

Chapter 27 Downtown Overlay District

Section 27.01 Purpose and Intent

The Downtown Overlay District is an overlay zoning district for development of the downtown area of Fountain Hills. The intent of this district is to integrate commercial activity and professional offices with residential uses, visitor attractions and parks as appropriate for the established districts within the downtown area. The Downtown Overlay District modifies the underlying zoning district regulations only to the extent specifically set forth in this Chapter. If not specifically modified in this Chapter, all of the regulations in effect in the underlying zoning districts will remain in full force and effect.

Section 27.02 Permitted Uses

Uses permitted in the Downtown Overlay District shall be:

A. The Avenue District:

1. Permitted uses:

- a. Uses listed in Zoning Ordinance Sections 12.02 B. and C. provided, however, that ground floor uses within fifty feet (50') of the right-of-way for the nearest adjacent street shall be limited to restaurants and cafes; bars and taverns; gift shops, apparel stores, variety stores and similar retail commercial stores; entertainment venues; or similar uses.
- b. Outdoor seating areas for food and beverage service with associated outdoor entertainment subject to the following requirements.
 - i. Any recorded or live music or sound that is electronically amplified and played outside an establishment shall only be permitted at establishments with dedicated outdoor seating areas for food and beverage service.
 - ii. Establishments with dedicated outdoor seating areas for food and beverage service shall comply with the sound level requirements set forth in the Fountain Hills Town Code Section 11-1-7, as amended.

iii. Outdoor seating areas for food and beverage service shall comply with any applicable barrier requirements from the Arizona Department of Liquor Licenses and Control.

iv. Outdoor seating areas for food and beverage service are allowed within the sidewalk areas, provided an encroachment permit is approved by the Town Engineer pursuant to Town Code Article 16-1, for any seating areas located in a public right-of-way. Such outdoor seating areas must be properly maintained to ensure safe access and mobility for business patrons.

c. Museums

d. Multifamily residential up to 35 units per acre above the ground floor.

2. Uses permitted by special use permit shall be residential above the ground floor at a density more than 35 units per acre.

B. The Business District:

1. Those uses permitted in Zoning Ordinance Sections 12.02 A., B., and C.

a. Outdoor seating areas for food and beverage service with associated outdoor entertainment subject to the following requirements:

i. Any recorded or live music or sound that is electronically amplified and played outside an establishment shall only be permitted at establishments with dedicated outdoor seating areas for food and beverage service.

ii. Establishments with dedicated outdoor seating areas for food and beverage service shall comply with the sound level requirements set forth in the Fountain Hills Town Code Section 11-1-7, as amended.

iii. Outdoor seating areas for food and beverage service shall comply with any applicable barrier requirements from the Arizona Department of Liquor Licenses and Control.

b. Multifamily residential up to 35 units per acre above the ground floor.

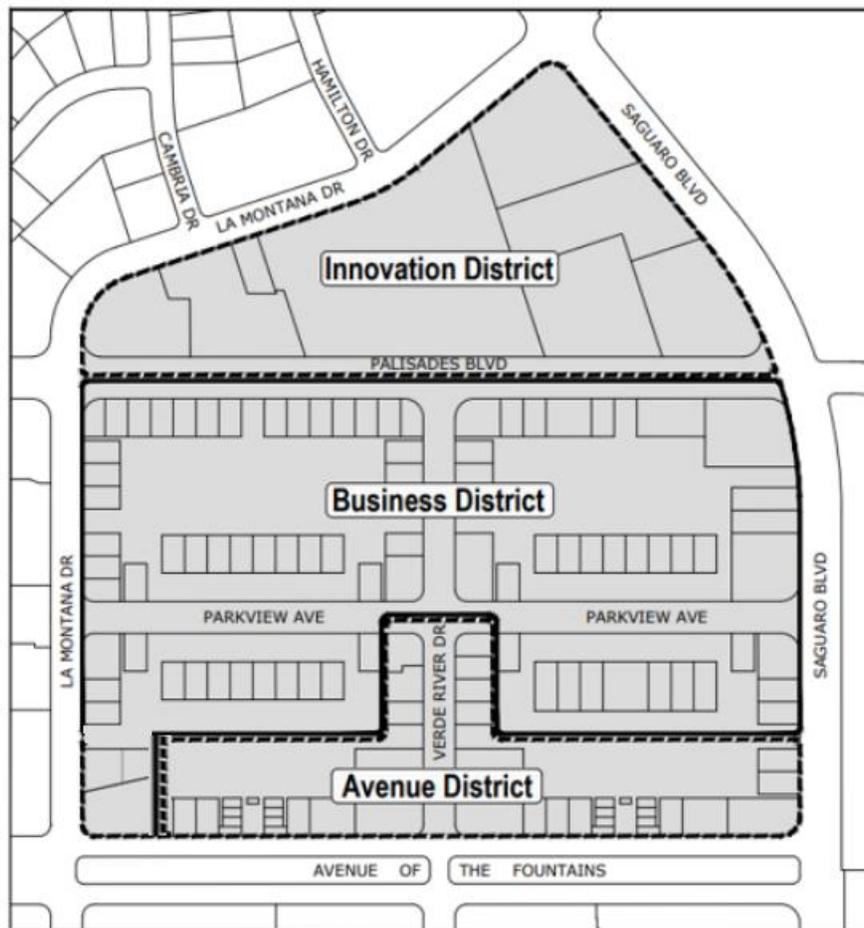
2. Uses permitted by special use permit shall be residential uses on the ground floor or at a density more than 35 units per acre.

c. The Innovation District:

1. Those uses permitted in Zoning Ordinance Sections 12.02 A., B., and C.

- a. Laboratories, (research, experimental and testing).
 - b. Manufacture and assembly of nonhazardous and nontoxic materials.
 - c. Light assembly and storage as an accessory use if all of the following criteria are met:
 - i. Any assembly or storage areas associated with assembly activities shall not occupy more than fifty (50%) percent of enclosed building space used for the business; and,
 - ii. There shall be no use of hazardous materials involved in the assembly operation(s).
2. Uses permitted by special use permit shall be residential uses.

Illustration 27.02. Downtown District Boundaries



Uses allowed by Zoning Ordinance Section 2.03 are allowed to be established as temporary uses on vacant lots provided they comply with the adopted Downtown Temporary Use Guidelines and receive approval from the Zoning Administrator and Town Engineer.

Section 27.04 General Provisions

Except as may be modified by this overlay district, the general provisions in chapter 5 shall apply.

Section 27.05 Signs

The regulations in Chapter 6, Signs, shall apply.

Section 27.06 Parking and Loading

A. Area south of Palisades Boulevard.

1. The parking regulations in Chapter 7, Parking and Loading Requirements, shall apply to all lots over 10,800 square feet in area as of January 1, 1992. The Council may approve up to a fifty percent (50%) reduction in required on-site parking through approval of a special use permit.

2. For lots 10,800 square feet or less as of January 1, 1992, the common parking lot areas shall satisfy all of the off-street parking requirements regardless of the land use. Any elimination of parking spaces in the common parking area by a lot owner or user is required to be replaced by adding the lost spaces on site or on another lot in the same block.

B. Area north of Palisades Boulevard. The regulations in Chapter 7, Parking and Loading Requirements, shall apply.

Section 27.07 Outdoor Lighting

The provisions of Chapter 8, Outdoor Lighting Control, shall apply.

Section 27.08 Plan Review

The provisions of Section 2.04, Site Plan Review Regulations, shall apply.

Section 27.09 Density, Area, Building and Yard Regulations

A. Building height:

Building height allowances shall be the same as permitted in the underlying zoning district.

B. Building setbacks:

1. Area south of Palisades Boulevard.

a. Front yard:

i. Lots 10,800 square feet and under do not have a front yard setback requirement but must meet sight triangle requirements when a corner lot (see Chapter 7, Exhibit 7.03 g). must not encroach into platted easements.

ii. Lots over 10,800 square feet must provide a 10-foot front yard and must meet sight triangle requirements when a corner lot. must not encroach into platted easements.

iii. At least 70% of the first floor of the building must be within five feet of any street facing property line. If there is an easement or platted building setback along the property line, then at the edge of the easement or setback.

b. Side yard. None required except on corner lots as required by Chapter 12, Section 12.13., street side yards must meet sight triangle requirements; must not encroach into platted easements.

c. Rear yard. None required; must not encroach into platted easements.

2. Area north of Palisades Boulevard. As required by the underlying zoning district.

C. Maximum lot coverage:

1. South of Palisades Boulevard. Lots may have one hundred percent (100%) lot coverage exclusive of any easements or required setbacks.

2. North of Palisades Boulevard. As required by the underlying zoning district.