

ZONING ORDINANCE

Article X. HEIGHT AND AREA REGULATIONS ^{432 444 485 534 548 564 565}

Section 1001. District Regulations ^{432 485 534 548 564 565}

District height, area and other regulations are shown on Table 1001-A1, 1001-A2, and 1001B 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.

Table 1001-A1 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	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

- ¹The Minimum Floor Area includes the walls proper of the structure but excludes open porches, pergolas, attached garages or carports or other similar extension thereof.
- ²Side Yards are a minimum of 40 feet for lots with buildings two (2) stories or a height greater than 24 feet. On lots with buildings of one story and a height not greater than 24 feet, the minimum side yard is 20 feet.
- ³In 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

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second story shall be set back forty (40) feet. If the structure is a single story, then all portions higher than twenty-four (24) feet shall be set back forty (40) feet.

- ⁴In 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 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 1001-A2 Primary Building Height Limitations

Lot Size, acre	Maximum Building Height, feet
Less than 3	24 not including chimneys
3 or greater but less than 4	26 not including chimneys
4 or greater	30 including chimneys

Height measurement shall include the vertical distance from the lowest point of the natural grade below a structure to the highest point of the structure. Please refer to illustrations A,B,D, and E of Figure 1001-1, for examples. Where lowest natural grade occurs in a wash or an anomaly, the Town Manager or designee shall eliminate the wash or 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. Where natural grade has been excavated to a point that is lower than the lowest natural grade below the structure and not restored back against the walls of the structure, the total height of the structure shall be measured from the lowest excavated grade elevation adjacent to the walls of the structure. Please refer to illustration E of Figure 1001-1 for example. Basement exits including window wells, stairways, and patio areas shall not be included in the height measurement if the earth has been restored so as to fully screen the portion of the basement from view at natural grade level. Please refer to illustrations F and G of Figure 1001-1 for example. Basement exits, with the exception of standard window wells, shall be included in the Floor Area Ratio for the structure and shall meet all setbacks for the structure; however, the floor area of any fully subterranean portions of the actual basement shall be excluded from the Floor Area Ratio. Please refer to illustration C of Figure 1001-1 for detailed window well limitations. Height measurement as defined herein shall not be applicable in Hillside Development Areas.

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

No building shall penetrate an imaginary plane beginning sixteen (16) feet above the twenty (20) foot setback line, and which plane rises toward the center of the lot at a slope of twenty (20) percent (see Figure 1001-2). All height measurements shall be taken from the elevation at the twenty-foot setback line. Measurements shall be taken from the high points of the structure to the closest point at the twenty-foot 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 1001-A1, 1001-B, 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 201, this section shall prevail.

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Table 1001B -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

- ¹In 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 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.

Section 1002. Front Yard Designation

- 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.

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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 feet 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 feet 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.

Section 1003. Tall Structures, Flagpoles and Antennas 404 432 444 564

- 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 (30) 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 1003-1. An amateur radio antenna may exceed thirty (30) 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 (60) feet.

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- 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.

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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Section 1004 Building Restrictions (Except as hereinafter provided) ⁵⁶⁴

- 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 other-wise provided in Article X 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.

Section 1005 Accessory Building / Structure Regulations ^{196 485 564}

- A. Accessory buildings / 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 1001B or elsewhere in this ordinance.
- B. No accessory building or structure, including walls and fences, except as provided for in C 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 3-foot high rail type fence may be temporarily installed along the perimeter of a vacant property to prohibit trespassing and illegal dumping. The fence shall be setback at least 10 feet from any right-of-way and shall meet all other requirements of Article XXIV, WALLS AND FENCES. The fence shall be removed prior to the issuance of a certificate of occupancy for the main house.
- 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.

Section 1006. Repealed ^{485 534 564}

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Section 1007. Parking of Vehicles and Trailers^{64 564}

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.

Section 1008. Yard Requirements^{196 564}

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 (24) inches.

Section 1009. Mechanical Equipment^{485 564}

Mechanical-equipment shall be fully screened from view in conformance with Section 2410 of Article XXIV.

Section 1010. Projections into the Required Yards⁵⁶⁴

- 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 (5) feet are permitted.
- B. Terrace, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project a maximum of two (2) feet into the setback.⁴⁸⁵

Section 1011. Repealed^{207 345}

Section 1012. Repealed⁵⁶⁴

Section 1013. Repealed⁴⁸⁵

Section 1014. Repealed⁵⁶⁴

Section 1015. Repealed⁵⁶⁴

Section 1016. Repealed⁵⁶⁴

Section 1017. Repealed⁵⁶⁴

Section 1020. Repealed⁵⁶⁴

Section 1021. Repealed⁴⁸⁵

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Section 1022. Repealed ^{84 369}

Section 1023 Outdoor Lighting and Illumination. ^{65 repealed 201 374}

All types of outdoor electrical lighting and electrical illumination are subject to the following limitations:

1. No lamp or lighting or illumination device shall provide light in excess of 0.75 foot candles of projected brightness measured at the nearest property line. When a light source is indicated as twenty-five (25) watt incandescent, it shall not exceed two hundred fifty (250) lumens and when a light source is indicated as seventy-five (75) watt incandescent, it shall not exceed seven hundred fifty (750) lumens.
2. Each lighting or illuminating device shall be set back from the nearest property line a minimum of ten (10) 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 (4) feet above finished grade adjacent to the driveway. The light source shall not exceed the equivalent projected brightness of a twenty-five (25) watt incandescent bulb.

3. The following light sources shall not exceed a height of thirty-six (36) inches above natural or excavated grade, whichever is lower, and shall not exceed the equivalent projected brightness of a twenty-five (25) watt incandescent bulb:
 - a. All lighting or illumination of landscape;
 - b. Accent or aesthetic lighting of buildings or structures;
 - c. Any illumination device that directs light above a horizontal plane.
4. Lighting 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 (20) feet above natural or excavated grade, which ever is lower. Each security/safety light is limited to the equivalent projected brightness of a seventy-five (75) watt incandescent bulb. Limited use of security/safety lighting is encouraged to prevent excessive ambient light.
5. Tennis court lighting shall be hooded or shielded so that the light source and reflecting device is not visible from off the property. No lighting or illumination device shall project light in excess of 0.75 foot candles of brightness measured at the nearest property line. The maximum height of tennis court lighting shall not exceed twenty (20) feet above the court surface or natural grade whichever is lower.
6. 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.

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Section 1024. Repealed⁵⁶⁴

Section 1025. Repealed⁵⁶⁴

Section 1026. Prohibition of Time-Share Projects:^{99 564}

Time-Share Projects, as defined in Article II, Section 201(~~66~~) are hereby prohibited within any use district within the Town of Paradise Valley.

Section 1027. Repealed⁵⁶⁴

FOOTNOTE:

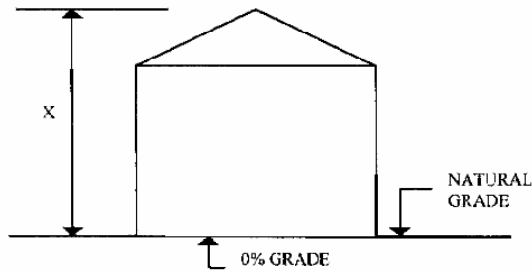
60 Ordinance #105 - 8/14/75
61 Ordinance #121 - 6/24/76
62 Ordinance #126 - 9/9/76
63 Ordinance #126 - 9/9/76
64 Ordinance #154 - 5/24/79
65 Ordinance #101 - 6/26/75 repealed
66 Ordinance #114 - 3/11/76
67 Ordinance #165 - 4/24/80
82 Ordinance #178 - 4/23/81
84 Ordinance #180 - 4/23/81
96 Ordinance #201 - 3/24/83
99 Ordinance #204 - 4/28/83
122 Ordinance #233 - 11/14/85
127 Ordinance #240 - 3/27/86
159 Ordinance #278 - 2/25/88
162 Ordinance #284 - 5/26/88
180 Ordinance #304 - 11/9/89
186 Ordinance #311 - 4/26/90
196 Ordinance #323 - 6/13/91
201 Ordinance #329 - 1/9/92
207 Ordinance #345 - 5/14/92
369 Ordinance #369 - 2/24/94
374 Ordinance #374 - 8/25/94
404 Ordinance #404 - 05/25/95
432 Ordinance #432 - 12/19/96
444 Ordinance #444 - 12/17/98
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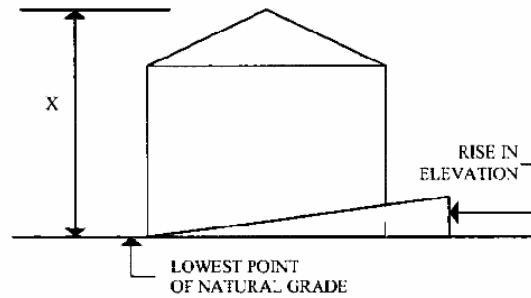
ZONING ORDINANCE Figure 1001-1 Height Measurements

Maximum Height Regulations apply to all districts	
# Acres	Maximum Height (Feet)
Less than three (3) acres	24' plus 3' chimney
Three (3) but less than four (4) acres	26' plus 3' chimney
Four (4) or more acres	30' including chimney

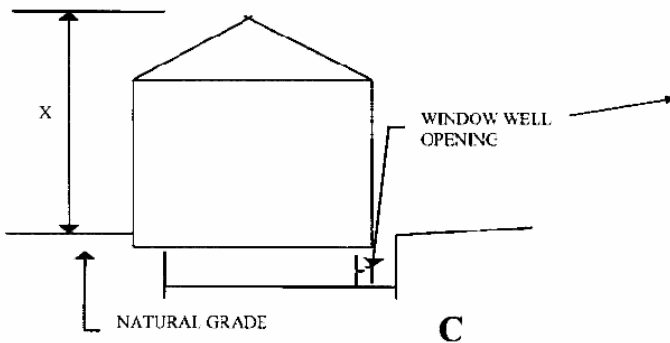
X = varies by number of acres.
Consult above table.



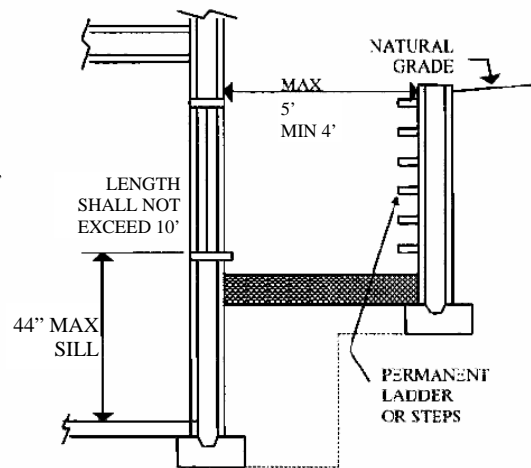
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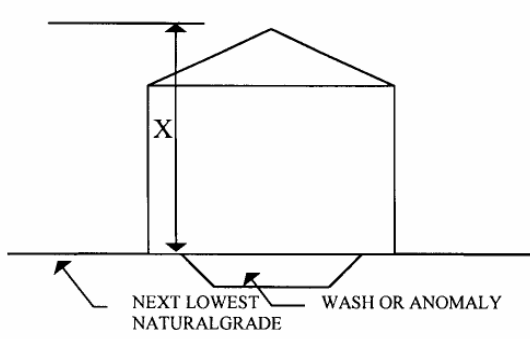


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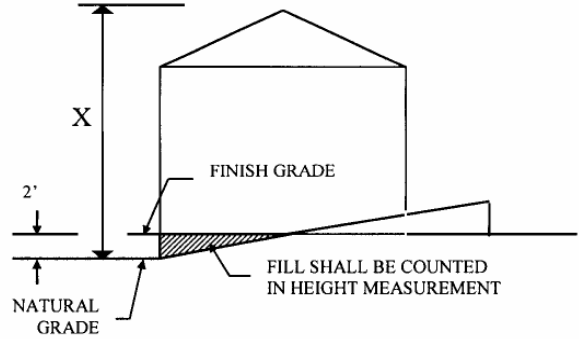


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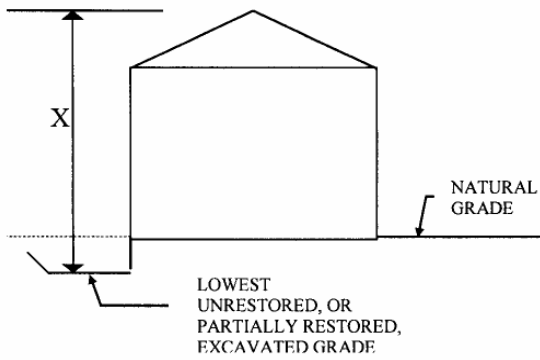
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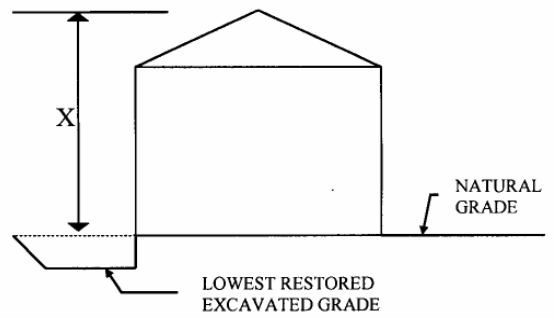
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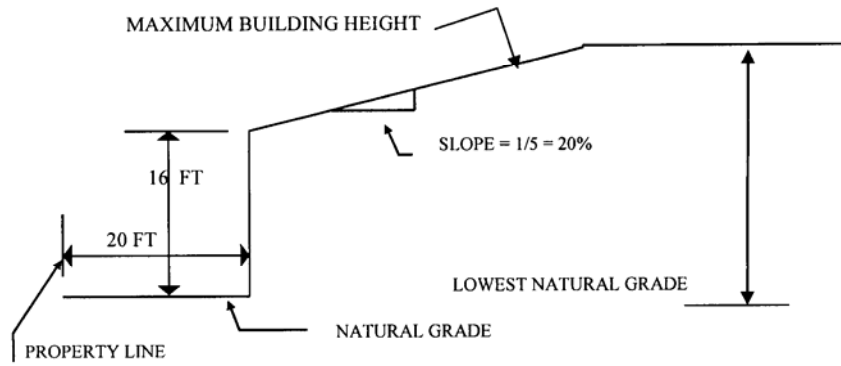
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Figure 1001-2



OPEN SPACE CRITERIA