

**STIPULATIONS FOR CASE 15-ZN-2005, 13-UP-2005**

Revised stipulations after the Planning Commission hearing are shown in **BOLD CAPS** and ~~strkethrough~~

**PLANNING/ DEVELOPMENT**

- 1 **CONFORMANCE TO LAND USE PLAN** Development shall generally conform to the land use plan submitted by H&S International with a revision date of 10/4/2005. These stipulations take precedence over the above-referenced land use plan. The applicant understands and agrees that the approved density for each parcel is subject to drainage, topography, and other site planning concerns that will need to be resolved at the time of site plan or preliminary plat approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density on any or all parcels. Any proposed significant change, as determined by the ~~Zoning Administrator~~ **CITY MANAGER OR DESIGNEE**, shall be subject to subsequent public hearings before the Planning Commission and City Council.
  
- 2 **MAXIMUM DENSITY/INTENSITY** The maximum dwelling units/density and maximum intensity for Parcels shown on the above-referenced land use plan shall be as indicated in the land use budget table below, and as stipulated below.

<b>Parcel</b>	<b>Acres</b>	<b>Comparable Zoning</b>	<b>Land Use</b>	<b>Floor Area/Units</b>
A and B	4.48	C-O	Municipal	45,000 sq ft.
C	12.47	C-2	Retail	95,000 sq ft.
D	12.42	C-O	Office	165,000 sq ft.
E	17.47	R-5	Residential	262 units
F	21.82	R-5	Residential	186 units
G	23.77	R-5	Residential	258 units
H	34.26	R-5	Residential	270 units
Wash/ Park	12.92	R-5	Wash/Park	--
Other	20.39	--	Streets, etc	--
<b>Total</b>	<b>160.00</b>			<b>305,000 sq.ft./ 976 units</b>

The specific location of each parcel shall be determined at the time of site plan or preliminary plat review. Any redistribution of floor area or dwelling units is subject to ~~Zoning Administrator~~ **CITY MANAGER OR DESIGNEE** approval, and limited to the overall total outlined in the land use budget table. Additional floor area may be allowed for municipal uses if determined not be a significant change as determined by the ~~Zoning Administrator~~ **CITY MANAGER OR DESIGNEE**. Any redistribution request shall be submitted by the developer with the development review board application and shall include a revised master development plan and a revised land use budget table indicating the parcels with the corresponding reductions and increases. Any proposed significant change, as determined by the ~~Zoning Administrator~~ **CITY MANAGER OR DESIGNEE**, shall be subject to subsequent public hearings before the Planning Commission and City Council.

- 3 **RESIDENTIAL HEALTH CARE FACILITY** The location of the residential health care facility shall be limited to Parcel H, and shall be limited to 60 units.
  
- 4 **LIVE/WORK UNITS** A maximum of one-third of the dwelling units in Parcel E shall be allowed to be live/work units.

- 5 CONFORMANCE TO AMENDED DEVELOPMENT STANDARDS Development shall conform with the amended development standards attached as Attachment 1B Any change to the development standards shall be subject to subsequent public hearings before the Planning Commission and City Council
- 6 MUNICIPAL USES AT THE TIME OF FINAL PLATTING, a minimum of 4.48 acres (Parcels A and B) shall be dedicated to the City for municipal use purposes. ~~of which IT IS INTENDED, BUT NOT REQUIRED, THAT a minimum of 3.48 ACRES WILL BE UTILIZED FOR A PUBLIC LIBRARY 2 acres shall be dedicated along Williams Road for a fire station site~~ This land is separate from other public or semi-public spaces, including but not limited to streets, parks, wash and drainage easements, scenic corridor easements, landscape buffers, and public art areas **ALL MUNICIPAL USES SHALL COMPLY WITH THE MUNICIPAL USE MASTER SITE PLAN PROCESSING REQUIREMENTS.**
- 7 SCENIC CORRIDORS, LANDSCAPED SETBACKS Scenic corridor width and landscaped setbacks shall comply with the following standards
  - A. The scenic corridor width along Scottsdale Road shall be a minimum of one hundred (100) feet. The scenic corridor shall be measured from the outside edge of the ultimate street right-of-way
  - B. The minimum landscaped setback along Pinnacle Peak Road shall be fifty (50) feet.
  - C. The minimum landscaped setback along Miller Road shall be thirty (30) feet.
  - D. The minimum landscaped setback along Williams Road DRIVE shall be thirty (30) feet.
- 8 SITE CONDITIONS
  - A. **THE DEVELOPER AGREES THAT** the existing billboard along Scottsdale Road shall be removed **WITHIN SIX (6) MONTHS AFTER THE EFFECTIVE DATE OF THIS REZONING ORDINANCE**, and the scenic corridor shall be revegetated to a natural condition subject to Development Review Board approval
  - B. The wash channel and areas disturbed adjacent to the wash channel shall be revegetated to a natural condition subject to Development Review Board approval
  - C. Areas of the site that have been disturbed shall be revegetated to a natural condition subject to Development Review Board approval
  - D. The disturbed areas shall be revegetated at the time when the individual parcel that contains any disturbance is developed
- 9 BUILDING HEIGHT LIMITATIONS ~~Building heights shall conform to the Building Height exhibit submitted by H&S International with a staff date of 10/31/2005 to the satisfaction of the Zoning Administrator. With the Development Review Board submittal, the developer shall submit plans demonstrating how the proposed finish floor grades compare with the existing natural grades to maintain. This is to demonstrate the spirit and intent of the building height limitations~~ **CONSISTENT WITH THE BUILDING HEIGHT EXHIBIT SUBMITTED BY H&S INTERNATIONAL WITH A STAFF DATE OF 10/31/2005. THIS SHALL BE SUBJECT TO THE SATISFACTION OF THE CITY MANAGER OR DESIGNEE**
- 10 PHASING MASTER PLAN Timing of the development shall be dictated by improvements to the wash and street network, as illustrated on Attachment #12 No office or retail development (Parcels C and D) shall occur until Scottsdale Road and Pinnacle Peak Road are built to their ultimate configurations (6 lanes and 4 lanes respectively) A phasing plan shall be approved by the ~~Planning and Development Services General Manager~~ **CITY MANAGER OR DESIGNEE** prior to construction commencing Any building pad, **INCLUDING MUNICIPAL USES**, which remains undeveloped for a period of 1 year from the completion of internal roadways as determined by the City Manager ~~or more~~ shall be topped with 2" of decomposed granite or Maricopa County approved dust control methods **BY THE RESPECTIVE OWNER**

- 11 **DEDICATIONS** The owner/master developer shall dedicate all required rights-of-way, Scenic Corridor easements, and non-vehicular access easements adjacent to, and for Scottsdale Road, Miller Road, Pinnacle Peak Road, Williams Road DRIVE and the internal loop roads, as shown on the **APPROVED PHASING MASTER PLAN AND** prior to the issuance of ~~the first encroachment and/or building permits~~ **ADJACENT TO THESE RIGHTS-OF-WAY AND EASEMENTS AS DETERMINED BY THE CITY MANAGER OR DESIGNEE**
- 12 **DEDICATIONS** Where applicable, the owner/master developer shall dedicate all drainage easements required for the wash channel modifications prior to the encroachment and/or the issuance of a building permit
- 13 **DEDICATIONS** Each individual parcel owner/developer shall dedicate the all associated easements and rights-of-way as determined by the Development Review Board
- 14 **IMPROVEMENTS** It shall be the responsibility of the owner/master developer for the construction and dedication of all street improvements, water facilities, and wastewater facilities necessary to serve the development **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN** ~~prior to the issuance of the first above ground building permit~~ The ~~Planning and Development Services General Manager~~ **CITY MANAGER OR DESIGNEE** shall have the option to allow above-grade permits to be issued prior to the completion of the street improvements, water facilities, and wastewater facilities necessary to serve the development if the appropriate related permits have been issued, and substantial assurances (bonding) has been provided to City of Scottsdale for the required improvements
- 15 **IMPROVEMENTS** If any off-site improvements/facilities that the City of Scottsdale currently has planned to be constructed, and the City of Scottsdale have not yet constructed the improvements, the owner/developer shall construct the ~~any~~ associated off-site improvements if it is determined by the Development Review Board that the improvements are necessary to serve the development.

#### MASTER PLANS

- 1 **MASTER PLANS GENERALLY** The developer shall have each of the Circulation and Drainage Master Plans prepared by a registered engineer licensed to practice in the State of Arizona. Each Master Plan shall be subject to ~~city staff~~ **CITY MANAGER OR DESIGNEE** approval prior to any other Development Review Board submittal
- 2 **MASTER CIRCULATION PLAN** With the Development Review Board submittal, the developer shall submit a Master Circulation Plan for the site, which shall be subject to ~~city staff~~ **CITY MANAGER OR DESIGNEE** approval. This plan shall indicate the location and design of street intersections, site driveways, internal streets, parking lot access, preliminary roundabout dimensions, and transit facilities. The plan shall also identify the phasing of the street construction for the major streets on the perimeter of the site and the primary internal streets
- 3 **DRAINAGE MASTER PLAN** The developer shall submit a master drainage report and plan subject to ~~city staff~~ **CITY MANAGER OR DESIGNEE** approval. The master drainage report and plan shall conform the approved Drainage Design Report (Plan Check #3678-05) and to the Design Standards and Policies Manual - Drainage Report Preparation. In addition, the master drainage report and plan shall address the following:
  - A Include a complete description of requirements relating to project phasing
  - B Identify the timing of and parties responsible for construction of all storm water management facilities

- C Identify improvements to the Rawhide Wash, including but not limited to retaining walls, scour walls, head walls, bridges, control structures, street and pedestrian crossing, and open space amenities
  - D Correspondence with State Lands/City of Phoenix to west
  - E Bridge timing/responsibility (Scottsdale Rd and Pinnacle Peak), as determined by Planning and Development Service Manager with **POSSIBLE** grade separated crossing for possible pedestrian access under Pinnacle Peak Road and under Scottsdale Road
  - F Before master drainage report approval, the developer shall, when requested by ~~city-staff~~ **CITY MANAGER OR DESIGNEE**, submit two (2) hard copies and one (1) disc copy of the complete master drainage report.
  - G Before the improvement plan submittal, the developer shall have obtained approval of the master drainage report
- 4 **MASTER ENVIRONMENTAL DESIGN CONCEPT PLAN** Prior to any Development Review Board hearings for any building, owner/master developer shall submit and receive approval from the Development Review Board a Master Environmental Design Concept Plan (MEDCP) The MEDCAP **SHALL** address the following
- A Representative architectural designs for perimeter walls, walls adjacent to the loop internal roads, fencing, drainage headwalls and drainage headwall railings
  - B Representative building material and colors consistent with the Environmentally Sensitive Lands design guidelines
  - C General design and architectural themes, and building orientations, to assure overall design compatibility of all buildings and structures on the site
  - D Entry monuments and master sign program
  - E Outdoor lighting fixture designs
  - F Wash/channel erosion protection and slope stabilization
  - G Overall streetscape concepts which incorporate street side and median landscape design concepts, plant and landscape materials, and perimeter and screen wall designs and locations
  - H Horizontal street and pedestrian designs
  - I Multi-use trails and Multi-use path designs
  - J Master landscape theme and plant palette
  - K Native plant relocation program and revegetation guidelines for each parcel
  - L Median landscaping
  - M Desert, and wash/channel revegetation techniques
  - N Community entry designs
  - O Open space design concepts for open space areas, including the Rawhide Wash and park areas, open space corridors, and bikeways
  - P Street wash crossing, specifically the culvert designs
  - Q Grade and separated grade crossings cross-section of Scottsdale Road and Pinnacle Peak Road
- 5 **LIMITS OF CHANNEL WASH DISTURBANCE** With the Master Environmental Design Concept Plan, the owner/master **DEVELOPER** shall submit a detailed plans clearly defining the limits of construction of all improvements necessary to serve **AND CONSTRUCT** the proposed buildings
- 6 **PUBLIC ART MASTER PLAN** The developer shall provide original works of art costing of a minimum of one (1) percent of the total **NON-RESIDENTIAL** building valuation The public art shall be installed and maintained in accordance with the provisions of the Scottsdale Zoning Ordinance (~~Sec 5-3083 Cultural improvements program~~); and the Scottsdale Revised Code ~~section 20-121 and 20-121-1 (Art in public places program)~~ The developer may pay an amount equal to one (1) percent of the building valuation or any portion of the obligation not used on site into the cultural trust fund in lieu of installing original art work Such amount shall be disbursed in accordance with the provisions of the art in public places program, provided that art work

purchased with monies deposited in the cultural trust fund, shall be placed only within the boundaries of this project or within the right-of-way abutting the project (i.e. bus bay wait station), as approved by the Planning and Development Services General Manager. A Public Art Master Plan shall be submitted with the first Development Review Board submittal that demonstrates compliance with the public art requirement, including a location plan and an implementation plan of any phasing of various art components.

#### WATER

- 1 **BASIS OF DESIGN REPORT (WATER)** Before the improvement plan submittal to the Planning and Development Services Department, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall conform to the approved Master Plan (Plan Check #3046-05), and the Design Standards and Policies Manual. In addition, the basis of design report and plan shall
  - a Identify the location, size, condition and availability of existing water lines and related water related facilities such as water valves, water services, fire hydrants, back-flow prevention structures, etc.
  - b Identify the timing of and parties responsible for construction of all water facilities
  - c Include a complete description of requirements relating to project phasing
- 2 **APPROVED BASIS OF DESIGN REPORT** Before the improvement plan submittal to the Planning and Development Services Department, the developer shall have obtained approval of the Basis of Design Report.
- 3 **WATERLINE EASEMENTS** Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code the Design Standards and Policies Manual, all water easements necessary to serve the site.

#### WASTEWATER

- 1 **BASIS OF DESIGN REPORT (SANITARY SEWER)** Before the improvement plan submittal to the Planning and Development Services Department, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall be in conformance with the approved Master Plan (Plan Check #3046-05), and the Design Standards and Policies Manual. In addition, the basis of design report and plan shall
  - a Identify the location of, the size, condition and availability of existing sanitary sewer lines and wastewater related facilities
  - b Identify the timing of and parties responsible for construction of all sanitary sewer facilities
  - c Include a complete description of requirements relating to project phasing
- 2 **APPROVED BASIS OF DESIGN REPORT** Before the improvement plan submittal to the Planning and Development Services Department, the developer shall have obtained approval of the Basis of Design Report.
- 3 **SANITARY SEWER EASEMENTS** Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all sewer easements necessary to serve the site.

#### PROPERTY CONVEYANCE

- 4 **CONVEYANCE OF TRACTS/LOTS** ~~Unless otherwise agreed to in writing by the Asset Management Coordinator,~~ Each tract or lot dedicated to the city shall be **CONVEYED IN A FORM**

~~Conveyed by a general warranty deed, and  
 Accompanied by a title policy in favor of the city, both to the satisfaction of city staff as  
 designated by the Asset Management Coordinator CITY MANAGER OR DESIGNEE~~

**CIRCULATION**

- 1 **STREET CONSTRUCTION** ~~Before issuance of any certificate of occupancy for the site, T~~the developer shall dedicate the following right-of-way and construct the following street improvements, **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN AND** in conformance with the Design Standards and Policies Manual

Street Name/Type	Dedications	Improvements	Notes
Scottsdale Road Major Arterial	75' half (55' existing)	Half street, Fig 5 3-2	A, B, C, D, E
Pinnacle Peak Road Minor Arterial	55' half (existing)	Half street, Fig 5 3-5	A, B, C, D, E
Miller Road Minor Arterial	55' half (40' existing)	Half street, Fig 5 3-5	A, B, D, E
Williams Road <b>DRIVE</b> Major Collector	50' half (40' existing)	Half street, Fig 5 3-10	A, B, D, E
Internal Streets Local Collector	50' full	Full street, Fig 5 3-17	A, D, F
Internal Streets Local Residential	46' full	Full street, Fig 5 3-20	A, D, F

- A The street cross sections noted shall be in conformance with the City's Design Standards and Policies Manual unless otherwise modified through the master circulation plan
  - B The street improvements shall include a minimum eight-foot sidewalk along the street frontages
  - C The Scottsdale Road and Pinnacle Peak Road street improvements shall include bridges at the Rawhide Wash crossings as determined by the drainage analysis Full width improvements for Pinnacle Peak Road along the site frontage may be completed instead of **BEING RESPONSIBLE FOR** or making an in-lieu payment for Scottsdale Road improvements as outlined in Circulation Stipulation Number 2 below
  - D The street improvements noted shall be completed ~~prior to the issuance of any certificate of occupancy~~ **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN** for any parcels per the schedule contained in Circulation Stipulation Number 3 below
  - E The developer shall provide any improvements supported by the approved traffic impact study for the site, as determined by the ~~city staff, unless otherwise approved by the Transportation General Manager~~ **CITY MANAGER OR DESIGNEE**
  - F Internal streets with projected daily traffic volumes exceeding 1,500 vehicles shall be classified as Local Collector streets
- 2 **IN LIEU PAYMENTS** At the direction of ~~city staff~~ the **CITY MANAGER OR DESIGNEE**, and before the issuance of any building permit for the site, the developer shall elects not to construct the Scottsdale Road street improvements specified by the **Notes** in the stipulation above, but the developer shall make an in lieu payment to the city Before any final plan approval, the developer shall submit an engineer's estimate for plan preparation, design and construction costs of a major arterial half street, including two lanes of pavement with curb and gutter, half median improvements (curb, gutter and landscaping), and any required drainage structures The in lieu

payment shall be based on this estimate, plus five percent (5%) contingency cost and other incidental items, as determined by ~~city staff~~ **CITY MANAGER OR DESIGNEE**

- 3 **TIMING OF STREET IMPROVEMENTS** ~~Prior to any certificate of occupancy for the noted development parcels,~~ The associated street improvements described below shall be completed **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN** before the following parcels may receive a Certificate of Occupancy

Residential Parcels E, F, G, & H

- Pinnacle Peak Road – Full street construction (four lanes) from Scottsdale Road to Miller Road
- Miller Road - West half street construction from Pinnacle Peak Road to Williams Road **DRIVE**
- Williams Road **DRIVE**- north half street construction from Scottsdale Road to Miller Road
- Pinnacle Peak Road and Scottsdale Road – Additional interim turn lanes as recommended by the approved Traffic Impact study Mitigation Analysis
- Williams Road **DRIVE** and Scottsdale Road – Traffic signal construction
- Pinnacle Peak Road and Miller Road - Additional turn lanes as recommended by the approved Traffic Impact study Mitigation Analysis
- Williams Road **DRIVE** and Miller Road – Traffic signal construction

Non-Residential Parcels C & D

- Scottsdale Road – Full street construction (six lanes) from Thompson Peak Parkway to Pinnacle Peak Road
- Pinnacle Peak Road and Scottsdale Road – Additional turn lanes as recommended by the approved Traffic Impact study Mitigation Analysis

- 4 **ACCESS RESTRICTIONS** ~~Before issuance of any certificate of occupancy for the site,~~ The developer shall dedicate the necessary right-of-way, as determined by ~~city staff~~ **CITY MANAGER OR DESIGNEE**, and construct the following access to the site **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN**. Access to the site shall conform to the following restrictions (distances measured to the driveway or street centerlines) unless otherwise approved through the master circulation plan

- a Scottsdale Road - There shall be a maximum of three site driveways from Scottsdale Road, with a minimum of 600 feet between the driveways and street intersections. Full median openings shall be limited to one-quarter mile spacing. The developer shall dedicate a one-foot wide vehicular non-access easement on this street except at the approved street entrances.
- b Pinnacle Peak Road - There shall be a maximum of six site driveways from Pinnacle Peak Road, with a minimum separation of 300 feet between the driveways and street intersections. Full median openings shall be limited to approximately 660 foot spacing, aligning with existing intersections to the north. The developer shall dedicate a one-foot wide vehicular non-access easement on this street except at the approved street entrances.
- c Miller Road - There shall be a maximum of six site driveways from Miller Road, with a minimum separation of 300 feet between the driveways and street intersections. Full median openings shall be limited to approximately 660 foot spacing, aligning with existing intersections/driveways to the east. The developer shall dedicate a one-foot wide vehicular non-access easement on this street except at the approved street entrances.
- d Williams Road **DRIVE**- There shall be a maximum of six site driveways from Williams Road **DRIVE**, with a minimum separation of 300 feet between the driveways and street intersections. Driveways and street intersections shall align with existing driveways to the south or be offset a minimum distance of 250 feet. The developer shall dedicate a

one-foot wide vehicular non-access easement on this street except at the approved street entrances

- 5 **AUXILIARY LANE CONSTRUCTION** ~~Before issuance of any certificate of occupancy for the site, T~~the developer shall dedicate the necessary right-of-way, as determined by ~~city staff~~ **CITY MANAGER OR DESIGNEE**, and construct right-turn deceleration lanes at all site entrances on all arterial street frontages (Scottsdale Road, Pinnacle Peak Road, and Miller Road), **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN AND** in conformance with the Design Standards and Policies Manual
- 6 **INTERSECTION RIGHT-OF-WAY** ~~Before issuance of any certificate of occupancy for the site, T~~the developer shall dedicate a minimum 25-foot radius right-of-way at the intersection of all major streets, **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN AND** in conformance with the Design Standards and Policies Manual
- 7 **PEDESTRIAN CIRCULATION PLAN** With the Development Review Board submittal, the developer shall submit a Pedestrian Circulation Plan for the site, which shall be subject to ~~city staff~~ **CITY MANAGER OR DESIGNEE** approval. This plan shall indicate the location and width of all sidewalks and pedestrian pathways
- 8 **TRAFFIC SIGNAL PARTICIPATION** ~~Before issuance of any certificate of occupancy for the site, T~~the developer design and construct traffic signals at the following intersections **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN**
  - a Scottsdale Road and Williams Road **DRIVE**
  - b Miller Road and Williams Road **DRIVE**

The developer shall be responsible for the modification of the existing traffic signals at the Scottsdale Road and Pinnacle Peak Road, and Miller Road and Pinnacle Peak intersections associated with any street improvements

- 9 **MULTI-USE PATH** ~~Before issuance of any certificate of occupancy for the site, T~~the developer shall construct a minimum 10-foot wide multi-use path within the Rawhide Wash **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN**. The path shall be contained within the drainage easement, which shall be dedicated to include public access. The developer shall dedicate the easement to the city at time of platting ~~within twelve (12) months of City Council approval~~ **AFTER THE EFFECTIVE DATE OF THIS REZONING ORDINANCE**. The alignment of the path shall be subject to approval by the ~~city's Transportation Planning Division staff~~ **CITY MANAGER OR DESIGNEE** prior to dedication. The path shall be designed in conformance with the Design Standards and Policies Manual – Transportation, Bikeways Section
- 10 **MULTI-USE TRAIL – SCOTTSDALE ROAD** ~~Before issuance of any certificate of occupancy for the site, T~~the developer shall construct a minimum 8-foot wide multi-use trail along Scottsdale Road **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN AND** in accordance with the approved Trail System Master Plan. The trail shall be contained within the scenic corridor easement, which shall be dedicated to include public access. The developer shall dedicate the easement to the city at time of platting ~~within twelve (12) months of City Council approval~~. The alignment of the trail shall be subject to approval by the City's Trails Planner prior to dedication. The trail shall be designed in conformance with the Design Standards and Policies Manual – Medians, Parks, and Trails, Non-Paved Trails Section
- 11 **MULTI-USE TRAIL – RAWHIDE WASH** ~~Before issuance of any certificate of occupancy for the site, T~~the developer shall construct a minimum 8-foot wide multi-use trail within the Rawhide Wash **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN AND** in accordance with the approved Trail System Master Plan. The trail shall be contained within the drainage



easement, which shall be dedicated to include public access. The developer shall dedicate the easement to the city at time of platting ~~within twelve (12) months of City Council approval.~~ The alignment of the trail shall be subject to approval by the City's Trails Planner prior to dedication. The trail shall be designed in conformance with the Design Standards and Policies Manual - Medians, Parks, and Trails, Non-Paved Trails Section

- 12 **TRANSIT FACILITIES** ~~Before issuance of any certificate of occupancy for the site,~~ The developer shall construct a bus bay and stop facilities (shelter, bench and trash can) **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN** at the following locations:
- Scottsdale Road just north of Williams Road DRIVE,
  - Scottsdale Road just north of the main site entrance,
  - Pinnacle Peak Road just east of Scottsdale Road,
  - Pinnacle Peak Road approximately one-quarter mile east of Scottsdale Road

The design and location of these facilities shall be subject to ~~city staff~~ **CITY MANAGER OR DESIGNEE** approval (Transit Department 480-312-7696) before any final plan approval. The development plan for any assisted living or congregate care facilities shall provide a pick-up area for Dial-A-Ride service.

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



## Amended Development Standards

15-ZN-2005

Revisions are shown in **BOLD CAPS** and ~~strikethrough~~

### Sec 5 2100 (P-C) PLANNED COMMUNITY DISTRICT \*

#### Sec 5 2101 Purpose

This is a zoning district that may be developed only in accordance with a specific development plan. The approved development plan is an integral part of this zoning district and all development shall comply with said plan. The planned community district is designed and intended to enable and encourage the development of large tracts of land which are under unified ownership or control, or lands which by reason of existing or planned land uses are appropriate for development under this section, so as to achieve land development patterns which will maintain and enhance the physical, social and economic values of an area.

To this end, there may be provided within such areas a combination of land uses, including a variety of residential types, commercial, industrial, public and semi-public areas, ~~arranged and designed in accordance with modern land planning principles and development techniques~~, and in such a manner as to be properly related to each other, the surrounding community, the planned thoroughfare system, and other public facilities such as water and sewer systems, parks, schools and utilities.

The planned community district and procedure are further established to provide a land developer with reasonable assurance that specific uses proposed from time to time, if in accordance with an approved development plan, will be acceptable to the city, and to provide the City Planning Commission and the City Council with a long-term proposal for the development of a given area.

(Ord No 3258, § 1, 10-5-99)

#### Sec 5 2102 General provisions

- A **Qualifications** P-C districts may be established on parcels of land which, because of their unified ownership or control, size, topography, proximity to large public facilities, or exceptional or unusual locational advantages, are suitable for planned development in a manner consistent with the purposes of this section.
- B **Minimum property size** No P-C district shall be established on any parcel of less than ten (10) acres of gross land area in designated redevelopment areas, and on any other parcel outside of any designated redevelopment areas of less than one hundred ~~sixty~~ (160) acres of gross land area.
- C **Property development standards** All land uses in a P-C district shall conform to the property development standards of the comparable zoning district. Modification of the comparable district's standards may be allowed as provided in the modification procedure below. The planning director shall determine, primarily on the basis of proposed use and density, which of the districts of this ordinance is most closely comparable to the proposed development.

**Property development standards modification procedure** Application shall be made and the procedure followed as provided in section 1 300, development applications, with the addition that an application for proposed amendments to development standards in a designated redevelopment area shall first be heard by the development review boards, section 1 900. The application shall be accompanied by written terminology, graphic material, and will illustrate the conditions that the modified standards will produce, so as to enable the Planning Commission and the City Council to make the determination that the modification

will produce a living environment, landscape quality and life-style superior to that produced by existing standards

- D *Approvals required* No structure or building shall be built or remodeled upon land in the P-C district until Development Review [Board] approval has been obtained as outlined in article I, section 1 900 hereof except residential development in a P-C district which is keyed to single-family residential (R-1) zoning districts shall not be subject to Development Review [Board] approval
- E All provisions of this ordinance shall apply to development in the P-C district except as allowed in the immediately preceding paragraphs C and D Ord No 3258, § 1, 10-5-99)

#### Sec 5 2103 Development plan

The rezoning application shall be accompanied by a development plan which shall consist of

- A A map or maps drawn to a suitable scale, showing at least the following
  - 1 The boundary of the proposed district
  - 2 The topographic character of the land
  - 3 Drainage accommodations
  - 4 Accommodations for all utilities
  - 5 Any major regrading intended
  - 6 The proposed uses of the land, keyed to the comparable existing zoning districts
  - 7 The approximate location of all public streets
  - 8 Location of public uses proposed, such as schools, parks, playgrounds, trails or other recreational facilities
  - 9 The approximate location and configuration of different types or densities of dwelling unitsWhen appropriate, said plan shall include recommendations as to desirable or compatible uses in the areas surrounding said development  
Within the P-C district development units may be established of any size whatever but shall be logical in size and shape and shall function by themselves and in relationship to other development units within the district or adjacent property
- B A development program including
  - (1) A legal description of the district boundary
  - (2) Size of the area
  - (3) The overall density proposed
  - (4) The nature of development proposed
  - (5) The disposition of lands proposed for public facilities
  - (6) The anticipated timing for each unit of the district proposed to be developed separately
  - (7) The delineation of development units which shall be integral units planned for development at different stages
  - (8) The approximate size, in acres, of each development unit
- C All proposed restrictive covenants
- D All conditions agreed to by the applicant which are not included in the written documentation required under subsections A , B and C of this section are part of the development plan

E An approved development plan shall be kept on file in the Planning and Development Department  
(Ord No 3258, § 1, 10-5-99)

Sec 5 2104 Additional material

Additional material and information shall be provided for specific types of uses as follows

- A Wherever residential development is proposed within a P-C district, the development plan shall contain at least the following information
- 1 The approximate number of dwelling units proposed by type of dwelling and the density, i e , the number of dwelling units proposed per gross acre for each type of use
  - 2 The standards of height, open space, building coverage, yard area, parking facilities and the kinds of street and land improvements proposed
- B For P-C districts or sections thereof for which commercial development is proposed, the development plan shall contain at least the following information
- 1 The approximate retail sales floor area and total area proposed for commercial development
  - 2 The types of uses proposed to be included in the development, which uses to be consistent with comparable zoning district
  - 3 *The standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading signs, and nuisance controls intended for the development*
- C For P-C districts or sections thereof for which industrial development is proposed, the development plan shall contain at least the following information
- 1 The approximate total area proposed for such use
  - 2 The types of uses proposed to be included in the development (Generally those industrial, office, laboratory and manufacturing uses shall be allowed which do not create any danger to health and safety in surrounding areas and which do not create any offensive noise, vibration, smoke, dust, odor, heat or glare and which by reason of high value in relation to size and weight of merchandise received and shipped, generate a minimum of truck traffic )
  - 3 The anticipated employment in the entire development and in each major section thereof This may be stated as a range
  - 4 The standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading, signs, and nuisance controls intended for the development
- D For P-C districts or units thereof containing institutional, recreational or other public or quasi-public development, the development plan shall contain the following information
- 1 General types of uses proposed in the entire development and each major section thereof
  - 2 Significant applicable information with respect to enrollment, residence employment, attendance, or other social or economic characteristics of development

- 3 The standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading, and signs intended for the development

(Ord No 3258, § 1, 10-5-99)

Sec 5 2105 Findings required

Before approval or modified approval of an application for a proposed P-C district, the Planning Commission and the City Council must find

- A That the development proposed is in substantial harmony with the General Plan of the City of Scottsdale, and can be coordinated with existing and planned development of surrounding areas
- B That the streets and thoroughfares proposed are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated thereby
- C The Planning Commission and City Council shall further find that the facts submitted with the application and presented at the hearing establish beyond reasonable doubt that
  - 1 In the case of proposed residential development, that such development will constitute a residential environment of sustained desirability and stability, that it will be in harmony with the character of the surrounding area, and that the sites proposed for public facilities, such as schools, playgrounds and parks, are adequate to serve the anticipated population. The Planning Commission and City Council shall be presented written acknowledgment of this from the appropriate school district, the Scottsdale Parks and Recreation Commission and any other responsible agency
  - 2 In the case of proposed industrial or research uses, that such development will be appropriate in area, location and overall planning to the purpose intended, and that the design and development standards are such as to create an industrial environment of sustained desirability and stability
  - 3 In the case of proposed commercial, institutional, recreational and other non-residential uses, that such development will be appropriate in area, location and overall planning to the purpose intended, and that such development will be in harmony with the character of the surrounding areas
- ~~D Private and charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with the following standards, as well as those otherwise required in the district:
  - ~~(1) Location. All proposed private and charter schools shall be located a minimum of one thousand (1,000) feet from any adult use, bar, cocktail lounge, liquor store, turkish bath, or pool hall.~~
  - ~~(2) Lot area. The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty three thousand (43,000) square feet (net).~~
  - ~~(3) There shall be no outside speaker system or bells, if the school building is within one hundred (100) feet of a single family dwelling or multifamily dwelling unit.~~
  - ~~(4) Open space. Per underlying zoning district open space requirements. All NAGS requirements of the district must be met and may be applied.~~~~

~~towards the overall open space requirements subject to compliance with NAQS standards.~~

- ~~(5) Parking Parking shall observe the front yard setbacks of the district for all frontages. One third ( 1/3) of the required parking may be shared parking with other establishments present on site. Parking shall be located and screened per the requirements of the district.~~
- ~~(6) Outdoor recreation area All outdoor playgrounds and recreation areas shall be entirely enclosed by a minimum three foot high fence and/or wall and shall be located within the side or rear yard. Any playground or outdoor recreation area shall be located a minimum of fifty (50) feet from any residential district and screened by a minimum six foot high wall.~~
- ~~(7) Drop off area 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 school. This area shall not include internal site traffic aisles, parking spaces, fire lanes, etc.~~
- ~~(8) Any public trails or pedestrian connections shall be incorporated into the site plan and approved by the Development Review Board.~~

~~(Ord No 3258, § 1, 10-5-99)~~

Revisions are shown in **BOLD CAPS** and ~~strikethrough~~

Sec 5 1000 (R-5) MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sec 5 1001 Purpose

This district is intended to provide for development of multiple-family residential and allows a high density of population with a proportional increase in amenities as the density rises. The district is basically residential in character and promotes a high quality environment through aesthetically oriented property development standards.

Sec 5 1002 Approvals required

No structure or building shall be built or remodeled upon land in the R-5 district until Development Review [Board] approval has been obtained as outlined in article I, section 1 900 hereof.

(Ord No 3225, § 1, 5-4-99)

Sec 5 1003 Use regulations

- A *Permitted uses* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses
- 1 Accessory buildings, swimming pool, private, home occupations, and other accessory uses
  - 2 Boardinghouse or lodging house
  - 3 Day care home
  - 4 Dwelling, single-family detached
  - 5 Dwelling, multiple family
  - 6 **Municipal uses, AND MUNICIPAL BUILDINGS (MUNICIPAL USES AND MUNICIPAL BUILDINGS, (EXCEPT FOR UTILITY BUILDINGS, STRUCTURES OR APPURTENANCES THERETO FOR PUBLIC UTILITY USES, AND STAND ALONE PARKING LOTS,) SHALL BE EXCEPT FROM SECTION 1 500, SECTION 1 501, AND SECTION 1 502 )**
  - 6 1 Wireless communications facilities, Types 1, 2, and 3, subject to the requirements of Sections 1 906, 3 100 and 7 200
  - ~~7 School Public, elementary and high~~
  - 8-7 Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of construction work
  - ~~9-8~~ Temporary sales office buildings and model homes
  - ~~10-9~~ Churches and places of worship
- C *Uses permitted by conditional use permit*
- 1 Commercial and/or ham transmitting or receiving radio and television antennas in excess of seventy (70) feet
  - 2 Recreational uses (see section 1 403 for specific uses and development criteria for each)
  - 3 Community buildings or recreational fields not publicly owned Convent
  - 4 Convent
  - 5 Day care center (see section 1 403 for criteria)



- 6 Golf course (except miniature course or practice driving tee operated for commercial purposes), including clubhouse and service facilities which are intended to primarily serve golf course uses and are so located within the golf course that the development is self-contained and would provide whatever degree of buffer is necessary to adjacent property
- 7 Hotel, motel, and timeshare project of not less than ten (10) units and commercial uses appurtenant thereto, such as restaurant, cocktail lounges, gift shops, newsstand, smoke shops, barbershops, beauty parlors and small retail shops, provided the entrance of such use shall be from the interior of the building, lobby, arcade or interior patio
- ~~8 Orphanage~~
- ~~9-8 Wireless communications facilities, Type 4, subject to requirements of sections 1 400, 3 100 and 7 200~~
- ~~10 Plant nursery, provided, however, that all materials (other than plant materials) shall be screened from view by a solid fence or wall at least six (6) feet in height, and further that a completely enclosed building having a minimum floor area of five hundred (500) square feet shall be provided~~
- ~~1110 Private club, fraternity, sorority and lodges~~
- ~~1211 Private lake, semi-public lake, swimming pools, tennis courts~~
- ~~13 Private or charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with the following standards, as well as those otherwise required in the district~~
  - ~~a Lot area. The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty three thousand (43,000) square feet (net).~~
  - ~~b Floor area ratio. In no case shall the gross floor area of the structure(s) exceed an amount equal to two tenths (0.2) multiplied by the net lot area.~~
  - ~~c There shall be no outside speaker system or bells, if the school building is within one hundred (100) feet of a single family dwelling or multifamily dwelling unit.~~
  - ~~d Open space. In no case shall the open space be less than twenty-four (24) percent of the total lot area for zero (0) to twenty (20) feet of total building height, plus four tenths (0.4) percent of the total site for each foot of height above twenty (20) feet. All NAOS requirements of the district must be met and may be applied towards the overall open space requirements subject to compliance with NAOS standards.~~
  - ~~e Parking. Parking shall be allowed in the front yard setbacks of the district for schools on streets classified by the Scottsdale General Plan as minor collector or greater. There shall be a three-foot high landscaped berm or wall along the street frontage where parking occurs. On all other street classifications, parking shall be located behind the established front building line(s). A minimum of fifteen (15) percent of all parking areas shall be landscaped. A twenty-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts.~~
  - ~~f Lighting. All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height. All lighting adjacent to residential districts shall be setback a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.~~
  - ~~g Screening. There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review~~

Board, on the side and rear property lines adjacent to residential districts-

- ~~h Access All private and charter schools shall have frontage on a street classified by the Scottsdale General Plan as a minor collector or greater. Side street access to a local collector residential street is prohibited when the number of students allowed to attend the school is greater than two hundred fifty (250). A drop-off area shall be provided that accommodates a minimum of five (5) cars at one (1) time.~~
- ~~i Operations No outdoor activities shall be permitted after 8:00 p.m. unless otherwise approved through a special event permit. No playground or outdoor activity area shall be located within fifty (50) feet of any R1 district or within twenty-five (25) feet of any R2, R3, R4, R4-R, R5 or M-H district. All playgrounds and outdoor activity areas shall be screened from any residential district by a minimum six-foot high screen wall.~~
- ~~j Building design All buildings shall be designed to be compatible with the surrounding residential neighborhood. All building elevations shall be approved by the Development Review Board.~~

4412 Public buildings other than hospitals

4513 Public utility buildings, structures or appurtenances thereto for public service uses

4614 Residential health care facility (see section 1 403 for criteria)

#### Sec 5 1004 Property development standards

The following property development standards shall apply to all land and buildings in the R-5 district

##### A Minimum property size

- 1 Each parcel or lot within a development shall be a minimum net lot size of thirty-five thousand (35,000) square feet
- 2 If an R-5 zoned parcel of land or a lot of record in separate ownership has an area of less than thirty-five thousand (35,000) square feet and has been lawfully established and recorded prior to the adoption of this requirement on October 2, 1979, such lot may be used for any purpose permitted in this section, subject to all other requirements of this ordinance

##### B Open space requirements

- 1 Main land uses that are density-based shall provide open space in the amounts specified in the density chart--Section 5 1004 D, in the following proportions
  - a A minimum of ~~one-half~~ **ONE-THIRD** of the open space requirement shall be incorporated as frontage open space **ADJACENT TO THE INTERNAL STREETS (INTERNAL STREETS SHALL NOT INCLUDE THE WILLIAMS ROAD, SCOTTSDALE ROAD, MILLER ROAD AND PINNACLE PEAK ROAD ALIGNMENTS)** to provide a setting for the building, visual continuity within the community, and a variety of spaces in the streetscape, except that the frontage open space shall not be required to exceed fifty (50) square feet per one (1) foot of ~~public~~ street frontage and shall not be less than twenty (20) square feet per one (1) foot of public street frontage

b A private outdoor living space shall be provided adjoining each dwelling unit equal to a minimum of ten (10) percent of the gross size of the dwelling unit, except that dwelling units above the first story shall provide such space equal to a minimum of five (5) percent of the gross size of the dwelling unit

~~c The remainder of the required open space shall be provided in common open space.~~

**C THE REMAINDER OF THE REQUIRED OPEN SPACE SHALL BE PROVIDED AS COMMON OPEN SPACE WITH IN A PROPERTY, OR IT MAY BE DISTRIBUTED AMONG ALL PROPERTIES WITHIN THE PLANNED COMMUNITY DISTRICT (PCD) THROUGH AN OPEN SPACE PLAN APPROVED BY THE DEVELOPMENT REVIEW BOARD**

2 Main land uses that are not density-based shall provide a minimum of twenty-four (24) percent of the net lot area in open space, a minimum of ~~one-half~~ **ONE-THIRD** of which shall be in frontage open space **ADJACENT TO THE INTERNAL STREETS (INTERNAL STREETS SHALL NOT INCLUDE THE WILLIAMS ROAD, SCOTTSDALE ROAD, MILLER ROAD AND PINNACLE PEAK ROAD ALIGNMENTS) THE REMAINDER OF THE REQUIRED OPEN SPACE SHALL BE PROVIDED AS COMMON OPEN SPACE WITH IN A PROPERTY, OR IT MAY BE DISTRIBUTED AMONG ALL PROPERTIES WITHIN THE PLANNED COMMUNITY DISTRICT (PCD) THROUGH AN OPEN SPACE PLAN APPROVED BY THE DEVELOPMENT REVIEW BOARD**

3 Open space required under this section shall be exclusive of parking lot landscaping required under the provisions of article IX of this ordinance

**C Building height**

1 ~~No building shall exceed thirty-six (36) feet in height~~ **THE MAXIMUM BUILDING HEIGHT OF ANY BUILDING SHALL COMPLY WITH THE BUILDING HEIGHT LOCATIONS SHOWN ON THE ATTACHED BUILDING HEIGHT PLAN**, except as otherwise provided in article VII

2 Building height shall not exceed one (1) story within fifty (50) feet of any R-1, R-2, R-3, R-4, R-4R or M-H district boundary line

**D Density requirements** Compliance with the standards under columns 3 and 4 determine allowable density for dwelling and guest units

TABLE INSET

ALLOWABLE DENSITY		STANDARDS	
1	2	3	4
Dwelling Units Per Acre (and corresponding gross land area per unit requirement)	Timeshare or Guest Units Per Acre (and corresponding gross land area per unit requirement)	Minimum Percentage of Net Lot Area to be maintained in Open Space	Minimum Percentage of the Tree Requirement to be provided in Mature Trees

17 (2562) or less	24 (1816) or less	22	40
18 (2422)	25 5 (1708)	25	50
19 (2292)	27 (1613)	28	60
20 (2180)	28 5 (1528)	31	70
21 (2074)	30 (1452)	34	80
22 (1980)	31 5 (1382)	37	90
23 (1890)	33 (1320)	40	100

**E Building setback**

- 1 Wherever an R-5 development abuts an R-1, R-2, R-3, R-4, R-4R or M-H district or an alley abutting any of those districts, a yard of not less than fifteen (15) feet shall be maintained
- 2 Wherever an R-5 development abuts any district other than R-1, R-2, R-3, R-4, R-4R or M-H, or abuts an alley adjacent to such other district, a building may be constructed on the property line. However, if any yard is to be maintained, it shall be not less than ten (10) feet in depth. Larger yards may be required by the Development Review Board or City Council if the existing or future development of the area around the site warrants such larger yards

**F Distance between buildings**

- 1 There shall not be less than ten (10) feet between an accessory building and a main building or between two (2) main buildings, except that an accessory building with two (2) or more open sides, one of which is adjacent to the main building, may be built to within six (6) feet of the main building

**G Walls, fences and required screening**

- 1 Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required yard areas, except within the required frontage open spaces, within which they may not exceed three (3) feet in height, or except as otherwise provided in article VII
- 2 **WALLS, AND FENCES SHALL NOT BE PERMITTED WITHIN THE SCOTTSDALE ROAD SCENIC CORRIDOR, WITHIN THE LANDSCAPE BUFFERS ADJACENT WILLIAMS ROAD, MILLER ROAD AND PINNACLE PEAK ROAD, OR WITHIN THE REQUIRED FRONT OPEN SPACE ADJACENT TO THE INTERNAL STREETS**
- 2-3 All parking areas adjacent to a public street shall be screened with a wall to a height of three (3) feet above the parking surface
- 3-4 All mechanical structures, and appurtenances shall be screened as approved by the Development Review Board

4-5 All storage and refuse areas shall be screened as determined by Development Review [Board]

H Access All lots shall have frontage on and have vehicular access from a dedicated street, unless a secondary means of permanent vehicle access has been approved by the Development Review Board

Sec 5 1005 Off-street parking

The provisions of article IX shall apply

Sec 5 1006 Signs

The provisions of article VIII shall apply

Revisions are shown in **BOLD CAPS** and ~~strikethrough~~

Sec 5 1400 (C-2) CENTRAL BUSINESS DISTRICT

Sec 5 1401 Purpose

This district is intended to permit all uses permitted in the (C-1) neighborhood commercial district, plus commercial activities designed to serve the community. This district includes uses usually associated with the central business district and shopping facilities which are not ordinarily compatible with residential development.

Sec 5 1402 Approvals required

No structure or building shall be built or remodeled upon land in the C-2 district until Development Review [Board] approval has been obtained as outlined in article I, section 1 900 hereof.

(Ord No 3225, § 1, 5-4-99)

Sec 5 1403 Use regulations

A *Uses permitted* Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1 *Business and professional services*

- a Business and professional offices
- b Business schools
- c Hospital for animals including boarding and lodging provided that there are no open kennels maintained and provided all activities will be conducted in soundproof buildings
- d Medical or dental offices including laboratory
- e Museum
- f Optician
- g Municipal uses
- ~~h Private and charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards including, but not limited to, the following as well as those otherwise required in the district:
  - (1) Location. All proposed private and charter schools shall be located a minimum of five hundred (500) feet from any adult use.
  - (2) Lot area. The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three thousand (43,000) square feet (not).
  - (3) There shall be no outside speaker system or bells, if the school building is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.
  - (4) Open space. Per underlying zoning district open space requirements. All NAOS requirements of the district must be met and may be applied towards the overall open space requirement subject to compliance with NAOS standards.
  - (5) Parking. Parking shall observe the front yard setbacks of the district for all frontages. One third (1/3) of the required parking may be shared parking with other establishments present on site. Parking shall be located and screened per the requirements of the district.~~

- ~~(6) Outdoor recreation area. All outdoor playgrounds and recreation areas shall be enclosed by a wall or fence sufficient in height to protect the safety and welfare of the students and shall be located within the side or rear yard. Any playground or outdoor recreation area shall be located a minimum of fifty (50) feet from any residential district and screened by a minimum six-foot high wall.~~
- ~~(7) Drop-off area. 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 school. This area shall not include internal site traffic aisles, parking spaces, fire lanes, etc.~~
- ~~(8) Any public trails or pedestrian connections shall be incorporated into the site plan and approved by the Development Review Board.~~
- ~~(9) Circulation plan. The applicant shall submit a circulation plan to insure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.~~

i Studio for professional work or teaching of any form of commercial or fine arts

2 Residential

a Dwelling units physically integrated with commercial establishments (limited to one (1) dwelling unit for each business establishment)

3 Retail sales

- a Antique store
- b Appliance store
- c Art gallery
- d Automobile parts store
- e Bakery
- f Bicycle store

g ~~Big box. Any single retail space (limited to permitted retail uses in this C-2 district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if~~

~~(1) Primary access is not on a local collector\* street, and  
**Note.** \*At the request of the city the term residential has been changed to collector in this subsection.~~

~~(2) Residential zoned property is not located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).~~

~~However, big box is not permitted in the Environmentally Sensitive Lands Supplementary District.  
 Also See Sections 1.403 and 5.1403 B.~~

- h Bookstore
- i Camera store
- j Candy store
- k Carpet and floor covering store
- l Clothing store

- m Craft shop conducted in conjunction with retail business which may include ceramics, mosaics, fabrics, jewelry, leather goods, silk screening, dress designing, sculpturing and wood carving
- n Department store
- o Drugstore
- p *Electronic equipment store*
- q Fabric store
- r Florist
- s Furniture store
- t Gift shop
- u Grocery store or supermarket, **LIMITED TO A BUILDING FOOTPRINT OF EQUAL TO OR LESS THAN FIFTY THOUSAND (50,000) SQUARE FEET**
- ~~v Gun shop~~
- w Hardware store
- x Hobby or toy store
- y Home improvement store
- z Ice cream store
- aa Import store
- bb Liquor store
- cc Music store
- ~~dd Pawnshop~~
- ee Pet shop
- ff Restaurants, ~~excluding~~ **INCLUDING** drive-in or drive-through types
- gg Sporting goods store
- hh Stationery store
- ii Swimming pool supply store
- jj Variety store
- kk Restaurant with associated microbrewery where brewed beer is consumed only on-premises and brewery occupies no more than fifteen (15) percent of the floor area of the establishment

4 Services

- a Appliance repair
- b Bank
- c Barber or beauty shop
- ~~d Bowling alley~~
- e *Broadcasting station and studio, radio or television excluding transmitting or receiving towers*
- f Clothes cleaning agencies and laundromats excluding industrial cleaning and dyeing plants
- g Fitness studio
- h Hotel, motel, and timeshare project
- i Movie theater (indoor only)
- j Post office
- k Printing, lithography, publishing or photostating establishment
- ~~l Fraternities and sororities~~
- m Shoe repair
- ~~n Taxidermist~~
- o Telephone answering service
- p **DAY SPA OR HEALTH STUDIO, LIMITED TO A BUILDING FOOTPRINT OF EQUAL TO OR LESS THAN FIFTY THOUSAND (50,000) SQUARE FEET** ~~Turkish bath that may include masseur and/or masseuse~~



5 Other uses

- a Accessory buildings
- b Churches and places of worship
- c Day care center, if the drop off or outdoor play area is more than one hundred (100) feet from a residential district
- d Wireless communications facilities, Types 1, 2, and 3, subject to the requirements of Sections 1 906, 3 100 and 7 200
- e Temporary buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work

B Uses permitted by a conditional use permit

- ~~1 Adult uses (see Section 1 403 for criteria)~~
- 2 Automated carwash
- 3 Bars and cocktail lounges (see Section 1 403 for criteria)
- ~~4 Big box Any single retail space (limited to permitted retail uses in this C-2 district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:
  - ~~a Primary access is on a local residential street; or~~
  - ~~b Residential zoned property is located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses). However, Big box is not permitted in the Environmentally Sensitive Lands Supplementary District. For Use Permit Provisions and Criteria, See Section 1 403.~~~~
- ~~5 Bus station, excluding overnight parking and storage of buses~~
- 6 Day care center, if the drop off or outdoor play area is within one hundred (100) feet from a residential district (see section 1 403 for criteria)
- ~~7 Funeral home and chapel~~
- 8 Game center
- 9 Gasoline service station (see section 1 403 for criteria)
- 10 Health studio **WITH A BUILDING FOOTPRINT GREATER THAN FIFTY THOUSAND (50,000) SQUARE FEET**
- 11 Live entertainment (see section 1 403 for criteria)
- 12 Wireless communications facilities, Type 4, subject to requirements of sections 1 400, 3 100 and 7 200
- ~~13 Plant nursery (see section 1 403 for criteria)~~
- 14 Pool hall
- 15 Residential health care facility (see section 1 403 for criteria)
- ~~16 Teen dance center (see section 1 403 for criteria)~~
- ~~17 Internalized community storage (see section 1 403 for criteria)~~
- 18 Restaurant with associated microbrewery with limited wholesale and retail sales of the brewed product, where the floor area utilized for brewing, bottling and/or packaging occupies no more than thirty (30) percent of the floor area of the establishment
- 19 Seasonal art festival

Sec 5 1404 Property development standards

The following property development standards shall apply to all land and buildings in the C-2 district

- A *Floor area ratio* In no case shall the gross floor area of a structure exceed the amount equal to eight-tenths multiplied by net lot area in square feet
- B *Volume ratio* In no case shall the volume of any structure exceed the product of the net lot area in square feet multiplied by 9.6 feet
- C *Open space requirement*
- 1 In no case shall the open space requirement be less than ten (10) percent of the net lot area for zero (0) feet to twelve (12) feet of height, plus four-tenths percent of the net lot for each foot of height above twelve (12) feet
  - 2 Open space required under this section shall be exclusive of parking lot landscaping required under the provisions of article IX of this ordinance
  - 3 **REQUIRED OPEN SPACE MAY BE DISTRIBUTED AMONG ALL PROPERTIES WITHIN THE PLANNED COMMUNITY DISTRICT (PCD) THROUGH AN OPEN SPACE PLAN APPROVED BY THE DEVELOPMENT REVIEW BOARD**
- D *Building height* ~~No building shall exceed thirty-six (36) feet in height~~ **THE MAXIMUM BUILDING HEIGHT OF ANY BUILDING SHALL COMPLY WITH THE BUILDING HEIGHT LOCATIONS SHOWN ON THE ATTACHED BUILDING HEIGHT PLAN, except as otherwise provided in article VI or article VII**
- E *Density*
- 1 Hotels, motels, and timeshare projects shall provide not less than ten (10) guest rooms and/or dwelling units with a minimum gross land area of one thousand (1,000) square feet per unit
  - 2 Multiple-family dwellings shall provide a minimum floor area of five hundred (500) square feet for each dwelling unit
- F *Yards*
- 1 *Front Yard*
    - a No front yard is required except as listed in the following three (3) paragraphs and in article VII hereof, unless a block is partly in a residential district, in which event the front yard regulations of the residential district shall apply
    - b A minimum of one-half (1/2) of the open space requirement shall be incorporated as frontage open space to provide a setting for the building and a streetscape containing a variety of spaces
    - c Where parking occurs between a building and the street a yard of thirty-five (35) feet in depth between the street and parking shall be maintained. This depth may be decreased to a minimum of twenty (20) feet subject to Section 10.402.D.3
  - 2 *Side Yard*
    - a A side yard of not less than fifty (50) feet shall be maintained where the side of the lot abuts a single-family residential district or abuts an alley which is adjacent to a single-family residential district. The fifty (50) feet may include the width of the alley

- b A side yard of not less than twenty-five (25) feet shall be maintained where the side lot abuts a multiple-family residential district. The twenty-five (25) feet may include any alley adjacent to the multiple-family residential district.

3 Rear Yard

- a A rear yard of not less than fifty (50) feet shall be maintained where the rear lot abuts a single-family residential district or abuts an alley which is adjacent to the single-family residential district. The fifty (50) feet may include the width of the alley.
- b A rear yard of not less than twenty-five (25) feet shall be maintained where the rear lot abuts a multiple-family residential district. The twenty-five (25) feet may include any alley adjacent to the multiple-family residential district.

- 4 All operations and storage shall be conducted within a completely enclosed building or within an area contained by a wall or fence as determined by Development Review [Board] approval or use permit.

- 5 Other requirements and exceptions as specified in article VII.

Sec 5 1405 Off-street parking

The provisions of article IX shall apply.

Sec 5 1406 Signs

The provisions of article VIII shall apply.

Revisions are shown in **BOLD CAPS** and ~~strikethrough~~

**Sec 5 2200 (C-O) COMMERCIAL OFFICE DISTRICT**

**Sec 5 2201 Purpose**

This district is intended to provide an environment desirable for and conducive to development of office and related uses adjacent to the central business district or other major commercial cores. In addition, certain other kinds of uses are permitted under conditions and standards which assure their compatibility with a general concentration of office use as well as with the medium and high density residential districts which will often adjoin the C-O district. This district will generally serve to provide a transition from, and occur between, the commercial core and residential districts.

**Sec 5 2202 Approvals required**

No structure or building shall be built or remodeled upon land in the C-O district until Development Review [Board] approval has been obtained as outlined in article I, section 1 900 hereof.

(Ord No 3225, § 1, 5-4-99)

**Sec 5 2203 Use regulations**

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

- 1 Business and professional**
  - a Business college, limited to the teaching of office and business practices and skills**
  - b Corporate headquarters, which may include transient residential units only for employees on a site of twenty (20) acres or greater**
  - c Office, business** Any office in which chattels or goods, wares or merchandise are not commercially created, displayed, sold or exchanged, except commercial uses appurtenant thereto, such as restaurants, cocktail lounges, gift shops, newsstand, smoke shop, barbershop, beauty parlors, and small retail shops, provided the entrance of such accessory uses shall be from the interior of the building, lobby or arcade, and there shall be no exterior advertising
  - d Office, professional, for Accountant, architect, chiropodist, chiropractor, dentist, engineer, lawyer, minister, naturopath, osteopath, physician, surgeon, surveyor, optometrist, veterinarian**
  - e Office, semi-professional, for Insurance broker, public stenographer, real estate broker, stockbroker, and other persons who operate or conduct offices which do not require the stocking of goods for wholesale or retail, but shall not include barber, beauty operator, cosmetologist, embalmer or mortician except as provided in subparagraph (b) hereof**
  - f Optician (limited to prescription work only)**
  - g Laboratories Medical, dental, blood bank**
  - h Physiotherapist**
  - i Studio** For professional work, or teaching of any form of commercial or fine arts, photography, music, drama, dance, but not including commercial gymnasium, dance hall or job printing

- j Hospitals for animals including boarding and lodging, provided that there shall be no open kennels maintained and provided that all facilities will be in soundproof buildings
- k Museum, library, post office
- l Broadcasting station and studio, radio or television, but not including sending or receiving tower
- ~~m Private and charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards including, but not limited to, the following as well as those otherwise required in the district.~~
  - ~~(1) Location. All proposed private and charter schools shall be located a minimum of five hundred (500) feet from any adult use.~~
  - ~~(2) Lot area. The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty three thousand (43,000) square feet (net).~~
  - ~~(3) There shall be no outside speaker system or bells, if the school building is within one hundred (100) feet of a single family dwelling or multifamily dwelling unit.~~
  - ~~(4) Open space. Per underlying zoning district open space requirements. All NAOS requirements of the district must be met and may be applied towards the overall open space requirements subject to compliance with NAOS standards.~~
  - ~~(5) Parking. Parking shall observe the front yard setbacks of the district for all frontages. One third ( 1/3) of the required parking may be shared parking with other establishments present on site. Parking shall be located and screened per the requirements of the district.~~
  - ~~(6) Outdoor recreation area. All outdoor playgrounds and recreation areas shall be enclosed by a wall or fence sufficient in height to protect the safety and welfare of the students and shall be located within the side or rear yard. Any playground or outdoor recreation area shall be located a minimum of fifty (50) feet from any residential district and screened by a minimum six foot high wall.~~
  - ~~(7) Drop-off area. 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 school. This area shall not include internal site traffic aisles, parking spaces, fire lanes, etc.~~
  - ~~(8) Any public trails or pedestrian connections shall be incorporated into the site plan and approved by the Development Review Board.~~
  - ~~(9) Circulation plan. The applicant shall submit a circulation plan to insure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.~~

2 Retail

- a Art gallery
- b Establishments primarily supplemental in character to other permitted principal uses, such as Pharmacy, apothecary shop, sale of correction garments, prosthetic devices and optical goods
- c Blueprinting, printing, lithograph, publishing or photostating

3 Service

- a Banks, finance offices, lending institutions, stock brokerage firms, savings and loan associations and credit unions
- b Churches and places of worship
- c Day care center, if the drop off or outdoor play area is more than one hundred (100) feet from a residential district
- d Wireless communications facilities, Types 1, 2, and 3, subject to the requirements of Sections 1 906, 3 100 and 7 200
- e Racquet, paddle or handball courts (indoor only)
- f Telephone answering service
- g. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work

**B Uses subject to a conditional use permit**

- 1 Corporate headquarters which includes transient residential units only for employees on a site of less than twenty (20) acres
- 2 Day care center, if the drop off or outdoor play area is within one hundred (100) feet from a residential district (see section 1 403 for criteria)
- ~~3 Funeral home and chapel.~~
- 4 Hospital
- 5 Municipal uses
- 6 Wireless communications facilities, Type 4, subject to requirements of sections 1 400, 3 100 and 7 200
- 7 Private club, ~~fraternity, sorority,~~ and lodges
- 8 Research and development facilities

**Sec 5 2204 Property development standards**

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

- A **Floor area ratio** In no case shall the gross floor area of a structure exceed the amount equal to six-tenths multiplied by net lot area in square feet
- B **Volume ratio** In no case shall the volume of any structure exceed the product of the net lot area in square feet multiplied by 7 2 feet
- C **Open space requirements**
  - 1 In no case shall the open space requirement be less than fifteen (15) percent of the net lot area for zero (0) feet to twelve (12) feet of height, plus five-tenths percent of the total site for each foot of height above twelve (12) feet Open space as defined in article VI
  - 2 Open space required under this section shall be exclusive of parking lot landscaping required under the provisions of article IX of this ordinance
  - 3 **REQUIRED OPEN SPACE MAY BE DISTRIBUTED AMONG ALL PROPERTIES WITHIN THE PLANNED COMMUNITY DISTRICT (PCD) THROUGH AN OPEN SPACE PLAN APPROVED BY THE DEVELOPMENT REVIEW BOARD**
- D **Building height** ~~No building shall exceed thirty six (36) feet in height~~ **THE MAXIMUM BUILDING HEIGHT OF ANY BUILDING SHALL COMPLY WITH THE BUILDING HEIGHT LOCATIONS SHOWN ON THE ATTACHED BUILDING HEIGHT PLAN**, except that within one hundred (100) feet of any R-1, R-2, R-3, R-

4, R-4R or M-H district no building shall exceed twenty-four (24) feet in height and except as otherwise provided in article VII

**E Yards**

**1 Front Yard**

- a No front yard is required except as listed in the following two (2) paragraphs and in article VII hereof, unless a block is partly in a residential district, in which event the front yard regulations of the residential district shall apply
- b A minimum of one-half of the open space requirement shall be incorporated as frontage open space to provide a setting for the building and a streetscape containing a variety of spaces
- c Where parking occurs between a building and the street a yard thirty-five (35) feet in depth shall be maintained This depth may be decreased to a minimum of twenty (20) feet subject to Section 10 402 D 3

**2 Side Yard**

- a A side yard of not less than fifty (50) feet shall be maintained where the side of the lot abuts a single-family residential district or abuts an alley which is adjacent to a single-family residential district The fifty (50) feet may include the width of the alley
- b A side yard of not less than twenty-five (25) feet shall be maintained where the side lot abuts a multiple-family residential district The twenty-five (25) feet may include any alley adjacent to the multiple-family residential district

**3 Rear Yard**

- a A rear yard of not less than fifty (50) feet shall be maintained where the rear lot abuts a single-family residential district or abuts an alley which is adjacent to the single-family residential district The fifty (50) feet may include the width of the alley
- b A rear yard of not less than twenty-five (25) feet shall be maintained where the rear lot abuts a multiple-family residential district The twenty-five (25) feet may include any alley adjacent to the multiple-family residential district

**F Distance between buildings**

- 1 There shall not be less than ten (10) feet between an accessory building and a main building or between two (2) main buildings, except that an accessory building with two (2) or more open sides, one (1) of which is adjacent to the main building, may be built to within six (6) feet of the main building

**G Walls, fences and required screening**

- 1 Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required yard areas, except within the required frontage open space, within which they may not exceed three (3) feet in height, or except as otherwise provided in article VII
- 2 All mechanical structures and appurtenances shall be screened as approved by the Development Review Board

- 3 All storage and refuse areas shall be screened as determined by Development Review [Board] approval
- 4 All operations and storage shall be conducted within a completely enclosed building or within an area contained by a wall or fence as determined by Development Review [Board] approval or use permit

**H *General provisions*** Other requirements and exceptions as specified in article VII

- I **Access.** All lots shall have frontage on and have vehicular access from a dedicated street, unless a secondary means of permanent vehicle access has been approved in the development review or subdivision plat

**Sec 5 2205 Off-street parking**

The provisions of article IX shall apply

**Sec 5 2206 Signs**

The provisions of article VIII shall apply