
Chapter 5

Open Space Zoning Districts

Section 5.01 Purpose

The principal purpose of the Open Space Zoning Districts is to conserve and protect open space, natural desert lands, wildlife habitat, and lands agreed to be left undeveloped in master plan approval through hillside disturbance transfers. The primary purpose of designating these areas is to raise the degree of assurance that designated open space and recreational areas will remain open.

- A. Open Space Conservation (OSC). The principal purpose of this Zoning District is to conserve open space areas of the Town in their natural state. Trail use approved by the Town Council is the only development allowed in this district.
- B. Open Space Recreational (OSR). The principal purpose of this district is to maintain natural desert terrain and vegetation while allowing limited amounts of compatible development.
- C. Open Space Preservation (OSP). The principal purpose of this district is to preserve and protect open space, natural desert lands, and wildlife habitat, while allowing minimal development activities that support the ability to enjoy the native desert.

Section 5.02 Permitted Uses

"P" designates use classifications permitted in the Agriculture District.

"SUP" designates use classifications permitted on approval of a Special Use Permits.

"--" designates use not allowed in that zoning district.

"TUP" designates use classifications permitted on approval of a Temporary Use Permit.

"(x)" a number in parentheses refers to a footnote following the table.

Table 5.02: Uses Permitted in Open Space Districts

Land Use Category (See Sec. 1.13)	Zoning Districts			Zoning Requirements
	OSC (1)	OSR	OSP (1)	
A. Open Space				
Golf Course	--	P (2)	--	
Parks and Nature Preserves	--	P	P	
Trails, Trail Heads	SUP	--	P/SUP	Sec. 5.03 A.
Undeveloped Natural Land	P	P	P	
D. Public/Quasi-Public				
Protective Services	--	P	--	
H. Utilities				
Utility Services	--	P	P	Sec. 5.03 B.
I. Accessory				
Event and Reception Center	--	P	--	Sec. 5.03 C.
Master-Planned Village Sales and Information Center	--	TUP	--	Sec. 5.03 D.
Wireless Telecommunication Towers	--	SUP	--	Chapter 24

(1) No other uses or structures except those specifically listed are permitted.

(2) Includes clubhouses but not miniature golf courses

Section 5.03 Specific Regulations

A. Public Trailhead with facilities such as, but not limited to ranger stations, parking areas, restrooms, seat benches, covered ramadas and similar structures, trails, trail improvements, and similar features. Within the Fountain Hills McDowell Mountain Preserve must substantially conform to the adopted Master Plan.

B. Utility Services

1. In the OSR district, does not including offices, wastewater treatment plants, generating stations, and wireless communications towers and antennas, unless otherwise specifically permitted elsewhere in the ordinance.

2. In the OSP district, only allows utility services, water tanks, and emergency access easements. May grade, landscape, or otherwise encroach with specific approval of the Town Council with an encroachment permit.

C. Event and Reception Centers. A golf course operator may develop and operate a special event facility within or immediately adjacent to a clubhouse, if those criteria listed below are met. A special event facility is a permanent building that is developed for individual short-term special events at the clubhouse, including weddings, parties, meetings, golf tournaments and other similar events. The size limitations of the special event facility, as noted below, shall include any restrooms, storage areas, or other portions of the building that are developed for the sole use of the special events facility. In the review of a building permit application for a special event facility, the Town may consider building elevations, building materials, building color, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. As a minimum, the following standards shall apply:

1. A special event facility shall be constructed using the same exterior building materials and paint color as the clubhouse. Unless permitted by a development agreement, tents, membrane structures or similar buildings or structures are specifically prohibited. However, temporary single-event tent(s) may be permitted by Special Event permit pursuant to Section 15.16 of this Ordinance.

2. Any golf course clubhouse may have a special event facility that is up to 2,400 square feet in size, regardless of the size of the clubhouse. A special event facility may be greater than 2,400 square feet in size, but the special event facility shall be no greater than thirty (30%) percent of the air-conditioned areas of the clubhouse, but not including any golf cart storage or maintenance areas of the clubhouse,

3. In no case shall a special event facility be used between the hours of 12:00 AM and 6:00 AM on Friday and Saturday evenings. A special event facility shall not be used between the hours of 10:00 PM and 6:00 AM on Sunday through Thursday evenings. However, on holidays that occur on Sunday through Thursday evenings, the Development Services Director may, with prior approval, allow a special event facility to be used until 12:00 AM instead of 10:00 PM. If the Development Services Director determines that music or crowd noise has disturbed adjacent residential users, the Development Services Director, at his/her discretion and by certified letter to the golf course operator, may further limit the hours of future special events.

4. No additional parking spaces are required to be provided for a special event facility. However, there shall be no nongolf-related events that utilize the special event facility that begin before 4:00 PM unless either additional on-site parking for the facility is provided at a rate of one parking space per every 4 persons of the capacity of the special event facility or alternative parking accommodations and transportation (if necessary) are provided and prior approval is given by the Development Services Director.

5. There shall be no additional signage associated with the special event facility.

D. Master – Planned Village Sales and Information Center within a Clubhouse. The developer of a master-planned village may operate a master-planned village sales and information center within a clubhouse by temporary use permit only. In the review for a master-planned village sales and information center temporary use permit, the Town staff may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. At a minimum, the following standards shall apply:

1. On-site sales personnel must be present at least five (5) days a week during normal business hours. In no case shall a center be open before 7:00 A.M. or after 9:00 P.M.
 2. The center shall be for the purpose of marketing the specific master-planned village, the sale of lots in the master-planned village and the distribution of material concerning the attributes of the Town and surrounding areas. The office may not be used as an office for the sales of houses, the resale of lots, subdivisions with model homes, or property outside of the master-planned village. The sale of country club memberships within the master-planned village is permitted as an accessory use only if the master-planned village has such a country club.
 3. There shall be at least twenty (20) off-street parking stalls provided in addition to the minimum parking demand for the golf course.
 4. The use shall cease upon termination of the temporary use permit or the completion of the master developer's marketing activities, whichever comes first.
 5. Signage shall be in conformance with Chapter 6 of this ordinance.
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Section 5.04 General Provisions

The general provisions in Chapter 5 herein shall apply.

Section 5.05 Signs

The sign regulations in Chapter 6 herein shall apply.

Section 5.06 Parking and Loading

The parking and loading regulations in Chapter 7 herein shall apply.

Section 5.07 Outdoor Lighting

The outdoor lighting provisions in Chapter 8 herein shall apply.

Section 5.08 Plan Review

The site plan review provisions in Chapter 2, Section 2.04 herein shall apply.

Section 5.09 Density, Area, Building and Yard Regulations

Table 5.09 specifies the minimum lot sizes, minimum lot widths, maximum building heights, minimum yard setbacks and maximum lot coverage percentages, and the minimum distance between buildings.

Table 5.09 Density, Area, Building and Yard Regulations

District	Area (Sq. Ft.)	Width (feet)	Bldg. Height (feet)	Minimum Yard Setbacks			Lot Coverage	Distance Between Bldgs. (feet)
				Front	Side	Rear		
OSC	None	None	N/A (1)	N/A (1)	N/A (1)	N/A (1)	N/A (1)	N/A (1)
OSR	5 acres per building	None	30'	60'	30' (2)	60'	5%	10'
OSP	10 acres per building	None	20'	60'	30' (2)	60"	5%	10"

(1) This district does not allow buildings or structures.

(2) On each side of a building
