

2010

Downtown Infill Incentive Plan



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I. Purpose.

One primary principle of the Downtown Character Area Plan (Downtown Plan) is that coordination between the public and private sectors will be necessary in order to carefully manage Downtown land use considerations in the future. The involvement of the private sector is pivotal to the successful implementation of the Downtown Plan. The flexible application of flexible development standards can be used to encourage the private sector to attain a high level of quality development while at the same time assisting in the provision of public amenities and benefits. Thus, establishing and utilizing a variety of tools for new development, redevelopment and infill development that strengthens Downtown's mix of land uses should be strongly encouraged.

One such tool for the City to utilize is the Infill Incentive District, as provided in Arizona Revised Statute §9.499.10. Adopted as part of the Growing Smarter and Growing Smarter Plus legislation, the Infill Incentive District was added to the Arizona Revised Statutes to promote infill development in cities and towns. The City Council has adopted a Infill Incentive District called the Downtown Infill Incentive District which acknowledges that the conditions to create an Infill Incentive District (Appendix A) exist. Further, the District formation recognizes that the strict application of the underlying zoning and overlay districts' standards and regulations of the City of Scottsdale's Basic Zoning Ordinance (Zoning Ordinance) might inhibit infill, revitalization, redevelopment, and preclude the provision of public amenities and benefits.

II. Downtown Infill Incentive District Boundary.

The Downtown Infill Incentive District is an irregularly shaped area, located between North 68th Street and North Miller Road, and between East Earll Drive and East Chaparral Road. The Downtown Infill Incentive District is more precisely identified as the area depicted in Appendix B which includes a map of the Downtown Infill Incentive District.

III. Goals and Objectives.

The primary guiding plans for the Downtown Infill Incentive District are the Scottsdale General Plan and the Downtown Plan, which are included as part of the Downtown Infill Incentive Plan by this reference. In addition, the goals and objectives contained within this Downtown Infill Incentive Plan are established to promote high quality new development, redevelopment and infill development within the district through the use of flexible development standards.

a. *Goals and Objectives that are Specific to the Downtown Infill Incentive District.*

Goal 1: *Encourage infill development of vacant parcels, and the revitalization and/ or redevelopment of existing buildings in Downtown Scottsdale.*

Objective 1.1: The provisions of the Downtown Infill Incentive District for a development shall implement the goals, approaches, and policies of the General Plan and Downtown Plan related to infill development of vacant

parcels, and the revitalization and/or redevelopment of existing buildings and underutilized properties.

Goal 2: *Development shall be composed of complementary and supportive design relationships with the urban neighborhood in which the development is located, with an adjacent neighborhood outside of the Downtown boundary, and consistent with the Downtown Plan.*

Objective 2.1: Any new development that is within the Type 1 area, as designated by the Downtown Plan, shall promote a compact urban form and encourage sensitive/compatible infill development and redevelopment.

Objective 2.2: Any new development, infill development and redevelopment, that is within Type 2 area, shall incorporate contextually appropriate transitions to the established development that is the Type I area.

Objective 2.3: Any new development, infill development and redevelopment that is adjacent to the Downtown boundary shall incorporate contextually appropriate transitions to the established development outside of the Downtown boundary.

Goal 3: *Development shall be in compliance with the Downtown Plan Urban Design & Architectural Guidelines, and the Scottsdale Sensitive Design Principles.*

Objective 3.1: Any new Development in Old Town, Main Street, Fifth Avenue, and Marshall Way-Craftsman Court areas of Downtown shall strictly conform to the character of the area, and the Downtown Plan Urban Design & Architectural Guidelines for Special Districts.

IV. Application and Development Plan Requirements.

a. Downtown Infill Incentive District Application Requirements.

A property owner may request to develop under the provisions of the Downtown Infill Incentive Plan, by submitting an application in accordance with the Scottsdale Zoning Ordinance – Article I.

b. Downtown Infill Incentive District Development Plan Requirements.

An application for the Downtown Infill Incentive District shall be accompanied by a Development Plan. As required by the Zoning Administrator, or designee, the Development Plan shall include the indicated items that are on the Infill Incentive District Application checklist.

V. Citizen Review Process Requirements.

A property owner requesting to develop under the provisions of the Downtown Infill Incentive Plan, shall conduct public outreach in accordance with Citizen Review Process of the Scottsdale Zoning Ordinance – Article I.

VI. Amendments.

To maintain the integrity and character of the City of Scottsdale and its built environment, only certain amendments may be requested. The approval of any amendment shall be at the discretion of the City Council. The allowed and prohibited amendments in the Downtown Incentive Infill District are identified in three categories, Minor Amendments, Major Amendments, and Prohibited Modifications.

a. Minor Amendments.

An application to utilize the provisions of the Downtown Infill Incentive District may include request to amend the following:

- The Scottsdale Zoning Ordinance, except as prohibited below.
 - Projects within the Type 1 Old Town area may request an amendment to the permitted building height, up to a height of forty (40) feet, inclusive of roof top apparatus.
 - Projects within the Type 1 area that are outside of the Old Town area may request an amendment to the permitted building height, up to a height of forty (48) feet, inclusive of roof top apparatus.
 - Projects in the Type 2 area that do not have Downtown (D) District zoning may request an amendment to the permitted building height, up to a height of forty (48) feet, inclusive of roof top apparatus.
 - Projects in the Type 2 area that have Downtown (D) District zoning may request an amendment to the permitted building height, up to a height of sixty-five (65) feet, inclusive of roof top apparatus.
 - Projects that do not have Downtown (D) District zoning may request an amendment of the allowable floor area up to a floor area ratio of 1.5

- Note:
1. The locations of the Type 1 and Type 2 areas are identified in Appendix C.
 2. Minor amendments requesting a change of the current zoning’s development standards will be processed as zoning cases until a different process is adopted by the City Council.

b. Major Amendments.

An application to utilize the provisions of the Downtown Infill Incentive District, may include a request to amend the General Plan, the Downtown Plan, or the Zoning Ordinance. If an

amendment is requested in the application, a concurrent application must be submitted to amend the following if the proposed development plan affects:

- the General Plan,
 - requires a General Plan amendment application
- the Downtown Plan,
 - requires a General Plan amendment application
- a change from one zoning district to another zoning district
 - requires a Zoning Map amendment application
- an existing zoning stipulation(s),
 - requires a Zoning Map amendment application
- existing amended development standards,
 - requires a Zoning Map amendment application
- existing Conditional Use Permit and/or related stipulations,
 - requires a Conditional Use Permit application
- the addition of a land use that is not permitted in the property’s zoning district, and/or overlay district classification.
 - requires a Zoning Map amendment application
- a land use that requires a Conditional Use Permit,
 - requires a Conditional Use Permit application
- a building height between sixty-five (65) feet and ninety (90) feet, inclusive of roof top apparatus, in the Downtown Multiple Use or Downtown Civic Center Type 2 areas, and/or
 - requires a Zoning Map amendment application
- a building height between sixty-five (65) feet and one-hundred fifty (150) feet, inclusive of roof top apparatus, in the Downtown Regional Multiple Use or Downtown Medical Type 2 areas.
 - requires a Zoning Map amendment application
- properties with Downtown (D) District zoning may request a floor area ratio greater than what is permitted by the zoning district.
 - requires a Zoning Map amendment application
- a density greater than the allowed density of a property’s zoning district or overlay district classification.
 - requires a Zoning Map amendment application

Note: The locations of the Downtown Multiple Use, Downtown Civic Center, Downtown Regional, Downtown Medical Type 2 are identified in Appendix C.

c. Prohibited Modifications.

An application to utilize the provisions of the Downtown Infill Incentive District, shall not include modifications to:

- the Scottsdale Zoning Ordinance regulations in Article I. – Administration and Procedures;
- the Scottsdale Zoning Ordinance definitions of Article III. – Definitions, or any other definition that may be located in another article of the Zoning Ordinance;
- any property with the Historic Property zoning overlay district designations; and/or
- reduce the minimum contribution of the Cultural improvements program of the Scottsdale Zoning Ordinance.

VII. Fee Waivers.

A property owner’s application may include a request for a waiver of fees, partial waiver of fees, or deferment of fees. The approval of any application that includes a waiver of fees, partial waiver of fees, and/or deferment of fees shall be at the discretion of the City Council, essentials of a waiver of which shall be contained in a binding agreement that is subject to the discretion of the City Council.

VIII. Expedited Zoning or Rezoning Procedures and Processing of Plans and Proposals.

The City of Scottsdale Planning, Neighborhood, and Transportation Division (PNT) staff is committed to review and process applications, development plans, and proposals in an expeditious manner. A property owner may request expedited review and process for applications, development plans, and proposals, however, the Scottsdale Zoning Ordinance regulations in Article I. – Administration and Procedures may not be modified. The approval of any application that includes a request for expedited review and process for applications, development plans, and proposals shall be at the discretion of the City Council. The essentials of expedited review and process for applications, development plans, and proposals shall be contained in a binding agreement that is subject to the discretion of the City Council.

IX. Considerations.

At the discretion of the City Council, an application for an amendment to the development standards, City fees, and the time frames to process zoning application(s), plans and proposals within the Downtown Infill Incentive District shall demonstrate the goals and policies of the General Plan, Downtown Plan, and the specific goals and policies herein specific to the Downtown Infill Incentive District.

X. Administration.

The Downtown Infill Incentive Plan shall be administered and interpreted by the City of Scottsdale Zoning Administrator, or designee.

Recommendations regarding applications to utilize the Downtown Infill Incentive District will be made by city staff to the City Council, and to the appropriate board or commission based upon the merits of the proposals submitted under the Downtown Infill Incentive District and other City Policies and City Code regulations.

XI. Definitions.

The definitions of the Zoning Ordinance, General Plan, and Downtown Character Area Plan shall apply. Undefined terms shall be interpreted by the Zoning Administrator.

Downtown Infill District

Appendix A - Resolution No. 8370

(Including Exhibit A of Resolution No. 8370, which is the Downtown Infill Incentive Plan itself)

RESOLUTION NO. 8370

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, FINDING THE EXISTENCE OF STATUTORY CRITERIA SUPPORTING THE CREATION OF AN INFILL INCENTIVE DISTRICT IN THAT AREA OF THE CITY OF SCOTTSDALE GENERALLY LOCATED BETWEEN NORTH 68TH STREET AND NORTH MILLER ROAD, AND BETWEEN EAST EARLL DRIVE AND EAST CHAPARRAL ROAD, DESIGNATING A PORTION A SPECIFIC PORTION OF THAT AREA TO BE AN INFILL INCENTIVE DISTRICT AND ADOPTING AN INFILL INCENTIVE PLAN.

WHEREAS, the City Council, held a public hearing on July 7, 2010; and

WHEREAS, Arizona Revised Statutes (A.R.S) §9-499.10 authorizes the City to establish Infill Incentive Districts in areas of the city that meet at least three of six property conditions criteria, and

WHEREAS, the City Council deems that in the best interests of the City of Scottsdale that a certain area of the City of Scottsdale depicted in Exhibit A attached hereto and incorporated by reference should be designated as a Infill Incentive District; and

WHEREAS, the City Council finds the designation of a Infill Incentive District is in substantial harmony with the General Plan of the City of Scottsdale; and

WHEREAS, A.R.S §9-499.10 requires that the City Council make certain findings prior to making such a designation and prior to the exercise of the powers granted pursuant to A.R.S. §9-499.10; and

WHEREAS, the City Council has heard and seen evidence that within the area of the City described in Exhibit A there exist a large number of vacant older or dilapidated buildings or structures, a large number of vacant or underused parcels of property, obsolete or inappropriate lot or parcel sizes, environmentally contaminated sites, and a large number of buildings or other places where nuisances exist or occur, and an absence of development and investment activity compared to other areas in the city; and

WHEREAS, the City Council has considered a plan to encourage development within the area described in Exhibit A to enhance the economic welfare of the community as a whole, and

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Resolution 8370

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the City Council finds the area of the City depicted in Exhibit A hereto meets at least four of the six statutory criteria in A.R.S. §9-499.10 as follow:

1. There are a large number of vacant older or dilapidated buildings or structures.
2. There are a large number of vacant or underused parcels of property, obsolete or inappropriate lot or parcel sizes or environmentally contaminated sites.
3. There are a large number of buildings or other places where nuisances exist or occur.
4. There is an absence of development and investment activity compared to other areas in the city or town.


Section 2. That the area of the City of Scottsdale depicted in Exhibit A and labeled as the Downtown Infill Incentive District is hereby established as an Infill Incentive District pursuant to A.R.S. §9-499.10, to be known as the Downtown Infill Incentive District.

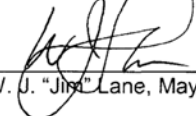
Section 3. That pursuant to A.R.S. §9-499.10 the City Council hereby adopts the Downtown Infill Incentive Plan attached hereto as Exhibit B and incorporated herein.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 7th day of July 2010.

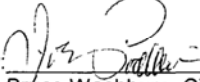
ATTEST:

CITY OF SCOTTSDALE, an Arizona
Municipal Corporation

By: 
Carolyn Jagger, City Clerk

By: 
W. J. "Jim" Lane, Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 
Bruce Washburn, City Attorney
By: Joe Padilla, Sr. Assistant City Attorney

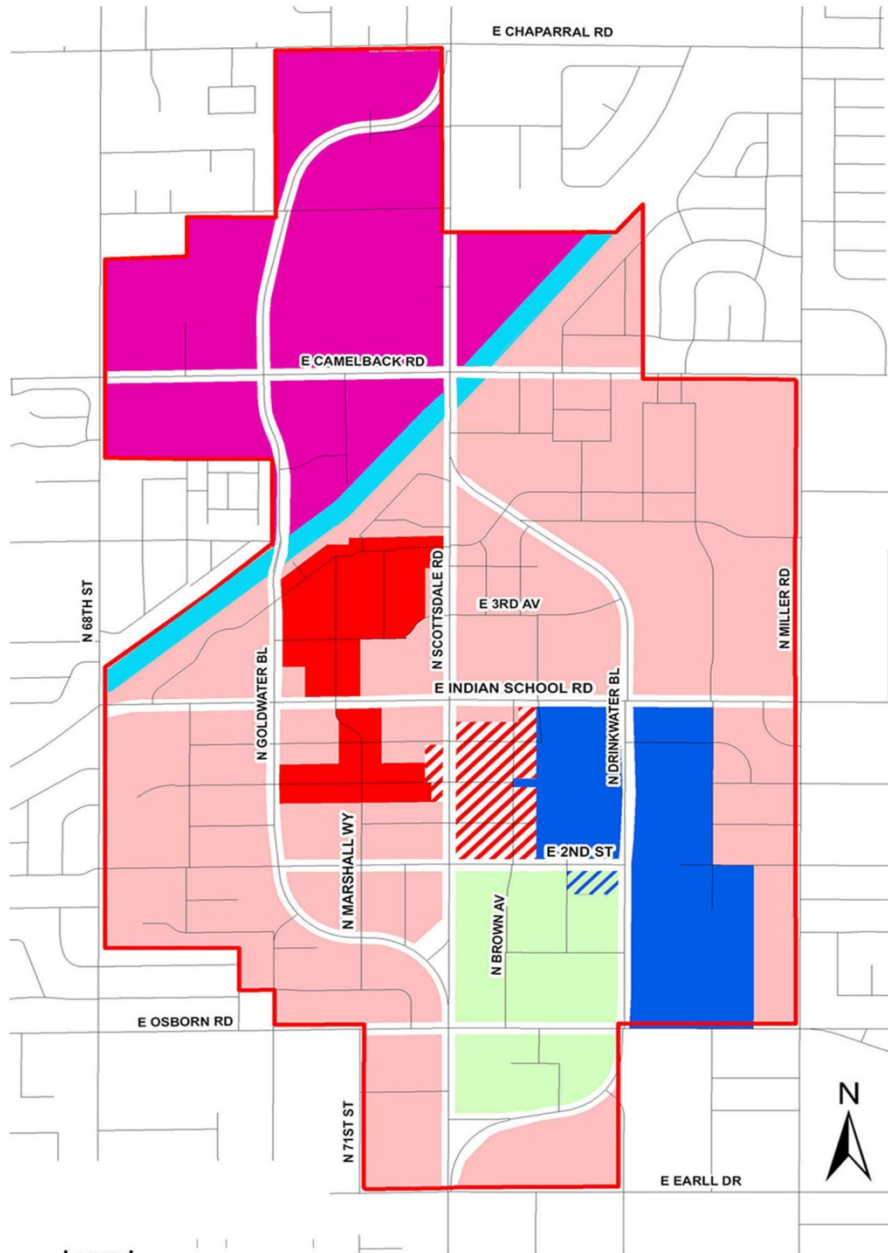
Appendix B - Downtown Infill Incentive District Map.

Downtown Infill Incentive District



Appendix C - Downtown Future Land Use Map.

Note: Refer to the Scottsdale Downtown Plan for the approved Downtown Future Land Use Map.



- Legend**
- Downtown Boundary
 - Downtown Regional - Type 2
 - Downtown Civic Center - Type 2
 - Downtown Civic Center or Medical - Type 2
 - Downtown Core (Old Town) - Type 1
 - Downtown Core (Remainder) - Type 1
 - Downtown Medical - Type 2
 - Downtown Multiple Use - Type 2

**DOWNTOWN FUTURE LAND USE MAP
(AMENDED FOR ILLUSTRATIVE PURPOSES)**

