

OLD TOWN ZONING DISTRICTS TEXT AMENDMENT

Section 1. That the Zoning Ordinance of the City of Scottsdale, ARTICLE I. – ADMINISTRATION AND PROCEDURES, Section 1.403.K. is amended as follows with all new language depicted in grey shading and deleted language in strike-through:

Sec. 1.403. Additional conditions for specific conditional uses.

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~~Old Town 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.

Section 2. That the Zoning Ordinance of the City of Scottsdale, ARTICLE I. – ADMINISTRATION AND PROCEDURES, Section 1.900. is amended as follows with all new language depicted in grey shading and deleted language in strike-through:

Sec. 1.900. Development Review Board.

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.

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.

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.

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~~Old Town Area, building and site design shall:
 - a. Demonstrate conformance with the ~~Downtown Plan~~Old Town Scottsdale Urban Design & Architectural Guidelines and the design objectives for Old Town Scottsdale;
 - 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, Type 2.5 or Type 3 Areas, and adjacent/abutting Type 2, Type 2.5 or Type 3 Areas and existing development outside the ~~Downtown~~Old Town 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.

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.

Sec. 1.906. Additional findings in the ~~Downtown~~Old Town Area.

- A. In addition to the findings of Section 1.905. for all development in the ~~Downtown~~Old Town 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~~Old Town Plan and ~~Downtown~~PlanOld Town Scottsdale 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 within the ~~Downtown~~Old Town 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~~AreaOld Town Boundary, for:
 - 1. Development within one hundred (100) feet of a property within a ~~Downtown~~Old Town Plan Type 1 Area, and
 - 2. Development within three hundred fifty (350) feet of a property beyond the ~~Downtown~~AreaOld Town Boundary.

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.

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.

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 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.

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.

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.

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.

Section 3. That the Zoning Ordinance of the City of Scottsdale, ARTICLE III. – DEFINITIONS is amended as follows with all new language depicted in grey shading and deleted language in strike-through:

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 foregoing 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.

City park or park means land within the City limits owned and operated by the City for public recreation purposes that has been designated as a park by the City as depicted on the parks master plan, as amended.

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 Old Town Area is the specific area described by the Downtown Old Town Plan.

Downtown Old Town Boundary is the designated outline of the Downtown Old Town Area.

Downtown Old Town Plan is the plan Old Town Scottsdale Character Area 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~~~~Old Town Scottsdale~~ Urban Design & Architectural Guidelines are the design guidelines, and any amendments, for the ~~Downtown~~~~Old Town~~ 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 ($\frac{1}{2}$) 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 ($\frac{1}{2}$) 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.

Marijuana is all parts of the plant of the genus cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin and cannabis. Marijuana does not include industrial hemp, the fiber from the stalks of the plant of the genus cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products and cannabidiol (CBD) oil products.

Marijuana use is an establishment where marijuana may be acquired, grown or cultivated, prepared, processed, manufactured, compounded, encapsulated, infused, packaged, dispensed, sold and provided, and as an accessory use marijuana related supplies and educational materials may be provided or sold, and excluding third-party licensed marijuana testing facilities, designated caregiver marijuana cultivation and personal marijuana cultivation.

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 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.

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 the specific area within the ~~Downtown~~Old Town Area as identified and described in the ~~Downtown Plan~~Old Town Scottsdale 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 District shall mean any residential district shown on Table 4.100.A., or any portion of a Planned Community (P-C) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., or any portion of a Planned Residential Development (PRD) District with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

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

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.

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 those areas within the Downtown Old Town Area that are identified and described by the Downtown Old Town Plan as Type 1.

Type 2 Area is the area those areas within the Downtown Old Town Area that are identified and described by the Downtown Old Town Plan as Type 2.

Type 2.5 Area are those areas within the Old Town Area that are identified and described by the Old Town Plan as Type 2.5.

Type 3 Area are those areas within the Old Town Area that are identified and described by the Old Town Plan as Type 3.

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.

Section 4. That the Zoning Ordinance of the City of Scottsdale, ARTICLE V. – DISTRICT REGULATIONS, Section 5.2605. is amended as follows with all new language depicted in grey shading and deleted language in strike-through:

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~~Old Town Area.

Section 5. That the Zoning Ordinance of the City of Scottsdale, ARTICLE V. – DISTRICT REGULATIONS, Sections 5.3000. through 5.3008. are amended as follows with all new language depicted in grey shading and deleted language in strike-through:

Sec. 5.3000. Downtown (D).

Sec. 5.3001. Purpose.

- A. The purpose of the D District is to provide use regulations and development standards to implement the ~~Downtown~~**Old Town** Plan and the ~~Downtown Plan~~**Old Town Scottsdale** Urban Design & Architectural Guidelines. The ~~Downtown~~**Old Town** 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~~**Old Town** 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~~**Old Town** Area and districts, focusing on walkability, **bicycling**, 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.

Sec. 5.3002. Applicability.

- A. ~~The D District shall only be applied to property within the~~ **Downtown**~~Old Town~~ Area.

Sec. 5.3003. Downtown District sub-districts.

- A. The ~~Downtown~~**Old Town** Plan shows the following sub-districts on the ~~Downtown~~**Old Town** Plan's Future Land Use map:
1. Downtown Core ~~(DC)~~**(D/DC)**,
 2. Downtown Civic Center ~~(DCC)~~**(D/DCC)**,

3. Downtown Medical (DM)(D/DM),
4. Downtown Multiple Use (DMU)(D/DMU), and
5. Downtown Regional Use (DRU)(D/DRU).

B. Prior sub-district designations.

1. Properties with previous designation of Downtown Multiple-Use. Properties designated as Downtown Multiple-Use but not zoned Downtown District prior to March 21, 2024 and thereafter designated as Downtown Core in the Old Town Plan shall comply with the Future Land Use Map within the Old Town Plan and the regulations set forth by Sec. 5.3004. Provided, however, that any development application for a zoning district map amendment for such a property determined to be administratively complete on or before September 30, 2024 may elect to comply with the previous designation of Downtown Multiple-Use or Downtown Core and previous regulations set forth in Sec. 5.3004. Said application must be diligently pursued such that a decision regarding rezoning is rendered by the City Council no later than March 21, 2027. If no decision has been rendered by the City Council by that date, the development application shall be deemed withdrawn and any further development application for such property shall comply with the Future Land Use Map within the Old Town Plan and the then current regulations set forth in Sec. 5.3004.

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 on or before December 31, 2012	Sub-district after December 31, 2012
Retail Specialty (RS)	Downtown Core (DC)(D/DC)
Office/Commercial (OC)	Downtown Multiple Use (DMU)(D/DMU)
Office/Residential (OR)	Downtown Multiple Use (DMU)(D/DMU)
Regional Commercial Office (RCO)	Downtown Regional Use (DRU)(D/DRU)
Residential/Hotel (RH)	Downtown Multiple Use (DMU)(D/DMU)
Medical (M)	Downtown Medical (DM)(D/DM)
Civic Center (CC)	Downtown Civic Center (DCC)(D/DCC)
Residential High Density (RHD)	Downtown Multiple Use (DMU)

- B. Drive-through and drive-in services are not permitted in the Downtown Old Town 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. Downtown District Land Use Table.

1. *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:
 - a. Any use shown as permitted (P) in Table 5.3004.D., subject to the limitations as listed.
2. *Uses permitted by conditional use permit.*
 - a. Any use shown as permitted by conditional use permit (CU) in Table 5.3004.D., subject to the limitations as listed, and any additional conditional use permit criteria.

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 Sub-district	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	P		P	P	P

than elementary and secondary school					
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, Type 1, 2, and 3	P (4)	P (4)	P (4)	P (4)	P (4)
Wireless communication facility, Type 4	CU (4)	P (4)CU (4)	P (4)CU (4)	P (4)CU (4)	P (4)CU (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.					

Sec. 5.3005. Downtown District development types.

- A. The ~~Downtown~~Old Town Plan shows the following development types on the ~~Downtown Plan's Development Types map~~Old Town Plan Development Types Maps:

1. Type 1,
2. Type 2,
3. Type 2.5, and
4. Type 3.

Sec. 5.3006. Property development standards.

Resolution No. 13058

Exhibit A

Page 38 of 117

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.
3. Properties zoned Downtown District prior to March 21, 2024. Properties zoned Downtown District prior to March 21, 2024 may elect to comply with the Existing Downtown Development Types Map within the Old Town Plan and the existing regulations set forth in Sec. 5.3006 provided that a completed development application is filed on or before March 21, 2027. Said application must be diligently pursued such that a decision upon the application by the City Council is rendered no later than March 21, 2028. If no decision has been rendered by the City Council by that date, the development application shall be deemed withdrawn and any further development application for such property shall comply with the Future Downtown Development Types Map within the Old Town Plan and the then current regulations set forth in Sec. 5.3006. If a property has not received a determination by City Council to apply the Downtown Development Type 2.5 zoning by March 21, 2028, then the Downtown Development Type 2.5 zoning may not be requested on any future development application request.
4. Properties not zoned Downtown District prior to March 21, 2024. Properties that are not zoned Downtown District prior to March 21, 2024 shall comply with the Future Downtown Development Types Map within the Old Town Plan and the then current regulations set forth by Sec. 5.3006. Provided, however, that any development application for a property for a zoning district map amendment change to Downtown District determined to be administratively complete before September 30, 2024 may elect to comply with the Existing Downtown Development Types Map within the Old Town Plan and the existing regulations set forth by Sec. 5.3006. Said application must be diligently pursued such that a decision regarding rezoning by the City Council is rendered no later than March 21, 2027. If no decision has been rendered by the City Council by that date, the development application shall be deemed withdrawn and any further development application for such property shall comply with the Future Downtown Development Types Map within the Old Town Plan and the then current regulations set forth in Sec. 5.3006. If a property has not received a determination by City Council to apply the Downtown Development Type 2.5 zoning by March 21, 2028, then the Downtown Development Type 2.5 zoning may not be requested on any future development application request.

B. *Density, Gross Floor Area Ratio (GFAR), and Building Height Maximum: Density, building height, and gross floor area ratio (GFAR) maximums.*

1. ~~Density and GFAR maximum are shown in Table 5.3006-B.~~ Density shall not exceed fifty (50) dwelling units per acre of gross lot area.

2. ~~The building height maximum is shown in Table 5.3006.B., except as provided in Subsection 5.3006.B.3. Building height(s) shall not exceed the building height maximum set forth in Table 5.3006.B. for the applicable Downtown District development type. Building height maximum shall be inclusive of all rooftop appurtenances. The additional height regulations of Article VII. shall not apply.~~

Table 5.3006.B. Building Height Maximums	
Development Type	Building Height Maximum
Type 1 Area within Historic Old Town District	40 feet
Type 1 Area outside of Historic Old Town District	48 feet
Type 2 or Type 2.5 Area	66 feet
Type 3 Area	84 feet

3. ~~The additional height regulations of Article VII. shall not apply. GFAR shall not exceed 1.3 without an approved bonus. GFAR shall not exceed 2.0 after application of any bonus(es) outlined in Table 5.3008.B.~~

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 or Type 3 Areas	20 feet
Note: See the Downtown Plan Urban Design & Architectural Guidelines Old Town Plan Development Types Maps for referenced 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~~ ~~Old Town~~ 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 a Single-family Residential District, 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~~ 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~~ 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~~ 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.

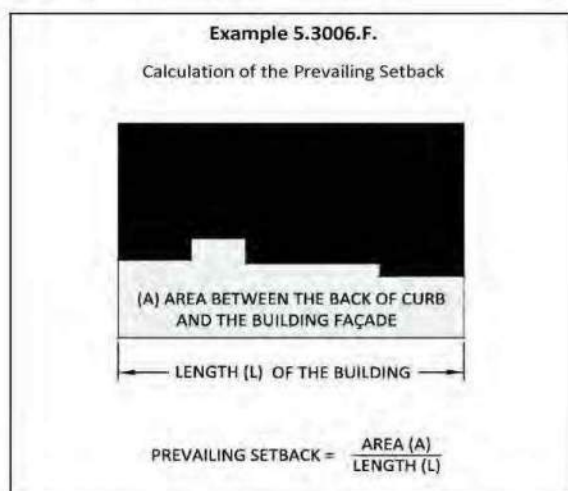
F. *Building location.*

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; and
 - 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. Where the building location requirements in Subsection 5.3006.F.1. above cannot be met due to the location of the street line, the following shall apply:
 - a. In a Type 1 Area, at least fifty (50) percent of the:
 - i. Length of the building façade shall be located at the street line; and

- ii. Area of the building façade at grade and up to a height of thirty (30) feet shall be located at the street line.
- b. In a Type 2 Area, a Type 2.5 Area, or a Type 3 Area, at least twenty-five (25) percent of the:
 - i. Length of the building façade shall be located at the street line; and
 - ii. Length of the 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 street line.
- 23. 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

- 34. 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.



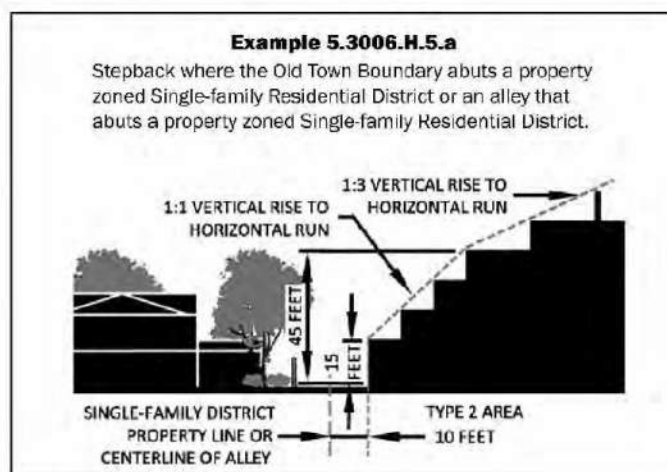
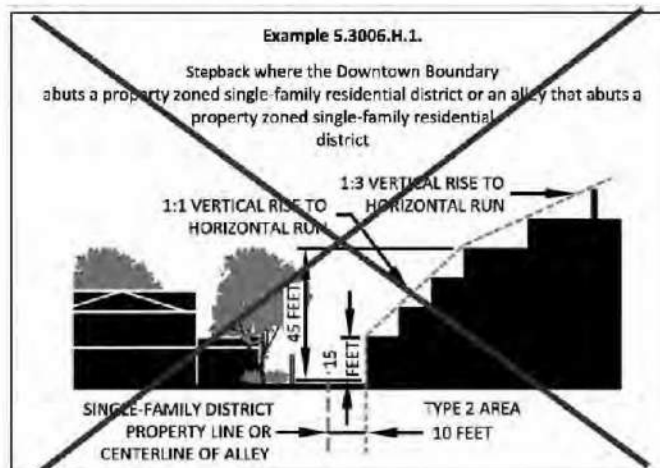
G. *Private outdoor living space.*

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.

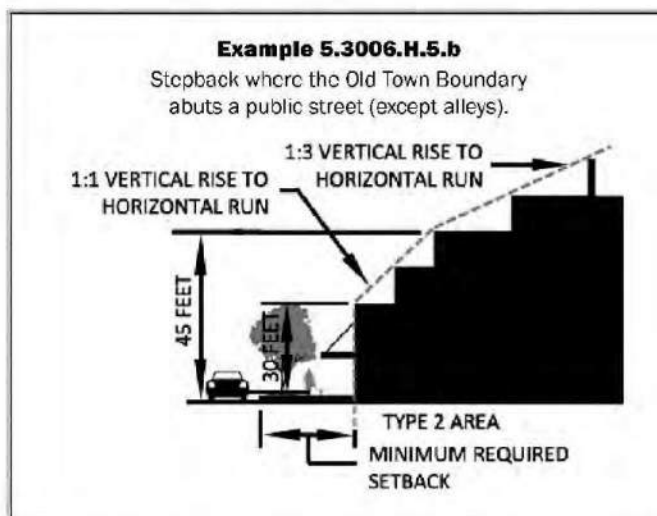
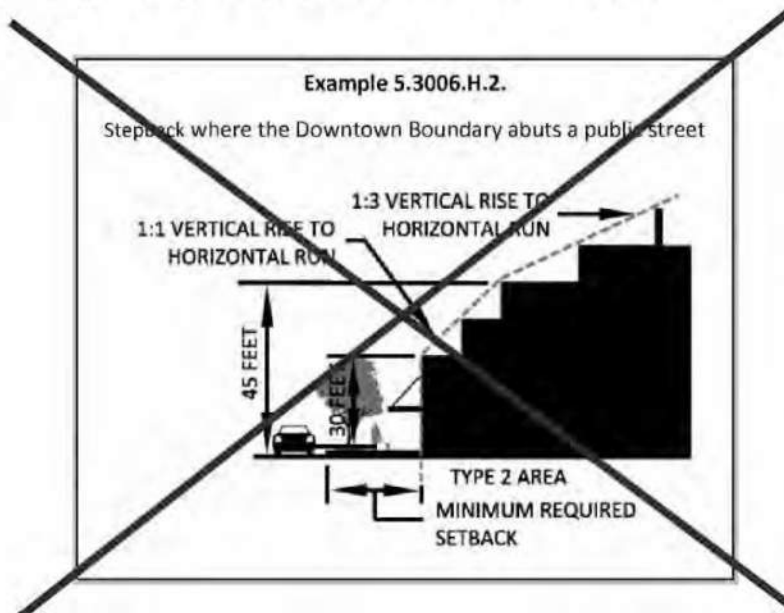
H. *Stepbacks.*

1. Property in a Type 1 Area: ~~The stepback plane shall incline at a ratio of 1:1 beginning thirty (30) feet:~~
 - a. The stepback plane shall incline at a ratio of 1:1, beginning thirty (30) feet above the minimum setback from (i) the a public street (except alleys), (ii) the rear property line (except alleys), and/or (iii) a property line abutting an alley.
 - b. ~~Above the rear property line,~~
 - 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 (i) the a public street (except alleys), where the public street abuts a Type 1 Area (ii) a property line that abuts a Type 1 Area, and/or (iii) a property line abutting an alley that 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.~~
 - cb. 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.~~
 - a. The stepback plane shall incline at a ratio of 1:1, beginning thirty (30) feet above the minimum setback from (i) a 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.~~
 - a. The stepback plane shall incline at a ratio of 2:1, beginning forty-five (45) feet above the minimum setback from (i) a public street (except alleys), and (ii) all other property lines.

5. ~~Downtown~~Old Town Boundary—additional requirements for property in a Type 2 Area, a Type 2.5 Area, or a Type 3 Area:
- a. Where the ~~Downtown~~Old Town Boundary abuts a ~~Single-family Residential District~~single-family residential district or an alley that abuts a ~~Single-family Residential District~~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.

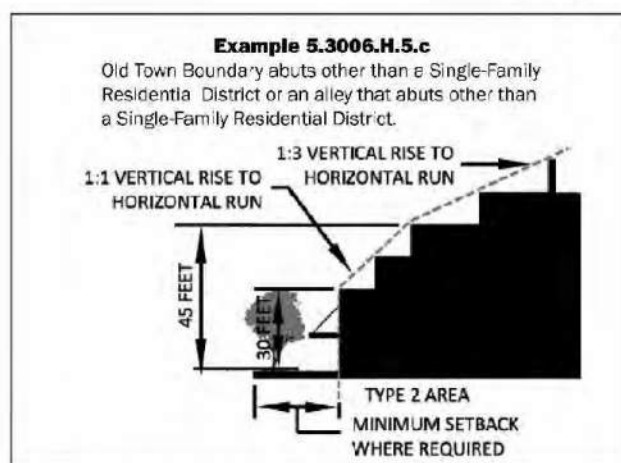
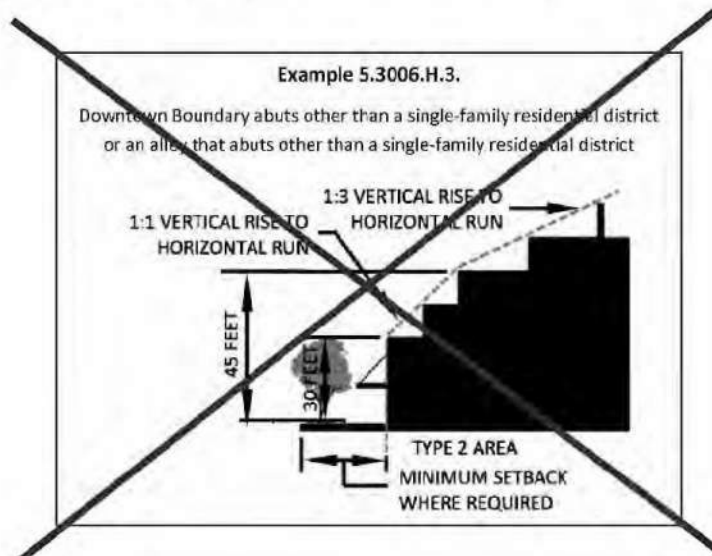


- b. Where the ~~Downtown~~Old Town Boundary abuts a public street (except alleys), the stepback plane shall incline at a ratio of 1:1, beginning thirty (30) feet above the minimum setback from the public street (except alleys) to forty-five (45) feet; and beginning at forty-five (45) feet, incline at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



- c. Where the ~~Downtown~~Old Town Boundary does not abut a ~~Single-family Residential District~~single-family residential district or an alley that abuts an alley that does not abut a ~~Single-family Residential District~~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:
- 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.4.5.3006.I.6. below, and except as provided in Subsection 5.3006.I.9.5.3006.I.7. below, certain exceptions to building location, setback, prevailing setback, and stepback standards are allowed if the Development Review Board finds the exceptions conform to:
 - a. The ~~Downtown~~Old Town Plan and ~~Downtown Plan~~Old Town Scottsdale 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 for:
 - 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 sidewalkswindows, balconies, patios, 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.~~Covers directly above sidewalks, including galleries, arcades, uncovered balconies, uncovered patios, and uncovered terraces.
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 1.2. 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. ~~If forty (40) percent or more of the existing buildings on the street frontage are nearer to the curb than the requirement of Table 5.3006.C., the minimum setback from public streets (except alleys) shall~~may be reduced to 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.;~~ however, in a Type 2 Area, Type 2.5 Area, or a Type 3 Area the reduced setback shall not be less than sixteen (16) feet from the back of curb.
6. ~~If forty (40) percent or more of the existing buildings on the street frontage are nearer to the curb than the requirement of Table 5.3006.F., the prevailing setback of a building with a building façade length of two hundred (200) feet or more shall~~may be reduced to 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.~~
97. Exceptions to setback, prevailing 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 ~~sSingle-family rResidential dDistrict~~ or an alley that abuts a ~~sSingle-family rResidential dDistrict~~ 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~~~~Old Town Scottsdale~~ 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~~Old Town Plan and ~~Downtown Plan~~Old Town Scottsdale Urban Design & Architectural Guidelines.

M. *Landscaping.*

1. The provisions of Article X. shall apply.

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~~Old Town Plan and ~~Downtown Plan~~Old Town Scottsdale 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~~Old Town and ~~Downtown Plan~~Old Town Scottsdale Urban Design & Architectural Guidelines.

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~~Old Town 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.

Section 6. That the Zoning Ordinance of the City of Scottsdale, ARTICLE V. – DISTRICT REGULATIONS, Section 5.5003.A. is amended as follows with all new language depicted in grey shading and deleted language in strike-through:

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~~ Old Town Area.
 - ii. The proposed development fronts onto a major or minor arterial and/or major collector street as designated in the Transportation Master Plan.

Section 7. That the Zoning Ordinance of the City of Scottsdale, ARTICLE VI. – SUPPLEMENTARY DISTRICTS, Sections 6.500. and 6.806. are amended as follows with all new language depicted in grey shading and deleted language in strike-through:

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~~ Old Town 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.

* * *

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.
- 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.
 - 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:

- Single-family Residential R1-190, Single-family Residential R1-130, Single-family Residential R1-70, Conservation Open Space COS;
- 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 1; 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 1~~ Downtown D – Type 2, Downtown D – Type 2.5 and Downtown D – Type 3.

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 dDevelopment pPlan. 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 dDevelopment pPlan shall occur on unimproved land, public streets, properties not included within the dDevelopment pPlan 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.

Section 8. That the Zoning Ordinance of the City of Scottsdale, ARTICLE VI. – SUPPLEMENTARY DISTRICTS, Sections 6.1200. through 6.1311. are amended as follows with all new language depicted in grey shading and deleted language in strike-through:

Sec. 6.1200. Downtown Overlay (DO).

Sec. 6.1201. Purpose.

- A. This district is to promote the goals and policies of the ~~Downtown~~Old Town Plan and provide increased intensities to revitalize ~~Downtown~~Old Town 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.

Sec. 6.1202. Applicability.

- A. The DO District shall only be applied to property within the ~~Downtown~~Old Town Area.

Sec. 6.1203. Reserved.

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~~Old Town 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.

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 ~~a Single-family Residential District, 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~~excluding 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~~shall be 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.

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.

Sec. 6.1300. Planned Block Development Overlay District (PBD).

Resolution No. 13058

Exhibit A

Page 57 of 117

Sec. 6.1301. Purpose.

- A. The purpose of the PBD Overlay District is to allow for development flexibility in the ~~Downtown~~Old Town Area to assist the City in achieving the ~~Downtown~~Old Town Plan, developing more ~~Downtown~~Old Town Area public amenities, and adding land uses that would further promote the ~~Downtown~~Old Town Area as a twenty-four (24) hour community.

Sec. 6.1302. Applicability.

- A. The PBD Overlay District is applicable only to property zoned Downtown District.

Sec. 6.1303. District size requirement.

- A. Gross lot area minimum: twenty thousand (20,000) square feet.
- B. Qualifying parcels: For development projects with multiple parcels, such parcels must be contiguous and under single ownership or control to meet the gross lot area minimum. Adjacent right-of-way width and alleys will be considered as contributing to the contiguity of parcels. Parcels with offset boundaries must have a minimum of twenty linear feet of adjacent boundary to be considered as contributing to the contiguity gross lot area minimum size.

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.

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~~Old Town Plan; and
 - b. The site development standards and building form shall be in conformance with the ~~Downtown~~PlanOld Town Scottsdale 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~~Old Town Plan;
 - b. The site development standards and building form shall be in conformance with the ~~Downtown~~PlanOld Town Scottsdale Urban Design & Architectural Guidelines;
 - ~~c. The building form shall reflect the planned character of development within which the development project will be located;~~
 - dc. The Development Plan shall incorporate standards for development within three hundred fifty (350) feet of the ~~Downtown~~Old Town 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;

- ed. The Development Plan for development is within one hundred (100) feet of a Type 1 Area, as shown on the Old Town Plan Development Types Maps shall address appropriate transitions in building heights, building massing, and landscape materialslandscapingbetween the proposed development and the Type 1 Area, to create a compatibility between the higher scale Type 2 or Type 2.5 and the lower scale Type 1 Development Types;
 - fe. 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
 - gf. 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~~Old Town Plan;
 - b. The site development standards and building form shall be in conformance with the ~~Downtown Plan~~Old Town Scottsdale Urban Design & Architectural Guidelines;
 - c. ~~The building form shall reflect the planned character of development within which the development project will be located;~~
 - dc. The Development Plan shall incorporate standards for development within three hundred fifty (350) feet of the ~~Downtown~~Old Town 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;
 - ed. The Development Plan for development is within one hundred (100) feet of a Type 1 Area, as shown on the Old Town Plan Development Types Maps, ~~a Type 2 Area and/or Type 2.5 Area~~ shall address appropriate transitions in building heights, building massing, and landscape materialslandscapingbetween the proposed development and the Type 1 Area, to create a compatibility between the higher scale Type 3 and the lower scale Type 1 Development Types; ~~and/or Type 2.5 Area;~~
 - fe. 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
 - gf. 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~~Old Town 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~~Old Town Area in accordance with the ~~Downtown~~Old Town Plan.
 - b. Each proposed land use is compatible with the adjacent development, and strengthens the mix of land uses and activities in the ~~Downtown~~Old Town Area.
 - c. Each proposed land use substantially implements the pedestrian oriented, twenty-four (24) hour downtown community goals of the ~~Downtown~~Old Town 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~~Old Town 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.

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.

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.

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.

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.~~ *Density, building height, and gross floor area ratio (GFAR) maximums.*
1. The Development Plan shall identify the density for each property within the PBD Overlay District, but in no instance shall density exceed fifty (50) dwelling units per acre of gross lot area without an approved bonus.
 42. The Development Plan shall identify the building heights for each property within the PBD Overlay District, but in no instance shall building height(s) exceed ~~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 without an approved bonus.~~ The additional height regulations of Article VII. shall not apply.

Table 6.1308.B. Building Height Maximums without Bonuses	
Development Type	Building Height Maximum ⁽¹⁾
Type 1 Area within Historic Old Town District	40 feet
Type 1 Area outside of Historic Old Town District	48 feet
Type 2 or Type 2.5 Area	66 feet
Type 3 Area	84 feet
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.	

3. The Development Plan shall identify the GFAR for each property within the PBD Overlay District, but in no instance shall GFAR exceed 1.4 without an approved bonus.
- ~~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	60 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.

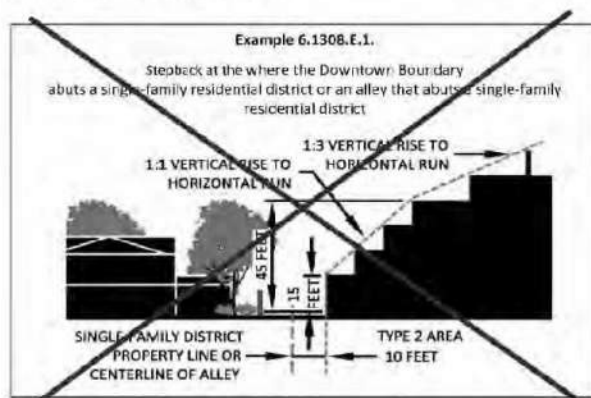
D. *Setbacks.*

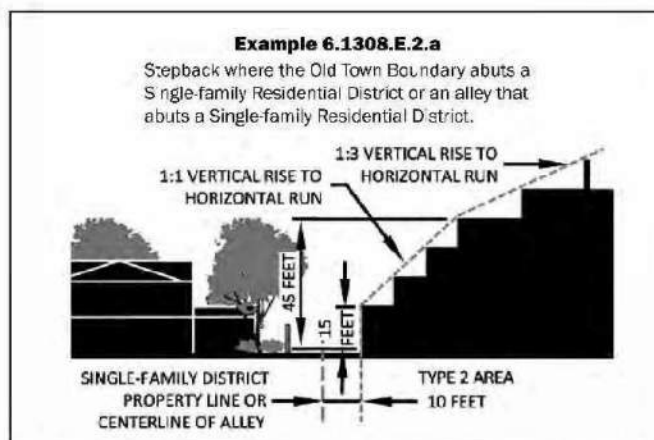
1. All buildings shall be set back in accordance with the approved Development Plan, except as required in Section 6.1308.D.2 below.
2. **Old Town Boundary—Additional requirements for property in a Type 2, Type 2.5, or Type 3 Area.**
 - a. Where the Old Town Boundary abuts a Single-family Residential District or an alley that abuts a Single-family Residential District, the setback shall be ten (10) feet from the Single-family Residential District or the centerline of the alley.

- b. Where the Old Town Boundary does not abut a Single-family Residential District or abuts an alley that does not abut a Single-family Residential District, the setback shall be ten (10) feet from the centerline of the alley.

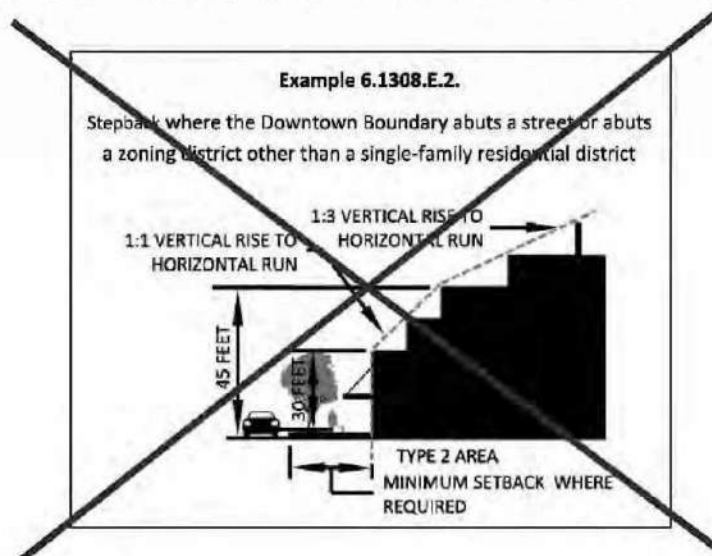
E. *Stepbacks.*

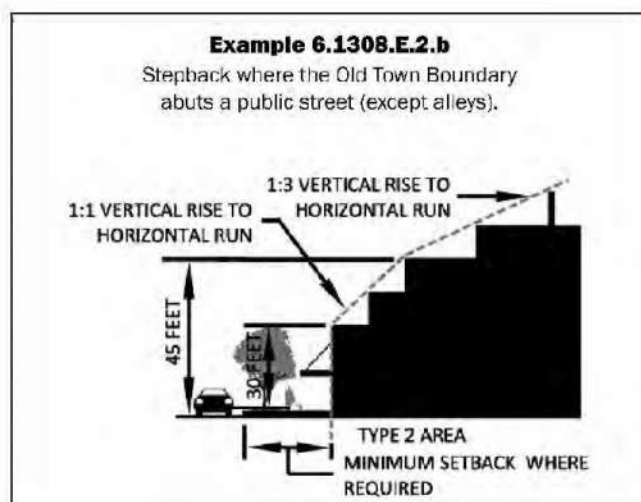
1. All building stepbacks shall be in accordance with the approved Development Plan, except as required in Subsections 6.1308.E.2., 6.1308.E.3. and 6.1308.E.4. below; and
2. ~~Downtown~~Old Town Boundary—Additional requirements for property in a Type 2, a Type 2.5, or Type 3 Area:
 - a. ~~Where the Downtown 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: Where the Old Town Boundary abuts a Single-family Residential District or an alley that abuts a Single-family Residential District, 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.~~
 - 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~~ Old Town 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 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: Where the Old Town Boundary does not abut a Single-family Residential District or abuts an alley that does not abut a Single-family Residential District, 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.~~
- 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.

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 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 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 dDevelopment pPlan.

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, DowntownOld Town Plan and City objectives.
- B. *Types of bonus development standards.*
 - 1. Bonuses may be obtained to increase the maximums set forth above in Section 6.1308. for:
 - a. Building height,
 - b. Gross Floor Area Ratio, and

c. Density.

C. Minimum requirements.

1. Any property requesting PBD Overlay zoning with bonus development standards shall meet the following requirements, at a minimum:
 - a. Provide privately-owned, publicly-accessible open space in compliance with the requirements of 6.1310.C.1.a.i. and 6.1310.C.1.a.ii. below.
 - i. For Type 2, Type 2.5, and Type 3 Areas, publicly accessible open space shall be provided within the Development Plan in the quantities set forth in Table 6.1310.C.
 - ii. The public open space area(s), and public access to the public open space area(s), shall be provided at or near the ground floor, and determined through a development agreement between the property owner and the City.

Table 6.1310.C. Minimum Publicly Accessible Open Space Requirements	
PBD gross lot area equal to or greater than	Minimum Percentage of Net Lot Area to be Dedicated as Publicly Accessible Open Space
20,000 and less than 100,000 square feet	0%
100,000 and less than 200,000 square feet	2.5%
200,000 square feet or more	5%

CD. ~~Bonus development standards.~~ Bonus development standards for density, building height, and gross floor area ratio (GFAR).

1. Bonus density shall not exceed the density set forth in the Development Plan approved by the City Council.
12. ~~No building shall exceed the maximum shown on Table 6.1310.C.~~ Bonus building height(s) shall not exceed the building height maximums set forth in Tables 6.1310.D.1. and 6.1310.D.2. for the applicable Downtown District development type. The additional height regulations of Article VII. shall not apply.
 - a. Properties zoned Planned Block Development Overlay District prior to March 21, 2024. Properties zoned Planned Block Development Overlay District prior to March 21, 2024 may elect to submit a zoning district map amendment and request the existing bonus building height maximums set forth in Table 6.1310.D.1. provided that a completed development application is filed on or before March 21, 2027. Said application must be diligently pursued such that a decision upon the application by the City Council is rendered no later than March 21, 2028. If no decision has been rendered by the City Council by that date, the development application shall be deemed withdrawn and any further development application for such property shall comply with the future bonus building height maximums set forth in Table 6.1310.D.2.

Table 6.1310.D.1. Existing Bonus Building Height Maximums			
Development Type	Building Height Maximum ⁽¹⁾		
	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 Area	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
Type 2 Area	78 feet	90 feet	90 feet
Type 2.5 Area	78 feet	90 feet	120 feet
Type 3 Area	90 feet	120 feet	150 feet
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.			

- b. Properties not zoned Planned Block Development Overlay District prior to March 21, 2024. Properties that are not zoned Planned Block Development Overlay District prior to March 21, 2024 may elect to submit a zoning district map amendment request with the future bonus building height maximums set forth in Table 6.1310.D.2. Provided, however, that any development application for a property for a zoning district map amendment change to Planned Block Development Overlay District determined to be administratively complete before September 30, 2024 may elect to submit a zoning district map amendment and request the existing bonus building height maximums set forth in Table 6.1310.D.1. Said application must be diligently pursued such that a decision regarding rezoning by the City Council is rendered no later than March 21, 2027. If no decision has been rendered by the City Council by that date, the development application shall be deemed withdrawn and any further development application for such property shall comply with the future bonus building height maximums set forth in Table 6.1310.D.2.

Table 6.1310.D.2. Future Bonus Building Height Maximums			
Development Type	Building Height Maximum ⁽¹⁾		
	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 Area	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
Type 2 Area	78 feet	90 feet	90 feet
Type 2.5 Area	78 feet	90 feet	102 feet
Type 3 Area	90 feet	102 feet	115 feet
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.			

23. No GFAR shall exceed the GFAR maximum shown on Table 6.1310.C. GFAR shall not exceed the GFAR maximum set forth in Table 6.1310.D.3. for the applicable Downtown District development type.

Table 6.1310.D.3. Gross Floor Area Ratio (GFAR) Maximums with Bonus(es)	
Development Type	GFAR Maximum
Type 1 Area	2.5
Type 2 Area	3
Type 2.5 Area	3
Type 3 Area	4

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 ⁽⁴⁾			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.				

DE. 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 (GFAR), 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.

EF. 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.

Sec. 6.1311. Reserved.

Section 9. That the Zoning Ordinance of the City of Scottsdale, ARTICLE VII. – GENERAL PROVISIONS is amended in several different sections as follows with all new language depicted in grey shading and deleted language in strike-through:

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.

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.

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.

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.

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~~Old Town Area, or
 - b. Into the Art in Public Places Account, for property outside the ~~Downtown~~Old Town 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.

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~~Old Town 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.

* * *

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~~Old Town Area 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 or above grade structure with enhanced design shall be calculated as follows: the cost of constructing all the parking spaces in the 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.
 - i. Any above ground structured parking shall be screened by occupiable building space, and/or architecturally integrated with the neighboring context in accordance with the design recommendations of the Old Town Scottsdale Urban Design and Architectural Guidelines.
 - 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~~Old Town Area or Greater Airpark, as applicable.
- a. Minimum area: ~~48,000~~10,000 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 public access to the public open space area(s), shall be ~~within an easement granted to the City~~ determined through a development agreement between the property owner and the City.
4. Cultural Improvements Program contribution within the Development Plan, or within the area of the ~~Downtown~~Old Town Area 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~~Old Town Area 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~~Old Town Area 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 (TCCE) 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 TCCE 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 by the property owner or applicant 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 (DSITFDSIF). The DSITFDSIF funds shall be used exclusively for public improvements in the DowntownOld Town Area.

9. Any ~~in-lieu~~~~-lieu~~ cash payments for bonus development standards in the PCP zoning district shall be deposited in the Greater Airpark Special Improvement Trust Fund (GASITFGASIF). The GASITFGASIF 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: $CC = (BSFBFA \text{ times } 10) \text{ times } (1.035^{(CY - 2013)})$
 - b. Bonus Building Height Contribution Cost: $CC = (BH \text{ times } 10,000) \text{ times } (1.035^{(CY - 2013)})$
 - 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%)~~~~sixty percent (60%)~~ of the net lot area. 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%) of the net lot area.
 - iii. Bonus Building Height Coverage Overrun Contribution Cost: $CC = (BHCO \text{ times } 10) \text{ times } (1.035^{(CY - 2013)})$
 - c. Bonus Density Contribution Cost: $CC = (BD \text{ times } 10,000) \text{ times } (1.035^{(CY - 2013)})$
2. Factors used in formulas above:
 - a. CC = Contribution Cost
 - b. CY = Current Year

- c. BSFBFA = 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 BSFBFA, the BH, the BHCO, or to the BD, but the sum of the distribution shall never exceed the CC.
- E. **Total Construction Cost Estimate (TCCE) requirements and limitations.**
- 1. The TCCE 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 TCCE excludes the cost of public improvements required for the development project and standard right-of-way dedications.
 - 3. The TCCE 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.

Section 10. That the Zoning Ordinance of the City of Scottsdale, ARTICLE VIII. – SIGN REQUIREMENTS is amended in several different sections as follows with all new language depicted in grey shading and deleted language in strike-through:

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.

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~~Old Town 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.

* * *

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, Type 2.5 Area, or Type 3 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~~Old Town 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~~Old Town 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~~Old Town 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.

* * *

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~~Old Town Area:

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~~Old Town Area.

G. Scenic Corridor.

1. The provisions of Section 8.411. shall apply.

Section 11. That the Zoning Ordinance of the City of Scottsdale, ARTICLE IX. – PARKING AND LOADING REQUIREMENTS is amended in several different sections as follows with all new language depicted in grey shading and deleted language in strike-through:

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. Any amendments made pursuant to Ordinance 4500 do not apply to developments that received City Council approval of a Zoning District Map Amendment that includes required parking, prior to the effective date of Ordinance 4500. Any amendments made pursuant to Ordinance 4500 do not apply to developments that received Development Review Board approval that includes required parking, prior to the effective date of Ordinance 4500, unless such Development Review Board approval has expired as specified in Section 1.910. However, the ordinance amendments and new parking requirements enacted by Ordinance No. 4500 shall apply

when an existing building or use is substantially altered, enlarged or intensified as determined by the Zoning Administrator.

- 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~~Old Town Area.* Required parking for developments within the ~~Downtown~~Old Town 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.

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~~Old Town Area.* Except as provided in Sections 9.104, 9.107, and 9.108, and subsections therein each use of land in the ~~Downtown~~Old Town 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~~Old Town 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.

* * *

Table 9.103.B. Schedule of Parking Requirements in the DowntownOld Town Area	
Bars, cocktail lounges, taverns, afterhours or micro-brewery/distillery with live entertainment	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.
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	For developments with 20 units or less: 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. For developments with more than 20 units: 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 Guest Parking: 1 space per every 6 units. Guest spaces shall be located so they are easily accessed by guests, as determined by the Development Review Board.
Financial intuitions	A. In a Type 1 aArea, one (1) space per five hundred (500) square feet of gross floor area; or B. In a Type 2, Type 2.5, or Type 3 aArea, 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 five 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, land uses (with parking requirements of one	One (1) space per three hundred fifty (350) square feet of gross floor area.

space per 300 square feet or fewer spaces) shall occupy at least 60 percent of gross floor area.	
Mixed-use developments	A. With at least 20% of gross floor area non-residential, one space per 350 square feet of gross floor area of nonresidential area; otherwise as required in accordance with this table; 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 aArea, one (1) space per five hundred (500) square feet of gross floor area; or B. In a Type 2, Type 2.5, or Type 3 aArea, all other lot widths, one (1) space per three hundred (300) square feet of gross floor area.
Offices (telemarketing bureaus and other contact centers)	One (1) space per two hundred (200) square feet 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 use, and 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 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 aArea, one (1) space per five hundred (500) square feet of gross floor area; or B. In a Type 2, Type 2.5, or Type 3 aArea, 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, Type 2, Type 2.5 and Type 3 ~~and Type 2~~ Areas are locations of the ~~Downtown~~~~Old Town~~ Area described by the ~~Downtown~~~~Old Town~~ Plan.

Sec. 9.104. Programs 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~~~~Old Town~~ 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~~Old Town 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 of parking spaces required for a mixed-use commercial center and mixed-use development indicated in Table 9.103.A. or Table 9.103.B. shall not be used to reduce the required parking in the ~~Downtown~~Old Town Area or a development that is defined as mixed-use development or mixed-use commercial center not in the ~~Downtown~~Old Town Area.
 - b. The total number of parking spaces required by Table 9.103.A. or Table 9.103.B. shall not be reduced by more than ten (10) percent.
 - c. Reductions of more than ten (10) percent of required parking shall be subject to approval by the City Council.
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%
<i>How to use the schedule of shared parking.</i> 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 for a mixed-use commercial center and mixed-use development indicated in Table 9.103.A. or Table 9.103.B. shall not be used to reduce the required parking in the DowntownOld Town Area or a development that is defined as mixed-use development or mixed-use commercial center not in the DowntownOld Town 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~~Old Town 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 of parking spaces required for a mixed-use commercial center and mixed-use development indicated in Table 9.103.A. or Table 9.103.B. shall not be used to reduce the required parking in the ~~Downtown~~Old Town Area or a development that is defined as mixed-use development or mixed-use commercial center not in the ~~Downtown~~Old Town Area.
 - b. The Zoning Administrator shall only permit reductions of up to ten (10) percent of the total parking required per Table 9.103.A. or Table 9.103.B.
 - c. Reductions of more than ten (10) 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 for a mixed-use commercial center and mixed-use development indicated in Table 9.103.A. or Table 9.103.B. shall not be used to reduce the required parking in the ~~Downtown~~Old Town Area or a development that is defined as mixed-use development or mixed-use commercial center not in the ~~Downtown~~Old Town 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.
 - l. Parking master plans for Travel accommodations shall specifically include provisions for employee parking, including employees associated with conference and meeting facilities, or similar facilities, and/or additional commercial uses. Required employee parking shall be provided on-site.
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:
 - $(N - O) + T = \text{number of parking spaces required}$
 - 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~~Old Town Area

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 one thousand (1,000) gross square feet of new building, or building area expansion. The one thousand (1,000) gross square feet per lot of new building, or building area expansion may be used incrementally, but shall not exceed one thousand (1,000) gross square feet of the building size of each lot existing as of July 31, 2003.
 - iv. Cannot be used on land that is used 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.

* * *

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

Resolution No. 13058

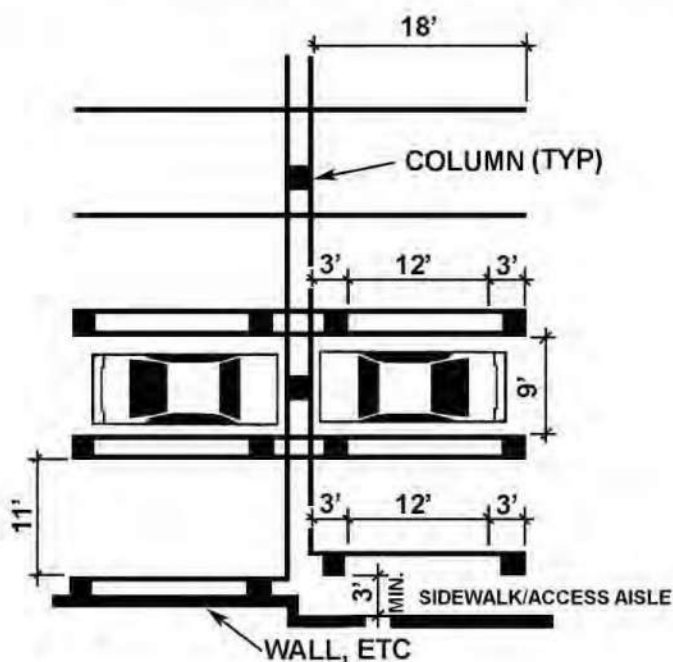
Exhibit A

Page 98 of 117

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.

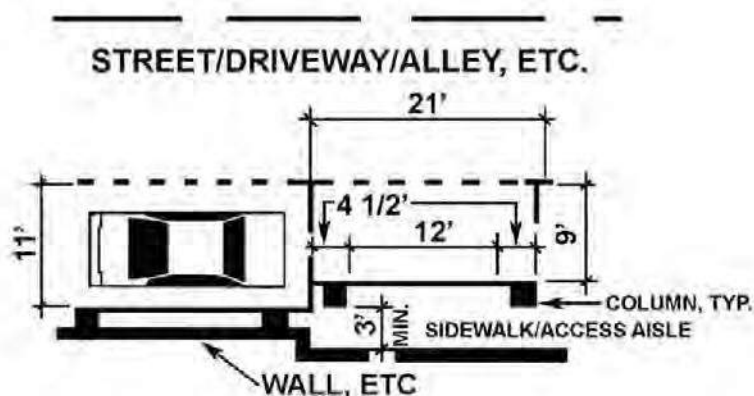
FIGURE 9.106.A. Column, etc. Obstructions



- 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

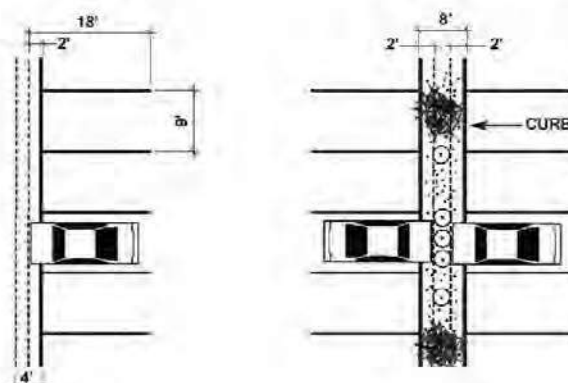
four and one-half (4½) feet and rear four and one-half (4½) feet of the parking space, as further delineated by Figure 9.106.B.

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:
- 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.
 - 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.

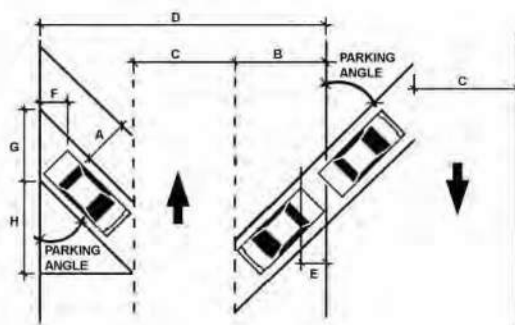
2. *Bicycle.* Bicycle parking spaces shall have a minimum width of two (2) feet and a minimum length of six (6) feet, unless the spaces are provided by a pre-manufactured bicycle rack or locker which differ from this dimension, in which case the dimension of the pre-manufactured rack or locker shall 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.*

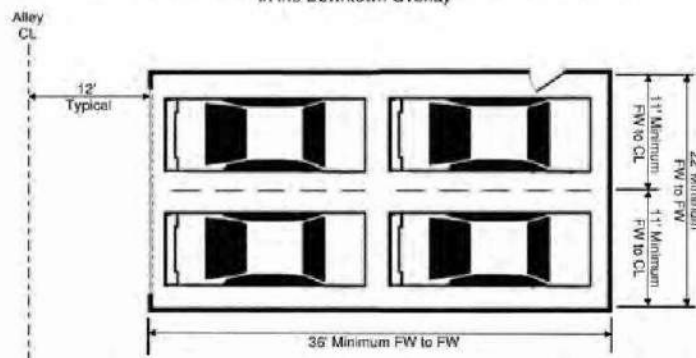
1. *Vehicular.*

- 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.

4. *Tandem parking.* The zoning administrator may administratively approve tandem parking in the ~~Downtown~~ **Old Town Area** for residential units under the same ownership.

Figure 9.106.E.
Tandem Covered Parking for smaller lots (less than 20,000 square feet)
in the Downtown Overlay



Dimensions Typical Per Design Standards & Policies Manual
FW = Face of Wall, CL = Centerline

- 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.

* * *

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 Old Town Area*. In Type 1 Areas of the *Downtown Old Town 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 Old Town 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 programs~~ and ~~downtown tram services in the Old Town Area~~.
 2. *Property Size*. The in-lieu parking program is limited to properties with a gross lot area of 20,000 square feet or less.
 3. *Parking requirements*. A property owner may satisfy a property's nonresidential parking requirement ~~throughby utilizing~~ the City's in-lieu parking program ~~by anthrough~~ in-lieu parking ~~payment(s)payments~~ 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.
 4. *Approvals required*.
 - a. The City Council shall ~~determine whether or not to allow~~ if a property owner is **eligible** 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.
- 5. *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.
- 6. *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 in the Old Town Area, and services related to the management and regulations of public parking.
- 7. *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. No new permanent in-lieu parking credits may be issued/purchased after June 17, 2021.

- 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.

Section 12. That the Zoning Ordinance of the City of Scottsdale, ARTICLE X. – LANDSCAPING REQUIREMENTS is amended in several different sections as follows with all new language depicted in grey shading and deleted language in strike-through:

Sec. 10.200. Landscape plan.

- A. A landscape plan shall be prepared, submitted, and subject to approval by the Development Review Board for all applicable development projects in accordance with the procedures and requirements set forth in this Zoning Ordinance. Once approved conceptually, the landscape plan shall be included as part of the final construction plans submittal. All changes landscape plans shall be subject to approval by the city prior to installation of any landscape improvements. The landscape plan shall include the following information:
 - 1. 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. Location of existing and proposed trees, shrubs, cacti, and other landscape materials and improvements.
 - 4. Notes, tables, and graphic symbols adequately showing the intent of the proposed plans, and any other information indicating how the plans will comply with this Zoning Ordinance.
 - 5. Quantity and size of all proposed plantings and caliper/trunk size of all proposed trees

6. Location of any existing mature trees on the site that are to remain in place or proposed to be salvaged and replanted on-site.
 7. Location of all proposed stormwater detention and retention areas
 8. Irrigation plan, indicating the layout and details of the irrigation system, including the type and location of all materials utilized.
- B. Reserved.
- C. Reserved.
- D. Mature tree plan. In the ~~Downtown~~Old Town 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.

* * *

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, except as otherwise required in this section.
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 ($\frac{1}{3}$) 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~~Old Town 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.

Sec. 10.502. Additional landscape improvement requirements for ~~Downtown~~Old Town Area.

A. ~~Downtown~~Old Town 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~~Old Town boundary, mature trees and landscape materials shall be provided for each development in accordance with an approved landscape plan.
 - c. In a ~~Type 1 and Type 2~~the Old Town Area, mature trees shall be provided for uncovered sidewalks in accordance with the ~~Downtown~~Old Town Urban Design and Architectural Guidelines, and an approved landscape plan accordance with the ~~Downtown~~Old Town Scottsdale Urban Design and Architectural Guidelines and an approved landscape plan.

Sec. 10.600. Landscape Buffers.

Table 10.600.A Buffer requirements by zoning district

Zoning District(s)	Requirement
<i>Resort/Townhouse Residential (R-4R)</i>	Minimum 10-foot wide landscape buffer abutting a <u>Single-family Residential District</u>.single-family residential district shown in 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 in Table 4.100.A
<i>Multiple-family Residential (R-5)</i>	Minimum 15-foot wide landscape buffer abutting a <u>Single-family Residential District</u>.single-family residential district shown in 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 in Table 4.100.A
<i>Service Residential (S-R)</i>	None required when abutting an alley
	Minimum 15-foot wide landscape buffer abutting a <u>Residential District (except the R-5 district)</u>.residential district shown in 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 a residential district shown in Table 4.100.A (except the R-5 district)
<i>Regional Shopping Center (C-S)</i> <i>Neighborhood Commercial (C-1)</i> <i>Central Business (C-2)</i> <i>Highway Commercial (C-3)</i> <i>General Commercial (C-4)</i> <i>Support Services (S-S)</i> <i>Commercial Office (C-O)</i> <i>Planned Regional Center (PRC)</i> <i>Planned Convenience Center (PCoC)</i>	Minimum 10-foot wide landscape buffer on the side and rear property lines abutting any <u>Residential District</u>, except in the <u>Old Town Area</u>.residential district shown in 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., except in the <u>Downtown Area</u>. <u>or</u>

	• A minimum six-foot high masonry wall or landscape screen in lieu of a buffer, subject to Development Review Board approval
Planned Airpark Core (PCP)	• Minimum 25-foot wide landscape buffer and six-foot high masonry wall abutting any Residential District, residential district shown in 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 in Table 4.100.A., or a Planned Residential Development PRD District
	• Conceptual Open Space and Transition Plans required
Planned Neighborhood Center (PNC)	• Minimum 15-foot wide landscape buffer in the side and rear yards, and a minimum six-foot high masonry wall or approved landscape screen on the side and rear property lines abutting any Residential District, residential district or an alley adjacent to a Residential District, residential district or an alley adjacent to a residential district shown in 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.
Industrial Park (I-1)	• Minimum 30-foot landscape buffer in the side and rear yards, and a minimum six-foot high masonry block wall or approved landscape screen on the side and rear property lines abutting any Residential District, residential district shown in 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.

Light Employment (I-G)	• Minimum 25-foot wide landscape buffer in the side and rear yards, and a minimum six-foot high masonry wall or approved landscape screen abutting a Single-family Residential District. single-family residential district shown in 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 in Table 4.100.A • Minimum 15-foot wide landscape buffer in the side and rear yards, and a minimum six-foot high masonry wall or approved landscape screen abutting any Residential District. residential district (other than single-family residential) shown in 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.
Open Space (OS)	• Minimum 30-foot wide landscape buffer between all buildings and any Residential District, except in the Old Town Area. residential district shown in 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., except in the Downtown Area.
Downtown (D) and Downtown Overlay (DO)	• In accordance with an approved landscape plan

Section 13. That the Zoning Ordinance of the City of Scottsdale, ARTICLE XI. – LAND USE TABLES is amended in several different sections as follows with all new language depicted in grey shading and deleted language in strike-through:

Sec. 11.201. Use regulations.

- A. *Permitted uses.* The uses allowed in certain zoning districts are shown in Table 11.201.A., subject to the limitations as listed. Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered, or enlarged only for uses noted.
- B. *Uses permitted by conditional use permit.* The uses allowed by conditional use permit in certain zoning districts are shown in Table 11.201.A., subject to the limitations as listed, and any additional conditional use permit criteria.
- C. Drive-through and drive-in services are not permitted in the ~~Downtown~~Old Town Area.
- D. Drive-through and drive-in services are not permitted in the Service Residential (S-R) zoning district.

* * *

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, except for a facility located within the S-R zoning district, which shall be located not less than 1,320 feet from any adult use.
 - 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. All lighting adjacent to residential districts shall be set back a minimum of thirty (30) feet from the property line.
 - f. A minimum twenty-four (24) foot setback shall be provided and maintained where parking is adjacent to a residential district.
 - 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. This area shall not include internal site traffic aisles, parking spaces, or fire lanes.

- h. Public trails or pedestrian connections shall link to the front door of the main building, subject to Development Review Board approval.
 - i. 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.
 - j. 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). In the I-1 and I-G zoning districts, facilities shall be constructed with sound attenuation measures to reduce outdoor to indoor noise by a minimum of 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.
- (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. 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. Screening shall be as approved by the Development Review Board.

- g. Access. 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. 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 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, except within the C-4 zoning district.
- (5) 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.
- (6) Drive-through and drive-in service subject to Conditional Use Permit in I-1 zoning district.
- (7) 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.
- (8) The vehicle repair use is subject to the following standards:
- a. All repairs shall be performed within an enclosed building, except vehicle repair facilities located in the C-4 zoning district.
 - 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.
- (9) Residential health care facilities are permitted subject to the following:
- a. Within the PNC zoning district: site size shall not exceed forty (40) percent of the Development Plan.
 - b. Within the PCC zoning district: site size shall not exceed thirty-five (35) percent of the Development Plan.
 - c. Specialized residential health care facilities.
 - i. The number of beds shall not exceed eighty (80) per acre of gross lot area.
 - d. 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.
 - e. 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.
 - f. 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.
- (10) Dwelling units permitted subject to the following:
- a. Dwelling units shall be physically integrated with commercial establishments.
 - b. Limited to one (1) dwelling unit per each business establishment. The dwelling unit limitation of one (1) dwelling unit per each business establishment does not apply to property in the PNC zoning district, the PCC zoning district, or the ~~Downtown~~Old Town Area.
- (11) Vehicle storage facilities may include an apartment/office for on-site supervision but no vehicle shall be used as a dwelling, even temporarily.
- (12) Excludes concrete mixing/manufacturing.
- (13) Aeronautical uses are subject to Chapter 5 of the Scottsdale Revised Code.
- (14) Uses that are not accessory uses shall front on a major collector or higher street classification.
- (15) Subject to Zoning Administrator's approval and if the storage building meets the following requirements:
- a. Is smaller than five hundred (500) square feet, and
 - b. Occupies an area unusable as a parking space.