

ORDINANCE NO. 1081

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, RELATING TO ZONING, ESTABLISHING THE HILLSIDE DISTRICT CLASSIFICATION, AMENDING ARTICLE I, SECTIONS 1.403 AND 1.404, ARTICLE III, SECTION 3.100 AND ARTICLE VI BY ADDING NEW SECTIONS 6.800 THROUGH 6.807 OF THE ZONING ORDINANCE NO. 455, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

SECTION 1. Article I, Sections 1.403 and 1.404 of the Zoning Ordinance No. 455 are amended to read:

Section 1.403 Criteria

In considering any application for Development Review approval, the Development Review Board shall be guided by the following criteria:

- A. The Board shall examine the application to insure that all provisions of this ordinance and all other ordinances, master plans, general plans and standards of the City of Scottsdale shall be complied with where applicable.
- B. The proposed development shall not have any detrimental effect upon the general health, welfare, safety, and convenience of persons residing or working in the neighborhood; or shall not be detrimental or injurious to the neighborhood.
- C. The proposed development shall promote a desirable relationship of structures to one another, to open spaces and topography both on the site and in the surrounding neighborhood.
- D. The height, area, setbacks, and over-all mass, as well as parts of any structure (buildings, walls, signs, lighting, etc.) and landscaping shall be appropriate to the development, the neighborhood and the community.
- E. Ingress, egress, internal traffic circulation, off-street parking facilities; loading and service areas and pedestrian ways shall be so designed as to promote safety and convenience.
- F. The architectural character of the proposed structure shall be in harmony with, and compatible to, those structures in the neighboring environment, and the architectural character adopted for any given area, avoiding excessive variety or monotonous repetition.
- G. All mechanical equipment, appurtenances and utilities, shall be concealed from view and integral to the building design.
- H. The architectural character of a development shall take cognizance of the unique climatological and other environmental factors of this region and promote an indigenous architectural feeling.
- I. WITHIN THE HILLSIDE DISTRICT, ALL BUILDINGS AND STRUCTURES AND PARTS OF ANY BUILDINGS SUCH AS WALLS, FENCES, ET CETERA SHALL BE DESIGNED TO BE COMPATIBLE WITH THE SURROUNDING DESERT AND MOUNTAINS IN THE BACKGROUND.
- J. WITHIN THE HILLSIDE DISTRICT, ALL EXTERIOR MATERIALS AND COLORS, INCLUDING ROOFS, WALLS AND FENCES, SHALL BE PRE-DOMINANTLY MUTED EARTH AND PLANT TONES AND SHALL MINIMIZE CONTRAST AND GLARE.

Section 1.404 Powers, Duties, Jurisdiction

- A. The Development Review Board shall have the power to approve, conditionally approve, or disapprove all applications for Development Review as required by Section 1.405 (subject to the City Council review or appeal), basing its decision solely on the criteria as set down in Section 1.403 EXCEPT WITHIN THE HILLSIDE DISTRICT, WHERE THE BOARD SHALL ALSO BASE ITS DECISION ON THE PROVISIONS OF SECTION 6.807.
- B. It shall be the responsibility of the applicant to prove that the intent and purpose established in Section 1.401 will be accomplished.
- C. The Development Review Board, upon hearing an application, may impose such reasonable conditions as it may deem necessary in order to fully carry out the provisions and intent of this ordinance. Violation of any such condition shall be a violation of this ordinance and such violation shall render any permit null and void.
- D. Prior to the development, construction, remodel, change or alteration of any proposed or existing project within a zoning district subject to Development Review, the property owner or his designated agent shall secure approval of the Development Review Board.

SECTION 2. Article III, Section 3.100 is amended by adding:

- 29a. "CLUSTER HOUSING" SHALL MEAN HOUSING WHICH QUALIFIES FOR SECTION 6.807 B., "CLUSTER HOUSING INCENTIVE", OR IS PERCEIVED AS A COMPLEX OF CLOSELY RELATED STRUCTURES.

SECTION 3. Article VI is amended by adding new sections 6.800 through 6.807 inclusive to read:

Section 6.800 (HC or HD) HILLSIDE DISTRICT

Section 6.801 PURPOSE

The purpose of this district is to conserve the McDowell Mountains and protect their surrounding hillsides. The Hillside District is intended to:

- A. Preserve the natural character and aesthetic value of the McDowell Mountains;
- B. Protect people and property from potentially hazardous conditions particular to mountains and hillsides;
- C. Accommodate development on the hillsides while protecting the area's natural character, resources and aesthetic value.
- D. Encourage innovative hillside development by allowing the flexibility necessary to produce unique, environmentally sensitive projects;
- E. Minimize hillside disturbance and potential problems such as construction scars, erosion, increased runoff and downstream flood hazards.
- F. Minimize the costs to the City of providing public services and facilities to developable hillside areas and prevent development where public services and facilities cannot be feasibly provided.

Section 6.802 DEFINITION

- A. The Hillside District shall include the McDowell Mountains and their surrounding hillsides. This district shall be superimposed over all other underlying zoning districts. The Hillside District shall contain two major parts: The mountains shall be designated as "Hillside Conservation Area (HC)" and their surrounding hillsides as "Hillside Development Area (HD)." These two areas shall be separated by a "no development" line, which is determined by the occurrence of any one of the following conditions that define the mountains:
  1. Unstable slopes subject to boulder rolling, rockfalls, landslides;
  2. Bedrock areas;
  3. Slopes of 15 percent or greater;
  4. Shallow, rocky mountain soils subject to severe erosion.
- B. Within the Hillside Conservation area (HC) the land shall be set aside for the conservation of permanent natural open space.
- C. The Hillside Development area (HD) is established to protect the hillsides while accommodating development, subject to the special provisions and standards of this District.

Section 6.803 APPROVALS REQUIRED

No structure or building shall be built or remodeled upon land in the Hillside District until:

- A. Rezoning has been approved for any proposed development which may achieve the higher densities made available through density credit transfer.

- B. Development Review Board approval has been obtained as outlined in Article 1, Section 1.400 and in conformance with the provisions of Section 6.807 of this District, EXCEPT that single family detached units which are not clustered shall require approval as outlined in "C" below.
- C. Site Development approval has been obtained for all non-clustered single family detached dwelling units. Site development shall be approved by the Planning Department as delegated by the Development Review Board, and shall consider only those criteria in Section 6.807 of this District. Site development approval administration shall be the same as that outlined in Article 1, Section 1.405. The Planning Department's decision may be appealed to the Development Review Board.

**Section 6.804 APPLICATION REQUIREMENTS**

All applications shall consist of the following materials:

- A. A Development Program including:
  - 1. A legal description of the property boundary, and where applicable, of the "no development" line;
  - 2. Size of the area;
  - 3. The nature of development proposed;
  - 4. The overall residential density and non-residential floor space proposed; and
  - 5. The anticipated acreage, residential density, non-residential floor space and timing for each unit of the property proposed to be developed separately.
- B. A Development Plan which shall consist of a map or maps drawn to a scale of one (1) inch equals 100 feet or less, showing at least the following:
  - 1. The boundary of the proposed development, and where applicable, accurately delineating the "no development" line of Hillside Conservation area (HC), using the criteria set forth under Section 6.802.
  - 2. The topographic character of the land, showing contour lines at an interval of not more than two (2) feet for areas proposed to be developed, and not more than ten (10) feet for the remainder of the property.
  - 3. Existing natural drainage system and proposed drainage accommodations.
  - 4. Open space designations, including delineation of all areas to remain in a natural state. All areas used to meet the required Natural Area requirements of Section 6.807 A.1.a shall be designated as Natural Area easements.
  - 5. The location and configuration of all vehicular circulation and parking areas, pedestrian, equestrian and bikeway trail systems.
  - \* 6. The location and configuration of different types of buildings and structures and parts of any buildings such as walls, fences, etcetera.
- C. Vegetation and Revegetation Information, including:
  - 1. Data and aerial maps showing the location, type and nature of existing major vegetation, including at least the following:

\* NOTE: Not required for subdivision applications.

- a. Significant stands, clusters or contiguous areas of dense growth;
  - b. The existing vegetation to be preserved.
- \* A map showing areas to be graded and a general description of how exposed areas of grading will be treated to minimize erosion and visual scarring.
- D. All conditions agreed to in public hearing by the applicant which are not included in the formal application.
  - E. Where certain provisions or requirements of the Hillside District do not pertain to a subdivider, the subdivider shall be responsible for conveying on the final plat any such provisions or requirements which must be complied with by the ultimate developer of the land.

**Section 6.805 ADDITIONAL MATERIAL**

The following additional material and information shall be provided for all properties, EXCEPT parcels of two and a half (2½) acres or less recorded prior to the effective date of this ordinance, or any proposal for an individual dwelling unit.

- A. Soils and Geology Reports, prepared by a qualified professional, including data and maps drawn to a scale of one (1) inch equals 100 feet or less, containing at least the following information:
  - 1. Soils: type, nature and distribution of existing soils, based on uniform procedures and soil classifications used by the U. S. Soil Conservation Service.
  - 2. Geology: Geologic characteristics of the site, including landforms, relief, depth to bedrock and excavation conditions. Areas of unstable slopes, bedrock areas or rock outcroppings and slopes of 15 percent or greater shall be delineated.

Conclusions and recommendations regarding the effect of the site's soil and geologic conditions on the proposed development shall be included.
- B. Visual Analysis, including at least the following:
  - 1. View-site analysis indicating surrounding vistas to and from the hillsides, prominent visual landforms and vista corridors to the mountains.
  - 2. A map and plan showing visual features of the landscape to be preserved and methods which will be used to ensure aesthetic compatibility of the proposed development.
  - 3. Drawings and narrative which explain how roadways will be constructed in a manner compatible with the natural terrain and with scarring eliminated at completion of construction.
  - \*\* 4. Location and configuration of buildings, sufficiently detailed to indicate the relationship between structures and site with no scarring visible at completion of construction.
- \* C. A Grading Plan, including at least the following information:
  - 1. Dimensions, elevations and finish contours to be achieved by all grading, including cut and fill slopes and drainage-related construction.

\* NOTE: Subdividers shall only include subdivision-related grading.

\*\* NOTE: Not required for subdivision applications.

2. A description of the methods to be employed in disposing or relocating of soil and other material that is removed during grading.
  3. A schedule showing each stage of grading, including the total area of soil surface to be disturbed during each stage.
- D. Landscape Information, including the materials required under Section 6.804, C, as well as the following:
1. Data and aerial maps showing at least the following:
    - a. Ironwood, Mesquite, Paloverde and Saguaro of four inch caliper or greater; and
    - b. The identification of existing vegetation which cannot be preserved in its natural location, but is to be relocated on the site.
  - \* 2. The design, location and type of landscaping to be used in returning all exposed areas of grading to a state which visually blends with the surrounding desert environment, EXCEPT that this requirement does not apply to areas within lots intended for unclustered single-family dwelling units.
  3. The type of landscaping to be used within public easements or areas to be dedicated to the City and description of irrigation methods to reestablish vegetation.
  4. Location of the open space network, including designated vista corridors.
- E. The applicant must be able to visually communicate the proposed development and its relationship to the hillside areas after all construction is completed, including such methods as:
1. Accurate perspective renderings.
  2. Three-dimensional scale models.

Section 6.806 HILLSIDE CONSERVATION AREA (HC)

A. General Provisions

1. Although development shall not be allowed in the Hillside Conservation area, density credit may be transferred to adjacent Hillside *Development* land contained within the application, subject to:
  - a. Density credit derived from existing underlying zoning in the HC area, at the following rates:
    - (1) R1-43: 0.8 units per acre
    - (2) R1-35: 1.0 units per acre
  - b. Regulations of this ordinance and other applicable City ordinances which will apply to development in the HD area;
  - c. Density limitations of the zoning in the HD area as ultimately approved by the City Council;
  - d. The ownership pattern on record on October 8, 1977, the date of the public notice of the zoning ordinance amendment to establish the Hillside District.
2. Rezoning of the HD area to achieve the higher densities made available through density credit transfer shall result in removal of the underlying zoning in the HC area.

\* NOTE: For subdivisions, this requirement applies only to those areas exposed by subdivision-related grading.

3. The land within the Hillside Conservation area shall be legally secured for the conservation of permanent natural open space through easements or dedication.
4. No grading, filling, clearing or excavation of any kind shall be allowed in the Hillside Conservation area.

B. Permitted Uses

Buildings, structures or the placement of any impermeable surfaces shall not be permitted within the boundaries of the Hillside Conservation area. Uses allowed shall be limited to those compatible with the conservation of natural open space, as approved by the City Council.

C. "No Development" Line Adjustment Procedure

If the applicant wishes to propose an adjustment to the "no development" line delineating the Hillside Conservation area (HC) as set forth under Section 6.802, the following shall apply:

1. Additional written and graphic material shall be prepared to accompany the application, which:
  - a. Illustrates the conditions that the modification will produce, and;
  - b. Demonstrates the precautions which will be taken to solve potential problems and preserve the aesthetic value of the mountains.
2. The Development Review Board may deny or limit such proposed adjustments in order to best achieve the purpose of the Hillside District, as set forth under Section 6.801.
3. In no case shall the Hillside *Development* area (HD) be extended to include areas which contain three (3) or more of the factors which define the mountains.

Section 6.807 HILLSIDE DEVELOPMENT AREA (HD)

All development of land in the Hillside *Development* area shall be regulated by the provisions of this section and the requirements of the underlying zoning district, EXCEPT that in the event of conflict, the provisions of the Hillside District shall prevail.

A. Design Criteria and Development Standards

1. Natural Areas

All development proposals shall include a portion of the site within the Hillside *Development* area which is to be retained in a natural state.

- a. The percent of the total site required to be retained in a natural state shall be based on the average slope of the land surface. A Land Slopes map kept on file in the Planning Program shall be used as the basis for slope determination. The following Natural Area requirements shall apply:

<u>Slope Unit</u>	<u>Percent Slope</u>	<u>Minimum % to Remain as Natural Area</u>
I	0- 2	20
II	2- 5	25
III	5-10	35
IV	10-15	50

The Natural Area requirement for each slope category shall be fulfilled within the area of that land slope.

- b. The following shall be used as guidelines in locating Natural Areas:
  - (1) Contiguous areas along drainage channels;
  - (2) Ten (10) foot minimum widths adjacent to roadways;
  - (3) Areas contiguous with other Natural Areas of adjacent properties;
  - (4) Areas containing rock outcroppings;
  - (5) Areas containing soils with high permeability;
  - (6) Significant stands or clusters of native vegetation, including such species as Ironwood, Paloverde, Mesquite and Saguaro; and
  - (7) Known or discovered archaeological sites.
- c. Natural Area designations may apply toward the open space requirements of the underlying zoning district.
- d. No grading, excavation or construction shall be allowed within areas designated as "Natural Areas".
- e. All Natural Areas shall be legally secured by Natural Area easements prior to the issuance of building permits.

2. Landscaping/Open Space

- a. Existing vegetation shall be retained in any part of the total development which is not designated for grading or construction.
- b. Existing vegetation which cannot be preserved in place but is suitable for transplanting shall be relocated on the site.
- c. Unimproved disturbed areas shall be landscaped within 180 days following issuance of a grading permit and/or within 30 days of the issuance of a certificate of occupancy, or "utility turn-on".
- d. All required plans for landscaping shall be approved prior to issuance of building permit, and all installations shall be in accordance with the approved landscape plan.
- e. All landscaping within public easements or areas to be dedicated to the City shall be low maintenance, low water consumptive desert vegetation.
- f. The following species of four inch caliper or greater shall be preserved wherever possible: Ironwood, Mesquite, Paloverde and Saguaro.
- g. An open space network shall be designed to provide contiguous linkages throughout the development parcel, and between adjacent parcels where major public trail systems or vista corridors are designated.
- h. Designated vista corridors shall be a minimum width that includes the drainage easement and an additional 50 foot setback on both sides of the channel's drainage easement. The width of a vista corridor shall not be required to be greater than 200 feet. Buildings, walls or fences shall not be permitted within the vista corridors.

### 3. Grading

- a. Man-made slopes shall conform to patterns of the natural terrain.
- b. All cut and fill slopes shall be landscaped and shall be stabilized to control erosion.
- c. Any cut or fill slope which is to be revegetated shall not be steeper than a 3:1 slope.
- d. The maximum vertical dimension of any cut or fill shall be four (4) feet, EXCEPT where the building shields the cut from view, the maximum vertical dimension of any cut shall be eight (8) feet.
- e. All excess excavated material shall be removed or otherwise placed so as to become an integral part of the site development.
- f. During construction, measures such as sediment traps or terracing shall be used around all graded areas to minimize erosion.
- g. Whenever archaeological sites are discovered during excavation, the Planning Department shall be notified and mutually agreeable precautions taken to preserve the artifacts.

### 4. Aesthetics

- \* a. All mechanical equipment, including but not limited to air conditioning and pool equipment, shall not be visible from outside the property.
- \* b. All lighting shall be low scale and low intensity and directed downward and away from the views of others, as set forth in Article 5, Section 5.106.

### 5. Roadways/Circulation

- a. Road alignments, driveways and parking areas shall conform as closely as possible to natural topography.
- b. Existing vegetation shall be preserved to the greatest extent possible in the location of roads and shall be retained as medians or buffers wherever possible within the unimproved right-of-way.
- c. Variations in road design and construction may be permitted in order to keep grading and cut slopes to a minimum.
- d. One-way loop roads may be constructed where appropriate for the terrain.
- e. Combinations of collective private driveways, cluster parking areas and off-street parking bays are encouraged in order to minimize paved areas.

### 6. Fire Protection

Prior to Development Review approval, the Fire Chief shall inspect the site to identify any unique conditions that may require special fire prevention precautions, and shall communicate the findings and recommendations to the Development Review Board.

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\* NOTE: Not relevant to subdivisions.

**B. Cluster Housing Incentive**

A density bonus shall be allowed for cluster housing projects where the underlying zoning is an R-1, single-family residential district. In order to receive the bonus, the approved plan must contain 20 percent more Natural Area than the site requires under Section 6.807 A.1.a.

The maximum density allowed shall not exceed the density that is set forth as follows:

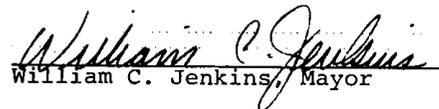
<u>Zone</u>	<u>Maximum DU Per Gross Acre</u>
R1-7	5.5
R1-10	4.0
R1-18	2.4
R1-35	1.2
R1-43	1.0

**C. Modification Procedure**

If the applicant wishes to propose a modification to the design criteria and development standards of this section or of the underlying zoning district, additional written and graphic material shall be prepared to accompany the application. The materials shall illustrate the conditions that the modified standards will produce. The material shall enable the Development Review Board to make the determination that the modification will produce a living environment, landscape quality and lifestyle equal to or superior to that produced by the existing design criteria and development standards.

SECTION 4. WHEREAS, the immediate operation of the provisions of this ordinance is necessary for the preservation of the public peace, health, safety and welfare, an EMERGENCY is hereby declared to exist, and this ordinance shall be in full force and effect from and after its final passage and adoption by the City Council.

PASSED AND ADOPTED by the Council of the City of Scottsdale this 15th day of November, 1977.

  
William C. Jenkins, Mayor

ATTEST:

  
Fern Anderson Nell, City Clerk