

May 15, 2025

Planning & Development Department
City of Scottsdale
3939 N. Drinkwater Blvd
Scottsdale, AZ 85251

RE: Proposed Text Amendment to Scottsdale Zoning Ordinance Section 5.804
Townhouse Residential (R-4) Development Standards (Case# 43-PA-2024)

Rose Law Group pc is requesting a Zoning Ordinance Text Amendment (“Amendment”) to remove an redundant development standard in the R-4 Townhouse Residential zoning district in the Scottsdale Zoning Ordinance (the “Ordinance”). This Amendment proposes to strike the following standard in Section 5.804.E.4:

No more than thirty (30) percent of the frontage dwelling units shall have living space above one (1) story in height that is located within fifty (50) feet of any dedicated street.

Code Section 5.804.E.4 is unique to the R-4 zoning district and is not found in any of the other similar zoning districts. This anomaly confirms that this particular development standard is a provision reflective of the Ordinance that once lacked other regulating mechanisms. This 1-story restriction along street frontage is not found in the R-3 zoning nor the R-5 zoning districts. Applying this antiquated and inconsistent restriction to developments only in the R-4 zoning district impedes the progression of townhome development styles and limits the modernization of development designs and planning mechanisms.

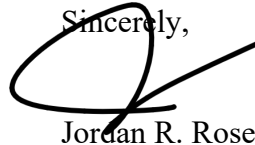
Section 5.804.E.4 has been included in the Ordinance since the original development of the R-4 code in 1971. *See Scottsdale Ordinance No. 586.* At the time of drafting, R-4 townhome developments all included internal private streets, so there was no issue with potentially creating multiple frontages along a dedicated street within the development. As times and circumstances have changed, the City of Scottsdale requests dedication of public streets within certain townhome developments, multiplying dedicated street frontages internally in R-4 developments and expanding the application of setbacks required under this provision of the Ordinance. Updating the ordinance will expand the City of Scottsdale’s opportunities to request public street dedications within R-4 townhome developments without concern on the effects of plat designs approved prior to the dedication request.

The Ordinance still requires a 10% open space requirement, 10 additional feet of yard space for additional stories, and limits building height to a 30-foot maximum on R-4 structures. *Code Section 5.804.* Additionally, the City Council and Development Review Board retain the discretion to limit the height of the buildings in R-4 to one story if the development abuts a

single-family residential development or an alleyway that abuts a single-family residential development. *Id.* The building height is determined by the Development Review Board, which also retains the discretion to require a height that would not accommodate a second story. For instance, if the Development Review Board determines the massing of two-story buildings on a particular project would not be appropriate in light of its adjacency to major roads or lot configurations. The City Council can also mandate setbacks as a condition of approval in applications for rezoning to the R-4 district.

The proposed request to remove this development standard from the R-4 zoning district will encourage infill developments throughout the city and will allow R-4 projects to be treated like projects in the R-3 and R-5 zoning districts. Approval of this request will have no negative impact as new projects will be approved based on merit and can still be limited through staff and/or Design Review stipulations. Removal of this antiquated Ordinance criteria will facilitate discretions for reviewers throughout the development process and expand the City's to request public street dedication in the R-4 district without complicating prior siting decisions in the review process. Thank you for your time and consideration. I look forward to helping the City accommodate the Ordinance to the City's modern processes.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jordan R. Rose', with a large, stylized initial 'J'.

Jordan R. Rose

Enclosure: proposed legislative edit to Section 5.800.

Exhibit A
Proposed legislative edit to Section 5.800

Sec. 5.800. - Townhouse Residential (R-4).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 46), 4-3-12)

Sec. 5.801. - Purpose.

This district is intended to provide for relatively low density development having individual ownership and built-in privacy either in the form of party wall construction or enclosed yards and courts.

(Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 80), 5-6-14)

Sec. 5.802. - Development plan.

A. Development Plan at time of rezoning.

1. The Planning Commission or City Council may require any application for rezoning to the R-4 District to be accompanied by Development Plan which shall show the following:
 - a. Topography.
 - b. Proposed street system.
 - c. Proposed block layouts.
 - d. Proposed reservation for parks, parkways, playgrounds, recreation areas and other open spaces.
 - e. Off-street parking space.
 - f. Types of dwelling and portions of the area proposed therefor.
 - g. Locations of dwellings, garages and/or parking spaces.
 - h. A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed dwelling types.
 - i. A tabulation of overall density per gross acres.
 - j. Preliminary plans and elevations of the several dwelling types.

(Ord. No. 3225, § 1, 5-4-99; Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 17), 8-25-14)

Sec. 5.803. - Use regulations.

A. Permitted uses. Building, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Any use shown as permitted in Table 5.803., subject to the use limitations as listed.

B. Uses permitted by conditional use permit.

1. Any use shown as permitted by conditional use permit in Table 5.803., subject to the use limitations as listed, and any additional conditional use permit criteria.

Table 5.803. Use Table

Land Uses	Permitted (P) or Conditional Use (CU)
1. Accessory buildings including private garages, swimming pools, and recreation buildings and courts	P
2. Accessory uses including home occupation	P (1)
3. Community buildings and recreational facilities not publicly owned, such as: athletic fields, boys' clubs, commercial stables, ranches, and tennis clubs (see Section 1.403. for criteria)	CU
4. Day care home	P
5. Educational service, elementary and secondary school (see Section 1.403. for criteria)	CU (2) (3)
6. Educational service, other than elementary and secondary school, colleges and universities only (see Section 1.403. for criteria)	CU (2)
7. Group home	P
8. Model home, temporary sales office/buildings	P (4)
9. Municipal uses	P
10. Place of worship	P
11. Residential health care facility (see Section 1.403. for criteria, except as modified in Section 5.804.D.)	CU
12. Single-family dwelling having either party walls or walled courtyards, including Vacation rental or Short-term rental	P
13. Wireless communication facility, Type 1, 2 and 3	P (5)
14. Wireless communication facility, Type 4	CU (6)

Use Limitations:

- (1) The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.
- (2) Conditional use permit is not required for public or charter educational services.
- (3) Educational service, charter school: minimum lot size is forty-three thousand (43,000) square feet.
- (4) For uses incidental to construction work and/or home sales, to be removed upon completion or abandonment of construction work and/or home sales.
- (5) Subject to the requirements of Sections 1.904., 3.100., and 7.200.
- (6) Subject to the requirements of Sections 1.400., 3.100., and 7.200.

(Ord. No. 2394, § 1, 9-16-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3697, § 1(Exh. 1), 9-26-06; Ord. No. 3811, § 1, 11-17-08; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 81), 5-6-14; Ord. No. 4288, § 1(Res. No. 10650, § 1, Exh. A), 11-14-16; Ord. No. 4326, § 1(Res. No. 10963, § 1(Exh. A)), 12-5-17; Ord. No. 4365, § 1(Res. No. 11261, § 1(Exh. A, § 5)), 11-13-18)

Sec. 5.804. - Property development standards.

The following property standards shall apply to all land and buildings in the R-4 district:

A. *Minimum property size.*

1. Any property for which R-4 zoning is requested shall contain a minimum of eight thousand (8,000) square feet.

B. *Required common open space.*

1. Minimum: 0.10 multiplied by the total gross land area of the development, including landscape areas and recreation areas.
2. Accessory buildings for recreation may occupy up to 0.15 multiplied by the minimum required common open space.
3. This common open space is not required for developments with densities of less than five (5) units per acre.
4. The City Council may waive this common open space requirement based on the development's relationship with an existing public park or recreation area.

C. *Building height.*

1. ~~The building height shall be as determined by Development Review Board~~ except that ~~n~~ No building shall exceed thirty (30) feet in height and except as otherwise provided in article VII.

2. If the R-4 development abuts a single-family residential district or an alley abutting a single-family residential district, ~~the City Council may limit the building height may be limited to one (1) story as determined by Development Review Board approval.~~

D. *Density.*

1. The overall density shall not exceed one (1) dwelling unit per five thousand two hundred forty (5,240) square feet of gross land area.
2. Specialized residential health care facility: the number of beds shall not exceed twenty-eight (28) beds per gross acre of land.
3. Minimal residential health care facility: the number of units shall not exceed fourteen (14) dwelling units per gross acre of land.

E. *Building setback.*

1. Wherever an R-4 development abuts an R-1, R-4R or M-H district or an alley abutting any of those districts, the following shall apply:
 - a. A yard of not less than fifteen (15) feet shall be maintained for the single story structures.
 - b. An additional depth of ten (10) feet shall be provided for each additional story.
2. Within an R-4 development or wherever an R-4 development abuts any district other than R-1, R-4R or M-H, or abuts an alley adjacent to such other district, a building may be constructed on the property line. However, if any yard is to be maintained, it shall be not less than ten (10) feet in depth. Larger yards may be required by the Development Review [Board] or City Council if the existing or future development of the area around the site warrants such larger yards.
3. No building or part thereof shall be erected or altered in this district that is nearer a dedicated street than fifteen (15) feet except that the average setback from any dedicated street shall be twenty (20) feet.

Exception:

- a. Where a lot is located at the intersection of two (2) or more streets the setback on one (1) street shall be not less than ten (10) feet.
- ~~4. No more than thirty (30) percent of the frontage dwelling units shall have living space above one (1) story in height that is located within fifty (50) feet of any dedicated street.~~

F. *Distance between buildings.*

1. There shall not be less than ten (10) feet between an accessory building and a main building or between two (2) main buildings, except that an accessory

building with two (2) or more open sides, one (1) of which is adjacent to the main building, may be built to within six (6) feet of the main building.

G. *Walls, fences and required screening.*

1. Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required yard areas, except within the required frontage open space, within which they may not exceed three (3) feet in height, or except as otherwise provided in Article VII.
2. All parking areas shall be screened to a height of three (3) feet above the parking surface.
3. Storage and refuse areas shall be screened as determined by Development Review Board.

H. *Access.* Access shall be as determined by Development Review Board.

(Ord. No. 1922, § 1, 11-4-86; Ord. No. 2509, § 1, 6-1-93; Ord. No. 2818, § 1, 10-17-95; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3811, § 1, 11-17-08; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 47, 48), 4-3-12)

Sec. 5.805. - Off-street parking.

The provisions of article IX shall apply.

Sec. 5.806. - Signs.

The provisions of article VIII shall apply.

Sec. 5.807. - Landscaping.

Unless otherwise provided, the provisions of Article X. apply.

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 49), 4-3-12)