

ORDINANCE NUMBER 694

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, AMENDING THE ZONING ORDINANCE AND AMENDING THE ZONING MAP TO PROVIDE FOR THE ISSUANCE OF AN AMENDED SPECIAL USE PERMIT FOR PROPERTY ZONED SUP DISTRICT (RESORT) AND THE REZONING FROM SUP DISTRICT (RESORT) TO SUP DISTRICT (RESORT) TO ALLOW FOR A LUXURY RESORT HOTEL WITH INTEGRATED DWELLING UNITS AND RESORT-RELATED RETAIL (THE RITZ-CARLTON, PARADISE VALLEY) FOR THE PROPERTY LOCATED AT 7000 E. LINCOLN DRIVE, GENERALLY BORDERED BY LINCOLN DRIVE TO THE SOUTH, MOCKINGBIRD LANE TO THE WEST, INDIAN BEND ROAD TO THE NORTH, AND THE CITY OF SCOTTSDALE TO THE EAST, WITH THE PROPOSED SUP DISTRICT (RESORT) TO INCLUDE A RESORT COMMUNITY, INCLUDING: A RESORT HOTEL WITH 200 HOTEL ROOMS AND 120 RESORT VILLAS, SPA, RESTAURANTS, AND MEETING SPACE; 66 RESORT RELATED LUXURY DETACHED SINGLE FAMILY HOMES; 45 RESORT BRANDED DETACHED SINGLE FAMILY HOMES; 74 RESORT RELATED ATTACHED VILLAGE TOWNHOMES; ADDITIONAL RESORT RELATED RESTAURANTS, HEALTH SERVICES, AND RETAIL USES; AND SITE IMPROVEMENTS INCLUDING PARKING, LANDSCAPING, AND LIGHTING AND, IMPROVEMENTS TO SITE INFRASTRUCTURE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Paradise Valley Planning Commission held public hearings on _____, _____, and _____, in the manner prescribed by law, for the purpose of considering a rezoning of the property described in Exhibit A attached hereto ("Property") for the purpose of making a recommendation on a proposed SUP District (Resort) amendment for rezoning the Property from SUP District (Resort) to SUP District (Resort), to be known as the Special Use Permit for The Ritz-Carlton, Paradise Valley, and recommended approval of the new SUP District (Resort) to the Town Council; and WHEREAS, the Town Council at its meeting of ___, held a public hearing as prescribed by law to hear the conditional rezoning of the Property to a new SUP District (Resort) based upon the recommendation made by the Planning Commission as noted above, and to amend the Town Official Zoning Map to reflect the issuance of a new SUP District (Resort) for the Property and to take action on this rezoning request.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA THAT:

SECTION 1. Rezoning. A parcel of land, as described in Exhibit A attached hereto, is hereby conditionally rezoned from SUP District (Resort) to a new SUP District (Resort) designation, with such changes to be made on the Town's Official Zoning Map, such new SUP District (Resort) to allow for use of the Property as a resort and all related uses subject to the stipulations set forth in Exhibit B, attached hereto, the Special Use Permit for Five Star Resort Communities, LLC, SUP 15-01, such uses including:

- a. A Resort Hotel with 200 Hotel Rooms (Area A), 120 Resort Villas (Area A1), spa, restaurants, resort related retail, and meeting space;
- b. 66 Resort Related Luxury Detached Single Family Homes (Area B);
- c. 45 Resort Branded Detached Single Family Homes (Area C);
- d. 74 Resort Related Attached Village Townhomes (Area D);
- e. Hotel, Resort-Related Restaurant, Health Services, Retail, and Residential Uses (Area E); and
- f. Site improvements including parking, landscaping, private road tracts and lighting.

SECTION 2. The proposed SUP District (Resort) rezoning is in accordance with Article 11 of the Town Zoning Ordinance, specifically:

- a. It is authorized in the town's adopted general plan, as amended;
- b. It will not be detrimental to, interfere with or adversely affect existing uses or character of adjacent properties, persons residing or working in the vicinity, the neighborhood, the public health, safety, peace, comfort and general welfare, or the purpose of the zone in which it is proposed; and
- c. It will be in full conformity to any conditions, requirements or standards prescribed in the permit, in the zoning ordinance and the ordinances of the Town.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Effective Date. This ordinance shall become effective at the time and in the manner prescribed by law.

[SIGNATURE PAGE TO BE ADDED]

**EXHIBIT B
TO ORDINANCE NUMBER 694**

1. PROJECT DESCRIPTION

Pursuant to Article XI of the Zoning Ordinance of the Town of Paradise Valley, Arizona, the Town hereby grants to Five Star Development Resort Communities, LLC, an Arizona Limited Liability Company, its successors and assigns, this amendment to the Prior Special Use Permit governing the use the Property, which amendment shall be effective the Approval Date. All capitalized terms contained herein are defined pursuant to the definitions set forth in this Special Use Permit.

The Property subject to This Special Use Permit is currently owned by the Resort Hotel Owner and is comprised of approximately one hundred and five (105) acres located at the northeast corner of Mockingbird Lane and Lincoln Drive in the Town of Paradise Valley, Arizona.

This amendment, including Exhibits _____, is referred to throughout as This "Special Use Permit" to distinguish it from the "Prior Special Use Permit" currently governing the use of the Property. The Town issued the Prior Special Use Permit for the Property in 2008. This Special Use Permit is intended to supersede and replace the Prior Special Use Permit. This Special Use Permit is being granted by the Town to permit the development, construction, use and operation of the Property as a resort subject to and in accordance with the stipulations and other provisions set forth herein.

The improvements, facilities and uses authorized to be developed, constructed, used, operated and maintained on the Property include the following: one (1) Luxury Resort Hotel with Ancillary Facilities and two hundred (200) Hotel Rooms (Area A) which may be owned only by the Resort Hotel Owner and used as provided herein; one-hundred and twenty (120) Resort Villas (Area A1) which may be owned by the Resort Hotel Owner or by a private owner which may be sold (and thereafter resold) and/or voluntarily included within the Resort Hotel rental program and made available for transient occupancy uses or hospitality uses, and otherwise used as provided herein; sixty-six (66) Resort Related Homes (Area B) which may be sold (and thereafter resold) to a third party, or parties, and used as provided herein; 45 Luxury Resort Hotel Branded Homes (Area C) which may be owned by the Resort Hotel Owner or by a private owner which may be sold (and thereafter resold) and/or voluntarily included within the Resort Hotel rental program and made

available for transient occupancy uses or hospitality uses, and otherwise used as provided herein; 74 Resort Related Attached Residences (Area D) which may be sold (and thereafter resold) to a third party, or parties, and used as provided herein; and the following possible uses which shall be subject to a future intermediate amendment for Area E located within the Town: hotel, residential, resort-related retail, and resort-related health services, and other facilities and site improvements.. (Area E residential units may be sold (and thereafter resold) to a third party, or parties).

2. STIPULATIONS

A. General

1. As of the Approval Date, This Special Use Permit shall supersede and replace any and all Prior Special Use Permit(s) related to the Property.
2. This Special Use Permit touches and concerns the land and shall run with the land. Any person having or subsequently acquiring title to any portion of the Property shall be subject to This Special Use Permit, as it applies to the portion of the Property owned thereby and as it may be amended or superseded from time to time.
3. Development of the Resort shall be in substantial conformance with the Ritz Carlton Paradise Valley Special Use Permit Application Book dated _____, an Index of which is attached hereto as Exhibit ____ (the Index and SUP Application Book are collectively referred to as the "SUP Book"), the Site Plan, dated _____ attached hereto as Exhibit ____ (Site Plan), which are made a part hereof by this reference, and these stipulations.
4. Lot coverage for the Property as a whole shall not exceed that noted in the Land Density Table in the SUP booklet.
5. The use of the Property shall at all times conform to This Special Use Permit and all applicable State laws and Town ordinances, except that if there is a conflict between This Special Use Permit and any Town ordinance or other requirement, This Special Use Permit shall prevail.
6. If any section, subsection, sentence, clause or phrase of This Special Use Permit is for any reason held illegal, invalid or unconstitutional by the final decision of any court of competent

jurisdiction, such decision shall not affect the validity of the remaining portions of This Special Use Permit. The Town and the Resort Hotel Owner believe and intend that the provisions of This Special Use Permit are valid and enforceable. In the unlikely event that This Special Use Permit is declared by a court of competent jurisdiction to be invalid or unenforceable, the Resort may be used and operated as a legal non-conforming use in accordance with the stipulations and other provisions set out herein until such time as a special use permit or other applicable zoning for the Resort is issued by the Town for the Property, it being the intent of the Town that in such event the Town will promptly issue a special use permit or other zoning classifications containing stipulations and other provisions which are identical to, or as near to identical as possible, to those contained in This Special Use Permit.

7. In the case of, inconsistencies or conflicts between or among these stipulations, the SUP Book and/or the Site Plan shall be resolved in the following order of precedence: these stipulations shall have first precedence and control over the text of the SUP Book and the Site Plan, and after that, the text of the SUP Book shall have precedence and control over the Site Plan. In the event of a conflict between the text or narrative and diagrams, drawings or other graphic representations contained in either the SUP Book or the Site Plan, the text or narrative will prevail and control over the graphic representations.
8. Mylar versions of the Site Plan, lighting plan, perimeter landscaping, wall plan, grading and drainage plan and elevations from the SUP Application book, and electronic versions of all Special Use Permit Application Book sheets shall be submitted thirty (30) days after final approval. No part of the Resort shall be operated as a Time-Share Project, as such term is defined by the Town Zoning Ordinance. No part of the Resort Hotel Area A may be subdivided for purposes of sale or resale. Any part or individual unit of the Resort Villas Area A1 may be subdivided (if previously combined) or combined for the purposes of sale or resale provided that the total number of units shall not exceed one hundred twenty (120).
9. When applicable, all approvals and determinations by the Town Manager or designee referenced herein shall be governed by the Code in effect at the date of that determination.
10. If any portion of the property is used in violation of the terms of This Special Use Permit, the

Town may, after fair notice, a hearing and a reasonable opportunity to correct, impose a monetary sanction on the then Owner of such portion, in an amount not to exceed the maximum amount allowed for violations of the Town Zoning Ordinance for each day such violation exists, in addition to all other orders or sanctions permitted by applicable laws. No such remedy shall be sought from any other Owner or portion of the Property that is not in violation of this Special Use Permit.

11. This Special Use Permit shall run with the land and any person having or subsequently acquiring title to any portion of the property shall be subject to This Special Use Permit, as it applies to the portion of the property owned thereby and as it may be amended or superseded from time to time. Once an Owner no longer owns the property, such prior owner shall not be subject to This Special Use Permit.

12. Unless otherwise stipulated in This Special Use Permit, Amendments shall follow the appropriate process outlined in Article XI, Special Uses and Additional Regulations, of the Town Zoning Ordinance, as amended

B. Construction and Development Standards

13. All utilities within the Resort shall be underground and located within appropriate easements. All water and sewage facilities shall be constructed in accordance with plans approved by the Town Manager or designee.
14. No construction permit shall be issued for any construction on the Property until appropriate engineering or architectural plans are submitted to the Town and the issuance of such construction permit for that particular activity is approved by the Town Manager or designee. However, the Town may issue approvals and/or permits to salvage native plants and stage or prepare the job-site for work, with fences, trailers, dumpsters, sanitation, water tanks, material storage, erosion control and dust control measures, and the like, without engineering or architectural plans.
15. During the period of demolition or construction of new improvements, signs shall be posted on the Property (or at the entrance to a particular phase) indicating the name and phone number of a person the public may contact with construction-related concerns. Sign details such as the sign size, height and location shall be reviewed and approved by the Town Manager or designee.
16. All new construction shall satisfy all fire department requirements for each component of work (which may include temporary fire protection facilities) prior to the issuance of any building permit for such work.
17. Prior to the issuance of a certificate of occupancy for any individual structure, adequate fire, emergency and other vehicle access and adequate fire service shall be provided for such structure and the particular phase of development in which such structure is located, as determined by the Town Manager or designee.
18. Interiors of any Resort Hotel structure may be remodeled at any time without an amendment to This Special Use Permit so long as such remodeling does not increase the number of keys specified within This Special Use Permit.

19. One or more locations within the Resort as approved by the Town Manager or designee may be improved and used as a marketing center for the sales and marketing of the project until such time as all project construction has been substantially completed and all Resort Villas (Area A-1), Resort Related Homes (Area B), Resort Branded Homes (Area C), and Resort Related Attached Residences (Area D) have been sold.
20. Temporary construction driveway locations are subject to the approval by the Town Manager or designee and are limited to locations on major arterial roadways and/or Indian Bend Road east of the existing traffic circle.
21. If construction has not commenced on a portion of the site by a date that is five (5) years after the Approval Date, any such unimproved, disturbed portion shall be stabilized and/or landscaped to minimize dust.
22. The Resort Hotel Owner shall submit a construction schedule prior to the issuance of any building permit to ensure compliance with all Town ordinances and in order to minimize construction nuisances. This construction schedule shall include the following:
 - a. Dust and noise control measures
 - b. Vehicle/equipment storage/parking
 - c. Construction days/hours
 - d. Location of staging area for construction supplies/equipment
 - e. Location of any construction trailer and sanitary facility
 - f. Location of on-site construction-materials/debris storage
 - g. Location of fire lanes during the construction period
 - h. The approximate beginning and ending for construction of structures within a phase
 - i. All construction related parking and storage must be contained within the boundaries of This Special Use Permit and on the adjacent property within the City of Scottsdale owned by the applicant.
23. The Resort Hotel Owner shall arrange for Construction Phasing per Area on the Property in the

following sequence:

- a. Commence native plant salvage, dust and erosion control measures, job-site mobilization and set-up, and the like
- b. Begin Storm Water Pollution Prevention Plan and Measures
- c. Upon completion of the salvage, erosion and dust control, job-site mobilization, and set-up, commence horizontal or civil improvements and site work
- d. Upon substantial completion of the civil improvements and site work, commence vertical building improvements for Area A, perimeter walls, and perimeter landscaping (outside the perimeter walls) of the Property, along Lincoln Drive, Mockingbird Lane and Indian Bend Road
- e. Upon substantial completion of above, vertical building improvements for Areas A1, B, C, and D may commence in accordance with the phasing plan. Off-site and right-of-way improvements may be scheduled independently of the foregoing

24. Subject to requirements for construction of the horizontal or vertical improvements, construction access, emergency vehicle access, erosion control, storm water pollution prevention control, dust control and other measures, portions of the perimeter wall and landscaping may be postponed, or re-opened for construction or access subject to approval by the Town Manager or designee.

25. During construction and development of the Resort Property, temporary sales and marketing signs may be posted on the Property consistent with the future Temporary Sign Plan to be submitted by the owner/developer and administratively approved by the Town.

26. During construction, the Resort Hotel Owner shall sweep the streets adjacent to the Property or any other public streets in the Town directly affected by development on the Property using a PM-10 or equivalent capable street sweeper at least three times a week or more as required by the Town Manager or designee.

27. Screening of any backflow preventer, transformer, or other similar equipment visible from Lincoln Drive, Mockingbird Lane or Indian Bend Road shall be required and the precise

location thereof shall first be approved by the Town Manager or designee and the utility provider.

28. Stand alone, additional accessory and service structures in Areas A, A1, and the proposed guard house in Area C, as defined in the Town's Resort SUP Guidelines, each limited to eight-hundred (800) square feet from the drip line of the structure, may be added to the Approved Plans, provided that the total square footage of all the accessory and service structures added together does not exceed fifteen thousand (15,000) square feet from the dripline of the structure, such additions to be provided to the Town Manager or designee as a revised conceptual site plan. The additional accessory and service structures cannot exceed sixteen (16) feet in height and must be set back a minimum of forty (40) feet for any accessory structure and sixty (60) feet for any service structure from any rights-of-way or residential property lines and 10 feet from any non-residentially zoned property.

29. Accessory structures that do not exceed six (6) feet in height above finished grade (raising the finished grade by placing fill solely for the purpose of adding additional height is prohibited) in Areas A & A1, including, but not limited to, pools, barbeques, fire pits, fireplaces, water features and other accessory structures, shall be allowed within the boundaries of Areas A and A1, such additions shall be properly permitted by the Town Manager or designee.

30. Construction for the Resort Related Luxury Homes (Area B) and Resort Branded Homes (Area C).
 - a. The Resort Related Luxury Homes (Area B) and Resort Branded Homes (Area C) shall be constructed in conformance with the development standards set forth in This Special Use Permit;

 - b. Additional walls not shown on This Special Use Permit may be constructed on a Resort Related Luxury Lot or Resort Branded Lot within enclosed private yards, provided they do not exceed six feet in height;

 - c. Air conditioners may be installed on roofs provided they shall be screened and noise attenuated as approved by the Town Manager or designee. Such screening shall be included in the overall height of the structure.

- d. All exterior lighting shall comply with Town ordinances;
- e. A minimum of 33% of the aggregate of all enclosed yard areas within a Resort Related Luxury or Resort Branded lot shall be open, planted, or pervious;
- f. Accessory structures that do not exceed six (6) feet in height above finished grade, including, but not limited to, pools, barbeques, fire pits, fireplaces, water features and other accessory structures, shall be allowed within the boundaries of each lot, provided they are located in a rear yard screened from public streets. Accessory structures over six (6) feet above finished grade (or under 6' in height but not in an enclosed yard), which may include casitas, gazebos, trellises, and patio covers shall be allowed on each lot, provided they are limited to sixteen (16) feet above finished grade and comply with the following setbacks:
 - Front yard – ten (10) feet
 - Side yard – five (5) feet
 - Side yard that abuts a street – ten (10) feet
 - Rear yard – ten (10) feet

Accessory structures containing livable square footage shall meet the setbacks for the main home and may not exceed 16' in height as measured from finished grade.

House mounted basketball backboards, and pre-fabricated storage sheds shall not be permitted.

31. Construction for the Resort Related Attached Residences (Area D)

- a. The Resort Related Attached residences shall be constructed in conformance with the development standards set forth in This Special Use Permit; and

- b. Accessory structures that do not exceed six (6) feet in height above finished grade, including, but not limited to, barbeques, fire pits, fireplaces, water features and other accessory structures, that are not over one hundred and fifty (150) square feet in size, not shown on This Special Use Permit may be constructed on a Resort Related Attached residences lot when otherwise in compliance with this Special Use Permit.

32. All lighting not visible off site shall meet Resort Guidelines. All lighting (including fixtures, light source, etc.) visible off site shall be approved through a minor amendment.

33. Except as otherwise allowed by Federal or State requirements, antenna and satellite dishes are permitted, as follows:

- a. Satellite dishes must not be located above the roof line. Satellite dishes and antennas greater than twenty-four (24) inches in diameter are permitted, provided that they are not mounted on the roof and meet all Town Code requirements, including full screening of equipment from view to the public right-of-way or properties not part of This Special Use Permit; and

- b. All wiring shall be contained within a structure, conduit or underground.

34. Cellular and other wireless transmission antennas are permitted, provided that they comply with this Special Use Permit, all applicable Town ordinances and obtain a Conditional Use Permit pursuant to Article XI, Special Uses and Additional Regulations, of the Town Zoning Ordinance, as amended. Any cellular antennas shall be designed as integrated architectural features within the structures on the Property and any screening shall be in the same finish and color as the structure on which it is located. There shall be no unscreened projections of cellular antennas on any building above the roofline. Any lease agreement with a wireless operator will specifically allow entry by the Town and its agent for the purpose of inspection and compliance with Town ordinances and will require compliance with Article XII, Personal Wireless Service Facilities, of the Town Zoning Ordinance or any successor ordinance regarding the conditions and limitations of special use permits.

35. The final design for the Visually Significant Corridor of Lincoln Drive shall be submitted and approved by the Town Manager or designee.

C. Uses

36. Temporary tents or pavilions may be erected at the Resort Hotel, Resort Villas, Resort Ancillary Facilities and related site improvements, in the locations shown on the Approved Plans, provided that such temporary tents or pavilions shall not remain erected for more than sixteen (16) consecutive days per event. No tent shall be higher than twenty-four feet (24') above finished grade. Any other temporary tent or pavilion shall have adequate parking and be approved by the Town Manager or designee.

37. Special events shall be permissible, with or without temporary tents or pavilions, provided these events are in accordance with the Article 8-8, Special Events on Private Property and Public Rights-of-Way, of the Town Code, as may be amended, with the following conditions:

- a. As allowable in said Article 8-8, Special Use Permit properties are exempt from the Special Event permit review process provided that such exempted events are limited to the type of activities that are customary and incidental to the primary uses of This Special Use Permit and any temporary tents or pavilions used are as approved at the locations and tent sizes shown with This Special Use Permit;
- b. Exemption from the Special Event permit review process does not exempt the Resort Owner from any applicable required permit inspections related to public health, safety and welfare by the Town, State of Arizona, or other such jurisdiction. Such permit inspections are determined as follows:
 - i. A permit from the Town Fire Marshal, or designee, for any structure or tent having an area in excess of 200 square feet, or a canopy in excess of 400 square feet, and
 - ii. Review by the Town Community Development Department the provision for and location of any portable restroom facilities;

- c. Any temporary tents or pavilions not shown on said plans may be approved in accordance to Article 8-8-10, Procedure for Review of Application and Appeal of Decision, of the Town Code;
- d. Temporary tents or pavilions must meet a minimum setback of 40 feet to the exterior property line of This Special Use Permit; and
- e. Placement of any temporary tent or pavilion shall have no adverse impact on parking or circulation

38. The hours of public operation for the Resort Hotel shall be twenty-four (24) hours per day, seven (7) days a week, except for the hours and operational standards set forth below:

- a. Indoor Bars/lounges: 6:00 a.m. to close per state statute;
- b. Outdoor banquets, receptions, weddings and socials: 6:00 a.m. to 2:00 a.m.;
- c. Rooftop Resort Hotel Amenity
 - i. No activities or events shall occur between 10:00 p.m. and 7:00 a.m.; with the exception of event setup and breakdown procedures conducted by resort staff which shall not exceed thirty minutes before or after the aforementioned times;
 - ii. No amplified sound shall be permitted at any time;
 - iii. No permanent shade structures may be constructed. Temporary shade structures are permitted as needed for specific events. Temporary structures shall be erected and removed the same day as the event;
 - iv. No outward projected lighting shall be permitted from the Rooftop Resort Hotel Amenity;
 - v. At no time may the noise level exceed current Town Code standards at or beyond the SUP boundary line. To remedy any violation of the Town's noise or nuisance regulations and this Special Use Permit the Town reserves the right to require additional noise mitigation measures such as sound deadening materials and/or

modifying hours of operation;

- vi. The maximum occupancy shall be limited to the applicable building and fire codes;
 - vii. Food and alcohol service may be provided at any time between 7:00 a.m. and 10:00 p.m.
- d. The Spa & Fitness facilities: Outside members limited to 5:00 a.m. to midnight; and resort guests up to twenty four hours a day.
- e. Trash pickup: 7:00 a.m. to 7:00 p.m

39. Use of Resort Villas (Area A1), Resort Related Luxury Homes (Area B), Resort-Branded Homes (Area C), Resort Related Attached residences (Area D), and Resort Related Residential/Retail and other Uses (Area E):

a. Resort Villas (Area A1)

- i. Each owner of a Resort Villa may occupy it, or permit its family and guest(s) to occupy it, or make it available for residential uses. In addition, each owner of a Resort Villa may voluntarily participate in the Resort Hotel rental program and make the Resort Villa available for transient occupancy uses, or hospitality uses, at their sole option, under the terms and conditions of the Resort Hotel rental program. The principal guest of a Resort Villa in the Resort Hotel rental program shall register with the Resort Hotel. Nothing shall prohibit a Resort Villa from being sold (and thereafter resold) to a third party, or parties, and used as provided herein.
- ii. Units in the resort hotel rental program must always meet the Furniture, Fixture, and Equipment (FF&E) standards established by the Resort Hotel.
- iii. Rental of units will be processed through the Principal Resort Hotel's Rental Management Program or other similar mechanism where the Principal Resort Hotel can track all rental activity.
- iv. Each floor of the building containing units must contain a housekeeping closet and room service pantry;
- v. Each unit must have locking entrance doors tied to a remote master key system located at the guest reception area of the Principal Resort Hotel, which system is

capable of issuing new key cards for each unit as it is rented and cancelling key cards upon expiration of the rental term

- vi. Each unit must be connected to a master television system as would typically be found in a full service upper upscale or better resort hotel
 - vii. Each unit must be connected to a master telephone or VOIP system that allows intra-system calls to the front desk, concierge, housekeeping, room service, and other hotel services, as typically found in a luxury resort hotel.
- b. Resort Related Luxury Homes (Area B). Each owner of a Resort Related Luxury Home may occupy it or permit its family and guest(s) to occupy it, or make it available for residential uses. Nothing shall prohibit a Resort Related Luxury Home from being sold (and thereafter resold) to a third party, or parties, and used as provided herein.
- c. Resort-Branded Homes (Area C). Each owner of a Resort-Branded Home may occupy it, or permit its family and guest(s) to occupy it, or make it available for residential uses. In addition, each owner of a Resort-Branded Home may voluntarily participate in the Resort Hotel rental program and make the home available for transient occupancy uses, or hospitality uses, at their sole option, under the terms and conditions of the Resort Hotel rental program. Nothing shall prohibit a Resort-Branded Home from being sold (and thereafter resold) to a third party, or parties, and used as provided herein.
- d. Resort Related Attached Residences (Area D). Each owner of a Resort Related Attached Residence may occupy it or permit its family and guest(s) to occupy it, or make it available for residential uses. Nothing shall prohibit a Resort Related Attached Residence from being sold (and thereafter resold) to a third party, or parties, and used as provided herein.
- e. Resort Related Mixed Use (Area E). Anticipated Uses and Future Approval Process for Area E

- The Town and the owner/developer anticipate Area E to include, but not be limited to, the following uses: hotel, residential, resort related retail, and resort related health services, provided that, an intermediate amendment to the SUP (as provided in Chapter 11 of the Town Zoning Ordinance) shall first be required before the square footage approvals for each of these uses is determined, as well as the heights, setbacks, and locations of each such use
- Processing of any plat approval or building permits for Area E shall not be permitted until after the intermediate amendment has been processed by the Town

D. Parking and Circulation

40. Parking shall meet or exceed the parking requirements set forth in this Special Use Permit. Any change in use to the Resort Hotel that increases the parking demand over what is provided in This Special Use Permit must be approved as a minor amendment by the Planning Commission.
41. All contracts between the Resort Hotel Owner and any valet company or other parking company shall include an acknowledgment and agreement that such company shall not park any vehicles on public streets in the Town. Buses and other vehicles may be used to shuttle guests or employees to or from parking areas not located on the Resort, and between the Resort and other destinations (e.g., airport, shopping facilities, golf courses, attractions, etc.). Any catering agreement between Resort Hotel Owner and any owner or guest booking events at the Resort shall include an acknowledgement and agreement that catering vehicles may not park on public streets in the Town.
42. Unlicensed support vehicles (i.e., golf carts, utility vehicles, etc.) may be used to transport guests and residents and provide services to the Resort, Resort Villas, Resort Ancillary Facilities, Resort Related Luxury Homes (Area B), Resort-Branded Homes (Area C), Resort Related Attached residences (Area D), and hotel, residential, resort-related retail, restaurant, and resort-related health services in (Area E) but shall not be used or parked on any public street.
43. All designated fire lanes shall maintain a vertical clearance of fourteen feet (14') above finished grade and a horizontal clearance of twenty feet (20') to allow passage of emergency vehicles and must meet all current Arizona Department of Transportation standards. Emergency access points are only to be utilized for emergency vehicles. No deliveries or other use is allowed.
44. At any time when the parking demand within the Resort is expected to exceed onsite capacity, the Owners of the affected areas shall initiate a parking management plan which may include valet parking or offsite parking arrangements (but not the use of parking on any public street within the Town).

45. All streets and drives in the Resort are and shall remain private streets. All streets, sidewalks and paved areas constructed shall remain private; provided, that all new streets constructed shall be per the SUP booklet cross sections. That part of This Special Use Permit granted for private streets and drives herein shall be binding on the Applicant.
46. The streets and drives on the Property shall be constructed and maintained by the Applicant. The rights and obligations, including but not limited to the right and obligation to maintain the streets and drives on the Property, shall run with the land and shall be binding thereon. In the event a condition that threatens the health or safety of the residents of the Town is created or results from the Applicant's failure to maintain the streets or drives within the Property, the Town may give the Applicant a written notice to undertake appropriate maintenance to cure such condition. If the condition remains uncured for thirty (30) days after notice thereof in writing to the Applicant by the Town, or if the condition is such that it cannot be reasonably corrected within thirty (30) days, the correction thereof not having been commenced and thereafter diligently prosecuted within thirty (30) days from receipt of such written notice, the Town may enter the Property and perform such work necessary to cure the condition. The Town may assess the actual costs and expenses related to such work against the Applicant as owner of the private streets and drives, and the Applicant shall remit payment to the Town within thirty (30) days of receipt of an invoice together with the usual and customary supporting documents and materials from such work. If the Applicant fails to remit such payment within the 30-day period, the Town may file a lien against the Property for any such unpaid amount due to the Town.
47. The 8' wide public trail shall remain ungated and unobstructed at all times. The trail must meet ADA requirements.
48. Proposed guardgates and guardhouses shall be in the general locations shown on the Resort Wall Master Plan and must meet the SUP Guideline standards.
49. All proposed cul-de-sacs in Areas B & C shall meet a right-of-way radius of not less than forty-five feet (45') with an improved traffic circle having a radius of forty feet (40')

50. No loading, truck parking, trash containers or outdoor storage area shall be located within 100 feet of residentially zoned property outside of the SUP boundaries. All such areas shall provide visual and noise screening to minimize impacts on adjacent residential property.

E. Management

51. There shall be at least one person at the Resort at all times who has been thoroughly briefed on the provisions of This Special Use Permit and who has the authority to resolve all problems related to compliance with This Special Use Permit. All calls from Town residents to the Town or Resort, regarding noise or disturbances shall be referred to and addressed by such person(s). Maintenance of the Resort in general, and all common areas specifically, shall be coordinated through a single unified management entity, which may be the Resort Hotel Owner or its designee.

F. Community Outreach

G. Subsequent to the approval of this Ordinance, the Owner shall implement the Community Outreach Plan. (See Exhibit "E")

**EXHIBIT “E”
TO
ORDINANCE NUMBER 694**

**THE POST-APPROVAL COMMUNITY OUTREACH PLAN
CONSISTS OF:**

Subsequent to approval of SUP 15-01 Ritz-Carlton Resort the Owner will keep neighbors apprised of the status of the project at follows:

1. The Owner will send a quarterly report to Paradise Valley property owners within 1,000 feet of the subject property, advising them of current status, any changes and anticipated construction commencement date if known.
2. These quarterly reports will continue during the construction phase to include anticipated construction schedule and progress.
3. There will be two annual reports upon completion of construction. The first of these will announce the construction is complete, and the second, approximately one year later, will indicate that the post-approval communication process has been completed.

Each communication will contain a name and contact information for the Owner (which may vary depending on the project status at the time), but nonetheless a name and contact information so that any neighbors with a question or concern will be able to contact a project representative with their question or concern.

