature and character of the approved development,
2. Create a significant increase in demand on public infrastructure, or
3. Significantly alter the physical relationship with adjacent properties.

G. *Major Changes.* Major changes are all changes that are not minor changes. Major changes are subject to approval by the City Council through the public hearing process (Sections 1.600 and 1.700).

(Ord. No. 4048, § 1(Res. No. 9223, § 1(Exh. A, § 17), 11-14-12; Ord. No. 4083, § 1(Res. No. 9411, Exh. A, §§ 3, 4), 5-14-13; Ord. No. 4124, § 1(Res. No. 9599, Exh. A, § 3), 1-14-14; Ord. No. 4244, §§ 3, 4, 5-17-16)

Sec. 7.830. - Development Master Plans.

A. *General Intent.* The DMP shall provide overall coordination of urban design character, buffering to adjacent uses, transportation systems, and infrastructure necessary for the proposed development. The DMP also addresses compliance by the proposed development with city approved master plans for public infrastructure.

B. *Requirement for Submittal of a DMP.* A DMP is required for a parcel that develops under the following conditions as determined by the Zoning Administrator:

1. The development includes more than one (1) phase of site construction; and
2. The development property has a gross area equal to or greater than two (2.0) acres.

C. *Development Master Plan - required components.* A DMP shall include the following components:

1. Master Phasing Plan;
2. Master Sensitive Design Concepts and Plan, including:
    a. An Open Space Plan,
    b. A Landscape and Buffer Plan, and
    c. A Master Design Concept Plan;
3. Master Drainage Systems Plan;
4. Master Transportation Systems Plan;
5. Master Water Systems Plan;
6. Master Wastewater System Plan; and
7. Master Planned Property Plat.

D. *Development Master Plan - optional components.* A DMP may include the following components, as required by the Zoning Administrator:

1. Community Sign District Plan (refer to Article VIII); or
2. Master Parking Plan including:
    a. Mixed-Use Shared Parking Program (refer to Article IX), or
    b. Parking Master Plan (refer to Article IX).

E. *Specific Submittal Requirements.* The Design Standards & Policies Manual sets forth what is required in each component of the DMP, except as listed in the cross-references above.

F. *Approvals Required.* The approval of the components the DMP shall be as follows:

1. The Master Sensitive Design Concepts and Plan and the Master Planned Property Plat shall be subject to the approval of the Development Review Board, as specified in Article I.
2. All of the other DMP components shall be subject to the approval of the Zoning Administrator.

G. *Timing of Approvals.* The approval of the entire DMP shall be completed before the Development Review Board may approve the design and site plan for any buildings on the property, and before issuance of any building permits.

(Ord. No. 4048, § 1(Res. No. 9223, § 1(Exh. A, § 17), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 217), 5-6-14)

Sec. 7.900. - Reserved.

Editor's note— Ord. No. 4265, § 1, adopted June 21, 2016, repealed §§ 7.910—7.930 which pertained to special events and derived from Ord. No. 2475, § 1, adopted Sept. 1, 1992; Ord. No. 2663, § 1, adopted June 6, 1994; Ord. No. 2701, § 1, adopted Feb. 7, 1995; Ord. No. 2830, § 1, adopted Oct. 17, 1995; Ord. No. 3225, § 1, adopted May 4, 1999; Ord. No. 3920, § 1(Exh. § 102), adopted Nov. 9, 2010; Ord. No. 3980, § 1(Res. 8895, § 1, Exh. A, §§ 42, 43), adopted Dec. 6, 201; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 197, 198), adopted April 3, 2012; and Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 218—222), adopted May 6, 2014.

Sec. 7.1000. - Cultural Improvements Program.

Sec. 7.1001. - Findings and Purpose.

A. The City Council finds that:

1. The City has an active and established artistic culture, including the Scottsdale Center for the Arts, Scottsdale Museum of Contemporary Art, Scottsdale Museum of the West, an Arts District, and a variety of public cultural activities; and
2. Enhancement of the artistic culture will contribute to the continued vitality and economic, social, and aesthetic well-being of the community, to the benefit of both the private and public sectors; and
3. Integration of publicly-visible artwork into private development projects will strengthen the City's image as an arts and cultural center, and enhance the urban environment.

B. The City Council proposes to promote the artistic culture by:

1. Encouraging collaboration among the city, property owners, developers, artists, architects, landscape architects, engineers and other project planners;
2. Providing means to finance artworks, cultural events and programs in key public areas; and
3. Granting development bonuses for projects that contribute more to the Cultural Improvements Program than is required in applicable zoning districts.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 26), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 223), 5-6-14; Ord. No. 4355, § 1(Res. No. 11190, § 4, Exh. A), 7-2-18)

Sec. 7.1002. - Administration.

A. The Cultural Improvement Program shall be administered by the Zoning Administrator.

B. The organization contracted to review the artwork commissioned for the Cultural Improvement Program shall be called the Cultural Council for purposes of this article.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 26), 11-14-12)

Sec. 7.1003. - Definitions.

A. In addition to the definitions of Article III. of the Zoning Ordinance, the definitions in Chapter 20, Article VII. of the Scottsdale Revised Code shall apply to the Cultural Improvement Program.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 26), 11-14-12)

Sec. 7.1004. - General Provisions.

A. The Cultural Improvement Program contribution shall only be used to pay the cost of artwork.

B. The Cultural Improvement Program applies to private development projects in zoning districts requiring a Cultural Improvement Program contribution.

C. The Cultural Improvement Program contribution shall be based on building valuation which, for the purposes of the Cultural Improvement Program, shall be the total valuation of all buildings in a development, computed without reductions.

D. The City Auditor may audit any part of the Cultural Improvement Program, including the property owner's itemized account of expenses submitted to the Cultural Council.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 26), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 224), 5-6-14)

Sec. 7.1005. - Property owner responsibilities.

A. When a property owner participates in the Cultural Improvement Program, the property owner shall:

1. Commission and install original artwork, per an approved Final Art Plan, on the property that is subject to the Cultural Improvement Program contribution, or

2. Pay the Cultural Improvement Program contribution, as follows:

a. Into the Downtown Cultural Trust Fund, for property in the Downtown Area, or

b. Into the Art in Public Places Account, for property outside the Downtown Area.

B. After a property owner commissions and installs artwork, the property owner shall pay any unexpended Cultural Improvement Program contribution into the appropriate fund.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 26), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 225), 5-6-14; Ord. No. 4355, § 1(Res. No. 11190, § 4, Exh. A), 7-2-18)

Sec. 7.1006. - Disbursement of Cultural Improvement Program contribution.

A. Disbursement of the Cultural Improvement Program contribution in the Downtown Cultural Trust Fund shall only be used for the cost of artwork, excluding event-based artwork, on property in the Downtown Area.

B. Disbursement of the Cultural Improvement Program contribution in the Art in Public Places Account may be used for the cost of artwork anywhere in the city.

C. Each disbursement shall comply with the Cultural Improvement Program and be subject to the City's Cultural Council contract administrator approval.

D. Disbursement may be made only after receipt of an itemized account for the artwork, narrative explanation for the request, and any other information requested by the City's Cultural Council contract administrator.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 26), 11-14-12; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 14), 6-18-13; Ord. No. 4355, § 1(Res. No. 11190, § 4, Exh. A), 7-2-18)

Sec. 7.1007. - Cultural Improvement Program contribution exemptions.

A. The Cultural Improvement Program contribution requirement shall not apply to:

1. Tenant improvements; and

2. Alteration of a building for which a Cultural Improvement Program contribution was previously made.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 26), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 226), 5-6-14)

Sec. 7.1008. - Artist and artwork selection.

A. The property owner shall select the artist and artwork, subject to Chapter 20, Article VII of the Scottsdale Revised Code.

1. The Cultural Council shall verify and approve only an artist and artwork that meet the definitions of Chapter 20, Article VII of the Scottsdale Revised Code.

B. The property owner shall select the artist and artwork by one of the following procedures:

1. Select an independent visual arts professional to assist in selecting the artist and artwork, in accordance with this article; or

2. Use the Cultural Council to assist in selecting the artist and artwork, in accordance with procedures established by the Cultural Council.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 26), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 227), 5-6-14)

Sec. 7.1009. - Art Plan requirements.

A. *Conceptual Art Plan.*

1. The Conceptual Art Plan shall include the following:

a. The property owner(s) and artist(s) names and contact information,

b. A schematic design and approximate size of the artwork,

c. A site plan and/or floor plan that identifies the artwork location(s), and

d. Additional information as required by the Cultural Council.

B. *Final Art Plan.*

1. The Final Art Plan shall include the following:

a. The property owner(s) and artist(s) names and contact information,

b. Final design drawings,

c. Model, unless the Cultural Council waives this requirement, and

d. Additional information as required by the Cultural Council.

C. *Construction documents.*

1. The property owner shall submit construction documents and related information for the artwork, as determined by the Building Official, to obtain approval and building permits.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 26), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 228—230), 5-6-14)

Sec. 7.1010. - Artwork approval.

A. With the first Development Review application, the property owner shall:

1. Include an approved Conceptual Art Plan that includes the artwork and location; or
2. Propose, in the application narrative:
    a. A methodology and timeframe to obtain an approved Conceptual Art Plan and submit a separate Development Review application for the artwork location before the first building permit application for the development;
    b. An in-lieu payment to be made with the first building permit issuance for the development; or
    c. That the artwork or the in-lieu payment be deferred in accordance with section 7.1014.

B. Before the first building permit application, the Zoning Administrator may allow modifications to the proposal to satisfy the Cultural Improvement Program requirements.

C. Before the issuance of the first building permit for the development, the property owner shall:

1. Submit and obtain approval of a Conceptual Art Plan from the Cultural Council.
    a. The Cultural Council shall approve, approve with stipulations, or deny the Conceptual Art Plan based on:
        i. The consistency of the artwork with any applicable adopted public art master plan,
        ii. The relationship of the artwork to existing artworks within the site or the surrounding areas, and
        iii. The consistency of the artwork with this article and Chapter 20, Article VII of the Scottsdale Revised Code.
    b. The Cultural Council shall not impose its artistic judgment on the artwork.
2. Submit and obtain approval of the artwork location from the Development Review Board, as provided in Article I. All artwork shall be placed in exterior spaces, or applied to the exterior of a building. The exterior artwork shall be visible from a public street or pedestrian area such as a walkway or plaza that has public access dedicated to the City.

D. Before the issuance of the first certificate of occupancy or letter of acceptance for the development, whichever occurs first, except as provided in Section 7.1014., the property owner shall:

1. Submit and obtain approval of a Final Art Plan from the Cultural Council.
2. Submit a copy of the Cultural Council approval of the Final Art Plan to the Zoning Administrator.
3. Submit the original signed Letter of Recommendation for a Certificate of Completion, issued by the Cultural Council for the artwork, to the Zoning Administrator.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 26), 11-14-12; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 15), 6-18-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 231—233), 5-6-14)

Sec. 7.1011. - Appeals of Cultural Council decisions.

A. The approval, approval with stipulations, or denial of a Conceptual Art Plan by the Cultural Council shall be final unless:

1. Within twenty (20) days after the Cultural Council's decision, the property owner submits to the City Clerk a written appeal of the Cultural Council's decision; or
2. At the next regularly-scheduled City Council meeting at least fifteen (15) days after the Cultural Council's decision, the City Council votes to review the Cultural Council's decision.

B. An appeal of the Cultural Council decision shall include a statement of the grounds of the appeal, and the relief requested.

C. City Council initiation of a review of a Cultural Council decision.

1. At the next regularly-scheduled City Council meeting at least fifteen (15) days after the Cultural Council's decision, the City Council shall decide by majority vote of those present whether to review a Cultural Council decision.

2. Within five (5) working days after the City Council votes to review the Cultural Council decision, the Zoning Administrator shall notify the property owner of the date and time of the City Council meeting to review the Cultural Council's decision.

D. City Council review of a Cultural Council decision.

1. The City Clerk shall schedule the appeal, or the City Council review, of a Cultural Council decision on the next regularly-scheduled City Council meeting at least 30 days after the appeal or City Council vote to review.

2. The City Council at its meeting, shall affirm, modify, or reverse the decision of the Cultural Council. The decision of the City Council shall be final.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 26), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 234), 5-6-14)

Sec. 7.1012. - Artwork installation, identification plaque, and Certificate of Completion.

A. The artist or visual arts professional shall supervise the installation of the artwork. Before issuance of the Certificate of Completion, the property owner shall install a plaque with the artwork that identifies the:

1. Artwork title;

2. Artist name; and

3. Year of the artwork's installation.

B. Within thirty (30) days of the installation, the property owner shall submit an itemized account of expenses for the artwork and its installation to the Cultural Council. The itemized account is subject to the Cultural Council's review.

C. After the Cultural Council is satisfied that the artwork, as installed, meets the requirements of this article, the Cultural Council shall recommend to the Zoning Administrator whether to issue a Certificate of Completion. The Certificate of Completion shall include:

1. A statement that the requirements of this article have been met;

2. The date on which the installation was completed;

3. An itemized account of the expenses incurred by the property owner in fulfilling the requirements of this Zoning Ordinance; and

4. The signatures of the Zoning Administrator, the City's Cultural Council contract administrator, and the Cultural Council's designee.

D. The Certificate of Completion shall be kept in the permanent zoning district map amendment case file for the development site.

E. A Certificate of Completion issued in error does not relieve the property owner from the requirements of this Zoning Ordinance.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 26), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 235—238), 5-6-14; Ord. No. 4355, § 1(Res. No. 11190, § 4, Exh. A), 7-2-18)

Sec. 7.1013. - Phased and multi-property owner developments.

A. *Phased developments* .

1. The property owner(s) shall obtain a Certificate of Completion for the artwork before the issuance of the first certificate of occupancy for the first phase of development, except as allowed in Section 7.1014.

B. *Multi-property owner developments* .

1. Each property owner within a development shall separately comply with this Zoning Ordinance before the issuance of the certificate of occupancy for the property owner's respective portion of the development, except as allowed in Section 7.1013.C. and Section 7.1014.

C. *Combination of artwork requirements* .

1. The property owners of a phased or multi- property owner development may combine the artwork requirements for each phase or each property owner, upon the Cultural Council's approval of a Conceptual Art Plan for the development.

2. The Zoning Administrator may enter into an agreement with the property owner(s) regarding combined artwork requirements. The agreement shall be in a form satisfactory to the City Attorney and recorded against the property. The agreement shall include, but not be limited to:

   a. The property owners' artwork requirements,

   b. The schedule for installing the artwork, and

   c. The penalties for the property owner's breach of the agreement.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 26), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 239), 5-6-14)

Sec. 7.1014. - Deferment of artwork.

A. Before the issuance of the first building permit for the development, the Zoning Administrator may enter into an agreement with the property owner(s) regarding installing artwork or paying an in-lieu payment on a deferred schedule. The agreement shall be in a form satisfactory to the City Attorney and recorded against the property. The agreement shall include, but not be limited to:

   1. The property owner's artwork requirements,

   2. The schedule for installing the artwork, and

   3. The penalties for the property owner's breach of the agreement.

B. Before the issuance of the first building permit for the first phase of a phased development, the Zoning Administrator may enter into an agreement with the property owner(s) regarding paying an in-lieu payment on a deferred schedule. The payment amount shall be pro-rated per phase, based on the building valuation of all buildings for each phase. The agreement shall be in a form satisfactory to the City Attorney and recorded against the property. The agreement shall include, but not be limited to:

   1. The property owner's in-lieu payment requirements,

   2. The schedule for paying the in-lieu payment, and

   3. The penalties for the property owner's breach of the agreement.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 26), 11-14-12; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 16), 6-18-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 240), 5-6-14)

Sec. 7.1015. - Maintenance.

A. Privately-owned artwork installed under the Cultural Improvement Program shall be maintained by the property owner, at the property owner's expense, in accordance with the Cultural Council's guidelines.

B. The Cultural Council shall provide the City's Cultural Council contract administrator a status report regarding the maintenance and condition of all privately-owned artwork installed under the Cultural Improvement Program before July 1 each year.

C. The property owner of artwork may request to remove the artwork for maintenance, accompanied by a schedule for reinstalling the artwork and additional information requested by the City's Cultural Council contract administrator.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 26), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 241), 5-6-14; Ord. No. 4355, § 1(Res. No. 11190, § 4, Exh. A), 7-2-18)

Sec. 7.1016. - Replacement of artwork.

A. At the City's Cultural Council contract administrator's direction, and at no cost to the City, a property owner shall replace artwork that has been removed or has not been maintained in accordance with this Zoning Ordinance.

   1. To replace artwork, the property owner shall comply with the procedure in this Zoning Ordinance to install the original artwork. The value of the replaced artwork shall be equal to or greater than the original artwork when installed.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 26), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 242), 5-6-14; Ord. No. 4355, § 1(Res. No. 11190, § 4, Exh. A), 7-2-18)

Sec. 7.1017. - Conveyance of artwork to the City.

A. With the City Council's concurrence, the Cultural Council may recommend accepting as a gift to the City, after a two-year warranty period, privately-owned artwork installed under the Cultural Improvement Program.

B. Artwork conveyed to the City shall be:

   1. Provided at no cost to the City;

   2. Gifted in accordance with the Cultural Council's public art collection policies;

   3. In a condition acceptable to the Cultural Council, in accordance with its guidelines.

   4. Continue to be maintained by the property owner in accordance with the Cultural Council's guidelines for two years after the City Council concurs with the Cultural Council's recommendation to accept artwork.

   5. Transferred to the City in a form satisfactory to the City Attorney, including provisions to indemnify the City and allow the City to relocate the artwork upon the property owner's request; and

   6. Accessible to the public, by an easement to the City from the public street to the artwork, for access and maintenance, subject to the Zoning Administrator's approval. The easement shall

be in a form satisfactory to the City Attorney and dedicated before the Cultural Council accepts the artwork.

C. After the two year period, the Cultural Council may accept artwork only if the property owner has maintained it in accordance with Cultural Council's guidelines.

D. If the Cultural Council determines that the artwork has not been maintained in accordance with the Cultural Council's guidelines, the property owner shall continue to own and maintain the artwork in accordance with the Cultural Council's guidelines.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 26), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 243), 5-6-14)

Sec. 7.1100. - Reserved.

Sec. 7.1200. - Special Public Improvements - requirements for bonus development standards.

A. *Applicability* .

1. The Special Public Improvements provisions are applicable to property zoned Planned Block Development (PBD) Overlay District or Planned Airpark Core Development (PCP) that utilize Special Public Improvements and/or any other community benefit(s) approved by City Council to obtain bonus development standards.

B. *Qualifying improvements* . The following are Special Public Improvements that achieve public benefits and qualify a Development Plan for bonus development standards consideration. To qualify, the Special Public Improvement must reasonably relate to, or ameliorate adverse impacts caused by, the proposed bonus development standards. Specific limitations and requirements apply to each Special Public Improvement as indicated below. In-lieu contributions may be accepted for certain improvements as indicated below.

1. Major infrastructure improvements.

a. To achieve a bonus, a property owner shall provide one or more of the following improvements, in addition to those required by the Scottsdale Revised Code and Design Standards and Policies Manual as part of the Development Plan:

i. Additions, replacements, new extensions, or upsizing of streets, water systems, sewer systems, drainage systems, transit facilities, pedestrian facilities, trail facilities, bicycling facilities, streetscaping facilities or other such infrastructure improvements as approved by the Zoning Administrator and City Engineer.

b. These improvements shall be consistent in type and scope with the City's approved infrastructure master plans, if applicable.

c. In-lieu contributions may be accepted as approved by the Zoning Administrator and City Engineer.

2. Public parking area(s) within the Development Plan, or within the area of the Downtown or Greater Airpark, as applicable.

a. The public parking area(s) shall be located where the City Council determines that public parking is needed for general parking or a recurring municipal-sponsored public event.

b. The public parking spaces shall be in excess of those required for the Development Plan land uses.

c. A minimum of 50 parking spaces shall be provided to the City.

d. The public parking spaces shall be available, at a minimum, between the hours of 6:00 a.m. and 12:00 a.m. and easily accessible.

e. The public parking area(s) shall be within an easement granted to the City.

f. The property owner shall record a document that permanently imposes upon the property owner duties to operate, repair, maintain, renovate and insure the public parking spaces, in a form acceptable to the City Attorney.

g. The property owner shall provide and maintain signage on the interior and exterior of the parking structure clearly identifying that the facility provides public parking and the location of the public parking. Parking areas shall provide lighting per City standards. The location and design of the signage and lighting shall be subject to Zoning Administrator approval.

h. The public parking spaces shall be available to the public at no charge.

i. The public parking spaces shall not be utilized for valet parking.

j. The portion of the Total Construction Cost Estimate for public parking spaces in an above-ground parking structure shall be calculated as follows: the cost of constructing all the parking spaces in the above-ground parking structure in which the public parking is located, divided by the total number of parking spaces, multiplied by the number of public parking spaces, and multiplied by 0.25.

k. The portion of the Total Construction Cost Estimate for public parking spaces in an underground parking structure shall be calculated as follows: the cost of constructing all the parking spaces in the underground parking structure in which the public parking is located, divided by the total number of parking spaces, and multiplied by the number of public parking spaces.

l. Bonus public parking is ineligible for any other parking credit, benefit or waiver.

3. Public open space, gathering space or plaza improvements within the Development Plan, or within the area of the Downtown or Greater Airpark, as applicable.

   a. Minimum area: 18,000 square feet.

   b. The public open space, gathering space or plaza shall be:

      i. In addition to any private outdoor living space or open space provided in the setbacks;

      ii. At grade level;

      iii. Visible from a public street;

      iv. Improved to include pedestrian amenities, such as landscaping, seating, tables, sidewalks, and drinking fountains; and

      v. Contiguous to other open space.

   c. The property owner shall record a document that permanently imposes upon the property owner duties to operate, repair, maintain, renovate and insure the public open space(s), in a form acceptable to the City Attorney.

   d. The public open space area(s), and access to the public open space area(s), shall be within an easement granted to the City.

4. Cultural Improvements Program contribution within the Development Plan, or within the area of the Downtown or Greater Airpark, as applicable.

   a. To achieve a bonus, the property owner shall contribute to the Cultural Improvement Program, in addition to any contribution required by any other section of the Zoning Ordinance.

   b. Public art shall be located in an area accessible by and visible to the public and exterior of the building.

c. In-lieu contributions may be accepted as approved by the Zoning Administrator and shall be paid into the Downtown Cultural Trust Fund or Greater Airpark Cultural Trust Fund, as applicable.

5. Enhanced transit amenities within the Development Plan, or within the area of the Downtown or Greater Airpark, as applicable.

   a. To achieve a bonus, the property owner shall provide upgrades of the City standard for transit stops, such as additional seating, shade structures, pedestrian lighting, and other such enhancements.

   b. Improvements shall be designed to be integrated with the architectural character of the adjacent buildings or of an approved streetscape character.

   c. The improvements shall be maintained by the property owner.

   d. In-lieu contributions may be accepted as approved by the Zoning Administrator and City Engineer.

6. Pedestrian amenities within the Development Plan, or within the area of the Downtown or Greater Airpark, as applicable.

   a. To achieve a bonus, the property owner shall provide pedestrian improvements, such as sidewalk shade covers, benches and other forms of seating, sidewalk lighting, and other such improvements that enhance the public sidewalks for pedestrian use.

   b. The improvements shall be maintained by the property owner.

   c. In-lieu contributions may be accepted as approved by the Zoning Administrator and City Engineer.

7. Workforce housing.

   a. To achieve a bonus, a property owner shall enter into a development agreement to promote workforce housing within the Development Plan, in a form satisfactory to the City Attorney.

   b. The number of workforce housing dwelling units shall not exceed 40 percent of the total dwelling units provided. The number of workforce housing dwelling units in each phase of construction shall not exceed 40 percent of the total dwelling units provided in the phase.

8. Uncategorized improvements and/or other community benefits. This includes other public improvement(s) not categorized above and/or any other community benefit(s), if the City Council finds:

   a. The public improvement(s) and/or community benefit(s) are proportional to the bonus(es) received, and

   b. The public improvement(s) and/or community benefit(s) ameliorate adverse impacts caused by the development, and

   c. The public improvement(s) and/or community benefit(s) is/are associated with a unique project that promotes economic development or other significant public enhancement, and the goals and policies of the General Plan and any applicable Character Area Plan.

      i. The property owner requesting a bonus related to a public improvement and/or community benefit for a project that promotes economic development shall submit a financial feasibility and economic impact study, if required by the Zoning Administrator, in consultation with the Economic Development Director, before the Planning Commission hearing.

C. *Special Public Improvements procedures and limitations* .

1. As part of an application for a zoning district map amendment, the property owner shall identify the specific bonus development standards being requested and calculate the required Contribution Cost based on the rubric outlined below.

2. The bonus development standards request shall be reviewed and approved by the Zoning Administrator. The Zoning Administrator shall not approve any bonus development standards in excess of the property owner's contributions.

3. The City Council shall review the proposed special public improvement(s) and/or other community benefit(s) upon review of a zoning district map amendment application. The City Council may, at their discretion, hold a public hearing to discuss and seek community input regarding any special public improvement and/or other community benefit determination.

4. A professional consultant shall provide a Total Construction Cost Estimate (TCE) of the proposed special public improvement(s) and/or other community benefit(s) mechanism in accordance with the rules established by the Zoning Administrator.

5. The TCE shall be subject to the review and approval of the Zoning Administrator and City Engineer prior to the first public hearing before the Planning Commission.

6. An associated development agreement in a form satisfactory to the City Attorney shall be prepared and include, but not be limited to, the following requirements:

    a. The Special Public Improvements and/or other community benefit(s) to be provided and other conditions to be met by the property owner,

    b. The means and timetable for achieving the Special Public Improvements and/or other community benefit(s) and other conditions,

    c. The applicable bonus development standards, and

    d. The consequences upon failure to provide the Special Public Improvements and/or other community benefit(s), or failure to meet other conditions of the development agreement.

7. Any amendment to existing City Council approved bonus development standards is subject to further City Council review and approval.

8. Any in lieu cash payments for bonus development standards in the PBD Overlay District shall be deposited in the Downtown Special Improvement Trust Fund (DSITF). The DSITF funds shall be used exclusively for public improvements in the Downtown Area.

9. Any in lieu cash payments for bonus development standards in the PCP zoning district shall be deposited in the Greater Airpark Special Improvement Trust Fund (GASITF). The GASITF funds shall be used exclusively for public improvements in the Greater Airpark Area.

10. If the property owner proposes to dedicate property or an easement to the City for a Special Public Improvement, the Zoning Administrator may, at the property owner's expense, order one or more appraisals of the property or easement to determine the fair market value. The property owner shall reimburse the City for the appraisal(s) before the first public hearing before the Planning Commission.

11. Improvements that result in a Special Public Improvement bonus and/or any other community benefit(s) are ineligible for payback agreements.

D. *Rubric for determining bonus development standards* .

1. The following formulas shall be utilized to determine Contribution Cost for bonus development standards:

    a. Bonus Floor Area Contribution Cost: CC = (BSF times 10) times $(1.035^{(CY - 2013)})$

    b. Bonus Building Height Contribution Cost: CC = (BH times 10,000) times $(1.035^{(CY - 2013)})$

        i. Bonus building height shall only apply to a limited area of the Development Plan, as determined by the Maximum Site Coverage for Bonus Building Height Contribution

Cost as defined in Section 7.1200.D.1.b.ii. below. Development Plans that exceed the limitations of Section 7.1200.D.1.b.ii. shall be subject to the Bonus Building Height Coverage Overrun Contribution Cost as specified in Section 7.1200.D.1.b.iii. for that portion of the site (in square feet) that exceeds the coverage allowance.

ii. Maximum Site Coverage for Bonus Building Height Contribution Cost. For Development Plan net lot areas of two (2) acres or less in size, the maximum area of a Development Plan that bonus height may cover under the Bonus Building Height Contribution Cost shall be ninety percent (90%). The maximum coverage area shall be reduced in size by one percent (1%) for every one (1) acre increase in net lot area of the Development Plan greater than two (2) acres, but in no case shall the Maximum Site Coverage for Bonus Building Height Contribution Cost be reduced to less than thirty percent (30%).

iii. Bonus Building Height Coverage Overrun Contribution Cost: CC = (BHCO times 10) times $(1.035^{(CY - 2013)})$

c. Bonus Density Contribution Cost: CC = (BD times 10,000) times $(1.035^{(CY - 2013)})$

2. Factors used in formulas above:

a. CC = Contribution Cost

b. CY = Current Year

c. BSF = Gross square footage of bonus floor area

d. BH = Feet of bonus building height

e. BHCO = Bonus height coverage overrun (in square feet)

f. BD = Bonus dwelling units

3. The CC may be distributed in whole or in part to the BSF, the BH, the BHCO, or to the BD, but the sum of the distribution shall never exceed the CC.

E. *TCE requirements and limitations* .

1. The TCE excludes all costs reimbursed in any way by the City or other persons, including grants, public paybacks, oversizing agreements, incentives or standard requirements.

2. The TCE excludes the cost of public improvements required for the development project and standard right-of-way dedications.

3. The TCE of a special public improvement and/or other community benefit(s) may include the fair market value of any dedicated land or easement included in the land area where the special public improvement and/or other community benefit is located.

(Ord. No. 4355, § 1(Res. No. 11190, § 4, Exh. A), 7-2-18)

ARTICLE VIII. - SIGN REQUIREMENTS[13]

Footnotes:

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Editor's note— Section 1 of Ord. No. 2260, adopted July 18, 1989, specifically repealed former Art. VIII, §§ 8.100—8.500, and § 2 of the ordinance enacted a new Art. VIII, to read as set out in §§ 8.100—8.614. Prior to repeal, Art. VIII pertained to similar provisions and derived from Ord. No. 455, originally adopted June 17, 1969; Ord. No. 1418; Ord. No. 1917, § 1, adopted Oct. 7, 1986; Ord. No. 1950, § 1, adopted

July 6, 1987; and Ord. No. 2034, § 1, adopted July 19, 1988. Subsequently, Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 19), adopted November 19, 2013 deleted the section analysis at Art. VIII.

Cross reference— Nuisance abatement relative to building exteriors, § 18-6; signs in Scottsdale Mall, § 20-116; encroachment of identification and directional signs in public ways, § 47-78.

Sec. 8.100. - Administration.

Sec. 8.101. - Purpose.

I. It shall be the purpose of this chapter to promote and protect the general health, safety, welfare and community environment by establishing a comprehensive system for the regulation on all advertising devices, displays, signs and their housing, structure or form, while maintaining or improving economic stability through an attractive sign program. It is also the purpose of this chapter to protect the general public from damage and injury which may be caused by the faulty and uncontrolled construction of signs within the city; to protect pedestrians and motorists of the City of Scottsdale from damage or injury caused, or partially attributable to the distractions and obstructions caused by improperly situated signs; to promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the City of Scottsdale.

II. It is also the intent of this chapter to enhance or create a more attractive and meaningful business climate; to promote and aid the city's important tourist industry; to enhance, protect, and maintain the physical and natural beauty of the community including its scenic preserves; to preserve the beauty and unique character of the City of Scottsdale, and to ensure that signage is clear, compatible with the character of the adjacent architecture and neighborhoods and provides the essential identity of, and direction to, facilities in the community.

(Ord. No. 2260, § 2, 7-18-89; Ord. No. 3515, § 1, 6-17-03)

Sec. 8.102. - Requirement of conformity.

A. No sign may be placed or maintained in the city except as provided herein. All signs maintained contrary to the provisions of this Article are declared to be nuisances, and as such may be abated as provided by law.

B. Any noncommercial sign may be substituted for any commercial sign allowed by this ordinance. The substitution or addition of any noncommercial sign shall not increase or decrease the sign budget for the property on which the noncommercial sign is located.

C. Only signs erected, maintained, or required by the City or other governmental entity shall be allowed in the public right-of-way or on public property, which include:

1. Signs for traffic management;
2. Signs identifying street names;
3. Qualifying event directional banners;
4. Signs in a community sign district created by City Council for all or part of the Downtown Area or redevelopment area;
5. Signs for a governmental purpose, including, but not limited to:
    a. Signs required for public safety purposes as part of a Special Event Permit after the consultation required by Section 22-23 of the Scottsdale Revised Code;
    b. Signs required as part of a City Valet License that the City Manager or designee, in consultation with the Police Chief, Fire Chief, or designees, are necessary for public safety.

6. In the event a Special Event Permit closes all or a portion of a right-of-way as part of the permitted area, signs within the special event area approved as part of a special event application in accordance with the Chapter 22 of the Scottsdale Revised Code; and

7. In the event a Valet License grants exclusive use of portions of a right-of-way to the Licensee, signs within the licensed area approved as part of a valet parking license application in accordance with the Chapter 16 of the Scottsdale Revised Code.

D. No signs shall be placed:

1. To interfere with the sight distance requirements of the Design Standards and Policies Manual; or

2. To interfere with the requirements of the Americans with Disabilities Act (ADA), as amended.

E. Only the City may place a sign on a City structure.

F. The City may relocate a sign in the public right-of-way for a City construction project.

(Ord. No. 2260, § 2, 7-18-89; Ord. No. 3728, § 1(Exh. 1), 3-20-07; Ord. No. 3971, § 2, 11-1-11; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, §§ 20—23), 11-19-13; Ord. No. 4300, § 1(Res. No. 10727, § 1(Exh. A, § 2), 5-23-17)

Cross reference— Nuisances, Ch. 18.

Sec. 8.103. - Nonconforming signs.

I. Reasonable repairs and alterations, including changes to the face, color, and letters, may be made to nonconforming signs.

II. If a nonconforming sign

A. Is changed structurally;

B. Is damaged in excess of fifty (50) percent of the replacement cost, established by a qualified appraiser; or

C. Is temporarily or permanently removed by any means, including an act of God,

then such sign may be restored, reconstructed, altered, or repaired only in conformance with the provisions of this ordinance.

(Ord. No. 2260, § 2, 7-18-89; Ord. No. 2401, § 1, 10-1-91)

Sec. 8.104. - Penalties for violations.

Any person, firm or corporation violating any provisions of this Article, or failing to comply with any order or regulation made hereunder, shall be subject to the penalty provisions of Section 1.1400 of the Zoning Ordinance.

(Ord. No. 2260, § 2, 7-18-89; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3728, § 1(Exh. 1), 3-20-07)

Sec. 8.105. - Revocation of permits.

The general manager shall have the authority to revoke any permit authorizing the erection of a sign which has been constructed or is being maintained in violation of the permit.

I. Notice of the general manager's decision to revoke a sign permit shall be served upon the holder of the permit:

(a) By delivering in person a copy of the notice to the holder of the permit, or to one of it's officers, or

(b) By leaving a copy of the notice with any person in charge of the premises, or

(c) In the event no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at an entrance to the premises and by the certified mailing of another copy of the notice to the last known post office address of the holder of the permit.

II. The holder of the permit may appeal the decision of the general manager to revoke the permit to the Board of Adjustment, in writing, within fifteen (15) days from the date when the notice was served.

III. If no appeal has been taken at the end of fifteen (15) days, the permit is revoked. The general manager shall then initiate the process for the removal of the illegal sign.

(Ord. No. 2260, § 2, 7-18-89; Ord. No. 2401, § 1, 10-1-91)

Sec. 8.106. - Removal or repair of signs.

I. The property owner is responsible for the signs on the property.

II. The property owner shall remove the following signs:

A. An illegal sign, within ten (10) days after notice.

B. A temporary sign, within forty-eight (48) hours after notice.

C. A damaged or vandalized sign, or a sign in disrepair, and not repaired, within:

1. Ten (10) days after notice; or

2. Thirty (30) days after the sign is damaged or vandalized, or becomes in disrepair, whichever happens first.

D. Signs associated with a building or tenant area that is unoccupied within:

1. Thirty (30) days after notice; or

2. Sixty (60) days after the building or tenant area is vacated, whichever happens first.

III. Notice shall be served personally at the property or to the property owner by first class mail.

IV. The Zoning Administrator may remove the following signs:

A. Upon a court order, any sign referred to in subsection II above that is not removed within the time allotted.

B. Any unsafe or defective sign that creates an immediate hazard to persons or property, without notice to the property owner.

VI. Political signs on public streets: The Arizona Revised Statutes control the removal of political signs.

VII. The property owner is liable for the cost for the city to remove a sign.

VIII. The property owner shall repair a damaged or vandalized sign, or a sign in disrepair, within:

A. Ten (10) days after notice; or

B. Thirty (30) days after the sign is damaged or vandalized, or becomes in disrepair, whichever happens first.

(Ord. No. 2260, § 2, 7-18-89; Ord. No. 2401, § 1, 10-1-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 24), 11-19-13)

Sec. 8.107. - Liability for damages.

The provisions of this ordinance shall not be construed to relieve or to limit in any way, the responsibility or liability of any person, firm, or corporation which erects or owns any sign, for personal injury or property damage caused by the sign; nor shall the provisions of this ordinance be construed to impose upon the City of Scottsdale, its officers, or its employees, any responsibility or liability by reason of the approval of any sign under the provisions of this ordinance.

(Ord. No. 2260, § 2, 7-18-89)

Sec. 8.108. - Affect of amendment on pending suits.

The amendment of this ordinance shall not:

(1) Affect suits pending or rights existing immediately prior to the effective date of this ordinance, or

(2) Impair or avoid or affect any grant or conveyance made or right acquired or cause of action now existing under any such amended ordinance or amendment thereto, or

(3) Affect or impair the validity of any bond or other obligation issued or sold in constituting a valid obligation of the issuing authority immediately prior to the effective date of this ordinance.

(Ord. No. 2260, § 2, 7-18-89)

Sec. 8.109. - Reserved.

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 1), adopted July 5, 2017, repealed § 8.109, which pertained to enforcement office and derived from Ord. No. 2260, § 2, adopted July 18, 1989.

Sec. 8.200. - Definitions.

(Note: Graphics in definition section added with 7-TA-2002)

Address Sign is a sign required by Chapter 31 and Chapter 36 of the Scottsdale Revised Code that identifies a building address numbers, building numbers or approved building identification.

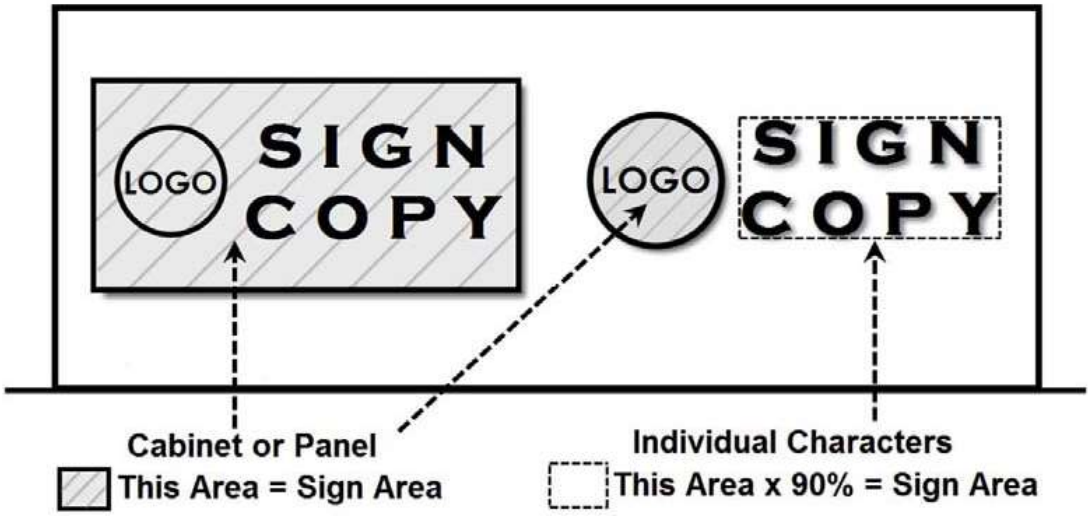
Airport. Those areas included within the perimeter fence of the Scottsdale Municipal Airport property.

Animation. The movement or the optical illusion of movement of any part of the sign structure, design or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a sign; the movement of a sign set in motion by the atmosphere. Time and temperature devices shall be considered animated signs. Banners and flags shall be exempted from this definition.

Applicant. A person or entity who applies for a sign permit in accordance with the provisions of this ordinance.

Architectural sign. A sign incorporated into an architectural element such as an archway, fountain or sculptured garden which is integrated with, but subordinate to, the overall architectural element.

Area of sign . In the case of individual characters used as a sign, the area is ninety (90) percent of the area enclosed within the smallest regular geometric figure needed to completely encompass all characters of the sign, including horizontal spacing between characters, except as otherwise provided herein. For signs other than individual characters, the area is the smallest regular geometric figure needed to completely encompass the total area of a cabinet or panel, or the total area within the outer edge of a frame or other material, color, or condition utilized to create an outer border of the sign. The area of sign does not include address signs that are twelve (12) inches or less required by Chapters 31 and 36 of the Scottsdale Revised Code.



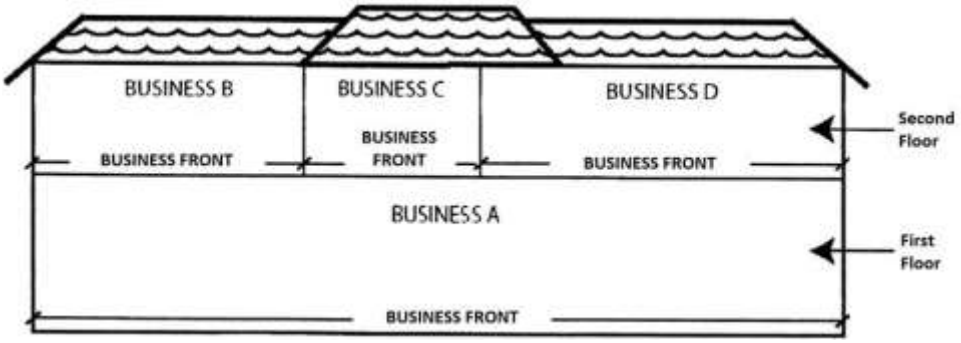
Area of Sign Example

Arterial street . Shall mean the streets designated in the City's Transportation Master Plan with the classification of the Major Arterial and Minor Arterial.

Awning sign. Signs which are placed on or integrated into fabric or other material canopies which are mounted on the exterior of a building.

Banner . A sign composed of flexible material, such as fabric, pliable plastic, paper, or other lightweight material, not enclosed in a rigid frame.

Building front. The lineal distance measured along the exterior wall of the building space occupied by the business that the sign will be placed.

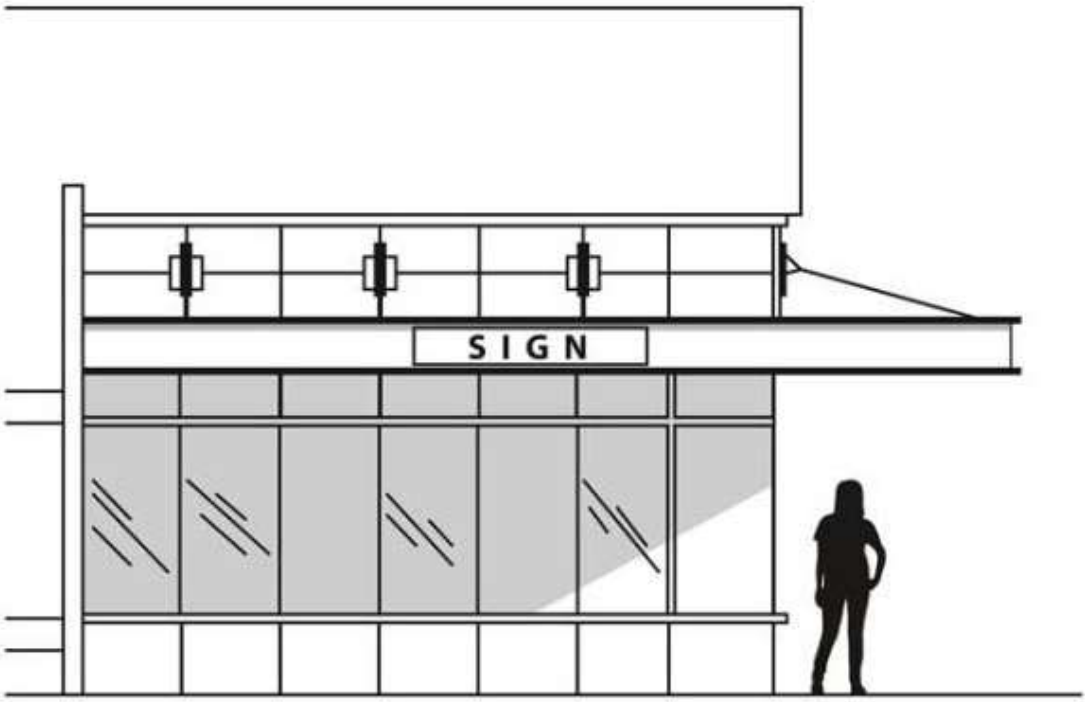


Business Front

Building wall. The individual sides of a building.

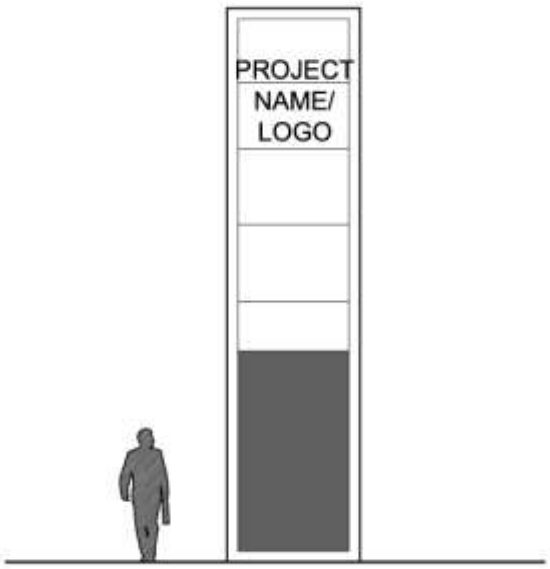
Cabinet. A three-dimensional structure which includes a frame, borders and sign panel face and may include internal lighting upon which the sign letters and logos are placed or etched, and is architecturally integrated with the building.

Canopy Fascia Sign is a sign attached to the vertical front face of a canopy, roof overhang, covered walkway, covered porch, or purlin of an open lattice structure.



Canopy Fascia Sign Example

Column sign. A monolithic project identification sign with a height not less than three (3) times its width.



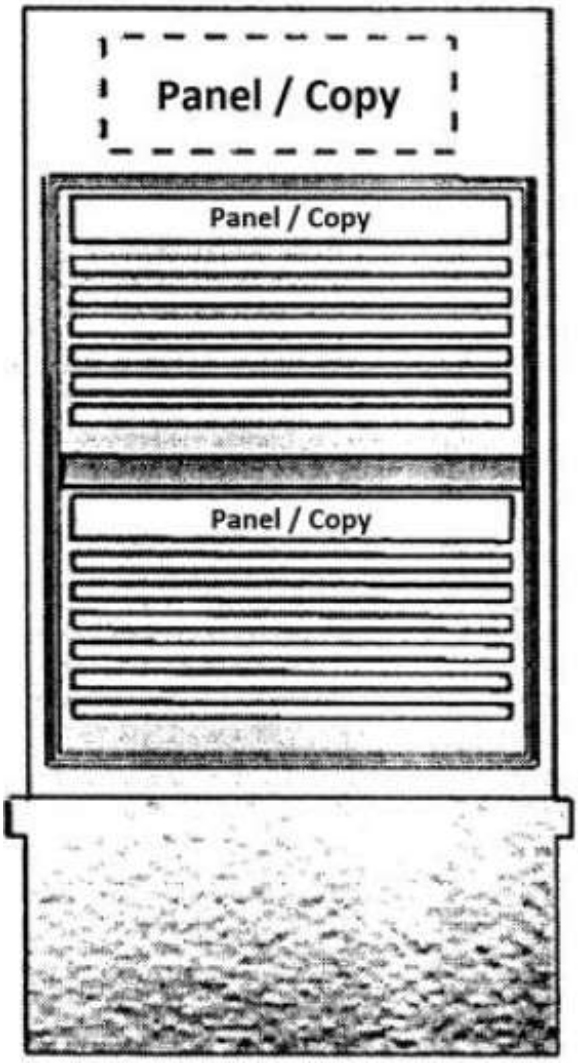
Column Sign Example

Commercial sign . Any sign displaying the identification of or advertisement for a business, product, service or other commercial activity, but does not include any traffic management or street sign erected by any governmental entity, any flag or badge or insignia of the United States, State of Arizona, Maricopa County, City of Scottsdale, or official historic plaque of any governmental jurisdiction or agency, or any sign erected for a governmental use (including the posting of notices required by law).

Community sign district . A group of property owners in a specified area in the city that have been organized into a coordinated group for the purpose of common signage and signage control.

Comprehensive sign program. A sign program submitted under the guidelines of a community sign district intended to encourage flexible signage opportunities which is greater than that allowed in underlying zoning district.

Directory sign. A sign which provides a listing of the names of businesses, activities, addresses, locations, uses or places within a building or complex of buildings for the purpose of identification only.



Directory Sign Example

Drive-through sign is a freestanding sign adjacent to a drive-through.

Entry sign is a small sign located adjacent to a primary pedestrian entrance to a dwelling or suite.

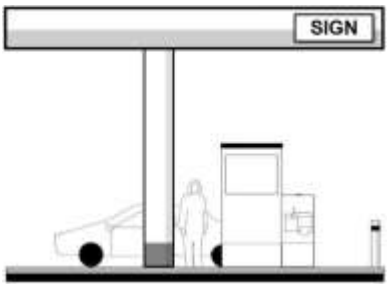
Entryway monument sign is a freestanding cabinet or panel sign mounted on, or within a base (above grade), placed at the street or driveway leading into the development project.

Entryway sign is a freestanding sign which is placed on a perimeter or screen wall of a development project, and adjacent to a street or driveway leading into the development project, having individual characters that may be mounted on, or integrated into, a panel.

Flag. A fabric sheet of square, rectangular or triangular shape which is mounted on a pole, cable or rope at one (1) end.

Flag, decorative. A flag which contains no text or graphics.

Freestanding canopy sign is a sign attached to the vertical front face of a freestanding canopy structure that is not attached to a building.



Freestanding Canopy Sign Example

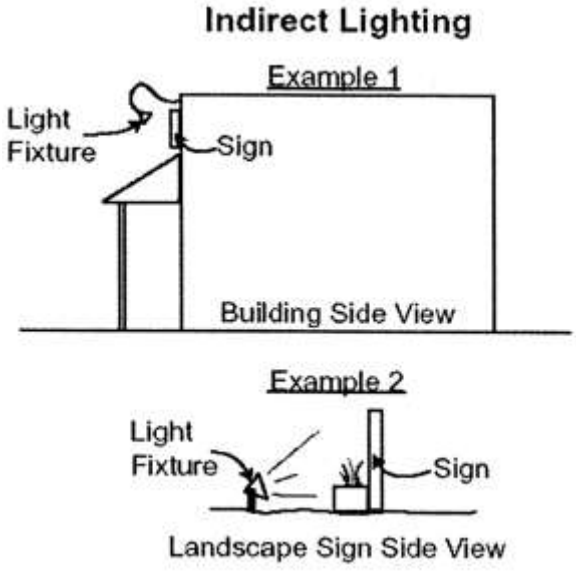
Fuel change panel is a sign used to identify the current price(s) of fuel as required by the Arizona Administrative Code.

Ground level. The finished grade of the adjacent street curb or where there is no street curb, six (6) inches above street grade. In areas within the hillside district, ground level shall be the existing natural grade.

Height. The distance from ground level to the top of the sign structure.

Illegal sign. Any sign erected without first obtaining an approved sign permit, other than nonconforming signs.

Indirect lighting. A source of external illumination located away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk or adjacent property.



Indirect Lighting

Individual letters. A cut-out or etched letter or logo which is individually placed on a landscape, screen wall, building wall or ground sign.

Internal lighting. A source of illumination entirely within the sign which makes the contents of the sign visible at night by means of the light being transmitted through a translucent material but wherein the source of illumination is not visible.

Internal/indirect lighting. A source of illumination entirely within an individual letter, cabinet or structure which makes the sign visible at night by means of lighting the background upon which the

individual letter is mounted. The letters are opaque, and thus are silhouetted against the background. The source of illumination is not visible.

Landscape Area . The specific area (on site) to be landscaped with plant material at the base of the freestanding sign.

Landscape wall sign . A freestanding sign mounted on a screen or perimeter wall and having individual characters that may be mounted on, or integrated into, a panel.

Logo . A graphic symbol representing an activity, use or business.

Lot . The definition of Chapter 48 - Land Divisions shall apply.

Maintenance. The replacing or repairing of a part or portion of a sign necessitated by ordinary wear, tear or damage beyond the control of the owner or the reprinting of existing copy without changing the wording, composition or color of said copy.

Master planned community. A project of at least one hundred sixty (160) acres which is planned, developed or closely coordinated with a unified character and land use scheme, and having a master property owners association which includes all lands within the master planned community.

Master sign program. A specific set of design standards established for the purpose of unifying a variety of signs associated with a multi-tenant or multi-use building or complex of buildings.

Medical facilities. Major campuses or buildings which include public, private or research hospitals, nonprofit or research clinics, or emergency care centers.

Menu sign. A temporary sign used to inform the public of the list of dishes, foods or entrees available in a restaurant and may include the corresponding prices.

Mid-size monument sign. A free-standing cabinet or panel sign architecturally integrated with the project or building design mounted on, or within a base which is detached from any building which has a greater area and height than a monument sign and has less height than a tower sign.

Monument sign is a freestanding sign that may be a cabinet or panel mounted on, or integrated into, a background surface. Monument signs include individual characters that may be mounted on, or integrated into, a panel that is mounted on a background surface.

Noncommercial sign . Any sign that is not a commercial sign.

Nonconforming sign. Any sign which is not allowed under this ordinance, but which, when first constructed, was legally allowed by the City of Scottsdale or the political subdivision then having the control and regulation over construction of signs.

Off-premise Traffic Directional Sign . A portable sign or yard sign that directs traffic to an event that occurs on a different lot than where the sign is located, excluding special events in accordance with Chapter 22 of the Scottsdale Revised Code.

Panel. A two-dimensional visual background behind the sign letters and logos which is visually separated from the mounting upon which the sign letters and logos is placed by the presence of a border, different colors, different materials, or other technique of visual framing around the letters or logo.

Pan-formed letter. An individual letter which is three-dimensional and is constructed by means of a three-sided metal channel. The open side of the channel may face a wall or be faced with a translucent panel which is placed away from the wall.

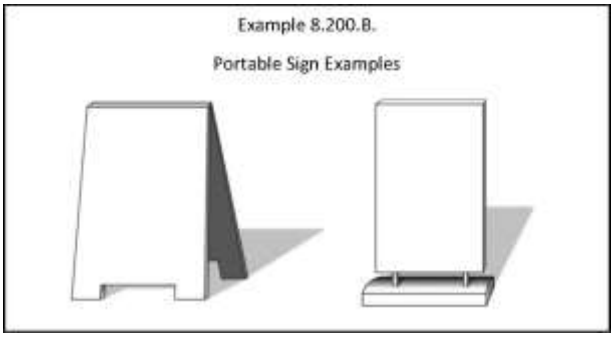
Parapet wall. That portion of a building exterior wall projecting above the plate line of the building.

Permanent sign. Any sign which is intended to be lasting and is constructed from an enduring material such as masonry and metal which remains unchanged in position, character, and condition (beyond normal wear), and is permanently affixed to the ground, wall or building, provided the sign is listed as a permanent sign in the ordinance.

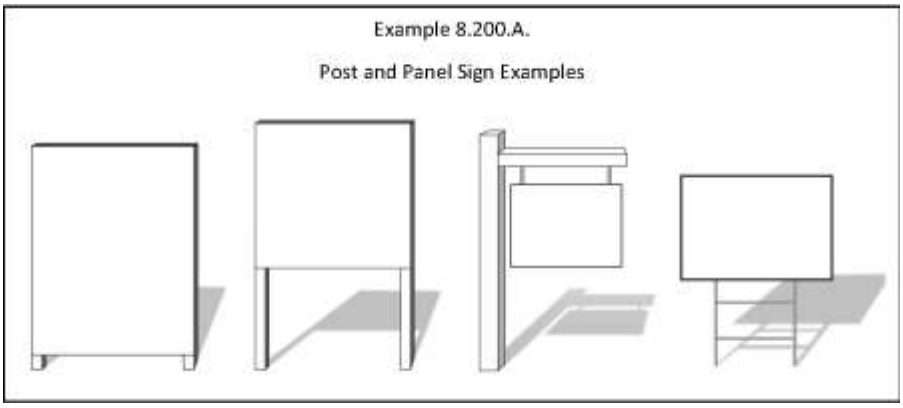
Planned district(s) are Planned Convenience Center PCoC; Planned Neighborhood Center PNC; Planned Community Center PCC; Planned Airpark Core Development PCP; Planned Regional Center

PRC; Planned Community P-C; any portion of a Planned Community P-C district with an underlying zoning district comparable to the commercial districts in Table 4.100.B.; Planned Airpark Core Development PCP; Planned Unit Development PUD; Special Campus SC; and Downtown D.

Portable Sign . A sign that is freestanding, movable, and self-supported, and that is not permanently affixed to any building, structure, or embedded into ground.



Post and Panel Sign . A sign that is freestanding and not portable, with a durable panel mounted on removable supporting posts that are embedded into the ground without the use of cement, concrete, or other permanent binding material.

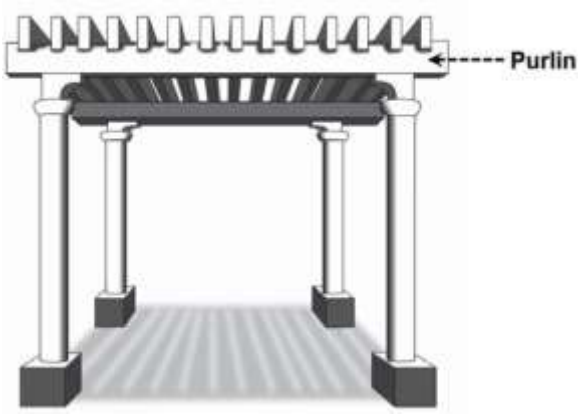


Projecting sign. A business identification sign that is mounted perpendicular to the face or corner of a building.

Projecting Sign Example

Public property. Unless otherwise expressly provided, public property means any and all real or personal property over which the city or other governmental entity has or may exercise control, whether or not the city owns the property in fee, and it includes, but is not limited to public buildings, public streets, alleys, sidewalks, rights-of-way and improved or unimproved land of any kind and all property appurtenant to it.

Purlin is a horizontal beam along the length of a canopy or trellis, resting on or supporting rafters or boards.



Purlin Example

Raceway is an enclosure for both wiring and electrical components.

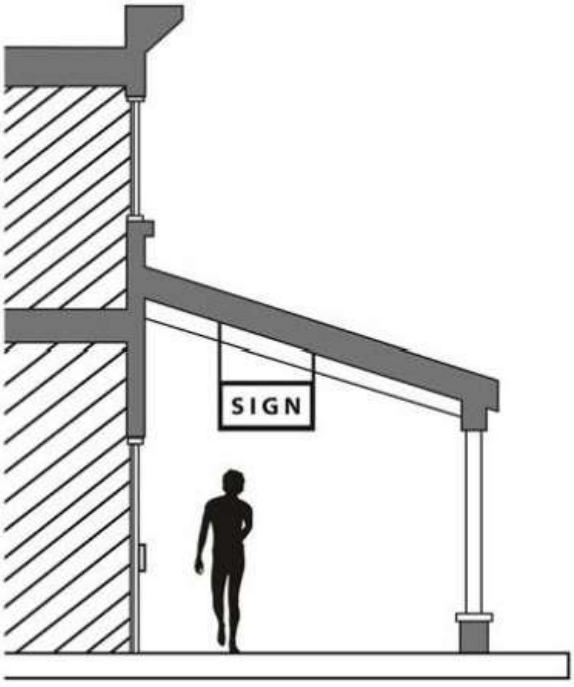
Right-of-way, public . Land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for or dedicated to the general public for travelling purposes, including all roads, streets, alleys, sidewalks, trails, paths, utilities, drainage ways, shoulders, and the publicly-owned land immediately abutting and appurtenant to the travelled and drainage ways.

Roof line . The highest point of the main roof structure or the highest point on a parapet, excluding: cupolas, pylons, projections, non-habitable towers and spires, or minor raised portions of the roof.

Scenic corridor. A specific, required landscape setback located along certain major streets, and identified in the city's General Plan.

Scenic corridor monument sign. A freestanding cabinet or panel sign located within a scenic corridor or on a non-scenic corridor roadway of a corner property that has scenic corridor frontage. Mounted on or within a base (above-grade) that is detached from any building, and when located on the street frontage of the site address, containing that address's numerals, and which, for multiple-tenant commercial complexes only, includes no more than two (2) tenant or occupant names.

Shingle sign is a sign suspended from a roof overhang of a covered porch or walkway and perpendicular to a building wall.



Shingle Sign Example

Sign. Any device for visual communication which is used or is intended to attract the attention of the public, when the display of this device is visible beyond the boundaries of the public or private property upon which the display is made.

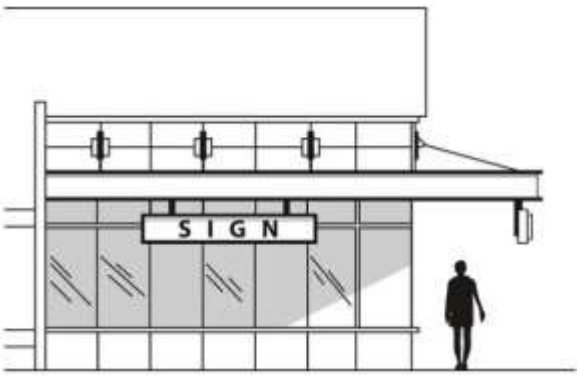
Sign wall. Any surface (excluding windows) of a building within twenty-five (25) degrees vertical. Signs on a wall shall be limited to business identification and approved modifiers.

Standing canopy sign. A sign mounted to the top of the leading edge of a canopy located above a storefront parallel to the building façade on which it is mounted.

Standing Canopy Sign Example

Sum total sign area . Aggregate area of all building signs, not including address signs twelve (12) inches or less required by Chapter 31 and 36 of the Scottsdale Revised Code, for any individual use and may include the area of a freestanding sign.

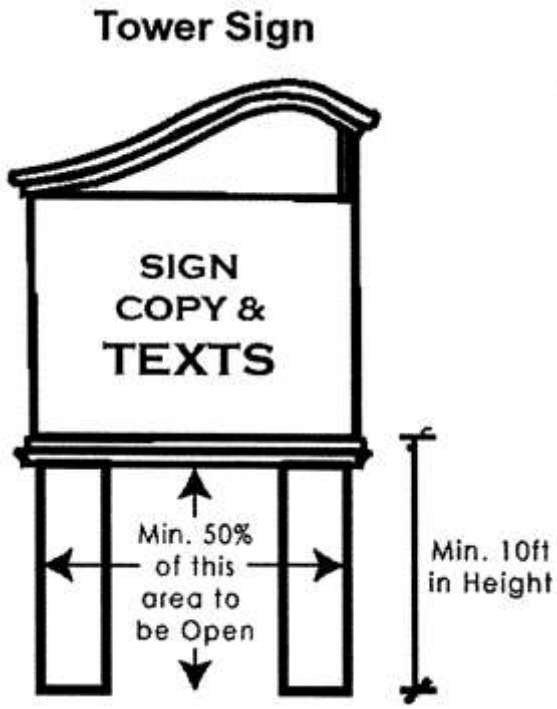
Suspended Canopy Sign is a sign suspended under a canopy, roof overhang, covered walkway, covered porch, or open lattice walkway and parallel to a building wall.



Suspended Canopy Sign Example

Temporary sign . Any sign that is a banner, portable, post and panel sign, or yard sign.

Tower sign. A freestanding cabinet or panel sign architecturally integrated with the building having a minimum height of ten (10) feet to the bottom of the sign. The sign base shall be constructed not to exceed fifty (50) percent of the open space beneath the cabinet or panel.



Tower Sign

Traffic directional sign is a freestanding sign placed near the intersection of a driveway and a street, or intersecting drive aisles, to assist the operators of vehicles to locate vehicle turning locations, and to assist in maintaining the free flow of traffic.

Window sign, temporary . Any poster, cut-out letters, painted text or graphics, or other text or visual presentation affixed to the inside or outside of a window pane which is placed to be read from the exterior of a building.

Yard sign is a freestanding sign constructed of canvas, cardboard, cloth, light fabric, paper, pliable plastic, wallboard, or other like material that is affixed to a disposable stake or frame that is embedded into ground.

(Ord. No. 2260, § 2, 7-18-89; Ord. No. 2278, 2-20-90; Ord. No. 2401, § 1, 10-1-91; Ord. No. 2905, § 1, 8-5-96; Ord. No. 3515, § 1, 6-17-03; Ord. No. 3641, § 1(Exh. 1), 10-4-05; Ord. No. 3728, § 1(Exh. 1), 3-20-07; Ord. No. 3824, § 1, 12-9-08; Ord. No. 3971, § 3, 11-1-11; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 25), 11-19-13; Ord. No. 4300, § 1(Res. No. 10727, § 1(Exh. A, § 3), 5-23-17; Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 2), 7-5-17)

Sec. 8.300. - Procedures.

Sec. 8.301. - Approvals required.

A. Sign illumination, method of attachment, placement, structure, and comprehensive sign programs, master sign programs, and community sign districts created by property owners, are subject to Development Review Board approval as described in Article I.

B. The Development Review Board shall review and render a decision for sign code exception requests relating signage design, and to the placement of building signs on a building. In no case shall the total sign area increase for the property.

(Ord. No. 2260, § 2, 7-18-89; Ord. No. 2401, § 1, 10-1-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3515, § 1, 6-17-03; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 26), 11-19-13; Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 51), 8-25-14; Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 3), 7-5-17)

Sec. 8.302. - Sign programs.

I. *Master sign program.*

   A. The purpose of the master sign program is to provide design compatibility for all signs and to integrate the signs with the architectural features of the multi-tenant building or complex of buildings.

   B. Submittal requirements: The property owner(s) or designated agent shall submit an application with a specific set of design standards, including but not limited to, letter and logo sizes, letter style, colors, texture, lighting methods, sign type and architectural features.

   C. Upon approval of the master sign program, all signage contained within the limits of the property, regardless of ownership or tenancy, shall comply with the design standards established by the program.

II. *Community sign district.* The community sign district provides for a comprehensive sign program which is intended to encourage more flexible signage opportunities than allowed by the underlying zoning district. Community sign districts are regulated to the extent necessary to be consistent with the purpose and intent of the sign ordinance as specified in Section 8.101.

   A. Property owners may form a community sign district to propose and maintain a comprehensive sign program for additional signage as provided in this section.

      1. 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 community sign district.

      2. The property owner(s) in a community sign district shall coordinate the preparation and submission of the comprehensive sign program.

3. A community sign district and its comprehensive sign program may be approved for any of the following:

    a. Non-residential development(s) that have a gross floor area of at least three hundred thousand (300,000) square feet;

    b. Planned districts that have a district size of at least fifteen (15) acres;

    c. Part of a Type 1 Area that has a linear frontage on both sides of the street totaling at least one thousand (1,000) feet; and

    d. Part of a Type 2 Area that is comprised of contiguous lots with a gross lot area of at least five (5) acres.

4. A community sign district allows for the following bonuses that may be approved with the comprehensive sign program:

    a. Twenty (20) percent increase to the allowed sum total sign area;

    b. Twenty (20) percent increase to the allowed area of signs; and

    c. Twenty (20) percent increase to the allowed height.

5. Only signs allowed in Article VIII may be approved as part of a comprehensive sign program.

6. 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, sign types and sign material.

7. The property owner(s) shall install and maintain all signage approved in the comprehensive sign program.

B. The City Council may form a community sign district for all or part of the Downtown Area or a redevelopment district.

1. 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. In no event may the comprehensive sign program propose signage of a type that is otherwise prohibited by this ordinance.

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

    a. Municipal signs may be installed in right-of-way that has a street classification of a minor collector or greater in the Transportation Master Plan, and on property abutting such right-of-way.

    b. Municipal signs may be installed in right-of-way or on property abutting the right-of-way at the intersection of two streets. One of the two intersecting streets shall have a classification of a minor collector or greater in the Transportation Master Plan.

    c. The text shall be limited to the overall identification of all or part of the Downtown Area or redevelopment area.

    d. Maximum area of sign: sixty (60) square feet.

    e. Maximum height of sign: twenty (20) feet.

    f. Maximum number of signs per architectural element: one (1) sign.

    g. Maximum letter height for each architectural sign: two (2) feet.

3. The comprehensive sign program may include banners mounted on the side of a street light pole in accordance with the following:

    a. The banners may identify all or part of the Downtown Area or redevelopment area.

b. The banners shall be of new material and may be permanent, subject to Development Review Board approval of a maintenance program.

4. The comprehensive sign program may include freestanding directory signs designed as architectural elements identifying points of interest in accordance with the following:

   a. Maximum area of sign: fifteen (15) square feet.

   b. Maximum height of sign: seven (7) feet.

5. 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 approved in the comprehensive sign program.

C. No sign identified in this section shall be placed upon real property without the consent of the property owner, nor shall such sign be placed in any public right-of-way, except when placed in accordance with subsection 8.302.II.B. above and other applicable ordinances.

(Ord. No. 2260, § 2, 7-18-89; Ord. No. 2401, § 1, 10-1-91; Ord. No. 2905, § 1, 8-5-96; Ord. No. 3515, § 1, 6-17-03; Ord. No. 3728, § 1(Exh. 1), 3-20-07; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, §§ 27, 28), 11-19-13; Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 4), 7-5-17)

Sec. 8.303. - Requirement of permit.

A. Except as provided below, a sign permit shall be required before the erection, re-erection, construction, alteration, placing, or installation of all signs regulated by this ordinance.

B. The following signs do not require a permit so long as they are otherwise authorized by this Code, unless a permit is required by Chapters 31 and 36 of the Scottsdale Revised Code:

1. Signs not visible from a separate lot or street;

2. Temporary window signs affixed to the window pane;

3. Any sign authorized by this Code that is equal to, or less than, six (6) square feet shall not require a sign permit unless a permit is otherwise required by Chapter 31 and 36 of the Scottsdale Revised Code;

4. Signs indicating address numbers, building numbers or building identifications that are required by Chapters 31 and 36 of the Scottsdale Revised Code, with a maximum height of twelve (12) inches;

5. Maintenance of a sign without changing wording, composition, or colors; and

6. The relocation of a sign when required by a City construction project.

C. Signs associated with an approved special event shall be permitted in accordance with Chapter 22 of the Scottsdale Revised Code.

D. Nothing contained herein shall prevent the erection, construction, and maintenance of official traffic, fire and police signs, signals, devices and marking of the State of Arizona and the City of Scottsdale, or other competent public authorities, or the posting of notices required by law.

(Ord. No. 2260, § 2, 7-18-89; Ord. No. 2401, § 1, 10-1-91; Ord. No. 3728, § 1(Exh. 1), 3-20-07; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, §§ 29—31), 11-19-13; Ord. No. 4300, § 1(Res. No. 10727, § 1(Exh. A, § 4), 5-23-17)

Sec. 8.304. - Permit application and expiration.

I. After Development Review Board approval, the property owner may apply for a sign permit. The application shall be on the city forms in accordance with Article I.

II. A sign permit shall expire unless the sign authorized by such permit is erected within 180 days after its issuance, or if the work authorized by the permit is discontinued for 180 days after the last inspection.

(Ord. No. 2260, § 2, 7-18-89; Ord. No. 2401, § 1, 10-1-91; Ord. No. 3378, § 1, 6-4-01; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 32), 11-19-13)

Sec. 8.305. - Permit fees.

I. The owner of a nonconforming sign which has been removed or brought into conformance shall not be required to pay a permit fee in order to obtain a permit for a replacement sign.

II. Where work for which a permit is required by this ordinance is begun before a permit has been obtained, the fees above specified shall be doubled, but the payment of such double fee shall not relieve any persons from complying fully with the requirements of this ordinance in the execution of the work or from any penalties prescribed herein.

(Ord. No. 2260, § 2, 7-18-89; Ord. No. 2287, § 1, 6-5-90; Ord. No. 2401, § 1, 10-1-91; Ord. No. 2663, § 1, 6-6-94; Ord. No. 3378, § 1, 6-4-01)

Sec. 8.306. - Construction requirements.

I. All signs shall be constructed in conformance with Chapters 31 and 36 of the Scottsdale Revised Code.

(Ord. No. 2260, § 2, 7-18-89; Ord. No. 2401, § 1, 10-1-91; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 33), 11-19-13)

Sec. 8.307. - Inspections.

All signs for which a permit is required shall be subject to the following inspections:

I. Footing inspection on all freestanding signs. However, the general manager may waive the required inspection for signs five (5) feet or less in height.

II. Electrical inspection on all illuminated signs.

III. Inspection of braces, anchors, supports and connections and wall signs.

IV. Site inspection to insure the sign has been constructed according to approved application and valid sign permit.

(Ord. No. 2260, § 2, 7-18-89; Ord. No. 2401, § 1, 10-1-91)

Sec. 8.308. - Reserved.

Editor's note— Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 34), adopted November 19, 2013, repealed § 8.308, which pertained to inspection markings. See also the Code Comparative Table.

Sec. 8.400. - General Requirements.

Sec. 8.401. - Required signs.

I. All buildings shall be identified by address numbers, building numbers or building identifications as required by Chapters 31 and 36 of the Scottsdale Revised Code. These signs shall not be computed as part of the sign budget allowed, unless the height is greater than twelve (12) inches.

(Ord. No. 2260, § 2, 7-18-89; Ord. No. 2401, § 1, 10-1-91; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 39), 11-19-13)

Note— Formerly, § 8.311.

Sec. 8.402. - Sign faces.

All signs may be multifaced.

(Ord. No. 2260, § 2, 7-18-89)

Sec. 8.403. - Reserved.

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 5), adopted July 5, 2017, repealed § 8.403, which pertained to business identification and derived from Ord. No. 2260, § 2, adopted July 18, 1989; Ord. No. 2278, adopted Feb. 20, 1990; Ord. No. 2401, § 1, adopted Oct. 1, 1991; Ord. No. 2514, § 1, adopted Dec. 15, 1992; Ord. No. 3515, § 1, adopted June 17, 2003.

Sec. 8.404. - Reserved.

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 5), adopted July 5, 2017, repealed § 8.404, which pertained to building or complex identification and derived from Ord. No. 2260, § 2, adopted July 18, 1989; Ord. No. 3515, § 1, adopted June 17, 2003.

Sec. 8.405. - Reserved.

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 5), adopted July 5, 2017, repealed § 8.405, which pertained to wall signs and derived from Ord. No. 2260, § 2, July 18, 1989; Ord. No. 2278, adopted Feb. 20, 1990; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 40), adopted Nov. 19, 2013.

Sec. 8.406. - Reserved.

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 5), adopted July 5, 2017, repealed § 8.406, which pertained to sign character and derived from Ord. No. 2260, § 2, July 18, 1989; Ord. No. 2278, adopted Feb. 20, 1990.

Sec. 8.407. - Reserved.

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 5), adopted July 5, 2017, repealed § 8.407, which pertained to sign area and derived from Ord. No. 2260, § 2, adopted July 18, 1989; Ord. No. 2401, § 1, adopted Oct. 1, 1991.

Sec. 8.408. - Reserved.

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 5), adopted July 5, 2017, repealed § 8.408, which pertained to freestanding sign and derived from Ord. No. 2260, § 2, adopted July 18, 1989; Ord. No. 2401, § 1, adopted Oct. 1, 1991; Ord. No. 3515, § 1, adopted June 17, 2003; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 41), adopted Nov. 19, 2013.

Sec. 8.409. - Reserved.

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 5), adopted July 5, 2017, repealed § 8.409, which pertained to traffic directional signs and derived from Ord. No. 2260, § 2, adopted July 18, 1989.

Sec. 8.410. - Reserved.

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 5), July 5, 2017, repealed § 8.410, which pertained to off-premises traffic directional signs and derived from Ord. No. 2260, § 2, adopted July 18, 1989.

Sec. 8.411. - Scenic corridor.

The following conditions shall apply to the placement of permanent signage within a scenic corridor not in the ESLO Overlay District:

I. *Development Review Board approval:* The Development Review Board shall approve the permanent design and color scheme of all permanent signs which are permitted within a scenic corridor. Permanent signs shall be made of durable materials with muted color tones that are common to southwest architectural themes and are also compatible with the landscape character within a scenic corridor.

II. *Placement:* No permanent signs shall be placed closer to the right-of-way edge of the adjacent street than eighty (80) percent of the required average width of the scenic corridor.

III. *Sign height:* The maximum height of signs within the scenic corridor shall be eighteen (18) feet except under one (1) of the following conditions:

   A. When the sign within the scenic corridor is located seventy-five (75) feet from the adjacent right-of-way edge of the street, the maximum sign height may be raised by two (2) feet.

   B. When the sign within the scenic corridor is located seventy-five (75) feet from the adjacent right-of-way edge of the street the sign area may be increased twenty (20) percent.

   C. In no case shall both of the previous conditions apply to the same sign.

IV. *Permanent signs allowed:* All permanent types of signs allowed by this ordinance may be placed within a scenic corridor not located in the ESLO Overlay District, except monument signs, which are not allowed. Alternatively the ESLO Scenic Corridor monument signage as permitted below may be used in any non-ESLO Scenic Corridor; if the ESLO Scenic Corridor monument signage is used then no tower signs shall be allowed on any portion of the property.

V. *Placement of permanent signage.* The following conditions shall apply to the placement of permanent signage within a scenic corridor in the ESLO Overlay District:

A. *Development Review Board approval:* The Development Review Board shall approve the permanent design and color scheme of all permanent signs which are permitted within a scenic corridor in the ESLO Overlay District. In approving such signage, the Development Review Board shall determine that the proposed sign meets the following standards and design criteria. *The Development Review Board shall have no power to review the words, symbols or other content of the message used on the sign.*

B. *Signs allowed:*

1. Scenic corridor monument signs shall be the only permanent freestanding signs allowed within or behind the scenic corridor to identify the following uses on parcels of five (5) acres or more that are located adjacent to a general plan scenic corridor designated street: Multiple-tenant commercial buildings or complexes, public and institutional uses, schools, churches and places of worship, hotels and resorts. If a property utilizes a scenic corridor monument sign then that property shall not be allowed tower or mid-sized monument signs anywhere on the property.

2. All other uses shall be subject to non-ESL zoned scenic corridor sign provisions. Temporary signage may be allowed in accordance with Sections 8.600—8.616.

C. *Number of signs:* There shall be only one (1) scenic corridor monument sign per development. However, buildings or complexes with a total floor area of one hundred fifty thousand (150,000) square feet or greater may have a maximum of two (2) scenic corridor monument signs per development.

D. *Placement of signs:*

1. Scenic corridor monument signs shall only be allowed at or near an entry drive into the site from a scenic corridor roadway or at or near an entry drive into the site from a non-scenic corridor roadway of a corner property that has scenic corridor frontage. Scenic corridor monument signs may be placed in a median of an entry drive specified above.

2. Section 8.408.III. shall not apply to scenic corridor monument signs. Scenic corridor monument signs shall be placed at the property line and located a maximum distance from the edge of the entry drive curb of three (3) times the height of the sign or within an entry drive median. Sign locations shall be consistent with intersection sight distance and traffic safety triangle requirements, whichever applies to the site. If a sign location specified by this section would create a sight distance or safety triangle hazard, the sign location shall be adjusted the minimum amount necessary to prevent the hazard from being created.

3. Signs shall be located with sensitivity to minimizing native plant disturbance. If necessary, then native plants may be relocated to provide for sign visibility if approved by the development review board.

E. *Sign size:*

1. The maximum height of scenic corridor monument signs shall be five (5) feet including a minimum of a one (1) foot base measured from adjacent natural grade or curb height, whichever is greater.

2. The sign width shall not be more than ten (10) feet.

3. If the Development Review Board finds that the design enhancements are consistent with the scenic corridor design guidelines, design enhancements intended to meet the criteria listed below, shall be allowed as follows:

(a) Up to an aggregate four (4) feet in width resulting in a total of fourteen (14) feet in width for a five (5) foot tall sign.

F. *Design criteria:*

1. Signage shall complement and be compatible with both the character of the roadway segment in which the scenic corridor occurs and the site architecture.
2. Predominantly natural materials that reflect the rural and rustic desert character of the area, such as wood, rock, stone, rusted or other dull metal finishes shall be used.
3. Signs shall integrate shapes and design elements having irregular forms that appear to resemble those of nature. Variations in height, length, depth, materials and textures, as well as landscaping elements, shall be encouraged in signage to create a varied elevation.
4. High contrast shall be employed between background and copy within the designated copy area for improved readability. Color palettes shall include muted tones that blend with the surrounding desert environment, while providing contrast with accent colors for readability within the designated copy area. Colors shall not exceed a light reflective value (LRV) of thirty-five (35) percent, except that sign copy may have a higher light reflective value (LRV) when used with a dark background color; nor shall background colors exceed a value of six (6) and a chroma of six (6) as indicated in the Munsell Book of Color on file in the planning systems department.
5. Permitted lights on signs. The only lights or illumination permitted on signs shall be reverse channel letter halo illumination, internally illuminated letters or low level signage indirect lighting, all designed to control glare and mute lighting impacts. Light sources shall be shielded from view and shall not allow spillage beyond the signage. Landscaping and landscape accent lighting shall be integrated with signage elements to create focal points that enhance the existing sense of place and shall be directed towards the sign copy and place-making elements (the textures, plants and materials of the sign, not the overall sign).
6. Revegetation/landscaping within the minimum necessary designated sign visibility corridor, as approved by the Development Review Board, shall comply with section 6.1060.D.2.a. through f. of the environmentally sensitive lands ordinance, except that consistency shall be required with only low-level plant species, which shall be allowed to be maintained at lower heights where taller plant species interfere with sign visibility and readability. Mature plants and trees shall be relocated as necessary to maintain non-interfering, low-level plant species and shall be utilized as appropriate to provide an enhanced native plant setting for the signage.
7. Cabinet signs fabricated of acrylic, plexiglas®, plastic-faced, or injection molded panels with first-surface, second-surface applied translucent vinyls, films or painted graphics, and/or integrally colored polycarbonate materials that are internally backlighting the whole graphics area, are strictly prohibited.

(Ord. No. 2260, § 2, 7-18-89; Ord. No. 3641, § 1(Exh. 1), 10-4-05)

Sec. 8.412. - Reserved.

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 6), July 5, 2017, repealed § 8.412, which pertained to awning signs and derived from Ord. No. 2260, § 2, adopted July 18, 1989; Ord. No. 3728, § 1(Exh. 1), adopted March 20, 2007.

Sec. 8.413. - Reserved.

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 6), July 5, 2017, repealed § 8.413, which pertained to change panel signs and derived from Ord. No. 2260, § 2, adopted July 18, 1989; Ord. No. 2278, adopted Feb. 20, 1990.

Sec. 8.414. - Reserved.

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 6), July 5, 2017, repealed § 8.414, which pertained to individual letters and derived from Ord. No. 2260, § 2, adopted July 18, 1989.

Sec. 8.415. - Reserved.

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 6), July 5, 2017, repealed § 8.415, which pertained to modifiers and derived from Ord. No. 2260, § 2, adopted July 18, 1989.

Sec. 8.416. - Reserved.

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 6), July 5, 2017, repealed § 8.416, which pertained to directory signs and derived from Ord. No. 2260, § 2, adopted July 18, 1989.

Sec. 8.417. - Window signs.

Such signs placed within three (3) feet of the window pane shall be considered a window sign. Window signs may be internally illuminated only with the use of exposed neon lighting. There shall be a maximum of one (1) sign per use and such sign shall be limited to nine (9) square feet per window panel. The sign area shall be calculated against the square footage allowed the use. Sign copy shall be limited to business identification and a graphic symbol or any combination thereof. In no case shall product signs be allowed.

(Ord. No. 2260, § 2, 7-18-89; Ord. No. 2278, 2-20-90)

Sec. 8.418. - Permanent Window Signs.

1. Maximum number of signs per business: one (1) sign.
2. Maximum area of sign: two (2) square feet.
3. Illumination, if provided, shall be internal.
4. The sign shall be placed inside the building, and may be displayed in a door or window, but no sign is permitted in unglazed openings.
5. The sign shall not be calculated in the sign budget for the property.
6. No permit or approval shall be required for the sign, unless required by Chapters 31 and 36 of the Scottsdale Revised Code.

(Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 43), 11-19-13; Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 6), 7-5-17)

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 6), adopted July 5, 2017, changed the title of § 8.418 from "Open and closed signs" to read as herein set out.

Sec. 8.419. - Special events.

I. Sign permits for special events shall be limited to forty-eight (48) cumulative days per calendar year per property.

(Ord. No. 2260, § 2, 7-18-89; Ord. No. 2278, 2-20-90; Ord. No. 3515, § 1, 6-17-03; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 42), 11-19-13)

Note— Formerly, § 8.418.

Editor's note— Former § 8.419, capital improvement projects was repealed by Res. No. 9563, § 44, adopted November 19, 2013.

Sec. 8.420. - Location requirement.

I. *Obstruction of exits.* No sign shall obstruct any door, window or fire escape of any building.

II. *Traffic hazards.* No sign shall be erected in such a way as to interfere with or to confuse traffic, to present any traffic hazard, or to obstruct the vision of motorists. The general manager shall require that the sign be placed in a different location or that the sign be set back in order to comply with this requirement.

III. *Signs on vehicles.* No sign shall be erected or attached to any vehicle except for signs painted directly on the surface of the vehicle unless otherwise permitted by the City Code. The primary use of such vehicles shall be in operation of the business and not advertising or identifying the business premises. The vehicle shall be parked in a designated parking space, but shall not be parked in the right-of-way.

(Ord. No. 2260, § 2, 7-18-89; Ord. No. 2401, § 1, 10-1-91; Ord. No. 3728, § 1(Exh. 1), 3-20-07; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 37), 11-19-13)

Note— Formerly, § 8.312.

Sec. 8.421. - Prohibited movement.

I. *Animated signs.* No sign shall be permitted that moves by any means or has animation, except flags.

(Ord. No. 2260, § 2, 7-18-89; Ord. No. 2401, § 1, 10-1-91; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 36), 11-19-13)

Note— Formerly § 8.310.

Sec. 8.422. - Sign lighting.

I. *Illumination.*

A. Signs may only be illuminated as provided in this Article.

B. Permanent signs may be illuminated only by internal, internal indirect or by indirect lighting unless otherwise specified.

C. Indirect sign lighting shall be shielded so that the illumination source is not visible from any adjacent street or property.

II. *Prohibitions.* The following are prohibited:

A. Flashing, blinking, or rotating light emitting device;

B. Exposed neon or similar cold or hot cathode, fiber, or rod illumination;

C. Exposed incandescent, fluorescent, metal halide, mercury vapor, and high and low pressure sodium lamp; and

D. Exposed light emitting diodes (LEDs), except for indirect lighting.

(Ord. No. 2260, § 2, 7-18-89; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 38), 11-19-13)

Note— Formerly, § 8.401.

Sec. 8.423. - Maintenance.

Each sign shall be maintained in working order and repair at all times so that it does not constitute any danger or hazard to public safety, or a visual blight, and is free of peeling paint, or fading; indiscernible text, images or symbols; major cracks; or loose and dangling materials.

(Ord. No. 2260, § 2, 7-18-89; Ord. No. 2401, § 1, 10-1-91; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 35), 11-19-13)

Note— Formerly, § 8.309.

Sec. 8.500. - Permanent Building Signs Allowed.

Sec. 8.501. - Building Sign General Provisions.

A. All building signs shall be limited to identifying an onsite business or development.

B. Placement.

1. No part of a building sign shall extend above a roof line.

2. A building sign shall be placed on a wall of the business that the sign identifies.

C. Maximum sign area of any building sign:

1. Forty (40) square feet in the Type 1 Area, and

2. Two hundred fifty (250) square feet elsewhere.

D. Maximum height of an individual character of a sign: six (6) feet.

E. Maximum height of a cabinet or panel: six (6) feet.

F. Individual characters of a sign shall not be mounted to the front of a raceway. When raceways are used, they shall be integrated into the cabinet, screened by a panel, or as the base for the individual letters.

(Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 7), 7-5-17)

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 7), adopted July 5, 2017, repealed the former § 8.501, and enacted a new § 8.501 as set out herein. The former § 8.501 pertained to unspecified uses in C-1, C-2, C-3, C-4, C-S, D, PNC, PCC, PCoC, PCP, PRC and PUD and derived from Ord. No. 2260, § 2, adopted July 18, 1989; Ord. No. 2278, adopted Feb. 20, 1990; Ord. No. 2905, § 1, adopted Aug. 5, 1996; Ord. No. 3728, § 1(Exh. 1), adopted March 20, 2007; Ord. No. 3854, § 4, adopted June 9, 1909; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 45), adopted Nov. 19, 2013.

Sec. 8.502. - Building Wall Signs.

A. Placement.

1. No part of the sign shall be placed a distance greater than twelve (12) inches from the building wall.

B. Building wall signs are allowed in Table 8.502.A in accordance with the following:

1. Category A, includes zoning districts shown on Table 4.100.A. Residential Districts, and the Open Space (O-S) district; or, any portion of a Planned Community P-C with an underlying zoning district comparable to the districts shown on Table 4.100.A, and the Open Space (O-S) district; or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

2. Category B, includes multiple-family development's with zoning districts shown on Table 4.100.A. Residential Districts, not including Single-family Residential districts; or, any portion of a Planned Community P-C with an underlying zoning district comparable to the districts shown on Table 4.100.A, not including Single-family Residential districts; or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. not including Single-family Residential districts.

3. Category C, includes zoning districts shown on Table 4.100.B. Commercial Districts, 4.100.C. Industrial Districts, and 4.100.D. Mixed Use Districts, Western Theme Park (W-P), and Special Campus (S-C), not including Planned Regional Center (PRC), Service Residential (S-R), and Commercial Office (C-O); or, any portion of a Planned Community (P-C) with an underlying zoning district comparable to the districts shown on Tables 4.100.B., 4.100.C., 4.100.D, Western Theme Park (W-P), and Special Campus (S-C), not including Planned Regional Center (PRC), Service Residential (S-R), and Commercial Office (C-O).

4. Category D, includes Commercial Office (C-O), Parking P-1 District; Passenger Vehicle Parking, and Limited, and Parking P-2 District; Vehicle Parking, districts; or, any portion of a Planned Community P-C with an underlying zoning district comparable to the Commercial Office (C-O) districts, Parking P-1 District; Passenger Vehicle Parking, and Limited, and Parking P-2 District; Vehicle Parking, districts.

5. Category E, includes Planned Regional Center (PRC) districts; or, any portion of a Planned Community P-C with an underlying zoning district comparable to the Planned Regional Center (PRC) district.

6. Category F, includes Service Residential (S-R) districts; or, any portion of a Planned Community P-C with an underlying zoning district comparable to the Service Residential (S-R) district.

Table 8.502.A. Building Sign Allowances

Zoning Districts	*Standards*				
	Maximum sum	*Maximum sum*	*Maximum sign area*	*Maximum sign area*	*Maximum*

	total sign area per business [1]	*total per development project*	*of a business front that is less than 200 feet from any street line* [2]	*of a business front that is equal to or greater than 200 feet from any street line*	*Height of sign (To Top of Sign)*
Category A [2]	N/A	60 square feet	1 square foot for each 1 lineal foot of business front, not to exceed maximum sum total of the Development Project	1 square foot for each 1 lineal foot of business front, not to exceed maximum sum total of the Development Project	Maximum building height allowed by a lots' zoning.
Category B [2]	N/A	60 square feet	1 square foot for each 1 lineal foot of business front, not to exceed maximum sum total of the Development Project	1 square foot for each 1 lineal foot of business front, not to exceed maximum sum total of the Development Project	36 feet
Category C [2]	1.5 square feet of sign area for every 1 linear foot of the longest business front	N/A	1 square foot for each 1 lineal foot of business front, not to exceed maximum sum total of the business	1.5 square feet for each 1 lineal foot of business front, not to exceed maximum sum total of the business	36 feet
Category D [2]	24 square feet [8]	N/A	1 square foot for each 1 lineal foot of business front, not to exceed maximum sum total of the business	1 square foot for each 1 lineal foot of business front, not to exceed maximum sum total of the business	36 feet
Category E [2]	1.5 square feet of sign area for every 1 linear foot of the longest business front. [3]	N/A	1 square foot for each 1 lineal foot of business front, not to exceed maximum sum total of the business	1.5 square feet for each 1 lineal foot of business front, not to exceed maximum sum total of the business	36 feet [4]

Category F [2]	18 square feet [5]	Note 6 and 7	1 square foot for each 1 lineal foot of business front, not to exceed 12 square feet	1 square foot for each 1 lineal foot of business front, not to exceed 12 square feet	18 feet

1. The maximum sum total sign area per business includes the Additional Building Sign Allowances.
2. Refer the Building Sign General Provisions for additional size restrictions.
3. The Development Review Board may approve a Sum Total Sign Area of two (2) square feet of sign area for every one (1) linear foot of the longest business front as part of the approval of a Master Sign Program for businesses with one (1) business front facing a public street and a second business front facing the interior of a development.
4. The Development Review Board may approve a maximum sign height of 60 feet in the Planned Regional Center (PRC) district as part of the approval of a Master Sign Program.
5. The Sum Total Sign Area of a development project in the Service Residential (S-R) district for wall sign includes any sign area on a free standing sign for the same business.
6. Maximum sum total sign area per development project with a gross floor area less than 40,000 square feet:72 square feet.
7. Maximum sum total per area per development project with a gross floor area great than or equal to 40,000 square feet: 144 square feet.
8. In the C-0 district, the Development Review Board may approve a Sum Total Sign Area of 1.5 square feet of sign area for every one (1) linear foot of the longest business front as part of the approval of a Master Sign Program for a building with a gross floor area less of 50,000 square feet, or more

(Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 7), 7-5-17)

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 7), adopted July 5, 2017, repealed the former § 8.502, and enacted a new § 8.502 as set out herein. The former § 8.502 pertained to unspecified use in I-1 and I-G zones and derived from Ord. No. 2260, § 2, adopted July 18, 1989.

Sec. 8.503. - Additional Building Sign Allowances.

A. The following building sign types are allowed in the districts described in Category C and Category D, above, and the Planned Regional Center (PRC), and Service Residential (S-R), districts.

1. Suspended Canopy Sign.

a. Maximum sign area: Same as the building wall sign area allowed for a business on Table 8.502.A.

i. Maximum building wall sign sum total sign area per business allowed in Table 8.502.A. shall include the sign area of a Suspended Canopy Sign.

b. Placement: Parallel to the face of the building wall, and shall not project beyond the face of a canopy, roof overhang, covered walkway, covered porch, or open lattice walkway.

c. Minimum Clearance: Seven (7) foot, six (6) inches from the bottom of the sign to the grade or finished surface below the sign.

d. Maximum height of sign: Same as allowed for a building wall sign on Table 8.502.A.

2. Canopy Fascia Sign.

a. Maximum sign area: Same as the building wall sign area allowed for a business on Table 8.502.A.

i. Maximum building wall sign sum total sign area per business allowed on Table 8.502.A. shall include the sign area of a Canopy Fascia Sign.

b. Placement:

i. Sign shall not project above or below the fascia or purlin that the sign is attached to.

ii. No part of the sign shall be placed a distance greater than twelve (12) inches from the canopy fascia.

c. Maximum height of sign: Same as allowed for a building wall sign on Table 8.502.A.

3. Shingle Sign.

a. Maximum sign area: four (4) square feet.

i. Shingle signs are not included in the maximum sign area and maximum sum total sign area per business allowed on Table 8.502.A.

b. Placement: Perpendicular to the face of the building wall, within ten (10) of the primary pedestrian entrance of the associated tenant suite, and shall not extend beyond the edge of the overhang of a covered porch or walkway.

c. Minimum Clearance: Seven (7) foot, six (6) inches from the bottom of the sign to the grade or finished surface below the sign.

4. Freestanding Canopy Sign.

a. Maximum number of signs: one (1) per side of canopy.

b. Maximum sign area: one (1) square foot for each two (2) linear feet of canopy fascia, not to exceed twenty-four (24) square feet on any one side of the exterior face of canopy fascia, and forty-eight (48) square feet per canopy.

i. Maximum building wall sign sum total sign area per business allowed on Table 8.502.A. shall include the sign area of a Freestanding Canopy Sign.

c. Placement:

i. Sign shall be placed a minimum of six (6) inches from the top, six (6) inches from the bottom, and six (6) inches from the end (not including a circular canopy) of the freestanding canopy fascia.

ii. No part of the sign shall be placed a distance greater than twelve (12) inches from the building wall.

B. The following building sign types are allowed in the Planned Regional Center (PRC) district or any portion of a Planned Community P-C with an underlying zoning district comparable to the Planned Regional Center (PRC) district as part of an approved master sign program.

1. Projecting Signs.

a. Maximum sign area: Same as the building wall sign area allowed for a business on Table 8.502.A., not to exceed thirty-six (36) square feet.

i. Maximum building wall sign sum total sign area per business allowed in Table 8.502.A. shall include the sign area of a Projecting Sign.

b. Maximum Quantity per Building: One (1) sign for each fifty (50) lineal feet of building wall.

c. Placement:

i. Unless separated by a structure and not visible from an abutting public street, such signs shall not be placed within one-hundred fifty (150) feet from an abutting public street.

d. Maximum Projection: Forty-eight (48) inches from the wall of the building to the outside edge of the sign.

e. Minimum Clearance: Eight (8) feet from the bottom of the sign to the grade or finished surface below the sign.

f. Minimum Separation: Twenty (20) feet between Projecting Signs on the same building wall.

g. Maximum height of sign: Same as allowed for a building wall sign on Table 8.502.A.

2. Standing Canopy Signs.

a. Maximum sign area: Same as the building wall sign area allowed for a business on Table 8.502.A., not to exceed thirty-six (36) square feet.

i. Maximum building wall sign sum total sign area per business allowed in Table 8.502.A. shall include the sign area of a Standing Canopy Sign.

b. Placement:

i. Parallel to the adjacent building façade.

ii. The front face of the sign shall not project beyond the leading edge of the canopy or lattice.

c. Design Standards:

i. The sign shall limited to individual characters.

ii. Raceways shall be concealed with in the canopy or lattice.

iii. The Development Review Board may approve individual character up to a maximum of forty (40) inches.

d. Maximum height of sign: As allowed in the PRC district on Table 8.502.A.

C. The following building sign type is allowed the zoning district of Category B, Category C, and Category D described above, and Planned Regional Center (PRC), Service Residential (S-R), or any portion of a Planned Community P-C or Planned Residential Development (PRD) with an underlying zoning district comparable to Planned Regional Center (PRC), Service Residential (S-R) districts.

1. Awning Signs.

a. Maximum sign area: twenty (20) percent of the total front face area of the awning, or the business front, whichever is less.

i. Maximum building wall sign sum total sign area per business allowed in Table 8.502.A. shall include the sign area of an Awning Sign.

b. Placement: sign may be placed on the awning valance, body or wing.

c. Illumination: The copy of an awning sign may only be illuminated by a light source internal to the awning.

D. The following building sign types are allowed in all zoning districts:

1. Entry Signs

a. Maximum sign area: One (1) square foot

b. Placement: Within ten (10) feet of the primary entrance of a tenant suite or dwelling unit.

c. Maximum height: Ten (10) feet from the top of the sign to the grade or finished surface below the sign.

d. Maximum projection from a building wall: four (4) inches.

2. Address Signs

a. Maximum height of letters: Twelve (12) inches.

1. An address that has a height greater twelve (12) inches is a building wall sign.

b. Maximum height and width of a backer panel: three (3) inches greater than copy height and width.

c. Signs placed within a height of eight (8) feet measured from grade or finished surface, may project a maximum of four (4) inches from the building wall.

d. Signs placed above eight (8) feet measured from grade or finished surface may project a maximum of twelve (12) inches from the building wall.

(Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 7), 7-5-17)

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 7), adopted July 5, 2017, repealed the former § 8.503, and enacted a new § 8.503 as set out herein. The former § 8.503 pertained to unspecified uses in S-R zone and derived from Ord. No. 2260, § 2, adopted July 18, 1989; Ord. No. 2278, adopted Feb. 20, 1990.

Secs. 8.504—8.509. - Reserved.

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 7), adopted July 5, 2017, repealed §§ 8.504—8.509. See the Code Comparative Table for complete derivation.

Sec. 8.510. - Permanent Freestanding Signs Allowed

Sec. 8.511. - Freestanding Sign General Provisions.

A. All onsite freestanding signs shall be limited to identifying an onsite business or development project.

B. The following shall apply to all freestanding signs.

1. Placement:

a. A freestanding sign shall be placed in a manner so not to interfere with traffic in any way, or to confuse traffic, or to present any traffic hazard.

b. Signs shall not obstruct the sight distance requirements of the Design Standards and Policies Manual.

c. All permanent freestanding signs shall be set back a minimum of fifteen (15) feet from back of curb, unless a lesser setback is approved.

C. Landscape Requirements.

1. Minimum landscape area requirements for column, tower, mid-size monument, monument, and landscape wall signs:

a. Signs equal to or less than twelve (12) feet in height: two hundred forty (240) square feet.

b. Signs greater than twelve (12) feet in height: twenty (20) square feet multiplied by the total height of the sign.

D. Minimum distance between the top of the freestanding sign structure and the sign copy: six (6) inches.

E. The maximum number of onsite businesses or development projects identified on a freestanding sign shall be in accordance with Table 8.511.E.

Table 8.511.E. Maximum Number of Businesses or Development Project Identification	
Freestanding Sign type	Maximum number of onsite businesses or development project identified
Column	1
Directory Sign	Not applicable
Drive-Through	Not applicable
Entryway Monument Sign	1
Entryway Wall Sign	1
Gas Station Monument	2
Landscape Wall	1
Mid-size Monument	4
Monument	2
Tower	4
Traffic Directional	Not applicable

F. Freestanding signs in the Type 1 Area of the Downtown:

1. Column, Drive-Through, Entryway Monument Sign, Entryway Wall Sign, Landscape Wall, Mid-size Monument, Monument, Perimeter Site Wall, and Tower signs are prohibited in the Type 1 Area of the Downtown.

G. Scenic Corridor.

1. The provisions of Section 8.411. shall apply.

(Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 7), 7-5-17)

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 7), adopted July 5, 2017, repealed the former § 8.511, and enacted a new § 8.511 as set out herein. The former § 8.511 pertained to travel accommodations (with one hundred or fewer guest rooms) in R-5, C-2, C-3 and D districts as follows and derived from Ord. No. 2260, § 2, adopted July 18, 1989; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, §§ 46—50), adopted Nov. 19, 2013; Ord. No. 4288, § 1(Res. No. 10650, § 1, Exh. A), adopted Nov. 14, 2016.

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Sec. 8.512. - Freestanding Subdivision Signs.

A. Freestanding signs allowed:

1. Recorded land divisions in all zoning districts are allowed freestanding signs in accordance with Table 8.512.A.

a. A recorded condominium land division development project may utilize the freestanding sign allowances of the development project's property zoning in-lieu of freestanding subdivision sign allowances of this section.

2. Maximum number of freestanding sign types allowed:

a. A land division with zero (0) to less than ten (10) gross acres: one (1) sign type per street.

b. A land division with greater than or equal to ten (10) gross acres, and less than one hundred (100) acres: two (2) sign types, or two (2) of the same sign type, per street.

c. A land division with greater than or equal to one hundred (100) acres: four (4) sign types, a combination of four (4) sign types, or four (4) of the same sign type, per street.

Example 8.512.A. Recorded Land Division Freestanding Sign Quantity
A land division with one hundred fifty (150) acres is allowed four (4) sign types per street. The property owner may choose: 1) one of each of the allowed sign types; 2) four (4) of the same sign type; 3) two (2) of one sign type and two (2) of another sign type; or 4) one (1) sign type and three (3) of another sign type.

Table 8.512.A. Land Division Freestanding Sign Allowances

Sign Types											
Monument Sign			Entryway Wall Sign			Entryway Monument Sign			Landscape Wall Sign		
Maximum Quantity of Signs	Height	Sum Total Area of Sign per Face	Maximum Quantity of Signs	Height	Sum Total Area of Sign per Face	Maximum Quantity of Signs	Height	Sum Total Area of Sign per Face	Maximum Quantity of Signs	Height	Sum Total Area of Sign per Face
1	5 feet	24 sqft	Note 1	5 feet	24 sqft	1	5 feet	24 sqft	1	Note 2	Note 3

Notes:

1. Maximum quantity of entryway wall signs: One (1) sign on each side of an entry driveway or street into the land division.
2. The maximum height of a Landscape Wall Sign is 5 feet. The Development Review Board may approve a Landscape Wall Sign up to a height equal to seventy-five (75) percent of the total height of the wall that the sign will be placed, not exceed eight (8) feet. No sign shall be placed higher than two (2) feet above the average wall height within 25 feet of either side of the sign.
3. The maximum area of a sign:
   a. Zero to less than forty (40) gross acres: 24 square feet
   b. Greater than or equal to forty (40) gross acres, and less than one hundred (100) acres: 48 square feet
   c. Greater than or equal to one hundred (100) acres: 72 square feet
3. Placement of Entryway Wall and Entryway Monument Signs:
   a. Entryway wall signs shall be placed on one, or both sides, of the entry driveway or street into the development project, and within twenty-five (25) feet from the back of the curb of the driveway or street, or edge of the pavement when a curb is not provided.
   b. Entryway monument signs shall be placed in a landscape median that is between the inbound and outbound vehicular traffic lanes of the entry driveway or private street; or, the sign may be placed adjacent to the inbound or outbound vehicular traffic lane.

(Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 7), 7-5-17)

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 7), adopted July 5, 2017, repealed the former § 8.512, and enacted a new § 8.512 as set out herein. The former § 8.512

pertained to travel accommodations (with one hundred or more guest rooms) in R-5, C-2, C-3 and D districts and derived from Ord. No. 2260, § 2, adopted July 18, 1989; Ord. No. 2278, adopted Feb. 20, 1990; Ord. No. 3515, § 1, adopted June 17, 2003; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, §§ 51—59), adopted Nov. 19, 2013; Ord. No. 4288, § 1(Res. No. 10650, § 1, Exh. A), adopted Nov. 14, 2016.

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Sec. 8.513. - Freestanding signs for non-residential developments (excluding the R-5 district) and multiple-family developments in residential districts, and O-S.

A. Freestanding signs are allowed:

1. Non-residential development projects with a zoning districts shown on Table 4.100.A. Residential Districts, and Open Space (O-S) district, excluding the Multiple Family Residential (R-5); or, any portion of a Planned Community (P-C), or Planned Residential Development (PRD), with an underlying zoning district comparable to the districts shown on Table 4.100.A. and the Open Space (O-S) district, excluding the Multiple Family Residential (R-5), are allowed the freestanding signs are on Table 8.513.A.

    a. Maximum number of freestanding sign types per street: one (1) sign type.

2. Multiple family development projects within a zoning districts shown Table 4.100.A. Residential Districts; or, any portion of a Planned Community (P-C), or Planned Residential Development (PRD), with an underlying zoning district comparable to the districts shown on Table 4.100.A., are allowed the freestanding signs on Table 8.513.A.

    a. Maximum number of freestanding sign types per street: one (1) sign type.

Table 8.513.A. Freestanding signs for non-residential developments (excluding the R-5 district) and multiple-family developments in residential districts, and O-S district.

Street Classification	Development project width at the property line abutting the street that the freestanding sign is to be place adjacent to.	Freestanding Sign Types					
		Monument Sign			Landscape Wall Sign		
		Quantity of Signs Per Street	Height	Sum Total Area of Sign per Face	Quantity of Signs Per Street	Height	Sum Total Area of Sign per Face
All Classifications	Any width abutting a street	1	5 feet	24 sqft	1	5 feet	24 sqft

(Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 7), 7-5-17)

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 7), adopted July 5, 2017, repealed the former § 8.513, and enacted a new § 8.513 as set out herein. The former § 8.513 pertained to travel accommodations in R-4R zones and derived from Ord. No. 2260, § 2, adopted July 18, 1989; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 60), adopted Nov. 19, 2013; Ord. No. 4288, § 1(Res. No. 10650, § 1, Exh. A), adopted Nov. 14, 2016.

Sec. 8.514. - Freestanding signs for non-residential developments in the R-5 district.

A. Freestanding signs are allowed:

1. Non-residential development in the Multiple Family Residential (R-5) districts; or, any portion of a Planned Community (P-C) with an underlying zoning district comparable to the Multiple Family Residential (R-5) district, are allowed the freestanding signs on Table 8.514.A.

a. Maximum number of freestanding sign types per street: one (1) sign type.

Table 8.514.B. Freestanding Sign Allowances for a Non-residential Uses in a R-5 District

Gross Floor Area of all Building in a Development Project	Street Classification	Development project width at the street line abutting the street that the freestanding sign is to be placed adjacent to.	Freestanding Sign Types											
			Tower Sign			Mid-Size Monument Sign			Monument Sign			Landscape Wall Sign		
			Quantity of Signs Per Street	Height	Sum Total Area of Sign per Face	Quantity of Signs Per Street	Height	Sum Total Area of Sign per Face	Quantity of Signs Per Street	Height	Sum Total Area of Sign per Face	Quantity of Signs Per Street	Height	Sum Total Area of Sign per Face
Equal to, or greater than, 30,000 square feet	Arterial	Equal to, or greater than, 300 feet	1	15 feet	50 sqft	1	8 feet	50 sqft	1	5 feet	24 sqft	1	5 feet	24 sqft
Equal to, or greater than,	Arterial	Less than 300 feet	0	N/A	N/A	1	8 feet	50 sqft	1	5 feet	24 sqft	1	5 feet	24 sqft

30,000 square feet														
Less than 30,000 square feet	All Streets	All widths	0	N/A	N/A	0	N/A	N/A	1	5 feet	24 sqft	1	5 feet	24 sqft
N/A = Not Allowed														

(Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 7), 7-5-17)

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 7), adopted July 5, 2017, repealed the former § 8.514, and enacted a new § 8.514 as set out herein. The former § 8.514 pertained to public uses, institutional uses, schools and places of worship in residential districts and derived from Ord. No. 2260, § 2, adopted July 18, 1989; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 61), adopted Nov. 19, 2013.

Sec. 8.515. - All Developments in Commercial, Industrial, Mixed Use, P-1, P-2, S-C, and W-P districts.

A. Freestanding signs are allowed in the zoning districts of Category E, and in accordance with the development project's gross floor area indicated in B.

1. Category E, includes: zoning districts shown Table 4.100.B. Commercial Districts, 4.100.C. Industrial Districts, and 4.100.D. Mixed Use Districts, Parking P-1 District, Passenger Vehicle Parking, and Limited, Parking P-2 District, Special Campus (S-C) and Western Theme Park (W-P); and, any portion of a Planned Community (P-C) with an underlying zoning district comparable to the districts shown on 4.100.B., 4.100.C., and 4.100.D., Parking P-1 District, Passenger Vehicle Parking, and Limited, Parking P-2 District, Special Campus (S-C) and Western Theme Park (W-P) shall comply with:

B. Development projects with a gross floor area:

1. Less than 30,000 square feet are allowed freestanding signs in accordance with Table 8.515.B.1.

a. Maximum number of free standing sign types per street: one (1) sign type.

2. Equal to or greater than 30,000 square feet, and less than 60,000 square feet, are allowed freestanding signs in accordance with Table 8.515.B.2.

a. Maximum number of free standing sign types per street: one (1) sign type.

3. Equal to or greater than 60,000 square feet, and less than 100,000 square feet, are allowed freestanding signs in accordance with Table 8.515.B.3.

a. Maximum number of free standing sign types per street: one (1) sign type.

4. Equal to or greater than 100,000 square feet allowed freestanding signs in accordance with Table 8.514.B.4.

a. Maximum number of free standing sign types per street: one (1) sign type.

Table 8.515.B.1. Freestanding Sign Allowances for a Development Project with a Gross Floor Area Less than 30,000 Square Feet

Street Classification	Development project width at the street line abutting the street that the freestanding sign is to be place adjacent to.	Freestanding Sign Types					
		Monument Sign			Landscape Wall Sign		
		Quantity of Signs Per Street	Height	Sum Total Area of Sign per Face	Quantity of Signs Per Street	Height	Sum Total Area of Sign per Face
All Classifications	Any width abutting a street	1	5 feet	24 sqft	1	5 feet	24 sqft

Table 8.515.B.2. Freestanding Sign Allowances for a Development Project with a Gross Floor Area Equal to or Greater than 30,000 Square Feet and Less than 60,000 Square Feet

Street Classification	Development project width at the street line abutting the street that the	Freestanding Sign Types											
		Tower Sign			Mid-Size Monument Sign			Monument Sign			Landscape Wall Sign		
		Quan-tity of Signs Per Stree	Height	Sum Total Area of Sign per	Quan-tity of Signs Per Stree	Height	Sum Total Area of Sign per	Quan-tity of Signs Per Stree	Height	Sum Total Area of Sign per	Quan-tity of Signs Per Stree	Height	Sum Total Area of Sign per

	freestanding sign is to be place adjacent to.	t		Face	t		Face	t		Face	t		Face
Arterial or Collector	Equal to, or greater than, 300 feet	1	15 feet	50 sqft	2	8 feet	30 sqft	1	5 feet	24 sqft	1	5 feet	24 sqft
Arterial or Collector	Less than 300 feet	0	N/A	N/A	1	8 feet	30 sqft	1	5 feet	24 sqft	1	5 feet	24 sqft
Unclassified	Equal to, or greater than, 300 feet	0	N/A	N/A	1	8 feet	30 sqft	1	5 feet	24 sqft	1	5 feet	24 sqft
Unclassified	Less than 300 feet	0	N/A	N/A	1	6 feet	24 sqft	1	5 feet	24 sqft	1	5 feet	24 sqft
Unclassified	Any width abutting a residential district on Table 4.100.A.	0	N/A	N/A	0	N/A	N/A	1	5 feet	24 sqft	1	5 feet	24 sqft
N/A = Not allowed													

Table 8.515.B.3. Freestanding Sign Allowances for a Development Project with a Gross Floor Area

Equal to or Greater than 60,000 Square Feet and Less than 100,000 Square Feet												
Street Classification	Development project width at the street line abutting the street that the freestanding sign is to be place adjacent to.	Freestanding Sign Types										
		Tower Sign			Mid-Size Monument Sign			Monument Sign			Landscape Wall Sign		
		Quan-tity of Signs Per Street	Height	Sum Total Area of Sign per Face	Quan-tity of Signs Per Street	Height	Sum Total Area of Sign per Face	Quan-tity of Signs Per Street	Height	Sum Total Area of Sign per Face	Quan-tity of Signs Per Street	Height	Sum Total Area of Sign per Face
Arterial or Collector	Equal to, or greater than, 300 feet	1	20 feet	75 sqft	2	10 feet	40 sqft	1	5 feet	24 sqft	1	5 feet	24 sqft
Arterial or Collector	Less than 300 feet	0	N/A	N/A	1	10 feet	40 sqft	1	5 feet	24 sqft	1	5 feet	24 sqft
Unclassified	Equal to, or greater than, 300 feet	0	N/A	N/A	1	8 feet	30 sqft	1	5 feet	24 sqft	1	5 feet	24 sqft
Unclassified	Less than 300 feet	0	N/A	N/A	1	6 feet	24 sqft	1	5 feet	24 sqft	1	5 feet	24 sqft
Unclassifie	Any width abutting a	0	N/A	N/A	0	N/A	N/A	1	5 feet	24	1	5 feet	24

d	residential district on Table 4.100.A.									sqft			sqft
N/A = Not Allowed													

Table 8.515.B.4. Freestanding Sign Allowances for a Development Project with a Gross Floor Area Equal to, or Greater than, 100,000 Square Feet

Street Classification	Development project width at the street line abutting the street that the freestanding sign is to be place adjacent to.	Freestanding Sign Types											
		Tower Sign			Mid-Size Monument Sign			Monument Sign			Landscape Monument Sign		
		Quantity of Signs Per Street	Height	Sum Total Area of Sign per Face	Quantity of Signs Per Street	Height	Sum Total Area of Sign per Face	Quantity of Signs Per Street	Height	Sum Total Area of Sign per Face	Quantity of Signs Per Street	Height	Sum Total Area of Sign per Face
Arterial or Collector	Equal to, or greater than, 300 feet	1	25 feet	120 sqft	2	12 feet	60 sqft	1	5 feet	24 sqft	1	5 feet	24 sqft
Arterial or	Less than	0	N/A	N/A	1	12	60	1	5 feet	24	1	5 feet	24

Collector	300 feet					feet	sqft			sqft			sqft
Unclassified	Equal to, or greater than, 300 feet	0	N/A	N/A	1	10 feet	40 sqft	1	5 feet	24 sqft	1	5 feet	24 sqft
Unclassified	Less than 300 feet	0	N/A	N/A	1	6 feet	32 sqft	1	5 feet	24 sqft	1	5 feet	24 sqft
Unclassified	Any width abutting a residential district on Table 4.100.A.	0	N/A	N/A	0	N/A	N/A	1	5 feet	24 sqft	1	5 feet	24 sqft
N/A = Not Allowed													

(Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 7), 7-5-17)

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 7), adopted July 5, 2017, repealed the former § 8.515, and enacted a new § 8.515 as set out herein. The former § 8.515 pertained to theaters and derived from Ord. No. 2260, § 2, adopted July 18, 1989; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, §§ 62—66), adopted Nov. 19, 2013.

Sec. 8.516. - Additional freestanding sign allowances.

A. *Entryway Signs* .

1. Entryway signs are allowed in:

a. Multiple family developments with a zoning district shown on Table 4.100.A. Residential Districts; or, any portion of a Planned Community (P-C) with an underlying zoning district comparable to the districts shown on Table 4.100.A.

b. Non-residential developments with Resort/Townhouse Residential (R-4R) zoning and Multiple-family Residential (R-5) zoning; or, any portion of a Planned Community (P-C) or Planned Residential Development (PRD) zoning, with an underlying zoning district comparable to the Resort/Townhouse Residential (R-4R) and Multiple-family Residential (R-5) districts.

3. Maximum Quantity:

    a. One (1) entryway wall sign on each side of an entry driveway; or

    b. One (1) entryway monument sign

4. Placement:

    a. Entryway wall signs shall be placed on one, or both sides, of the entry driveway or street into the development project, and within twenty-five (25) feet from the back of the curb of the driveway or street, or edge of the pavement when a curb is not provided.

    b. Entryway monument signs shall be placed in a landscape median that is between the inbound and outbound vehicular traffic lanes of the entry driveway or private street; or, the sign may be placed adjacent to the inbound or outbound vehicular traffic lane.

5. Maximum Height: Five (5) feet.

    a. Exception. The Development Review Board may approve an entryway wall sign up to a height equal to seventy-five (75) percent of the total height of the wall that the sign will be placed, not exceed eight (8) feet. No sign shall be place higher than two (2) feet above the average wall height within 25 feet of either side of the sign.

6. Maximum Area: Twenty-four (24) square feet

7. Maximum sum total sign area: Forty-eight (48) square feet.

B. *Gas Station Monument Signs* .

1. Gas Station development projects or development sites are allowed a Gas Station Monument Sign in-lieu of the development's freestanding sign allowed in a Section 8.515.

2. Maximum Quantity: one (1) sign per street.

3. Maximum Height: Five (5) square feet.

4. Maximum Area: Thirty (30) square feet.

5. Maximum Fuel Change Panel Area: one-half of the area of the sign may be Fuel Change Panels to display fuel prices in accordance with Arizona Administrative Code.

C. *Drive-Through Signs* .

1. Drive-thru signs are allowed in zoning district shown on Table 4.100.B. Commercial Districts, 4.100.C. Industrial Districts, and 4.100.D. Mixed Use Districts, not including the Downtown or Downtown Overlay districts, or any portion of a Planned Community P-C with an underlying zoning district comparable to the districts shown on 4.100.B., 4.100.C., and 4.100.D., not including the Downtown or Downtown Overlay district.

2. Maximum Quantity: Two (2) sign per drive-through lane.

3. Placement:

    a. Within ten (10) feet of the drive-through lane; and

    b. At least twenty (20) feet from any street line

4. Maximum Height: Seven (7) square feet

5. Maximum Area: Forty-five (45) square feet

6. Drive-thru sign shall be screened from streets, subject to Development Review Board approval.

D. *Directory Signs* .

1. Multiple family and non-residential development projects with zoning district shown on Tables 4.100.A. Residential Districts; 4.100.B. Commercial Districts, 4.100.C. Industrial Districts, and 4.100.D. Mixed Use Districts, Open Space (O-S), Western Theme Park (W-P), and Special

Campus (S-C) zoning; or, any portion of a Planned Community P-C with an underlying zoning district comparable to the districts shown on Tables 4.100.A., 4.100.B., 4.100.C., and 4.100.D. and Open Space (O-S), Western Theme Park (W-P), and Special Campus (S-C) zoning, are allowed directory signs.

2. Quantity of signs: subject to Development Review Board approval.

3. Maximum Height:

   a. Seven (7) feet, not including the Planned Regional Center (PRC) district; and

   b. Twelve (12) feet in the Planned Regional Center (PRC) district.

4. Placement:

   a. Signs equal to, or less than seven (7) feet: Unless separated by a structure and not visible from an abutting street, freestanding directory signs shall not be placed within 100 feet from a street line.

   b. Signs greater than seven (7) feet: Unless separated by a structure and not visible from an abutting street, freestanding directory signs shall not be placed within 150 feet from a street line.

5. Maximum Area: Four (4) square feet per panel.

6. Maximum Sum Total Area: Thirty-two (32) square feet.

E. *Traffic Directional Signs* .

1. Multiple family and non-residential development projects with zoning district shown on Tables 4.100.A. Residential Districts; 4.100.B. Commercial Districts, 4.100.C. Industrial Districts, and 4.100.D. Mixed Use Districts, Open Space (O-S), Western Theme Park (W-P), and Special Campus (S-C) zoning; or, any portion of a Planned Community P-C with an underlying zoning district comparable to the districts shown on Tables 4.100.A., 4.100.B., 4.100.C., and 4.100.D. and Open Space (O-S), Western Theme Park (W-P), and Special Campus (S-C) zoning, are allowed traffic directional signs.

2. Maximum number of signs for each driveway: one (1) sign.

3. Maximum number of signs for each drive aisle internal to a development project: subject to Development Review Board approval.

4. Maximum height of sign: three (3) feet.

5. Placement:

   a. Adjacent to a street and driveway intersection: Within fifty (50) feet from the back of the curb of the driveway, or the edge of the pavement when a curb is not provided; and

   b. Within a development project: Locations shall be approved by the Development Review Board.

6. Maximum area of sign:

   a. Driveway and drive aisle accessing one (1) lot: four (4) square feet.

   b. Driveway and drive aisle accessing two (2) or more lots: eight (8) square feet.

F. *Column Signs* .

1. Freestanding Column Signs are allowed in development projects that:

   a. Are zoned Planned Regional Center (PRC); or any portion of a Planned Community P-C with an underlying zoning district comparable to Planned Regional Center (PRC) zoning; and

   b. Have a gross floor area equal to, or greater than, 100,000 square feet.

2. Quantity of signs: One (1) freestanding column sign may be utilized in-lieu of one of the freestanding sign types allowed in Table 8.514.A.4.

3. Maximum Height: twenty-five (25) square feet

4. Maximum diameter or width: six (6) feet

5. Placement:

   a. Signs shall be placed adjacent to an arterial or collector street with a development project street line width equal to, or greater than, 300 feet.

6. Maximum Area: one hundred fifty (150) square feet

G. *Perimeter Site Wall Signs* .

1. Perimeter site wall signs are allowed in zoning districts shown on Table 4.100.B. Commercial Districts, 4.100.C. Industrial Districts, and 4.100.D. Mixed Use Districts, Western Theme Park (W-P), and Special Campus (S-C) zoning; or any portion of a Planned Community P-C with an underlying zoning district comparable to the districts shown on Tables 4.100.B., 4.100.C., and 4.100.D. and Western Theme Park (W-P), and Special Campus (S-C) zoning.

2. The Development Review Board may approve a master sign program that includes relocating a portion of the allowed sum total sign area for a business to be located on a development project's perimeter site wall, upon finding that the sign placement improves visibility, limits the proliferation and clutter of signage adjacent to a street, maintains the surrounding character, and achieves a higher quality of sign placement and design.

3. Maximum Quantity per onsite business: one (1) sign

4. Maximum Area: ten (10) square feet.

5. Sum total area of all perimeter site wall signs: (1) square foot for each one thousand (1,000) square feet of gross floor area of a development project.

(Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 7), 7-5-17)

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 7), adopted July 5, 2017, repealed the former § 8.516, and enacted a new § 8.516 as set out herein. The former § 8.516 pertained to drive-in theaters and derived from Ord. No. 2260, § 2, adopted July 18, 1989.

Sec. 8.517. - Freestanding Signs in Planned Community (P-C) and Planned Residential Development (PRD) Districts.

A. Onsite freestanding signs are allowed in the Planned Community (P-C) and Planned Residential Development (PRD) districts.

1. Minimum Area of the Planned Community (P-C) or Planned Residential Development (PRD) district: one hundred sixty (160) acres.

2. Maximum Quantity of signs in a Planned Community (P-C) or Planned Residential Development (PRD) district: One (1) sign per street entrance into the district.

3. Maximum sign area: One hundred (100) square feet

4. Maximum Height: Eight (8) feet.

5. Placement:

   a. Maximum number of signs placed adjacent to a street entrance: Two (2) signs.

b. Within five hundred (500) feet of the Planned Community (P-C) or Planned Residential Development (PRD) district boundary, and within 100 feet of the right-of-way or private street tract that enters into the Planned Community (P-C) or Planned Residential Development (PRD) district.

(Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 7), 7-5-17)

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 7), adopted July 5, 2017, repealed the former § 8.517, and enacted a new § 8.517 as set out herein. The former § 8.517 pertained to multifamily and duplex developments and manufactured home parks and derived from Ord. No. 2260, § 2, adopted July 18, 1989; Ord. No. 2278, adopted Feb. 20, 1990; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, §§ 67—70), adopted Nov. 19, 2013.

Secs. 8.518—8.538. - Reserved.

Editor's note— Ord. No. 4315, § 1(Res. No. 10834, § 1(Exh. A, § 7), adopted July 5, 2017, repealed §§ 8.518—8.538. See the Code Comparative Table for complete derivation.

Sec. 8.550. - Reserved.

Editor's note— Former § 8.550, relative to downtown signs, was deleted by Ord. No. 2278, adopted Feb. 20, 1990. The deleted provisions derived from the basic zoning ordinance, No. 455, and Ord. No. 2260, § 2, adopted July 18, 1989.

Sec. 8.600. - Temporary Signs Allowed.

A. *On-Premise Commercial Activity Post-and-Panel Signs* .

1. Allowed on a lot with the zoning district shown on Table 4.100.B. Commercial Districts, 4.100.C. Industrial Districts, and 4.100.D. Mixed Use Districts, or any portion of a Planned Community P-C with an underlying zoning district comparable to the districts shown on Table 4.100.B., 4.100.C., and 4.100.D.:

a. Sign(s) may be placed on a lot at the beginning of the duration of activity, and removed no more than seven (7) days upon completion of the duration of activity.

i. The duration of activity is the timeframe between any of the following:

(1) The approval of a Development Review Board application for a development project on the lot, and the expiration of the application;

(2) The issuance of a building permit for a development project on the lot and upon the issuance of a Certificate-of-Shell Building or Certificate-of-Occupancy, approval of a final inspection, or the expiration of a building permit; and

(3) The active marketing of the lot for sale or lease, and the completion of the active marketing of the lot for sale or lease.

b. Maximum Number:

i. Lots with a lot width of less than 1,200 feet abutting a street: one (1) sign;

ii. Lots with a lot width of 1,200 feet and greater abutting a street: two (2) signs;

(1) One (1) additional sign for each additional 600 feet of lot width above 1,200 feet; however,

(2) No more than a maximum of six (6) signs per street frontage.

c. Height:

i. Five (5) feet; or

ii. 10 feet behind a dedicated scenic corridor easement or adjacent to a property line abutting the Loop 101 Pima Freeway frontage road.

d. Maximum Area:

i. 16 square feet; or

ii. 32 square feet behind a dedicated scenic corridor easement or adjacent to a property line abutting the Loop 101 Pima Freeway frontage road.

e. Placement:

i. On private property.

ii. Shall be placed in a manner that does not create a traffic hazard, obstruct a public or private sidewalk, trail, or pedestrian pathway.

f. Prohibited elements: No illumination, searchlights, amplified sound, animation, reflective materials, or attachments including, but not limited to, balloons, flags, pinwheels, ribbons, or speakers.

2. Allowed on a lot with the zoning district shown on Table 4.100.A. Residential Districts, or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.:

a. Sign(s) may be placed on a lot at the beginning of the duration of activity, and removed no more than seven (7) days upon completion of the duration of activity.

i. The duration of activity is the timeframe between any of the following:

(1) The approval of a Development Review Board application for a development project on the lot, and the expiration of the application;

(2) The issuance of a building permit for a development project on the lot and upon the issuance of a Certificate-of-Shell Building or Certificate-of-Occupancy, approval of a final inspection, or the expiration of a building permit; and

(3) The active marketing of the lot for sale or lease, and the completion of the active marketing of the lot for sale or lease.

b. Maximum Number:

i. Lots with a lot width of less than 1,200 feet abutting a street: one (1) sign;

ii. Lots with a lot width of 1,200 feet and greater abutting a street: two (2) signs;

(1) One (1) additional sign for each additional 600 feet of lot width above 1,200 feet; however,

(2) No more than a maximum of four (4) signs per street frontage.

c. Height: five (5) feet.

d. Maximum area:

i. Two (2) acres or less: six (6) square feet.

ii. Greater than two (2) acres, and less than (10) acres: nine (9) square feet.

iii. Greater than ten (10) acres: sixteen (16) square feet.

e. Placement:

i. On private property.

ii. Shall be placed in a manner that does not create a traffic hazard, obstruct a public or private sidewalk, trail, or pedestrian pathway.

f. Prohibited elements: No illumination, searchlights, amplified sound, animation, reflective materials, or attachments including, but not limited to balloons, flags, pinwheels, ribbons, or speakers.

B. *Governmental Agency Post-and-Panel Signs* .

1. Allowed on any lot when required by a governmental agency.

2. Shall be placed in a manner that does not create a traffic hazard, obstruct a public or private sidewalk, trail, or pedestrian pathway.

C. *On-Premise Portable Signs* .

1. Standards:

a. Maximum area: six (6) square feet.

b. Maximum height: three (3) feet.

c. Shall not be attached or placed on a light pole, traffic control device, or similar devices or structure.

d. Shall be placed in a manner that does not create a traffic hazard, or obstruct a public sidewalk, trail, or pedestrian pathway.

e. Shall be placed in a manner that maintains a minimum six (6) foot wide unobstructed private sidewalk, trail, or pedestrian pathway.

f. Shall be placed in a manner that maintains a minimum feet (10) foot wide distance from any pedestrian stairs or ramp.

g. Prohibited elements: No illumination, searchlights, amplified sound, animation, reflective materials, or attachments including, but not limited to, balloons, flags, pinwheels, ribbons, or speakers.

2. On-premise portable signs on a development project are allowed within the zoning districts shown on Table 4.100.B. Commercial Districts, 4.100.C. Industrial Districts, and 4.100.D. Mixed Use Districts, or any portion of a Planned Community P-C with an underlying zoning district comparable to the districts shown on Table 4.100.B., 4.100.C., and 4.100.D, subject to the following:

a. Unless separated by a structure and not visible from an abutting street, on-premise portable signs shall not be placed within 100 feet from the back of a curb of an abutting street, or within a scenic corridor.

b. One (1) sign per:

i. Abutting street frontage; and

ii. Tenant suite.

(1) Portable signs for a tenant suite shall be within ten (10) feet of the primary pedestrian entrance to the suite;

3. On-premise portable signs on a lot are allowed within the zoning districts shown on Table 4.100.A. Residential Districts, or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A, subject to the following:

a. One (1) sign per abutting street frontage.

b. On private property.

c. Period of use of sign:

i. Between the hours of 7am to 8pm.

D. *Off-Premise Traffic Directional Signs (excluding special event signs)* .

1. Placement allowances:

a. Allowed on private lots, excluding vacant sites, with the zoning district shown on Table 4.100.A. Residential Districts, or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the districts shown on Table 4.100.A.

b. Shall be placed in a manner that does not create a traffic hazard, or obstruct a public or private sidewalk, trail, or pedestrian pathway.

c. Shall not be attached or placed on public structures.

d. Shall not be attached or placed on a light pole, directional sign or supports, traffic control device, utility cabinet, bridges, or other similar structures.

2. Period of use of sign:

a. Between 7am and 8pm.

3. Maximum area per sign: six (6) square feet.

4. Maximum height: three (3) feet.

5. Maximum number of signs: six (6) signs.

6. Maximum distance from the lot on which the activity occurs: ½ mile radius measured from the property line of the lot on which the activity occurs.

7. Prohibited elements: No illumination, searchlights, amplified sound, animation, reflective materials, or attachments including, but not limited to, balloons, flags, pinwheels, ribbons, or speakers.

8. Design and construction:

a. Signs shall have sufficient weight and durability to withstand wind gusts, storms, and other weather elements.

b. Text, graphics and colors shall not replicate or conflict with the United States Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Control Devices.

c. Sign shall include a directional arrow that points toward the location of the lot on which the activity occurs.

i. Directional arrow shall be no less than 12 inches wide and six (6) inches tall.

ii. Directional arrow shall contrast with the background of the sign surface for readability.

E. *Banners* .

1. Allowed on a lot within the zoning districts shown on Table 4.100.B. Commercial Districts, 4.100.C. Industrial Districts, and 4.100.D. Mixed Use Districts, or any portion of a Planned Community P-C with an underlying zoning district comparable to the districts shown on Table 4.100.B., 4.100.C., and 4.100.D., not including the Service-Residential (S-R) district:

a. Maximum area: one (1) square foot per one (1) linear foot of building wall, not to exceed 250 square feet.

b. Maximum height: 36 feet, not to extend above the roof line.

c. Location: Building façade or wall.

d. Maximum number of signs: One per business or organization.

2. Allowed on a lot within the Service-Residential (S-R) district, or any portion of a Planned Community P-C with an underlying zoning district comparable to the Service-Residential (S-R) district:

   a. Maximum area: 12 square feet.

   b. Maximum height: not to extend above the roof line.

   c. Location: Building façade or wall.

   d. Maximum number of signs: One per business or organization.

3. Maximum duration: 35 consecutive days within a calendar year.

4. The banners shall be made of weather resistant material.

5. The perimeter of the banner sign shall be securely fastened to the building façade or wall.

F. *On-premises temporary/security fencing banners* .

1. Allowed on a lot within the zoning district shown on Table 4.100.B. Commercial Districts, 4.100.C. Industrial Districts, and 4.100.D. Mixed Use Districts, or any portion of a Planned Community P-C with an underlying zoning district comparable to the districts shown on Table 4.100.B., 4.100.C., and 4.100.D.

2. Maximum area: 32 square feet.

3 Maximum height: Not extend above the temporary/security fencing.

4. Location: On temporary/security fencing not in the right-of-way.

5. Maximum number of signs: One per street frontage.

6. Maximum duration: To be removed upon expiration of building permit or approval of final inspection.

7. The banners shall be made of weather resistant material.

8. The perimeter of the banner shall be securely fastened to the temporary/security fencing, or printed on to the temporary/security fencing screening.

G. *Window Signs* .

1. Allowed on a lot within the zoning district shown on Table 4.100.A. Residential Districts, Table 4.100.B. Commercial Districts, 4.100.C. Industrial Districts, and 4.100.D. Mixed Use Districts, or any portion of a Planned Community P-C with an underlying zoning district comparable to the districts shown on Table 4.100.A., 4.100.B., 4.100.C., and 4.100.D.

2. Placement: on the inside or outside surface of the window pane.

3. Maximum size per window pane:

   a. 25 percent of any window pane that is greater than four (4) square feet.

   b. 100 percent of any window pane that is equal to, or less than, four (4) square feet.

4. Maximum sign area of all window signs for any one (1) side of a building:

   a. One (1) square foot for each one (1) linear foot of building wall.

   b. Shall not exceed the sum total sign area allowed for permanent signs.

H. *On-Premise Non-commercial Yard Sign* .

1. Allowed on a lot with the zoning district shown on Table 4.100.A. Residential Districts, or the residential portion of a Planned Community P-C, or any portion of a Planned Residential

Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.:

a. Maximum Number:

i. Lots with a lot width of less than 1,200 feet abutting a street: one (1) sign;

ii. Lots with a lot width of 1,200 feet and greater abutting a street: two (2) signs;

(1) One (1) additional sign for each additional 600 feet of lot width above 1,200 feet; however,

(2) No more than a maximum of four (4) signs per street frontage.

b. Height: five (5) feet.

c. Maximum area:

i. Adjacent to a property line abutting an unclassified street: six (6) square feet.

d. Placement:

i. On private property.

ii. Shall be placed in a manner that does not create a traffic hazard, obstruct a public or private sidewalk, trail, or pedestrian pathway.

e. Maximum Duration: 126 days

f. Prohibited elements: No illumination, searchlights, amplified sound, animation, reflective materials, or attachments including, but not limited to balloons, ribbons, or speakers.

(Ord. No. 4300, § 1(Res. No. 10727, § 1(Exh. A, § 6), 5-23-17)

Editor's note— Ord. No. 4300, § 1(Res. No. 10727, § 1(Exh. A, § 6), adopted May 23, 2017, repealed the former § 8.600, and enacted a new § 8.600 as set out herein. The former § 8.600 pertained to similar subject matter and derived from Ord. No. 3515, § 1, adopted June 17, 2003; Ord. No. 3728, § 1(Exh. 1), adopted March 20, 2007; Ord. No. 3971, § 6, adopted Nov. 1, 2011.

Sec. 8.601. - Sign free zone.

A. Pursuant to A.R.S. 16-1019 as amended, the City Council by resolution may designate commercial tourism, commercial resorts and hotel sign-free zones, not more than two (2) zones may be identified within the City limits. The total area of each of those zones shall not be larger than three (3) square miles, and each zone shall be identified as a specific contiguous area. The City Council must find that based on a predominance of commercial tourism, resort and hotel uses within the zone, the placement of political signs within the rights-of-way in the zone will detract from the scenic and aesthetic appeal of the area within the zone and deter its appeal to tourists.

(Ord. No. 4300, § 1(Res. No. 10727, § 1(Exh. A), 5-23-17)

Editor's note— Ord. No. 4300, § 1(Res. No. 10727, § 1(Exh. A, § 7), adopted May 23, 2017, repealed § 8.601, which pertained to semi-permanent signs allowed and derived from Ord. No. 2260, § 2, adopted July 18, 1989; Ord. No. 3515, § 1, adopted June 17, 2003; Ord. No. 3728, § 1(Exh. 1), adopted March 20, 2007; Ord. No. 3971, §§ 7, 8, adopted Nov. 1, 2011; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 94), adopted Nov. 19, 2013.

Sec. 1(Res. No. 10727, § 1(Exh. A, § 8) of said ordinance then renumbered § 8.602 as 8.601.

ARTICLE IX. - PARKING AND LOADING REQUIREMENTS

Sec. 9.100. - Parking.

Sec. 9.101. - Purpose and scope.

The purpose of preparing and adopting the parking regulations within this Zoning Ordinance is to implement the goals of the City of Scottsdale as they are set forth by the city's General Plan and further refined here. These regulations are to provide adequate parking within the community without sacrificing urban design which enhances the aesthetic environment, encourage the use of various modes of transportation other than the private vehicle and provides a generally pleasant environment within the community. Several purposes are identified herein to achieve the above stated purpose.

The purposes of the parking ordinances of the City of Scottsdale are to:

1. Provide parking facilities which serve the goal of a comprehensive circulation system throughout the community;
2. Provide parking, city-wide that will improve pedestrian circulation, reduce traffic congestion, and improve the character and functionality of all developments;
3. Promote the free flow of traffic in the streets;
4. Encourage the use of bicycles and other alternative transportation modes;
5. Design and situate parking facilities so as to ensure their usefulness;
6. Provide an adequate number of on-site bicycle parking facilities, each with a level of security, convenience, safety, access, and durability;
7. Provide for adequate parking at transfer centers and selected transit stops in order to encourage the use of mass transit;
8. Ensure the appropriate development of parking areas throughout the city; and
9. Mitigate potential adverse impacts upon land uses adjacent to parking facilities.

(Ord. No. 2736, § 1, 3-7-95; Ord. No. 3896, § 1(Exh. § 6), 6-8-10; Ord. No. 3980, § 1(Res. 8895, § 1, Exh. A, § 44), 12-6-11; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 244), 5-6-14)

Editor's note— Ord. No. 2736, § 1, adopted Mar. 7, 1995, did not specifically repeal §§ 9.100—9.104, which pertained to off-street parking; hence, §§ 9.100—9.108 adopted in said ordinance have been treated as superseding former §§ 9.100—9.104.

Sec. 9.102. - Applications of and exemptions from parking.

A. *Additions and change of occupancy.* The standards for providing on-site parking shall apply at the time of the erection of any main building or when on-site parking is established. These standards shall also be complied with when an existing building is altered or enlarged by the addition of dwelling units or guest rooms or where the use is intensified by a change of occupancy or by the addition of floor area, seating capacity, or seats.

B. *Required parking must be maintained.* Required on-site parking spaces shall be maintained so long as the main building or use remains.

C. *Nonconforming parking.* Where vehicle parking space is provided and maintained in connection with a main building or use at the time this ordinance became effective and is insufficient to meet the requirements for the use with which it is associated, or where no such parking has been provided, then said building or structure may be enlarged or extended only if vehicle parking spaces are

provided for said enlargement, extension or addition, to the standards set forth in the district regulations. No existing parking may be counted as meeting this requirement unless it exceeds the requirements for the original building and then only that excess portion may be counted.

Any commercial property which provides sufficient parking spaces to supply at least fifty (50) percent of the requirement for the property and which is destroyed by fire, hurricane, flood, or other act of God, may be restored to its original use and building outline, provided the floor area is not increased, without conforming to the parking requirements of this ordinance.

D. *Building permits.* No building permit shall be issued until parking requirements have been satisfied. Off-street parking required by this Zoning Ordinance shall not be located within the right-of-way of a street or alley.

E. *Counting flexible units.* Whenever a residential building is designed so that it can be used for separate apartments or guest rooms under the City of Scottsdale Building Code, the vehicle parking requirements shall be based upon the highest possible number of dwelling units or guest rooms obtainable from any such arrangement.

F. *Application to multiple tenant developments.* Where there is a combination of uses, the minimum required number of on-site parking spaces shall be the sum of the requirements of the individual uses, unless otherwise considered a mixed use development, mixed use commercial center, or as provided per Section 9.104.E. and F. If, in the opinion of the Zoning Administrator, the uses would not be operated simultaneously, the number of vehicle parking spaces shall be determined by the use with the highest parking demand.

G. *Free parking in the Downtown Area.* Required parking for developments within the Downtown Area shall be provided at no cost to the patrons, employees, residents, or their guests of the development. If the required parking of a development, which the required parking is on the same site as the development, is only available through the use of a valet services, the valet service shall be provided at no cost to the user.

H. *Prohibited uses of parking areas.*

1. Parking of more than 5 vehicles on any unimproved lot is prohibited, except when used for special events parking. An improved lot shall mean 1 that fulfills the requirements of Section 9.103.
2. Parking or display of vehicles other than in designated and improved areas shall be prohibited.
3. Required parking spaces shall not be used for product display or advertising.

(Ord. No. 2736, § 1, 3-7-95; Ord. No. 3896, § 1(Exh. § 6), 6-8-10; Ord. No. 3920, § 1(Exh. § 103), 11-9-10; Ord. No. 3980, § 1(Res. 8895, § 1, Exh. A, § 45), 12-6-11; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 95), 11-19-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 245), 5-6-14; Ord. No. 4265, § 1, 6-21-16)

Sec. 9.103. - Parking requirements.

A. *General requirement.* Except as provided in Sections 9.103.B, 9.104, 9.107, and 9.108, and subsections therein, each use of land shall provide the number of parking spaces indicated for that use in Table 9.103.A. and Section 9.105.

B. *Requirement in the Downtown Area.* Except as provided in Sections 9.104, 9.107, and 9.108, and subsections therein each use of land in the Downtown Area shall provide the number of parking spaces indicated for that use in Table 9.103.b. and Section 9.105. Those uses that are not specifically listed in Table 9.103.B. shall provide the number of parking spaces indicated for that use in Table 9.103.A.

C. *Required bicycle parking.* Every principal and accessory use of land which is required to provide at least forty (40) vehicular parking spaces shall be required to provide bicycle parking spaces at a rate

of one (1) bicycle parking space per every ten (10) required vehicular parking spaces; and after July 9, 2010, new development shall provide, at a minimum, two (2) bicycle parking spaces. No use shall be required to provide more than one hundred (100) bicycle parking spaces.

1. Subject to the approval of the Zoning Administrator, in the Downtown Area, bicycle parking spaces may be provided within a common location that is obvious and convenient for the bicyclist, does not encroach into adjacent pedestrian pathways or landscape areas, and the location shall be open to view for natural surveillance by pedestrians. Such common bicycle parking areas shall be subject to the approval of the Zoning Administrator.

D. *Bicycle parking facilities design.* Required bicycle parking facilities shall, at a minimum, provide a stationary object to which the bicyclist can lock the bicycle frame and both wheels with a user provided U-shaped lock or cable and lock. The stationary object shall generally conform to the Design Standards & Policies Manual. The Zoning Administrator may approve alternative designs. Bicycle lockers and other high security bicycle parking facilities, if provided, may be granted parking credits pursuant to Section 9.104.C., Credit for bicycle parking facilities.

E. *Calculating required parking for transportation facilities.* Required parking for park and ride lots and major transfer centers shall be determined by the Zoning Administrator. Subject to the Design Standards & Policies Manual and the following criteria:

1. Goals of the City with regard to transit ridership along the route on which the transportation facility is located.

2. Distance from other transportation facilities with parking.

F. *Fractions shall be rounded.*

1. When any calculation for the required parking results in a fraction of a parking space, the fraction shall be rounded up to the next greater whole number.

2. When any calculation for the provided parking results in a fraction of a parking space, the fraction shall be rounded down to the next greater whole number.

3. When any calculation of a Parking P-3 District credit, improvement district credit, or in-lieu parking credit results in a fraction of a credit, the fraction shall not be rounded.

G. *Interpreting requirements for analogous uses.* The Zoning Administrator shall determine the number of spaces required for analogous uses. In making this determination, the Zoning Administrator shall consider the following:

1. The number of parking spaces required for a use listed in Table 9.103.A., or Table 9.103.B., that is similar to the proposed use;

2. An appropriate variable by which to calculate parking for the proposed use; for example, building square footage or number of employees;

3. Parking data from the same use on a different site or from a similar use on a similar site;

4. Parking data from professional publications such as those published by the Institute of Transportation Engineers (ITE) or the Urban Land Institute (ULI);

H. *Additional requirements for company vehicles.* When parking spaces are used for the storage of vehicles or equipment used for delivery, service and repair, or other such use, such parking spaces shall be provided in addition to those otherwise required by this Zoning Ordinance. Before a building permit is issued the number of spaces to be used for vehicle storage shall be shown on the plans. Unless additional spaces are provided in excess of the required number of spaces, no vehicles in addition to that number shall be stored on the site.

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Table 9.103.A. Schedule of Parking Requirements

Amusement parks	Three (3) spaces per hole for any miniature golf course, plus one (1) space per three thousand (3,000) square feet of outdoor active recreation space, plus any additional spaces required for ancillary uses such as but not limited to game centers and pool halls.
Arts festivals, seasonal	A. One (1) space for each two hundred (200) square feet of indoor public floor area, other than public restaurant space. B. Restaurant at seasonal arts festivals shall be provided parking in accordance with table 9.103.a.
Banks/financial institutions	One (1) space per two hundred fifty (250) square feet gross floor area.
Bars, cocktail lounges, taverns, afterhours or micro-brewery/distillery with live entertainment	A. One (1) space per sixty (60) square feet of gross floor area; and B. One (1) space per two hundred (200) gross square feet of outdoor patio area, excluding the first two hundred (200) gross square feet.
Bars, cocktail lounges, taverns, afterhours or micro-brewery/distillery	A. One (1) space per eighty (80) square feet of gross floor area; and B. One (1) space per two hundred (200) gross square feet of outdoor patio area, excluding the first two hundred (200) gross square feet.
Boardinghouses, lodging houses, and other such uses	One (1) parking space for each one (1) guest room or dwelling unit.
Bowling alleys	Four (4) parking spaces for each lane, plus two (2) parking spaces for any pool table, plus one (1) parking space for every five (5) audience seats.
Carwash	Four (4) spaces per bay or stall plus one (1) space per employee plus ten (10) stacking spaces.
Churches and places of worship	A. With fixed seating. One (1) space per four (4) seats in main sanctuary, or auditorium, and c below; or B. Without fixed seating. One (1) space for each thirty (30) square feet of gross floor area in main sanctuary and c below.

	C. One (1) space per each three hundred (300) square feet gross floor area of classrooms and other meeting areas.
Club/lodge, civic and social organizations	One (1) space per two hundred fifty (250) square feet gross floor area.
College/university	One (1) space per two (2) employees plus one (1) space per four (4) students, based on projected maximum enrollment.
Community or recreation buildings	One (1) parking space for each two hundred (200) square feet of gross floor area.
Conference and meeting facilities, or similar facilities	A. One (1) parking space for every five (5) seats, if seats are fixed, and/or B. One (1) parking space for fifty (50) square feet of gross floor area of conference/meeting area.
Cultural institutions and museums	One (1) space per three hundred (300) square feet gross floor area.
Dance halls, skating rinks, and similar indoor recreational uses	One (1) parking space for each three hundred (300) square feet of gross floor area in the building.
Dance/music/and professional schools	One (1) space per two hundred (200) square feet of gross floor area classroom area.
Day care center	One (1) parking space for each employee; plus one (1) space for every fifteen (15) students, plus one (1) space for each company vehicle as per Section 9.103.H., additional requirements for company vehicles.
Dry cleaners	One (1) space per two hundred fifty (250) square feet gross floor area.
Dwellings, multiple-family	Parking spaces per dwelling unit at the rate of: efficiency units 1.25 one-bedroom 1.3 two-bedrooms 1.7 three (3) or more bedrooms 1.9

Dwellings, single- and two-family and townhouses	Two (2) spaces per unit.
Elementary schools	One (1) parking space for each classroom plus one (1) parking space for each two hundred (200) square feet of gross floor area in office areas.
Funeral homes and funeral services	A. One (1) parking space for every two (2) permanent seats provided in the main auditorium; and B. One (1) parking space for every thirty (30) square feet of gross floor area public assembly area.
Furniture, home improvement, and appliance stores	A. Uses up to fifteen thousand (15,000) square feet of gross floor area. One (1)space per five hundred (500) square feet gross floor area; or B. Uses over fifteen thousand (15,000) square feet of gross floor area. One (1) space per five hundred (500) square feet for the first fifteen thousand (15,000) square feet of gross floor area, and one (1) space per eight hundred (800) square feet area over the first fifteen thousand (15,000) square feet of gross floor area
Galleries	One (1) space per five hundred (500) square feet of gross floor area.
Game centers	One (1) space per one hundred (100) square feet gross floor area.
Gas station	Three (3) spaces per service bay and one (1) space per 250 square feet of accessory retail sales gross floor area. Each service bay counts for one (1) of the required parking spaces.
Golf course	One (1) parking space for each two hundred (200) square feet of gross floor area in any main building plus one (1) space for every two (2) practice tees in the driving range, plus four (4) parking spaces for each green in the playing area.
Grocery or supermarket	One (1) space per three hundred (300) square feet gross

	floor area.
Health or fitness studio, and indoor recreational uses	A. Building area less than, or equal to, 3,000 square feet of gross floor area: one space per 250 square feet of gross floor area. B. Building area greater than 3,000 square feet of gross floor area, and less than 10,000 square feet of gross floor area: one space per 150 square feet of gross floor area. C. Building areas equal to, or greater than, 10,000 square feet of gross floor area, and less than 20,000 square feet of gross floor area: one space per 200 square feet of gross floor area. D. Building areas equal to, or greater than, 20,000 square feet of gross floor area: one space per 250 square feet of gross floor area.
High schools	One (1) parking space for each employee plus one (1) space for every six (6) students, based on projected maximum enrollment.
Hospitals	One and one half (1.5) parking spaces for each one (1) bed.
Internalized community storage	One (1) parking space for each two thousand five hundred (2,500) square feet of gross floor area.
Library	One (1) space per three hundred (300) square feet gross floor area.
Live entertainment (not including bars, restaurants, and performing arts theaters)	A. With fixed seating. One (1) parking space for two and one-half (2.5) seats. B. Without fixed seating. One (1) parking space for every sixty (60) square feet of gross floor area of an establishment that does not contain fixed seating.
Manufactured home park	One and one-half parking spaces per manufactured home space.
Manufacturing and industrial uses	One (1) parking space for each five hundred (500) square feet of gross floor area.
Mixed-use commercial centers	One (1) space per three hundred (300) square feet of gross

In mixed-use commercial centers with less than 20,000 square feet of gross floor area, land uses (with parking requirements of one space per 250 square feet or fewer spaces) shall occupy at least 60 percent of gross floor area.	floor area.
Mixed-use developments	A. One (1) space per three hundred twenty-five (325) square feet of gross floor area of nonresidential area; B. Multiple-family residential uses shall be parked at the ratios of the dwellings, multiple-family in other districts requirements, herein.
Office, all other	One (1) space per three hundred (300) square feet gross floor area.
Offices (government, medical/dental and clinics)	One (1) space per two hundred fifty (250) square feet of gross floor area.
Parks	Three (3) parking spaces for each acre of park area.
Personal care services	One (1) space per two hundred fifty (250) square feet gross floor area.
Plant nurseries, building materials yards, equipment rental or sales yards and similar uses	One (1) parking space for each three hundred (300) square feet gross site area of sales and display area.
Pool hall	Two (2) spaces per pool table.
Postal station(s)	One (1) parking space for each two hundred (200) square feet of gross floor area.
Radio/TV/studio	One (1) space per five hundred (500) square feet gross floor area, plus one (1) space per company vehicle, as per Section 9.103.H., additional requirements for company vehicles.
Ranches	One (1) space per every two (2) horse stalls.
Residential health care facilities	A. Specialized care facilities—0.7 parking space for each bed.

	B. Minimal care facilities—1.25 parking spaces for each dwelling unit.
Restaurants with live entertainment	A. When live entertainment limited to the hours that a full menu is available, and the area of live entertainment is less than fifteen (15) percent of the gross floor area, one (1) parking space per one hundred twenty (120) square feet of gross floor area; and B. One (1) parking space for each three hundred fifty (350) gross square feet of outdoor public floor area, excluding the first three hundred fifty (350) gross square feet of outdoor patio area, unless the space is located next to and oriented toward a publicly owned walkway or street, in which case the first five hundred (500) gross square feet of outdoor patio area is excluded. C. When live entertainment is not limited to the hours that a full menu is available, and/or the area of live entertainment is less than fifteen (15) percent of the gross floor area, one (1) parking space per sixty (60) square feet of gross floor area, plus patio requirements above.
Restaurants	A. One (1) parking space per one hundred twenty (120) square feet of gross floor area; and B. One (1) parking space for each three hundred fifty (350) gross square feet of outdoor patio area, excluding the first three hundred fifty (350) gross square feet of outdoor patio area, unless the space is located next to and oriented toward a publicly owned walkway or street, in which case the first five hundred (500) square gross feet of outdoor patio area is excluded.
Retail	One (1) space per two hundred fifty (250) square feet of gross floor area.
Retail, in a PCoC zoning district without arterial street frontage	One (1) space per three hundred (300) square feet gross floor area.
Stables, commercial	Adequate parking for daily activities shall be provided as determined by the Zoning Administrator.

Swimming pool or natatorium	One (1) space per one thousand (1,000) square feet gross floor area.
Tennis clubs	One (1) parking space per each two hundred (200) square feet of gross floor area, excluding court area, plus three (3) parking spaces per each court. The property owner shall provide additional parking spaces as necessary for tournaments, shows or special events.
Theaters, cinemas, auditoriums, gymnasiums and similar places of public assembly in PNC, PCC, PCP, PRC, or PUD zoning districts	One (1) space per ten (10) seats.
Theaters, cinemas, auditoriums, gymnasiums and similar places of public assembly in other districts	One (1) parking space per four (4) seats.
Trailhead - gateway	Five hundred (500) to six hundred (600) spaces, including those for tour buses and horse trailers.
Trailhead - local	None required.
Trailhead - major community	Two hundred (200) to three hundred (300) spaces, including those for horse trailers.
Trailhead - minor community	Fifty (50) to one hundred (100) spaces.
Transportation facilities	Required parking shall be determined by the Zoning Administrator per Section 9.103.E., Calculating required parking for transportation facilities.
Transportation uses	Parking spaces required shall be determined by the Zoning Administrator.
Travel accommodations	One (1.25) parking spaces for each one (1) guest room or dwelling unit.
Travel accommodations with conference and meeting facilities, or similar facilities	The travel accommodation requirements above. A. Travel accommodations with auxiliary commercial uses (free standing buildings) requirements above.

	B. One (1) parking space for every five (5) seats, if seats are fixed, and/or C. One (1) parking space for fifty (50) square feet of gross floor area of conference/meeting area.
Travel accommodations, with auxiliary commercial uses (free standing buildings)	A. The travel accommodation requirements above. B. Bar, cocktail lounge, tavern, after hours, restaurants, and live entertainment uses shall provide parking in accordance uses parking requirements herein this table. C. All other free standing commercial uses. One (1) parking space for every four hundred (400) square feet of gross floor area.
Vehicle leasing, rental, or sales (parking plans submitted for vehicle sales shall illustrate the parking spaces allocated for each of A, B, and C.)	A. One employee parking space per 200 square feet of gross floor area, B. One employee parking space per 20 outdoor vehicular display spaces, and C. One patron parking space per 20 outdoor vehicular display spaces.
Veterinary services	One (1) space per three hundred (300) square feet gross floor area.
Warehouses, mini	One (1) space per three hundred (300) square feet of gross floor area of administrative office space, plus one (1) space per each fifty (50) storage spaces.
Warehousing, wholesaling establishments, or separate storage buildings.	One (1) parking space for each eight hundred (800) square feet of gross floor area.
Western theme park	Total of all spaces required for the various uses of the theme park, may apply for a reduction in required parking per Section 9.104, Programs and incentives to reduce parking requirements.

Table 9.103.B. Schedule of Parking Requirements in the Downtown Area	
Bars, cocktail lounges, taverns, afterhours or	A. One (1) space per eighty (80) square feet of gross floor

micro-brewery/distillery with live entertainment	area; and B. One (1) space per two hundred (200) gross square feet of outdoor patio area, excluding the first two hundred (200) gross square feet.
Bars, cocktail lounges, taverns, afterhours or micro-brewery/distillery	A. One (1) space per one-hundred twenty (120) square feet of gross floor area; and B. One (1) space per two hundred (200) gross square feet of outdoor patio area, excluding the first two hundred (200) gross square feet.
Dwellings, multi-family	A. One parking space per dwelling unit for units with one bedroom or less. B. Two parking spaces per dwelling unit, for units with more than one bedroom.
Financial intuitions	A. In a Type 1 area, one (1) space per five hundred (500) square feet of gross floor area; or B. In a Type 2 area, all other lot widths, one (1) space per three hundred (300) square feet of gross floor area.
Fitness studio (no larger than 3,000 gross square feet)	A. One (1) space per three hundred (300) square feet of gross floor area. B. A fitness studio larger than 3,000 gross square feet shall comply with Table 9.103.a.
Galleries	One (1) space per three hundred (500) square feet of gross floor area.
Live entertainment (not including bars, restaurants, and performing arts theaters)	A. With fixed seating. One (1) parking space for two and one-half (2.5) seats. B. Without fixed seating. One (1) parking space for every eighty (80) square feet of gross floor area of an establishment that does not contain fixed seating.
Medical and diagnostic laboratories	One (1) space per three hundred (300) square feet of gross floor area.
Mixed-use commercial centers In mixed-use commercial centers with less than 20,000 square feet of gross floor area,	One (1) space per three hundred fifty (350) square feet of gross floor area.

land uses (with parking requirements of one space per 300 square feet or fewer spaces) shall occupy at least 60 percent of gross floor area.	
Mixed-use developments	A. One space per 350 square feet of gross floor area of nonresidential area; plus B. Parking spaces required for multiple-family dwellings as shown in this table, except as provided in Section 9.104.H.3.d.
Office, including government and medical/dental offices and clinics	A. In a Type 1 area, one (1) space per five hundred (500) square feet of gross floor area; or B. In a Type 2 area, all other lot widths, one (1) space per three hundred (300) square feet of gross floor area.
Performing arts theaters	One (1) parking space per ten (10) seats.
Restaurants that serve breakfast and/or lunch only, or the primary business is desserts, bakeries, and/or coffee/tea or non-alcoholic beverage	A. One (1) parking space for each four hundred (400) square feet of gross floor area; and B. One (1) space for each three hundred fifty (350) gross square feet of outdoor public floor area. Excluding the first three hundred fifty (350) gross square feet of outdoor public floor area, unless the space is located next to and oriented toward a publicly owned walkway or street, in which case the first five hundred (500) gross square feet of outdoor public floor area is excluded.
Restaurants, including restaurants with a micro-brewery/distillery as an accessory use.	A. One (1) parking space per three hundred (300) square feet of gross floor area; and B. One (1) parking space for each three hundred fifty (350) gross square feet of outdoor patio area. Excluding the first three hundred fifty (350) gross square feet of outdoor patio area, unless the space is located next to and oriented toward a publicly owned walkway or street, in which case the first five hundred (500) gross square feet of outdoor public floor area is excluded.
Restaurants, including restaurants with a micro-brewery/distillery as an accessory	A. When live entertainment limited to the hours that a full menu is available, and the area of live entertainment is less than fifteen (15) percent of the gross floor area,

use, and with live entertainment	one (1) parking space per three hundred (300) square feet of gross floor area; and B. One (1) parking space for each three hundred fifty (350) gross square feet of outdoor public floor area. Excluding the first three hundred fifty (350) gross square feet of outdoor patio, unless the space is located next to and oriented toward a publicly owned walkway or street, in which case the first five hundred (500) gross square feet of outdoor patio area is excluded. C. When live entertainment is not limited to the hours that a full menu is available, and/or the area of live entertainment is greater than fifteen (15) percent of the gross floor area, one (1) parking space per one hundred twenty (120) square feet of gross floor area, plus patio requirements above at all times.
Retail, personal care services, dry cleaners, and tattoo parlors	A. In a Type 1 area, one (1) space per five hundred (500) square feet of gross floor area; or B. In a Type 2 area, all other lot widths, one (1) space per three hundred (300) square feet of gross floor area.
Work/live	A. The required parking shall be based on the area of commercial uses, per Table 9.103.B and when applicable, Table 9.103.A. B. In addition to the parking requirement for the commercial area, parking shall be provide in accordance with the dwellings, multi-family and co-housing parking requirement for developments containing more than one (1) dwelling unit, excluding the first unit (except as provided in Section 9.104.H.3.d).
All other uses	As specified Table 9.103.A.

Note: 1. Type 1 and Type 2 Areas are locations of the Downtown Area described by the Downtown Plan.

(Ord. No. 2736, § 1, 3-7-95; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3879, § 1(Exh. § 26), 3-2-10; Ord. No. 3896, § 1(Exh. § 6), 6-8-10; Ord. No. 3899, § 1(Res. No. 8342, Exh. A, §§ 18, 19), 8-30-10; Ord. No. 3920, § 1(Exh. §§ 104—109), 11-9-10; Ord. No.

3926, § 1(Exh. § 13), 2-15-11; Ord. No. 3980, § 1(Res. 8895, § 1, Exh. A, § 46), 12-6-11; Ord. No. 3992, § 1(Res. No. 8922, Exh. A, § 17), 1-24-12; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, §§ 17—23), 6-18-13; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, §§ 96—98), 11-19-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 246—249), 5-6-14; Ord. No. 4265, § 1, 6-21-16)

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

The following programs and incentives are provided to permit reduced parking requirements in the locations and situations outlined herein where the basic parking requirements of this Zoning 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 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 reductions and manner in which they were 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 in the Transportation Master 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.
5. Frontage within a fire hydrant zone or other emergency access zone.
6. Locations within the Downtown Area.

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 vehicle. 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 impervious surfaces, and to save on land and development costs.
2. *Performance standards.* The Zoning Administrator 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 Zoning Ordinance, subject to the following guidelines:
   a. Wherever bicycle parking is provided beyond the amount required per Section 9.103.C., required bicycle parking, credit toward required on-site vehicular parking may be granted pursuant to the following:
      i. Downtown Area: one (1) vehicular space per eight (8) bicycle spaces.
      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.D., 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 Zoning Administrator.

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 Table 9.103.A., or when applicable Table 9.103.B., 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 April 7, 1995, 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 property 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 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 (1½) 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 an option to reduce the total required parking in large mixed-use commercial centers and mixed-use developments in which the uses operate at different times throughout the day. The city recognizes that strict application of the required parking ratios may result in excessive parking spaces. This results in excessive pavement and impermeable surfaces and discourages the use of alternate transportation modes.

2. Applicability. A mixed-use shared parking program is an alternative to a parking master plan.

3. Procedure.

a. A mixed-use shared parking program may be proposed at the time a parking plan is required.

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 Zoning Administrator.

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, the parking necessary for the new mix of uses shall not exceed the parking required by the previous mix of uses.

4. Limitations on mixed-use shared parking.

a. The total number parking spaces required by Table 9.103.B. and the total number of parking spaces required for a mixed-use commercial center and mixed-use development indicated in Table 9.103.A. shall not be used to reduce the required

parking in the Downtown Area or a development that is defined as mixed-use development or mixed- use commercial center not in the Downtown Area.

b. The total number of parking spaces required by Table 9.103.A. shall not be reduced by more than twenty (20) percent.

5. Performance standards. The Zoning Administrator 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 9.104.A., Schedule of Shared Parking Calculations. If one (1) or all of the land uses proposing to use joint parking facilities do not conform to one (1) of the general land use classifications in Table 9.104.A., Schedule of Shared Parking Calculations, data shall indicate 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 subject to City approval 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 9.104.A Schedule of Shared Parking Calculations

General Land Use Classification	Weekdays			Weekends		
	12:00 a.m.— 7:00 a.m.	7:00 a.m.— 6:00 p.m.	6:00 p.m.— 12:00 a.m.	12:00 a.m.— 7:00 a.m.	7:00 a.m.— 6:00 p.m.	6:00 p.m.— 12:00 a.m.
Office and industrial	5%	100%	5%	0%	60%	10%
Retail	0%	100%	80%	0%	100%	60%
Residential	100%	55%	85%	100%	65%	75%
Restaurant and bars	50%	70%	100%	45%	70%	100%
Hotel	100%	65%	90%	100%	65%	80%
Churches and places of worship	0%	10%	30%	0%	100%	30%

Cinema/theater, and live entertainment	0%	70%	100%	5%	70%	100%

How to use the schedule of shared parking. Calculate the number of parking spaces required by Table 9.103.A. for each use as if that use were free-standing (the total number of parking spaces required by Table 9.103.B. and the total number of parking spaces required for a mixed-use commercial center and mixed-use development indicated in Table 9.103.A. shall not be used to reduce the required parking in the Downtown Area, or a development that is defined as mixed-use development or mixed-use commercial center not in Downtown Area.)

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 sites in the Downtown Type 1 Area as designated by the Downtown Plan 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 provides more efficient parking 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. A parking master plan may be proposed at the time a parking plan is required.
    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 Zoning Administrator.
    d. For changes of use in mixed-use projects, the parking necessary for the new mix of uses shall not exceed the parking required by the previous mix of uses.
4. Limitations on parking master plans.
    a. The total number parking spaces required by Table 9.103.B. and the total number of parking spaces required for a mixed-use commercial center and mixed-use development indicated in Table 9.103.A. shall not be used to reduce the required

parking in the Downtown Area or a development that is defined as mixed-use development or mixed-use commercial center not in the Downtown Area.

b. The Zoning Administrator shall only permit reductions of up to twenty (20) percent of the total parking required per Table 9.103.A.

c. 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 contents of the parking master plan shall include:

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 a reduction in the number of required parking spaces is requested, 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 9.103.A., Schedule Of Parking Requirements (the total number of parking spaces required by Table 9.103.B. and the total number of parking spaces required for a mixed-use commercial center and mixed-use development indicated in Table 9.103.A. shall not be used to reduce the required parking in the Downtown Area or a development that is defined as mixed-use development or mixed-use commercial center not in the Downtown Area.)

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 Zoning Administrator pending review of the materials described in Subsection 5. above.

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.

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:

i. Shared parking opportunities;

ii. Hours of operation;

iii. The availability and incorporation of transit services and facilities;

iv. Opportunities for reduced trip generation through pedestrian circulation between mixed-uses;

v. Off-site traffic mitigation measures;

vi. Recognized variations in standards due to the scale of the facilities;

vii. Parking demand for a specified use; and

viii. 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, subject to City approval, 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 Zoning Administrator. 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. *Reserved.*

H. *Downtown Overlay District Program.*

1. *Purpose.* This parking 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 (2) elements: Parking required and parking waiver.

2. *Parking required.* The amount of parking required shall be:

a. *If there is no change of parking intensity.*

i. If there is no change of parking intensity of the land use on any lot that has a legal land use existing as of July 31, 2003, no additional parking shall be required.

b. *Parking credits.*

i. Parking credits under this program shall be only for: parking improvement districts, permanent parking in-lieu credits, approved zoning variances for on-site parking requirements - unless the Zoning Administrator finds that the justification for the parking variance no-longer exists, and Parking P-3 District, except as

provided in Section 9.104.H.2.b.i.(1). Only these parking credits shall carry forward with any lot that has parking credits as of July 31, 2003.

(1) Parking credits associated with the Parking P-3 District shall continue to apply, unless the Parking P-3 District is removed from the property.

ii. The Downtown Overlay District does not void public agreements for parking payments of any type of parking program.

iii. Any parking improvement district credit(s) or permanent parking in-lieu credit(s) that the lot has that are in excess of the current parking demand shall remain with the lot.

iv. Property owners are still required to pay for any program that allowed them to meet the parking requirements.

c. *Increase in parking.*

i. When a property's parking requirements increase above the parking requirements on July 31, 2003, the new parking requirement is calculated as follows:

(N - O) + T = number of parking spaces required

N = new (increased) parking requirement

O = old parking requirement (on July 31, 2003)

T = total of on-site and any remote parking spaces, plus any parking credits required on July 31, 2003 to meet the old parking requirement (excluding excess on-site and remote parking spaces and any excess parking credits).

ii. As applicable, Table 9.103.A. Table 9.103.B. shall be used to calculate N and O.

iii. A waiver to this requirement is in Section 9.104.H.3.

3. *Parking waiver within the Downtown Overlay District.*

a. *Purpose.* This parking waiver is designed to act as an incentive for new buildings, and for building area expansions of downtown businesses, which the expansion will have a minimal impact on parking demand.

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

i. Are within the Downtown Overlay District, and/or the Downtown District; and

ii. The new building or the new area of a building expansion is used for retail, office, restaurant or personal care services uses allowed in the underlying district.

c. *Limitations on this parking waiver.*

i. Can be used only once per lot existing as of July 31, 2003.

ii. Can be used for retail, office, restaurant or personal care services uses allowed in the underlying district at a ratio of one (1) space per three hundred (300) gross square feet.

iii. Is limited to a maximum of two thousand (2,000) gross square feet of new building, or building area expansion. The two thousand (2,000) gross square feet per lot of new building, or building area expansion may be used incrementally, but shall not exceed two thousand (2,000) gross square feet of the building size of each lot existing as of July 31, 2003.

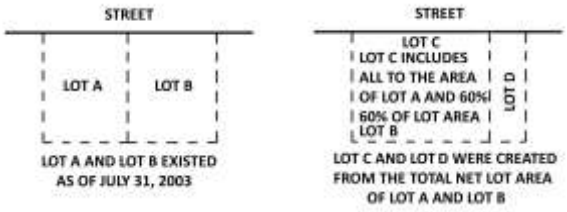
(1) Except as provided in Section 9.104.H.3.c.iii.(1)., a lot that is created after July 31, 2003 from more than one (1) lot that existed as of July 31, 2003

shall be allowed to utilize parking waiver as cumulative total of all lots that were incorporated into one (1) lot.

(2) A lot(s) that is created after July 31, 2003 from a portion of a lot(s) that existed as of July 31, 2003 shall be entitled to a waiver of area, as described in section 9.104.H.3.c.iii., based on the pro-rata portion of the net lot that was split from the existing lot(s) and incorporated into the new lot(s). For example:

As shown in Figure 9.104.A., Lot A and Lot B are reconfigured into two (2) new lot configurations, Lot C and Lot D. Lot C now includes all of the net lot area of Lot A and sixty (60) percent of the net lot area of Lot B. Lot C is entitled to the all of the waiver of Lot A and sixty (60) percent of the waiver of Lot B. Lot D is entitled only to forty (40) percent of the waiver of Lot B.

FIGURE 9.104.A.

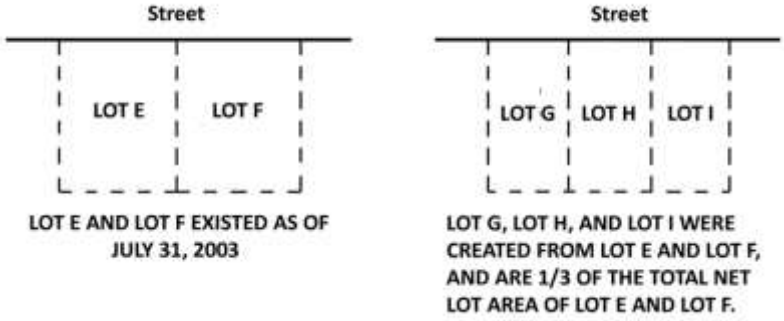


Therefore, Lot C's wavier would be three thousand two hundred (3,200) square feet of new building, or building area expansion; and Lot D's wavier would be eight hundred (800) square feet of new building, or building area expansion.

Another example may be:

As shown in Figure 9.104.B., Lot E and Lot F are reconfigured into three (3) new lots, Lot G, Lot H, and Lots I. Lot G, Lot H, and Lots I are each equal to one-third (1/3) of the total net lot area of Lot E and Lot F. therefore, Lot G, Lot H, AND Lots I each are entitled to one-third (1/3) of the total wavier that is allowed for Lot E and Lot F.

FIGURE 9.104.B.



Therefore, Lot G's, Lot H's, and Lot I's waiver each would be one thousand three hundred thirty-three and one-third (1,333.33) square feet of new building, or building area expansion.

———

iv. Cannot be used on land that issued to meet a property's current parking requirement unless the same number of physical parking spaces are replaced elsewhere on site, or through the purchase of permanent in-lieu parking credits.

d. *Residential addition parking waiver.* No additional parking is required for up to four new dwelling units that are added to a development as part of a 2,000 square foot (or smaller) nonresidential gross floor area expansion.

(Ord. No. 2736, § 1, 3-7-95; Ord. No. 3520, § 1, 7-1-03; Ord. No. 3543, § 1(Exh. 1), 12-9-03; Ord. No. 3774, § 2, 3-18-08; Ord. No. 3896, § 1(Exh. § 6), 6-8-10; Ord. No. 3920, § 1(Exh. §§ 110—114), 11-9-10; Ord. No. 3980, § 1(Res. 8895, § 1, Exh. A, § 47), 12-6-11; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 199, 200), 4-3-12; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, §§ 24, 25), 6-18-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 250—261), 5-6-14)

Sec. 9.105. - Mobility impaired accessible spaces.

A. *Purpose.* The City encourages all development to provide adequate facilities for accessibility to people with mobility impairments covered by the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA), as amended.

B. *Required accessible parking spaces.*

1. Accessible parking spaces for any building or use shall conform to the ADA, FHA and Article IX.
2. Outpatient facilities in a hospital. Minimum: ten (10) percent of the provided parking.
3. Rehabilitation facilities specializing in treating mobility impairments. Minimum: twenty (20) percent of the provided parking.
4. Other uses. Minimum: four (4) percent of the provided parking.

C. *Reductions in the required accessible parking spaces.*

1. To reduce the number of accessible parking spaces, the property owner shall submit a development application to the Zoning Administrator, including the following:
   a. A report indicating the actual demand for the number of accessible parking spaces in the development project, and
   b. Any other information requested by the Zoning Administrator.
2. The Zoning Administrator may approve a reduction in the required accessible parking spaces, if:
   a. The development project provides over five hundred (500) parking spaces;
   b. The development project includes major employment use(s);
   c. The development project is within six hundred (600) feet of a public transit route and stop;
   d. The development project has minimal direct daily visitors;
   e. The reduced demand for accessible parking spaces is supported by the request; and
   f. The request is supported by other relevant information determined by the Zoning Administrator.

3. The accessible parking spaces required shall not be less than two (2) percent of the provided parking spaces, or as required by ADA, whichever results in more accessible parking spaces.

D. *Existing developments.*

1. The location and any restriping of accessible parking spaces shall comply with the approved site plan, and applicable ADA and FHA requirements.

2. Reconfiguring any onsite parking shall be subject to City approval. All reconfigured accessible parking spaces shall conform with Article IX. and the Design Standards & Policies Manual.

E. *Location of accessible spaces.*

1. Each accessible parking space shall be located adjacent to the shortest route to the accessible building entrance used by the public.

2. Accessible parking spaces shall be dispersed, but located nearest to accessible entrances, for any building with multiple accessible entrances.

3. Accessible parking spaces shall be dispersed, but located nearest to accessible entrances, throughout a development project with multiple buildings.

4. The minimum width of the accessible route shall conform to the ADA, FHA and the Design Standards and Policies Manual.

5. Accessible parking in a parking structure or podium parking may be provided on one level adjacent to the shortest route to the accessible building entrance.

6. Where a development project provides fewer than five (5) on-site parking spaces accessed from an alley, the Zoning Administrator may approve a nearby on-street accessible parking space upon finding the space affords:

   a. Greater accessibility to the accessible building entrance, and

   b. Greater convenience.

F. *Standards.* Accessible parking spaces and access aisles shall conform to the Design Standards & Policies Manual, and the following:

1. Minimum accessible parking space width: eleven (11) feet.

2. Minimum accessible parking space length: In accordance with Section 9.106.

3. Access aisle width: five (5) feet.

4. Two (2) adjacent accessible parking spaces may share an access aisle.

G. *Identification.* Identification, signage and markings of the accessible parking spaces, access aisles and access routes shall conform to the ADA, FHA, and the Design Standards and Policies Manual.

H. *Slope.*

1. Maximum slope of a ramp from the access aisle to a sidewalk: 1:12 ratio.

2. Maximum slope and cross slope of the access aisle and route: 1:50 ratio.

I. *Accessible tenant covered parking, podium parking, and parking structure parking spaces for multiple dwelling development projects.*

1. Minimum: the same percentage as non-accessible tenant covered, podium parking, and parking structure parking spaces.

J. *Accessible separate garage parking for multiple dwelling development projects.*

1. Where separate garages for the dwelling units are provided in a multiple dwelling development project, the site plan shall designate which garages are adaptable for accessible parking.

2. Minimum: the same percentage as non-accessible separate garages.

3. The dimensions of each accessible parking space and access aisle shall comply with Article IX.

K. *Accessible covered parking, garage, podium parking, and parking structure parking for visitors of multiple dwelling development projects.*

1. Minimum: the same percentage as non-accessible covered parking, garage, podium parking, and parking structure parking spaces.

L. *Common covered accessible parking for employees.* The property owner shall provide accessible covered parking space(s) upon request from an employee that is employed by an establishment on the property if the property owner provides non-accessible common covered parking.

M. *Accessible non-residential covered parking, garage, podium parking, and parking structure parking.*

1. Minimum: the same percentage as non-accessible covered parking, garage, podium parking, and parking structure parking spaces.

N. *Reasonable accommodations.* Property with a parking structure or podium parking that was permitted before January 26, 1992 with a Certificate of Occupancy issued before January 26, 1993, and which is unable to provide accessible parking within the parking structure or podium parking due to structural or other reasonable limitations, shall provide reasonable accommodations on the property for accessible covered parking, subject to the Zoning Administrator's approval.

O. *Vertical clearance.* In addition to ADA and FHA requirements:

1. Minimum accessible parking space vertical clearance: eight (8) feet two (2) inches.

2. Minimum vehicular drive aisle vertical clearance to and from covered parking, garage, podium parking, and parking structure accessible parking space(s): eight (8) feet two (2) inches.

P. *Passenger loading zones.* Passenger loading zones shall conform to the ADA, FHA and the Design Standards and Policies Manual.

Q. The ADA, FHA, and Section 504 of the Rehabilitation Act of 1973, as amended, apply if any part of this Section 9.105 is determined unenforceable.

(Ord. No. 2736, § 1, 3-7-95; Ord. No. 3896, § 1(Exh. § 6), 6-8-10; Ord. No. 3920, § 1(Exh. § 115), 11-9-10; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 99), 11-19-13)

Sec. 9.106. - Design standards for public and private on-site ingress, egress, maneuvering and parking areas.

A. *Standard Parking space dimension.*

1. *Vehicular.*

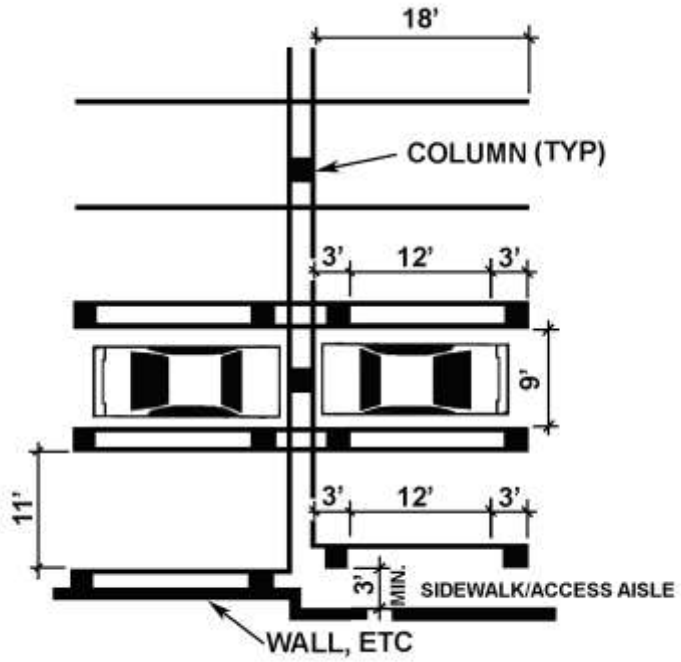
a. Except for parallel parking spaces, as indicated below, and in Table 9.106.A. parking spaces shall have a minimum width of nine (9) feet and a minimum length of eighteen (18) feet. Parallel parking spaces shall have a minimum width of nine (9) feet and a minimum length of twenty-one (21) feet.

i. For new development and/or redevelopment constructed after July 9, 2010, when a side of a parking space is adjacent to a wall, column, or other obstruction, except as provided in Sections 9.106.A.1.a.ii. and 9106.A.1.a.iii., that is taller than six (6) inches, and where a minimum three-foot wide unobstructed pedestrian access aisle is not provided between the wall, column, or other obstruction and the parking spaces, the width of the parking space shall be increased by two (2) feet on the obstructed side, as illustrated by Figure 9.106.A.

(1). The entire required width and length of a parking space(s) shall not be obstructed by a column, or obstruction that is greater than six (6) inches in height, as illustrated by Figure 9.106.A.

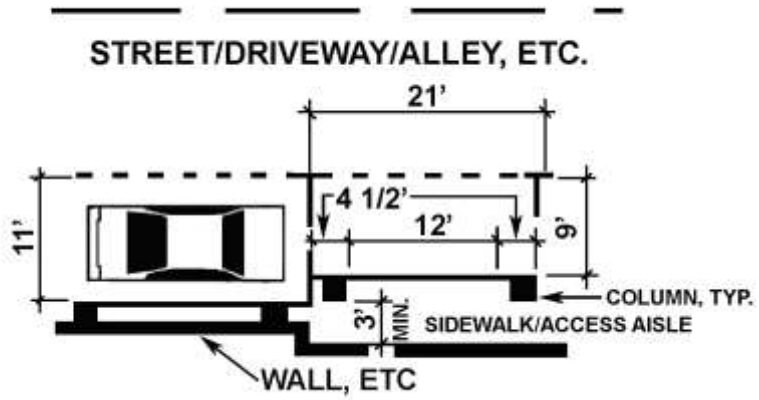
ii. For new development and/or redevelopment constructed after July 9, 2010, when a side of a parking space, excluding a parallel parking space, that is adjacent to a column that is taller than six (6) inches, the obstructed side shall be unobstructed for a minimum of twelve (12) feet, which is between the front three (3) feet and rear three (3) feet of the parking space, as further illustrated by Figure 9.106.A.

FIGURE 9.106.A. Column, etc. Obstructions



iii. For new development and/or redevelopment constructed after July 9, 2010, when a side of a parallel parking space that is adjacent to a wall, column, or other obstruction that is taller than six (6) inches, the obstructed side shall be unobstructed for a minimum of twelve (12) feet, which is between the front four and one-half (4½) feet and rear four and one-half (4½) feet of the parking space, as further delineated by Figure 9.106.B.

Figure 9.106.B. Parallel Parking Space Side Obstructions

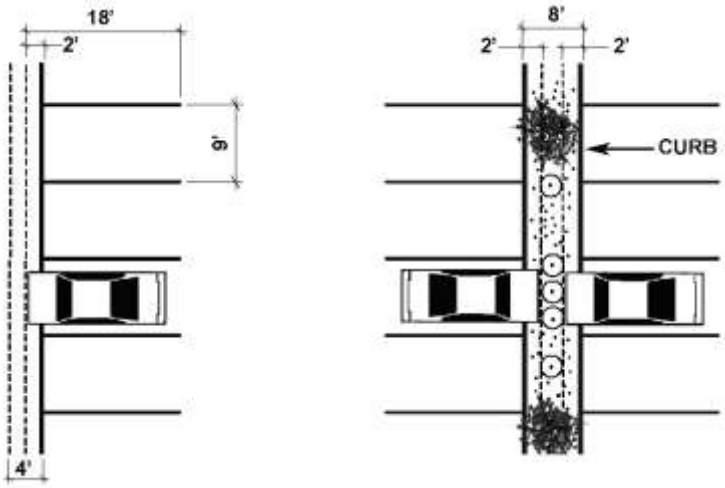


b. As illustrated in Figure 9.106.C., the front length of the space may over-hang a curb or low planter of a maximum height of six (6) inches and a maximum depth of two (2) feet which may not be calculated as required open space, or required parking lot landscaping. If a low planter is utilized the following conditions shall be met:

i. Where the front of a parking stall overhangs a curb or planter on one (1) side only, the minimum width of the planter shall be four (4) feet.

ii. Where the front of a parking stall overhangs a curb or planter on both sides, the minimum width of the planter shall be eight (8) feet.

Figure 9.106.C. Parking Stall Overhangs



c. Where special circumstances exist, such as, but not limited to, a lot size, the Development Review Board may approve parking space sizes different from the requirements of the sections of 9.106.A.1. and Table 9.106.A.; but may not approve aisle sizes different from the requirements of Table 9.106.A.

2. *Bicycle.* Bicycle parking spaces shall have a minimum width of two (2) feet and a minimum length of six (6) feet, unless the spaces are provided by a pre-manufactured bicycle rack or locker which differ from this dimension, in which case the dimension of the pre-manufactured rack or locker shall suffice.

B. *Parking layout.* Minimum layout dimensions are established in Table 9.106.A. and Figure 9.106.D. which shall apply to all off-street parking areas with the exception that parking spaces accessed by an alley shall require a minimum of ten (10) feet from the back of the space to the alley centerline.

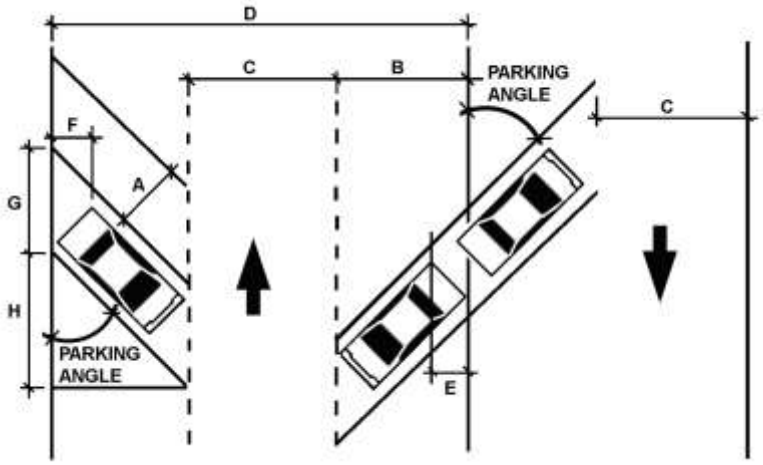
Table 9.106.A. On-Site Parking Dimensions

Angle	Stall Width (A) [1, 3]	Vehicle Projection (B) [1]	Aisle (C)* [1, 2]	Typical Module (D) [1]	Interlock Reduction (E) [1]	Overhang (F) [1]	Curb Length (G) [1]	End of Row Waste (H) [1]
0°	21	9.0	12.0	40.0	0	0	21.0	—
45°	9.0	19.1	12.0	50.2	6.4	1.4	12.7	19.1
50°	9.0	19.6	14.5	53.7	5.8	1.5	11.7	16.4
55°	9.0	19.9	16.0	55.8	5.2	1.6	11.0	13.9
60°	9.0	20.1	18.0	58.2	4.5	1.7	10.4	11.6
65°	9.0	20.1	20.0	60.2	3.8	1.8	9.9	9.4
70°	9.0	20.0	22.0	62.0	3.1	1.9	9.6	7.3
75°	9.0	19.7	24.0	63.4	2.3	1.9	9.3	5.3
90°	9.0	18.0	24.0	60.0	0	2.0	9.0	0

Note:

1. All measurements are in feet.
2. No two-way drive aisle shall be less than twenty-four (24) feet in width.
3. An accessible parking stall width and access aisle shall comply with Section 9.105.E.

Figure 9.106.D.



C. *Design and improvement standards.*

1. *Vehicular.*

a. Residential uses with up to four (4) units: parking, maneuvering, ingress and egress areas, for residential uses, with a total area of three thousand (3,000) square feet or greater, shall be improved in compliance with the Design Standards & Policies Manual and thereafter maintained by surfacing, to prevent emanation of dust, with (1) concrete, asphalt, cement or sealed aggregate pavement; (2) three (3) inches deep crushed rock completely contained in a permanent border; or (3) another stabilization material approved by Maricopa County.

b. Nonresidential uses and residential uses with more than four (4) units: parking, maneuvering, ingress and egress areas for (1) industrial, commercial, and nonresidential uses, and (2) residential uses with more than four (4) units shall be improved in compliance with the Design Standards & Policies Manual and thereafter maintained with regard to:

i. Grading and drainage.

ii. Surfacing, to prevent emanation of dust, with (1) concrete, asphalt, cement or sealed aggregate pavement; (2) three (3) inches deep crushed rock completely contained in a permanent border; or (3) another stabilization material approved by Maricopa County.

iii. Parking stall layout and markings.

iv. Protective pipes at driveway entrances.

v. Curbs, barriers and wheel stops. This requirement shall not apply within the taxilane safety area.

vi. Directional signs.

c. Nonresidential uses and residential uses with more than four (4) units: parking areas for (1) industrial, commercial, and nonresidential uses, and (2) residential uses with more than four (4) units shall meet the following standards:

i. The parking lot shall be designed so that vehicles exiting therefrom will not be required to back out across any sidewalk or street.

ii. Except as permitted in Section 9.106.C.1.c.ii.(1). All required on-site parking spaces shall be accessed directly from a drive aisle, alley or driveway. All on-site parking

facilities shall be provided with appropriate means of vehicular access to a public street.

(1) Residential parking space may be provided in a two (2) parking space tandem configuration if the tandem spaces are allocated to the same residential dwelling. Tandem parking spaces shall be accessed directly from a drive aisle, alley or driveway.

iii. All parking lots shall be illuminated in accordance with Section 7.600, Outdoor Lighting, or as determined by the Development Review Board.

iv. Illumination of an on-site parking area shall be arranged so as not to reflect direct rays of light into adjacent residential districts and streets. In no case shall such lighting cause more than one (1) footcandle of light to fall on adjacent properties as measured horizontally at the lot line, or as approved by the Development Review Board. Shields shall be used where necessary to prevent exposure of adjacent properties.

v. Any wall, fence or landscaping provided shall be adequately protected from damage by vehicles using the parking lot and shall be properly maintained and kept in good repair at all times.

d. The effective dates for the improvement standards regarding surfacing set forth in this section shall be:

i. October 1, 2008 for parking, maneuvering, ingress and egress areas for industrial, commercial, and nonresidential uses, and residential uses with more than four (4) units; and

ii. October 1, 2009 for parking, maneuvering, ingress and egress areas, for residential uses, with a total area of three thousand (3,000) square feet or greater.

2. *Bicycle.*

a. The type of bicycle parking facility provided shall be determined according to the requirements of Section 9.103.C., Required bicycle parking, and Section 9.104.C, Credit for bicycle parking facilities.

b. Bicycle facilities shall be located on the same site as the generating land use and within fifty (50) feet of the building entrance in a location which does not extend into pedestrian sidewalks or vehicular traffic lanes.

c. Lighting shall be provided along the access route from the bicycle facility to the building if the route is not completely visible from lighting on the adjacent sidewalks or vehicular parking facilities. Such lighting shall be provided in accordance with Section 7.600, Outdoor Lighting, or as determined by the Development Review Board.

3. *Covered parking.*

a. No covered parking shall be allowed in a required yard or building setback.

D. *Driveway parking prohibited except in residential districts.* Except in residential districts, parking in driveways connecting the public right-of-way with a parking area or garage shall not be permitted on or adjacent to the driveway.

E. *Landscape design.*

1. Parking lot landscaping and landscape islands shall be provided in accordance with Article X.

2. Parking structures fronting on a public street shall include pedestrian-related amenities such as sitting areas, planters, and visually-interesting wall surfaces at the street level along the street frontage, subject to design approval by the Development Review Board.

F. *Screening.*

1. Parking lot areas and on-site vehicular circulation (including drive-throughs and drive-ins, but excluding access driveways to streets and alleys) shall be screened from all streets and alleys by a three-foot tall masonry wall or berm and/or opaque landscape materials, subject to design approval by the Development Review Board.
2. Outdoor vehicle display areas shall be screened, subject to design approval by the Development Review Board.

(Ord. No. 2736, § 1, 3-7-95; Ord. No. 2887, § 1, 3-19-96; Ord. No. 2977, § 1, 12-17-96; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3274, § 2, 12-7-99; Ord. No. 3774, § 3, 3-18-08; Ord. No. 3896, § 1(Exh. § 6), 6-8-10; Ord. No. 3920, § 1(Exh. § 116), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 201), 4-3-12; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, §§ 26—28), 6-18-13; Ord. No. 4117, § 1(Res. No. 9563, Exh. A, § 100), 11-19-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 262), 5-6-14)

Sec. 9.107. - Remote parking.

A. *Remote parking.* Parking off a development site is permitted under the following procedures.

B. *Remote parking agreement.* The remote parking agreement shall be subject to approval by the Zoning Administrator and City Attorney. The document shall contain the following and be recorded against the properties where the parking and served use are located.

1. A term of at least five (5) years, to protect the city's interests in providing long-term, stable parking for the served use.
2. Discontinuation of the served use if the remote parking becomes unavailable.
3. Maintenance requirements.
4. Termination, violations and enforcement provisions.

C. *Zoning Administrator review.* The Zoning Administrator shall consider whether the remote parking:

1. Is within six hundred (600) feet of the property line of the served use.
2. Is accessible to the served use by a direct, safe, continuous pedestrian way.
3. Serves the purposes of this Zoning Ordinance.

(Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 29), 6-18-13)

Editor's note— Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 29), adopted June 18, 2013, repealed and reenacted § 9.107 in its entirety to read as herein set out. Prior to inclusion of said ordinance, said provisions pertained to locating required parking relative to the use served. See also the Code Comparative Table.

Sec. 9.108. - Special parking requirements in districts.

A. *Planned Regional Center (PRC).* 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 Zoning Ordinance.
2. Parking for dwellings shall be covered.

B. *Theme Park District (WP).* The provisions of Article IX shall apply with the following exceptions:

1. The number of spaces required in Table 9.103.A. 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 9.103.A.

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.* In Type 1 Areas of the Downtown Area, all parking shall be accessed from an alley or a street adjacent to a side yard. Unless approved by the Development Review Board, there shall be no curb cuts on streets abutting a front yard within any Type 1 Area.

D. *In-lieu parking program in the Downtown Overlay District (DO) and the Downtown District (D).*

1. *Purpose.* The purpose of the in-lieu parking program is to assist the property owners of small properties to reinvest, develop, and redevelop to the highest and best use of the property, and to accommodate different land uses throughout the life span of a development. In addition, the purpose of the in-lieu parking program is to foster a pedestrian-oriented environment with a sustainable urban design and character for all properties in the Downtown Area, by reducing the total number of physical parking spaces on a property. Also, as specified below, fees associated lieu parking program shall be utilized for the downtown parking program and downtown tram service.

2. *Parking requirements.* A property owner may satisfy a property's nonresidential parking requirement through the City's in-lieu parking program by an in-lieu parking payment(s) made to the City's downtown parking program enhancement account for in-lieu parking credits. The regulations of the in-lieu parking program shall not be eligible for a variance. The City shall not be obligated to approve a property owner's request to participate in the in-lieu parking program.

3. *Approvals required.*

a. The City Council shall determine whether or not to allow a property owner to participate in the in-lieu parking program based on the following considerations:

i. New development, reinvestment, or redevelopment of the property;

ii. The use of the property fosters a pedestrian-oriented environment with an urban design and character, and the use of public transit or the downtown tram service;

iii. Property size and configuration;

iv. The amount of public parking available to the area;

v. The future opportunity to provide public parking in the area; or

vi. Open space and public realm areas are maintained and/or parking lots convert into open space and public realm.

b. The Zoning Administrator may administratively approve participation in the in-lieu parking program for up to, and including five (5) in-lieu parking credits, provided that the allowance is based on the City Council considerations of Section 9.108.D.3.a. The Zoning Administrator approval shall not exceed a total of five (5) in-lieu parking credits per lot.

i. An appeal of the Zoning Administrator's, denial for participation in-lieu parking program shall be heard by City Council.

(1) Appeals must be filed with the City Clerk no later than thirty (30) days after the Zoning Administrator issues any written denial for participation in-lieu parking program.

ii. The City Council shall evaluate an appeal, and may approve or deny participation in-lieu parking program based on the considerations specified in Section 9.108.D.3.a.

4. *In-lieu parking credit fees.* The amount of the in-lieu parking credit fee(s) shall be established by the City Council, and may include penalty fees for late payment, legal fees, administrative fees, an interest rate to account for the time value of money for the in-lieu parking installment purchase option, and any other fee the City Council deems necessary to implement the in-lieu parking program.

5. *Use of in-lieu parking fees.* The use of the in-lieu parking fees paid to the City shall be used for the operation of a downtown parking program which may include, but is not limited 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.

6. *In-lieu parking payments.* Fractional parking requirements may be paid for on a pro-rata basis. The property owner may purchase, or the City Council may require in-lieu parking credits to be purchased, either as permanent parking credits or as term parking credits in accordance with the following:

    a. *Permanent in-lieu parking 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.

        i. Under the lump sum purchase option, purchase shall be made by the property owner through payment of the total fee, in accordance with the procedures adopted by the Zoning Administrator and a written agreement, satisfactory to the City, with the property owner.

        ii. The installment purchase option shall require an initial cash deposit and a written agreement, satisfactory to the City, binding the property owner to make subsequent monthly installment payments. The installment purchase agreement shall not create a payment term longer than fifteen (15) years, and shall include, but not limited to, payment procedures approved by the Zoning Administrator. 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 a building permit is required, or to the issuance of a certificate of occupancy.

    b. *Monthly term in-lieu parking 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. A monthly term in-lieu parking credit(s) requires a written agreement, satisfactory to the City, binding the property owner to make subsequent monthly payments. The agreement shall include, but not limited to payment procedures approved by the Zoning Administrator. The first monthly payment shall be made in accordance with the agreement.

    c. *Evening-use term in-lieu parking 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, limited to uses only open for business between the hours of 5:00 p.m. and 3:00 a.m., and are not permanently credited to the property. An evening-use term in-lieu parking credit requires a written agreement satisfactory to the City binding the property owner to make monthly payments. The agreement shall include, but not limited to payment procedures approved by the Zoning Administrator. The first monthly payment shall be made in accordance with agreement.

(Ord. No. 2736, § 1, 3-7-95; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3520, § 1, 7-1-03; Ord. No. 3543, § 1(Exh. 1), 12-9-03; Ord. No. 3662, § 2, 2-7-06; Ord. No. 3879, § 1(Exh. § 27), 3-2-10; Ord. No. 3896, § 1(Exh. § 6), 6-8-10; Ord. No. 3920, § 1(Exh. § 119), 11-9-10; Ord. No. 4099, §

1(Res. No. 9439, Exh. A, § 30), 6-18-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 263), 5-6-14)

Sec. 9.109. - Evening-use parking.

A. *Evening-use parking.* Evening-use parking is parking for establishments conducting business between 5:00 p.m. and 3:00 a.m.

B. *Evening-use parking application* . The property owner of the served use shall file an application for proposed evening-use parking, including:

1. A lighting plan for the parking in conformance with Article VII.
2. An analysis of the location and availability of private parking spaces.
3. A remote parking agreement in accordance with this article if the parking is not on the same property as the served use.

C. *Zoning Administrator approval of evening-use parking.* The Zoning Administrator may approve an application for evening-use parking if the plans and analysis show the parking:

1. Is within six hundred (600) feet of the property line of the served use.
2. Is accessible to the served use by a direct, safe, continuous pedestrian way.
3. Serves the purposes of this Zoning Ordinance.

(Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 31), 6-18-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 264), 5-6-14)

Sec. 9.110. - High occupancy vehicle parking.

A. Parking for carpools, vanpools, and other high occupancy vehicles shall be located nearest the main building entrance with priority over all other parking except for mobility-impaired accessible parking.

(Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 32), 6-18-13)

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 Section 9.106.C.1.

(Ord. No. 3225, § 1, 5-4-99; Ord. No. 3774, § 4, 3-18-08; Ord. No. 3896, § 1(Exh. § 6), 6-8-10)

ARTICLE X. - LANDSCAPING REQUIREMENTS[14]

Footnotes:

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Editor's note— Ord. No. 2818, § 1, adopted Oct. 17, 1995, repealed former art. X, §§ 10.100—10.104, which pertained to validity, and added a new art. X to read as herein set out.

Sec. 10.100. - Purpose.

A. The purposes of this article are to:
   1. Provide requirements for landscaping development to promote the general welfare of the community;
   2. Effectuate attractive development;
   3. Enhance property values;
   4. Create an attractive appearance along city streets;
   5. Complement the visual effect of buildings;
   6. Provide buffers between various land uses and protection from intense activities; and
   7. Encourage landscape designs that promote water conservation through the use of indigenous plant materials;
   8. Encourage the retention of mature plant materials; and
   9. Encourage sustainable landscape practices and management.

B. The requirements of this article are the minimum requirements necessary to promote its purposes.

C. The Development Review Board may impose reasonable stipulations to fully carry out the purposes of this article.

(Ord. No. 2818, § 1, 10-17-95; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 33), 6-18-13)

Sec. 10.101. - Scope of regulations.

The provisions of this Zoning Ordinance shall apply to all development or construction, all building remodeling, alterations, additions, or expansions, and to all changes of occupancy in the use or development of land which requires the approval of a development site plan or subdivision plat by the city. Single-family residences and their accessories shall be exempt from the requirements of this Zoning Ordinance.

(Ord. No. 2818, § 1, 10-17-95; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 265), 5-6-14)

Sec. 10.102. - Applicability.

For all development projects included in Section 10.101, preliminary and final landscape plans shall be prepared, submitted and approved in accordance with the standards, requirements and procedures set forth in this Zoning Ordinance.

(Ord. No. 2818, § 1, 10-17-95; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 266), 5-6-14)

Sec. 10.200. - Landscape plan.

A. A landscape plan consisting of a preliminary plan and a final plan shall be prepared, submitted, and subject to approval for all applicable development projects in accordance with the procedures and requirements set forth in this Zoning Ordinance. All changes in preliminary or final landscape plans shall be subject to the approval of the city prior to the installation of any landscape improvements. All changes to existing landscaping shown in an approved landscape plan shall also be subject to the approval of the city.

B. Preliminary landscape plan. The preliminary landscape plan shall be reviewed and subject to approval by the Development Review Board. The preliminary landscape plan shall be a conceptual plan and shall include the following information:

1. The location and identification of all proposed landscape area (on-site, street right-of-way, parking area, buffers and others).
2. Preliminary summary data indicating the landscape area (in square feet) of on-site, right-of-way, and parking lot landscaping.
3. The general location of existing and proposed trees, shrubs, cacti, and other landscape materials and improvements.
4. Notes, tables, and/or graphic representations adequately showing the intent of the proposed plans, the quantity and size of the proposed plant materials and, if applicable, existing plant materials to be retained, and any other information indicating how those plans will comply with this Zoning Ordinance.
5. The location of all proposed stormwater detention and retention areas.
6. No more than seven (7) feet of decomposed granite or similar material in any direction around the mature form of a specimen plant, tree canopy, or groups of plants.

C. Final landscape plan. The final landscape plan shall be submitted along with all other required site improvement and building plans at the time of application for a building permit. The final landscape plan shall contain a specific schedule of all trees and shrubs identified by common and botanical name, and shall clearly indicate the quantity and size of each tree and shrub to be installed. The final landscape plan shall be in substantial conformance with the approved preliminary plan and any changes or additions required by stipulation. An irrigation plan shall also be provided, indicating the layout and details of the irrigation system, including the type and location of all materials utilized.

D. Mature tree plan. In the Downtown Area, to remove a mature tree, the property owner shall submit a mature tree plan, subject to Development Review Board approval and issuance of a permit.

(Ord. No. 2818, § 1, 10-17-95; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 202, 203), 4-3-12; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 34), 6-18-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 267, 268), 5-6-14)

Sec. 10.300. - General Provisions.

Sec. 10.301. - Reserved.

Editor's note— Ord. No. 3879, § 1(Exh. § 28), adopted March 2, 2010, repealed § 10.301, which pertained to minimum size of plant materials. See also the Code Comparative Table.

Sec. 10.302. - Topping of landscape areas.

A. All landscape areas (except approved hard surfaced walks and activity areas) shall be finished with natural landscape material such as turf, groundcover, planting, organic mulch, or at least two (2) inches deep decomposed granite or expanded shale. The Development Review Board may approve synthetic landscape material in place of natural landscape material where it is not visible from an adjacent street.

B. Turf and other water intensive plant material shall meet the requirements of Chapter 49 of the Scottsdale Revised Code.

(Ord. No. 2818, § 1, 10-17-95; Ord. No. 3225, § 1, 5-4-99; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 204), 4-3-12; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 35), 6-18-13)

Sec. 10.303. - Irrigation standards.

A. All landscape areas shall be supported by an automatic irrigation system. A backflow prevention assembly shall be provided according to standard details adopted by the city. All irrigation systems and landscape areas shall be designed, constructed, and maintained to promote water conservation and prevent water overflow or seepage into the street, sidewalk, or parking areas.

B. All approved revegetation of natural area open space as provided in accordance with the Environmentally Sensitive Lands district shall be irrigated with a temporary system or approved watering program which shall be terminated after three (3) years, or after the revegetation is self-sustaining, whichever is later.

(Ord. No. 2818, § 1, 10-17-95; Ord. No. 3303, § 1, 3-21-00; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 36), 6-18-13)

Sec. 10.304. - Protection of plant materials.

A. The following shall be provided to protect plant materials:

1. Permanent containment barriers, such as concrete curbs or bumper guards, shall be installed and properly secured to prevent damage or destruction of landscape materials by vehicles, within, or adjacent to, all proposed parking areas and along all access driveways, unless otherwise approved by the Development Review Board.

2. Landscape plans shall demonstrate the methods utilized to preserve native plant materials as required by Article VII.

3. Landscape plans shall demonstrate the methods utilized to preserve natural area open space in designated Environmentally Sensitive Lands.

(Ord. No. 2818, § 1, 10-17-95; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 37), 6-18-13)

Sec. 10.305. - Use of landscape areas for other purposes.

Unless otherwise specified herein, no part of any landscape area shall be used for any other use such as parking, signs, or display, except for required on-site retention areas or when such use is shown on the approved final landscape plan. Where permitted, vehicle display pads in landscaped areas shall provide permanent landscape planters fully integrated with the landscape design.

(Ord. No. 2818, § 1, 10-17-95)

Sec. 10.306. - Street landscaping.

A. In addition to other required landscape areas, all public and private streets contiguous to and within the proposed development site shall be landscaped, in accordance with an approved landscape plan. Landscape areas on public streets shall comply with Arizona Department of Water Resources criteria.

(Ord. No. 2818, § 1, 10-17-95; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 38), 6-18-13)

Sec. 10.307. - Reserved.

Editor's note— Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 39), adopted June 18, 2013, repealed § 10.307, which pertained to parking area landscaping. See also the Code Comparative Table.

Sec. 10.400. - Required Landscape Areas.

Sec. 10.401. - General regulations.

All development covered by Section 10.101 shall provide landscaping in all portions of the development not required for buildings, structures, loading, access driveways, streets, parking, utility areas, pedestrian walks and hard surfaced activity areas in accordance with the requirements of this article.

(Ord. No. 2818, § 1, 10-17-95; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 40), 6-18-13)

Sec. 10.402. - Landscape requirements by zoning district.

A. The following shall be provided as part of the minimum required landscape area:

1. *Medium density residential zoning districts.*

    a. For all development within the Medium Density Residential R-3 district a landscape area not more than 35 feet deep from any street line.

    b. For all development within the Townhouse Residential R-4 district one (1) of the required trees per lot shall be placed in a commonly held and maintained landscape area located between the lot and any street that serves the lot.

2. *Resort and multiple-family zoning districts.*

    a. For all development within the Resort/Townhouse Residential R-4R district landscaping shall be based on an approved landscape plan.

3. *Industrial zoning districts.*

    a. For all development within the Industrial Park I-1 district, a landscape area at least thirty-five (35) feet deep shall be provided from the street line. On a lot with more than one (1) street frontage, the landscape area shall be at least thirty-five (35) feet deep on all major streets and at least twenty (20) feet deep on all minor streets. However, parking may occur in the required 35-foot landscape area if the parking is set back at least twenty (20) feet from any street and is screened, subject to Development Review Board approval.

    b. The landscape requirements of this section shall not apply to the Industrial Park I-1 district within the taxilane safety area. Such area shall be hard surfaced.

    c. For all development within the Light Employment I-G district, all areas between a building and a street line, except for access driveways and walks, shall be landscaped, unless

otherwise approved by the Development Review Board. The landscape area shall contain street trees based on an approved landscape plan.

4. *Commercial zoning districts.*

   a. For all development within the Regional Shopping Center C-S district, the required 25-foot front yard shall be a landscape area except for access driveways and walks. Street trees shall be provided based on an approved landscape plan.

   b. For all development within the Neighborhood Commercial C-1 district and the Planned Unit Development PUD district, all portions of required front yards in the Neighborhood Commercial C-1 district and setbacks in the Planned Unit Development PUD district shall be landscaped except for access driveways and walks. Street trees shall be provided based on an approved landscape plan.

   c. For all development within the Service Residential S-R, Neighborhood Commercial C-1, Central Business C-2, Highway Commercial C-3, General Commercial C-4, Commercial Office C-O and Planned Convenience Center PCoC districts, a landscape area at least thirty-five (35) feet deep shall be provided where parking occurs between a building and a street line. However, parking may occur in the required 35-foot landscape area if the parking is set back at least twenty (20) feet from any street line and is screened, subject to Development Review Board approval. The landscape area shall include street trees based on an approved landscape plan.

   d. For all development within the Support Services S-S district all areas between a building and a street line, except for access driveways and walks, shall be landscaped. The landscape area shall contain street trees based on an approved landscape plan.

   e. For all development within the Western Theme Park WP district, the required frontage open space shall include native plant materials or street trees based on an approved landscape plan.

5. *Downtown Area.* The following applies to all property in the Downtown Area:

   a. Preservation of mature trees.

      i. The removal of any mature tree is subject to Development Review Board approval. The Zoning Administrator may require a certified arborist to submit to the Zoning Administrator documentation whether the tree can be salvaged and relocated. Upon receiving approval from the Development Review Board, the property owner shall seek a permit from the Building Official to remove the mature tree.

      ii. In an emergency, the Zoning Administrator, Building Official, Police Chief, Fire Chief, or designee, may authorize the removal of a mature tree that has been determined to be detrimental to the public health, safety, or welfare.

   b. Parking screening. Off-site parking areas in the Downtown Area shall be screened as approved by the Development Review Board.

6. *Other zoning districts.*

   a. For all development within the Planned Airpark Core Development PCP District, the required landscape area shall be shown on the required Conceptual Open Space and Transitions Plans. A landscape area a minimum of 30 feet in depth shall be provided between any parking area and the curb line.

(Ord. No. 2818, § 1, 10-17-95; Ord. No. 3274, § 3, 12-7-99; Ord. No. 3854, § 5, 6-9-09; Ord. No. 3920, § 1(Exh. § 120), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 205), 4-3-12; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 41), 6-18-13; Ord. No. 4120, § 1(Res. No. 9585, Exh. A, § 2), 12-9-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 269), 5-6-14)

Sec. 10.500. - Required Landscape Improvements.

The following shall be provided as the minimum required landscape improvements.

(Ord. No. 2818, § 1, 10-17-95)

Sec. 10.501. - General landscape improvement regulations.

A. Decomposed granite or similar material around the mature form of a specimen plant, tree canopy, or groups of plants, shall not exceed seven (7) feet in any direction.

B. Unless otherwise specified herein, all trees shall have a 15-gallon minimum container size; and at least fifty (50) percent must be mature trees. The Development Review Board may require larger trees. In developments where buildings have more than one (1) story, fifty (50) percent of the trees shall meet the following standards:

1. Palm trees: trunk twelve (12) feet tall;
2. Single trunk trees: three (3) inch caliper; and
3. Multiple trunk trees: one and one-half (1½) inch caliper average trunk.

C. A saguaro or tree meeting the definition of a protected native plant in Chapter 46 of the Scottsdale Revised Code, and subject to relocation under a native plant permit, may be substituted for a tree meeting the standard of subsection B. above.

D. All plant material utilized for screening of parking, refuse, service and utility areas shall have a minimum five-gallon container size and shall be installed in a pattern with spacing that will provide a continuous screen upon mature size of the plant material.

E. All shrubs utilized on site shall have a minimum five-gallon container size.

F. All groundcovers utilized on site shall have a minimum one-gallon container size.

G. Landscape areas shall be designed and maintained in accordance with the approved landscape plan and the height, location, and sight visibility requirements as set forth in Design Standards & Policies Manual.

H. Parking lot landscape area and landscape islands.

1. A landscape area at least five (5) feet deep shall be provided between any parking lot area and any street line.
2. At least fifteen (15) percent of any parking lot shall be landscape areas. This is in addition to any open space requirement. Taxilane safety areas are exempt from providing landscape area.
    a. If a parking lot contains more than twenty (20) parking spaces, then a minimum of one-third (1/3) of the required parking lot landscape area shall be in landscape islands distributed within the parking lot area, rather than on the perimeter of the parking lot. These landscape areas shall have a minimum width of seven (7) feet and a minimum area of one hundred twenty (120) square feet. All landscape areas shall be planted, irrigated, and maintained as prescribed herein.
        i. In the Downtown Area, a landscape island shall be required between every ten (10) parking spaces.
        ii. In all other areas of the city, a landscape island shall be required between every fifteen (15) parking spaces.
    b. A landscape area, up to a width of ten (10) feet, which is abutting a parking lot, may be counted toward the required landscape area for a parking lot.

c. Parking space overhangs, that are permitted in Section 9.106 and subsections therein, shall not be included in the provided landscape area that is calculated for required landscape area of a parking lot.

(Ord. No. 2818, § 1, 10-17-95; Ord. No. 3879, § 1(Exh. § 29), 3-2-10; Ord. No. 3896, § 1(Exh. § 7), 6-8-10; Ord. No. 3920, § 1(Exh. § 121), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 206), 4-3-12; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 42), 6-18-13)

Sec. 10.502. - Additional landscape improvement requirements by zoning district.

A. *Medium density residential zoning districts.*

1. For development in the Medium Density R-3 district and Townhouse Residential R-4 district, a minimum of three (3) trees per dwelling shall be provided.

2. For development in the Townhouse Residential R-4 district one (1) of the required trees per lot shall be placed in commonly held and maintained landscaping areas between the lot and any street that serves the lot.

B. *Resort and multiple-family residential zoning districts.*

1. For development in the Resort/Townhouse Residential R-4R district, landscaping shall be provided in accordance with an approved landscape plan.

2. For non-density based uses in the Multiple-family Residential R-5 district, development shall provide mature trees at a ratio of one and one-half (1½) tree per nine hundred (900) square feet of required open space.

3. For density based uses in the Multiple-family Residential R-5 district, development shall provide mature trees in accordance with the district's property development standards.

C. *Industrial zoning districts.*

1. For all development within the Industrial Park I-1 district, landscaping requirements shall not apply within the taxilane safety area.

2. For all development within the Light Employment I-G district at least one (1) tree shall be provided per four hundred (400) square feet of required open space and buffers.

D. *Commercial zoning districts.*

1. For all development within the Service Residential S-R district, a minimum of one (1) tree shall be provided per five hundred (500) square feet of required open space.

E. *Downtown Area.*

1. Landscape improvements shall be provided in accordance with the following:

a. Any open space area that is visible from the street shall be improved with landscaping, paving, walks or other appropriate materials in accordance with an approved landscape plan.

b. For properties abutting the Downtown Boundary, mature trees and landscape materials shall be provided for each development in accordance with an approved landscape plan.

c. In a Type 1 Area, mature trees shall be provided for uncovered sidewalks in accordance with the Downtown Urban Design and Architectural Guidelines and an approved landscape plan.

d. In a Type 2 Area, one (1) mature tree per four hundred (400) square feet of landscape area shall be provided adjacent to streets in accordance with in the Downtown Urban Design and Architectural Guidelines; and for uncovered sidewalks, in accordance with an approved landscape plan.

(Ord. No. 2818, § 1, 10-17-95; Ord. No. 3274, § 4, 12-7-99; Ord. No. 3879, § 1(Exh. § 30), 3-2-10; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 43), 6-18-13)

Sec. 10.600. - Landscape Buffers.

Sec. 10.601. - Reserved.

Editor's note— Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 44), adopted June 18, 2013, repealed § 10.601, which pertained to general regulations. See also the Code Comparative Table.

Sec. 10.602. - Buffer requirements by zoning district.

A. The following buffers shall be provided:

1. *Resort and multiple-family zoning districts.*

a. For all development within the Resort/Townhouse Residential R4-R district which abuts a single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A., a buffer a minimum of ten (10) feet wide shall be planted and maintained along the abutting lot line.

b. For all development within the Multiple-family Residential R-5 district a minimum 15-foot wide buffer shall be planted and maintained wherever a Multiple-family Residential R-5 district development abuts a single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A., a Two-family Residential R-2, Medium Density Residential R-3, Townhouse Residential R-4, Resort/Townhouse Residential R-4R, Manufactured Home M-H district, or an alley abutting any of those districts, except in the Downtown Area.

2. *Industrial zoning districts.*

a. For all development within the Industrial Park I-1 district a buffer a minimum of thirty (30) feet wide shall be planted and maintained adjacent to all residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. In addition to the required buffer there shall be a six-foot high wall or approved landscape screen on the rear and side property lines that are adjacent to any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

b. For all development within the Light Employment I-G district when adjacent to a single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A., a buffer a minimum of twenty-five (25) feet wide shall be planted and maintained within the 50-foot building setback. When adjacent to any residential district other than single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A., a buffer a minimum of fifteen (15) feet wide shall be planted and maintained within the 25-foot building setback. In addition to the

required buffer, a six-foot high wall and approved landscape screen shall be located on the rear and side property lines that are adjacent to any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

3. *Commercial zoning districts.*

   a. Where the Service Residential S-R District abuts an alley no landscape area is required. Otherwise for all development in the Service Residential SR District, a minimum 15-foot wide landscape area shall be planted and maintained wherever the Service Residential S-R District abuts a residential district shown on Table 4.100.A. (except the Multiple-family Residential R-5 District), including:

      i. The residential district(s) in a Planned Community P-C District, and

      ii. The portion of a Planned Residential Development PRD District with an underlying residential district.

   b. For all development within Regional Shopping Center C-S, Neighborhood Commercial C-1, Central Business C-2, Highway Commercial C-3, General Commercial C-4, Support Services SS, Commercial Office C-O, Planned Regional Center PRC, and Planned Convenience Center PCoC Districts, a six foot high masonry wall or landscape screen as approved by the Development Review Board may substitute for the required 10 foot wide landscape buffer on the rear and side property lines adjacent to any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., except in the Downtown Area.

   c. For all development within a Planned Airpark Core Development PCP District, a six foot high masonry wall and a 25 foot wide buffer shall be provided where it abuts any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. or a Planned Residential Development PRD District. In addition, for all development within the Planned Airpark Core Development PCP District Conceptual Open Space and Transitions Plans are required as provided in Article VII.

   d. For all development within the Planned Neighborhood Center PNC and Planned Community Center PCC districts a minimum 15 foot landscape buffer shall be planted and maintained in the required side and rear yards along the property lines where any such zoned property abuts any residential district or an alley adjacent to a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the shown on Table 4.100.A. In addition to the required buffer there shall be a six foot high masonry wall and an approved landscape screen on the rear and side property lines that are adjacent to any residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., except in the Downtown Area.

4. *Other zoning districts.*

   a. For all development within the Open Space OS district a buffer a minimum of thirty (30) feet wide shall be planted and maintained between all buildings and all adjacent residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., except in the Downtown Area.

5. *Downtown Area.*

a. For all development within Downtown Area, buffers shall be provided in accordance with an approved landscape plan.

(Ord. No. 2818, § 1, 10-17-95; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 207), 4-3-12; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 45), 6-18-13; Ord. No. 4120, § 2(Res. No. 9585, Exh. A, § 3), 12-9-13; Ord. No. 4176, § 1, 11-18-14)

Sec. 10.700. - Required landscape maintenance.

A. The property owner shall maintain on-site landscape areas, and landscape areas in the adjacent right-of-way.

B. These are the minimum maintenance requirements for all landscape areas subject to an approved landscape plan:

1. All landscape areas shall be maintained in a neat and clean condition.

2. All landscape materials shall be maintained in a healthy, trimmed and weed-free condition to conform to the approved landscape plan.

3. Landscape materials shall be replaced as necessary to conform to the approved landscape plan.

4. Plant material that dies shall be replaced promptly upon its demise.

5. Plant material shall be maintained in a natural growth pattern or characteristic mature form.

C. Areas designated and intended for stormwater management shall be maintained in accordance with the Scottsdale Revised Code.

D. Except for routine maintenance of landscape areas in accordance with this section, modifications to existing landscape materials subject to an approved landscape plan, are subject to Zoning Administrator approval. The Zoning Administrator may determine that, based on the scope of the modifications, a new landscape plan must be submitted, subject to approval as provided in this Zoning Ordinance.

E. It shall be unlawful for any person to:

1. Strip, excavate or remove top soil, or store soil on a site, except in accordance with approved plans.

2. Severely prune plant materials to the extent that the plant materials' purpose in the approved landscape plan has been nullified.

3. Alter, or allow deterioration of, areas designated and intended for stormwater management, to invalidate the purpose of the stormwater management area.

(Ord. No. 2818, § 1, 10-17-95; Ord. No. 3920, § 1(Exh. § 122), 11-9-10; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, § 46), 6-18-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 270), 5-6-14)