



TOWN OF **PARADISE VALLEY**

ZONING ORDINANCE

DRAFT

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ARTICLE 1 - AUTHORITY & PURPOSE

1.1 Title and Authority (Previously Section 102)

This Ordinance may be cited as the "Zoning Ordinance of the Town of Paradise Valley."

1.2 Purpose (Previously Section 101)

This Ordinance is for the purpose of securing adequate light, pure air, and safety from fire and other dangers; conserving the values of land and buildings through the Town of Paradise Valley; lessening or avoiding congestion in the public streets; and promoting the public health, safety, comfort, morals and welfare of the citizens of the Town of Paradise Valley, Arizona.

1.3 Consistency with the General Plan (New)

It is the intention of the Town Council that this ordinance implement the planning policies adopted by the Planning Commission and Town Council as reflected in the General Plan. The Town Council affirms its commitment that this ordinance and any amendments will be in conformity with the adopted planning policies as expressed in the General Plan and any amendments.

1.31.4 Applicability (New)

1.4.1 All buildings, structures and uses of land shall be subject to all provisions of this Ordinance. Any change to an existing building, structure or use of land, as manifested by a use which requires an increase in parking, change in occupancy, changes to the physical site including drainage or landscaping, additions or modifications to the building after the effective date of this Ordinance, or any amendment shall be subject to all provisions of this Ordinance.

1.4.2 Any use not described and included by this ordinance as being a permitted use, a use subject to supplemental use conditions, or a use subject to special use permit within a specific zoning district is prohibited within that zoning district, and is a violation of this ordinance unless otherwise stated herein.

1.41.5 Interpretation & Conflicting Provisions (Previously Section 103)

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any ordinances, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this ordinance; nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, except that if this ordinance imposes a greater restriction, this ordinance shall control.

1.51.6 Severability (New)

It is declared that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any such section, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this ordinance other than the part decided to be unconstitutional or invalid.

ARTICLE 2 - ZONING DISTRICTS

2.1 Zoning Districts & Map Established (Previously Section 301)

The Town of Paradise Valley, Arizona, is hereby divided into fourteen (14) classes of "districts" to: a) Classify and regulate the location of residential and non-residential land uses, b) Establish the limitations and restrictions applicable to such land uses, c) Regulate and limit the height and bulk of buildings hereafter erected, reconstructed, or structurally altered, d) Regulate and limit the intensity of the use of lot areas, and e) Regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings. The use, heights, and area regulations are uniform in each district, and said districts shall be known as:

R-175 Single-Family Residential District

R-43 Single-Family Residential District

R-43 CP Single-Family Residential District

R-35 Single-Family Residential District

R-35 CP Single-Family Residential District

R-35A Single-Family Residential District

R-18 Single-Family Residential District

R-18A Single-Family Residential District

R-10 Single-Family Residential District

~~SUP District R-18 CP Single-Family Residential District*~~

OSP Open Space Preserve District

SUP District (Religious Facility, Private School, Non-Profit Organization, Public/Quasi Public)

SUP District (Resort, Country Club, Golf Course)

SUP District (Medical Office, Kennel, Veterinary Clinic)

~~* Provisions allowing and governing this District were repealed by Ordinance 431 in 1996.~~

2.1.1 Map Established (Previously Section 302)

- A. The Boundaries of these districts are shown upon the Zoning Map and made a part of this ordinance. The Zoning Map and all notations, references and other information shown thereon are a part of this ordinance and have the same force and effect as if the maps and all the notations, references and other information shown thereon were fully set forth and described herein, which Zoning Map is attached hereto and made a part of this ordinance by reference and any amendment to Zoning Map adopted by ordinance shall become a part of this ordinance by reference as though fully set forth herein. Properties rezoned by Special Use Permit shall reflect the predominant land use category as either Resort, Country Club, Golf Club; Religious Facility, Private School, Non-Profit Organization, Public/Quasi-Public; or Medical Office, and shall be designated as such on the Zoning Map.

2.1.2 Boundary Determination (Previously Section 303)

Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this ordinance, the following rules apply:

- A. The district boundaries are either street or alleys unless otherwise shown, and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.
- B. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.
- C. In unsubdivided property, the district boundary lines on the map accompanying and made a part of this ordinance shall be determined by use of the scale appearing on the map.

2.1.3 Annexations (Previously Section 304)

An area under consideration for annexation may be zoned at the time of annexation or within six (6) months after the annexation to a Town zoning district comparable to, but not greater in intensity than that permitted in the County. Council approval of the annexation constitutes authorization for the Town to initiate action to establish the applicable Town zoning district for the newly annexed area within six (6) months after the annexation.

2.1.4 Vacated Streets (Previously Section 305)

Whenever any street, alley or other public way is vacated by official action of the Town Council, the zoning districts adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

2.2 Residential Districts

2.2.1 Purpose (Previously Section 401)

The purpose of the Residential Districts is to preserve and enhance the low-density, high-quality residential character that defines Paradise Valley. These districts are intended to protect the Town's distinctive pattern of large lots, generous open space, and unobstructed views of the natural landscape, including its mountain areas and desert environment. Regulations are designed to ensure that residential development maintains a quiet, safe, and primarily single-family living environment while safeguarding the Town's scenic resources and overall quality of life.

2.2.2 Districts (Previously in Articles 4-8)

- A. (R-175) Single Family Residential District

This district is intended to promote and preserve a very low-density residential character and maintain open space and natural features. The principal land use is single-family dwellings and uses incidental or accessory thereto. Lot size of at least one hundred seventy-five thousand square feet (175,000 sq. ft.) square feet is required in this ~~District~~district.

~~This Ordinance shall provide that all existing structures on any parcel designated as R-175 shall not have the status of a nonconforming use. However, any additions to such structures shall conform to all regulations applicable to new construction in said district.~~

B. (R-43) Single-Family Residential District

This district is intended to promote and preserve a low-density residential character and maintain open space and natural features. The principal land use is single-family dwellings and uses incidental or accessory thereto. Lot size of at least forty-three thousand five hundred sixty square feet (43,560 sq. ft.) square feet is required in this district.

C. (R-35 and R-35A) Single-Family Residential Districts

These districts are intended to promote and preserve residential development associated with the desert landscape. The minimum size, although less than one acre, still results in a low density of population. The principal land use is a single-family dwelling and uses incidental or accessory thereto. The only distinction between R-35 and R-35A is that R-35A shall only be applied to previously annexed subdivisions known as Firebrand Ranch and Mountain View Estates Replat. Height, area, and other regulations, and setback standards are noted in **Section 2.2.7** and **Section 4.4.1** of this Ordinance.

D. (R-18 and R-18A) Single-Family Residential Districts

These districts are intended to promote and preserve residential development associated with the desert landscape. The minimum size, although less than one acre, still results in a low density of population. The principal land use is a single-family dwelling and uses incidental or accessory thereto. The only distinction between R-18 and R-18A is that R-18A shall only be applied to previously annexed subdivisions known as Firebrand Ranch, Mountain View Estates Replat, Arcadia Square, Orange Valley Estates No 3, Grosse Point Two and Quail Vista. Height, area, and other regulations are noted in **Section 2.2.7** and **Section 4.4.1** of this Ordinance.

E. (R-10) Single-Family Residential District

This district applies to previously annexed subdivisions known as Mountain Shadows East, Mountain Shadows West, and Colonia Miramonte. This district is intended for single-family dwellings and uses incidental or accessory thereto, with a lot size of at least ten thousand (10,000 sq. ft.) square feet.

2.2.3 Residential Permitted Uses (New)

- A. Single-family dwelling, detached.
- B. Accessory buildings and uses customarily incident to the above uses, including a private garage, guesthouse, residential staff quarters and home occupations. Any accessory building not attached to the main structure shall be located not less than sixty feet (60 ft.) feet from the front lot line.
- C. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work, or, upon the expiration of a period of one (1) year from the time of erection of such temporary buildings, whichever is sooner.
- D. The keeping of animals for use of the family residing on the premises in compliance with Section 34.6.2. Animal Keeping.
- E. Private swimming pool in compliance with Section 34.6.1. Swimming Pools.
- F. Home occupation in compliance with Section 34.5. Home Occupation.
- G. Game Courts & Trampolines in compliance with Section 34.6.3. Game Courts & Trampolines.
- H. Assisted Living Home in compliance with Section 34.6.4. Assisted Living Home.

2.2.4 Residential Development Standards (New)

- ~~A. Minimum Area, Maximum Stories, Maximum Height, Lot Width, Set Backs, and Minimum Floor Area Regulations~~

~~The height, area, and other regulations that apply to the R-175 District are shown in Table 1001-A1, Table 1001-A2, and Table 1001B of this Code.~~

~~B.A. District Height & Area~~ Regulations (Previously Section 1001)

District height, area and other regulations are shown on ~~Table 1001-A1, 1001-A2, and 1001~~2.7A and 2.7B which follows. The district regulations hereinafter set forth in this Article qualify or supplement, as the case may be, the district regulations appearing herein elsewhere in this ordinance.

~~B.~~ Wall & Fences

Walls or fences, or both, are subject to the provisions of ~~Section 5.2, or as existing at the time of annexation.~~

Table 2.2.4A Primary Building Area, Width, Story, and Setback Limitations

District	Minimum Lot Size (sq ft)	Minimum Lot Width (ft)	Minimum Front Setback (ft)	Minimum Side Setback (ft)	Minimum Rear Setback (ft)	Minimum Side/Rear with Frontage (ft)	Maximum Floor Area Ratio (%)	Minimum Floor Area (sq ft) ¹	Number of Stories
R-175 with a Primary Building built prior to June 13, 1991	175,000	165	40	20 ²	40	40	25%	2,000	2
R-175 with no Primary Building built prior to June 13, 1991	175,000	165	100	20 ²	100	100	25%	2,000	2
R-43	43,560	165	40	20	40	40	25%	2,000	2
R-35	35,000	150	40	20 ³	40	40	25%	1,800	2
R-35A	35,000	150	40	15 ³	40	40	25%	1,800	1
R-18	18,000	120	40	20	40	40	25%	1,500	1
R-18A	18,000	120	35	10	35	35	25%	1,500	1
R-10	10,000	100	20 ⁴	7 ⁴	25 ⁴	20 ⁴	None	1,500	1

¹ The Minimum Floor Area includes the walls proper of the structure but excludes open porches, pergolas, attached garages or carports or other similar extension thereof.

² Side Yards are a minimum of forty feet (40 ft.) feet for lots with buildings two (2) stories or a height greater than twenty-four feet (24 ft.) feet. On lots with buildings of one story and a height not greater than twenty-four (24 ft.) feet, the minimum side yard is twenty feet (20 ft.) feet.

³ In the R-35 and R-35A Districts Side Yard requirements are as follows: If there is a building with a second story, regardless of the total height of the building, then the second story shall be set back forty feet (40 ft.) feet. If the structure is a single story, then all portions higher than twenty-four feet (24 ft.) feet shall be set back forty feet (40 ft.) feet.

⁴ In the R-10 District, front, side and rear yards shall meet the requirements indicated above or as shown on a previously recorded plat, or as existing at the time of annexation. Lots having double frontage and lots located at the intersection of two (2) or more streets shall meet the requirements of this Table or as shown on a previously recorded plat, or as existing at the time of annexation.

Table 2.2.4B Primary Building Height Limitations

Lot Size (acres)	Maximum Building Height (ft)
Less than 3	24 not including chimneys
3 or greater but less than 4	26 not including chimneys

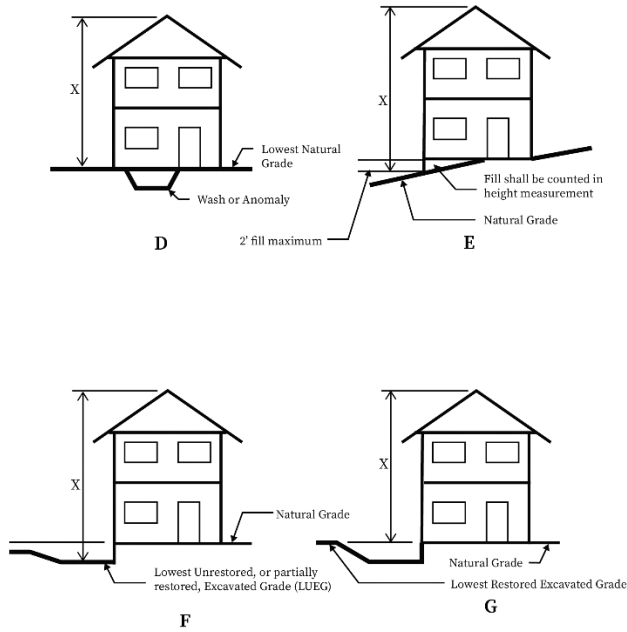
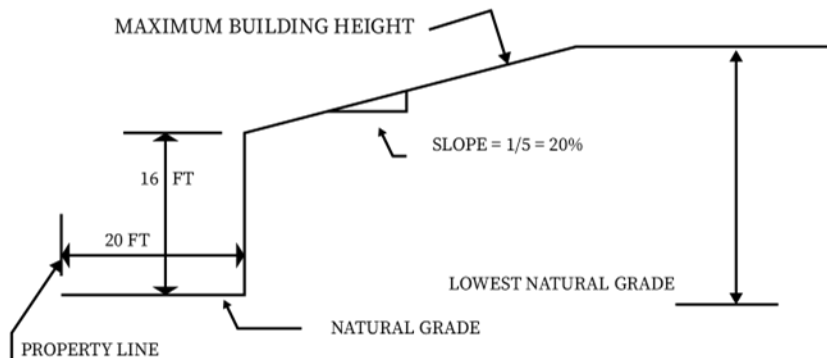


Figure 2.2.4B Additional Height Measurements



OPEN SPACE CRITERIA

1. Additional Height Measurement for R-43 and R-175, non-hillside, lots:

No building shall penetrate an imaginary plane beginning sixteen ~~feet~~ (16 ~~ft.~~) feet above the twenty-foot (20 ~~ft.~~) ~~feet~~ setback line, and which plane rises toward the center of the lot at a slope of twenty ~~percent~~ (20% ~~percent~~) (see Figure 2.2.4B). All height measurements shall be taken from the elevation at the twenty-foot (20 ~~ft.~~) ~~feet~~ setback line. Measurements shall be taken from the high points of the structure to the closest point at the twenty-foot (20 ~~ft.~~) ~~feet~~ setback perpendicular to that portion of the structure.

Notwithstanding the above no building or structure shall be placed closer to a property line than specified in Table 2.2.4A, 2.2.4B, or elsewhere in this ordinance. No building may at any point exceed the maximum building height allowed on the lot. In the event of a conflict between this section and Section 10.1, this section shall prevail.

C. Parking Regulations

For all residential dwellings hereafter erected, or for any buildings converted to such use or occupancy, provision shall be made on the premises to provide two (2) parking spaces for each dwelling unit.

2.3 Open Space Preserve District (OSP) (New)

2.3.1 Purpose

This Zoning District is intended to preserve and protect in perpetuity undeveloped real property and developed real property that can be returned to its natural state, including scenic and conservation easements, on and around the Mountain Preserve in the Town of Paradise Valley, with the goal of preserving the natural landscape, desert plants, wildlife, and the scenic beauty of mountain areas of the Town.

2.3.2 Open Space Preserve District Permitted Uses

A. Open Space

2.3.3 Open Space Preserve District Development Standards

A. No development standards, including but not limited to building setbacks, lot coverage or building height, apply within the OSP District

2.4 Cluster Plan Districts (Previously Article IX)

2.4.1 Purpose: (Previously Section 901)

The purpose of this section is to provide a zoning district as an alternate zoning to R-43 and R-35 single family residential districts, and thereby making provisions for variations in lot sizes within tracts of eight (8) acres or more while maintaining the necessary requirements for open space within each tract as a whole, in order to preserve the natural beauty of the Town of Paradise Valley:

- A) A cluster plan may be approved only for the following reasons:
- 1) To preserve areas which have natural features of scenic beauty of significance to the general public.
 - 2) To provide greater than normal residential setbacks from heavily traveled thoroughfares without reducing the number of residential lots that might otherwise be created within the provisions of this Ordinance.
 - 3) To allow flexibility for development of parcels on the perimeter of the Town which lack physical access to Town streets and which meet the criteria set forth in the first paragraph of **Section 2.4.3A**.

Nothing in this Article shall confer upon any applicant a right or claim to have a cluster plan approved as a matter of course. Such approval shall vest in the sound discretion of the Town Planning Commission (hereinafter called Commission), and of the Town Council at a public hearing with due regard to the public safety, health, morals, and welfare of the Town.

2.4.2 Development Standards (Previously Sections 902-907)

A. Variation in Lot Sizes:

1. The owner of a tract of land in a R-43 or R-35 Residential Zoning District may, upon obtaining the approval of a cluster plan in accordance with the provisions of this Article, vary the lot sizes within the tract of land from those required by the applicable zoning district. Applications for the approval of such cluster plans shall be made in accordance with the provisions of **Section 7.7**.

B. Maximum Number of Lots:

1. The maximum number of lots within a tract of land that may be authorized under this Article shall be computed by dividing the "gross acreage" as that term is hereinafter defined, by the maximum lot area requirement of the single family dwelling district in which the lot is located. The term "gross acreage" as used herein, shall include the land within the exterior boundaries of a tract, less the following:
 - a) The area comprising easements of record for public utilities facilities such as electric transmission lines, sewer lines, and water mains, except in those cases where the owner shall satisfy the Commission that the existence of the easement does not prevent the use of the area comprising the easement for development;
 - b) An area representing probable street rights of way if the tract were to be developed as a subdivision without regard to the provisions of this Article.

Gross acreage shall not include any portion of the tract, which the owner does not propose to alienate, either as a lot sold to a purchaser, or as common lands conveyed to trustees. The Commission may by rule adopt regulations calculated to insure compliance by the owner with the provisions of the proposed cluster plan pertaining to conveyance of lots and common lands.

C. Inclusion of Common Lands.

Lands shall be set aside from the remainder of the tract for common use by all of the owners of the residential lots, in accordance with the provisions of this section, and such common lands shall be included in the gross acreage for purposes of computing the maximum number of lots authorized under this Article. Except in the case of bridle paths designated as such in the cluster plan, no animals other than domestic pets shall be permitted on common lands. Common lands shall be set aside only for the following uses:

1. Private recreational facilities, such as swimming pools, which are limited to the use of the owners or occupants of the lots located within the tract, or their guests;
2. Parks and parkway areas, and areas which have natural features of scenic beauty worthy of preservation;
3. Bridle paths, golf courses, or hiking trails for the use of the owners of the said lots, or for the use of the general public.

D. Conveyance of Common Lands:

All common land designated in the plan as such, or whose acreage shall be utilized in the determination of the maximum number of lots that are authorized, shall be conveyed in fee simple by warranty deed from the owner to trustees. A proposed form of trust indenture shall be included in each application for approval of a cluster plan. Such trust indenture shall provide, among other things, that the trustee shall hold title for the sole benefit, use, and enjoyment of the lot owners, present and future, of said subdivision for a term of years certain, which term shall not be less than twenty (20) years. The trust indenture shall further provide that upon the expiration of the said term of years, or upon the cessation of the subdivision, fee simple title to the said land shall be vested in said lot owners as tenants in common. In addition, there shall be included in the plan a proposed form of covenant for inclusion in the deeds to the lots, which covenant shall provide a suitable means for the maintenance and upkeep of the common lands, and shall obligate the lot owner and his successors for a proportionate share of the cost of such upkeep and maintenance. By including the form of such a covenant in the plan, the owner represents and warrants that such a covenant will be included in the original deed to each lot in such a manner as to run with the land and bind succeeding lot owners. The warranty deeds and trust indentures shall be attached as exhibits to the cluster plan together with the opinion of an attorney

admitted to practice in Arizona, addressed to the Commission, to the effect that the said deeds and trust indentures comply in form and in substance with the provisions of this Ordinance. The indentures shall be recorded in the office of the Maricopa County Recorder simultaneously with the recording of the final plat of the subdivision, as provided in the subdivision regulations of the Town. Each deed from the owner to a purchaser of a lot, which is subject to the cluster plan, shall include the covenant.

E. Minimum Reduced Size of lots:

No lot developed under the provisions of this section shall be reduced in area or frontage below the minimum standards set forth in the following table except as set forth in **Section 2.4.3A**:

Density	Minimum Reduced Area	Minimum Reduced Frontage
R-43 (one acre)	20,000 sq. ft.	120 feet
R-35 (35,000 sq. ft.)	20,000 sq. ft.	100 feet

F. Maintenance of Average Lot Size:

Lots developed under this Article may be reduced in area below the minimum lot size required by the residential district zone in which the subdivision is located (but not below the minimum standards set forth in the preceding paragraph) provided that the gross acreage, when divided by the number of lots created, shall equal the minimum lot size required by the applicable district.

2.4.3 Special Regulations (New)

A. Cluster Plan Adjacent to Major Arterial Streets and Floodways: (Previously Section 912)

The provisions of this **Section 2.4.3A** shall apply only to parcels of eight (8) acres or more that meet the following criteria: (1) the parcel is adjacent to a major arterial roadway with average daily traffic greater than thirty-five thousand (35,000) vehicles per day; (2) the parcel is adjacent to the Indian Bend Wash; and (3) the parcel is not adjacent to an R-43 zoned area or lot.

For parcels that meet the criteria of the preceding paragraph, and notwithstanding any other provision in this Ordinance to the contrary, the following shall apply:

1. The minimum lot size shall be sixteen thousand five hundred square feet (16,500 sq. ft.)square feet.
2. The maximum number of stories shall be one.
3. The minimum lot frontage shall be 100-one hundred feet (100 ft.).
4. Side yard setbacks with street frontage and front yard setbacks for primary buildings shall be 20 twenty feet (20 ft.).
5. Rear yard setbacks for primary buildings shall be twenty-five feet (25 ft.)-feet.
6. Side yard setbacks with no street frontage for primary buildings shall be seven feet (7 ft.)-feet.
7. The maximum floor area ratio shall not exceed fifty percent (50%).
8. Rear yard setbacks (with or without street frontage) for accessory buildings and structures and pools shall be ten feet (10 ft.)-feet. Front yard setbacks for accessory buildings and structures and pools shall be twenty feet (20 ft.)-feet.

9. Side yard setbacks (with or without street frontage) for accessory buildings and structures and pools shall be ~~seven feet (7')-feet~~. The maximum height of accessory buildings and structures shall be ~~sixteen feet (16 ft.)-feet~~.
10. Front yard setbacks for garage structures that do not have a garage door facing the street shall be ~~ten feet (10 ft.)-feet~~, provided that for all square footage of any such garage between the ~~ten-foot (10 ft.) foot~~ and ~~twenty-foot (20 ft.) foot~~ front yard setback there shall be at least an equal amount of square footage behind the ~~twenty-foot (20 ft.) foot~~ setback that shall not be enclosed.
11. The height of structures shall be measured as the vertical distance from the Regulatory Flood Elevation, as defined in Section 5-11-1 of the Town Code, adjacent to the parcel.

2.4.4 Other Provisions Applicable. (Previously Section 909)

If the Town Council shall approve the cluster plan, development in conformity with the plan may be undertaken, even though the location of the buildings to be erected in the area, and the yards and open spaces contemplated by the plan, depart in respect herein above authorized from the district regulations of the district in which the tract is located. Such development of the tract shall be subject to the applicable provisions of the Town subdivision regulations pertaining to the installation of required improvements and submission of the final plat. In the event that the approval of the preliminary plat becomes void by reason of the lapse of time under the provisions of the Town subdivision regulations, the approval of the cluster plan by the Town Council shall likewise become void.

Land use within any tract zoned "CP" shall be subject to all other applicable provisions of this Ordinance, and of other ordinances of the Town, except as herein expressly otherwise provided. Notwithstanding the fact that a cluster plan may have been approved for lots located in either and R-43 or an R-35 district, which plan permits one or more of said lots to be varied below the minimum area regulation applicable to the district in which they are located; (a) no guest house shall be permitted on any such lot which does not meet the minimum area regulations applicable to the district in which it is located, without regard to the provisions of this Article except as set forth in Section 2.4.3A; (b) no horses shall be kept on a lot located in an R-43 district unless such lot meets the minimum area regulations applicable to the district without regard to the provisions of this Article.

2.5 Special Use Districts

2.5.1 General Purpose ~~;~~ & Applicability. (Previously Section 1101)

A. General Purpose

The purpose of this ~~Article-district~~ is to implement the Town of Paradise Valley General Plan. The General Plan recognizes and values the Town's unique role as a low-density residential community and requires the Town to preserve and maintain the community's primarily one- ~~(1)~~ acre, single-family residential character. The provisions of this ~~Article-district~~ are intended to further the goals and policies of the General Plan by ensuring that primarily non-residential uses and structures do not adversely affect the integrity and enjoyment of adjacent residential neighborhoods. These regulations also are intended to ensure that proposals for the revitalization and improvement of existing, primarily non-residential, sites as well as the development of new, primarily non-residential, sites include community impact assessments that address project effects on traffic, natural features, and light, noise, dust and odor pollution. In addition, these provisions are intended to promote the General Plan's goal of maximizing the security and aesthetic benefits of visual openness throughout the town by establishing a process to set specific limits on site development parameters.

B. Applicability (Previously Section 1102)

A special use is a primarily non-residential land use listed in this [Article-district](#) that is deemed to be generally compatible with the residential character of the Town of Paradise Valley. However, because of its potential adverse impacts on the community, a special use should be permitted only on a site that can be individually planned and developed in a manner that promotes the goals and policies of the General Plan and that protects the surrounding neighborhoods.

The intent of these provisions is to clearly define all of the uses permitted upon the approval of a Special Use Permit and to facilitate creative, high quality development that incorporates the following:

1. The implementation of the goals and policies of the General Plan.
2. The development of substantial open space and/or recreational facilities held in common ownership, control, or management.
3. The development of adequate public and/or private streets, storm drainage, and sewer and water utilities to minimize impacts on adjacent properties.
4. The preservation of significant natural land characteristics, open space, and view corridors.
5. Building design, site design, and construction of amenities that create a unique alternative to conventional development.
6. Assurances of proper property maintenance, including common control or management of the property, and the use of stringent development standards, or as appropriate, property owners' associations and recorded covenants, conditions and restrictions.
7. The preservation and enhancement of the neighborhood's appearance.
8. The construction or development of improvements that create substantial public benefits.
9. The incorporation of standards to ensure that the development will have minimal impact on adjacent properties.

2.5.2 Permitted Uses (Previously Section 1102.2)

The following buildings, structures, or uses may be authorized by a Special Use Permit issued in accordance with the procedures set forth in [this ArticleSection](#):

- A. Resorts
- B. Medical Offices, Kennels and Veterinary Clinics
- C. Religious Facilities, Private Schools, Non-Profit Organizations, and Public/Quasi Public Structures
- D. Country Clubs and Golf Courses
- E. Utility poles and Wires
- F. Guardhouses, Gatehouses, and Access Control Gates
- G. Amateur Radio Antennas

ARTICLE 3 - HILLSIDE DEVELOPMENT REGULATIONS

As valuable scenic resources, Camelback Mountain, Mummy Mountain and the Phoenix Mountains provide a permanent visual presence that exemplifies what is unique about Paradise Valley. They define the location and character of the Town, shape our sense of place and contribute to the Town's identity. These land forms, their foothills, and other areas over a ten percent (10%) slope, offer a desirable setting visible to the entire metropolitan area and an intrinsic aesthetic value to the Town; therefore they require unique standards resulting from the characteristics of hillside terrain.

3.1 Purpose (Previously Section 2201)

This Article exists to establish provisions to: a) regulate the intensity of development; b) preserve and protect the hillside environment; c) provide for the safety and welfare of the Town and its residents; and d) establish rules and procedures for review by the Hillside Building Committee for hillside development, building and construction plans through the implementation of the following:

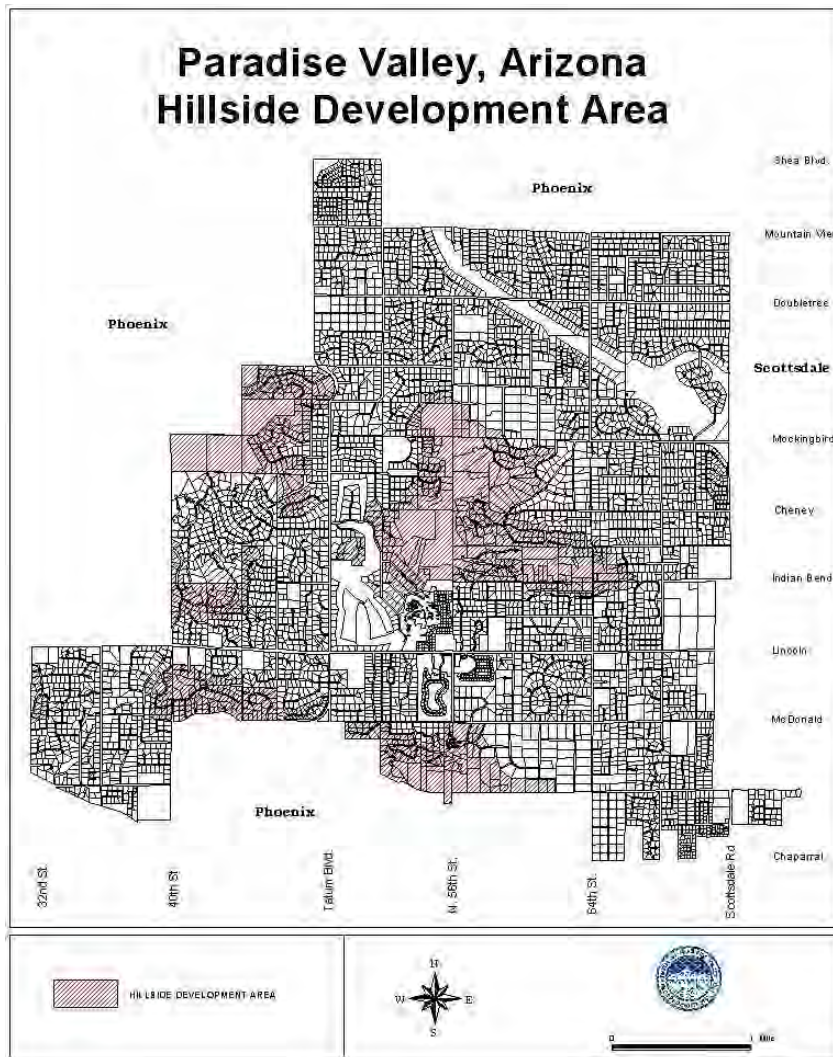
1. Require building massing to adapt to the natural hillside topography thereby reducing the scarring effects of roads, drives, Building Pads and Cut and Fill slopes.
2. Encourage all improvements to be designed and constructed in a manner that minimizes the impact of Development from viewpoints on the valley floor and adjacent slopes.
3. Prevent unnecessary Grading or stripping of vegetation, preserve drainage patterns, protect the public from natural hazards of storm water runoff and erosion, and require re-vegetation in order to maintain the natural landscape environment.
4. Preserve visual open space, unique natural features, wildlife habitats and retain the integrity and natural states of the identified dominant peaks and ridges.
5. Provide Development and construction practices and methods to ensure greater fire protection in hillside Development areas.
6. Require limited and efficient use of exterior lighting to maintain minimal night-time lighting levels and preservation of the dark sky.

3.2 Conservation Easements. (New)

Hillside property owners are encouraged to donate a "Conservation Easement area" to the Mummy Mountain Trust (which the Trust may or may not accept). A property owner may grant all or a portion of the undeveloped property as Conservation Easement area in order to preserve and protect the hillside environment. Physical development will be prohibited in the Conservation Easement area; however, the easement area can be used for "land use rights" (including, but not limited to, floor area ratio calculations, setback measurements, disturbance area, and other uses). Actual construction on, access to, or rights to occupy the Conservation Easement area are not be allowed.

This Article endeavors to enhance design quality so that the resulting Development maintains the essential natural characteristic and context of the hillside consistent with the goals and policies of the Town's General Plan.

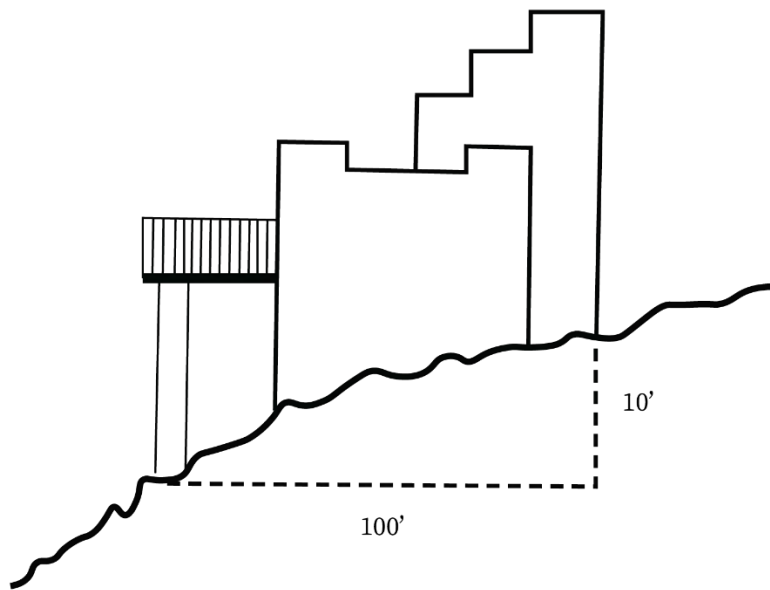
Figure 3.2A – Hillside Development Area



3.3 Implementation (Previously Section 2202)

The provisions of this Article shall apply to all land within a Hillside Development Area as denoted on Figure 3.2A and to all lands where the natural terrain under the Building Pad has a slope of ten percent (10%) or greater (see example below in Figure 3.3B), whether shown in Figure 3.2A or not. However, a ten percent (10%) or greater slope, in an area not denoted on Figure 3.2A, created by a natural wash on land that would otherwise not be classified as hillside land, shall be exempt from the hillside regulations. Hillside lands are also subject to special provisions relating to Lot split and subdivision development as set forth in the subdivision code. If there is a conflict between the Hillside Development provisions and another section of this Ordinance or the Town Code, these provisions shall prevail.

Figure 3.3B – Ten Percent (10%) Slope



3.4 Review and Development Process (Previously Section 2205)

The Hillside Building Committee shall review Development plans, as outlined in Section 6.4, prior to the issuance of a building, Grading or other Development permit. The review and development process consists of up to four stages, depending upon the nature and scope of the proposed Development. In addition, safety reviews and measures may be required as outlined in Section 3.4.6.

3.4.1 Pre-Application Review: (Previously Section 2205)

All applications for development or building and construction within Hillside Development Areas are required to submit a pre-application to determine the need for all such applications to comply with certain requirements pursuant to the Hillside Development Regulations and the Hillside Safety Improvement Measures and Process Manual. The Applicant shall submit a completed pre-application and pay all applicable pre-application fees, if any (and in the amount specified in the Town of Paradise Valley Fee Schedule, as such may be amended from time to time) prior to submitting an Administrative Hillside Chair Review, Combined Hillside Building Committee Review, Concept Plan Review, or Formal Hillside Building Committee Review application.

3.4.2 Administrative Hillside Chair Review: (Previously Section 2205)

The Applicant shall submit a completed application and the required fees to the Town. Proposed accessory structures and additions may be reviewed by the Hillside Building Committee Chair provided the proposed improvements do not: (i) exceed or increase the building height of the main residence; (ii) increase the existing building Footprint by more than ~~100~~ one hundred square feet (100 sq. ft.); (iii) create more than ~~100~~ one hundred square feet (100 sq. ft.) of additional Disturbed Area; (iv) increase the length of walls by more than fifteen lineal feet (15 ft.) lineal feet; (v) propose a significant addition of exterior lighting; or (vi) create a significant adverse visual impact. The Chair shall review the submittal for compliance with the goals, purposes, and specific criteria of this ordinance.

3.4.3 Combined Hillside Building Committee Review Meeting: (Previously Section 2205)

The Applicant shall submit all materials outlined in Section 3.5.3 to the Town. The Hillside Building Committee shall then review the submittal for compliance with the goals, purposes, and specific criteria of this ordinance and either approve, approve with stipulations or changes, or deny the submittal. Minor remodel/additions, site

improvements (such as, but not limited to, solar panels, pool and spa additions), shall be reviewed as a Combined Hillside Committee Review.

3.4.4 Concept Plan Review Meeting: (Previously Section 2205)

The Applicant, along with their architect and engineer shall submit a completed application and the required fees, to the Town Manager or designee at the time they request a concept plan review meeting (pre-hillside meeting) with the Hillside Building Committee. All new single-family residences and major remodel/additions require a Concept Plan Review Meeting. The purpose of this meeting is to discuss, review, and give suggestions and guidance to the Applicant regarding the proposed development including: the location of the building pad and accessory uses; how these relate to Significant Natural Features; the preservation of existing vegetation; Grading concepts and their adaptation to the natural hillside topography; and how the requirements pursuant to these hillside regulations and purpose statement will guide the proposed Development.

3.4.5 Formal Hillside Building Committee Review Meeting: (Previously Section 2205)

At this stage, in addition to those materials previously submitted, the Applicant shall submit all materials outlined in **Section 3.5.3** to the Town Manager or designee. The Hillside Building Committee shall then review the submittal for compliance with the goals, purposes, and specific criteria of this ordinance and either approve, approve with stipulations or changes, or deny the submittal. All new single-family residences and major remodel/additions require a Formal Hillside Committee Review Meeting.

3.4.6 Safety Measures and Reviews. (Previously Section 2205)

Refer to Chapter 5 of the Town Code for Safety Measure and Review Requirements.

3.4.7 Building Permit Review: (Previously Section 2205)

The final construction plans submitted to the Town Community Development Department for review and approval shall comply with the final approval of the Hillside Building Committee. Any variation from excavation and Grading requirements within the Town Code must be accompanied by a soils engineering report from a testing laboratory or geological engineer approved by the Town Engineer. No site preparation or construction shall commence until the Town has issued a Grading, demolition, or building permit.

- A. The plans, including any safety measures and reports, for any Development in the Hillside Development Area, must be approved by the Town and appropriate legal permit(s) issued before any clearing and grubbing, Grading, bulldozing, blasting, or movement of earth is commenced. Building permit applications must be submitted within a twelve (12) month period after the date of approval from the Hillside Building Committee or Hillside Building Committee Chair. If a building permit application is not submitted within a twelve (12) month period, the approval shall be null and void. If appropriate, based upon circumstances outside the control of the Applicant, a one-time six (6) month extension may be granted by the Town Manager or designee. If the permit expires, at no time after that expiration period does the applicant have any vested prior approval rights.
- B. When a building, demolition, or Grading permit is required under the provisions of these regulations or any other provision of the Town Code for new single family residences, major remodels or additions, major site improvements, and minor remodel/additions and minor site improvements, the Applicant shall first provide the Town with a form of financial assurance, and a right of entry and temporary construction easement agreement, acceptable to the Town Attorney.

The financial assurance shall be in an amount sufficient to place the Town in an assured position to do or to contract to be done the necessary work to cover, restore, and landscape exposed fills and cuts to blend with the surrounding natural terrain and to restore the property back to natural grade to the extent possible. The financial assurance shall be calculated in a dollar amount equal to thirty-five (35) times the Grading Permit Fee specified in the Town's Master Fee Schedule or in such greater amount

as deemed appropriate by the Hillside Building Committee and Town Manager or designee with the Committee to evaluate a higher fee when there is demolition (with or without Cut and Fill) or the building site has loose fill or boulders, significant washes or drainage ways, or steep and difficult to access terrain that would dictate the need for a higher assurance amount in order to complete restoration of a particularly difficult hillside property site.

The Grading permit for new single-family residences, major remodel/additions, and major site improvements shall be based upon the total number of cubic yards of Cut and Fill needed to restore the property back to Natural Grade. The Grading permit for minor remodel/additions and minor site improvements shall be based upon the total number of cubic yards of Cut and Fill associated with the project that is needed to restore the affected portions of the property back to Natural Grade.

In the event that work or Development on the site has commenced and then subsequently been abandoned for more than six (6) months the building, demolition, or Grading permit shall be revoked and become void; the financial assurance shall be forfeited to the Town at that time; and the financial assurance may be used by the Town, in its discretion, in such amounts as are necessary to restore the hillside property construction site to its original condition (based upon the scope of work - new single family residence, major remodel/additions, major site improvements or minor remodel/additions and minor site improvements).

Further, in the event that at any time during building, demolition, or Grading (or other construction at the site), unhealthy or unsafe conditions arise or are created by the Applicant and are not promptly addressed or remediated so as to cure the unsafe condition, the financial assurance may be used by the Town to address and remediate an unhealthy or unsafe condition. The Applicant or property owner shall, upon reasonable notice from the Town, provide access to the property for the purpose of restoration of the construction site to its original condition (based upon the scope of work - new single-family residence, major remodel/additions, major site improvements or minor remodel/additions and minor site improvements) or to address any health or safety conditions that arise or are created by the Applicant. In the event that building, demolition, or Grading has not commenced within six (6) months from the date of issuance of the building, demolition, or Grading permit, the plan approval and permit shall expire and the financial assurance shall be returned or cancelled.

3.4.8 Issuance of Certificate of Occupancy: (Previously Section 2205)

Prior to the issuance of any Certificate of Occupancy for any building constructed pursuant to these Regulations, the applicant shall obtain from the Town certification of compliance with this Article. For projects that are ready for Certificate of Occupancy (C of O) or Certificate of Completion (C of C) between the months of May 15th and September 15th, the applicant may request a temporary deferment on the installation of the landscaping (in which the C of O or C of C may be released without the installation of the landscaping). The temporary landscape deferment is subject to the following conditions:

- A. The landscaping shall be installed in accordance with the approved plan,
- B. The Town will hold the financial assurance until the landscaping is installed, and
- C. The landscaping must receive an approved inspection by the Town within five (5) months from the issuance of the C of O or C of C.

3.4.9 Expiration of Applications. (Previously Section 2205)

For purposes of this section, a "Hillside Application" shall be defined as an application for an Administrative Hillside Chair Review, Combined Hillside Building Committee Review, Concept Plan Review, or Formal Hillside Building Committee Review that: 1) is deemed to be sufficiently complete by the Town staff in order for the staff

to commence a review of the application; 2) is accepted by the Town staff for review; and 3) includes full payment of all applicable fees required by the Town for such application. A Hillside Application that fails to receive Hillside Building Committee or Hillside Building Committee Chair approval within eighteen (18) months from the date of Hillside Application submittal is null and void. Thereafter, the Applicant must file a new Hillside Application (along with the applicable application fee and submittal requirements) and the new Hillside Application is subject to the ordinance in effect at the time of the new Hillside Application.

- A. Expired Hillside Applications that did not receive Hillside Building Committee review may request a partial refund of eighty percent (80%) of the original application fee. Expired Hillside Applications that received Hillside Building Committee review (that is, a Concept Plan Review) are not subject to a refund.
- B. An applicant may apply for a one-time six (6) month automatic extension of a Hillside Application. The extension is measured from the original date of Hillside Application expiration. After such one-time extension, the Town Manager or designee may, in his or her sole discretion, extend the time if the Town Manager or designee finds that the Applicant establishes, to the satisfaction of the Town Manager or designee, a hardship or other circumstance beyond the Applicant's control that has led to the delay. The Town Manager or designee may, in his or her sole discretion, then grant up to two (2) additional "extensions" for periods not exceeding one hundred eighty (180) days each, provided, again, that the Applicant establishes, to the satisfaction of the Town Manager or designee, a hardship or other circumstance beyond the Applicant's control that has led to the additional delay.
- C. All requests for extensions shall be in writing and shall specify the hardship or other circumstance beyond the Applicant's control that justifies the extension request.
- D. The Hillside Application expiration shall be tolled during the time period of any court action that delays the Hillside Application.
- E. For applications filed prior to June 21, 2018, the date of June 21, 2018 shall be used as the application submittal date for purposes of expiration of all Hillside Applications.

3.5 Documentary Requirements and Certification (Previously Section 2206)

3.5.1 Administrative Hillside Chair Review (Previously Section 2206)

The applicant shall submit plans and documents based upon the scope of the improvement and as determined by the Town Manager or Designee and the Hillside Committee Chair.

3.5.2 Concept Plan Review Meeting Submittal Requirements (Previously Section 2206)

The applicant shall submit the following:

- A. Notification Letters. At least three (3) weeks prior to the scheduled conceptual Hillside Building Committee meeting the applicant shall submit to the Town a neighbor notification letter complete with address labels, with appropriate postage, for all property owners within one thousand five hundred feet (1,500 ft.)-feet of the perimeter of the subject property. This notification letter shall include the following information: a) type of proposed development (addition, remodel, new construction); b) the scheduled hearing date and time; c) that the letter is only a courtesy notification and that their attendance at the meeting is not required; d) the purpose of the meeting; and e) the goals of the meeting.
- B. Seven (7) copies of a preliminary site plan that includes, but is not limited to, the building Footprint, Driveway, swimming pool, and accessory use locations along with topographic information for the Lot.

- C. A 3-dimensional ~~(3-D)~~ representation of the general massing of all proposed structures (e.g. a mass model, a 3-D scaled rendering or a scaled computer-generated model in relation to topography – not a detail model).
- D. A recent aerial photo of the site (less than one (1) year old), with topography, Lot lines, and the building Footprint superimposed on it, identification of Significant Natural Features, as well as adjacent Lots and structures within ~~100~~ one hundred feet (100 ft.) of the perimeter of the subject property (minimum 24"X 36"), and the location of the Driveway access in relation to the nearest roadway.
- E. Preliminary calculations on land disturbance and Cut and Fill methods.

3.5.3 Formal and Combined Hillside Committee Review Meeting (Previously Section 2206)

All plans submitted to the Town for review shall be stamped and sealed by the appropriate registered or licensed professional (e.g. civil engineer, land surveyor, geologist, or architect). All plans shall be reviewed by the Hillside Building Committee. In addition, once the plans have been approved by the Committee the applicant shall submit final plans, in accordance with the Hillside Building Committee's approved plans, to the Community Development Department for review. Plan review fees for each such submittal shall be paid at the time of the submittal of such plans in the amount specified in the Town of Paradise Valley fee schedule, as such may be amended from time to time. The following plans and material shall be required:

- A. Notification Letters. At least three (3) weeks prior to the scheduled Formal Hillside Building Committee Meeting the applicant shall submit to the Town a neighbor notification letter complete with address labels, with appropriate postage, for all property owners within one thousand five hundred feet (1,500 ft.) ~~feet~~ of the perimeter of the subject property. This notification letter shall include the following information; a) type of proposed development (addition, remodel, new construction), b) the scheduled hearing date and time, c) that the letter is only a courtesy notification and that their attendance at the meeting is not required, d) the purpose of the meeting, and e) the goals of the meeting.
- B. Seismic Refraction Survey. Unless waived by the Town Manager or designee, all proposed Cuts shall require a seismic refraction survey, performed by a registered geologist or registered geotechnical engineer. If the geological report, geotechnical report, or seismic refraction survey indicates fractured or unstable rock, then the proposed location of the Building Site (or appurtenances) shall be changed to a stable location unless the unstable condition(s) can be mitigated by an engineered design that creates a stable location and complies with the provisions of this Article and other Articles of this Zoning Ordinance. The geological report and results of the seismic refraction survey shall be submitted to the Town.
- C. Site Plan. A detailed site plan (minimum 24 inches" X 36 inches"), sealed by a registered engineer or land surveyor, with topographic information for the entire Lot including under the Footprint of the building. This site plan shall depict: the limits of disturbance; the building envelope including the building Footprint, Driveway(s), swimming pools, mechanical equipment, sanitary sewer or septic systems; location, size and type of mechanical screen walls and pool barrier fencing; length and height of Retaining Walls; all accessory buildings; and Significant Natural Features.
- D. Photographs. Photographs of the site looking out from the property in all directions and of the property from several different views.
- E. Grading and Drainage. A detailed Grading and drainage plan (minimum 24" X 36"), and on-site retention, sealed by a registered civil engineer, with topographic information for the entire Lot. This plan shall show proposed finished contours at one-foot (1 ft.) ~~feet~~ intervals within a perimeter of twenty feet (20 ft.) ~~feet~~ from the building, a maximum two-foot (2 ft.) ~~feet~~ intervals elsewhere, and shall show existing and proposed contours. This plan shall show the limits of excavation and Fill; slope

of Cut and Fill; total cubic yards of excavation and Fill; method of concealment for each Fill or exposed Cut; and the calculations for the amount of disturbance for the total development. This plan shall show original drainage pattern (natural course) and proposed changes. If any structures or culverts are involved, it will be necessary to include an estimate of peak flows for a ~~100~~ one hundred (100)-year ~~two (2)~~ two (2)-hour frequency storm event to establish drainage facility cross-sections. The plan shall show the type and location of On-Site Storm Water retention and the retention volume for each location.

- F. Landscaping. A detailed landscape plan that includes, but is not limited to the following: the building envelope; building Footprint; all accessory structures and locations; all Significant Natural Features; plant materials list with type, quantity and size; plant location; location and species of salvaged plant materials; and methods for re-vegetation of all Disturbed Areas. Native desert vegetation shall be identified and preserved to the maximum extent reasonably possible. A landscape salvage plan shall be provided.
- G. Cross Sections. Cross sections of new buildings and appurtenances at a scale equal to or greater than the site plan scale at three (3) or more locations perpendicular to the contours through the Building Site shall be clearly shown on the topographic map and sealed by a registered professional, or other professionals as determined by the Town Manager or designee.
- H. Lighting. A detailed outdoor lighting plan indicating the proposed luminaire locations on the building and on the site (if applicable); the type of illuminating devices including; the manufacturer's catalog cut sheets and drawings; and photometrics that describe the illuminating devices; the fixtures, lamps, lumens, supports, beam angles, and other devices.
- I. 3-Dimensional (3D) Scaled Computer Model or a 3D Scaled Study Model: The applicant shall submit a 3D computer model or a scaled study model for Hillside Building Committee review.
- J. 3D Computer Model: A computer generated 3D model, with accurate points of reference superimposed on it; showing the appearance of the building, Lot, landscaping, and skyline. The model must accurately represent the massing of all structures and roof forms as well as the following:
 - 1. All windows, exterior doors and skylights.
 - 2. A sufficient area of the property to visually relate the proposed structure and accessory uses to the natural terrain.
 - 3. The location of the Driveway access in relation to the nearest roadway.
- K. 3D Scaled Study Model: Including all proposed improvements, at not less than (1/16) inch = (1) foot showing the relationship of all proposed improvements to the contours of the Lot. The model must accurately represent the massing of all structures and roof forms as well as the following:
 - 1. All windows, exterior doors, and skylights (showing the location of all proposed skylights and their orientation to neighboring properties), and the location of the Driveway access in relation to the nearest roadway.
 - 2. The model shall include enough of the property to visually relate the proposed structure and accessory uses to the natural terrain.
 - 3. The Applicant's name, architect's name, builder's name, Lot number, scale, and north arrow.
- L. Rendering. An accurate oblique view architectural rendering in color or a computer generated 3-dimensional picture shall be submitted showing the appearance of the building, Lot, landscaping, and skyline. The rendering or computer-generated picture, and the model may remain in the custody of the Town until a Certificate of Occupancy is issued or until released by the Town.

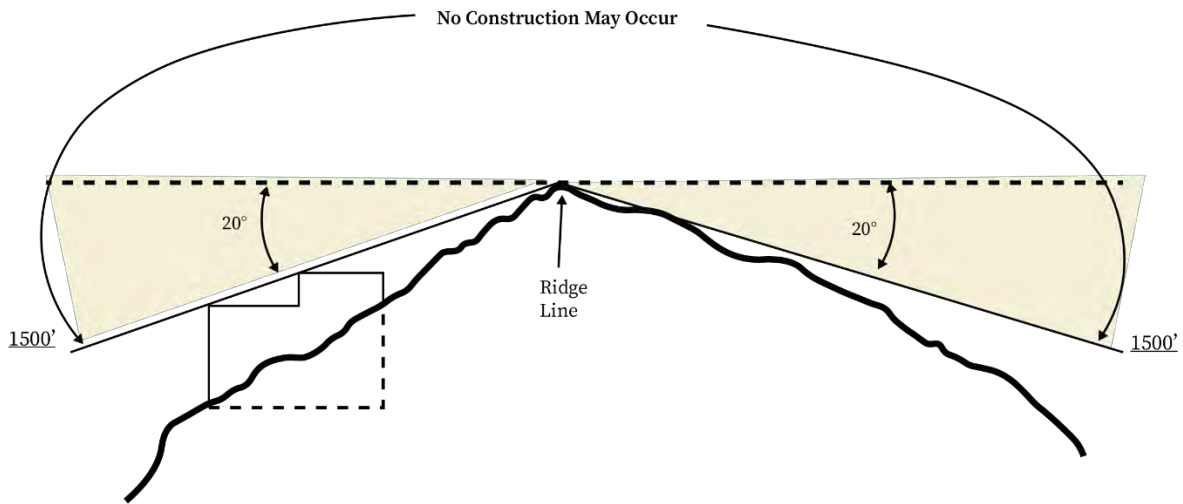
- M. Exterior Material Samples: Include samples of all colors, materials, and material specifications mounted on rigid board with all materials identified with the manufacturer's name, color, and LRV number where applicable. Material samples or color specifications are required for all exterior materials and finishes including but not limited to:
1. Roof
 2. Metal
 3. Hardscape
 4. Stone
 5. View fencing
 6. Patio, deck area including second story structures, pool, and breezeways
 7. Wall color and texture (8½" x 11" sample size)
 8. Masonry
 9. Glass
 10. Driveway and terrace paving
 11. Garage doors
- N. The Applicant's Engineer or Surveyor shall install a marker to designate the location of the house at the major building corners. The markers should be at least three feet (3 ft.) feet in height with a colored ribbon at the top of the marker. The applicant shall install markers at least two (2) weeks prior to the Formal Hillside Committee meeting and remove immediately following the Formal Hillside Committee meeting.

3.6 Development Standards (Previously Section 2207)

3.6.1 Mountain Profile Inviolate (Previously Section 2207)

- A. At and above an elevation of one thousand five hundred feet (1,500 ft.) feet–mean sea level, no Development shall occur which will Alter the Mountain Top Ridge Lines as shown on **Figure 10.3A**. A model must be submitted pursuant to **Section 3.5.3A** showing compliance with this paragraph together with complete plans showing the appearance of the mountain top profile, as part of the submittal for the Formal or Combined Hillside Committee Review. Further, no structure may extend above a plane that originates on the Primary Ridge Line and angles downward from the Primary Ridge Line by twenty degrees (20°). (See **Figure 3.6.1A**).

Figure 3.6.1A - Ridge Line Twenty Degree Delineation



3.6.2 Architectural Standards (Previously Section 2207)

- A. For development within the Hillside Development Areas, the height of structures shall be determined by the following four (4) sub-sections and not by the zoning district regulations that apply to Lots or parcels outside the Hillside Development Area.
1. Primary Building
 - a) The height of a primary building or primary structure is limited to a ~~twenty-four-foot~~ twenty-four-foot (24 ft.) ~~foot~~ imaginary plane that parallels the existing pre-development Natural Grade. (see Figure 3.6.2A).
 - b) In the case where the Natural Grade has been Cut and is not restored back against the building, no exposed face in any vertical plane shall exceed a ~~twenty-four-foot~~ twenty-four-foot (24 ft.) ~~foot~~ height measured from the lowest, Finished Grade. The maximum height of any deck support shall not exceed twelve ~~(12 ft.)~~ feet (12 ft.) ~~feet~~ tall measured from the adjoining grade.
 2. Accessory Structures
 - a) The height of an accessory building or accessory structure is limited to a ~~sixteen-foot~~ sixteen-foot (16 ft.) ~~foot~~ imaginary plane that parallels the existing pre-development Natural Grade. (see Figure 3.6.2B)
 - b) In the case where the Natural Grade has been Cut and is not restored back against the building, no exposed face in any vertical plane shall exceed a ~~sixteen-foot~~ sixteen-foot (16 ft.) ~~foot~~ height measured from the lowest, Finished Grade. The maximum height of any deck support shall not exceed twelve ~~feet (12 ft.)~~ feet (12 ft.) ~~feet~~ tall measured from the adjoining grade.

Figure 3.6.2A – Building Height in Hillside

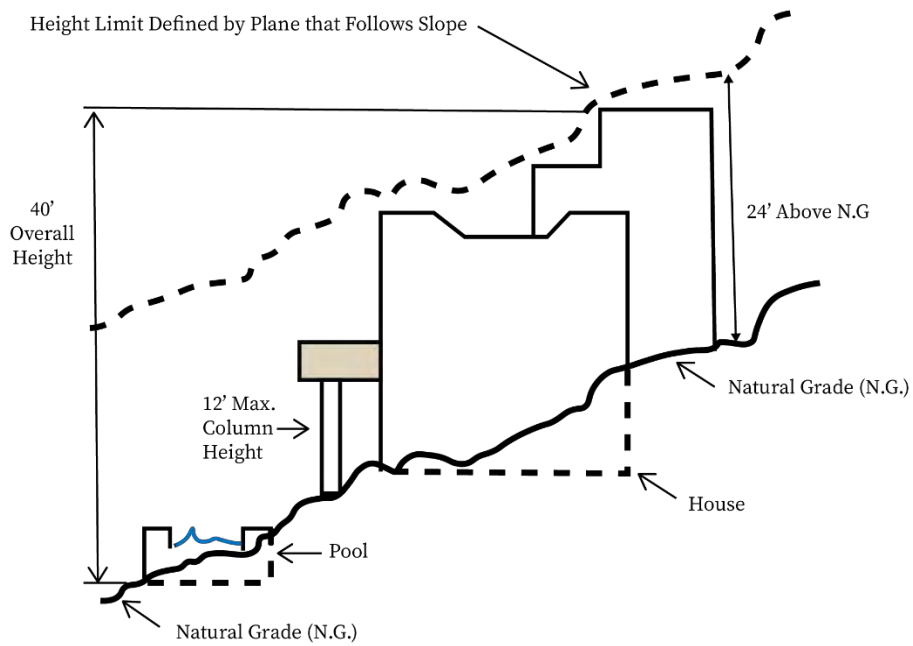
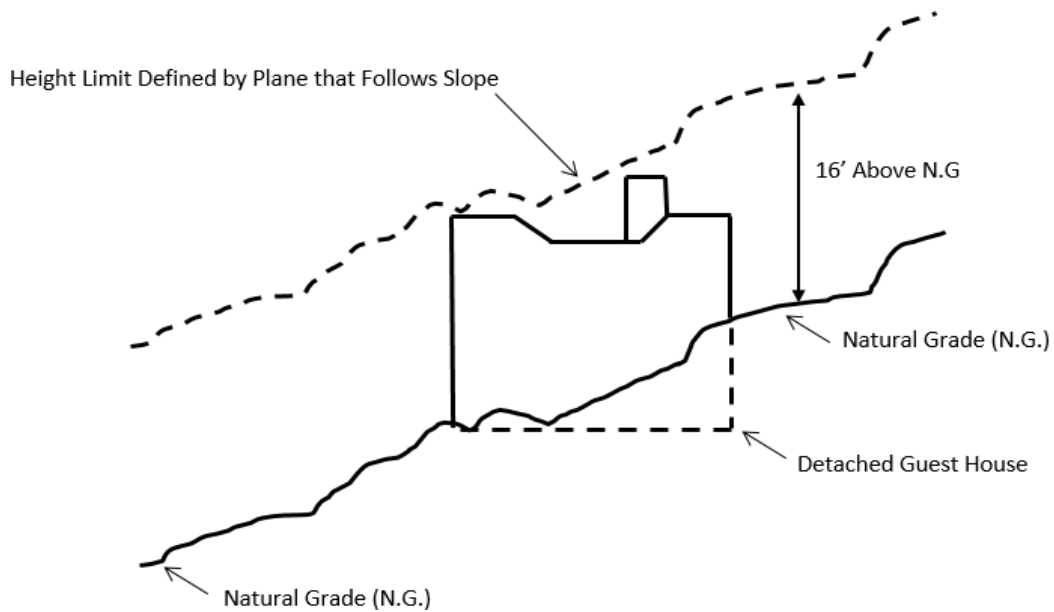


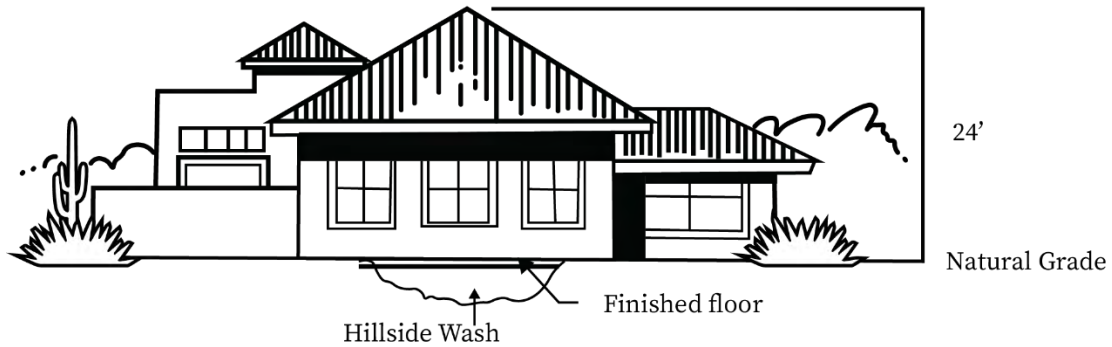
Figure 3.6.2B - Accessory Building Height Limit



- c) The maximum overall height of the building or structure, including chimneys and accessory buildings, shall not exceed forty feet (40 ft.) feet from the highest point of a building or structure to the lowest point of Natural Grade at the lowest building or structure (excluding Driveway Retaining Walls, Driveway Entry Gates, and Retaining Walls needed to prevent erosion or flooding in Accordance with Section 2207.VI) (see **Figure 3.6.2B**).

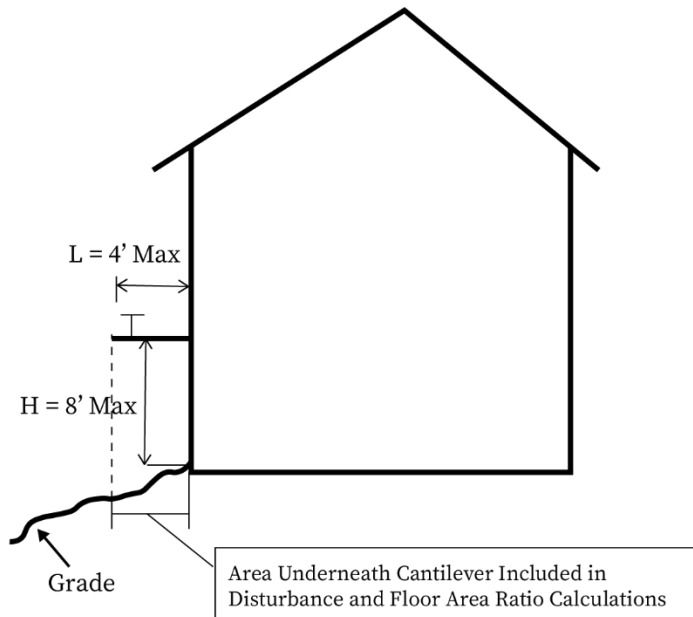
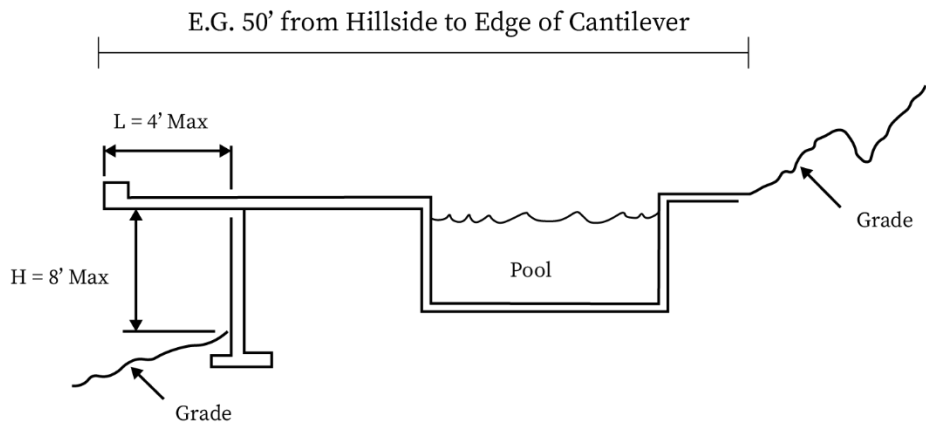
- d) Where a building spans a wash the maximum height of twenty-four ~~feet (24 ft.)~~ feet shall be measured vertically from that point where the visible structure and the side of the wash intersect. See Figure 3.6.2C.

Figure 3.6.2C Building Height with a Hillside Wash Cross Section



- B. Cantilevers. The primary residence, accessory buildings, and other structures (such as pool decks) may employ the use of Cantilevers, subject to the following limitations:
 1. Primary residence and accessory buildings. Cantilevered elements of the building must comply with the applicable setbacks and heights of the building. Buildings employing the use of a Cantilever may extend the cantilever a maximum horizontal length of ~~four feet (4 ft.)~~ feet and a maximum vertical height of ~~eight feet (8 ft.)~~ feet from adjoining grade. All of the area above the Cantilevered element shall be calculated as floor area and shall be included in the floor area ratio. All of the area underneath the Cantilevered element shall be calculated as Disturbed Area and shall be included in the Disturbed Area calculation (See Figure 3.2.6D).
 2. All other structures (such as pool decks). Cantilevered elements of the structure must comply with the applicable setbacks and heights of the structure. Structures employing the use of a Cantilever may extend the Cantilever a maximum horizontal length of ~~four feet (4 ft.)~~ feet and a maximum vertical height of ~~eight feet (8 ft.)~~ feet from adjoining grade. All of the area underneath the Cantilevered element shall be calculated as Disturbed Area and shall be included in the Disturbed Area calculation (See Figure 3.2.6D).
 3. The visible area under a Cantilever must be finished with colors or materials that match the adjoining structures or blend in with the surrounding natural setting. The materials or colors used shall not have a LRV (Light Reflective Value) greater than thirty-eight ~~percent (38%)~~ percent.
 4. Driveways. Cantilevered Driveways shall not be allowed. (See Figure 3.2.6D below).
 5. All of the setback requirements of the underlying zoning district shall apply in the Hillside Development Area (see Section 2.2.7A).

Figure 3.6.2D – Height For a Cantilevered Element



- C. Raised Outdoor Living Areas are subject to the setback requirement of pools and spas and are limited to a maximum height of eight ~~feet (8'3 ft.)~~ feet-tall.
- D. Materials used for exterior surfaces such as structures, walls, roofs and fences shall blend with the surrounding natural setting and avoid high contrasts. There shall be no paint or material colors used which have a LRV (Light Reflecting Value) greater than thirty-eight ~~percent (38%)~~ percent. Materials and color used for exterior surfaces are subject to Hillside Building Committee review and approval. The applicant must demonstrate how the materials and colors used for the exterior surfaces blend in with the natural surroundings and settings. Limited use of contrasting accent colors (in excess of thirty-eight percent (38%) LRV) for small elements, including, but not limited to items such as doors and window mullions, may be allowed upon explicit approval of the Hillside Building Committee.

- E. All electrical service equipment and subpanels and all mechanical equipment including, but not limited to, air conditioning, evaporative cooling, and antennas greater than twenty-four inch (24" in.) inch by thirty-six inch (36 in.) inch oval shall not be allowed on the roof.
- F. Solar panels may be allowed if they are integrated into the building design and hidden from view when viewed from the same or a lower elevation and approved by the Hillside Building Committee by a Combined Review. Solar panels may be allowed on pitched roofs when screened from the same or a lower elevation by the adjoining hillside or hillside Cut and approved by the Hillside Building Committee by a Combined Review.
- G. Stealth solar technology may also be used on roofs and may not be required to be hidden from view. Stealth solar technology shall be limited to solar shingles and solar tiles that are integrated to blend in with the building design, do not have a shiny metallic finish, have a light reflective value of thirty-eight percent (38%) or less, and must be approved by the Hillside Building Committee by a Combined Review.
- H. All mechanical, electrical, and natural gas equipment along with pool equipment and antennas shall be screened in such a manner that they are not visible from outside the property when viewed from the same or a lower elevation. Vegetation does not constitute a screen.
- I. Mirrored surfaces or reflective treatments that change or enhance ordinary glass into a mirror surface are prohibited. Permanently reflective metallic surfaces shall be prohibited.
- J. The building design should minimize the reflection of daytime glare from glass and the emission of light from within the structure during evening hours.
- K. The quantity and orientation of skylights shall be designed to minimize night time emission of light and may be allowed upon approval of the Hillside Building Committee.
- L. Shake shingle roofs are prohibited. Existing shake shingle roofs on residential structures may be allowed only until such time that it is determined, during the course of normal maintenance, that a new roof (re-roof) is necessary and/or the extent of maintenance or repair work requires a building permit from the Town.

3.6.3 Land Disturbance Standards (Previously Section 2207)

- A. The limits of construction, demolition, or proposed Disturbed Areas shall be clearly staked in the field, with a minimum barrier of visible roping, prior to and during construction and shall conform to the approved plans. Both during and after construction, no disturbance shall be permitted beyond the areas designated as the limits of disturbance on the plans. Photographs of the staked Disturbed Area limits shall be provided to the Town. If land disturbance in violation of this ordinance occurs, the illegally-Disturbed Area(s) shall be restored to its Natural Grade and re-vegetated with plant material of the same species, size, and at a similar density present prior to the illegal disturbance.
- B. All disturbed land that is not otherwise used for approved development shall be restored to the Natural Grade and re-vegetated with plant material native to the hillside and pursuant to a landscape plan that is appropriate for the site and approved by the Hillside Building Committee or Town Manager or designee.
- C. All buildings, structures, roads, and drives shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance. The maximum height of any Cut used to establish a Building Site shall not exceed thirty feet (30 ft.)-feet.
- D. All surplus excavated material shall be removed from the Lot prior to the issuance of the Certificate of Occupancy.

- E. After final Grading, not more than five percent (5%) of the Lot shall be steeper than the Natural Grade of the Lot.
- F. The total Disturbed Area shall not exceed the allowed percentage of the Lot area as shown in **Table 3.6.3A** below.
- G. Grading within street rights-of-way or tracts of land for private roads is exempt from the disturbance calculations. Any roadway Grading beyond the limits of the dedicated rights-of-way or private road tracts shall be placed in slope easements and included within the calculations for land disturbance limitations.
- H. A legally pre-existing Disturbed Area may be excluded from Disturbed Area calculations when the applicant complies with all of the following restoration conditions:
 - 1. The restored area shall follow original natural contours.
 - 2. The restoration shall be treated with an aging agent approved by the Town Manager or Designee and planted with native desert material that is consistent in density with the area surrounding the undisturbed areas abutting the pre-existing Disturbed Area.
 - 3. The restoration process plan shall be sealed by a landscape architect and/or a registered professional.
- I. On-Site Storm Water retention shall be included in the allowable Disturbed Area. Retention methods (i.e. basins) not employing the use of Retaining Walls, vegetated with native plant material, and designed in accordance with the Town’s Storm Drain Design Manual shall count as fifty percent (50%) percent Disturbed Area.
- J. The livable portion of the main residence including garage and livable portions of detached accessory buildings shall not be counted as Disturbed Area provided that all buildings are within the required setbacks and do not exceed the building height limitations as specified in **Section 3.6.2** of this Ordinance.

Table 3.6.3A – Slope Category/Lot Disturbance Limitations

Bldg. Site Slope	% Allowable Land Disturbance	Bldg. Site Slope	% Allowable Land Disturbance	Bldg. Site Slope	% Allowable Land Disturbance
10%	60.0	41%	9.90	72%	6.80
11%	53.66	42%	9.80	73%	6.70
12%	47.94	43%	9.70	74%	6.60
13%	42.81	44%	9.60	75%	6.50
14%	38.21	45%	9.50	76%	6.40
15%	34.11	46%	9.40	77%	6.30
16%	30.48	47%	9.30	78%	6.20
17%	27.27	48%	9.20	79%	6.10
18%	24.46	49%	9.10	80%	6.00
19%	22.01	50%	9.00	81%	5.90
20%	19.88	51%	8.90	82%	5.80
21%	18.04	52%	8.80	83%	5.70
22%	16.48	53%	8.70	84%	5.60
23%	15.16	54%	8.60	85%	5.50
24%	14.05	55%	8.50	86%	5.40

25%	13.13	56%	8.40	87%	5.30
26%	12.37	57%	8.30	88%	5.20
27%	11.76	58%	8.20	89%	5.10
28%	11.28	59%	8.10	90%	5.00
29%	10.90	60%	8.00	91%	4.90
30%	10.62	61%	7.90	92%	4.80
31%	10.41	62%	7.80	93%	4.70
32%	10.25	63%	7.70	94%	4.60
33%	10.15	64%	7.60	95%	4.50
34%	10.08	65%	7.50	96%	4.40
35%	10.04	66%	7.40	97%	4.30
36%	10.02	67%	7.30	98%	4.20
37%	10.01	68%	7.20	99%	4.10
38%	10.00	69%	7.10	100%	4.00
39%	10.00	70%	7.00		
40%	10.00	71%	6.90		

3.6.4 Driveways (Previously Section 2207)

- A. Driveways that only serve a new single residence shall be: (1) a minimum of twelve feet (12 ft.) feet wide; (2) surfaced with paving brick, textured integral colored concrete (i.e., stamped or exposed aggregate etc.) or other similar decorative paving materials specifically colored to blend with the existing natural color of the site (asphalt Driveways are prohibited); (3) designed with an overall grade that does not exceed thirty percent (30%); (4) constructed in full conformance with the Fire Code; and (5) developed only as specifically approved by the Hillside Building Committee, Hillside Chair, or Town Manager or designee. The Driveway shall be included in the calculations for land disturbance limitations at a ratio of fifty percent (50%) of the total Disturbed Area of the Driveway, if the Driveway is constructed at a grade plus or minus six (6) inches from Natural Grade. Driveways with Cut and Fill in excess of six inches (6 in.) inches and under eighteen inches (18 in.) inches from Natural Grade shall be charged with seventy-five percent (75%) of the total Disturbed Area of Driveway surface. Driveways with Cut and Fill in excess of eighteen inches (18 in.) inches from Natural Grade shall be charged with one hundred percent (100%) of the total Disturbed Area of the Driveway (See **Table 3.6.4A**). The entire Driveway must be within the Natural Grade limit to be subject to the disturbance ratios noted above.
- B. Driveways that serve an existing home undergoing renovation, remodel, or an addition shall be included in the calculations for land disturbance limitations subject to the following conditions:
 - 1. Existing Driveways reconstructed or resurfaced with paving bricks, textured integral colored concrete (e.g. stamped or exposed aggregate etc.) or other similar decorative paving materials, specifically colored to blend with the existing natural color of the site, shall be excluded from the land disturbance calculations.
 - 2. Existing asphalt or uncolored concrete Driveways not reconstructed with paving bricks or textured integral colored concrete (e.g. stamped or exposed aggregate etc.) shall be calculated as Disturbed Area at a ratio of one hundred fifty percent (150%) of the total Disturbed Area of the Driveway.
 - 3. Any new portions of the Driveway beyond the layout of the existing Driveway shall be included in the calculations for land disturbance limitations at a ratio of fifty percent (50%) of the total

Disturbed Area of the Driveway, if the Driveway is constructed at a grade plus or minus six inches (6 in.) inches from Natural Grade. Driveways with Cut and Fill in excess of six inches (6 in.) inches and under eighteen inches (18 in.) inches from Natural Grade shall be charged with seventy-five percent (75%) of the total Disturbed Area of Driveway. The Driveways with Cut and Fill in excess of eighteen inches (18 in.) inches from Natural Grade shall be charged with one hundred percent (100%) of the total Disturbed Area of the Driveway (See **Table 3.6.4A**). The entire Driveway must be within the Natural Grade limit to be subject to the disturbance ratios noted above.

- C. The minimum standard turning radius for a Driveway is forty feet (40 ft.) feet; except that a minimum thirty-five foot (35 ft.) feet radius may be used provided all structures are protected with an approved fire extinguishing system or as deemed necessary by the Town Fire Marshal.
- D. Any street or Driveway Cut greater than eight feet (8 ft.) feet shall not have a length greater than one hundred feet (100 ft.) feet. The applicant must mitigate means of breaking-up the mass of the Cut and blending the Cut in with the surrounding natural terrain.
- E. A twenty foot (20 ft.) foot by thirty foot (30 ft.) foot Driveway apron may be required by the Fire Marshall or the Building Official at or near the garage or another location deemed necessary by the Fire Marshal, with no more than a five percent (5%) grade, to serve as a staging platform to fight a fire.
- F. The maximum height, measured vertically, of any Cut used to establish a street or Driveway shall not exceed thirty feet (30 ft.) feet.

Table 3.4.6A – Summary of Decorative Driveway Disturbance

Decorative Driveways for Remodeled Homes	Decorative Driveways for New Homes
100% Disturbance Credit for Existing Driveway Area New Driveway Beyond the Existing Layout/Driveway Area Receives Partial Credit: <ul style="list-style-type: none"> • 50% credit within 6” of Natural Grade • 25% credit over 6” and under 18” of Natural Grade • 0% credit if 18” or greater from Natural Grade 	50% credit within 6” of Natural Grade 25% credit over 6” and under 18” of Natural Grade 0% credit if 18” or greater from Natural Grade

3.6.5 Grading And Drainage Standards (Previously Section 2207)

- A. There shall be no clearing, grubbing, Grading, importing or stockpiling of Fill material on, or to, any site prior to approval of such Development by the Hillside Building Committee and approval of a Grading plan by the Town, unless such clearing, grubbing, or Grading, is required by the Town for public safety purposes. If applicable, approval of a Grading plan and drainage report prepared by a registered Engineer may be required for Town review and approval.
- B. The maximum depth of Fill shall not exceed seven and one-half feet (7-1/2 ft.) feet except beneath the Footprint of the main residence. All exposed Disturbed Area Fill shall be contained behind

Retaining Walls or covered with a natural rock veneer and treated with an aging agent and landscaped with indigenous plant material.

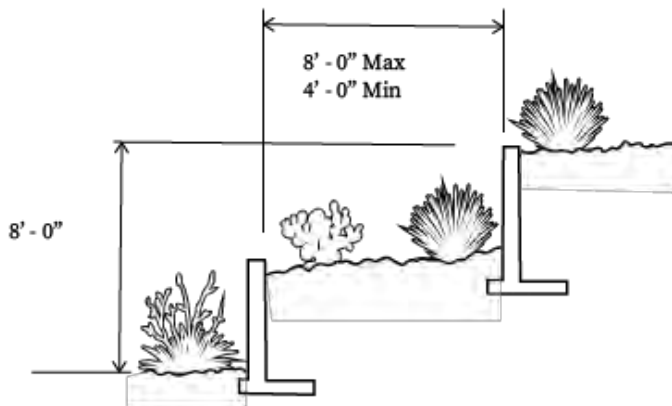
- C. Veneered Rock Slopes may be allowed provided that they are approved by the Hillside Building Committee, and:
 - 1. The vertical height of the Veneered Rock Slope does not exceed the vertical height of the exposed Cut with the base of the Veneered Rock Slope structurally engineered for stability.
 - 2. The Veneered Rock Slope does not exceed a ~~one to one~~one-to-one slope.
 - 3. Retaining Walls used to limit the height of the Veneered Rock Slope are color treated or veneered to blend in with the surrounding natural colors.
- D. Raw Spill Slopes are prohibited. Any violation will be subject to a stop work order until the spill slope is removed, restored to its Natural Grade, re-vegetated and approved by the Town.
- E. Storm water requirements for Off-Site Storm Water and On-Site Storm Water shall be per the Storm Drainage Design Manual.
- F. A Hillside Wash may be realigned in accordance with Chapter 5 of the Town Code and the Storm Drainage Design Manual.
- G. Washes located on a property shall be maintained in accordance with Chapter 5 and Chapter 8 of the Town Code and the Storm Drainage Design Manual.

3.6.6 Walls and Fences (Previously Section 2207)

- A. Curbs ~~eight inches (8 in.)~~inches or less in height above Finished Grade are not considered walls.
- B. No more than ~~three hundred 300~~total linear feet (300 ft.) of wall shall be visible from any point on the property line. All pool barriers shall be View Fencing. View Fencing is not calculated in the ~~300~~three hundred-foot (300 ft.) maximum allowable wall length.
- C. Walls that are otherwise permissible in **Section 5.2** are prohibited in the Hillside Development Area. Retaining Walls, pool barriers, walls used to screen mechanical equipment, Driveway columns and entry gates, and tennis/sport court fencing are allowed provided that they are of minimum lengths and heights, as further specified below, and are approved by the Hillside Building Committee.
 - 1. Retaining Walls:
 - a) The intent of the Retaining Wall requirements is to mitigate the massing and impact of walls on the hillside and preserve the characteristics of the desert. The objective is to allow only the minimum amount of Retaining Walls needed to access the property, retain Cut and Fill, and screen mechanical equipment and windows of interior bathroom areas.
 - b) Where Retaining Walls are provided, they shall meet the setback requirements of **Section 5.2, Height and Setback Regulations**, unless needed to access the property (such as Driveway Retaining Walls) or deemed necessary by the Town Engineer and the Community Development Director to prevent erosion or flooding.
 - c) The maximum length of any continuous Retaining Wall shall not be more than ~~100~~one hundred linear feet ~~(100 ft.)~~feet. The maximum height of any Retaining Wall shall not be more than ~~eight feet (8 ft.)~~feet. The height of a Retaining Wall is measured from the low side of Natural Grade when retaining Fill slopes and from Finished Grade when retaining Cut slopes to the top of the wall; whether the top is retaining earth or not.

- d) Retaining Walls shall be used for the purpose of containing Fill material or for minimizing Cut or Fill slopes. The Retaining Wall may only extend six ~~inches (6 in.) inches~~ above the material it is retaining.
- e) A terraced combination of Retaining Walls shall be measured as a single Retaining Wall provided the combined walls are: 1) no more than eight ~~feet (8 ft.) feet~~ total vertical height; 2) terraced with a minimum distance between of four ~~feet (4 ft.) feet~~ and a maximum separation of eight ~~feet (8 ft.) feet~~; and 3) contain appropriate vegetation between the walls so as to soften the visual impact of the combined walls (see Figure 3.6.6A). These separation requirements apply to any single Lot and do not apply to adjoining walls on neighboring properties.
- f) When a safety fence, on top of a Retaining Wall, is required by code it shall be a View Fence, with a minimum height per building code and a maximum height up to ~~forty-two inches (42 in.)~~ (as determined by the Hillside Building Committee), and shall be painted to blend with surrounding natural colors.
- g) Where Retaining Walls are provided they shall be color treated, textured, or veneered to blend in with the surrounding natural colors and textures of the native rock and soils at the site.

Figure 3.6.6A – Terraced Vertical Retaining Walls



- 2. Pool Barriers. All pool barriers shall be View Fencing. The pool barrier shall be the minimum amount that is needed to secure the pool and that is appropriate for the site.
- 3. Screen Walls: These walls may be solid walls provided they are of minimum height and length needed to screen the mechanical equipment, garbage cans, or windows of interior bathroom areas, and shall not exceed six ~~feet (6 ft.) feet~~ in height. Screen walls over ~~six feet (6 ft.) feet~~ in height may be allowed, at the discretion of the Hillside Building Committee, to properly screen the mechanical equipment or windows of interior bathroom areas; provided, 1) such walls meet the allowable setbacks and height of an accessory structure, and 2) screening area surrounded by screen walls is calculated as part of the allowable floor area.
- 4. Tennis/Sport Courts: Fences surrounding a Tennis Court or Sport Court shall be View Fencing no greater than ~~ten feet (10 ft.) feet~~ high as measured from the playing surface and shall be colored to blend in with the surrounding area. The enclosed area of the Fencing and the Tennis/Sport Court shall be counted as Disturbed Area.
- 5. Driveway columns and entry gates may be located ten ~~feet (10 ft.) feet~~ or more from the property line. The columns and gate are limited to six ~~feet (6 ft.) feet~~ in height and the columns may be a

maximum size of two ~~feet (2 ft.)~~-feet by two ~~feet (2 ft.)~~-feet. Electrically controlled gates must be equipped with an approved key switch located as far as possible from the right-of-way.

6. Driveway Retaining Walls. Driveway Retaining Walls may extend ~~eighteen inches (18 in.)~~ inches above the driving surface provided the Retaining Wall does not exceed the ~~eight-foot (8 ft.)~~ height limit. When a safety fence on top of a Driveway Retaining Wall is required by code, it shall be a View Fence with a minimum height per building code and a maximum height of ~~forty-two inches (42"-in.)~~ (as deemed appropriate by the Hillside Building Committee) and shall be painted to blend with surrounding natural colors. The Retaining Wall must comply with the ~~eight-foot (8 ft.)~~ height limit; however, the view guard is not limited to the ~~eight-foot (8 ft.)~~ Retaining Wall height limit.

3.6.7 Accessory Structures and Additions to Existing Structures (Previously Section 2207)

- A. Any proposed accessory structure or improvements to existing hillside structures which require additional Disturbed Area shall be accompanied by calculations of prior Disturbed Area to determine if the entire site is within the allowed limits for hillside construction. When the Disturbed Area equals that allowed, no further construction involving additional Disturbed Area will be permitted.
- B. Accessory buildings and structures shall not occupy more than one-half of the total ground area of the main building. No accessory building or structure shall exceed the height specified in **Table 2.2.4A** of **Article 2** of the Town Zoning Ordinance or elsewhere in this ordinance.

3.6.8 Sewers and Utilities (Previously Section 2207)

- A. Grading for septic systems, evapotranspiration systems, and alternative systems shall be included in the calculations for land disturbance limitations unless:
 1. The Disturbed Area is brought back to original Natural Grade contours, treated with an approved aging agent and planted to blend with surrounding natural growth,
 2. Special landscape plans for evapotranspiration systems shall be submitted to the Town Engineer. Plans shall show the appropriate vegetation and supplemental irrigation systems approved by the Town Engineer.
- B. Grading for utility lines, including water and sewer lines and lateral lines, electric, gas, telephone and cable services, shall be included within the calculations for land disturbance limitations unless:
 1. Trenches are placed under a Driveway, under paving or in other areas already counted as disturbed,
 2. Trenches and related Disturbed Areas are restored to appear as original ground, color treated and planted to blend with surrounding natural growth.

3.6.9 Fire Protection (Previously Section 2207)

- A. Washes must be maintained as easements as described in Section 8-7 of the Town Code and other applicable codes to minimize the risk and spread of fire.
- B. Grasses known to be highly flammable, such as fountain grass, Pennisetum setaceum, buffel grass, Pennisetum ciliare, etc. are not allowed in a Hillside Development Area.

3.7 Density and Subdivisions/Lot Split Standards (Previously Section 2209)

3.7.1 Density/Slope Category

The maximum number of Lots into which Hillside Development Area land may be subdivided shall be the sum of the number of Lots allowed in each slope category of land as shown by the following **Table 3.7.1A – Density/Slope Category**.

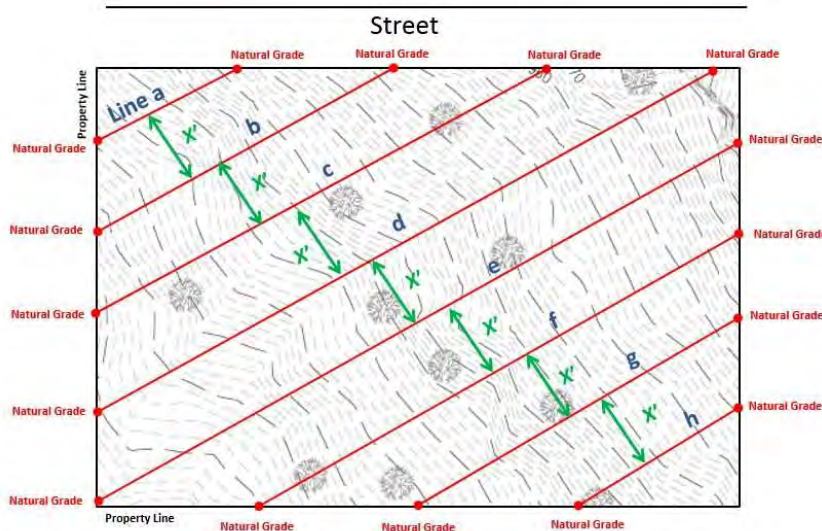
Table 3.7.1A- Density/Slope Category

Average Lot Slope %	Min. Lot Size Acres	Min. Lot Size -Sq. Ft.	Average Lot Slope %	Min. Lot Size Acres	Min. Lot Size - Sq. Ft.
10%	1	43,560	41%	6.8	296,208
11%	1.01	43,996	42%	7.6	331,056
12%	1.02	44,431	43%	8.4	365,904
13%	1.04	45,302	44%	9.2	400,752
14%	1.06	46,174	45%	10	435,600
15%	1.08	47,045	46%	11	479,160
16%	1.1	47,916	47%	12	522,720
17%	1.2	52,272	48%	13	566,280
18%	1.3	56,628	49%	14	609,840
19%	1.4	60,984	50%	15	653,400
20%	1.55	67,518	51%	16	696,960
21%	1.6	69,696	52%	17	740,520
22%	1.7	74,052	53%	18	784,080
23%	1.8	78,408	54%	19	827,640
24%	1.9	82,764	55%	20	871,200
25%	2	87,120	56%	21	914,760
26%	2.2	95,832	57%	22	958,320
27%	2.4	104,544	58%	23	1,001,880
28%	2.6	113,256	59%	24	1,045,440
29%	2.8	121,968	60%	25	1,089,000
30%	3	130,680	61%	26	1,132,560
31%	3.2	139,392	62%	27	1,176,120
32%	3.4	148,104	63%	28	1,219,680
33%	3.6	156,816	64%	29	1,263,240
34%	3.8	165,528	65%	30	1,306,800
35%	4	174,240	66%	32	1,393,920
36%	4.4	191,664	67%	34	1,481,040
37%	4.8	209,088	68%	36	1,568,160
38%	5.2	226,512	69%	38	1,655,280
39%	5.6	243,936	70%	40	1,742,400
40%	6	261,360			

3.7.2 Slope Calculation

Slope shall be calculated using a minimum of three (3) slope lines per Acre. The slope lines shall be perpendicular to the slope and at equal spacing across the Lot. The average slope is calculated by multiplying the length of each slope line by its slope, add all these values together, and then divide this amount by the total length of all the slope lines (see Figure 3.7.2A).

Figure 3.7.2A – Slope Lines Per Acre



$$(2.5 \text{ acres}) \times (3 \text{ Slope Lines per Acre}) = 7.5 \text{ Lines which Rounds Off to } 8 \text{ Slope Lines}$$

$$((\text{Line a Length} \times \text{Slope}) + (\text{Line b length} \times \text{Slope}) + (\text{Line c Length} \times \text{Slope}) + (\text{Line d Length} \times \text{Slope}) + (\text{Line e Length} \times \text{Slope}) + (\text{Line g Length} \times \text{Slope}) + (\text{Line h Length} \times \text{Slope})) / (\text{Summation of All the Slope Line Lengths}) = \text{Average Lot Slope}$$

Use the Average Lot Slope % in Table 3 to Determine Minimum Allowable Lot Size

3.7.3 Minimum Lot Size

Each of the resulting Lots shall meet the minimum Lot size requirements based upon the average Lot slope shown on Table 3.7.1A.

3.7.4 Building Envelope

Building envelopes shall be conceptually indicated on preliminary plats and accurately shown on final plats.

3.7.5 Plans and Documents

The subdivider shall provide plans and documents by a registered architect, civil engineer, or surveyor demonstrating that roads, public or private, and Driveway access and placement of residential structure will conform, for each Lot, to current hillside development regulations and without the need for a variance.

3.7.6 Subdivision and Lot Split Applications

All subdivision development and Lot split applications shall comply with the Hillside Development Requirements as outlined in the Town of Paradise Valley Subdivision Ordinance and **Article 3** of this Ordinance.

3.8 Removal of Property from Hillside (Previously Section 2210)

The Hillside Building Committee and Town Council shall review any request to remove a property from the Hillside Development Area. This process for requesting a removal of a property from the Hillside Development Area applies only to properties that are within a designated Hillside Development Area that have a slope of less than ten percent (10%). If a property owner requests to remove a property from the Hillside Development Area, the following process shall be used:

3.8.1 Documentation

The applicant must provide documentation that the property has a Building Pad Slope and site slope of less than ten percent (10%) in accordance with **Section 3.3** and **Section 3.7**.

3.8.2 Review

The request will be reviewed by the Hillside Building Committee, which will make a recommendation either for approval, approval with stipulations, or denial of the request to remove the property from the Hillside Development Area.

3.8.3 Code Violations

The applicant shall have no other code violations;

3.8.4 Council Decision

The Town Council may, in its sole discretion, either approve, deny, or approve the request with stipulations, which may include eliminating any non-conformities.

ARTICLE 4 - SPECIFIC USE REGULATIONS

4.1 Conditional Uses (Previously Section 1103)

A conditional use is a land use that is listed in this Article as a permitted use subject to obtaining a conditional use permit. A conditional use may be appropriate in some locations and may not be appropriate in other locations due to the particular physical or operational characteristics of the conditional use. The purpose of the conditional use permit process is to determine as an administrative act by the Town, and on a ~~case-by-case~~case-by-case basis, whether through compliance with prescribed development standards or through the imposition of development conditions the requested conditional use can be made compatible with surrounding existing or approved or anticipated land uses.

4.1.1 Dish Antennas (Previously Section 1103.2)

- A. Dish Antennas that are greater than three feet in diameter, Broadcast Towers, Microwave Antennas, Personal Wireless Service Facilities and similar structures that project skyward as specified in **Section 5.1.2 Tall Structures and Antennas**. Dish antennas that are three feet (3 ft.) or less in diameter are not regulated by this ordinance.
- B. Bulk, Density and Height Standards shall be as provided in **Section 5.1.2**.

4.1.2 Private Roadways (Previously Section 1103.2)

A. Standards

The following shall be reviewed in conjunction with approval of the development of the private roads:

1. ~~Right-of-way~~Right-of-way width - the minimum ~~right-of-way~~right-of-way shall be ~~50~~fifty feet (50 ft.)
2. Paved roadway width:
 - a) where the roadway is to provide access to one or two residences, the driving surface shall not be less than ~~16~~sixteen feet (16 ft.) in width and shall be covered at a minimum with a ~~4~~four inch (4 in.) depth of aggregate base course meeting Town Standards (Article 5-6 of the Town Code) or a minimum of a ~~4~~four inch (4 in.) depth of decomposed granite.
 - b) where access to a public road for three or more residences is to be provided by a private road, all standards and requirements for subdivisions as contained in the codes and ordinances of the Town of Paradise Valley shall apply, and such private road shall be subject to those conditions imposed by reason of issuance of a conditional use permit.
3. All private roads, for so long as they shall remain private, shall be maintained to the foregoing standards, and in the event the Town of Paradise Valley is required to perform any maintenance upon the same for the health, safety, and welfare of the people of the Town of Paradise Valley, the Town may assess the cost thereof against the party, heirs, executors, administrators, legatees and assignees of the residential parcels that were included in the subdivision or lot split or parcels utilizing or benefitting from the private road. Agreement thereto by such applicant shall be a condition of issuance of any subdivision approval, lot split approval, or any residential building permit in a subdivision or lot split that utilizes or benefits from the private road.

4.1.3 Municipally Owned Water Booster Facilities (Previously Section 1103.2)

A. Standards

Municipally-Owned Water Booster Facilities shall meet the following standards:

1. Such Facilities may be placed (i) on private property in any zoning district within the Town with property owner approval, including, but not limited to, property upon which the applicant has obtained the grant of an appropriate easement for the installation or construction of such facilities from the private property owner; and/or (ii) in the Town's right-of-way with the authorization of the Town Manager or his designee;
2. All equipment within the Facility shall be adequately secured and enclosed by a wall or fence with a minimum height of eight ~~feet (8 ft.)-feet~~ and a maximum height of eleven ~~feet (11 ft.)-feet~~, measured from the highest outside finished grade, and composed of finished materials such as stucco, brick, stone, wrought iron with redwood slats, solid metal, wood, or tile;
3. Mechanical equipment, tanks and facility buildings and appurtenances shall not exceed eleven ~~feet (11 ft.)-feet~~ in height except for any telemetry and exhaust venting equipment.

4.2 Temporary Uses

4.2.1 General Regulations and Applicability (Previously Section 1104)

A temporary use permit grants: (1) authority to establish a temporary off-site construction facility in support of construction at another location which may consist of materials and machinery storage, temporary buildings and/or trailers, and construction-related activities; or (2) a permit for the temporary establishment of an on-site sales facility that is required during the initial promotional or sales activities of a new project.

4.2.2 Allowable Temporary Uses (Previously Section 1104.2)

A. Uses Permitted

1. Structures for storing materials
2. Structures for temporary offices
3. Outdoor storage of materials
4. Minor assembly of structural or building components
5. Employee parking
6. Sales office located within a new residential development subject to the following standards:
 - a) Minimum ~~20~~twenty-foot (~~20 ft.~~) setback to property lines will be required of any office located in a freestanding structure.
 - b) limited to one per lot or subdivision and it shall not contain cooking appliances.
 - c) the office may be located on the lot or subdivision under construction only during the period that the building(s) is being constructed and must be removed from the site after the construction is completed or upon expiration of two years from the time of issuances of the temporary use permit or building permit.
 - d) if the office is for a subdivision under one ownership, it may be placed on any lot in the subdivision.

7. Other temporary construction support facilities

4.2.3 Single Family Districts

- A. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work, or, upon the expiration of a period of one (1) year from the time of erection of such temporary buildings, whichever is sooner.

4.3 Personal Wireless Service Facility (Previously Section Article XII)

4.3.1 Purpose (Previously Section 1201)

- A. The purpose of this ordinance is to establish appropriate locations, site development standards, and permit requirements to allow for personal wireless services to the residents of the Town, in a manner which will facilitate the location of various types of personal wireless service facilities in locations consistent with the residential character of the Town. The nature of residences, their scale (height and mass), their proximity to each other and the street, and the extensive natural, informal landscaping all contribute to this distinctive character. Precluding the adverse visual impact of these facilities within this virtually developed residential area is one of the primary objectives of this ordinance. Limitations on the height of antennas are intended to conform the antennas to the existing limitations of height of residential buildings. The ordinance is intended to allow personal wireless service facilities which are sufficient to provide adequate service to citizens, the traveling public and others within the Town and to accommodate the need for connection of such services to wireless facilities in adjacent and surrounding communities.
- B. It is also the intent that this ordinance and its purposes are implemented as allowed by applicable law, particularly in light of evolving federal and state regulations, laws and interpretations, evolving technology and land uses for personal wireless services.

4.3.2 General Requirements (Previously Section 1203)

- A. All PWSF shall be located, developed, constructed, modified or operated in accordance with the requirements and standards in this Zoning Ordinance and the Town Code, including granting of, or modifications to, Special Use Permits as may be required to accommodate a PWSF.
- B. Certain locations have been identified by the Council in Resolution 2022-23 for potential PWSF sites, some of which have been designated as “Primary Sites.” Those sites designated in Resolution 2022-23 as “Primary Sites” shall only be subject to the Managerial Approval/Amendment process set forth in **Section 4.3.12** of this Zoning Ordinance; potential locations not designated as “Primary Sites” require a Conditional Use Permit pursuant to **Section 4.1** of this Zoning Ordinance.
- C. A PWSF may be mounted on a structure that is not a dwelling unit on the side or roof in accordance with the requirements of this Article. A PWSF is prohibited on any dwelling unit or site containing dwelling units unless otherwise authorized as a Primary Site pursuant to Subsection B of this section.

4.3.3 Siting Standards (Previously Section 1204)

The following siting criteria apply to consideration of a conditional use permit for a PWSF:

- A. A PWSF shall be:
 - 1. Completely screened from public view and rights of way by trees, mature vegetation, natural features or structures on the subject property, and
 - 2. Completely camouflaged in a manner that is architecturally compatible with the structure on which it is mounted and integrated as an integral architectural element of the structure;
- B. The screening required in this section may exist on the subject property or be installed as part of the proposed PWSF or a combination of both;
- C. A PWSF shall not be approved for a location on a site containing a dwelling unit, except where the dwelling unit is located on the site of an existing Special Use Permit granted by the Town for a resort or guest ranch. A PWSF shall not be initially approved for a location closer than two hundred ~~feet~~ feet (200 ~~ft.~~ ft.) from a dwelling unit in existence at the time of the initial approval of the conditional use

permit for such PWSF site. For a proposed PWSF site that is adjacent to residentially zoned lots or parcels that are vacant at the time of the initial approval of the proposed conditional use permit for a PWSF, the proposed PWSF site shall be located no closer ~~than~~ two hundred ~~feet~~ (200 ~~ft.~~) feet from the lot line of such vacant parcel or lot, less the greater of any applicable setback from such lot line or any platted or recorded easement adjacent to such lot line on the vacant parcel or lot. Once initially approved, changes to the dwelling unit locations or any changes in the setbacks or platted or recorded easements on the lots or parcels adjacent to the PWSF site shall not compel the removal or relocation of the PWSF that was initially approved for a conditional use permit in compliance with this section, nor shall the renewal of the conditional use permit for such a PWSF be withheld due to such changes in the adjacent lots or parcels.

- D. A PWSF shall be set back from all property lines a distance equal to the height of the mount or the antenna, whichever is higher, and comply with all zoning setback requirements;
- E. The height of a PWSF shall be limited to
 - 1. The maximum height applicable to a building on the subject property pursuant to the Town's Zoning Ordinance **Table 2.2.7A**. A roof-mounted PWSF may project a maximum of four and one-half (4 1/2) feet above the highest point of the roof so long as it does not exceed the maximum height provided in **Table 2.2.7A**, whichever is lower; or
 - 2. If mounted to an existing structure on the subject property, the height of that structure.Any PWSF shall be screened and camouflaged as required herein. The height requirements of this Section supersede requirements specified for antenna in **Section 4.1.1** and **Table 5.1.2A** of the Town's Zoning Ordinance as applied to a PWSF;
- F. A side-mounted PWSF shall not project more than forty-two ~~inches~~ (42 ~~in.~~) inches from the side a nondwelling unit facade, shall not extend above the highest point of the roof of the structure and shall be screened and camouflaged as required herein. The PWSF shall not project into an easement, driveway or setback unless otherwise specified in the conditional use permit;
- G. An equipment cabinet shall be located within or adjacent to the structure on which a PWSF is placed, or located below natural grade underground if site conditions permit and if technically feasible. An equipment cabinet shall be completely screened from view by compatible wall, fence or landscaping consistent with Town landscaping guidelines except that an equipment cabinet larger than one hundred forty-four ~~cubic feet~~ (144 ~~cu. ft.~~) ~~cubic feet~~ may not be required to be totally screened from view if the Planning Commission finds, in its discretion, that the cabinet has been designed with a structure or facade, materials, colors or detailing that effect a structure which emulates the residential character of the area;
- H. A security barrier shall be screened from view through the use of appropriate landscaping materials consistent with Town landscaping guidelines.

4.3.4 Design Standards (Previously Section 1205)

The following design criteria apply to consideration of a conditional use permit for a PWSF, in addition to others which may be identified and utilized by the Planning Commission in its consideration of the conditional use permit:

- A. Appearance. The degree to which the PWSF "blends with" or "disturbs" the setting, the subject property and its character and use, or neighboring properties and their character and use;
- B. Form. The degree to which the shape of the PWSF and any equipment cabinet relates to its surroundings;

- C. Color. A PWSF shall be in natural tones and a non-reflective color or color scheme appropriate to the background against which the PWSF would be viewed from a majority of points within its viewshed. "Natural" tones are those reflected in the natural features and structural background against which the PWSF is viewed from a majority of points within its viewshed. Final colors and color scheme must be approved by the Planning Commission;
- D. Size. The silhouette of the PWSF shall be reduced to minimize visual impact.

To the extent allowed by law, the Town shall consider the cumulative visual effects of PWSFs and any mount, specifically their appearance or domination of the skyline, natural and structural features or terrain, in determining whether to approve a conditional use permit.

4.3.5 Radiofrequency (RF) Performance and Interference Standards and Monitoring (Previously Section 1206)

- A. To the extent allowed by law, the following radiofrequency (RF) performance standards apply to consideration of a conditional use permit for a PWSF, in addition to monitoring requirements as required in this Article:
 - 1. All equipment proposed for a PWSF shall meet the current FCC RF Guidelines and any amendments thereto (hereafter "FCC Guidelines");
 - 2. Any side-mounted or roof-mounted equipment shall meet FCC Guidelines, including but not limited to the following:
 - a) At the roof-mount or at the side-mount, the equipment shall meet the FCC Guidelines for occupational/controlled conditions;
 - b) At ground level at the point of the structure closest to the antenna, the equipment shall meet FCC Guidelines for general population/uncontrolled conditions.
- B. Within ninety (90) days after FCC issuance of an operational permit for the PWSF, and annually thereafter, the personal wireless service carrier shall submit a written report providing existing and maximum future projected measurements of RF radiation from the PWSF for:
 - 1. Existing PWSF: Maximum RF radiation from the PWSF RF radiation environment. These measurements shall be for the measurement conditions specified in Subsection A of this Section;
 - 2. Existing PWSF plus cumulative: Maximum estimate of RF radiation from the existing PWSF plus the maximum estimate of RF radiation from the total addition of co-located PWSFs. These measurements shall be for the measurement conditions in Subsection A of this Section;
 - 3. Certification, signed by an RF engineer, stating that RF radiation measurements are accurate and meet FCC Guidelines as specified in Subsection A of this Section.

If FCC Guidelines are changed during the period of any conditional use permit for a PWSF use, then the PWSF shall be brought into compliance with such revised guidelines within the time period provided by the FCC or if no time period is stated, then within sixty (60) days of the effective date of such guidelines.

- C. If at any time during the term of the permit the Town has reasonable evidence that the Permittee or personal wireless service carrier is not in compliance with FCC Guidelines, and the Town provides notice of such, the Permittee or personal wireless service carrier so notified shall provide to the Town, within thirty (30) days after such notice, an analysis and determination of its compliance with FCC guidelines showing the data collected and status pursuant to FCC Guidelines. If on review, the Town finds that the PWSF does not meet FCC Guidelines, the Permittee or personal wireless service carrier shall have sixty (60) days from the date of the Town's finding of noncompliance to bring the PWSF

into compliance. If compliance is not achieved in the sixty-~~(60)~~ day period, the conditional use permit may be revoked or modified by the Town.

- D. The Permittee shall ensure that the PWSF does not cause localized interference with the reception of area television or radio broadcasts or to personal wireless services. If on review the Town finds that the PWSF interferes with such reception, and if such interference is not cured by the Permittee within sixty (60) days after notice from the Town, the Town may revoke or modify the conditional use permit.

4.3.6 Noise and Environmental Standards (previously Section 1207)

- A. To the extent allowed by law, the following noise and environmental standards apply to consideration of a conditional use permit for a PWSF in addition to the monitoring requirements of this Article:
 1. Roof-mounted or side-mounted equipment for a PWSF shall not generate noise in excess of fifty (50) decibels (dba) at ground level at the base of the facility closest to the antenna;
 2. An environmental assessment is required by the National Environmental Policy Act (NEPA) for any PWSF prior to commencing operations where any of the following exist:
 - a) Wilderness area;
 - b) Wildlife preserve;
 - c) Endangered species;
 - d) Historical site;
 - e) Indian religious site;
 - f) Flood plain;
 - g) High intensity white lights in residential neighborhoods;
 - h) Excessive radiofrequency radiation exposure.
 3. An environmental assessment which, at a minimum, conforms with FCC requirements shall be submitted to the Town for each PWSF where any of the above exists, and when the FCC requires such an environmental assessment to be submitted to the FCC. If the applicant has determined that an environmental assessment is not required pursuant to FCC rules, this Article and applicable state law and Town Code, a written certification to that effect must be submitted to the Town. If an applicant has not included an environmental assessment that the Town finds to be necessary under the National Environmental Policy Act, the Town may prepare, or cause to be prepared, such an environmental assessment at the applicant's expense. The environmental assessment shall be amended or revised by the applicant within thirty (30) days after notice to do so from the Town when modifications are made or occur on the PWSF. Failure to amend or revise shall constitute grounds for revocation of the conditional use permit.
 4. Within ninety (90) days after the approval of the conditional use permit and annually from the date of approval of the permit, the Permittee shall submit existing and maximum future projected measurements of noise from the PWSF for the following:
 - a) Existing PWSF: Maximum noise radiation from the PWSF. These measurements shall be for the type of mounts specified in Subsection A of this section;
 - b) Existing PWSF plus cumulative: Maximum estimate of noise from the existing PWSF plus the maximum estimate of noise from the total addition of co-located PWSFs. These measurements shall be for the type of mounts specified in Subsection A of this section;

- c) Certification, signed by an acoustical engineer, stating that noise measurements are accurate and meet Subsection A of this section.

4.3.7 Co-Location and Limitations (Previously Section 1208)

A. A Permittee shall cooperate with other personal wireless service carriers in co-locating antennas and mounts provided the proposed co-locators have received a conditional use permit for the use at such site from the Town. A Permittee shall exercise good faith in co-locating other personal wireless service carriers and sharing the permitted site, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference in broadcast or reception capabilities). Applicants shall demonstrate a good faith effort to co-locating with other personal wireless service carriers, including but not limited to:

1. Contact with all other personal wireless service carriers operating in the Town;
2. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location;

In the event a dispute arises as to whether a Permittee has exercised good faith in accommodating other users, the Town may require a third party technical study at the expense of either or both the applicant and Permittee.

- B. All applicants shall demonstrate reasonable efforts in developing a co-location alternative for their proposal.
- C. Failure to comply with the co-location requirements of this Section may result in the denial of a permit request or revocation of an existing permit.

4.3.8 Submittal Requirements (Previously Section 1209)

A. In addition to the information requested in the Town's conditional use permit application, the following items shall be required for a PWSF application:

1. A master site plan in accordance with Planning Commission rules and regulations showing the subject property and adjacent properties; all existing and proposed buildings on the subject property and their purpose; the specific placement of the PWSF antenna, mount and equipment cabinet; security barrier (if any), including type and extent and point of controlled entry on the site; fall zone; all proposed changes to the existing site, including grading, vegetation, roads, sidewalks and driveways;
2. A landscape plan showing specific placement of existing and proposed vegetation, trees, shrubs, identified by species and size of specimen at installation in accordance with Town landscape guidelines;
3. Photographs, diagrams, photosimulations and sight line representations as listed below:
 - a) A diagram or map showing the viewshed of the proposed facility;
 - b) Sight line representation;
 - c) Existing (before condition) photographs illustrated by four (4) by six (6) inch color photograph(s) of what can currently be seen from any adjacent residential buildings or properties, private roads and rights of way adjacent to the site;
 - d) Photosimulations of the proposed facility from each adjacent residential properties or buildings, private roads and public rights-of-way adjacent to the site (after condition photographs). Such photosimulations shall include, but not be limited to, each of the existing condition photographs with the proposed PWSF superimposed on it to show what

will be seen from residential buildings, properties, private roads and rights of way adjacent to the site;

- e) Aerial photograph as required by the Planning Commission rules and regulations;
4. Siting elevations, or views at natural grade, from all directions (north, south, east, west) for a ~~fifty-foot~~ fifty-foot (50 ft.) radius around the proposed PWSF plus from all existing rights of way and private roads that serve the subject property. Elevations shall be at one-quarter inch (1/4 in.) equals one foot (1 ft.) scale (1:48) and show the following:
 - a) Antenna, mount, equipment cabinet;
 - b) Security barrier. If the security barrier will block views of the PWSF, the barrier drawing shall be cut away to show the view behind the barrier;
 - c) Any and all structures on the subject property, existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation;
 - d) Grade changes or cuts and fills to be shown at original grade and new grade line;
5. Design submittals as follows:
 - a) Equipment brochures for the PWSF such as manufacturer's specifications or trade journal reprints;
 - b) Materials of the PWSF and security barrier, if any, specified by generic type and specific treatment, such as anodized aluminum, stained wood, painted fiberglass, etc.;
 - c) Colors represented by samples or a color board showing actual colors proposed;
 - d) Dimensions of all equipment specified for all three dimensions: height, width and breadth;
 - e) Appearance shown by at least two (2) photographic superimpositions of the PWSF within the site. The photographic superimpositions shall include the antenna, mount, equipment cabinet and security barrier, if any, for the total height, width and breadth. The submittal may also include, if required by the Town, a scaled three-dimensional model of the PWSF on the site;
6. Market and service maps as follows:
 - a) A map showing the service area of the proposed PWSF and the explanation of the need for that facility.
 - b) A map showing the locations and service areas of other PWSF sites operated by the applicant and those that are proposed by the applicant which are close enough to impact service within the Town or are within a two-~~(2)~~ mile radius of the limits of the Town;
7. Co-location submittals, including signed statements indicating:
 - a) The applicant agrees to allow for the potential co-location of additional PWSF(s) by other personal wireless services and carriers on the applicant's structure or facility or within the same site;
 - b) That the applicant agrees to remove the PWSF as required by this Article;
 - c) That the applicant has made a good faith effort to achieve co-location with other carriers and facilities as required in this Article, and if co-location is not feasible for this application for a substantial technical reason, a written statement of the reasons for the infeasibility;
8. A lease agreement with the owner or landholder shall also be submitted that:

- a) Allows the landholder to enter into leases with other providers;
 - b) Specifies that if the carrier fails to remove the PWSF when required by this Article, the responsibility for removal falls upon the landholder; and
 - c) Allows entry by the Town and its agent for the purpose of inspection and compliance with Town Codes;
 - d) Consents to the terms of **Section 4.3.11** of this Article;
9. To the extent allowed by law, radiofrequency (RF) radiation performance submittals shall include in a form or study acceptable to Town staff the applicant's written statement of the existing and maximum future projected measurements of RF radiation from the proposed PWSF:
- a) Existing or ambient: measurement of existing RF radiation;
 - b) Existing plus proposed PWSF: maximum estimate of RF radiation from the proposed PWSF plus the existing RF radiation environment. These measurements shall be for the conditions specified in the RF performance standards in this Article;
 - c) Existing plus proposed PWSF plus cumulative: maximum estimate of RF radiation from the proposed PWSF plus the maximum estimate of RF radiation from the total addition of co-located PWSF plus the existing RF radiation environment. These measurements shall be for the conditions specified in the RF performance standards in this Article;
 - d) Certification, signed by an RF engineer, stating that RF radiation measurements are accurate and meet FCC Guidelines as specified in the RF performance standards in this Article;
10. To the extent allowed by law, noise performance submittals shall include a statement of the existing and maximum future projected measurements of noise from the proposed PWSF measured in decibels (logarithmic scale, accounting for greater sensitivity at night) for the following:
- a) Existing or ambient: the measurement of existing noise;
 - b) Existing plus proposed PWSF: maximum estimate of noise from the proposed PWSF plus the existing noise environment;
 - c) Existing plus proposed PWSF plus cumulative: maximum estimate of noise from the proposed PWSF plus the maximum estimate of noise from the total addition of co-located PWSFs plus the existing noise environment;
 - d) Certification signed by an acoustical engineer stating that noise measurements are accurate and meet the noise performance standards section of this Article;
11. To the extent allowed by law, environmental submittals shall include an environmental assessment if required in the environmental standards section of this ordinance. If the applicant determines that the environmental assessment is not required, certification to that effect shall be provided. The applicant shall also list location, type and amount of any materials proposed for use within the PWSF that are considered hazardous by the federal, state or town government.
- B. In addition to the requirements of this Article, processing and consideration of a PWSF conditional use permit shall comply with the conditional use permit requirements specified in **Article 4, Sections 4.1 et seq.** of the Zoning Ordinance.

4.3.9 Technological Change and Periodic Review (Previously Section 1210)

- A. The Town recognizes that PWSFs and communication technologies in general are currently subject to rapid change. Innovations in such things as switching hardware and software, transmission/receiving equipment, communications protocols, and development of hybrid cable/wireless systems may result in reducing the impact of individual facilities and to render specific portions of this ordinance obsolete. Therefore, the Town may review this Article periodically and assess its provisions relative to current trends in the communications industry, innovations in communications technology, permit activity during the preceding years, and effectiveness in producing PWSFs that are compatible with the Town's residential character.
- B. The Town may recommend updates to this Article that may include, but not be limited to the deletion, modification, or addition of allowed locations; allowed heights; site development requirements; administrative review possibilities; or permitting procedures.
- C. When changes are made pursuant to Subsection B, the Town and Permittees agree in good faith to review and modify the stipulations and terms of such permits during their terms in order to reflect current technologies and then current laws and ordinances. If such modifications adversely and materially affect, either operationally or monetarily, Permittee's use of a PWSF, such modifications may not be made without a Permittee's consent. If such modifications adversely affect the Town's regulations or this permit, such modifications may not be made without the Town's consent.

4.3.10 Permit Limitations and General Conditions (Previously Section 1211)

- A. A conditional use permit shall expire five (5) years after the date of the permit approval. A Permittee wishing to continue the use at the end of the five-~~(5)~~ year period must apply for a conditional use permit renewal application to continue that use at least six (6) months prior to its expiration. In ruling on the renewal the Planning Commission shall apply all then existing regulations affecting the application.
- B. The conditional use permit shall become null, void and non-renewable if the permitted facility is not constructed and placed into use within one (1) year of the date of permit approval, provided that the conditional use permit may be extended one time for six (6) months if construction has commenced before expiration of the initial year.
- C. The permit shall expire and the Permittee must remove the PWSF if the use is discontinued for a period in excess of ninety (90) days in any three-hundred-sixty-five (365) day period. A Permittee shall notify the Town in writing at least thirty (30) days prior to abandonment or discontinuance of operation of the PWSF. Failure to give such notice shall be considered abandonment of the special use permit or amendment by the Permittee.
- D. If the conditional use permit expires, terminates, is abandoned or revoked for any reason pursuant to this Article or the Town Code, if removal of the PWSF is required in this Article, or if the use is discontinued pursuant to this Article, the PWSF shall be removed as required herein. If the PWSF is not so removed, the Town may cause the facility to be removed and all expenses of removal shall be paid by the owner of the land where the facility is located. If not paid by the owner within thirty (30) days of notice by the Town, the Permittee agrees that the Town's costs shall constitute a lien upon the subject property upon its execution and filing with the county recorder's office. The term "remove" shall include but not be limited to the following:
 - 1. Removal of antenna, mount, equipment, equipment cabinet, security barrier from the site;
 - 2. Transportation of the antenna, mount, equipment, equipment cabinet or security barrier to a location off-site; if the location is within the Town limits, it is subject to approval by the Town.

3. Restoration of the site of the PWSF to its natural condition, except that any landscaping and grading shall remain in finished condition.
- E. A personal wireless service carrier, upon granting of a conditional use permit for a PWSF use, shall indemnify, protect and hold harmless the Town, its officers and agents, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney fees (collectively "liabilities") incurred by the Town arising directly or indirectly from 1) the PWSF use as contemplated herein and in the use permit; and 2) the installation and operation of the PWSF permitted thereby, including without limitation, any and all liabilities arising from emission by the PWSF of electromagnetic fields or other energy waves or emissions. The personal wireless service carrier's compliance with this Section is an express condition of the conditional use permit and is binding on any and all of personal wireless service carrier's successors and assigns. The requirements of this section shall survive the termination of any such permit.
 - F. The Permittee shall maintain the PWSF to standards that are imposed by the Town at the time of granting of a permit. Such maintenance shall include, but shall not be limited to, maintenance of the paint, structural integrity and landscaping. If the Permittee fails to maintain the facility, the Town may undertake the maintenance at the expense of the Permittee or terminate or revoke the permit, at its sole option. If such maintenance expense is not paid by the owner within thirty (30) days of notice by the Town, the Permittee agrees that the Town's costs shall constitute a lien upon the subject property upon its execution and filing with the county recorder's office.
 - G. A conditional use permit granted to a Permittee is specific to the owner and personal wireless service carrier and may not be assigned, provided however that the personal wireless service carrier may assign its interest in the permit to any subsidiary or other affiliate of the personal wireless service carrier. In the event of such assignment, the assignee shall re-execute the conditional use permit within thirty (30) days of the effective date of the assignment or the permit shall automatically expire. Permittee shall notify the Town of any change in ownership or operation of the PWSF at least ninety (90) days prior to such change taking place for approval by the Town, which approval shall not be unreasonably withheld.
 - H. In its consideration of applications herein, and in addition to criteria provided in this Article, **Article 4 (Sections 4.1 et seq)** of the Zoning Ordinance and within the authority granted by law, the Town may also consider and prescribe limitations on the locations and numbers of special use permits which may be granted pursuant to this Article.
 - I. Where the Planning Commission finds that strict compliance with the requirements of this Article may result in extraordinary hardship or are needed to ensure the Town's compliance with Federal or state law, the Planning Commission may modify such requirements only upon a showing of noncompliance with applicable law or extraordinary hardship so that substantial justice may be done and the public interest secured. Hardship as used herein shall include, but not be limited to, a finding that special circumstances applicable to the property, including its size, shape, topography, location or surroundings, will deprive such property of privileges enjoyed by other property in the same classification in the same zoning district through the strict application of the zoning ordinance. In granting such modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied and modified.
 - J. Any violation of the terms of this Article or the conditional use permit may result in revocation by the Town of the conditional use permit. Acceptance of any portion of the conditional use permit is acceptance of the entire conditional use permit and the terms of this Article.

- K. Within ninety (90) days after issuance of the FCC operational permit, the personal wireless service carrier shall provide a copy of such permit to the Town and register the PWSF, providing information and data as may be requested by the town. Any change in the permit or registration data shall be filed with the Town within thirty (30) days after the change is made. The personal wireless service carrier shall submit to the Town a copy of its FCC Form 600 prior to the Town's approval of final inspection of a building permit for the PWSF or portion thereof.
- L. The Town and its agents are authorized to enter on the subject property and PWSF site for the purpose of inspection and determining compliance with this Article and the provisions of the special use permit or amendment thereto.

4.3.11 Applicability (Previously Section 1212)

The requirements of this ordinance apply to all new PWSFs and modification of any existing PWSFs.

4.3.12 Managerial Approval/Amendment (Previously Section 1213)

The application process for a Managerial Approval/Amendment is comprised of two phases: Phase I - the application submittal process, in which the applicant and Town staff work together to create a complete application and Phase II - the formal project review by the Town Manager or designee.

- A. The applicant must first complete the pre-application review process in accordance with Section 2-5-2(E) of the Town Code.
- B. Upon completion of the pre-application review, the applicant shall submit to the Town (1) the formal Managerial PWSF application on a form prescribed by the Town, (2) the fee set forth in the Town of Paradise Valley Fee Schedule, as such may be amended from time to time, unless waived as allowed by Resolution No. 2022-23, and (3) all documents and materials deemed necessary by the Town Manager (or designee) for compliance with the applicable "Primary Site" guidelines set forth in Resolution No. 2022-23 and the requirements of this Article. A Managerial PWSF application that does not meet the "Primary Site" guidelines set forth in Resolution No. 2022-23, as it may be amended from time to time, shall be processed according to the Conditional Use Permit requirements pursuant to **Section 4.1** of this Zoning Ordinance.
- C. Upon receipt of a complete submittal including all of the information and fees as set forth in Section 1213(B), the Town Manager (or designee) will review the submittal within a reasonable time and either approve or deny the Managerial PWSF application.
- D. The Town Manager (or designee) shall transmit all determinations approving a Managerial Approval/Amendment to the Council within two (2) business days of making the determination.
- E. The Town Manager's (or designee's) decision shall be final, subject to Council review as set forth in Section 1213(F).
- F. If, within seven (7) calendar days after the Town Manager's (or designee's) written determination, at least three (3) members of the Council submit a written request to the Town Manager, the Council shall have the authority to review an approved Managerial Approval/Amendment application. Such review shall be considered at a Council meeting within fourteen (14) calendar days after the Town Manager's receipt of the third written request pursuant to this Section. The Council's review shall be limited to a determination, by a majority vote of the members present and not otherwise disqualified, as to whether the Town Manager's (or designee's) decision meets the criteria for a Managerial Approval/Amendment related to a Primary Site. If the Council decides that the criteria have been met, then there shall be no further consideration and the Managerial Approval/Amendment is final. If the Council determines that the criteria have not been met, the Council may deny the Managerial Approval/Amendment, in whole or in part. A majority vote of the members present and not otherwise

disqualified shall be necessary to deny or modify the decision of the Town Manager (or designee); otherwise the Town Manager’s written determination shall be deemed affirmed.

4.4 Accessory Buildings and Structures (New)

4.4.1 Regulations (Previously Section 1005)

- A. Accessory buildings / structures shall not occupy more than one-half (1/2) of the total ground area of the main building. No accessory building or structure shall exceed the height specified in **Table 4.4.1A** or elsewhere in this ordinance.
- B. No accessory building or structure except for walls and fences as provided for in **Section 4.2A** and **subsection D** below, shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by residential staff employed on the premises or as otherwise permitted herein.
- C. A fence may be built in conjunction with the construction of the main building provided building permits are issued for the fence and the main residence. The fence may be built prior to construction of the residence. The fence design/plan must have an opening to allow access to the enclosed yard during construction and the fence opening may be closed once construction is no longer required. The fence shall meet all other requirements of **Section 5.2**, Walls and Fences.
- ~~D.~~ Accessory buildings / structures, that are to be used for a long-term storage purposes only, may exceed the maximum number of stories that are permitted in the district in which they are located, but such buildings shall not exceed the maximum building height permitted in such district, and that the exterior of such buildings shall be compatible with the architectural design of the main building, as determined by the Town.
- ~~D.E.~~ Accessory buildings and uses customarily incident to the above uses, including a private garage, guesthouse, and residential staff quarters, and home occupations.

Table 4.4.1A -Setbacks and Height Limits for Accessory Buildings and Structures

DISTRICT	MAXIMUM STORIES	FRONT SETBACK (feet)	MAXIMUM HEIGHT (feet)	SIDE SETBACK (feet)	REAR SETBACK (feet)	SIDE WITH FRONTAGE	REAR WITH FRONTAGE
R-175_- with a Primary Building built prior to June 13, 1991	1	60	16	20	20	40	40
R-175_- with no Primary Building built prior to June 13, 1991	1	100	16	20	20	40	40
R-43	1	60	16	20	20	40	40

R-35	1	60	15	10	10	40	40
R-35A	1	60	15	10	10	40	40
R-18	1	60	15	10	10	40	40
R-18A	1	60	15	10	10	35	35
R-10	1	20 ¹	15	7 ¹	7	20 ¹	20 ¹

¹ In the R-10 District, front, side and rear yards shall meet the requirements indicated above or as shown on a previously recorded plat, or as existing at the time of annexation. Lots having double frontage and lots located at the intersection of two (2) or more streets shall meet the requirements of this Table or as shown on a previously recorded plat, or as existing at the time of annexation.

4.5 Home Occupations (Previously in Article XVI)

4.5.1 Purpose (Previously Section 1601)

The purpose of the home occupation provision is to restrict business activity to home occupations which are compatible with the residential character of the neighborhood.

4.5.2 General (Previously Section 1602)

Home occupations shall be permitted in all residential districts subject to the regulations for home occupations set forth in this Article.

4.5.3 Regulations for Home Occupations (Previously Section 1603)

For all residential properties that operate or maintain a home occupation on a residential property, including short term rental activities, the following conditions, restrictions, and limitations apply:

- A. A business license from the Town shall first be obtained, as per section 4-3-1 License Required, of the Town Code;
- B. A home occupation shall be conducted only in fully enclosed structures;
- C. A home occupation shall clearly be an accessory use to the existing residential use and not change the residential character of the property and/or neighborhood;
- D. Renting or use of residential properties as a commercial venue for weddings; luncheons, dinners, auctions, sales or similar events, is prohibited;
- E. A home occupation may have a name plate affixed to the house of not more than one hundred forty-four 144-square inches (144 sq. in.). No other exterior sign or display shall be allowed;
- F. No goods shall be sold and delivered to a customer at or on the property except those prepared on the premises;
- G. All parking associated with the home occupation shall be on the property;
- H. No person shall, as part of a home occupation activity, park, or cause or allow to be parked, a motor vehicle that is visible from a street or adjacent property unless such vehicle is parked upon a driveway on the property that is surfaced with asphaltic concrete, pavement bricks, cement concrete, or a material that is paved, compacted, or chemically stabilized to prevent fugitive particulate matter; provided, however, parking on grass or turf areas shall not be allowed in any circumstance. For the purposes of this subsection, a vehicle shall not be deemed visible if it is completely surrounded by a six-foot (6') high solid wall with view- obscuring gates;

- I. Hours of operation shall be limited to no earlier than 7am and no later than 10pm for any activity which is visible or audible off the property;
- J. No storage of materials shall be visible from off the property;
- K. Emission of odor, dust, vibration, smoke, heat, or pollutants beyond any boundary of the property on which the use is conducted, or at a level exceeding that of ambient conditions, is prohibited; and
- L. The property shall not be used as a dispatch area to centrally manage a business which entails employees reporting to the property to receive work assignments, equipment, or materials.

4.6 Additional Uses

4.6.1 Pools (New)

- A. A Private swimming pool is permitted in all Single-Family Residential districts, provided that:
 - 1. No pool shall be located closer than twenty feet (20 ft.) ~~feet~~ to any property line;
 - 2. No pool nor accessory structure thereto in a front yard shall be closer than forty feet (40 ft.) ~~feet~~ to any property line;
 - 3. In the R-175 Single-Family Residential District no pool shall be located in any yard
 - 4. In the R-10 Single-Family Residential District no pool shall be located closer than seven feet (7 ft.) ~~feet~~ to any property line, or as existing at the time of annexation.
 - 5. Full compliance with all terms of Article 5-2-2(F) of the Town Code is made.

4.6.2 Keeping of Animals (New)

- B.A. Horses. The keeping of horses in the R-175 and R-43 zoning districts is subject to the following provisions:
 - 1. The primary residence first exists on the property.
 - 2. The horses are for the use of the family residing on the premises and guests only.
 - 3. The number of horses shall be limited to two (2) head for each contiguous full acre under single ownership;
 - 4. A stable shall:
 - a) Be limited to 900 nine hundred square feet (900 sq. ft.) in area under roof for the first full acre plus five hundred 500 square feet (500 sq. ft.) for each additional contiguous full acre under single ownership, up to a maximum of five thousand 5,000 square feet (5,000 sq. ft.).
 - b) Not be allowed in the front yard
 - c) Maintain a setback of at least 40 forty feet (40 ft.) from any lot line.
 - d) Not exceed 20 twenty feet (20 ft.) in height from natural grade;
 - 5. The provisions of the Maricopa County Health Code and all amendments thereto shall apply to the keeping of horses within the Town, even when those provisions are more restrictive than other parts of this subsection;
 - 6. Fences or walls establishing the perimeter of a corral used in the keeping of horses shall maintain a rear or side setback of at least 20 twenty feet (20 ft.) and a front yard setback of at least 40 forty feet (40 ft.) from any lot line.

B. Fowl. The keeping of fowl is subject to the following provisions in all Single-Family Residential zoning districts:

1. Fowl located on the property shall be limited to six (6) or fewer.
2. Male Fowl, including Roosters, are not permitted.
3. Fowl shall be kept in an enclosure and kept from running at-large.
4. All Fowl enclosures shall be:
 - a) Located in the rear or side yard of the property, shall be kept at least twenty feet (20 ft.) feet from a neighboring property
 - b) A maximum of two hundred (200) square feet (200 sq. ft.)
 - c) No greater than eight feet (8 ft.) feet in height, provided that any enclosure shall be shorter than the fence line on the property.
5. All Fowl enclosures shall be maintained and manure picked up and disposed of or composted at a minimum of twice weekly.
6. All composted manure shall be kept in a way that prevents migration of insects.
7. All Fowl water sources shall have adequate overflow drainage.
8. All Fowl feed shall be stored in insect-proof and rodent-proof containers.

4-6-24.6.3 Game Courts & Trampolines (New)

- A. Tennis Courts are subject to the following provisions in the R-175 and R-43 districts: (Previously Section 2414)
1. In the R-175 district, no tennis court or tennis court fences (walls) higher than six feet (6' ft.) feet shall be constructed or established in any yard and in the R-43 district no tennis court shall be constructed or established where the side of the tennis court is within thirty-two feet (32 ft.) feet of any lot line or where the end of the tennis court is within forty-one feet (41 ft.) feet of any lot line;
 - a) Setbacks for a tennis court are measured from property line to playing lines and/or area of play (for unlined courts). The same setback requirements apply to sunken tennis courts.
 - a)b) For the purpose of determining compliance with this setback requirement only, "Tennis court" is defined as a smooth surface or grass covered area that is used or intended to be used for playing the game of tennis, which shall consist of the area in which the tennis ball must fall in order to be in-play and a valid play by the player so hitting the ball.
 - b)c) Where a tennis court has two sets of in-play side-lines for singles games and for doubles games, tennis court shall be construed as the area in which the tennis ball must fall in order to be in-play and a valid play by the player so hitting the ball for doubles games.
 - e)d) End of the tennis court means the baselines of the tennis court, which are parallel to the tennis court net.
 - d)e) Side of the tennis court means the sidelines of the tennis court, which are perpendicular to the tennis court net.
 2. Fences or walls located within thirty feet of a tennis court which is located on the same lot as the fence or wall and which are substantially parallel to a perimeter of the tennis court shall not exceed six feet (6 ft.) feet in height. However, such a tennis court fence or wall may reach ten

~~feet (10') feet~~ in height if all portions of the wall or fence that are above six ~~feet (6') feet~~ in height are comprised of a material or substance that is (1) open weave, open mesh, chain link, or grille, and (2) is not a complete barrier to either the flow of air or to visibility.

a) Measuring height: For the purpose of this subsection, height shall be measured from the playing surface of the tennis court. However, if a tennis court is depressed (reduced in altitude below the natural grade of the land is situated upon) so that its playing surface lies below the natural grade (elevation) of all of the land that surrounds the tennis court on the lot it is situated upon, then the six foot ~~(6 ft.)~~ fence and wall maximum height limitation, supra, shall be measured from the natural grade of the land at the point of the fence or wall, except that the ten foot ~~(10 ft.)~~ fence and wall absolute maximum height limitations, supra, shall be measured from the playing surface of the tennis court as provided in the preceding sentence.

~~b) Setbacks: Fence(s) exceeding 6 feet (6 ft.) in height, with a maximum allowable height of 10 feet (10 ft.), shall require a minimum setback of 20 feet (20 ft.) from the rear and side property lines and a minimum setback of 60 feet (60 ft.) from the front property line. Fences 6 feet (6 ft.) or less in height shall conform to Section 45.2, Walls & Fences.~~

~~b)c) Exceptions:~~

- i. Plants and vegetation shall not be deemed to be a fence or wall nor part of any fence or wall.
- ii. Not more than one of the four ~~(4)~~ sides and ends of a tennis court may be enclosed in part by a backboard for tennis practice that is not more than thirty ~~feet (30 ft.) feet~~ in length, nor more than ten ~~feet (10 ft.) feet~~ in height, nor more than one ~~foot (1 ft.) foot~~ in width.

3. **Lighting.** All types or forms of lighting or illumination of tennis courts are prohibited and unlawful to install or maintain except where:

~~a) The height of such lights or illumination does not exceed twenty feet (20 ft.) feet~~ measured from tennis court playing surface, and

~~a)b) Light Poles are required to have a minimum setback of 20-feet twenty feet (20 ft.) from the side & rear property lines and a 40-forty foot (40 ft.) minimum setback from the front property line.~~

~~b)c) The light emitting element and reflecting device of all lighting or illumination units is hooded or shielded so that it is not visible from any adjacent lot or real property, and~~

~~e)d) Such tennis court lights or illuminating units do not direct light, either directly or through a reflecting device, upon any adjacent real property, and~~

~~e)e) No Luminaire shall project light in excess of 0.75-three-quarters foot-candles (0.75 fc) or equivalent Lux of brightness measured at the nearest property line. The maximum height of tennis court lighting shall not exceed twenty feet (20 ft.) feet above the court surface or natural grade whichever is lower.~~

~~e)f) Such tennis court lights or illumination units are not in use between 10:00 p.m. and sunrise.~~

4. If the use of a tennis court is discontinued, the tennis court wall or fence shall be removed or brought into conformity with the provisions of Section 5.2 Walls & Fences.

B. Game Courts

1. Game courts (Multi-use, Basketball Courts with Hoops, Pickle Ball, Volleyball, Handball, Shuffleboard, Roller Hockey, etc) are permitted in all Single-Family Districts provided that:

f)a) All game court related poles & structures are required to have minimum setbacks as outlined in Table 4.6.3A below. Sunken courts and basketball courts shall conform to the setbacks noted in Table 4.6.3A below, measured from property line to the edge of the court.:

Table 4.6.3A Setbacks

Zoning Type	Front Setback	Rear Setback	Side Setback	Side or Rear Along ROW
<u>R-175 (Prior to 6/13/91)(Subject to Revision)</u>	<u>40</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>R-175 (After 6/13/91)(Subject to Revision)</u>	<u>40</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>R-43 & R-43CP</u>	<u>40</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>R-35 & R-35CP</u>	<u>40</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>R-35A</u>	<u>40</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>R-18</u>	<u>40</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>R-18CP</u>	<u>See R-18</u>	<u>See R-18</u>	<u>See R-18</u>	<u>See PLAT</u>
<u>R-18A</u>	<u>40</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>R-10</u>	<u>20</u>	<u>7</u>	<u>7</u>	<u>7</u>

b) One ~~16~~-sixteen foot (16 ft.) high light is allowed for half courts at the minimum setback as outlined in Table 4.6.3A.

c) Two ~~16~~-sixteen foot (16 ft.) high lights are allowed for full courts as outlined in Table 4.6.3A.

d) The height of the light or illumination devise shall be measured from the court playing surface and shall comply with Section 5.3 Outdoor Lighting and Illumination.

e) Fence walls constructed around game courts are limited to a maximum height of ~~6~~ six feet (6 ft.) and shall comply with the fence wall setback requirements in Section 5.2 Walls & Fences.

f)a) Lights may be added to non-conforming game courts provided a portion of the court is compliant with current zoning regulations. The lighting may only be placed around the conforming portions of the court and the lighting shall comply with the Town Zoning Regulations.

C. Trampolines

1. Due to the recreation use of the trampoline and the visibility of safety net/cages, trampolines shall meet the following requirements:

a) Trampolines are subject to the pools and spas setback requirements and are limited to a maximum height of six feet (6 ft.) ~~feet~~ tall.

b) Trampolines over a height of six feet (6' ft.) feet tall shall meet accessory structure setback and height requirements.

c) With the exception of free standing tubular trampolines with no netting which is less than six feet (6' ft.) in height, a building permit is required.

4-6-34.6.4 Assisted Living Home (Previously Section 1701)

Where permitted in residential zones, Assisted Living Homes are subject to the following provisions:

- A. Distribution of Uses. No assisted living home shall be located on a lot within one thousand three hundred and twenty ~~feet (1,320 ft.) feet~~, measured by a straight line in any direction, from the lot line of another assisted living home located within the Town of Paradise Valley or any other adjacent jurisdiction.
- B. Occupancy. The number of residents at such home shall be limited by applicable state laws, including any minimum square footage requirement per person, but in no event shall the number of persons exceed six (6), not including the operator of a residential facility, members of the operator's family or persons employed as staff, except that the total number of all persons living at the residential facility shall not exceed eight (8) persons.
- C. Licensure. Such home shall be licensed or certified by the State of Arizona, and satisfactory evidence thereof shall be on file with the Town. In the event that the State of Arizona revokes or terminates the license or certification to operate such a home, the person operating the home shall immediately cease operations and inform the Town of such revocation or termination.
- D. Administrative Review. Such home shall be reviewed and approved by the Community Development Director, or designee, for building code and land use compliance prior to the use commencing.
- E. Code Compliance. Such home shall comply with all applicable Town codes, including building codes, fire safety regulations, zoning and subdivision codes.
- F. Compatibility. Such home and its premises shall be maintained in a clean, well-kept condition that is consistent in materials and design style with homes in the surrounding or adjacent neighborhood.
- G. Threat to Community. Such home shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.
- H. Parking. All parking associated with Assisted Living Homes shall be on site.

4-6-44.6.5 Resorts (New)

A. Definition

A resort is a facility, operated under a single unified management structure, containing guest units primarily for the temporary residency of persons in a physical setting that provides a high level of guest amenities, recreational opportunities and a quality of design that may include architectural features, extensive open space and landscaping.

B. Allowed uses

1. The primary use in a resort is guest units, including facilities necessary for administering and servicing the facility and on site parking.
2. Accessory uses may include:
 - a) Indoor or outdoor recreation facilities, including but not limited to swimming pools and spa or fitness facilities, tennis and other ball courts, golf courses and equestrian facilities.

- b) Retail sales, so long as they are primarily for the support and service of guests or visitors to functions at the site.
- c) Office and business services so long as they are primarily for the support and service of guests or visitors to functions at the site.
- d) Restaurants, banquet rooms and food service facilities which may include live music, entertainment and dancing.
- e) Meeting and public assembly facilities.
- f) Dwelling units.
- g) Any other resort-related use specifically approved in a Special Use Permit

C. Signs

All signs shall comply with **Section 5.4**, Signs, or as may have been previously specified in a particular Special Use Permit.

4.6-54.6.6 Medical Office, Kennels and Veterinary Clinics (New)

A. Definition

A medical office, including a medical clinic, consists of a building or part of a building used solely for the purpose of consultation, diagnosis, and treatment of patients by one or more legally qualified physicians, dentists, optometrists, chiropodists, chiropractors, osteopaths, and occupational therapists, together with their qualified assistants, and without limiting the generality of the foregoing, the building may include reception areas, administrative offices, waiting rooms, consultation and treatment rooms, minor operating rooms, pharmacies and dispensaries directly associated with the medical office/clinic. A kennel, including a veterinary clinic, consists of a building or a part of a building used for reception areas, administrative offices, waiting rooms, play areas and animal retaining/caging units, consultation and treatment rooms, minor operating rooms, and rooms for the diagnosis and treatment of animals by one or more legal qualified veterinarians, together with their qualified assistants.

B. Allowed uses

- a) Offices for medical practitioners and veterinarians; and kennel uses.
- b) Outpatient surgical facilities where patient stays do not exceed forty-eight (48) hours.
- c) Medical laboratories.
- d) Physical therapy facilities.
- e) Pharmacies, subject to specific approval of such use by the terms of an approved Special Use Permit, and pursuant to the following restrictions:
 - i. There shall be no external signage for a pharmacy other than a tenant identification sign for the surrounding medical office SUP complex.
 - ii. Addition of a pharmacy use within a Medical Office Special Use Permit Zone shall be permitted only upon the approval of an Intermediate Amendment to the Special Use Permit as provided for in **Section 7.6(F)**.
 - iii. Hours of operation shall be not earlier than 8:00 a.m. and not later than 6:00 p.m. – Monday through Saturday.
- f) Medical Marijuana Dispensaries, subject to the following pre-conditions and restrictions:

- i. Preconditions to the Acceptance of an Application.
 1. Prior to and as a pre-condition to a Medical Marijuana Dispensary applicant submitting an application for or obtaining a Special Use Permit (“SUP”) in compliance with the requirements and limitations and conditions set forth below, the applicant shall determine whether any existing operating Medical Marijuana Dispensary(ies) is/are located within ten (10) miles from the approximate center of the Town, which is defined as the latitude 33°33’25.7”N and longitude 111°57’30.0”W, and whether such existing operating Medical Marijuana Dispensary(ies) is/are located within or without the boundaries of the Town (each an “Available Facility” and, if more than one, collectively “Available Facilities”).
 2. If there is an existing Available Facility or Available Facilities an Application for a SUP Amendment for the operation of a Medical Marijuana Dispensary within the Town shall be refused.
 3. If the applicant states in the submitted application that there are no Available Facilities but the Town has reasons for questioning such statement in the application, then the applicant shall be required, at applicant’s cost, to hire a consultant selected by the Town who will determine whether there are any Available Facilities. If the selected consultant determines that there is an existing Available Facility or Available Facilities, then the Application for a SUP Amendment for the operation of a Medical Marijuana Dispensary within the Town shall be refused.
- ii. Processing of Valid Applications and Restrictions
 1. The number of medical marijuana dispensaries within the Town of Paradise Valley, if any, shall be limited to no more than one (1) within the boundaries of the Town. Said dispensary shall be allowed only in the Medical Office SUP District and only upon the approval of an Intermediate or Major Amendment to a Special Use Permit.
 2. The minimum requirements of this section shall apply to all applications for a medical marijuana dispensary use in a SUP Medical Office District as well as proof of compliance with all DHS regulations related to medical marijuana dispensaries.
 3. In addition to the foregoing requirements, applicants for a medical marijuana dispensary shall provide the following:
 - i. Copy of the operating procedures adopted in compliance with A.R.S. § 36-2804(B)(1)(c).
 - ii. Proof of a valid registration certificate and identification number from DHS for the dispensary and its board members and agents.
 - iii. A security plan showing a floor plan, type and description of and specifications for security measures that the medical marijuana dispensary will use to secure, enclose and lock the dispensary, as required by State law and DHS regulations.
 - iv. Exterior site and parking plan; and a traffic generation, route, and internal circulation plan prepared by a licensed traffic engineer with experience in this type of land use consideration.

iii. Additional Regulations and Standards for Medical Marijuana Dispensaries

1. Prior to Town approval of the occupancy of any tenant or operator of a medical marijuana dispensary, the owner of the medical office complex shall submit for Town Manager review and approval criminal background information and releases regarding the prospective tenant and all employees to be hired by the tenant; audited financial statements evidencing that the entities or persons who will own or operate the medical marijuana dispensary have adequate assets, financing, and net worth to appropriately fund a safe and secure medical marijuana; and detailed operations evidencing appropriate policies, protocols and operations procedures to ensure that the medical marijuana dispensary will run and operate in a safe and secure manner. The Town may request such additional information the Town deems reasonable and necessary.
2. Medical marijuana dispensaries shall be limited to the use of dispensing medical marijuana products and shall be prohibited from any other or related use such as a bookstore, spa, restaurant, or coffee shop.
3. No drive-through service shall be allowed at any medical marijuana dispensary.
4. No on-site consumption of any product containing medical marijuana shall be allowed at any medical marijuana dispensary.
5. Medical marijuana dispensaries located within the Town shall be prohibited from making any home deliveries of marijuana unless otherwise mandated by law.
6. Medical marijuana dispensaries shall be prohibited from offering free or discounted samples of their merchandise.
7. Means of preventing smoke, odors, debris, dust fluids and other substances from exiting a medical marijuana dispensary shall be provided with enhanced ventilation and filter systems.
8. No minors under twenty-one (21) years of age are permitted within a medical marijuana dispensary unless accompanied by a parent or guardian.
9. No youth activities, including, but not limited to, outdoor basketball hoop structures, playgrounds, and skate parks, shall be permitted on the same medical office complex site that has an approved medical marijuana dispensary use.
10. If the State prohibits any medical marijuana dispensary within the Town, any Amendment to a Special Use Permit adding a medical marijuana dispensary use shall be deemed immediately revoked by operation of law. The underlying Special Use Permit shall remain.
11. A medical marijuana dispensary shall be: at least one thousand five hundred feet (1,500 ft.) feet from the following existing uses, as measured within the Paradise Valley municipal limits only: (a) educational institutions; (b) places of worship; (c) parks and recreational facilities; or (d) youth centers; at least five thousand two hundred eighty feet (5,280 ft.)-feet from any other medical marijuana dispensary; and at least three hundred feet (300 ft.)-feet from any residential use in any residential district or any resort or residential use under any Special Use Permit property that permits resort uses. All distances shall be measured from the wall of the office suite or space occupied by the medical marijuana dispensary nearest to

the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.

12. A medical marijuana dispensary shall have operating hours not earlier than 8:30 a.m. and not later than 2:30 p.m. – Monday through Friday, unless longer hours are prescribed by any laws, or as prescribed in an intermediate Special Use Permit amendment.
13. There shall be no external signage including, but not limited to, any special event signage, for a medical marijuana dispensary other than a tenant identification sign for the surrounding medical office SUP complex, and no symbols, representations, or slang for the word “marijuana” or its components shall be used on any external signage.
14. All activity related to medical marijuana dispensaries shall be conducted in compliance with Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq., DHS rules and regulations and other implementing state statutes and administrative regulations.
15. An SUP amendment for a medical marijuana dispensary shall not become effective until the owner of a Medical Office SUP District property has completed all DHS requirements and obtained a license.

4-6-64.6.7 Religious Facility, Private School, Non-Profit Organization, Public/Quasi Public (New)

1. Definitions. Any of the following that can demonstrate an exclusively non- profit or non-commercial or purely public purpose.
 - a) Religious Facility - an institution primarily used for the gathering of people for the practice of religious faiths.
 - b) Private School - an institution, including private charter schools, for instruction and education of children or adults and that is not operated by a public school district.
 - c) Non-Profit Organization - an organization that provides social, religious, educational, family support or similar services to individuals and which is certified as a not for profit organization by appropriate state or federal agencies.
 - d) Public/Quasi Public: Structures and uses principally of an institutional nature and serving a public need, such as religious institutions, schools, libraries, governmental offices, museums, post offices, police and fire stations, public utilities, and other public services that provide governmental, educational, institutional, cultural, recreational, religious, or other similar types of public services, but not including the operation of a public bar, restaurant or recreational facility as a commercial enterprise.
2. Allowed uses
 - a) Halls for assembly
 - b) Offices for staff or consultation
 - c) Classrooms, laboratories, gymnasias and similar recreational facilities
3. Signs

All signs shall comply with **Section 5.4, Signs**, or as may have been previously specified in a particular Special Use Permit.

4-6-74.6.8 Country Club and Golf Course (New)

1. Definition
 - a) Country Club - A use of land, with traditional accessory uses, the primary purpose of which is for playing golf, tennis, handball or other similar recreational activities. Memberships or fees may be required for participation.
 - b) Golf Course - A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse and associated uses.
2. Allowed uses
 - a) Golf course
 - b) Driving range
 - c) Tennis
 - d) Racquetball, handball and other game courts
 - e) Swimming pool
 - f) Accessory uses may include event halls, restaurants, dining facilities, bars, dance floors, weight or exercise rooms, and limited retail sales so long as they are primarily for the support and service of guests or visitors to functions at the site.
 - g) Any other country club and golf course related use specifically approved in a Special Use Permit
3. Signs

All signs shall comply with **Section 5.4, Signs**, or as may have been previously specified in a particular Special Use Permit.

4-6-84.6.9 Utility Poles and Wires (New)

1. Definitions
 - a) Utility poles and wires - shall mean poles, structures, wires, cable, conduit, transformers, communications equipment, and related facilities used in or as a part of the transportation or distribution of electricity or power or in the transmission of telephone, telegraph, radio or television communications or for the transmission or reception of electromagnetic radio frequency signals used in providing wireless services;
 - b) Existing utility poles and wires - shall mean such utility poles and wires as are in place and in operation as of the effective date of this ordinance; and
 - c) New utility poles and wires - shall mean such utility poles and wires as are not existing utility poles and wires and shall include such utility poles and wires as in the future may constitute replacements for, or repairs to, existing utility poles and wires, but shall not include replacements involving less than one-quarter (1/4) mile of contiguous poles and wires on any transmission or distribution line in any twelve (12) month period where the remainder of such transmission or distribution line is not also being replaced within said period; such replacements excluded from being new utility poles under the latter clause must be poles of the same or lesser size, diameter, and height, and in the same location as the pole or poles being replaced, and in addition, must be of the same class or classification as to strength and purpose within the utility industry as the pole or poles being replaced.

2. The erection of new utility poles and wires within the Town is discouraged, and, with the exception of small wireless facilities meeting the administrative approval standards specified in **Article 2, Section 2.5.2(I)**, may only be permitted by the issuance of a Special Use Permit, further provided that a Special Use Permit for erection of new utility poles and wires shall be granted only in the event the applicant makes an affirmative showing that the public's general health, safety and welfare will not be impaired or endangered or jeopardized by the erection of same as proposed. In deciding such matter, the following factors shall be considered:
 - a) the location and heights of such poles and wires and their relation to present or potential future roads;
 - b) the crossing of such lines over much traveled highways or streets;
 - c) the proximity of such lines to schools, churches or other places where people congregate;
 - d) the probability of extensive flying in the area where such poles and wires are proposed to be located and the proximity to existing or proposed airfields;
 - e) fire or other accident hazards from the presence of such poles and wires and the effect, if any, of same upon the effectiveness of fire fighting equipment;
 - f) the aesthetics involved;
 - g) the availability of suitable right-of-way for the installation;
 - h) the future conditions that may be reasonably anticipated in the area in view of a normal course of development;
 - i) the type of terrain;
 - j) the practicality and feasibility of underground installation of such poles and wires with due regard for the comparative costs between underground and overground installations (provided, however, that a mere showing that an underground installation shall cost more than an overground installation shall not in itself necessarily require issuance of a permit); and
 - k) in the event such poles and wires are for the sole purpose of carrying electricity or power or transmitting telephone, telegraph, radio or television communication through or beyond the Town's boundaries, or from one major facility to another, the practicality and feasibility of alternative or other routes.

4-6-94.6.10 Guardhouse, gatehouse, and access control gates (New)

1. Definition

Guardhouses, gatehouses, and access control gates are structures or fencing and gates located within a private roadway the purpose of which is to control access to a residential development.

4-6-104.6.11 Amateur Radio Antenna (New)

1. Definition

An amateur radio antenna, as regulated by this Article, is an antenna used for amateur radio communications that exceeds ~~30~~thirty (30 ft.) feet in height or the height of the main building, whichever is lower, but does not exceed ~~60~~sixty feet (60 ft.) in height.

2. Bulk and density standards

The amateur radio antenna shall be subject to the standards for amateur radio antennas set forth in **Table 5.1.2A**.

~~4.6.114.6.12~~ Parking of Vehicles and Trailers (Previously Section 1007)

On residential lots, motor homes, campers, trailers, boats and associated trailers, or buses shall be parked only in the side or rear yard and in such a manner that they are fully screened from adjacent properties, rights-of-way, and open space areas by a wall, protective fence, or other screening compatible with the exterior of the main house. Motor homes, mobile homes, or campers shall not be lived in within the boundaries of the Town. Commercial vehicles and mobile homes shall not be parked or stored on any residential lot within the Town unless the commercial vehicle is making deliveries or providing temporary services.

4.7 Prohibitions

4.7.1 Time-Share Projects (Previously Section 1026)

Time-Share Projects, as defined in **Article 10, Section 10.2** are hereby prohibited within any use district within the Town of Paradise Valley.

4.7.2 Specific Types of Medical Marijuana Facilities and Other Marijuana-related Facilities or Uses (Previously Section 1027)

The following specified types of medical marijuana facilities, as defined in **Article 10, Section 10.2**, are hereby prohibited within any use district within the Town of Paradise Valley and are specifically excluded from being considered an allowed home occupation under **Section 3.5** of this Zoning Ordinance: (1) Medical Marijuana Designated Caregiver Cultivation Site; (2) Medical Marijuana Dispensary Offsite Cultivation Site; and (3) Medical Marijuana Infusion Facility. Medical Marijuana Qualifying Patient Cultivation with the Town of Paradise Valley shall be prohibited if a Medical Marijuana Dispensary receives a registration certificate from DHS for any location within the Town of Paradise Valley or within twenty-five (25) miles of the residence of a Qualifying Patient living in the Town of Paradise Valley. Except as otherwise required by law, (1) Marijuana Establishments and (2) Marijuana Testing Facilities, each as defined in **Article 10, Section 10.2**, are hereby prohibited within any use district within the Town of Paradise Valley and are specifically excluded from being considered an allowed home occupation under **Section 4.5** of this Zoning Ordinance.

ARTICLE 5 - SUPPLEMENTAL DEVELOPMENT REGULATIONS

5.1 **Additional Height & Area Regulations**

5.1.1 **Front Yard Designation (Previously Section 1002)**

- A. For a lot where structures currently exist on a lot with double or multiple frontages, the primary frontage shall be determined based upon the following four (4) criteria:
1. A door positioned for use by the general public when calling upon the occupants leading into the dwelling.
 2. The primary frontage as depicted on the recorded subdivision plat; or where the primary frontage is not shown on the subdivision plat, as is consistent with and in harmony with the original subdivision design.
 3. The arrangement and location of the primary frontage is consistent with and in harmony with the arrangement and location of the primary frontage of the adjacent properties.
 4. The primary frontage should be on the street that is a lower level in the Town's Street Classification System; e.g., the frontage should be on a local street versus on an arterial or collector street, or the frontage should be on a collector street versus on an arterial street.
- B. For a vacant lot with double or multiple frontages, the primary frontage, if not already designated, shall be determined based upon the following three (3) criteria:
1. The primary frontage as depicted on the recorded subdivision plat; or where the primary frontage is not shown on the subdivision plat, as is consistent with and in harmony with the original subdivision design.
 2. The arrangement and location of the primary frontage is consistent with and in harmony with the established character of the adjacent properties.
 3. The primary frontage should be on the street that is a lower level in the Town's Street Classification System; e.g., the frontage should be on a local street versus on an arterial or collector street, or the frontage should be on a collector street versus on an arterial street.
- C. On curvilinear streets, the arc between the side lot lines shall be considered the front yard.
- D. If a front yard is not already designated, or is being changed, the applicant requesting to designate or change the location of the front yard shall notify all property owners within ~~600 six hundred~~ feet (~~600 ft.~~) of the property line. Within fifteen (15) days after such notification, the Community Development Director shall render a decision regarding the proposed change in the front yard designation. Following the Community Development Director's decision, the property owner or owner of any property within ~~600 six hundred~~ feet (~~600 ft.~~) of the subject property may appeal the decision of the Community Development Director to the Board of Adjustment. Application for appeal to the Board of Adjustment shall be submitted to the Town, together with the fee prescribed in the Town of Paradise Valley Fee Schedule within ten (10) days after the ruling.

5.1.2 **Tall Structures, Flagpoles and Antennas (Previously Section 1003)**

- A. Flagpoles, Spires, radio antennas, television receiving antennas, antenna towers, fire towers, and other similar structures which project skyward, where otherwise authorized under the provisions of the Paradise Valley Zoning Ordinance, shall not exceed thirty ~~feet (30 ft.) feet~~ in height or the height of the main residence, whichever is lower, unless authorized by conditional use permit.

- B. All antennas shall be subject to the limitations set forth in **Table 5.1.2A**. An amateur radio antenna may exceed thirty ~~feet~~ (30 ~~ft.~~) ~~feet~~ in height or the height of the main residence, whichever is lower, only if specifically authorized by Special Use Permit and may not exceed a maximum height of sixty ~~feet~~ (60 ~~ft.~~) ~~feet~~.
- C. These limitations are imposed for the safety of the community and the preservation of the Town's natural aesthetics, in particular the preservation of openness and unobstructed views of Mummy Mountain, the Phoenix Mountains, and Camelback Mountain. The preservation of the views and open space within the Town have been the primary goal of the citizens of the Town since its incorporation. The Town Council determines as a legislative finding that this Section does not operate to impose unreasonable limitations on, or prevent, reception of satellite delivered signals by receive only antennas or to impose costs on the users of such antennas that are excessive in light of the purchase and installation cost of the equipment.
- D. All antennas, except for receive only antennas, must be currently licensed by the Federal Communications Commission.
- E. It is unlawful to use any antenna for commercial purpose, except for cellular communication systems. Cellular antennas must be located and erected as specified in a conditional use permit.

Table 5.1.2A Limitations on Antennas

Type of antenna:	Amateur radio	Standard, non- microwave television	Microwave satellite reception. (dish)
Minimum setback from property line:	60 feet from front property line; 40 feet from the rear property line, 20 feet from the side property lines	60 feet from front property line; 40 feet from the rear property line, 20 feet from the side property lines	60 feet from front property line; 40 feet from the rear property line, 20 feet from the side property lines
Maximum size of mounting shaft:	Five inches	As necessary	Minimum required to support dish.
Accessibility:	Restricted		
Maximum height from natural grade, or lowest excavated grade:	30 feet, or the height of the main building, whichever is lower. More than 30 feet or the height of the main building whichever is lower to a maximum of 60 feet in height only if authorized by Special Use Permit	30 feet, or the height of the main residence, whichever is lower	6 feet, and not visible from adjacent property
Maximum number:	One	Unlimited	One
Fencing required, or other means of restricting access:	Yes	No	No

Permitted in Hillside Development Area:	Yes, subject to the restrictions of the hillside section of the Zoning ordinance	Yes, subject to the restrictions of the hillside section of the Zoning ordinance	Yes, subject to the restrictions of the hillside section of the Zoning ordinance
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5.1.3 Building Restrictions (Except as hereinafter provided) (Previously Section 1004)

- A. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except in conformity with use, height, area and parking regulations in the district in which the building or land is located.
- B. The minimum yards and other open spaces, including lot area per family, required by this ordinance for each and every building existing at the time of passage of this ordinance, or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building; nor shall any lot area be reduced beyond the district regulations of this ordinance.
- C. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot, except as otherwise provided in Section 2.2.7A hereof.
- D. No accessory building or a residentially-zoned property shall be leased, subleased or rented, separate and apart from the main building and no main building shall be leased, subleased or rented, separate and apart from an accessory building, ~~and such rental shall be for less than a contiguous 30 day period.~~

5.1.4 Yard Requirements (Previously Section 1008)

Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in side and rear yards, plant material, and except for the ordinary projections of sills, belt courses, cornices and ornamental features projecting not to exceed twenty-four ~~inches~~ (24 ~~in.~~) ~~inches~~.

5.1.5 Mechanical Equipment (Previously Section 1009)

- A. Mechanical equipment shall be fully screened from view in conformance with Section 5.2.9.

5.1.6 Projections into the Required Yards (Previously Section 1010)

- A. Open lattice-enclosed fire-proof outside stairway, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the required side or rear yard not more than five ~~feet~~ (5 ~~ft.~~) ~~feet~~ are permitted.
- B. Terrace, uncovered porches, platforms and ornamental features which do not extend more than three ~~feet~~ (3 ~~ft.~~) ~~feet~~ above the floor level of the ground (first) story may project a maximum of two ~~feet~~ (2 ~~ft.~~) ~~feet~~ into the setback.

5.2 Walls & Fences (Previously in Article XXIV)

5.2.1 Intent: (Previously Section 2401)

The Town of Paradise Valley encourages visual openness and the preservation of the natural environment. Walls and fences are inconsistent with this intent, but may be desired by residents for safety, noise abatement, and/or security. When walls and fences are necessary, the Town requires that such walls and fences meet the criteria set forth in this ~~Article~~ section.

5.2.2 Wall Finishes: (Previously Section 2403)

Any wall visible from adjoining properties, adjacent rights-of-way, and/or open space areas shall consist of finished materials such as stucco, brick, stone, metal, rails, wood, or tile.

A. Walls Adjacent to Rights-of-Way and Open Spaces.

When such wall is adjacent to or visible from a right-of-way and/or open space area, it shall complement the architectural character of the main house, and shall have a finish texture, color, and material on the exterior side that is compatible with the primary building on-site, or as determined by the Town. The minimum standard for a wall finish shall be stucco and paint.

B. Walls Adjacent to Adjoining Properties.

When such wall is adjacent to an adjoining property, the wall shall be finished on the exterior side. The minimum standard for a wall finish shall be stucco and paint.

C. EXCEPTIONS:

1. The side of the wall facing the adjoining property may be finished with such materials and colors as agreed upon by the property owner and adjoining property owner. If the property owners cannot agree on the type of finish, the minimum standard for the wall finish shall be stucco and paint.
2. If the owner of adjoining property grants no reasonable access to the applicant to finish the side of the wall facing the adjoining property, the applicant will be relieved of any obligation to improve that side of the property wall. At least two (2) attempts shall be made to try to contact the adjoining property owner. The minimum standard of notification shall be a written letter sent via certified mailed to the owner at his last known address by certified mail, or the address to which the tax bill for the property was last mailed.

5.2.3 Height and Setback Regulations: (Previously Section 2404)

A. Height Regulations

1. In General.

The height of walls, view fences, and combination view fences shall be measured vertically from the finished grade on the exterior side of the wall or view fence. Raising the finished grade by placing fill solely for the purpose of adding additional height to a wall, view fence or combination view fence is prohibited. If a wall, view fence or combination view fence is placed on a berm, the height shall be measured vertically from the base of the berm.

2. Adjoining Local, Collector, and Minor Arterial Streets.

The maximum height of a wall, view fence or combination view fence, including the berm, adjoining a local, collector, and minor street shall not exceed six ~~feet (6 ft.)~~feet, further provided that no portion of a wall or fence located between the ten-~~foot (10 ft.)~~ ~~foot~~and forty-~~foot (40 ft.)~~ ~~foot~~ front yard setback shall exceed three ~~feet (3 ft.)~~feet, except for view fencing and combination view fencing, which may extend up to six ~~feet (6 ft.)~~feet at a front yard setback of twenty ~~feet (20 ft.)~~feet or greater, and except for entry gates and columns as permitted under Section 5.2.13. See Table 5.2.4A for additional criteria.

3. Adjoining Major Arterial Streets.

The maximum height of a wall, view fence and combination view fence, including the berm, adjoining a major arterial street shall not exceed eight ~~feet (8 ft.)~~feet. The maximum exposed vertical wall or view fence element from the exterior side of the property shall be no more than

six ~~feet (6 ft.) feet~~, except for a single entry gate and columns as permitted under **Section 5.2.13**. See **Table 5.2.4A** for additional criteria.

4. Adjoining Non-Residential Properties Other Than Along A Right-Of- Way

The maximum height of a wall, view fence and combination view fence, including the berm, between a residential property and an adjoining non-residential property, other than a right-of-way, shall not exceed eight ~~feet (8 ft.) feet~~. When such a wall is adjoining or visible from a right-of-way and/or open space area, it shall complement the architectural character of the main house, and shall have a finish texture, color, and material on both sides compatible with the primary building on-site, or as determined by the town. See **Table 5.2.4A** for additional criteria.

5. Surrounding Vacant Properties

A 3-foot ~~(3 ft.)~~ high rail type fence, wrought iron fence, masonry fence or metal view fence may be installed along the perimeter of a vacant property to prohibit trespassing and illegal dumping. The fence shall be setback at least 10 feet ~~(10 ft.)~~ from any right-of-way and shall meet all other requirements of this section.

B. Setbacks Regulations

1. In General.

Setbacks for a wall, view fence or combination view fence will vary depending on whether it is a) adjoining a right-of-way or other property; b) adjoining a major arterial or other street classification; c) located in the front yard or other sides of the lot; d) considered a wall or a view fence; e) meandering and based on the amount of meander utilized in the wall's construction or f) meets the criteria for combination view fencing set forth in **Section 5.2.2**. Walls, view fences or combination view fencing not adjoining a public or private right-of-way may be built at or on the property lines with no setback requirement. See **Table 5.2.4A** and **B** for additional criteria.

2. Adjoining Local, Collector, and Minor Arterial Streets.

Solid walls or fences not meeting the criteria for view fencing or combination view fencing located in the front yard of a lot adjoining local, collector, or minor arterial streets that exceed three ~~feet (3 ft.) feet~~ in height shall be setback at least forty ~~feet (40 ft.) feet~~ from the right-of-way property line. View fences or combination view fences located in the front yard of a lot adjoining local, collector, or minor arterial streets that are six ~~feet (6 ft.) feet~~ in height or less shall be setback at least twenty ~~feet (20 ft.) feet~~ from the right-of-way property line. Walls, view fences, or combination view fences located in the front yard of a lot adjoining local, collector, or minor arterial streets that are three ~~feet (3 ft.) feet~~ in height or less shall be setback at least ten ~~feet (10 ft.) feet~~ from the right-of-way property line, except for the area allotted to an entry gate, as permitted under **Section 5.2.13**, may be greater than the ~~three-foot (3 ft.)~~ height limitation. Walls located in the side or rear yard of a lot adjoining local, collector, or minor arterial streets, three ~~feet (3 ft.) feet~~ in height or less, shall be setback at least ten ~~feet (10 ft.) feet~~ from the right-of-way property line. Walls located in the rear or side yard of a lot adjoining local, collector, or minor arterial streets that exceed ~~(3) three feet (3 ft.)~~ in height, shall be setback at least twenty ~~feet (20 ft.) feet~~ from the right-of-way property line; however, a view fence may be constructed at a ten-~~foot (10 ft.) feet~~ setback, or a meandering wall may be constructed at an average fifteen-~~foot (15 ft.) feet~~ setback, provided they meet the criteria set forth in this Article and **Table 5.2.4A**. See **Table 5.2.4A** for additional criteria.

3. Adjoining Major Arterial Streets.

Walls exceeding three ~~feet (3 ft.)~~ feet in height that adjoin major arterial streets shall be setback at least twenty ~~feet (20 ft.)~~ feet from the right-of-way property line; however, a view fence may be constructed at a ten-foot (10 ft.) ~~feet~~ setback or a meandering wall may be constructed at an average fifteen-foot (15 ft.) ~~feet~~ setback provided they meet the criteria set forth in this Article and **Table 5.2.4A**. Walls three ~~feet (3 ft.)~~ feet in height or less may be constructed at the ten-foot (10 ft.) ~~feet~~ setback. See **Table 5.2.4A** for additional criteria.

4. Additional Criteria for Meandering Walls.

Meandering walls shall maintain an average setback of not less than fifteen ~~feet (15 ft.)~~ feet, said average to be determined by comparing the area between the ten- (10 ft.) and the fifteen-foot (15 ft.) ~~feet~~ setback area (noted as Area “A” on **Figures 5.2.3A-A** through -C) with the area encroaching between the fifteen- (15 ft.) and the twenty-foot (20 ft.) ~~feet~~ setback area (noted as Area “B” on **Figures 5.2.3-A** through -C) such that the area located between the ten- (10 ft.) and the fifteen-foot (15 ft.) ~~feet~~ setback area shall be equal to or less than the area located between the fifteen- (15’) and twenty-foot (20 ft.) ~~feet~~ setback area. Walls that have no significant meander and that are configured to meet the criteria set forth herein solely for the purpose of moving to a fifteen-foot (15 ft.) ~~feet~~ setback are impermissible. See **Tables 5.2.4A** and **5.2.4B** for additional criteria.

Table 5.2.4A summarizes many of the regulations relating to height and setback regulations for walls, meandering walls, view fences, and combination view fences; and sets forth additional criteria related to these structures. **Table 5.2.4B** sets forth additional criteria for meandering walls.

5. Additional Criteria for View Fences and Combination View Fences.

Properties that contain view fencing or combination view fencing over ~~three feet (3 ft.)~~ in height and between ~~twenty feet (20 ft.)~~ and ~~forty feet (40 ft.)~~ of the front yard setback may not also contain hedges over ~~three feet (3 ft.)~~ in height in the front yard or in any unpaved sections of right-of-way and must have a hedge maintenance agreement executed and recorded prior to the issuance of a building permit for the combination view fencing. The maintenance of the hedge is the responsibility of the property owner. The hedge maintenance agreement shall:

- a) Be in a form acceptable to the Town Manager or Designee,
- b) Grant the Town easement rights and a right of entry in, over, and across the Hedge and Landscape Area for purposes of complying with this section,
- c) Specify that the maintenance responsibility for the Hedge and Landscape Area remains private,
- d) Be recorded in the Maricopa County Recorder’s office, and
- e) Specify that the property owner shall maintain the hedge within the Hedge and Landscape Area in compliance with all applicable Town codes.

Table 5.2.4A – All Residential Districts Setback and Height Regulations for Walls/View Fences/Combination View Fences

FRONT YARD ALONG RIGHTS-OF-WAY			
STREET TYPE	TYPE OF WALL OR FENCE	SETBACK FROM PROPERTY LINE, FEET	MAXIMUM HEIGHT, FEET

Major	View Fence	10, Minimum	**8, including berm
	Meandering Wall	15, Average	**8, including berm
	All Others	20, Minimum	**8, including berm
	Any	10, Minimum	3
Local, Collector, Minor	Any	10, Minimum	3
	View Fence/Combination View Fence	***20, Minimum (Landscape Restrictions with Maintenance Requirements)	6
	All Others	40 40, Minimum	6
SIDE OR REAR YARD ALONG RIGHTS-OF-WAY			
Major	View Fence	10, Minimum	**8, including berm
	Meandering Wall	15, Average	**8, including berm
	All Others	20, Minimum	**8, including berm
	Any	10, Minimum	3
Local, Collector, Minor	View Fence	10, Minimum	6
	Meandering Wall	15, Average	6
	All Others	20, Minimum	6
	Any	10, Minimum	3
SIDE OR REAR YARD INTERIOR (not along any right-of-way)			
Not applicable	Any	None Required	6
SIDE OR REAR YARD INTERIOR (adjoining non-residential property other than a right-of-way)			
Not applicable	Any	None Required	**8, including berm

*In R-18A Zoning Districts, the front yard setback along local, collector, or minor streets is minimum 35 feet.

In R-10 Zoning Districts, the front yard setback along local, collector, or minor streets is minimum ~~20~~twenty feet (20 ft.), or as shown on the recorded plat, or as existing at the time of annexation. The setbacks shown on the recorded plat take precedence. If there are no setbacks shown on the recorded plat, the applicant shall choose a setback of ~~20~~twenty feet (20 ft.) or a setback as existing at time of annexation. Reference **Table 5.2.4A** for R-10 Zoning District side and rear yard setbacks.

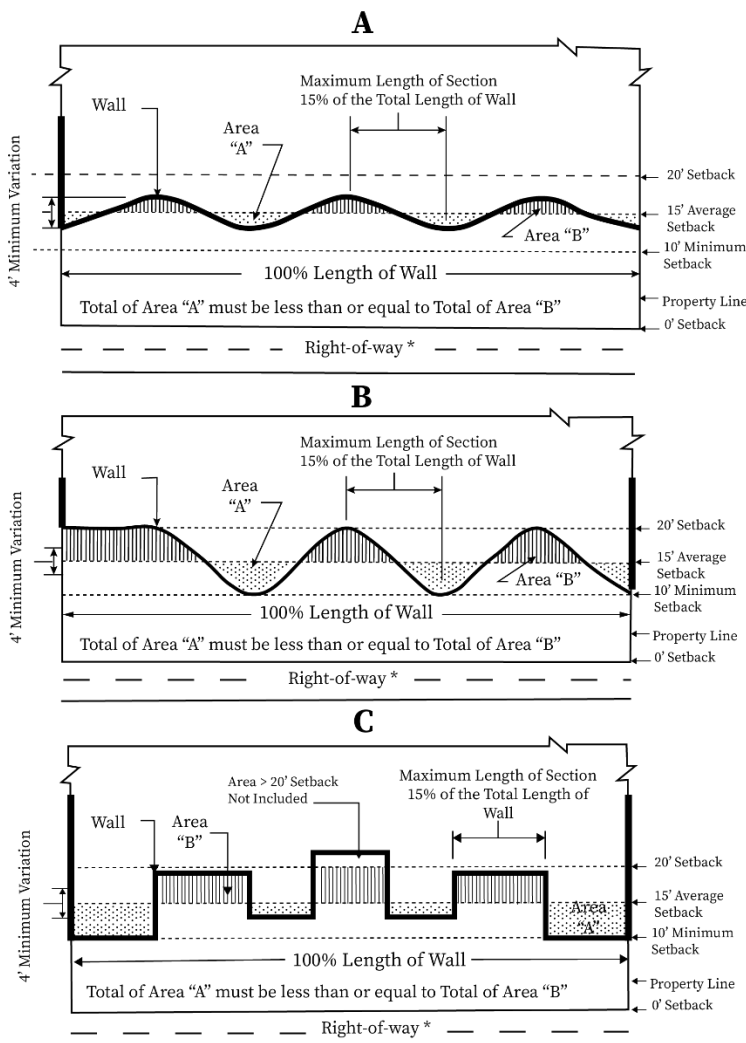
**Refer to Section 5.2.3(a) for details

*** Refer to Section 5.2.3 (d) for landscape restrictions.

Table 5.2.4B – Additional Meandering Walls Criteria

Minimum setback from property line	10 feet
Minimum variation offset from average setback	4 feet
Maximum length of any single section meandering between the 10' and 20' setback	15% of total wall length
Maximum setback area allowed in determining meandering setback	20 feet

Figure 5.2.3 – Meandering Walls

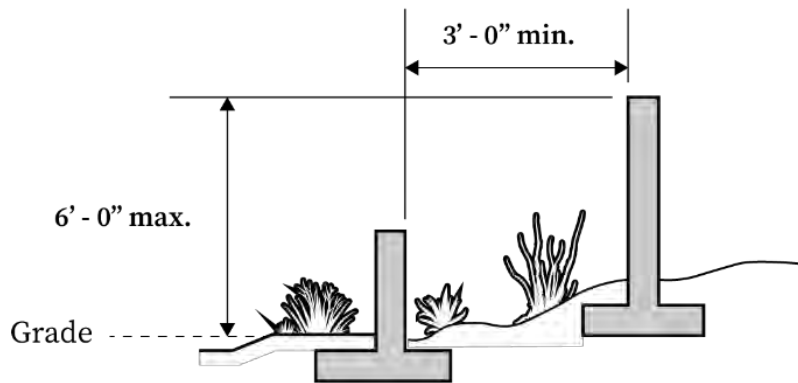


* Major Arterial Roadway along the Front or Side or Rear Yard. Or, Local, Collector, or Minor Arterial Roadway along the Side or Rear Yard

5.2.4 Stacking: (Previously Section 2405)

Stacking of no more than two (2) walls on any single lot may be permitted, provided there shall be a minimum of ~~3-foot~~3-foot (3 ft.) separation between the walls, and the space between the walls shall include appropriate and adequate vegetation to substantially minimize the visual impact of the combined walls. The landscaped area shall be maintained at all times in conformance with the Town's Landscape Guidelines. (see **Figure 5.2.4A**). The combined fence wall height shall not exceed six ~~feet~~feet (6 ft.). This stacking requirement applies only to walls adjoining rights-of-way and/or stacked walls that are visible from off the property.

Figure 5.2.4A –Stacking of Walls



5.2.5 Landscaping: (Previously Section 2406)

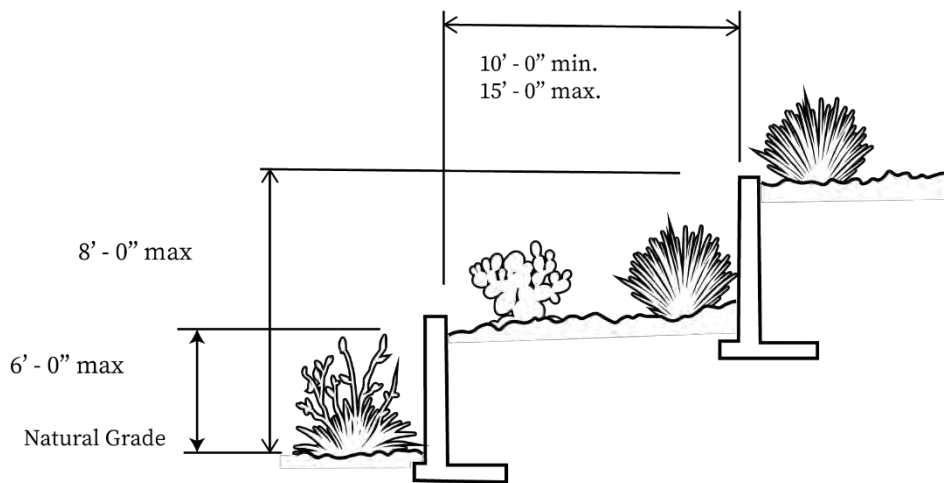
Each property owner shall be responsible for landscaping the land located between the edge of road pavement, including any unpaved right-of-way, and the wall or fence. The landscaped area shall be maintained at all times in conformance with the Town's Landscape Guidelines.

5.2.6 Retaining Walls: (Previously Section 2407)

- A. Retaining walls shall only be used for the purpose of containing fill material or for minimizing cut or fill slopes.
- B. The maximum height of any retaining wall shall not be more than six ~~feet~~feet (6 ft.). The height of a retaining wall is measured from the low side of finished or natural grade, whichever is lower, to the top of the wall whether the top is retaining earth or not.
- C. A terraced combination of retaining walls may be allowed and shall be measured as a single retaining wall; however, the combined walls shall be: 1) no more than eight ~~feet~~feet (8 ft.) total vertical height; 2) terraced with a minimum distance of ten ~~feet~~feet (10 ft.) and a maximum separation of fifteen ~~feet~~feet (15 ft.); and 3) contain appropriate vegetation between the walls so as to soften the visual impact of the combined walls (see **Figure 5.2.6A**).
- D. When a safety fence, on top of a retaining wall, is required by code, it shall be a view fence (eighty percent (80%) open), shall be finished to blend with surrounding natural colors, and shall be the minimum height required by the Town Code. The building code requires a safety fence only when there is a walking surface at the upper level.
- E. Where retaining walls are provided, they shall meet all of the requirements of **Section 5.2.2 – Material and Texture** of this Article.

- F. Where retaining walls are provided, they shall meet the setback requirements of **Section 5.2.3**, Height and Setback Regulations, unless deemed necessary by the Town Engineer and the Community Development Director to prevent erosion. Placing fill solely for the purpose of obtaining a decreased wall setback shall be prohibited.
- G. Fence walls may be located on top of the retaining material provided:
1. View fences placed on top of the retaining wall fill shall maintain a minimum separation of five ~~feet (5 ft.)~~ feet from the top of the retaining wall; and
 2. All other fence walls placed on top of the retaining wall fill shall maintain a minimum separation of ten ~~feet (10 ft.)~~ feet from the top of the retaining wall; and
 3. The combined walls shall be measured as one (1) single wall and shall not exceed a total vertical height of eight ~~feet (8 ft.)~~ feet, measured from the low side of natural grade to the top of the wall. Exceptions may apply to pool barriers (the pool barrier must be a view fence when the combined height exceeds ~~eight~~ feet (8 ft.));
 4. These separation requirements apply to any single lot and do not apply to adjoining walls on neighboring properties; and
 5. Placing fill solely for the purpose of obtaining an increased wall height shall be prohibited.

Figure 5.2.6A – Terraced Vertical Retaining Walls



5.2.7 Subdivision Walls and View Fences (Previously Section 2408)

- A. New subdivision walls and view fences that are not pre-existing (as defined below) and are constructed after January 2004, shall conform to the provisions of this Article.
- B. Pre-existing subdivision walls or view fences are subdivision perimeter walls or view fences located within forty ~~feet (40 ft.)~~ feet of the exterior property line of a platted subdivision or lot split that may, and typically do, run in general alignment with the property line along a public or private road and that are constructed before January 2004. A pre-existing subdivision perimeter wall or view fence need not extend the entire length of the perimeter to be considered a perimeter wall or view fence.
- C. The terms of Section 6-3-12 of the Paradise Valley Town Code shall apply in all areas.
- D. Location, height, setback, and design of subdivision perimeter walls or view fences shall be part of the approved final plat.

5.2.8 Corner Vision: (Previously Section 2409)

Refer to Section 8-1-13 of Chapter 8 – Safety, Health, Sanitation and Nuisance – of the Town Code for the corner vision criteria.

5.2.9 Mechanical Equipment Screening: (Previously Section 2410)

Mechanical equipment shall be fully screened from view. Walls may be used to screen mechanical equipment. Such walls shall:

- A. Be of a minimum height and length needed to screen the mechanical equipment;
- B. Have a maximum height of no more than six ~~feet (6 ft.)~~ feet. Screen walls over ~~6-six feet (6 ft.)~~ in height may be allowed to properly screen the mechanical equipment, provided:
 1. Such walls meet the allowable setbacks and height of an accessory structure, and
 2. Screening area surrounded by screen walls is calculated as part of the allowable floor area;
- C. Have an architectural texture, color, and material compatible with the primary building on-site;
- D. Meet setback requirements as shown in **Table 5.2.4A**.

5.2.10 Courtyard: (Previously Section 2411)

A courtyard is a private landscaped outdoor living space adjoining the main house and enclosed by walls and / or portions of the main house. A courtyard may be constructed to enclose an outdoor living space, provided:

- A. The courtyard walls shall meet all setback and height requirements for the building to which they are attached.
- B. If any portion of the courtyard wall exceeds six ~~feet (6 ft.)~~ feet in height, the area enclosed by the courtyard walls shall be included in the calculation of the maximum ~~twenty-five percent (25%)~~ Floor Area Ratio (FAR) set forth in the Zoning Ordinance for residential properties. Accessory structures such as a fireplace, fountain, or doorway into the courtyard may exceed six ~~feet (6 ft.)~~ feet in height without causing the courtyard area to be included in the ~~twenty-five percent (25%)~~ FAR, as long as there are no more than two ~~(2)~~ accessory structures located in the courtyard wall and the horizontal length of the accessory structures equal no more than ~~twenty-five percent (25%)~~ of the lineal feet of the total courtyard wall.
- C. The courtyard walls shall be an integral part of the design of and have an architectural texture, color, and material compatible with the main building or house on-site.
- D. If a main house is designed in such a way that a courtyard is formed by the house itself on more than three ~~(3)~~ sides, the courtyard area shall be included in the calculation of the maximum ~~twenty-five percent (25%)~~ FAR.
- E. When a courtyard is not included in the ~~twenty-five percent (25%)~~ FAR calculation, all accessory structures located in the courtyard must comply with the accessory structure setback and height requirements outlined in **Article 2, Table 2.2.7A** of the zoning ordinance.

5.2.11 Wing Wall: (Previously Section 2412)

A wing wall is an architectural feature attached to the main house that extends beyond the exterior facades of the main house. The wing wall shall:

- A. Meet all setback and height requirements for the main house;
- B. Have an architectural texture, color, and material compatible with the main house on-site;

- C. Not enclose any area.

5.2.12 Driveway Columns and Entry Gates: (Previously Section 2413)

An increase in the height of the entry gates and associated columns at the driveway and pedestrian entrances may be permitted, provided:

- A. Columns and entry gates located between the ten-~~(10)~~-foot (10 ft.) and the forty-~~(40)~~-foot (40 ft.) front yard setback may be allowed to exceed the three-foot (3 ft.) maximum height, but in no event shall the height of the gate and its associated columns exceed six ~~feet (6 ft.)-feet~~. A transition may be made from the top of the column to the three-~~(3)~~-foot (3 ft.) high wall, but the length of the horizontal transition shall not exceed the difference in the vertical height between the wall and the column or gate, whichever is greater.
- B. Columns and entry gates at and beyond the forty-~~(40)~~-foot (40 ft.) front yard setback may be allowed to exceed the six-foot (6 ft.) maximum height, but in no event shall the height of the gate and its associated columns exceed eight ~~feet (8 ft.)-feet~~. A transition may be made from the top of the column to the six-~~(6)~~-foot (6 ft.) high wall, but the length of the horizontal transition shall not exceed the difference in the vertical height between the wall and the column or gate, whichever is greater.
- C. Reference **Table 5.2.4A** for R-18A Zoning District and R-10 Zoning District front yard setback requirements.

5.2.13 Nonconformity: (Previously Section 2415)

- A. Wall and View Fence Height and Location.

With the exception of pre-existing subdivision walls and view fences, as defined in **Section 5.2.7 (B)**, any wall or view fence that is non-conforming due to its height or location within a required setback area shall be made to conform to the requirements of this Article when:

- 1. Approvals are granted for lot splits and subdivisions;
- 2. Permits are issued for a new house; or
- 3. Permits are issued for structural additions, or remodels, alterations, or repairs of an existing house, covered by a single or multiple building permits within a ~~thirty-six~~thirty-six (36) month period that together involves structural addition of or demolition of more than fifty ~~percent~~ (50%) percent of the original square footage of the main house.
- 4. Permits are issued for alterations, repair, or additions to such wall or view fence, covered by a single or multiple building permits within a ~~thirty-six~~thirty-six (36) month period that together involves structural addition of or demolition of more than fifty ~~percent~~ (50%) percent of the lineal feet of the wall or view fence.

- B. Wall Finish

With the exception of pre-existing subdivision walls, as defined in **Section 4.2.7 (B)**, any non-conforming wall that is not finished on the side of the wall visible from any right-of-way or open space area shall be made to conform to the requirements of this Article when:

- 1. Approvals are granted for lot splits and subdivisions;
- 2. Permits are issued for a new house;
- 3. Permits are issued for structural additions, or remodels, alterations, or repairs of an existing house:

- a) covered by a single or multiple building permits within a ~~thirty-six~~thirty-six (36) month period that together involves structural addition of or demolition of more than fifty ~~percent~~ percent (50%) of the original square footage of the main house; or
 - b) the cost of which, computed on the basis of accumulated costs over any consecutive ~~twenty-four~~twenty-four (24) month period, exceeds one hundred fifty thousand dollars (\$150,000); or
4. Permits are issued for alterations or additions to such wall.
- C. Side or Rear Wall Connections.

Side or rear wall or view fence connections to existing non-conforming walls and view fences and pre-existing subdivision walls and view fences may be placed within the twenty-foot (20 ft.) ~~foot~~-setback area.

5.2.14 Prohibited Walls and Fences (Previously Section 2416)

The following materials shall be prohibited in the construction or use with fences and walls as defined herein:

1. Razor wire;
2. Barbed wire;
3. Post and chain fences that are visible from off the property and/or are adjoining rights-of-way shall be prohibited, with the exception of a chain and associated posts which may only be used across a driveway.

5.3 Outdoor Lighting and Illumination (Previously Section 1023)

5.3.1 Purpose

The intent of these lighting requirements is to preserve the low light level conditions that are inherently characteristic of the desert. The objective is to allow only the quantity and level of lighting necessary for safety, security and the enjoyment of outdoor living while protecting against direct glare and excessive lighting; protecting the ability to view the night sky; and preventing light trespass.

5.3.2 Outdoor Lighting Requirements (New)

All types of outdoor Luminaires are subject to the following limitations:

- A. Exterior Luminaires shall not provide light in excess of ~~three-quarters~~ 0.75-foot candles (0.75 fc) or equivalent Lux of projected brightness measured at the nearest property line.
- B. Each lighting or illuminating device shall be set back from the nearest property line a minimum of ten ~~feet~~ (10 ft.) feet or a distance equal to or greater than the height of the device above natural or excavated grade, whichever is greater.

EXCEPTION: A lighted entry marker may be placed on each side of a driveway entrance. The entry markers shall not be placed within the Town right-of-way or private road areas and the total height of the marker and light shall not exceed four ~~feet~~ (4 ft.) feet above finished grade adjacent to the driveway. The light source shall not exceed three hundred lumens (300 lm) ~~Lumens~~ and shall be partially shielded.

- C. The following Luminaires shall not exceed a height of thirty-six ~~inches~~ (36 in.) inches above natural or excavated grade, whichever is lower, and shall not exceed three hundred lumens (300 lm) ~~Lumens~~
 1. Lighting or illumination of landscape;

2. Accent or aesthetic lighting of buildings or structures;
 3. Any Luminaire that directs light above a horizontal plane.
- D. Luminaires used for security and safety shall be an integral part of and attached to the building. The light source and reflecting device shall be shielded or hooded with an Opaque cover so that it is not visible from off the property and shall not be higher than twenty feet (20 ft.) feet-above natural or excavated grade, whichever is lower. Each Security/safety. Luminaire shall not exceed one thousand two hundred lumens (1200 lm) Lumens. The light source must be motion activated and on a timer not to exceed five (5) minutes per motion activation. Limited use of Security/Safety lighting is encouraged to prevent excessive ambient light.
- E. Temporary holiday lighting shall be permitted between October 15th and January 15th. All other decorative colored Luminaires (with an exception for underwater Luminaires) are prohibited.
- F. On Hillside lots there shall be no lighting permitted in the undisturbed areas of the property. Exterior lighting shall be kept to the minimum amount needed for the safe use of the property and all permitted lighting shall comply with all terms of this section. Additional regulations are listed in **Article 3 Hillside Development Regulations, Section 5.3 Outdoor Lighting**.

5-3-25.3.3 Outdoor Lighting for Hillside Development (New)

A. Design Standards

1. All building mounted light fixtures shall be fully shielded and downward-directed. Recessed lights in exterior soffits, eaves, or ceilings shall have a forty-five-degree (45°) cutoff. At the main entry of the primary structure, a maximum of two (2) translucent fixtures may be permitted as long as the total lumens, per fixture, do not exceed a maximum of seven hundred fifty lumens (750 lm) lumens. All other entrances, excluding garage doors, shall be limited to no more than one (1) fixture.
2. All fixtures, unless otherwise allowed, shall be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of lighting fixtures.
3. Building mounted lighting must be directed downward away from adjacent Lots, streets, undisturbed Areas, and open spaces, and may not be used to light walls or building elements for decorative purposes.
4. There shall be no lighting permitted in areas identified as “undisturbed areas” of the property pursuant to the plans submitted under **Section 3.6.A**.
5. The maximum lighting intensity shall not exceed one-quarter footcandle (0.25fc) footcandle when measured at the property line.
6. A repetitive line up of lights along Driveways or walkways accessing public streets shall not be allowed. Some random lighting of Driveways or walkways accessing public streets may be allowed by the Hillside Building Committee. Driveway lights must be located on the “downhill” side and aimed toward the “uphill” side, must be fully shielded from below and only light the driveway surface. Driveway and walkway lights shall not exceed a maximum of one-quarter footcandle (0.25fc) at any point beyond ten feet (10 ft.)-feet from the fixture.
7. Each lighting or illuminating device shall be set back from the nearest property line a minimum of ten feet (10 ft.) feet—or a distance equal to or greater than the height of the device above natural or excavated grade, whichever is greater. As an exception a lighted entry marker may be placed on each side of the Driveway entrance. The entry marker shall not be placed within

the Town right-of-way or private road areas and the total height of the marker and light shall not exceed four ~~feet (4 ft.)~~ ~~feet~~ above Finished Grade adjacent to the Driveway. The light source shall not exceed the equivalent projected brightness of ~~two hundred fifty lumens (250 lm)~~ ~~lumens~~.

B. Luminaires (Light Fixtures). All luminaires shall be subject to the following limitations:

1. Shall not exceed ~~750~~ ~~seven hundred fifty~~ lumens (~~750 lm~~) when attached to a structure and confined to the immediate vicinity of a building entrance or outdoor living area of the residence.
2. Shall not exceed ~~250~~ ~~two hundred fifty~~ lumens (~~250 lm~~) for all other uses.
3. Shall not exceed ~~150~~ ~~one hundred fifty~~ lumens (~~150 lm~~) for landscape up-lighting.
4. Motion sensor/detector light fixtures are permitted for security lighting. Security lighting must be controlled separately from all other lighting. Security lights must be on timers that regulate their operation time to a maximum of ~~ten (10)~~ minutes and limited to lamps with a maximum of ~~750~~ ~~seven hundred fifty~~ lumens (~~750 lm~~).
5. Rope lighting shall not exceed ~~three and six tenths' watts per lineal foot (3.6 w/ft)~~ ~~watts per lineal foot~~ for an incandescent rope light.
6. Exterior light fixtures shall not exceed ~~three thousand Kelvins (3,000 K)~~ ~~Kelvins~~.

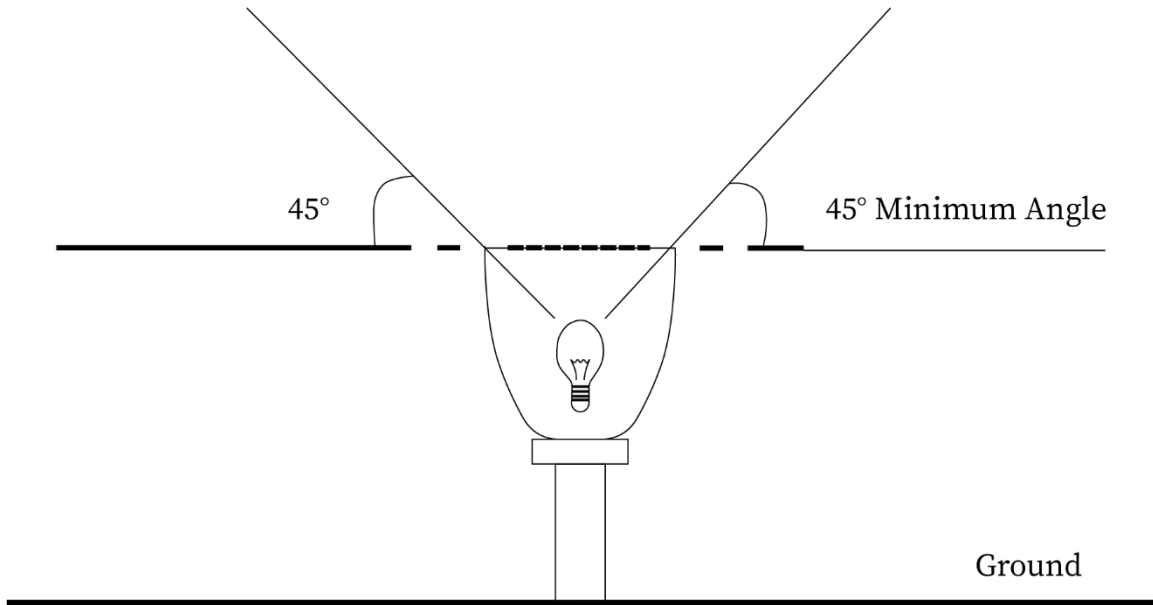
C. Mounting. Exterior fixtures shall be mounted:

1. In the ground or on a post not to exceed ~~36~~ ~~thirty-six~~ inches (~~36 in.~~) above the ground. When exterior fixtures are affixed to existing trees, the height of the fixture shall not exceed ~~8~~ ~~eight~~ feet (~~8 ft.~~) above the Finished Grade.
2. In or on a building wall not to exceed ~~8~~ ~~eight~~ feet (~~8 ft.~~) above Finished Grade and shielded in such a manner as to avoid creating concentrated light (hot spots) on the structures to which they are mounted. Security lighting may be mounted on the structure to a height of not more than twelve ~~feet (12 ft.)~~ ~~feet~~.

D. Landscape Up-lighting:

1. The number of fixtures is limited to one fixture per ~~1000~~ ~~one thousand~~ square feet (~~1,000 sq. ft.~~) of allowable Disturbed Area.
2. The lamp must be recessed to provide a minimum ~~forty-five-degree (45°)~~ cut-off from the vertical plane.

Figure 5.5.3A – Typical Uplight With ~~Forty-Five Degree (45°)~~ Cut-Off



- E. Prohibitions. In addition to the limitations noted above, the following lights or lighting effects are strictly prohibited:
1. Colored lamps or bulbs and string and unshielded rope lights; except that temporary holiday lighting shall be permitted between October 15th and January 15th.
 2. Tennis court and sport court lighting.
 3. Any temporary lighting that violates the provisions of this lighting section.
 4. Exterior lights, except security lighting, that illuminate the adjoining mountainside such that the mountainside is visible from off the property between sunset and sunrise.
- F. Amendments:
1. Should the applicant desire to substitute outdoor light fixtures or lamps after a permit has been issued, the applicant must submit all changes to the Town Engineer for approval, with adequate information to assure compliance with this ordinance.

5.4 Signs

5.4.1 Definitions: (Previously Section 2501)

The definitions in **Article 10** of the Zoning Ordinance of the Town of Paradise Valley control.

5.4.2 Signs Prohibited on Public Property: (Previously Section 2502)

Signs in the right-of-way, or upon public property must be temporary and must comply with the limitations of **Table 5.4.5A**. Signs must not be placed or mounted on utility or traffic control structures.

5.4.3 Removal of Prohibited Signs: (Previously Section 2503)

Signs in the right-of-way, or upon public property must be temporary and must comply with the limitations of **Table 5.4.5A**. Signs must not be placed or mounted on utility or traffic control structures.

5.4.4 Public Signs: (Previously Section 2504)

The following signs are not subject to the provisions of this Article:

- A. Directional and informational
- B. Traffic control
- C. Hazard or warning
- D. Underground utility locator
- E. Public bulletin boards
- F. Town community buildings

5.4.5 Non-Commercial and Commercial Sign Limitations: (Previously Section 2505)

All signs must be placed, posted or affixed on private property only as allowed in Table 5.4.5A.

TABLE 5.4.5A							
CATEGORY	CONTENT	MAXIMUM AREA	SET BACK	ILLUMINATION	PLAN REQUIRED ³	QUANTITY	MAXIMUM HEIGHT
Residential (Identification)	Name & Title	144 square inches		None	No	1	3 feet
Residential	Any	3 square feet each		None	No	6	3 feet
Subdivision (Identification)	Name/Logo Only	2 square feet per lot or 30 square feet, whichever is less, aggregate	25 feet	Internal, Indirect	Yes	2	3 feet
Subdivision (Temporary)	Premises ¹ for sale	36 square feet, aggregate	25 feet	None	Yes	2	8 feet
Non- Residential	SUP ²	SUP ²	SUP ²	SUP ²	Yes	SUP ²	SUP ²

1. Must be removed when eighty percent (80%) of the lots in the subdivision are sold (closed), or after the expiration of one year from the date first erected, whichever event occurs first.
2. Content, Maximum Area, Setback, Illumination, Quantity, and Height as approved by Special Use Permit or other Town action. —If a plan must be submitted, the plan must include the exact specifications of the sign, including dimensions, materials, method of illumination, number and location. The plan must be approved by the Town Council.
- ~~3. —~~

5.4.6 Lighting & Illumination: (Previously Section 2506)

- A. Signs may be illuminated. Such illumination shall be confined to the area of the sign.
- B. External sign lighting shall be shielded so that the illumination source is not visible from any adjacent street or property and does not shine beyond the sign area it is intended to illuminate.
- C. All light sources shall be Fully Shielded so they do not create a nuisance or hazard.

- D. Lighting shall not be flashing, intermittent or scintillating; shall not be moving, animated or create noise in any manner.
- E. Back lighting of freestanding letters mounted on a wall shall be limited to ~~100~~ one hundred Lumens (100 lm) per square foot of sign area and the letters shall be fabricated so that the illumination source is not visible. Backlit non-Opaque panels are not permitted.
- F. Signs that are internally illuminated shall not exceed three-quarters footcandles (0.75 fc) footcandles or equivalent Lux of projected brightness measured at the nearest property line.
- G. On externally lit signs, the color temperature of lighting shall be no more than ~~3000~~ three thousand Kelvins (3,000 K).
- H. Signs may be illuminated only during the hours that the associated establishment is open for business.

5.4.7 Audible Signs: (Previously Section 2507)

Signs shall not include public address capability nor any other means of producing speech or music.

5.4.8 Permits Required: (Previously Section 2508)

Prior to erection all temporary signs must receive a permit issued by the Town.

~~5.4.9 Duration:~~

~~All temporary signs must be removed each day no later than sunset.~~

~~5.4.10~~ 5.4.9 Banner Signs: (Previously Section 2510)

Banner signs may be exhibited only on properties currently subject to a Special Use Permit, in compliance with the following terms:

- A. Size: Maximum three feet in height, and no longer than ten feet.
- B. Faces: Banner signs may be two sided.
- C. Setback: Banner signs shall be set back at least ten feet (10 ft.) feet from all property lines and must be placed so that they do not block traffic vision to or from the driveway. ~~Compliance with Zoning Ordinance Section 1022 regarding corner vision at intersection is required.~~
- D. Lighting: Banner signs shall not be separately lighted or illuminated. If existing approved landscape lighting provides illumination of the banner without alteration of the existing lights, it shall not be considered a violation of this section.
- E. Quantity: Banner signs shall be limited to no more than one (1) at a time.
- F. Permits: Prior to placing a banner sign a permit must be obtained from the Town Zoning Administrator. Days during which banner signs must be displaced shall be specified in the permit.
- G. Duration: The grantee of a special use permit may display a banner sign for sixty (60) days each year. The duration of each display is the choice of each grantee provided the total number of days does not exceed sixty (60). If a banner sign is displayed for more than seven (7) consecutive days another banner sign shall not be displayed until fourteen (14) days have elapsed.
- H. Interior Banners: Interior banners not visible from off the subject property may be utilized without compliance with the terms of this Section and are exempt from this Ordinance.
- I. Fees: There shall be no fee for the first forty-eight (48) hours of display of a banner sign each calendar year by each grantee. (A permit is required.) For each permit issued after the first forty-eight (48) hours the fee shall be twenty five dollars (\$25.00).

5.4.10 Residential Districts

5.A. All signs shall comply with the terms of Section 5.4 of this ordinance.

ARTICLE 6 - ADMINISTRATION (NEW)

6.1 Purpose

This Article establishes procedures for the administration, interpretation, and enforcement of this Zoning Ordinance to ensure consistent application, procedural fairness, and effective implementation of adopted zoning standards. The provisions of this Article are intended to clarify administrative authority, define review and decision-making processes, and promote transparency and predictability while maintaining consistency with the Town's General Plan and community character.

6-16.2 Zoning Administrator

6-1-16.2.1 Purpose

The Zoning Administrator, as established in Chapter 2 of the Town Code, shall have the responsibility to interpret the Zoning Ordinance and the authority to provide administrative relief from the provisions thereof.

6-1-26.2.2 Powers

- A. The Community Development Director shall be the Zoning Administrator. If no person is then serving in said capacity, the Town Manager or authorized designee shall serve as the Zoning Administrator.
- B. The Zoning Administrator shall be responsible for interpretation of the Zoning Ordinance at all times, including upon receipt of a complete application therefore.
 1. A complete application shall:
 - a) Be made on a form prescribed by the Zoning Administrator; and
 - b) Clearly state the section requiring interpretation, or the characteristics of the desired use and zoning district in which it is proposed to be located; and
 - c) Be submitted along with payment of the required fee.
 2. The Zoning Administrator shall issue a written interpretation within ten (10) working days of the submission of a complete application.
 3. Records of all interpretations shall be maintained.
 4. Prior to determining that a use is permitted within a specific zoning district, the Zoning Administrator shall find that:
 - a) The use is described and included in the zoning district; or
 - b) The intensity of the use will not adversely affect other properties within the zoning district; and
 - c) If there is more than one (1) principal use, all of the principal uses are permitted and the combination of uses will not alter the basic land use characteristics of each principal use or create a different use than that which would otherwise be prohibited.
- C. The Zoning Administrator may authorize administrative relief of up to ten percent (10%) of any development standard contained in **Section 2.2.7A**, and for solar device installations only, **Article 3**, of the Zoning Ordinance, unless specifically restricted elsewhere in this Section. Administrative relief shall be authorized in writing, with specific findings consistent with the requirements of this Section, upon receipt of a complete application therefore.
 1. A complete application shall:

- a) Be made on a form prescribed by the Zoning Administrator; and
 - b) Clearly identify the proposed improvement to the property that is subject to the request; and
 - c) Be submitted along with payment of the required fee.
2. Notice shall be made by first class mail, postmarked at least five (5) days prior to the proposed date of determination by the Zoning Administrator, to adjacent property owners determined by the Zoning Administrator to be potentially affected by the request for administrative relief.
 3. Prior to authorizing administrative relief, the Zoning Administrator shall find that:
 - a) The proposed improvement requiring relief will not be detrimental to the property requesting relief, any adjacent property, or the Town; and
 - b) The relief granted is the minimum required to meet the needs of the proposed improvement; and
 - c) The relief is not contrary to the purpose and intent of the Zoning Ordinance.
 4. Administrative relief related to a particular property may only be requested once during an eighteen (18) consecutive month period and only twice during the period of ownership by a recorded owner of the property. The term "owner" is to be interpreted for this purpose to include any person, firm, corporation, partnership, joint venture, trust, or any related persons, parties, firms, corporations, partnerships, joint ventures or trusts, including any successor trusts where the beneficiaries included are the same as any of the persons included as an owner above or as a beneficiary of any preceding trusts.
 5. The relief requested shall be limited to livable primary and accessory structures and walls, gates, and fences. Administrative relief is not applicable to:
 - a) New home construction, except to request relief related to an inadvertent error;
 - b) Properties that are subject to special use permits;
 - c) Floor area ratio limitations;
 - d) Tennis or other types of sport courts; or
 - e) Gazebos or other similar structures.
 6. The Zoning Administrator may impose reasonable conditions upon any administrative relief granted, to ensure that the public health, safety, and general welfare are protected and substantial justice is done.
 7. Relief for gates on hillside properties may be allowed, to allow the gates to be as close as necessary to the property line when the topography of the lot precludes them from meeting the setback. Consideration shall be given to proper stacking of vehicles for public safety. No increase in height or size or other deviations from the code shall be granted for gates on hillside properties.

6-26.3 Planning and Zoning Commission

6.3.1 Purpose (New)

The Planning Commission, as established in Section 2-5-2 of the Town Code, shall have the responsibility to review applications for Special Use Permits, amendments to Special Use Permits, certain land division applications as established under Chapter 6, Subdivisions, of the Town Code, proposed amendments, additions,

and repeals of provisions of the Zoning Ordinance and amendments, supplements or changes to zoning district boundaries.

6.3-

6.4 Hillside Building Committee (Previously Section 2204)

6.4.1 Purpose

The Hillside Building Committee or Hillside Building Committee Chair as established in Chapter 2 of the Town Code shall review all new applications submitted to the Town for Development and related construction within a Hillside Development Area. No building permit shall be issued for such application until approved by the Committee and then such issuance shall only be in accordance with the plans and specifications approved by the Committee.

6.4.2 Powers

- A. The Hillside Building Committee may review applications for additions to existing structures in accordance with **Section 3.4** of this Ordinance.
- B. The Hillside Building Committee may review applications for accessory construction (e.g. fences, Retaining Walls, pools etc.) if the Town Manager or designee, in consultation with the Hillside Building Committee Chair, determines that the proposed construction creates a significant visual impact or proposes an additional disturbance area.

6.4.3 Approval

- A. The Hillside Building Committee approval process may consist of the following stages:
 - 1. An Administrative Hillside Chair Review.
 - 2. A Combined Hillside Building Committee Review Meeting.
 - 3. A Conceptual Plan Review Meeting.
 - 4. A Formal Hillside Building Committee Review Meeting.

6.5 Board of Adjustment (New)

6.4.46.5.1 Purpose

The Board of Adjustment, as established in Section 2-5-2 of the Town Code, shall have the responsibility to review applications for and grant variances and hear appeals of the decisions of the Zoning Administrator.

ARTICLE 7 - ZONING PROCEDURES

7.1 Purpose (New)

The procedures outlined in this ordinance involve a variety of application types. Some requirements are the same for all applications, and some application procedures have unique requirements. In addition, most procedures have detailed user guides prepared and provided by the Community Development Director or designee. This Ordinance and the available guidelines should be read carefully to ensure a complete application is prepared.

7.17.2 Pre-Application Review (New)

7.1-17.2.1 Process and Procedures

- A. Prior to filing a formal application for development projects that will require an administrative or public approval process, a pre-application review with the Community Development Department is required. The purpose of the pre-application review is:
1. To provide an opportunity, when deemed necessary by the Community Development Director, for the applicant, adjacent landowners, and Town staff to:
 - a) Learn about the proposed project; and
 - b) Identify issues that can be addressed, and necessary changes that can be made to the development plans before the applicant prepares the final plans and other documents for the formal application review process;
 2. To familiarize the applicant with the review process and procedures and application requirements;
 3. To identify the requirements, if any, for citizen participation during the formal application review process; and
 4. To streamline the subsequent formal application review process.

NOTICE: Any information provided in a format other than a formal written determination by the Town of Paradise Valley Zoning Administrator is preliminary in nature and may not be relied upon for any purpose by the recipient or any other person or entity. By participating in any correspondence, telephone conversation, discussion, meeting or any other communication with a Town employee, the person agrees and acknowledges that the Town employee is not authorized to bind the Town in any manner, except by formal Zoning Administrator determination, and that any errors, omissions or incorrect or false information provided by the employee shall not give rise to any liability on behalf of the Town.

7.27.3 Amendments (Previously Section 306)

7.2-17.3.1 Purpose

The Town Council may from time to time, upon the recommendation of the Planning Commission, amend, supplement, or change zoning district boundaries, the uses and/or restrictions in Special Use Permit Districts, for those uses and pursuant to those procedures set forth in **Section 7.6**, or the regulations herein or subsequently established. Recommendations for all such amendments may be initiated by the Town Council or the Commission on their own motion, or by the Town Manager or designee. Petitions for amendments to zoning district boundaries or to the uses and/or restrictions in a Special Use Permit District may be initiated by the property owner's application. Such amendments shall be consistent with and conform to the Land Use Map of the Town's adopted General Plan. Minor amendments within a SUP District may be approved by the Planning Commission pursuant to the limitations and procedures set forth in **Section 7.6**.

7-2-27.3.2 Application for Amendment (Previously Section 307)

- A. Applications for amendments shall be made on a form provided therefore and shall be signed by the real property owner or the owners of ~~80-eighty~~ percent (80%) or more of the area for which the amendment is applied for. Said application shall be submitted to the Town and checked for authenticity of ownership before an application may be accepted.
- B. Administrative Completeness Review Timeframe. Within thirty (30) calendar days of receipt of an application relating to the residential zoning districts set forth in **Section 2.1**, the Town shall determine whether the application is administratively complete. If the Town determines the application is not administratively complete, the Town shall follow the procedures prescribed in A.R.S. § 9-835(E) until the application is determined complete. The Town shall determine whether a resubmitted application is administratively complete within fifteen (15) calendar days after receiving the resubmitted application. Upon determination that an application for amendment is administratively complete, the Zoning Administrator or designee shall forward the application to the Planning Commission.

7-2-37.3.3 Public Hearing

All proposed amendments to the Zoning Ordinance or the Official Zoning Map shall be processed as legislative actions and shall require public hearings before the Planning Commission and the Town Council as outlined in Section 7.9.

7-2-47.3.4 Reconsideration of Denied Amendments (Previously Section 309)

In the event that an application for a minor amendment to the uses and/or restrictions in a Special Use Permit District is denied by the Planning Commission, the same or a substantially similar application for a minor amendment, as determined by the Town staff, shall not be considered for a period of at least one (1) year from the date of said denial unless specifically authorized by the Planning Commission, provided, however, such denial shall not limit an applicant from filing for a major amendment to the uses and/or restrictions in a Special Use Permit District even if the application is the same or similar to those contained in the minor amendment application. In the event that an application for a Special Use Permit, a major amendment to the uses and/or restrictions in a Special Use Permit District, or an application for a change in zoning district boundaries or any other application subject to a public hearing by the Town Council is denied, neither the application, nor a substantially similar application, as determined by the Town Staff, shall be considered for a period of at least one (1) year from the date of said denial action unless specifically authorized by the Town Council.

7-2-57.3.5 Protests Against Amendment (Previously Section 310)

If the owners of ~~20-twenty~~ percent (20%) or more of the property by area and number of lots, tracts and condominium units within the zoning area of the affected property, excluding government-owned property, file a protest in writing against a proposed amendment, the change shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the Town Council. If any members of the Town Council are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths (3/4) of the remaining membership of the Town Council, if such required number of votes is not less than a majority of the full membership of the legally established Town Council. For the purposes of this subsection, the vote shall be rounded to the nearest whole number. A protest filed pursuant to this subsection shall be signed by the property owners, excluding government-owned property, opposing the proposed amendment and filed in the office of the Town Clerk not later than 12:00 noon two (2) business days before the date on which the Town Council will vote on the proposed amendment. For the purposes of this Section, "zoning area" means both of the following:

- A. The area within ~~150-one hundred~~ feet (150 ft.), including all rights-of-way, of the affected property subject to the proposed amendment or change.

- B. The area of the proposed amendment or change.

7-37.4 Temporary Use Permit

7-3-17.4.1 Nature of Temporary Use Permit (Previously Section 1104.1)

The grant of a temporary use permit is an administrative act. A temporary use permit shall be granted if the application meets the requirements set forth in this Article and any conditions imposed on the authorized uses and activities.

7-3-27.4.2 Application and Approval Procedures for Temporary Use Permits (Previously Section 1104.3)

- A. An application shall be obtained from the Town of Paradise Valley prior to commencing an activity or use permitted with a temporary use permit. The application shall also contain written permission for such use by the owner or legal representative of the off-site property.
- B. The application shall list all proposed activities, designated locations, points of access and hours of operation of proposed activities to be conducted on the site.
- C. The application shall indicate any proposed screening or buffering.
- D. The temporary use permit, if approved, shall be valid for two (2) years or until the date of issuance of the Certificate of Occupancy, Certificate of Completion or approved final inspection of the construction project, whichever occurs first.
- E. The application shall be acted upon within seven (7) days of filing.
- F. An application for a six (6) month time extension of a temporary use permit shall be granted if the activities or uses authorized by the temporary use permit are in compliance with the requirements set forth in this section and any conditions attached to the permit.

7-3-37.4.3 Authority of Town Manager (Previously Section 1104.4)

The Town Manager or his designee is authorized to grant applications for temporary use permits.

7-3-47.4.4 Revocation of temporary use permits (Previously Section 1104.5)

- A. The Town Manager or his designee may revoke a temporary use permit if the permittee violates any requirement set forth in this section or any condition attached to the permit.
- B. Notice of intention to revoke a temporary use permit shall be mailed to the permit holder and shall be posted on the property subject to the permit at least five (5) calendar days before a permit may be revoked. The permit holder shall be given an opportunity to be heard before a revocation decision is rendered by the Town Manager or his designee.

7-47.5 Conditional Use Permit

7-4-17.5.1 Nature of Conditional Use Permit (Previously Section 1103.1)

The grant of a conditional use permit is an administrative act and not subject to reviews by referendum. A permit for a conditional use may be granted only if findings are made by the Planning Commission or, if the Planning Commission decision has been appealed, the Town Council that the standards for approval have been met by the applicant. A conditional use permit may be approved subject to compliance with additional conditions that are necessary or appropriate to reduce the impacts of the proposed use on neighboring properties and the community as a whole.

7-4-27.5.2 Application for Conditional Use Permit (Previously Section 1103.3)

- A. Applications for conditional use permits may be filed by any person, the Town of Paradise Valley, or by any federal, state, county, school district, or municipal or governmental agency owning property subject to the provisions of this ordinance. The applicant must be the real property owner or must provide a letter of authorization to file on the behalf of the property owner.
- B. Applications for conditional use permits or appeals shall be accompanied by a fee which is set forth in the Town's fee schedule.
- C. An application for a conditional use permit thereto shall contain a site plan that includes the following information:
 - 1. A legal description of the parcel, including gross and net acreage. A recent American Land Title Association/American Congress on Surveying & Mapping (ALTA/ACSM) survey may be required if deemed necessary for a thorough review of the application.
 - 2. A project narrative that includes a purpose statement for uses proposed in the application.
 - 3. Drawings and descriptions showing the following where relevant to the proposed use:
 - a) significant topographical features of the site or area.
 - b) all lots to be served by a proposed private roadway and access to the nearest improved public roadway.
 - c) the locations and elevations of all adjacent habitable structures on properties adjacent to a proposed antenna structure.
- D. Authority of Planning Commission; required findings (Previously Section 1103.4)
 - 1. The Planning Commission is authorized to hear applications for and grant those special exceptions designated in this Article as conditional uses upon finding that the use covered by the conditional use permit, or the manner of conducting the same:
 - a) will not cause a significant increase in vehicular or pedestrian traffic in adjacent residential areas; or emit odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions; or contribute in a measurable way to the deterioration of the neighborhood or area, or contribute to the downgrading of property values.
 - b) will be in compliance with all provisions of this ordinance and the laws of the Town of Paradise Valley, Maricopa County (if applicable), State of Arizona, or the United States of America.
 - c) will be in full conformity to any conditions, requirements or standards prescribed in the permit.
 - d) will not conflict with the goals, objectives or purposes of the zoning district or Policies of the Town of Paradise Valley as set forth in the Town's General Plan.
 - 2. The burden of proof for satisfying the requirements set forth in subsection A of this section shall rest with the applicant.
 - 3. Where a conditional use permit is specifically required by the terms of this Article, no structure, building, or land shall be used until a conditional use permit has been granted by the Planning Commission or the Town Council.

4. Any structural alteration to the interior or exterior of a structure or building containing any of the uses referred to in **Section 4.1** of this ordinance, other than maintenance, shall require the securing of a conditional use permit.
 5. Structures or buildings devoted to any use which is permitted under the terms of this Article subject to the securing of a conditional use permit may be altered, added to, enlarged, expanded, or moved from one location to another on the lot only after securing a new conditional use permit, unless the Planning Commission or Town Council has previously issued a conditional use permit for such alteration, addition, enlargement, or expansion; and any use of the land which is permitted under the terms of this Article subject to the securing of a conditional use permit may be extended over the lot on which such use is located only after securing a new conditional use permit, unless the Planning Commission or Town Council has previously issued a conditional use permit for such extension.
- E. Revocation of Conditional Use Permits (Previously Section 1103.5)
1. A conditional use permit may only be revoked by the Planning Commission upon a finding that there has been material noncompliance with a condition prescribed in conjunction with the issuance of the conditional use permit or that the use covered by the conditional use permit or the manner of conducting the same violates the standards listed in this Article that govern the granting of the conditional use permit.
 2. Revocation of a conditional use permit shall become final only after:
 - a) the fifteen-~~(15)~~ day period expired within which an appeal may be filed; or
 - b) a decision of the Town Council upholding the revocation.
- F. Notice and Hearings (Previously Section 1103.6)
- The Planning Commission shall fix a reasonable time for its hearings and give notice thereof to the parties in interest and the public by publishing notice in a newspaper of general circulation in the Town of Paradise Valley, giving at least fifteen ~~(15)~~ days' notice of such hearing; and by posting the subject property at least seven ~~(7)~~ days prior to the hearing.
- G. Appeals (Previously Section 1103.7)
1. The Town Council shall have the authority to hear and decide appeals from the action of the Planning Commission in the granting or denying of conditional use permits.
 2. An appeal from a requirement or decision made by the Planning Commission may be taken within ~~fifteen (15)~~ days by an aggrieved person on a form provided by the Community Development Department and shall specify the basis of the appeal.
 3. An appeal shall be heard by the Town Council de novo. The concurring vote of a majority of members present and not otherwise disqualified shall be necessary to reverse or modify a requirement or decision of the Planning Commission, otherwise such requirement or decision shall be affirmed.
 4. The Town Council shall fix a reasonable time for its hearings and give notice thereof to the parties in interest and the public by publishing notice in a newspaper of general circulation in the Town of Paradise Valley, giving at least fifteen ~~(15)~~ days' notice of such hearing; and by posting the subject property at least seven ~~(7)~~ days prior to the hearing.
 5. Any person aggrieved by any decision of the Town Council may file a complaint for special action in the superior court to review the Town Council's decision.

7-57.6 Special Use Permits

7-5-17.6.1 Nature of Special Use Permit. (Previously Section 1102.1)

The issuance, or conditional issuance, of a Special Use Permit (or “SUP”) is an act of the Town Council that permits certain primarily non-residential land uses. The decision whether to grant, or to condition the grant of, a Special Use Permit or an intermediate or major amendment thereto is entirely within the legislative discretion of the Town Council and the denial of a Special Use Permit or an intermediate or major amendment thereto is not the denial of a right, conditional or otherwise. The ability of an applicant to comply with the development standards set forth in this Article or elsewhere does not mean that a Special Use Permit will be approved. The decision to grant, or to condition the grant of, a managerial or minor amendment to a Special Use Permit is an administrative act and is not subject to review by referendum, as it merely implements or clarifies a policy of the town that has been previously announced or established in the Zoning Code and General Plan, or a previous legislative act, and does not prescribe a new public purpose, policy, or plan. The decision to grant, or to condition the grant of, a Special Use Permit or an intermediate or major amendment is, on contrast, a legislative act subject to review by referendum.

In the exercise of its legislative discretion, the Town Council may modify the development standards, or permit additional related uses, for the special uses listed in this Article or elsewhere in order to promote the goals and policies of the General Plan, in exchange for site enhancements that improve overall site design, or to promote the best interests of the Town or its residents.

7-5-27.6.2 Creating a Special Use Permit (Previously Section 1102.3)

- A. Non residential properties that currently do not have a Special Use Permit and residential properties that wish to obtain authorization for a non-residential use are eligible to apply for a Special Use Permit. A general plan amendment may first be required as well as a rezoning of the property prior to or in conjunction with a request for a Special Use Permit.
- B. The following definitions shall be used for all Special Use Permits or amendments thereto:
 1. Floor Area – As defined in **Article 10, Section 10.2**, of the Zoning Ordinance.
 2. Lot Coverage – The square footage of the ground floor of a structure measured to its drip line, including trellises, divided by the size of the lot and expressed as a percentage.
 3. Special Use Permit - The original document approved by an ordinance adopted by the Paradise Valley Town Council (that may also include an amendment to the Zoning Map as required by **Article 2**), together with all pertinent exhibits thereto, authorizing a primarily non-residential use of the property within those categories identified in **Sections 4.6.5 to 4.6.11**.
 4. Statement of Direction - A Statement of Direction is a document administered by the Town Council at the beginning of Phase II of the application process. A Statement of Direction is not a final decision of the Town Council and shall create no vested right to the approval of a Special Use Permit, nor shall any applicant for a Special Use Permit be entitled to rely upon the matters addressed in the Statement of Direction being the same as those that may be part of an approved Special Use Permit. It may address, but is not limited to the following items:
 - a) Uses
 - b) Lot coverage/density
 - c) Massing/Scale
 - d) Perimeter setbacks
 - e) Maximum heights

- f) View Corridors
- g) Circulation
- h) Known issues, if any (for intermediate amendments this may includes issues outside of the geographic area)

7-5-37.6.3 Application and Approval Procedures for Special Use Permits (Previously Section 1102)

- A. Applications for a Special Use Permit may be filed by any person, the Town of Paradise Valley, or by any federal, state, county, school district or municipal or governmental agency owning property subject to the provisions of this ordinance.
- B. The applicant for a Special Use Permit must be the real property owner or must provide a letter of authorization filed on the behalf of the property owner.
- C. Special Use Permit Application Process:
 - 1. The Special Use Permit application process is comprised of two (2) phases. Phase I is the application submittal process, in which the applicant and Town staff work together to create a complete application. Phase II consists of the project review by the Planning Commission and the Town Council. [Please also refer to **Figure 7.6.8A** for an overview of the review process.]
 - 2. During Phase I the applicant shall contact Town staff to start the application process. The applicant must first complete the pre- application review process in accordance with Section 2-5-2(E) of the Town Code. The Planning Department will review and provide an initial assessment of the pre-application. Thereafter, the applicant shall submit a Special Use Permit application in accordance with **Section 8.6.3 of Article 8** of the Zoning Ordinance.
 - 3. After the formal application is deemed complete, Phase II begins with the project request being reviewed by the Planning Commission and Town Council. First, staff presents the application to the Town Council. The Town Council then issues a Statement of Direction within forty-five (45) days from the date of staff presentation. The formal application is then reviewed by the Planning Commission at the work study and public hearing sessions. The applicant must also hold a Citizen Review meeting before the Planning Commission holds a public hearing and makes its recommendation to the Town Council. At any time during the review process the Planning Commission may request clarification and/or expansion of the Statement of Direction based on additional information that has evolved. The Planning Commission will vote on the request at the public hearing and will make a recommendation to the Town Council. The Town Council then reviews the project and holds a public hearing. The Town Council votes to approve or deny the request in accordance with **Section 8.3.3 of Article 8** the Town Zoning Ordinance. Should the Town Council approve the request, the Council shall also include a statement explaining the public benefit of the project.
 - 4. Public hearings shall be held only after:
 - a) One (1) publication of a notice of the time, place and date of such hearing in a newspaper of general circulation in the Town, at least fifteen (15) days prior to such hearings; and
 - b) The posting of a notice of the time, place, and date of such hearing on the affected property for at least seven (7) days prior to the date of the hearing.
 - c) The applicant shall hold a Citizen Review Meeting no less than ten (10) days prior to the Planning Commission hearing in accordance with Article II, Section 2-5-2(F) of the Town Code.
 - 5. Special Use Permit Submittal Requirements; Review Process; and Review/Approval Criteria

- a) An applicant for a Special Use Permit shall submit plans or studies deemed necessary or appropriate by the Town, which may vary depending on the type and extent of any Special Use Permit or amendment to a Special Use Permit being requested. Said plans and studies may include the following; and any other plans or studies deemed necessary and appropriate by the Town:
 - i. A legal description of the parcel, including gross and net acreage. A recent American Land Title Association/American Congress on Surveying & Mapping (ALTA/ACSM) survey may be required if deemed necessary by the Town for a thorough review of the application.
 - ii. A project narrative which shall include statements on: uses proposed on the property; site development phasing; architectural design philosophy; compatibility with adjoining properties; environmental impacts; water flow and pressure impacts, site access, parking and circulation; conformity with the Town's development standards and guidelines and any deviation from such standards or guidelines; and, ownership, maintenance, and management of common facilities and areas including open space.
 - iii. Site plan depicting location and type of all improvements and any additional information as needed, including:
 - 1. Perimeter setbacks
 - 2. On-site parking
 - 3. Points of access
 - 4. Common areas
 - 5. Location of walls
 - 6. Internal circulation
 - 7. Density and intensity of uses and structures
 - 8. Lot coverage
 - 9. Floor Area
 - iv. Building plans including, schematic floor plans, building elevations and heights, an analysis of the Open Space Criteria, architectural style and details, and exterior building materials and colors.
 - v. Landscaping Plan.
 - vi. Lighting Plan with photometric study.
 - vii. Signage Plan.
 - viii. Grading plans and drainage study. Grading plans including location and proposed treatment of sloped and retention areas; calculations and maintenance responsibilities, significant topographical features of the site, and areas of the site subject to flooding.
 - ix. Traffic study to address the impact of the project on adjacent properties and roadway system, internal circulation and parking analysis, and any necessary roadway dedication and improvement.

- x. Noise study to evaluate the compatibility of the proposed project with surrounding areas.
 - xi. Timing and phasing of development.
- b) Within thirty (30) calendar days of the date an application is submitted, the Town shall notify the applicant whether the application is complete. If the Town determines the application is incomplete, the Town shall indicate what additional information or documents the applicant must submit to make the application complete. The Town Manager or his designee may waive the submittal of any information or document listed in this section that he determines is not necessary to properly evaluate an application.
- c) In considering an application for a Special Use Permit, not only shall the nature of the use be considered, but also the special conditions influencing its location, design and operation, the proposed location and design of buildings, parking and other facilities within the site, the amount of traffic likely to be generated and how it will be accommodated, compatibility with the residential character and zoning of the Town, and the influence that such factors and development in accordance with the Special Use Permit application are likely to exert on adjoining properties.
- d) The recommendation by the Planning Commission for approval of an application, or the ultimate approval thereof by the Town Council, may be granted upon such conditions reasonably related to the use of the subject property or impact on appurtenant properties or on the Town as are deemed proper, including but not limited to, the requirement that the applicant post a bond in such amount as may be deemed appropriate to secure and assure the performance of any or all conditions set forth in the Special Use Permit; the requirement that the proposed buildings and structures be constructed in a prescribed sequence; and the imposition of time limits for commencement or completion of construction.
- e) An applicant for a Special Use Permit who proposes to improve a project in more than one (1) phase may identify the initial phase of development as Phase I and may identify other and subsequent phases for completing remaining improvements. On-site and off-site improvements for Phase I shall be in proportion to the scale of development as deemed appropriate by the Town. The Town may require additional improvements to be completed in conjunction with the initial or subsequent phases. Improvements shown in the final development must comply with all Town of Paradise Valley ordinances, standards and policies for the proposed development unless otherwise approved by the Town Council in conjunction with approval of the Special Use Permit. The applicant's intention to develop the project in phases shall be indicated in the application narrative and shall be depicted on the site plan for the entire project. Amendments to approved phases or the creation of additional phases shall be reviewed according to the procedures set forth in this Article for intermediate or major amendments. The Commission shall hold a public hearing on the application, for the purpose of recommending whether the granting of the application would serve the public safety, health, or welfare of the Town. After such public hearings, the Commission shall submit to the Town Council its recommendation of approval or disapproval of the application.
- f) An approved Special Use Permit, shall be assigned an identifying number, shall be adopted by ordinance and shall constitute an amendment to, and be shown on, the Town's Official Zoning Map. An ordinance granting a Special Use Permit shall set forth the terms and conditions of approval for a Special Use Permit. The terms and conditions set forth in the ordinance shall be complied with as a condition to the establishment of any use on the site

and shall be maintained as a condition of the continuation of the use. No use shall be made of property that is subject to a Special Use Permit except as allowed by the ordinance granting the Special Use Permit or as allowed by this Article.

6. Application fees for Special Use Permits shall be as set forth in the Town's Fee Schedule.

7-5-47.6.4 Commencement of Use or Occupancy (Previously Section 1102.4)

No use or occupancy approved under a Special Use Permit shall be commenced or maintained upon a lot or parcel except in accordance with an approved site plan which accurately reflects such use and occupancy.

7-5-57.6.5 No Variance From Special Use Permit. (Previously Section 1102.5)

No variance from the terms, provisions, or conditions of a Special Use Permit shall be granted by the Board of Adjustment. Applications to modify the terms, provisions, or conditions of a Special Use Permit may be filed in accordance with the amendment procedures set forth in this Article.

7-5-67.6.6 Subsequent Approvals; Rezoning of a Special Use Permit Property to another Zoning District Classification. (Previously Section 1102.6)

- A. Approval of a subsequent Special Use Permit on a site shall void all existing Special Use Permits on the site if so provided in the ordinance adopting the Special Use Permit.
- B. A request to rezone property from a Special Use Permit designation to another zoning district classification may be filed in accordance with the provisions of **Article 7** of the Zoning Ordinance. However, such a request may first require an amendment to the General Plan as it pertains to the property.

7-5-77.6.7 Types of Amendments to Special Use Permits. (Previously Section 1102.7)

An "Amendment to a Special Use Permit," is any change to an existing Special Use Permit. There are four (4) categories of amendments: Managerial, Minor, Intermediate, and Major.

- A. Managerial Amendment.

A Managerial Amendment to a Special Use Permit shall include any proposal which does not:

1. Change or add any uses; or
2. Increase the floor area of the project by more than ~~1000 one thousand~~ square feet (~~1000 sq. ft.~~) or constitute an increase of more than ~~two percent (2%)~~ upon the existing or, if still under construction, approved floor area square footage of the affected SUP property, whichever is less, with any such increase to be measured cumulatively over a sixty (~~60~~) month period; or
3. Increase the number of units or structures, with the exception of playground equipment shade structures; or
4. Have any material effect on the adjoining property owners that is visible, audible, or otherwise perceptible from adjacent properties with the exception of playground equipment shade structures; or
5. Change in any respect any stipulation(s) governing the original Special Use Permit; or
6. Change the vehicular or emergency circulation or the required parking or loading space or traffic; or
7. Change the architectural style of the approved SUP (renderings/plans).

- B. Minor Amendment

A Minor Amendment to a Special Use Permit shall include any proposal which is not a Managerial Amendment and does not:

1. Change or add any uses; or
2. Increase the floor area of the project by more than ~~5000-five thousand~~ square feet (~~5000 sq. ft~~) or constitute an increase of more than ~~fifteen percent (15%)~~ upon the existing or, if still under construction, approved floor area square footage of the affected SUP property, whichever is less, with any such increase to be measured cumulatively over a sixty month period; or
3. Have any material effect on the adjoining property owners that is visible, audible, or otherwise perceptible from adjacent properties that cannot be sufficiently mitigated; or

~~4.~~ Change the architectural style of the existing Special Use Permit.

~~4.5.~~ Change to the Signage Plan of the existing Special Use Permit.

C. Intermediate Amendment

An Intermediate Amendment to a Special Use Permit shall include any proposal which does not:

1. Change or add any uses; or
2. Increase the floor area of the project by more than ~~forty percent (40%)~~ upon the existing or, if still under construction, approved floor area square footage of the affected SUP property, with any such increase to be measured cumulatively over a sixty (~~60~~) month period; or
3. Have any significant material effect on the adjoining property owners that is visible, audible, or otherwise perceptible from adjacent properties that cannot be sufficiently mitigated.

D. Major Amendment

A Major Amendment to a Special Use Permit is any proposed amendment that does not qualify as a Managerial, Minor, or Intermediate Amendment.

~~7.5-87.6.8~~ Application and Approval Process for Amendments to Special Use Permits (Previously Section 1102.8)

The application process for an amendment to a Special Use Permit is comprised of two (~~2~~) phases. Phase I is the application submittal process, in which the applicant and Town staff work together to create a complete application. Phase II consists of the formal project review. [Please also refer to **Figure 7.6.8A** for an overview of the review process.]

A. Managerial Amendments

1. The applicant must first complete the pre-application review process in accordance with **Section 7.2**. A formal application can then be made to the Town in accordance with **Section 7.3.2** of this Article. The Town Manager or his designee will then review and either approve or deny the application, or reclassify the application to a different category of Special Use Permit amendment.
2. The Town Manager (or designee) shall transmit all determinations approving a Managerial Amendment to the Town Council within two (2) business days of making the determination.
3. The Town Manager's (or designee's) decision shall be final unless within seven (7) calendar days after the Town Manager's (or designee's) written determination at least three (3) members of the Town Council submits a written request to the Town Manager to appeal the determination approving the Managerial Amendment application.

4. The Town Council shall have the authority to decide appeals from the written determination of the Town Manager (or designee) approving a Managerial Amendment application. The appeal shall be set for consideration at a Town Council meeting within fourteen calendar (14) days after the Town Manager's receipt of the third written appeal request. The Town Council shall first decide, by a majority vote of the members present and not otherwise disqualified, to affirm whether the Town Manager's (or designee's) decision meets the criteria for a Managerial Amendment. If the Council decides that the criteria have been met, then there shall be no further appeal and the Managerial Amendment is final. If the Council decides that the criteria have not been met, the Town Council may deny the Managerial Amendment, in whole or in part, or reclassify the application to a different category of Special Use Permit amendment. A majority vote of the voting members shall be necessary to deny or modify the decision of the Town Manager (or designee); otherwise the written determination shall be affirmed.

B. Minor Amendments

1. The applicant must first complete the pre-application review process in accordance with Section 2-5-2E of the Town Code. A formal application can then be made to the Town in accordance with **Section 7.3.2** of this Article. The Planning Commission shall review all applications for Minor Amendments to determine whether they meet the criteria for Minor Amendments as defined. An application submitted as a Minor Amendment but determined by the Planning Commission to be an Intermediate or Major Amendment shall have to be resubmitted by the applicant as an Intermediate or Major Amendment. The Commission shall hold a public hearing on Minor Amendments to determine whether the granting of the amendment would serve the public health, safety or welfare of the Town and whether the requirements of this Article are met. Notice of the public hearing, in the same manner as required in **Section 7.9.B** of this Article, shall be given.
2. The Town Council shall have the authority to hear and decide appeals from the action of the Planning Commission in the granting or denying of a Minor Amendment, or appealing any requirement imposed by the Planning Commission as a condition of approval of a Minor Amendment.

An appeal from a decision made by the Planning Commission may be taken within fifteen (15) days by an aggrieved person on a form provided by the Community Development Department and shall specify the basis of the appeal.

An appeal shall be heard by the Town Council de novo. The concurring vote of a majority of members present and not otherwise disqualified shall be necessary to reverse or modify a requirement or decision of the Planning Commission, otherwise such requirement or decision shall be affirmed.

The Town Council shall fix a reasonable time for its hearings and give notice thereof to the parties in interest and the public by publishing notice in a newspaper of general circulation in the Town of Paradise Valley, giving at least fifteen (15) days' notice of such hearing; and by posting the subject property at least seven (7) days prior to the hearing.

3. Minor Amendments shall be appended to the site plan in the form of an attachment to existing exhibits, and shall, absent an appeal, not require Town Council approval.

C. Intermediate Amendments

1. The applicant must first complete the pre-application review process in accordance with **Article 7.2**. A formal application can then be made to the Town in accordance with **Section 7.3.2** of this Article. The process for approval of an Intermediate Amendment will include a formal

application, staff review, then a Town Council preview for a Statement of Direction on the application.

2. The scope of the Intermediate review will be limited to the geographic area of the property on which amendments or changes have been requested; and those areas necessarily or likely to be impacted by the proposed amendment or changes.
3. The application will then continue on to the Planning Commission for review; which shall be limited in time to ninety (90) days. At the end of its review, the Commission will make a recommendation for approval or denial to the Town Council. Upon submission of the Commission's recommendation, the Town Council shall hold a public hearing to determine whether the granting of the application would serve the public health, safety or welfare of the Town and whether the requirements of this Article are met. Notice of the public hearing, as required in **Section 7.9.B** of this Article shall be given. If the Town Council approves the application, its decision, whether by ordinance or resolution or otherwise (as the circumstances may dictate) shall include a statement explaining the public benefit of the amendment to the Special Use Permit.

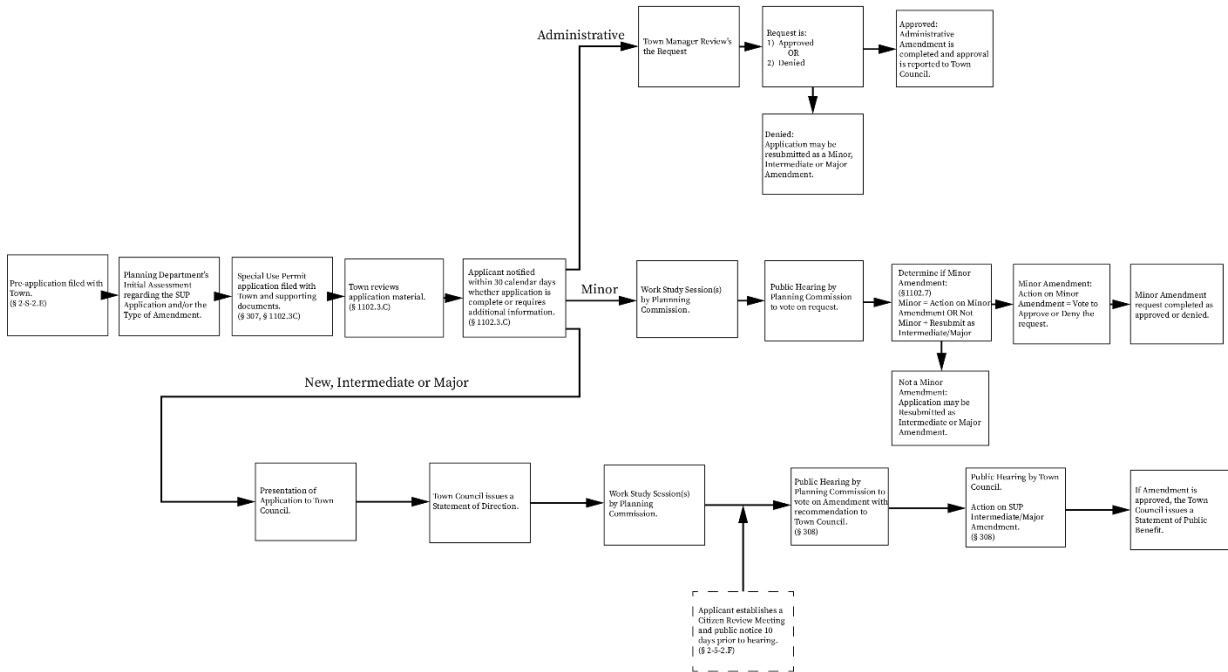
D. Major Amendments

1. The applicant must first complete the pre-application review process in accordance with **Article 7.2**. A formal application can then be made to the Town in accordance with **Section 7.3.2** of this Article. The process for approval of a Major Amendment will include a formal application, staff review, and then a Town Council preview for a Statement of Direction on the application.
2. The application will then continue to the standard Planning Commission review which is subject to the limits contained in Article II, Section 2-5-2(D), of the Town Code. At the end of its review, the Commission will make a recommendation for approval or denial to the Town Council. Upon submission of the Commission's recommendation, the Council shall hold a public hearing to determine whether the granting of the application would serve the public health, safety or welfare of the Town and whether the requirements of this Article are met. Notice of the public hearing, as required in **Section 7.9.B** of this Article shall be given. If the Town Council approves the application, its decision, by ordinance, shall include a statement explaining the public benefit of the amendment to the Special Use Permit.

E. Detailed Application and Approval Procedures for Amendments to Special Use Permits

The detailed procedures and submittal requirements for amendments to Special Use Permits are the same as those listed in **Section 7.6.8**. However, **Sections 7.6.3.C.5.e** and **(f)** do not apply to Managerial or Minor Amendments. The application processes for all amendments to Special Use Permits are also as generally depicted in **Figure 7.6.8A**.

Figure 7.6.8A Application Process for Special Use Permit



7-67.7 Cluster Plan Procedures (Previously Section 908)

The owner of any tract of land comprising an area of not less than eight (8) acres may submit to the Commission a re-zoning request for a cluster plan for the use and development of all of the said tract of land for residential purposes; the plan shall include all information which the Commission may by rule require, and shall include a request that the entire tract in question be zoned "CP." No cluster plan shall be submitted to the Commission for its approval until a preliminary plat of the tract, which is the subject of the cluster plan, has likewise been submitted, as required by the subdivision regulations of the Town. The preliminary plat shall show in detail each variation from lot size otherwise required which is sought under the proposed cluster plan.

Every cluster plan submitted under this section shall be considered by the Commission at a public hearing. Such public hearing shall be held only after one publication of a public notice of the time, place and date of such hearing is given in a newspaper of general circulation in the Town of Paradise Valley at least fifteen (15) days prior to such hearing, and after there has been posted on the affected property at least fifteen (15) days prior to the said hearing a notice of the hearing.

The Commission shall, after such public hearing, submit to the Town Council its recommendation of approval or disapproval of the cluster plan. Approval of a cluster plan shall not be recommended by the Commission until it shall have also approved the preliminary plat for subdivision of the land, which is the subject of the cluster plan in accordance with the subdivision regulations of the Town.

Upon submission of the Commission's recommendation, the Town Council shall arrange to hold its public hearing to consider whether the cluster plan shall be approved. Like notice for the hearing of the plan before the Town Council shall be given as is the case of the hearing of the plan before the Commission.

7-6-17.7.1 Variance and Re-Zoning. (Previously Section 910)

No variance from a plan approved under the provisions of this Article shall be granted by the Board of Adjustment of the Town. No application for re-zoning of all or any portion of a tract zoned "CP" shall be entertained. All land designated as common land in the cluster plan finally approved by the Town Council shall be used for no other purpose than a common land.

7-6-27.7.2 Rescission of Cluster Plan Approval: (Previously Section 911)

The owner of a tract of land for which a cluster plan has been approved may apply to the Commission and to the Town Council, in accordance with the procedure set forth in **Section 7.7** of this Article, to rescind the approval of the cluster plan. If the Commission and the Town Council shall be satisfied that the land use of the tract is consistent with, or will be substantially restored to, the use required by the zoning in effect on the tract at the time the cluster plan was approved, they may approve the application for rescission. In the event of such approval, the use of the land within the tract shall be governed by the provisions applicable to the district in which the tract is located as of the date the cluster plan was approved.

7.8 Citizen Review Process (New)

7.8.1 Purpose

The purpose of the citizen review process is to provide an opportunity for citizen involvement and public awareness of applications for the rezoning of property or for a new or amended special use permit (collectively called a "Rezoning Application" herein). The citizen review process is not intended to produce complete consensus on all Rezoning Applications, but to ensure that citizens have:

- A. Sufficient time to learn the substance of the Rezoning Application;
- B. Enough information to determine how they might be impacted by the Rezoning Application;
- C. An opportunity to communicate their issues or concerns with respect to the Rezoning Application at an early stage in the process and prior to any public hearings on the Rezoning Application.

7.8.2 Applicability

The citizen review process shall apply to all Rezoning Applications that require a public approval process.

7.8.3 Procedures

- A. The applicant, in coordination with the Community Development Department, shall establish a time, date, and place for a Citizen Review Session to provide a reasonable opportunity for the applicant, adjacent landowners, and other potentially affected citizens to discuss issues or concerns they may have with the Rezoning Application proposed by the applicant. Community Development staff may attend the meeting as an observer and shall not conduct the meeting. The applicant shall supply the Community Development Department with minutes of the neighborhood meeting and a list of all individuals in attendance. The results of the neighborhood meeting shall be made available to the Planning Commission and/or Town Council at such time as they take action on the Rezoning Application, if any.
- B. Written notice of the Citizen Review session shall be given at least ten (10) days prior to the meeting and shall include the time, date, and location of the citizen review meeting and sufficient details regarding the substance of the proposed Rezoning Application so as to allow citizens and other affected persons to determine how they might be affected by the proposed Rezoning Application.
- C. The applicant shall provide such notice by first class mail to:
 - 1. Each property owner within one thousand feet (1000 ft.) ~~feet~~ of the boundary of the property subject to the Rezoning Application;
 - 2. All other interested parties who have requested that they be placed on a notification list maintained by the Community Development Department; and
 - 3. Adjoining municipalities sharing borders with the property subject to the Rezoning Application.

A.D. The Community Development Director may establish additional procedures for the Citizen Review Process as is deemed necessary.

7-77.9 Public Hearings (Previously Section 308)

Every application for amendment of the ordinance shall be considered by the Planning Commission as follows:

- A. A citizen review session shall be held at a work-study session of the planning commission scheduled at least ten (10) days prior to the public hearing for the consideration of the proposed text amendment. Notice of the citizen review session shall be given, in conformance with Ordinance Number 523, to landowners and other citizens potentially affected by the proposed text amendments at least ten (10) days prior to the Planning Commission work-study session scheduled for the citizen review of the proposed text amendments. This notice shall state the date, time, and place of the citizen review session and shall include a general explanation of the substance of the proposed text amendment to the Zoning Ordinance.
- B. A public hearing shall be held only after appropriate publication of a public notice of the time, place and date of such hearing is given in an official newspaper or a newspaper of general circulation in the Town of Paradise Valley at least fifteen (15) days prior to such hearing. The Commission may, upon its own motion, after such public hearing, submit to the Council a report of its hearing and a recommendation of amendment of this ordinance.
- C. The Town Council shall arrange to hold its public hearing, at which time legislative action in regard to the amendment shall be determined. Such legislative action can include: approval as submitted by the applicant; approval with stipulations or modifications required; denial; continuance; or referral back to the Planning Commission for further consideration; or such other action as the Town Council may decide in its legislative discretion. Notice of the time, place and date of such Council hearing shall be appropriately published in an official newspaper, or a newspaper of general circulation in the Town of Paradise Valley at least fifteen (15) days prior to such hearing.
- D. If the Council hearing is for the purpose of changing the Residential District Classification or consideration of a Special Use Permit District Application or any amendment to an existing Special Use Permit District for any property, the time, place and date of the Council hearing shall be posted on the affected property at least seven (7) days prior to said hearing. For all other proposed amendments to this ordinance, the time, place and date of the Council hearing shall be posted in three (3) public places at least seven (7) days prior to said hearing.

7-87.10 Building Permits and Certificates of Occupancy

7-8-17.10.1 Certificates of Occupancy for a Building: (Previously Section 1501)

No premises or building shall be occupied except after issuance of a Certificate of Occupancy. The application for a Building Permit shall constitute the application for a Certificate of Occupancy.

No Certificate of Occupancy shall be issued until all onsite and offsite construction and improvements have been inspected and approved by the Chief Building Inspector or Town Engineer, as the case may be, except that a temporary Certificate of Occupancy may be issued for any model home in a subdivision provided the same shall not allow occupancy as a dwelling; and except that the Town Manager may issue a temporary Certificate of Occupancy for a period not exceeding three (3) months on such conditions as will adequately protect against the failure to complete all onsite and offsite construction improvements; and except that a Certificate of Occupancy may be issued by the Town Manager for a period not exceeding one (1) year where the only work to be performed is that of alteration of an existing building.

7-8-27.10.2 Certificate of Occupancy for Land: (Previously Section 1502)

Certificate of Occupancy for the use of vacant land or the change in the character of the use of land as herein provided, shall be applied for before any such land shall be occupied or used, and a Certificate of Occupancy shall be issued within three (3) days after the application has been made, provided such use is in conformity with the provisions of these regulations.

7-8-37.10.3 ~~Section 1503-Requirements~~ (Previously Section 1503)

Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Chief Building Inspector and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for a Certificate of Occupancy.

ARTICLE 8 - ENFORCEMENT

8.1 Purpose (New)

This Article establishes procedures through which the City seeks to ensure compliance with the provisions of this Code and obtain corrections for violations. The Section also sets forth the remedies and penalties that apply to violations of this Code.

8.2 Common Procedures

8.2.1 Duties (Previously Section 1301)

It shall be the duty of the Building Inspector to enforce this Ordinance. The Building Inspector shall receive applications required by the Ordinance, issue permits and furnish the prescribed certificates. He shall examine premises for which permits have been issued, and shall make necessary inspections to see that the provisions of this Ordinance are complied with. He shall, when requested by the Mayor, or when the interests of the municipality so require, make investigations in connection with matters referred to in this Ordinance and render written reports on the same. For the purpose of enforcing compliance with law, he shall issue such notices or orders as may be necessary.

8.2.2 Inspections: (Previously Section 1302)

Inspections shall be made by the Building Inspector or a duly appointed assistant.

8.2.3 Rules: (Previously Section 1303)

For carrying into effect its provisions, the Building Inspector may adopt rules consistent with this Ordinances.

8.2.4 Records: (Previously Section 1304)

- A. The Building Inspector shall keep careful and comprehensive records of applications, or permits issued, or certificates issued, of inspections made, of reports rendered, and of notices or orders issued. He shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence.
- B. All such records shall be open to public inspection at reasonable hours, but shall not be removed from the office of the Building Inspector.

8.2.5 Reports: (Previously Section 1305)

The Building Inspector shall make a report to the Mayor once each month, or more often if requested including statement of permits and certificates issued and orders promulgated.

8.3 Violations and Penalties (Previously in Article XIV)

8.3.1 Penalties (Previously Section 1401)

Any person, firm or corporation whether as principal, owner, agent, tenant, or otherwise who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, be punished by a fine of not more than two thousand five hundred dollars (\$2,500.00) or by imprisonment in a designated place of confinement for a term not exceeding six (6) months or by both fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

8.3.2 Violations (Previously Section 1402)

In case any building or structure is constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the Town or any owner or tenant of real property in the same contiguous zoning district as the building or structure in question, in addition to other remedies, may institute any appropriate action or proceedings (1) to prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use; (2) to prevent the occupancy of the building, structure or land; (3) to prevent any illegal act, conduct, business or use in or about the premises; or, (4) to restrain, correct or abate the violation. When any such action is instituted by an owner or tenant, notice of such action shall be served upon the municipality at the time suit is begun, by serving a copy of the complaint on the chief executive officer of the municipality, no such action may be maintained until such notice has been given.

In any such action or proceeding, the court with jurisdiction thereof has the power and in its discretion may issue a restraining order, or a preliminary injunction, as well as a permanent injunction, upon such terms and under such conditions as will do justice and enforce the purposes of this Ordinance. If a permanent injunction is decreed in any such action or proceedings, the court in its decree may, in its discretion, allow the plaintiff a reasonable sum of money for the services of the plaintiff's attorney. This allowance shall be a part of the costs of the litigation assessed against the defendant, and may be recovered as such.

8.3.3 Violations of Special Use Permits, Conditional Use Permits and Temporary Use Permits (Previously Section 1105)

A violation of any requirement of this Article that governs uses, structures and activities permitted through issuance of a Special Use Permit, a Conditional Use Permit or a Temporary Use Permit and a violation of any condition imposed by a Special Use Permit, Conditional Use Permit or a Temporary Use Permit shall constitute a violation of the Zoning Ordinance and shall be punishable as provided in **Section 8.3** of this ordinance.

ARTICLE 9 - NONCONFORMITIES

9.1 Purpose

9.2 Nonconforming Uses; Continuing Nonconformity; and Abandonment (Previously Section 2302)

A Nonconforming Use may be continued only in its current form, provided that:

- A. No building or lot in or on which a Nonconforming Use is abandoned for a continuous period of twelve (12) months, or is ~~supereeded~~superseded by a conforming use shall again be devoted to any prohibited use.
- B. No structural alterations that would expand the square footage, height, setbacks, or footprint of the original buildings or structures shall be allowed.
- C. No Nonconforming Use shall be extended, added to or enlarged.
- D. A Nonconforming Use shall be deemed "abandoned" when such use is suspended as evidenced by the cessation of activities or conditions which constitute the nonconforming status of the use.

9.3 Abatement (Previously Section 2303)

If the Town Building official determines that a nonconformity is a danger to the public health, safety or welfare, such nonconformity shall be abated in accordance with the terms of Article 8-5 of the Town Code.

9.4 Maintenance (Previously Section 2304)

Any Nonconforming Structure or Nonconforming Sign may be maintained. Maintenance means the normal upkeep and minor repairs, made necessary by wear and tear or deterioration provided the cost thereof in any thirty-six (36) month period does not exceed ~~30~~thirty percent (30%) of the current full cash value of the structure, as established by the records of the Maricopa County Assessor, or in the case of a sign, as established by the Town.

9.5 Use of Nonconforming Lot and Merger Limitation (Previously Section 2305)

- A. Use: A Nonconforming Lot of Record may be used for any principal use permitted in the zone in which it is located, provided that any new structure proposed to be built upon each lot shall conform in all other respects to the terms of this Zoning Code.
- B. Merger: A Nonconforming lot may be merged with a contiguous lot. Upon the merger of two (2) or more nonconforming lots into one (1) lot, the nonconforming lots shall be deemed abandoned and all subsequent use of the new lot shall conform in all respects to the provision of the Zoning Code.
- C. Adjustments: Lot line adjustments to two (2) adjoining Nonconforming Lots may be made provided the square footage of both adjusted lots remains approximately the same and no additional nonconformity is created.

9.6 Change in Use: (Previously Section 2306)

A Nonconforming Use may be changed to another Nonconforming Use only if the Board of Adjustment determines that the new use is not a more intense use. The factors to be considered by the Board of Adjustment shall include, but not be limited to:

- A. increased traffic

- B. increased parking
- C. more on-site employees
- D. change in hours of operation
- E. increased noise
- F. greater light
- G. increased dust
- H. increased building size
- I. larger vehicles on the site.

9.7 Structural Alterations or Additions to Nonconforming Structures (Previously Section 2307)

Structural alternations, refurbishing, or remodeling of existing Nonconforming Structures shall not result in an increase in any existing encroachment over current setbacks or result in an increase in the height of the reconstructed, refurbished, or remodeled structure over the actual height of the nonconforming portion of the existing structure or result in an increase in any other nonconforming aspect.

Permissible alterations or additions to Nonconforming Structures shall vary based upon whether the alteration or addition is for a structural demolition or a new addition, as provided for below:

- A. Structural Demolitions: When permits are approved for structural remodels, alterations, or repairs (excluding such nonstructural cosmetic items as painting, flooring, cabinets, or appliances), covered by a single or multiple building permits issued within a thirty six (36) month period that together covers work which exceeds fifty ~~percent~~ (50%) ~~percent~~ of the original square footage of an existing Nonconforming Structure, such Nonconforming Structure shall be made to conform to the requirements for new structures. For the purposes of this section, the term "Square Footage" means the aggregate of the area of all floors in a structure, whether at or above established grade, measured between the exterior faces of the exterior walls of the structure.
- B. New additions: All new additions to the existing Nonconforming Structure shall be in compliance with all current Zoning Code provisions.

9.8 Pools and Spas (Previously Section 2308)

Nothing herein shall prohibit the addition or remodeling of a pool or spa adjacent to a Nonconforming Structure.

9.9 Reconstruction of Nonconforming Structure Due to Damage by Natural Causes (Previously Section 2309)

Any Nonconforming Structure damaged by natural occurrences, such as, but not limited to, fire, flood, wind, and lightning, may be reconstructed and used as before with the following limitations and conditions:

- A. Permits to reconstruct or demolish the Nonconforming Structure must be secured from the Town within twelve (12) months of the occurrence.
- B. The reconstruction of the Nonconforming Structure shall be permitted provided that the rebuilt structure shall have the same setbacks, height, footprint, and square footage as existed at the time of the natural occurrence. Should changes or additions be proposed for the portion of the Nonconforming Structure to be rebuilt, then the entire portion to be rebuilt shall conform to the current code.

9.10 Removal: (Previously Section 2310)

Any Nonconforming Structure or Nonconforming Sign which is damaged or destroyed and which cannot meet the terms of Section 9.10 - shall be removed from the lot within ninety (90) days of the occurrence.

9.11 Nonconforming Signs (Previously Section 2311)

- A. A Nonconforming Sign shall not be changed, expanded, or altered in any manner which would increase the degree of its nonconformity, or be structurally or aesthetically altered, or moved in whole or in part to any other location where it would remain nonconforming. With respect to a Nonconforming Sign on a property containing a Nonconforming Use, a change in the name of the entity owning or operating the Nonconforming Use shall be permitted so long as all other restrictions within this section are met.
- B. Any Nonconforming Sign, the use of which as a sign is discontinued for a period of ninety (90) consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and shall not be reestablished except in full compliance with the Paradise Valley Zoning Ordinance. A nonconforming sign that remains for a period of ninety (90) consecutive days without copy, or that no longer advertises a current use of the property on which it is located, shall be deemed discontinued and abandoned as noted above.
- C. Any period of discontinuance caused by government actions, strikes, fire, flood, wind, explosion, or other calamity or act of God, without any contributing fault by the nonconforming user shall not be considered in calculating the length of discontinuance for the purposes of this subsection.
- D. No sign which is an accessory to a Nonconforming Use shall continue after such principal use shall have ceased or terminated, unless such sign shall thereafter conform to all requirements of the Zoning Code.

9.12 Limitation (Previously Section 2312)

Nothing in this Article shall be construed as authorization for an approval of the continuance of a nonconformity, which was in violation of the zoning ordinance in effect at the time the property, became subject to the provisions of the Paradise Valley Zoning Ordinance.

9.13 Variance Requests (Previously Section 2313)

Nothing contained herein shall prohibit the owner of a Nonconforming Use or Structure from applying to the Board of Adjustment for a variance where the strict application of the terms of this Article would cause an undue hardship.

ARTICLE 10 - DEFINITIONS (PREVIOUSLY SECTION 201)

10.1 Purpose

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural, the singular; the word "building" shall include the word "structure;" the word "lot" shall include the word "plot;" and the word "shall" is mandatory.

10.2 General Definitions

Accessory Building / Structure: A subordinate building, the use of which is incidental to that of the dominant use of the main building, or premises, including residential staff quarters; provided, however, that neither a building nor an enclosure for horses is an accessory building.

Alley: A public thoroughfare which affords only a secondary means of access to abutting property.

Anomaly: A natural occurring, localized surface deviation from the natural land contour. Anomalies may include outcroppings, ridges, craters, or washes. When an anomaly affects the Open Space Criteria measurement for a building or structure, the Town Manager or designee shall eliminate the anomaly from the calculation and interpolate a simulated natural grade between the contour on each side of the anomaly for use when measuring the height of the building or structure.

Apartment House: See "Dwelling, Multiple."

Area of Jurisdiction: The boundaries of Paradise Valley.

Assisted Living Home: A dwelling shared as a primary residence by persons who are disabled, as defined in Arizona Revised Statutes §41-1491, who do not meet the definition of "family" as set forth in this section, who live together as a single housekeeping unit in an environment in which staff persons provide supervisory care, personal care and/or custodial care for the residents. This definition shall not apply to a home for the developmentally disabled as regulated by Arizona Revised Statutes §36-582.

Basement: A story having more than one-half (1/2) its height below natural grade.

Building: Any structure for the shelter, support or enclosure of persons, animals, or property; and when separated by dividing walls without openings, each portion of such building, so separated, shall be deemed a separate building.

Camper: A camper is a unit designed for travel, recreational, and vacation uses, which may be placed upon or attached to a vehicle.

Cluster Plan (CP) District: A development approach that may be used in the R-43 or R-35 Cluster Plan zoning district that retains the same house per acre ratio as the R-43 or R-35, zoning districts ~~permitting~~ permitting reduced lot sizes in order to allow undeveloped land to be preserved as open space. This approach may be utilized to preserve natural features, to provide greater than normal setbacks from heavily traveled thoroughfares, or to allow flexibility in the development of parcels on the perimeter of the Town.

Country Club: A use of land, with traditional accessory uses, the primary purpose of which is for playing golf, tennis, handball or other similar recreational activities. Memberships or fees may be required for participation.

DHS: The Arizona Department of Health Services.

DHS Rules and Regulations: The adopted regulations of DHS relating to the provisions of Title 36, A.R.S. § 36-2801 et seq.

Dish Antennas: These structures and facilities are for the reception or retransmission of over-the-air electronic communications.

Dwelling: Any building, or portion thereof, which is designed or used exclusively for residential purposes.

Dwelling, Single-Family: A building designed for occupancy by one (1) family.

Dwelling, Two-Family: A building designed for occupancy by two (2) families.

Dwelling, Multiple: A building or portion thereof designed for occupancy by three (3) or more families.

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

Elevation: Height above mean sea level (MSL) as established by the United States Coast and Geologic Survey.

Encroachment Line: Boundaries shown on Plates 7 & 8 of Volume I, Indian Bend Wash Report prepared by the U. S. Army Corps of Engineers which show lateral limits or lines along streams within which in the direction of the stream no structure or fill may be added without reducing the natural flood carrying capacity of the stream and its flood plain. Their location should be such that the natural floodway between them will handle a designated floodflow. The encroachment lines will be based upon the volumetric flow rate of a ~~100~~ one hundred- (100) year flood.

Family: An individual or two (2) or more persons related by blood or marriage or a group of not more than five (5) persons, excluding residential staff, who need not be related by blood or marriage living together as a housekeeping unit.

Fifty-year Flood: A flood that has a two percent (2%) chance of occurring in any one year based upon the criteria established by the Arizona Water Commission.

Finished Grade: The prepared elevation of the ground surface under a structure and within the lot setback lines.

Flood or Flood Waters: A temporary overflow of water on lands not normally covered by water.

Flood Plain: The relatively flat areas or low lands adjoining the channel of a watercourse, or areas where drainage is or may be restricted by manmade structures which have been or may be covered partially or wholly by floodwater, but shall compose an area not less than that area contained between the fifty- ~~(50)~~ year flood line and the one hundred- ~~(100)~~ year flood line.

Floodplain Board: The Town Council of the Town of Paradise Valley.

Floodplain Regulations: The codes, ordinances, and other regulations relating to the use of land and construction within the channel and floodplain areas, including zoning ordinances, subdivision regulations, building codes, setback requirements, open area regulations and similar methods of control affecting the use and development of the areas.

Floodway: The channel of the stream or body of water and that portion of the flood plain that is inundated by a flood and therefore used to carry the flow of the flood.

Floor Area, Total: The area under roof added to the floor area of any second story. The total floor area also includes any courtyard areas, the solid portion(s) of trellises and/or open weave roofs, and all area under roof in accessory buildings such as gazebos, ramadas and other accessory buildings. The total floor area excludes the floor area of any fully subterranean portions of a building.

Floor Area Ratio: The total floor area divided by the total lot area.

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

Game Court: A level area that may or may not be marked with appropriate lines, upon which a game such as tennis, handball, badminton, shuffleboard, basketball, hockey, roller hockey, or volleyball is played or practiced.

Garage, Private: Any accessory building designed or used for the storage of motor-driven vehicles.

Garage, Public: A building or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

Garage, Storage: A building or portion thereof designed or used exclusively for housing of four (4) or more motor-driven vehicles.

Golf Course: A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse and associated uses.

Grade Slope: The degree of rise or descent of the ground surface. Please refer to illustration 201.

Guardgate: A manually, mechanically, or electrically controlled gate device built as a free-standing structure or in conjunction with a guardhouse in compliance with all the terms granted in a special use permit, and located on a private road as shown on the site plan approved with the special use permit, for the purpose of regulating and monitoring pedestrian and/or vehicular traffic into a subdivision or neighborhood and promoting security within the subdivision or neighborhood.

Guardhouse: A building built in compliance with all building codes of the Town of Paradise Valley and all the terms granted in a special use permit and located on a private road or on private property adjacent to a private road as shown on the site plan approved with the special use permit, for the purpose of manually or electronically regulating and monitoring pedestrian and/or vehicular traffic into a subdivision or neighborhood and promoting security with the subdivision or neighborhood; provided, however, a guardhouse shall not be designed or used for sleeping or living purposes.

Guest Ranch: A building or group of buildings containing two (2) or more guest units, other than a hotel, motel or resort hotel, and having outdoor recreational facilities such as horseback riding, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities.

Guest House: An accessory building of one (1) or more rooms designed for occupancy by not more than one (1) family. A guest house shall have its own sanitary facilities.

Height Measurement: The height of a building or structure is measured based on the following criteria: 1) The vertical distance from the lowest point of the natural grade below the structure to the highest point of the structure. Maximum building height varies with lot size. See **Section 2.2.7A** for detail; and 2) The Open Space Criteria which limits allowable building height near the perimeter of the lot. See definition of Open Space Criteria.

Hillside Development Area: Any parcel of land in which any portion of the parcel lies within the areas marked in Figure 3.2A and any other parcel with a building site slope of ten percent (10%) or greater, measured as a vertical rise of ten ~~feet~~ (10 ft.) feet in a horizontal distance of ~~one hundred feet~~ (100 ft.).

Home Occupation: An occupation, profession, or other business activity conducted at a residence.

Hotel: A building in which lodging is provided and offered to the public for compensation and which is open to transient guests.

Institution: A building or buildings occupied by a non-profit corporation or a non-profit establishment for public use.

Loading Space: A permanently-maintained space on the same lot as the main building accessible to a street or alley and not less than ten ~~feet~~ (10 ~~ft.~~) ~~feet~~ in width, twenty ~~feet~~ (20 ~~ft.~~) ~~feet~~ in length, and fourteen ~~feet~~ (14 ~~ft.~~) feet in height.

Lot: A parcel of land occupied or intended for occupancy by one (1) main building, together with any accessory buildings including the open spaces required by this Ordinance and having either:

- A. adequate frontage upon a public street, or
- B. adequate and recorded access to a public street by a private road as defined by this ordinance.

Lot Area: The area bounded by the recorded property description of a lot, excluding any dedicated ~~right-of-way~~ ~~right-of-way~~, street or alley, and excluding any private road for which a Special Use Permit has been granted.

Lot, Corner: A lot adjoining two (2) or more streets at their intersection.

Lot, Depth of: The main horizontal distance between the front and rear lot lines.

Lot, Double Frontage: A lot having a frontage on two (2) non-intersection streets, as distinguished from a corner lot.

Lot, Interior: A lot other than a corner.

Lot, Key: A lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and facing on the street which forms a side boundary of the corner lot.

Lot Lines: The lines bounding a lot.

Lot of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Clerk of Maricopa County Recorder's office; or parcel of land, the deed of which is recorded in the office of the County Recorder.

Lot Width: The diameter of the circle described in Section 6-3-5.G of the Town Code. Minimum lot widths are shown on **Table 2.2.7A**.

Marijuana Establishment: An entity licensed by DHS, or any other authority, to operate any or all of the following:

- A. A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.
- B. A single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.
- C. A single off-site location at which the licensee may manufacture marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

Marijuana Testing Facility: DHS or its successor agency or any other entity that is licensed by DHS or any other authority to analyze the potency of marijuana and test marijuana for harmful contaminants.

Medical Marijuana: Marijuana or cannabis, including all parts of any plant of the genus cannabis whether growing or not, and the seeds of such plant, approved under state law for treatment of persons suffering from debilitating medical conditions, as designated in A.R.S. § 36-2801 et seq. and the DHS rules and regulations.

Medical Marijuana Cultivation: The process by which a person grows a medical marijuana plant as allowed by A.R.S. § 36-2801 et seq. and the DHS rules and regulations.

Medical Marijuana Designated Caregiver Cultivation: The cultivation of medical marijuana by a designated caregiver, as defined in A.R.S. § 36-2801 et seq. and 36-2804 et seq.

Medical Marijuana Dispensary: A non-profit entity, as defined in A.R.S. § 36-2801(11), that acquires, possesses, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to qualifying patients, caregivers or dispensary agents, as defined in A.R.S. § 36-2801(2).

Medical Marijuana Dispensary Offsite Cultivation Site: A building, dwelling, or structure used for the cultivation or storage of medical marijuana for use by a medical marijuana dispensary, as designated in Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq. or DHS rules and regulations.

Medical Marijuana Infusion Facility: A facility that incorporates medical marijuana into consumable/edible goods by means of cooking, blending or incorporation.

Medical Marijuana Qualifying Patient Cultivation: Cultivation of medical marijuana by a qualifying patient, as defined in A.R.S. § 36-2801(13), who is authorized to cultivate marijuana plants pursuant to the provisions of A.R.S. § 36-2801 et seq. and 36-2804 et seq.

Microwave Antenna: A device for the reception and amplification of microwave frequency electromagnetic energy, typically in the shape of a shallow dish, and which may be mounted on a permanent, temporary, or portable structure.

Mobile Home: A mobile home is a unit which : a) is not self-propelled, b) may be placed upon or attached to a vehicle, c) is constructed in such a manner as to permit occupancy as a dwelling or sleeping place for one or more persons, and d) is or may be used as a conveyance upon streets or highways.

Motel: Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients. Motel includes motor court, motor lodge, and tourist court, but not trailer court, guest ranch or resort hotel.

Motor Home: A self-propelled vehicle capable of being used for the living, sleeping, eating, or accommodation of persons.

Municipally-Owned Water Booster Facilities: Secured parcels of land, enclosed by fencing or a wall, containing mechanical and electrical equipment, piping, surge tanks, control valves, telemetry electronics and other appurtenances on the premises for the sole purpose of distributing potable and/or fire safety water to residential neighborhoods and commercial properties through a water supply system owned by a municipality.

Natural Grade: The elevation of the ground surface in its natural state before man-made alterations.

One-hundred-year Flood: A flood that has one percent (1%) chance of occurring in any one (1) year based upon the criteria established by the Arizona Water Commission.

Open Space: Land and water areas retained for active or passive recreation purposes or for essentially undeveloped areas retained for the purpose of resource protection or preservation.

Open Space Criteria: This criterion maintains view corridors around the perimeter of the lot by further limiting building height near property lines. Maximum allowable structure height shall not exceed a plane beginning at ~~16~~ sixteen feet (16 ft.) above the natural grade, at ~~20~~ twenty feet (20 ft.) setback from all property lines and sloping upward at a ~~twenty percent~~ (20%) angle, perpendicular to the nearest property line. See Section 2.2.7A for detail and refer to Figure 2.4.7B for example.

Open Space Preserve District (OSP): This Zoning District is intended to preserve and protect in perpetuity undeveloped real property and developed real property that can be returned to its natural state, including scenic and conservation easements, on and around the Mountain Preserve in the Town of Paradise Valley, with the goal of preserving the natural landscape, desert plants, wildlife, and the scenic beauty of mountain areas of the Town.

Parking Lot: A parcel of land devoted to unenclosed parking spaces.

Parking Space: A permanently surfaced area, enclosed or unenclosed, having an area of not less than one hundred eighty ~~square feet~~ (180 ~~sq. ft.~~) ~~square feet~~, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

Person: Any individual or his agent, firm, partnership, association, corporation, or agent of the aforementioned groups, or the state or any agency or political subdivision thereof.

Private Road: Where this Ordinance refers to the term "Private Road" any such Private Road shall meet and be in compliance with the following criteria:

- A. The minimum right-of-way width shall be fifty ~~feet~~ (50 ~~ft.~~) ~~feet~~.
- B. Where the said private road is to provide access to one (1) or two (2) residences, driving surface shall not be less than ~~16-sixteen~~ feet (16 ~~ft.~~) in width and shall be covered at a minimum with a ~~4four-inch~~ ~~inch~~ (4 ~~in.~~) depth of aggregate base course meeting Town Standards (Article 5-6 of the Town Code) or a minimum of a ~~4-inch~~ ~~inch~~ (4 ~~in.~~) depth of decomposed granite.
- C. Where access to a public road for three (3) or more residences is to be provided by way of a private road, all standards and requirements for subdivisions as contained in the Code and Ordinances of the Town of Paradise Valley shall apply, and such private road shall be subject to those conditions imposed by reason of the issuance of a use permit in accordance with the Code and Ordinances of the Town of Paradise Valley.
- D. All private roads, for so long as they shall remain private, shall be maintained to the foregoing standards, and in the event the Town of Paradise Valley is required to perform any maintenance upon the same for the health and welfare of the people of the Town of Paradise Valley, the said Town may assess the cost thereof against the party, his heirs, executors, administrators, legatees and assigns, having applied for a residential building permit utilizing the provisions of this sub-paragraph (b); agreement thereto by such applicant shall be a condition of issuance of any residential building permit.

Private Roadways: A roadway not dedicated to or maintained by the Town of Paradise Valley that provides access to properties. A private roadway shall be established only in conjunction with the vacation of a public roadway or in conjunction with the creation of a lot or lots and shall provide access to such lots.

Public/Quasi Public: Structures and uses principally of an institutional nature and serving a public need, such as religious institutions, schools, libraries, governmental offices, museums, post offices, police and fire stations, public utilities, and other public services that provide governmental, educational, institutional, cultural, recreational, religious, or other similar types of public services, but not including the operation of a public bar, restaurant or recreational facility as a commercial enterprise.

Resort: A resort is a facility, operated under a single unified management structure, containing guest units primarily for the temporary residency of persons in a physical setting that provides a high level of guest amenities, recreational opportunities and a quality of design that may include architectural features, extensive open space and landscaping.

R-175 District: This district is intended to promote and preserve a very low-density residential character and maintain open space and natural features. The principal land use is single-family dwellings and uses incidental

or accessory thereto. Lot size of at least one hundred seventy-five thousand square feet (175,000 sq. ft.) is required in this District.

R-43 District: This district is intended to promote and preserve a low-density residential character and maintain open space and natural features. The principal land use is single-family dwellings and uses incidental or accessory thereto. Lot size of at least forty-three thousand five hundred sixty square feet (43,560 sq. ft.) is required in this district.

R-35 District: This district is intended to promote and preserve residential development associated with the desert landscape. The minimum size, although less than one acre, still results in a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto. Lot size of at least thirty-five thousand square feet (35,000 sq. ft.) is required in this district.

R-35 A District: This district only applies to portions of previously annexed subdivisions known as Firebrand Ranch and Mountain View Estates Replat, as shown on the Zoning Map. This district is intended to promote and preserve residential development associated with the desert landscape. The minimum size, although less than one acre, still results in a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto. Lot size of at least thirty-five thousand square feet (35,000 sq. ft.) is required in this District.

R-18 District: This district is intended to promote and preserve residential development associated with the desert landscape. The principal land use is single-family dwellings and uses incidental or accessory thereto. Lot size of at least eighteen thousand square feet (18,000 sq. ft.) is required in this district.

R-18 A District: This district applies to previously annexed subdivisions known as Arcadia Square, Orange Valley Estates No. 3, Grosse Point Two, Quail Vista and to certain portions of Firebrand Ranch and Mountain View Estates Replat, as shown on the Zoning Map. The principal land use is single-family dwellings and uses incidental or accessory thereto. Lot size of at least eighteen thousand square feet (18,000 sq. ft.) is required in this district.

R-10 District: This district applies to previously annexed subdivisions known as Mountain Shadows East, Mountain Shadows West, and Colonia Miramonte. This district is intended for single-family dwellings and uses incidental or accessory thereto, with a lot size of at least ten thousand square feet (10,000 sq. ft.)square feet.

Residential Staff: An accessory building occupied only by a person employed for a substantial portion of his time in the performance of domestic or agricultural tasks on the premises, and by the immediate family of such person. Residential staff quarters may have cooking facilities, and may not be rented for profit.

School: Unless otherwise specified, the term "school and college" shall be limited to private or public places of general instruction and shall not include nursery schools, dancing schools, riding academies, or trade or specialized vocational schools.

Service Station: Any building or premises used principally for the storing, dispensing or offering for sale at retail of automobile fuels or oils.

Shopping Center: A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit.

Sign: Any device for visual communication including political handbills and posters but not including any flag, badge or insignia of a government or governmental agency, nor of any civic, charitable, religious, patriotic, fraternal or similar organization.

A. Area of Sign:

1. Free-standing Letters Sign: The area of such sign is ninety percent (90%) of the area enclosed within the smallest regular geometric figure needed to encompass all letters, insignias or symbols.
 2. Other Signs: The area of other signs is the total area within the outer edge of the sign.
 3. Computations: In every event, computation of all allowable sign area includes all existing signs on the premises, whether such signs be conforming or valid nonconforming under the terms of this Ordinance. Identifying street numbers shall not be computed as part of the total sign area.
- B. **Banner sign:** Means a canvas, flexible plastic device or other cloth material which can be supported and mounted by the use of ropes and intended for visual communication, and directly related to activities on site.
- C. **Double-faced sign:** a sign with two (2) faces; in computing the number of signs, a double-faced sign shall be considered as two (2) signs.
- D. **Free-standing Letters Sign:** A sign composed of letters superimposed on a wall.
- E. **Indirect lighting:** a source of external illumination located a distance away from the sign which lights the sign, but which is itself not visible to persons viewing the sign from any ordinary position of view.
- F. **Internal lighting:** a source of illumination which is entirely within the sign and is not visible.
- G. **Non-commercial sign:** a sign for the expression of a personal communication such as religious, philosophical, or political views.
- H. **Permanent Sign:** Any sign which is intended to be of a lasting and enduring nature, remaining unchanged in character and position and affixed in a permanent manner to the ground, wall or building; made of or composed of materials of such quality that the sign will not deteriorate in appearance due to exposure to wind, rain, sun or the passage of time.
- I. Residential (Identification) Sign: A permanent, freestanding, wall-mounted, or monument-style sign located on a single-family residential lot that serves to identify the premises through numerals, letters, symbols, graphics, or similar visual elements.
- J. Residential (Temporary) Sign: A sign located on a single-family residential lot that is not classified as a Residential Identification Sign, Subdivision Identification Sign, Subdivision Temporary Sign, or Temporary Construction Sign.
- K. Subdivision (Identification) Sign: A permanent freestanding or wall-mounted sign placed at the entrance, boundary, or designated common area of a legally established subdivision.
- L. Subdivision (Temporary) Sign: A sign installed within a subdivision for a limited duration associated with construction activity, development phases, sales activity, or other time-limited conditions as defined in this ordinance.
- M. Temporary Construction Sign: A temporary sign placed on a lot or project site where active construction, grading, or development activity is occurring pursuant to a valid building permit.
- ~~H.N.~~ **Temporary Sign:** Any sign not permanently attached to the ground, wall, or building; made of or composed of materials of such quality that the sign will not deteriorate in appearance due to exposure to wind, rain, sun or the passage of time.

Stable: Any building or structure used to house or provide shelter for horses, provided that when a stable building is used for additional purposes, including by way of example, but not limited to, housing of horse attendants, etc., only the portions of the building used for the housing of horses and/or the keeping of feed or

tack shall be deemed stable area; remaining portions of the building shall be deemed accessory building area. The term, "stable", shall not include within the scope of its definition what is commonly referred to as a corral.

Story: That portion of a building, other than a basement included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three ~~feet~~ (3 ft.) ~~feet~~ above the top floor level, and in which space not more than two-thirds (2/3) of the floor is finished off for use. The half story containing independent apartment or living quarters shall be counted as a full story.

Street, Public: A passageway for general use of pedestrian or vehicular traffic, established as such by governmental authority.

Street, Private: Any other passageway for pedestrian or vehicular traffic.

Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street (right-of-way).

Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof.

Structure: Anything constructed or erected, the use of which requires a fixed location on the ground.

SUP District R-18 CP Single-Family Residential District: A residential subdivision approved by prior Special Use Permit only and applicable only to those subdivisions known as Cheney Estates (and only a portion thereof) and Via Vista.

Time-Share Project: A project in which a purchaser receives the right in perpetuity, for life or for a term of years to the recurrent, exclusive use or occupancy of a lot, parcel, unit or segment of real property, annually or on some other periodic basis for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided.

Trailer, Transport: Any vehicle so constructed that is suitable for being attached to a motor vehicle and capable of being used for transporting goods, materials, equipment, boats, vehicles, or livestock.

Use: The purpose for which land or a building is occupied, maintained, arranged, designed or intended.

Use, Accessory: A subordinate use customarily incident to and conducted on the same lot with the principal use or building including bona fide residential staff quarters.

Watercourse: Any lake, river, stream, wash, arroyo, channel or other body of water having banks and bed through which waters flow at least periodically. The term may include specifically designated areas in which substantial flood damage may occur.

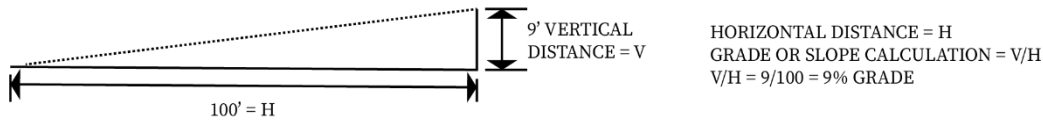
Yard: An open space at grade level between the setback line and the nearest parallel lot line, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard, Front: A yard extending across the front width of a lot and being the minimum horizontal distance between the right-of-way line and the front setback line.

Yard, Rear: A yard extending across the rear width of a lot and being the minimum horizontal distance between the rear lot line and the rear setback line. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, Side: A yard between the side setback line and the side lot line of a lot and extending from the front yard to the rear yard, and being the minimum horizontal distance between a side lot line and the side setback line. An interior side yard is defined as the side yard adjacent to a common lot line.

Figure 10.2.A Grade Slope



10.3 Hillside Development Definitions

Where definitions are not defined in this section, the definitions in Section 10.2 shall control. For purposes of Article 3, the terms shall have the following meanings:

Acre: Forty-three thousand five hundred sixty square feet (43,560 sq. ft.) square feet as measured on the horizontal plane.

Alter the Mountain Top Ridge Line: Any Development on the Primary Ridge Line shown on Figure 10.3A that disturbs or alters the natural mountain top profile.

Applicant: The person or entity desiring to improve or otherwise engage in any Development of property in the Hillside Development Area, including the owner of the property and any agents acting on behalf of the owner.

Building Pad: The total area under roof of all structures proposed for the property.

Building Pad Slope: The percent of slope measured at right angles to the natural contours along a line passing through the center of the proposed building and terminating at the ends of the Disturbed Area limits of the Building Site.

Building Site: That portion of the Lot or parcel, excluding driveways, upon which a building and appurtenances are to be placed or are already existing, including but not limited to; adequate areas for parking, turnaround areas not separated by driveways, sewage disposal, clearance, and proper drainage which conforms to the requirements of the provisions of this Article and the Town Code.

Cantilever: A rigid structural element of a building, deck, or walking surface that is anchored at one end of a support from which it protrudes more than two feet (2 ft.). This excludes roof overhangs that do not have a walking surface above them.

Chair: The chair of the Hillside Building Committee as selected by the members of the Hillside Building Committee pursuant to Town Code Section 2-5-6(D).

Code: The Code of Ordinances of the Town of Paradise Valley, Arizona in effect as of the date of these Regulations and as may be amended.

Commission: The Planning and Zoning Commission of the Town of Paradise Valley.

Committee or Hillside Building Committee: The Hillside Building Committee of the Town of Paradise Valley as constituted pursuant to Town Code Section 2-5-6.

Conservation: Retention or acquisition of land for the purpose of preservation in a natural state.

Conservation Easement: A permanent open space easement granted to the Town or to a public land trust to prohibit Development of property including roads and utilities and to retain and preserve the land for the scenic enjoyment of the general public.

Council: The Town Council of the Town of Paradise Valley.

Cut: The land surface which is shaped through the removal of soil, rock, or other materials.

Development: Any Grading, excavation or construction.

Disturbed Area: That area of natural ground excluding the Footprint of the residence that has been or is proposed to be altered through Grading, Cut and Fill, removal of natural vegetation, placement of material, trenching, or by any means that causes a change in the undisturbed natural surface of the land or natural vegetation (Please reference **Section 3.6.3**).

Driveway: A paved or unpaved area providing access to the property, located between the right- of-way and the parking area or garage of the property.

Fill: The deposit of soil, rock, or other materials placed by man.

Finished Grade: The final grade and elevation of the ground surface after Grading is completed.

Footprint: That area of the residence measured from the outside walls (excluding any overhanging portions) which includes indoor uses such as attached garage, carports, utility room, laundry, etc., but excludes outdoor uses such as patios and breezeways.

Grading: Any excavating, or filling or combination thereof, including the conditions resulting from any excavation or Fill.

Hillside Development Area: Those areas marked in **Figure 3.2A** and to all lands where the natural terrain under the building pad has a slope of ten percent (10%) or greater, whether shown in **Figure 3.2A** or not. However, a ten percent (10%) or greater slope, in an area not denoted on **Figure 3.2A**, created by a natural wash on land that otherwise would not be classified as hillside land shall be exempt from the hillside regulations.

Hillside Wash: A natural watercourse at least two feet (2 ft.) deep from the top of the bank and measuring at least five feet wide at the top of the bank.

Lot: A legally subdivided parcel of land occupied or intended for occupancy by one main building, together with any accessory buildings including the open spaces required of the Hillside Regulations and having adequate frontage on a public or private street.

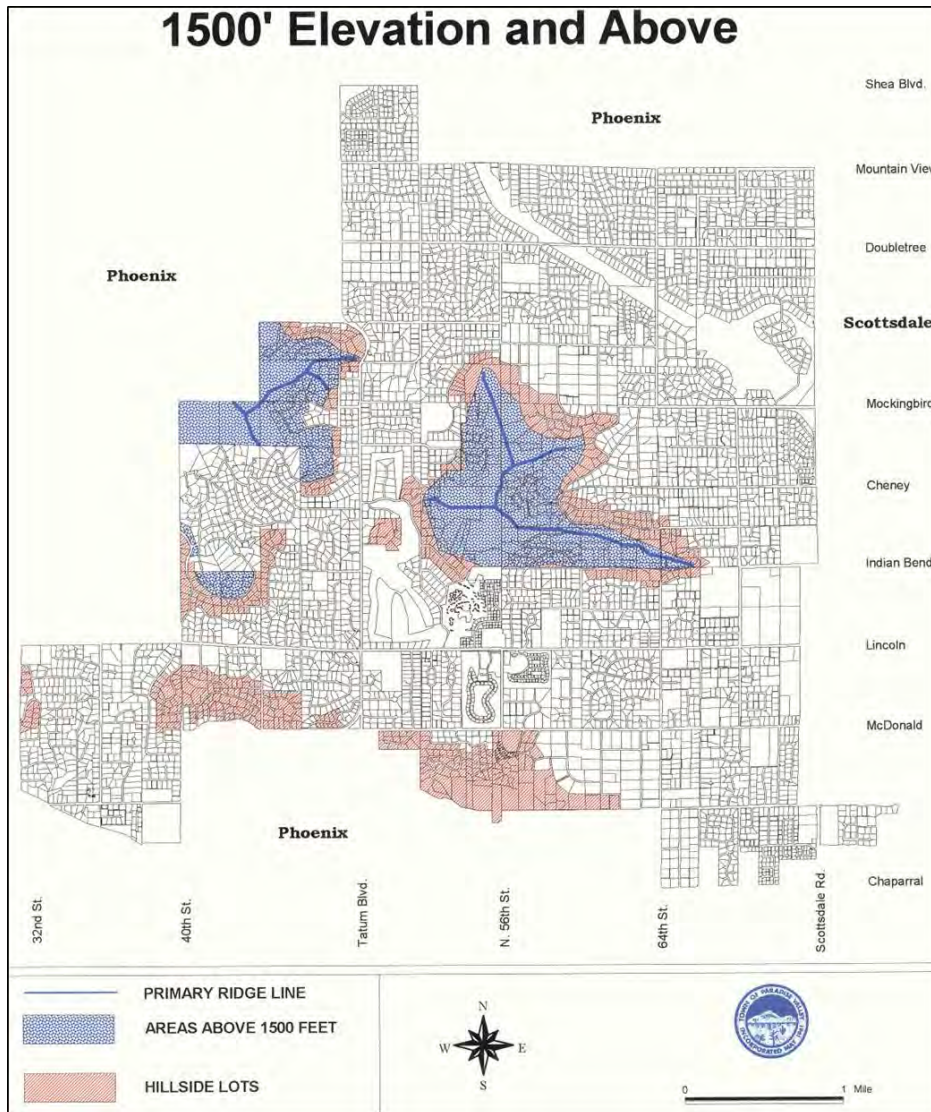
Natural Grade: The undisturbed natural surface of the land, including washes.

Off-Site Storm Water: Water that originates during precipitation events that comes from other parcels and flows onto the subject Lot.

On-Site Storm Water: Water that originates during precipitation events that falls directly onto the subject Lot.

Primary Ridge Line: That line running from the highest point along the mountain top downward along a divide to the 1500-one thousand five hundred-foot (1,500 ft.) mean sea level elevation as shown on **Figure 10.3A**

Figure 10.3A – Primary Ridge Line Designation



Raised Outdoor Living Area: Uncovered areas such as porches, decks, platforms, and retained areas which extend three feet (3 ft.) feet or more above grade.

Retaining Wall: A wall or terraced combination of walls, including, planters, negative edge pools, used solely to retain more than eighteen inches (18"-in.) of material, water, or to support or to provide a foundation or wall for a building.

Raw Spill Slope: An area created by causing or allowing earth or other material to fall, flow or run down the slope, thereby creating a change in the natural appearance and topography.

Significant Natural Features: Include Hillside Washes, Significant Vegetation, and Significant Rock Outcroppings provided these features are in their undisturbed natural state.

Significant Rock Outcroppings: Any surface rock or group formation of rocks covering an area of 200-two hundred square feet (200 sq. ft.) or larger or any surface rock formation with a height greater than ten feet (10 ft.) from the lowest surrounding grade.

Significant Vegetation: A living single tree or cactus having a height greater than ~~15~~ fifteen feet (15 ft.) or three (3) or more trees or cacti, located within a radius of ~~15~~ fifteen feet (15 ft.), each having a height greater than ~~12~~ twelve feet (12 ft.).

Storm Drainage Design Manual: The manual adopted pursuant to Town Code Section 5-10-3.

Town: The Town of Paradise Valley.

Veneered Rock Slope: A group formation of rocks of similar colors that blend in with the surrounding natural setting.

View Fencing (View Fence): Fencing that is constructed in such a manner as to achieve eighty percent (80%) overall openness.

10.4 Nonconforming Definitions

Where definitions are not defined in this section, the definitions in Section 10.2 shall control. For purposes of Article 9, the terms shall have the following meanings:

Legal Nonconformity: any use, structure, sign, or lot of record which, when it was created, lawfully existed under then applicable local zoning ordinances, but which was subsequently rendered nonconforming due to as a result of modification of the applicable zoning ordinance or other circumstances that were not self-created.

Nonconforming Use: an activity involving land, structures, or signs for purposes which were legally established under the terms of the zoning ordinance existing at the time of such establishment, but which is not now permitted as a use in the zoning district in which it is located.

Nonconforming Structure: a structure legally erected under the terms of the zoning ordinance existing at the time such structure was erected which does not now fully comply with present dimension standards such as, but not limited to, height and setbacks (includes walls).

Nonconforming Sign: a sign legally established under the terms of the zoning ordinance existing at the time of such establishment, but which is not now in full compliance with the provisions of the Zoning Ordinance.

Nonconforming Lot of Record or Nonconforming Lot: any validly recorded lot which at the time it was recorded fully complied with the then applicable laws and ordinances, but which does not fully comply with the lot requirements of the Paradise Valley Town code relating to minimum lot area, lot width, or access.

10.5 Outdoor Lighting & Illumination Definitions

For the purposes of Section 5.3, exterior lighting is defined and regulated by the following definitions and categories:

Footcandle (fc) - A unit of illuminance equal to the light from one candle projected on a ~~one-foot~~ one-foot square (1 sq. ft.) surface at a distance of one foot (1 ft.) from the candle. One foot-candle (1 fc) equals one lumen (1 lm).

Lumens: The Standard International (SI) unit of luminous flux

Luminaire (Light Fixture): A complete lighting unit consisting of a lamp or lamps and ballast(s) (when applicable) together with the parts designed to distribute the light, position and protect the lamps, to connect the lamps to the power supply.

Lux: A unit of measure of the intensity from light of a candle illuminating a ~~one-meter~~ one-meter square (1 sq. m.) surface, one meter (1 m) from the candle. One foot-candle (1 fc) equals approximately ten (10) Lux.

Opaque: Impervious to the passage of light.

Partially Shielded (Partial Cut-Off): A fixture that allows light rays to be emitted up and down and shielded with an Opaque material in such a manner to prevent the Luminaire from being seen.

Safety Lighting: Low-level lighting used to illuminate vehicular and pedestrian circulation.

Security Lighting: Fully Shielded Down Light that is intended to provide bright illumination during emergency situations only.

Spill Light: The amount of light that illuminates beyond the range or primary area that the fixture is intended to light.

Translucent: A material through which light can pass but the light source cannot be seen.

Trespass Lighting: Spill light that encroaches onto neighboring properties.

Visual Enjoyment Lighting: Lighting intended to illuminate outdoor living areas.

10.6 Personal Wireless Service Facility Definitions

For the purpose of **Section 4.3**, the following terms shall have the meanings prescribed herein unless the context clearly requires otherwise:

Antenna: the surface from which wireless radio signals are sent from and received by a personal wireless service facility

Applicant: a person or other entity who submits an application with the Town for a Special Use Permit or major amendment to a Special Use Permit for a personal wireless service facility. A personal wireless service carrier and the owner of the subject property shall be an applicant(s) or co-applicant(s) on such application

Co-location: the use of a single mount and/or site by more than one (1) personal wireless service

Commercial mobile radio service: any of several technologies using radio signals at various frequencies to send and receive voice, data or video to and from mobile transceivers

Design: the appearance of a personal wireless service facility, including but not limited to its material, color or shape

Equipment cabinet: an enclosed mobile home, shed or box at the base of or near a mount within which are housed, among other things, batteries and electrical equipment (hereinafter referred to as "equipment"). This equipment is connected to the antenna by cable. Equipment cabinets are also called "base transceiver stations"

Licensed carrier: a company authorized by the FCC to build and operate a commercial mobile radio services system

Location: property(ies) or site(s) where personal wireless service facilities are located or could be located

Modification: any physical or operational change, alteration, or other modification of any of the following as they relate to a personal wireless service facility or the subject property upon which it is located, including but not limited to:

1. The site plan;
2. The sight line representation;
3. The design submittal as required in this Article;

The conversion of a single-use personal wireless service facility to a co-location is also considered a modification

Monopole: a type of mount that is self-supporting with a single shaft of steel or concrete or other acceptable material

Permittee: the owner of a subject property and a personal wireless service carrier

Personal wireless service facility (PWSF): a facility for the provision of personal wireless services as defined by the Telecommunications Act 1996, and any amendments thereto. PWSFs are composed of two (2) or more of the following components:

1. Antenna
2. Mount
3. Equipment
4. Security Barrier

Personal wireless services: commercial mobile radio services, unlicensed wireless services and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996, and any amendments thereto

Security barrier: a locked, impenetrable wall or fence that completely seals an area from unauthorized entry or trespass

Sight line representation: a drawing in which a sight line is drawn from the closest facade of each building, private road or right-of-way (viewpoint) within five hundred ~~feet (500 ft.)~~ ~~feet~~ of the PWSF to the highest point (visible point) of the PWSF. Each sight line shall be depicted in profile, drawn at one ~~inch~~ ~~inch (1 in.)~~ equals forty ~~feet (40 ft.)~~ ~~feet (1:480)~~ unless otherwise specified by the Town. The profiles shall show all intervening trees and structures

Site: the subject property where a personal wireless service facility is located or proposed to be located and includes any contiguous property(ies) under the same ownership as the subject property

Siting: the method and form of placement of a personal wireless service facility on a specific area of a subject property

Subject property: all the area within a lot, lots, or tax parcel(s) under common ownership upon which a personal wireless service facility is either proposed to be, or already is, developed, located, constructed or operated

Unlicensed wireless service: commercial mobile services that can operate on public domain frequencies and that therefore need no FCC license.

10.7 Walls & Fences Definitions

Combination View Fence -A combination view fence (including gates) is a free- standing, upright structure that meets this Section's definition for "view fence" for at least ~~fifty percent (50%)~~ of the height of the structure and meets this Section's definition for "wall" for the remaining portion. The portion of the Combination View Fence meeting the definition of "view fence" must be positioned above the portion meeting the definition of "wall."

Hedge – Dense planting of shrubs, bushes, or any kind of plant designed, installed, maintained, and planted in line or in groups that form a compact, dense, living barrier that protects, shields, separates, or ~~demarates~~~~demarcates~~ an area from view.

Hedge and Landscape Area - The area between the back of curb or edge of asphalt and the front building setback line of the primary residence.

Wall - A wall or fence (including gates) is a freestanding, upright structure, other than plant material, constructed of barriers to enclose, divide, delineate, screen, retain water or earth, or protect an area. The term wall shall include all fences, except a view fence and combination view fence as defined above.

View Fence - A view fence (including gates) is a free-standing, upright structure, constructed with openings between the materials used for construction of the fence, where the openings represent at least 70 percent (70%) of the total fence surface area.

Meandering Wall - A meandering wall is a wall providing significant variations in setback. Meandering walls may consist of curvilinear, square, rectangular, triangular, or freeform design patterns and shall meet the criteria set forth in **Tables 5.2.4 A and B** in addition to other criteria specified in this Article.

Yard, Front - A front yard is the area between the right-of-way line and the front building setback line.