

ORDINANCE NO. 2305

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE ZONING ORDINANCE, ORDINANCE NO. 455 AS AMENDED, BY CREATING A NEW SECTION 7.8000, TO BE KNOWN AS THE ENVIRONMENTALLY SENSITIVE LANDS OVERLAY DISTRICT.


WHEREAS, the Council of the City of Scottsdale finds that:

1. There are unique natural landmarks, native plants, archaeological sites, and geologic conditions in the City;
2. There are significant environmental hazards and nuisances in the City;
3. The City's natural environment is a critical element of its image and character;
4. Environmental quality contributes to the City's quality of life and economic health;
5. The City's land, water, air, plants, animals, climatic and aesthetic resources require development procedures, standards and techniques which are sensitive to the potential impacts of development on those resources; and
6. The natural recovery of land disturbed by development is very slow, due to the arid climate, typically low height and openness of vegetation, and mountainous topography; and the resulting scars are visible from many vantage points; and
7. For all of the above reasons, it is necessary and desirable that regulations be adopted which will protect environmentally sensitive lands, while allowing for appropriate development.

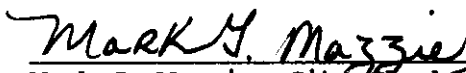
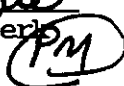
NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, Arizona, as follows:

Section 1. A new section 7.800, the Environmentally Sensitive Lands Overlay District (ESLO), is added to the Scottsdale Zoning Ordinance to read per Exhibit "A", attached hereto and incorporated herein by reference.

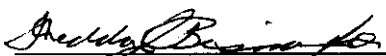
PASSED AND ADOPTED by the City Council of the City of Scottsdale, this 19th day of February, 1991.

CITY OF SCOTTSDALE,
BY: 
Herbert R. Drinkwater, Mayor

ATTEST:


Mark G. Mazzie, City Clerk 

APPROVED AS TO FORM:


Richard W. Garnett, III
City Attorney

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Section 7.800 Environmentally Sensitive Lands

Section 7.810 Purpose

- A. The purpose of the Environmentally Sensitive Lands regulations is to identify and protect environmentally sensitive lands in the City and to promote the public health, safety and welfare by providing appropriate and reasonable controls for the development of such lands. Specifically, the Environmentally Sensitive Lands regulations are intended to:
1. Protect people and property from hazardous conditions characteristic of environmentally sensitive lands and their development. Such hazards include rockfalls, rolling boulders, other unstable slopes, flooding, flood related mud slides, subsidence, erosion and sedimentation, range fires, radon exposure, soils with high shrink-swell capacity, foundation instability and air pollution.
 2. Protect and conserve significant natural and visual resources. Such resources include major boulder outcrops, major ridges and peaks, prime wildlife habitat, unique vegetation specimens, and significant riparian habitats.
 3. Protect renewable and non-renewable resources, such as water quality, air quality, soils and natural vegetation from incompatible land uses.
 4. Minimize the public costs of providing public services and facilities, such as streets, water, sewer, emergency services, sanitation services, parks and recreation.
 5. Conserve the character of the natural desert landscape. The desert is an important tourist attraction which contributes to Scottsdale's economy.
 6. Recognize and preserve the economic, educational, recreational, and cultural assets of the environment that provide amenities and services for residents and visitors. These interdependent assets include preserving the natural environment for desert tours, horseback riding, hiking, rock climbing, and western theme activities. In addition, the area contains historic and archaeological sites which reflect the lives of cowboys, miners, pioneers and native Americans.
 7. Assure that decisions regarding development in environmentally sensitive areas are based on

complete and accurate information about the environmental conditions and probable development impacts.

8. Minimize the impacts of development by controlling the location, intensity, pattern, design, construction techniques, and materials of development and construction.
9. Retain the visual character of the natural landscape to the greatest extent feasible by regulating building mass, location, colors, and materials; grading location, design and treatment; and landscaping design and materials.
10. Maintain significant open spaces which provide view corridors and land use buffers, protect landmarks and prime wash habitats, and maintain the City's unique desert setting.
11. Protect environmentally sensitive lands, while also recognizing the legitimate expectations of property owners, and the City's overall economic goals.
12. Encourage innovative planning, design and construction techniques for development in environmentally sensitive areas.

Section 7.820 Scope of Regulations

Section 7.821 Establishment of ESL District

The Environmentally Sensitive Lands (ESL) District is hereby established as an overlay zoning district. All underlying zoning districts to which the ESL District applies, shall be identified with the suffix "ESL". To accomplish the purposes in Section 7.810, the City may apply the ESL District to lands that contain one or more of the following environmental conditions:

- A. Land slopes of 15 percent or greater.
- B. Unstable slopes, which exhibit one or more of the following conditions:
 1. Boulder collapse
 2. Boulder rolling
 3. Rockfalls
 4. Slope collapse
 5. Talus slopes

- C. Special features, as designated on ESLO Special Features Maps.
 - 1. Boulder features
 - 2. Natural landmarks, including archaeological sites
 - 3. Protected peaks
 - 4. Protected ridges
- D. Watercourses:
 - 1. Major watercourses
 - 2. Minor watercourses
- E. Soil and geologic conditions:
 - 1. Exposed/shallow bedrock
- F. Undisturbed native vegetation:
- G. Landform classes as indicated on the ESLO Special Features Map:
 - 1. Lower Desert Landform
 - 2. Upper Desert Landform
 - 3. Hillside Landform

Section 7.822 Applicability

The ESL regulations shall apply to all public or private development projects within the ESL District, except as provided in Section 7.823, Exemptions. In the event of a conflict between the ESL Regulations and any other provision of the Zoning Ordinance, the ESL Regulations shall prevail.

Section 7.823 Hillside District Exemptions

The ESL Regulations shall not apply to a development project which was the subject of a pending application as of February 19, 1991, or development approval under the provisions of the former Hillside District, Section 6.800 through 6.810. For the purposes of this section, "development approval" means rezoning, use permit, subdivision plat, master plan, Development Review Board, variance, or building permit approval.

- A. Applicability of Hillside District Regulations. Exempt development projects shall be developed under the Hillside District regulations and development standards in effect when the development project was approved, including rezoning stipulations.

- B. Application of ESL Regulations to Exempt Development Projects. The owner of a development project exempt under this section may elect to develop under the ESL regulations. The election must be communicated in writing to the Project Review Director before application is made for further development approval following [the effective date of ESLO].
1. If the effect of an election to develop under the ESL regulations is to alter the densities or land uses approved under the Hillside District, or changes the size or configuration of any Hillside Conservation (HC) zoned area, the election is conditioned upon City Council approval of a rezoning pursuant to the provisions of Section 2.100 and 7.843.
 2. If the owner of an exempt development project elects to apply the ESL regulations to only a portion of the development project, the owner must demonstrate that those portions of the project developed or to be developed under Hillside District regulations meet all requirements of those regulations, including the preservation of hillside conservation areas through easement or dedication.

Section 7.824 Special Exceptions from the ESL Regulations

- A. Special exceptions from the ESL regulations may be approved by the Project Review Director in the following circumstances:
1. Non-buildable parcel. If the application of the ESL regulations to a parcel, which was a legally constituted lot on which development would have been permitted prior to [the adoption date of ESLO], would prevent the development of at least one single family dwelling, the parcel may be developed with one single family dwelling pursuant to the grant of a special exception, provided that such development otherwise conforms to the ESL Regulations as closely as reasonably possible.
 2. Non-Hillside District Development Project Approvals. Modifications to development project approvals, or subsequent development approvals for development projects approved under non-Hillside District zoning classifications prior to [the effective date of ESLO] are subject to the ESL regulations. However, it is the intent of these regulations that such development project be brought into compliance with the ESL Regulations as closely as reasonably possible, without creating undue hardship on the owner.

B. Special Exception Submittal Requirements

In addition to the submittal requirements described in Section 7.842, applications for special exceptions from the ESL Regulations authorized in this Section shall include the following:

1. Documentation of existing development approvals for the development site and the special exception eligibility of the parcel.
2. Environmental mapping necessary to identify the ESL regulation(s) from which the special exception is requested.
3. A development plan showing the approved land uses and the areas that will be affected by the proposed special exception.
4. A report describing the proposed exceptions from the ESL Regulations and describing the rationale for the exceptions.

Section 7.830 Review Procedures For ESL Applications.

Section 7.831 Plats.

Applications for preliminary plats in the Hillside and Upper Desert Landform areas, shall be reviewed for compliance with the ESL provisions and approved by the Development Review Board.

Section 7.832 Appeals

The applicant may appeal a decision of the Project Review Director to the Development Review Board. The appeal must be in writing, filed with the Development Services Department within fifteen (15) days of the date on which written notice of the decision was mailed to the applicant, and must state the reasons for appeal, and the relief requested. The Project Review Director shall place the appeal on the next available Development Review Board agenda and shall notify the applicant in writing of the time and place at which the Development Review Board will consider the appeal. Decisions of the Development Review Board may be appealed to the City Council as provided in Section 1.406 of this ordinance.

Section 7.833 Maintenance

The owner of private property on which grading or other work has been performed pursuant to a grading plan approved under the ESL Regulations, shall maintain in perpetuity and repair all graded surfaces and erosion control devices, retaining walls, drainage structures or devices, and planting and ground covers, according to specifications established by the City.

Section 7.840 Submittal Requirements

Section 7.841 All Applications

A. In addition to any other information required by the Scottsdale Zoning Ordinance (Ordinance 455, as amended,) and the Scottsdale Revised Code, applications for development approval under ESL shall include the following:

1. Base Submittal Requirements

- a. Topographic map, at two foot contours, or at appropriate intervals as determined by the Project Review Director;
- b. Slope analysis for NAOS and intensity calculation purposes;
- c. Number of dwelling units and density proposed and/or gross floor area ratio;
- d. Map and figures showing the slopes and elevations or other data used for natural area open space (NAOS) calculation, the acreage of the parcel used for each NAOS rate, and the total NAOS calculated.
- e. Prior to receiving building permits, proposed building materials, paint colors and landscaping materials in compliance with the requirements of Section 7.854(E).

2. Environmental Submittal Requirements. If development is proposed on or immediately adjacent to one or more of the environmental conditions(s) specified in Section 7.821 of this ordinance, the affected conditions(s) shall be shown on site plans, and the following additional submittals shall be required.

These additional submittals are not required to encompass conditions or portions of the parcel which will not be disturbed by the development. The Project Review Director shall waive those submittals intended to identify or analyze conditions which are not found on the particular parcel, or which are not relevant to review of the development project.

- a. In the Upper Desert and Hillside Landforms, a soil and geology report, identifying areas of unstable slopes.

This requirement may be waived where one single-family home is proposed to be developed on a parcel of ten (10) acres or less which contains no unstable slopes, no slopes over fifteen percent (15%), and none of the special features enumerated in Section 7.821(C).

- b. In the Upper Desert and Hillside Landforms, a map of the ESL Special Features and a viewshed report, including any additional visual features identified by the applicant.

This requirement may be waived where one single-family home is proposed to be developed on a parcel of ten acres or less which contains no special features identified on the Special Features maps.

- c. A survey and map identifying significant archaeological and historic sites.

The survey shall not be required for land which is not identified by the city or the state's Historic Preservation office as likely to contain archaeological sites.

- d. A map identifying significant areas of man-made scarring; and, if restoration is proposed, a program for such restoration and revegetation.
- e. A report and map identifying and describing the 100-year floodplains along watercourses where the estimated flow under pre-development conditions is equal to or greater than 250 c.f.s.
- f. A map identifying significant concentrations of vegetation.

- B. Where the detail of the information provided is not sufficient to identify or analyze a specific environmental condition, additional information may be required by the Project Review Director.

Section 7.842 Individual Single Family Hillside Applications

- A. In addition to the submittal requirements enumerated in Section 7.841, applications for single family building permits in Hillside Landform areas, except for electrical, structural or plumbing permits, shall include plans showing the following:
 - 1. All existing structures and future structures to be developed on the parcel;

2. All areas to be graded, including access driveways and streets;
 3. The location of all proposed natural areas (NAOS) and construction envelopes;
 4. Provisions for mechanical equipment screening; and
 5. Revegetation program.
- B. If a single family dwelling is to be located on a lot within a development project for which the data required by Sections 7.841 and 7.842 has previously been provided to the City, the owner of such lot shall not be required to re-submit the data.

Section 7.843 Rezoning, Use Permits and Preliminary Plat Applications

- A. Applications for zoning amendments (Section 2.100), use permits (Section 2.200) and preliminary plats (Sections 48-31 through 48-53) shall include the following information, plans, reports, and maps if not submitted as part of a Master Development Plan or other required submittal:
1. The proposed area in acres of land affected by each environmental condition listed in Section 7.821 as necessary to determine NAOS or intensity.
 2. A development plan showing the proposed configuration, size in acres, number of residential units or non-residential square footage of proposed buildings, and underlying zoning categories for each use. Where NAOS is provided on individual lots, preliminary plats shall show conceptual construction envelopes or otherwise demonstrate that any on-site natural area open space will be provided.
 3. A development phasing map delineating the configuration, size in acres and general sequence of development and dedication.
 4. A circulation plan map delineating the location and classification of all major public or private streets, all required public parking areas, pedestrian ways, trails and bikeways.
 5. A visual analysis presentation which clearly portrays the major views to the site from viewpoints designated by the City on the ESLO Special Features Maps, the principal or unique visual features on or adjacent to the site, and the visual character and impact of the development

project. This presentation may include such materials, at the applicant's option, as slides, photographs, cross sections, maps, computer simulations, perspectives or models.

6. An open-space/natural areas map delineating the general configuration and types of major open spaces and indicating the natural area open space requirements in acres for each use and development site identified on the development plan and phasing maps.
7. A report including all proposed modifications to required development standards and guidelines with graphics showing typical applications of the standards.

B. Criteria for Hillside Landform rezoning. Specific criteria shall be applied to rezoning applications in the Hillside Landform area due to the severe development constraints in this area, the visual impacts of developments on Hillsides, and the impacts of development on sensitive land. Applications for zoning amendments in the Hillside Landform (see ESLO maps 1 and 2) shall include an environmental sensitivity assessment containing the following:

1. A site plan showing how the on-site environmental conditions identified in Section 7.821 will be impacted by the proposed development project; describing the measures that will be taken to protect these sensitive areas; and identifying the impacts of development on areas that contain significant concentrations of vegetation.
2. A site plan, or other graphic representation, showing how the development project will mitigate the negative impacts of development on the environmental conditions identified in Section 7.821.
3. A narrative describing how the proposed development project which would result from a rezoning, is appropriate for the proposed location and is consistent with the purposes of ESL enumerated in Section 7.810.
4. Simulations from viewpoints designated on City maps showing the proposed building massing, cut and fill, drainage improvements, parking, landscaping, and other above-ground improvements.

Section 7.844 Master Development Plan Applications.

- A. A Master Development Plan shall be submitted where:

1. Section 48-35 of the Subdivision Ordinance requires a development master plan;
 2. The underlying zone requires a Master Development Plan, e.g., Section 5.4002, Planned Commerce Park (PCP), Section 6.204, Planned Residential Development (PRD) or Section 5.2103, Planned Community District (PCD);
 3. The Project Review Director determines that a Master Plan is necessary for the orderly development of the project, in accordance with the requirements of this ordinance.
- B. The Master Development Plan shall include the following master plans:
1. Site Development Master Plan which includes the following information:
 - a. The general location of the development project.
 - b. The size of the entire development project (in acres).
 - c. Where the Master Development Plan contemplates the division of the project into two or more development sites:
 - 1) The size of each development site (in acres).
 - 2) The land use of each development site within the development project.
 - 3) The density of all development sites designated for residential use within the development project.
 - 4) The zoning category of each development site within the development project.
 - d. Vista and scenic corridors within the development project.
 2. Circulation Master Plan
 3. Phasing Master Plan
 4. Open Space Master Plan
 5. Parking Master Plan
 6. Drainage Master Plan

7. Water and Wastewater Master Plans
 8. Environmental Design Concept Master Plan
- C. The Project Review Director may waive the requirement for one or more master plans where he determines that the master plan is not necessary to the orderly development of the project.
- D. Timing of Submittals.
1. Master Development Plan Rezoning Applications. A rezoning application shall be accompanied by the following master plans:
 - a. Site Development Master Plan
 - b. Conceptual Circulation Master Plan
 - c. Conceptual Phasing Master Plan
 - d. Conceptual Open Space Master Plan
 - e. Conceptual Drainage Master Plan
 - f. Conceptual Water Master Plan
 - g. Conceptual Wastewater Master Plan
 2. Other Development Project Approvals. Prior to any grading, plant relocation or removal, infrastructure construction, applications for preliminary plat approval, or the construction of on-site or off-site improvements on a parcel, the following master plans shall be submitted for the entire development or, if applicable, for each phase of development:
 - a. Circulation Master Plan
 - b. Phasing Master Plan, if applicable
 - c. Parking Master Plan, if applicable
 - d. Drainage Master Plan
 - e. Water Master Plan
 - f. Wastewater Master Plan
 - g. Environmental Design Concept Master Plan
- E. Approvals Required.
1. When a Master Development Plan is required, a rezoning or a preliminary plat shall not be

approved without the concurrent approval by the City Council of the Site Development, Conceptual Circulation, and Conceptual Phasing Master Plans, and Conceptual Open Space Master Plan for the entire area to be rezoned.

2. No on-site or off-site development for any phase of a Master Development Plan shall begin until the Circulation, Phasing, Parking, Drainage, Water, and Wastewater master plans have been approved by the Master Planning staff and the Project Review Division, and the Environmental Design Concept Master Plan has been approved by the Development Review Board.
 - a. The master plans shall be provided for the entire development project unless it can be demonstrated to the Project Review Director, that the master plan can be prepared for one, or more, discreet phases that can stand alone independent of the entire project.
3. Approvals for individual buildings shall not be granted until the Master Development Plan, including all the required parts of the plan, has been approved.

F. Modifications to Approved Master Development Plans.

1. Major changes to the permitted uses, density or gross floor area described in a Site Development Master Plan defined in Section 7.844 (B)(1), or to other master plans approved as part of a rezoning or use permit must be reviewed and approved by the City Council subject to the notice and hearing provisions of Section 2.200. In general, major changes are those which affect more than ten percent (10%) of either the land or gross building square footage. Staff may determine that a change is major due to the impacts of the proposed changes, even where less than ten percent of land or intensity is affected.

The transfer of units between parcels as provided in an approved master-planned development zoning case is not a major change.

2. Minor changes to the Site Development Plan and all other master plans, consistent in scope and intent with the originally approved plans, may be approved by City staff. In general, minor changes affect less than ten percent (10%) of either the land area or gross building square footage.

Section 7.845 Development Review Board Applications

In addition to the standard submittal requirements for development review described in Section 1.405, all applications for Development Review Board review shall include a detailed site plan with the following information, reports and maps:

- A. The proposed area in acres of land affected by each environmental condition listed in Section 7.821 as may be necessary to determine NAOS or intensity.
- B. A grading report indicating the proposed methods and sequencing of grading, proposed locations for stockpiling or disposing of unused materials, and plans for minimizing wind and water erosion on graded areas during development and construction.
- C. In the Hillside Landform a visual analysis presentation which clearly portrays the major views to the site from viewpoints designated by the City on the ESLO Special Features Maps, the principal or unique visual features on or adjacent to the site, and the visual character and impact of the development project. This presentation may include such materials as slides, photographs, cross sections, maps, computer simulations, perspectives or models.

Section 7.850 ESL Use Restrictions and Development Standards

Section 7.851 Use Restrictions

Land uses shall be those permitted in the underlying zoning district except as follows:

- A. Land uses in the Hillside Landform areas with land slopes over twenty-five percent (25%), special features or unstable slopes are restricted to the following, provided that uses must also be permitted by the underlying zoning: residential uses, including resort units, and related streets and utilities; the activities identified in the Conservation Open Space (COS) district, (Section 6.703 of the Zoning Ordinance), and golf tees. Ancillary resort uses, such as restaurants, meeting rooms, or parking areas for more than five cars are not permitted.
- B. The following guidelines shall be considered in reviewing the compatibility of rezoning and use permit applications in the Hillside Landform on land with slopes between 15 and 25 percent that is not a Severely Constrained Area:
 1. Whether grading and other site preparations are within the limits established by the Development Design Guidelines for Environmentally Sensitive Lands, and whether essential grading complements

the natural land forms.

2. Whether vehicular and pedestrian circulation conforms to the Development Design Guidelines for Environmentally Sensitive Lands, and is within the emergency standards acceptable for fire truck use.
3. Whether views to development from viewpoints, designated on the ESLO Special Features map have been analyzed, and whether the applicant has demonstrated to the Project Review Director that satisfactory methods will be used for revegetation, plant protection/salvage, minimization of cuts and fills, and blending of structures with the site in terms of building mass and color hue, value, and chroma (from the Munsell Book of Color).
4. Whether human lives and property are protected from unstable slopes, flooding, and other safety hazards.
5. Whether the placement, grouping, scale, and shaping of structures complements the natural landscape.
6. Whether large, graded bare areas will be fully revegetated by the end of the construction phase.

Section 7.852 Intensity of Development

The intensity of development in the Lower Desert and Upper Desert Landforms shall be determined by the underlying zoning district. The intensity of development in the Hillside Landform shall be determined as follows:

- A. The base and maximum intensities of development in the Hillside Landform on slopes less than 25 percent, on exposed/shallow bedrock, or in major or minor watercourses, shall be as follows:

	<u>Single Family Detached</u> <u>D.U./Acre</u>	<u>Attached Multi-Family</u> <u>D.U./Acre</u>	<u>Resort Hotel/Casita</u> <u>Units/Acre</u>	<u>Non-Residential</u> <u>Floor Area Ratio</u>
Base	0.2	1.0	2.0	0.05
Maximum	1.0	3.0	8.0	0.20

1. The underlying zoning must permit the base intensities.
2. Intensities above the base level up to the maximum intensity may be approved by the City Council, after notice and hearing as provided in Section 2.200, and upon a finding that the proposed intensity meets the guidelines set forth in Section 7.851 (B).

3. Resort Hotel/Casita units are limited to resort hotel guest rooms or casitas that do not have individual driveway access to each unit. Parking areas for more than five cars, restaurants, meeting rooms, and other ancillary uses must be located on land that is not a Severely Constrained Area.
- B. Except when modified as provided in subparagraph (E) of this Section, the maximum permitted intensity on land in the Hillside Landform with slopes from 25 to 35 percent or boulder features, shall be one dwelling or resort unit per twenty acres (1/20 or .05 D.U./AC.). Ancillary resort uses, such as restaurants, are not permitted.
1. Intensities up to a maximum intensity of one dwelling or resort unit per five acres (1/5 or .2 D.U./AC.) may be approved by the City Council, after notice and hearing as provided in Section 2.200, and upon demonstration by the applicant and finding by the City Council that the land proposed for the increased intensity is not visible from viewpoints designated by the City on the ESLO Special Features Maps, and that the proposed intensity is compatible with the guidelines in Section 7.851 (B). In making its determination, the Council is to consider the following factors:
 - a. Visibility of the more intensive developments from scenic corridors and arterial streets.
 - b. The impact of the development on the environmental conditions listed in Section 7.821.
- C. Except when modified as provided in subparagraph (E) of this Section, the maximum permitted intensity on land in the Hillside landform with slopes over 35 percent or on unstable slopes shall be one dwelling or resort unit per forty acres (1/40 or .025 D.U./AC.). Ancillary resort uses, such as restaurants, are not permitted.
- D. General Guidelines.
1. If a lot encompasses two slope categories, the intensity limit is determined by reference to the slope category of the land on which the building pad or construction envelope is located. The purpose of this provision is to provide flexibility in lot configuration.
 2. Some incursion in grading or other construction activity, may occur on a plan between one intensity area and a lower intensity area. Such incursions should not in general exceed twenty (20) feet horizontally.

E. The City Council may grant a special exception from the maximum intensities allowed by subparagraphs (B) and (C) of this Section, for parcels which meet the following requirements:

1. Qualifications. Only parcels which meet the following qualifications, are eligible for development as a special exception under the provisions of this subparagraph (E):
 - a. The parcel consists of at least nine acres, at least eighty percent (80%) of which are Severely Constrained Areas.
 - b. On [the date on which ESLO is adopted], the parcel was a legally constituted lot on which development would have been permitted under the terms of the ordinance in effect at the time the lot was created or was annexed to the City.
 - c. No density transfer is proposed.
 - d. The area which will be disturbed by the proposed development is less than twenty percent (20%) of the development site area.
 - e. More than eighty percent (80%) of the development site area will be preserved as Natural Area Open Space (NAOS).
2. Findings. Higher intensities may be granted pursuant to the special exception permitted by this subparagraph, only where the Council finds that:
 - a. The maximum intensities otherwise permitted by this ordinance would create a substantial disincentive to develop the site with a desirable and appropriate use and/or intensity, and the requested change is the minimum required in order to remove excessive constraints on the development of the site.
 - b. The requested intensity will not create increased health or safety hazards to people or property resulting from unstable slopes or other environmental hazards.
 - c. Units will be placed at lower elevations or at other locations on the property selected to reduce the grading which will be required to access the structures.
 - d. Visibility of development from viewpoints designated on the ESL Special Features maps is limited.

3. Procedure.

- a. Before the City Council hears an application for special exception, the Development Review Board shall review the plans to ensure that any development proposed for unstable slopes, special features, or other environmental conditions, is appropriate to these conditions, and preserves them to the maximum extent possible.
- b. Applications for special exceptions under this Section shall include the submittals set forth in Section 7.843(B) of this ordinance, and shall be subject to notice and hearing as provided in Section 2.100.

F. The permitted development intensity in the Hillside Landform shall be calculated as follows:

1. Determine the location of each environmental condition referenced in Section 7.852 (A), (B), and (C). If more than one condition is present on the same land area, that which imposes the greatest restriction shall determine the intensity for development on that land area.
2. Determine the amount of land in acres impacted by each environmental condition.
3. Multiply the total acreage impacted by each environmental condition by the intensity permitted by Section 7.852 (A)-(C), for that condition.
4. On parcels of twenty or more gross acres, the permitted intensity for small areas of 20,000 square feet or less which have environmental conditions different than those of the surrounding area, shall be determined by the intensity permitted on the surrounding area. If a small area abuts both a lower and a higher intensity area, the small area shall be divided equally between the two intensities.

Section 7.853 Open Space Requirements

A. NAOS Requirements.

1. In order to preserve sensitive environmental conditions, maintain visual amenities, and mitigate hazards, a percentage of the acreage containing specified conditions shall be set aside as natural area open space (NAOS). The minimum percentage of NAOS for each specified environmental condition is provided in Tables A or B.

- a. Table A is the simpler method to use for calculations. NAOS requirements are determined by slope and landform which corresponds to the location of other environmental conditions such as unstable slopes, undisturbed desert vegetation, boulder features and watercourses.
 - b. Table B provides a more detailed site analysis that may result in a reduced NAOS requirement, if the site contains fewer natural features than the average for its location. Where a portion of the parcel contains two environmental conditions, the more restrictive minimum percentage shall apply to that portion.
 - c. The applicant has the option of using Table A or B. The method must be selected and NAOS requirements calculated prior to development approval. The same method must be used to calculate NAOS for the entire development project.
2. Land designated as NAOS shall be permanently maintained as open space. The applicant shall demonstrate to the satisfaction of the city attorney, that the entire NAOS area will be permanently maintained as natural area open space through easements, donation, or dedication to the city or other entity. If NAOS is located in a common tract owned by a homeowners association, the property shall be maintained through a common maintenance agreement.

TABLE A

	Lower Desert Landform	Upper Desert Landform	Hillside Landform
0-2%	20%	25%	50%
Over 2% up to 5%	25%	25%	50%
Over 5% up to 10%	30%	35%	50%
Over 10% up to 15%	30%	45%	50%
Over 15% up to 25%	30%	45%	65%
Over 25%	30%	45%	80%
Minimum NAOS			
After Reductions	15%	20%	40%

TABLE B

NATURAL AREA OPEN SPACE: DETAILED ANALYSIS

<u>Environmental Condition</u>	<u>Minimum Percent In Natural Area Open Space</u>
1. Steep Slopes over 15%	50%
2. Steep Slopes over 25%	80%
3. Unstable Slopes	95%
4. Natural Landmark	90%
5. Boulder Feature	80%
6. Minor or Major Watercourse	60%
7. Exposed/Shallow Bedrock	35%
8. Undisturbed Native Vegetation Based on Native Plant Densities*	
a. Under 10 trees/cacti per acre	15%
b. 10 - 19 trees/cacti per acre	25%
c. 20 or more trees/cacti per acre	35%

*Native plants include the specific species defined in Article V Protection of Native Plants, Section 46-105 through 120 of the City Code.

B. NAOS Reduction

NAOS requirements may be reduced as provided herein. The minimum NAOS after reductions, for the gross lot area of the development project and for each development site, shall be 15% in Lower Desert, 20% in Upper Desert and 40% in Hillside Landforms.

1. Proportional Reduction in NAOS for CA/COS. An owner is entitled to reduce the required NAOS, by calculating the percentage of the total parcel that is designated Conservation Area (CA) or zoned Conservation Open Space (COS), and reducing the NAOS requirement for the property by this same percentage. Procedures for the creation of CA are set forth in Section 7.855 (A)(2).
2. Reduction for Regional Drainage Facility. Where a development site contains areas dedicated for regional stormwater management pursuant to approved City Regional Drainage and Flood Control Plans developed by the City, having a design flow of 2000 cfs or more and providing drainage for one square mile (one section) or more, the NAOS requirement shall be reduced as follows:
 - a. The NAOS requirement shall be reduced one (1) acre for each revegetated one (1) acre of the Regional Drainage Facility.
 - b. The NAOS requirement shall be reduced one (1) acre for each two (2) acres of turf or similar improvements for recreational areas within the Regional Drainage Facility (1:2). The reduction for improved areas shall not exceed 50% of the original NAOS requirement.
3. Reduction for Revegetation. On land stripped of natural vegetation or scarred prior to January 1, 1990, the NAOS requirement for the parcel shall be reduced by two (2) acres for every one (1) acre of revegetated NAOS (2:1).
4. Reduction for Designated Historical or Archaeological Site. Land designated as a permanently protected historical or archaeological site, approved by the City, shall be used to reduce the required NAOS by two (2) acres for each one (1) acre of approved site.
5. Reduction for Improved Open Space. As an incentive to provide outdoor recreation areas in development projects, the applicant may reduce the NAOS requirement by one (1) acre for each four (4) acres of turf or similar improved open space areas, such as golf courses or parks. No NAOS reduction is

allowed for land used for buildings, parking, pavement, or other hard surfaces.

C. Density Incentive for NAOS.

1. A density incentive bonus not to exceed twenty percent (20%) of the density otherwise allowed under the terms of the zoning ordinance, may be granted to applicants who provide more NAOS than is required in Section 7.853(A) of this ordinance. The bonus must be approved by the City Council after notice and hearing as provided in Section 2.100, and providing further that the following criteria are met:
 - a. The bonus applies only in residential districts.
 - b. The incentive must be calculated using the base NAOS standards for the development project, and can not be used in combination with any reductions in NAOS.
 - c. The additional NAOS must be undeveloped natural area and can not include revegetated area.
2. The increase in density is calculated by multiplying the percent of gross land area to be provided as additional NAOS, times the density otherwise permitted on the property.

D. Types of NAOS.

The NAOS requirement may be satisfied by two types of open space: undeveloped natural areas and revegetated areas.

1. Undeveloped Natural Areas. Undeveloped natural areas shall constitute a minimum of 70% of the required NAOS.
 - a. Infill. When native plants in a designated undeveloped natural area are significantly less dense than under natural conditions because of man-made or natural disturbance to the land, the developer may increase the density and number of species of native plants to approximate the natural conditions of the vegetation community.

Infill areas shall count as undeveloped natural area for NAOS if approved by the Project Review Director.

2. Revegetation. Revegetation areas shall qualify as NAOS, but in no case shall constitute more than 30% of the required NAOS. Revegetated areas shall meet following requirements:

- a. Planting programs for revegetated areas may include transplanted and seeded methods of application.
- b. Planting programs shall be consistent with the slope aspect of the surrounding natural vegetation, and shall be consistent to the extent possible with the species and density of surrounding vegetation.
- c. All materials, design and construction techniques for revegetation shall be approved by the Project Review Director. Decisions of the Project Review Director may be appealed to the Development Review Board as provided in Section 7.832.

E. Improved Open Space.

When the open space requirement of the underlying zoning district exceeds the NAOS requirements imposed by the ESL standards, the balance of the required open space may be either improved open space or NAOS.

F. Distribution of NAOS.

1. NAOS Dimensions.

- a. The minimum contiguous area for NAOS is 4,000 square feet.
- b. The minimum horizontal dimension for NAOS areas is 30 feet, except that the minimum horizontal dimension for NAOS located along roadsides will be 20 feet.
- c. In subdivisions where the minimum lot size is 12,000 square feet or less, NAOS shall be placed in common tracts unless Project Review Director approves placement in contiguous areas on individual lots. NAOS on individual lots may not be enclosed by walls that obstruct views.

2. Modification of NAOS Dimensions. The Project Review Director may approve modifications to the minimum NAOS dimensions set forth above, subject to the following criteria:

- a. The NAOS Location Guidelines set forth in paragraph(5) are met.

- b. Reductions in dimensions will not create insignificant NAOS areas that are not easily recognizable and that represent maintenance problems due to their proposed locations.
 - c. Adjacent land uses, such as streets, will not negatively impact the viability of vegetation or other features of the land to be preserved.
5. NAOS Location Guidelines. The location of NAOS on a site plan or preliminary plat shall be based, to the extent feasible, on the following guidelines.
- a. Continuity of open space within the development project and with adjacent developments.
 - b. Preservation of the most significant features and vegetation, including rock outcroppings, natural watercourses, and significant concentrations of native vegetation in relation to the surrounding development project.
 - c. Distribution throughout the developed area and avoidance of concentration in one location.
 - d. Location in areas where a buffer is desirable along the property boundary, or where it is contiguous with NAOS on adjacent property.
 - e. Location in areas visible from streets or common areas.
 - f. Avoidance of the use of walls or other visual obstructions that will limit the visibility of NAOS from streets or common areas.
6. NAOS Distribution within Master Planned Developments.

Where a Master Plan Developer elects to provide NAOS in excess of the minimum NAOS requirement for specific development sites, such excess NAOS may be credited against NAOS requirements for other development sites on the master plan, provided that the NAOS credits are documented on an Open Space Master Plan which identifies excess NAOS by development site and allocates such excess to specific development sites elsewhere on the property. The Master Plan Developer must authorize the allocation in writing.

Section 7.854 Design Standards

- A. Building Heights.

1. The maximum building height is that prescribed by the underlying district except as modified by the following:
 - a. The maximum building height in the ESL district shall be established by a plane measured vertically above the existing natural terrain elevation prior to grading; as the natural grade rises, the maximum height will rise accordingly. Small areas of rugged terrain inconsistent with this plane will not increase or reduce building height. Small areas are those features with a maximum width of 25 feet.
 - b. The maximum building height in the Hillside Landform shall be the height prescribed by the underlying district or 30', whichever is lower, except as modified by Section 7.854 (A)(1)(c) below.
 - c. The Development Review Board may permit additional building heights in the Hillside Landform up to a maximum height of 40' where the applicant demonstrates that the additional height will reduce the visual impact of the structure or site work from established viewpoints, and will reduce the area required for grading, or other land disturbance activities, on sensitive conditions.

B. Protected Peaks and Ridges.

1. All building projects shall be set back an average of 300 feet horizontally and a minimum of 200 feet from a protected peak or a protected ridge.
2. The maximum elevation of any structure within 400 feet horizontally of a protected peak or ridge shall be at least 25 feet below the elevation of the nearest point of a protected peak or ridge.
3. Protected peaks and ridges shall be identified on ESLO Special Features Maps prepared by the City, and may be revised as follows:

Applicants for a specific development project may request a map refinement concurrently with a development project application. The requested refinement will be processed as part of the development project and the refinement shall be reviewed and acted upon in accordance with the applicable requirements for the development project. Request for map refinement shall include a visual analysis from viewpoints on the ESLO Special Features Maps.

4. Protected peaks and ridges on a property shall be shown on the City's official zoning map and on final plats following City Council approval of a rezoning request or final plat.

C. Revisions of Landform Maps.

Landforms are identified on the ESL Special Features maps by the City. The maps may be revised as follows:

Applicants for a specific development project may request a change in all or part of the landform boundaries on the ESLO Special Features Maps prior to or concurrently with a development project application. The applicant shall submit technical data to the Project Review Director to support the request. If the Project Review Director determines that the request represents more than a minor refinement, the requested landform boundary change shall be prepared by an Arizona State registered geologist and shall include a technical analysis to support the requested map revision. The definitions of the three landform areas shall be used by consulting geologists for their analysis of changes in the landform boundaries.

D. Boulder Features.

Development shall not be permitted on boulder features identified on the ESLO Special Features Maps, unless approved by the Development Review Board. The Development Review Board may permit development on identified boulder features where the applicant demonstrates that the proposed construction will meet the following criteria:

1. When a proposed structure will be occupied, the applicant shall submit a technical analysis prepared by an Arizona state registered geologist demonstrating that the boulder feature is stable and does not present a threat to the proposed structure.
2. The applicant has demonstrated that the proposed construction will blend into the boulder feature so that the boulder feature is still visible from public or private streets, and the structure does not detract significantly from the character of this special feature.

E. Site Development Design Standards.

1. Within the ESL district:
 - a. Mirrored surfaces or any treatments which change ordinary glass into a mirrored surface are prohibited.

- b. Bright untarnished copper or other metallic surfaces shall be treated to reduce reflections.
 - c. Materials used for exterior surfaces of all structures shall blend in color, hue, and tone with the surrounding natural desert setting to avoid high contrast.
 - d. Surface materials of walls, retaining walls, or fences shall be similar to and compatible with those of the adjacent main buildings.
 - e. Development design and construction techniques should blend scale, form and visual character into the natural landform, and minimize exposed scars.
 - f. Exterior lighting should be low scale and directed downward, recessed, or shielded so that the light source is not visible from residential development in the area or from a public viewpoint.
2. In addition, within the Upper Desert and Hillside Landforms:
- a. Reflective building materials are prohibited.
 - b. No paint colors shall be used which have a Light Reflecting Value (LRV) greater than forty percent (40%). (The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.)
 - c. Exterior paint and material colors shall not exceed a value of six (6) and a chroma of six (6) as indicated in the Munsell Book of Color on file in the Planning and Zoning Department. (The Munsell Book of Color is a system that describes color in terms of three standardized attributes: hue, value (lightness/darkness) and chroma (intensity). Numerical values define each color attribute, and the colors are arranged in the book in equal visual steps for each attribute.)
 - d. Plant materials that are not indigenous to the area shall be limited to enclosed yard areas and shall not exceed 20 feet in height. A list of indigenous plants is available from the Planning and Zoning Department. Outdoor community recreation facilities including parks and golf courses shall be allowed turf as specified in Section 7.854(C)(9).

- e. Turf shall be limited to enclosed areas not visible offsite from lower elevation. Outdoor recreation facilities, including parks and golf courses, shall be exempt from this standard.

Section 7.855 Density Transfer

The density transfer option is intended to provide an incentive for developers to move construction from portions of their parcel with severe environmental constraints to less constrained areas. A density transfer may be approved administratively through the use of amended development standards and the administrative approval process in Section 7.857(A), if applicable. The benefits of transfer decline as development in the most sensitive areas increases. The use of this option can lead to the preservation of significant areas of environmentally sensitive lands including land slopes over 15%, watercourses, and special features.

A. Density Transfer for Conservation Area (CA)

1. In order to qualify for the maximum rate of density transfer (1:1) the Severely Constrained Areas (SCA) must be designated CA. The Severely Constrained Areas are those portions of the Hillside Landform containing or surrounded by any one of the following environmental conditions; provided that for purposes of density transfer only, SCA shall not include areas of ten acres or more which do not contain any of the environmental conditions specified below, even if the area is surrounded by one or more conditions, so long as any development proposed for the surrounded area is not visible from viewpoints established on the City's Special Features map:
 - a. Land slopes over 25%,
 - b. Unstable slopes as listed in Section 7.821(B).
 - c. Special features as listed in Section 7.821(C).

The rate of transfer for the parcel is reduced in proportion to reductions in the amount of SCA that is designated as CA.

2. The applicant may request that undisturbed natural areas and land stripped of natural vegetation or scarred prior to January 1, 1990, which has been revegetated be established as Conservative Areas (CA) as follows:

- a. The applicant shall demonstrate to the satisfaction of the city attorney, that the entire NAOS area will be permanently maintained as natural area open space through easements, donation, or dedication to the city or other entity. If NAOS is located in a common tract owned by a homeowners association, the property shall be maintained through a common maintenance agreement.
 - b. Land designated CA may also be rezoned to the Conservation Open Space (COS) District except that only the unimproved land in the COS District is eligible for density transfer calculations.
 - c. The receiving area is the portion of the property that will receive the density transfer. The maximum permitted density in the receiving area is equal to the number of units being transferred from the CA or unimproved COS areas, plus the base intensity for the receiving area from Table C.
3. Density Transfer Calculations. The base intensity for the existing zoning shall be determined using Table C and shall be permitted to be transferred to another area of the parcel as follows:
- a. Determine the acreage of Severely Constrained Area (SCA) on the gross parcel.
 - b. Determine the percent of SCA that is designated CA by dividing the CA acreage by the SCA acreage. This percentage is the rate of density transfer for the parcel.

Only the area of NAOS to be designated CA may be included in the calculation of land eligible for density transfer.
 - c. Determine the base intensity for the land designated CA by multiplying the CA acreage times the intensity in Table C for the applicable zoning district. Sensitive lands that are not SCA may also be selected by the applicant for CA in order to transfer density to less constrained areas.
 - d. Determine the number of units eligible for density transfer by multiplying the percent of land designated CA (b. above) times the base intensity for the land designated CA (c. above).

e. The calculation established in (a) through (d) above may be summarized by the following formula:

$$\begin{array}{l} \text{Percentage} \\ \text{of SCA} \\ \text{designated} \\ \text{CA} \end{array} \quad \times \quad \begin{array}{l} \text{(Acres} \\ \text{(designated} \\ \text{(CA} \end{array} \quad \times \quad \begin{array}{l} \text{Base intensity)} \\ \text{of designated)} \\ \text{CA)} \end{array} \quad = \quad \begin{array}{l} \text{Total permitted} \\ \text{density transfer} \\ \text{for the CA area} \end{array}$$

B. Density Transfer Bonus for Regional Drainage.

In order to promote regional drainage and flood control, the applicant may request that the land area required for regional drainage facilities, as part of an approved City Regional Drainage and Flood Control Plan developed by the City, may be used for a density transfer as follows:

1. A one hundred percent (100%) transfer of the intensity permitted under the existing zoning by Table C may be used for a density transfer.
2. The land area from which the density is transferred must be legally secured through conservation or open space easements or dedication. The land may be designated CA or rezoned to the Open Space District (OS) where appropriate.

C. Eligible Receiving Areas.

The portion of the development project that can receive density transfer shall have less sensitive environmental conditions than the CA or COS land from which the density is transferred. Eligible receiving areas are any portions of the development project that do not contain slopes over 25%, unstable slopes, special features, minor watercourses, or major watercourses.

D. Off-site Transfers.

Density transfers to non-contiguous parcels may be approved, in order to encourage the transfer of development rights from more sensitive areas to those that are less sensitive. Non-contiguous transfers permit the owners of less sensitive lands to join in a single application with the owner of more sensitive areas, and to transfer development potential from the more sensitive to the less sensitive areas, without the need for rezoning.

An application to make a non-contiguous transfer must be signed by the owners of both parcels, and must meet the procedural requirements of this Section, and Section 7.857, and the following criteria:

1. On [the date on which ESLO is adopted], the parcel was a legally constituted lot on which development would have been permitted under the terms of the ordinance in effect at the time the lot was created or was annexed to the City.
2. At least eight percent (80%) of the parcel from which density will be transferred (the "Transfer Parcel") must consist of Severely Constrained Areas.
3. No development will be permitted on the Transfer Parcel.
4. The Transfer Parcel must be permanently secured as Conservation Area (CA) through easements, donation or dedication to the City or other entity, by a means approved by the City Attorney, or zoned Conservation Open Space (COS).
5. The parcel to which density will be transferred (the "Receiving parcel") must be located within the ESL District, in the Upper Desert or Lower Desert Landform.
6. No permits will be issued for the Receiving parcel, until the Transfer Parcel has been permanently secured as CA or rezoned COS.

Section 7.856 Cluster Development Option.

The cluster development option is intended to provide an opportunity for more flexibility in platting lots and for site planning under ESL regulations than in the underlying zoning districts. Clustering can be administratively approved if the application is in compliance with the standards in Section 7.857 (A). This option allows for increased sensitivity to site conditions and permits the clustering of the development onto less land area so portions of the land remain undisturbed. These standards cannot increase the intensity allowed on a development site. Clustering may enable applicants to use the land more efficiently or to utilize more of the allowable intensity. The following limitations apply:

- A. The density shall not exceed the applicable density for the parcel. Before this site planning option is applied to a parcel, a determination of density must be approved according to the options and applicable procedures available including:
 1. Using Table C to determine the base intensity under existing zoning.
 2. Using Sections 7.852 (B) and (C) to determine permitted density.

3. Using the density transfer procedures to increase the density.
 4. Rezoning the parcel.
- B. The density that has been approved for any parcel may be allocated to any areas of a parcel with a plat or site plan subject to the following limitations:
1. Development standards may only be modified in compliance with the requirements of Section 7.857.
 2. The site plan, or plat, must comply with the requirements of Section 7.858, Site Planning Standards and Guidelines.

Section 7.857 Amended Development Standards

Amended development standards may be approved, in accordance with Section 7.857(A) or (B) below, in order to encourage sensitivity to site conditions and to provide flexibility in site planning.

- A. Administrative Approval Process. The Project Review Director may approve amended development standards for the underlying zoning district concurrently with the preliminary plat approval subject to the following:
1. The existing zoning district and proposed use is for single-family dwellings.
 2. The minimum area of the development is ten (10) gross acres.
 3. The minimum lot sizes may be reduced by no more than 30% of the minimum lot size required in the underlying district.
 4. Minimum setbacks and minimum distance between buildings of the applicable zoning district requirements may be reduced by no more than 25%. In no case shall the setback of a garage or carport that opens towards the street be less than 20 feet from the back of curb, or, when present, the back of sidewalk. The minimum side yard or rear yard, where the side or rear yard is adjacent to designated open space tracts may be reduced to five (5) feet except as provided in Section (11.154)A.6. Setbacks on the perimeter of the development project shall be equal to or greater than those imposed by the existing zoning on parcels within 50 feet of the perimeter of the development project.
 5. If the underlying zoning is R1-18, R1-10, R1-7, or R1-5, one of the side yard setbacks may be zero (0)

provided that the dwellings are constructed as single-family detached homes. The minimum distance between buildings is 5 feet.

6. The development must be served by public or private water and sanitary sewer facilities if the minimum lot sizes are less than 60,000 square feet.
 7. The amended development standards are approved concurrently with the preliminary plat.
 8. The required common open space is to be permanently maintained as natural open space as demonstrated in documents satisfactory to the city attorney prior to the issuance of any permits.
 9. Demonstrate compliance with the design criteria stated in Section 6.205 for Planned Residential Development.
 10. Any modified standards for the development shall be recorded on the final plat.
 11. The applicant shall demonstrate that the modifications better achieve the purposes of ESL in Section 7.810 than the existing standards.
- B. Public Hearing Process. The City Council may approve amended development standards for the underlying zoning district which exceed the limitations in Section 7.857 A pursuant to the following:
1. Application and public hearing procedures of Section 2.200.
 2. In reviewing such applications, the City Council shall compare the requested intensity and use to the environmental conditions and to the General Plan to determine the appropriateness of the amended development standards.
 3. The applicant shall demonstrate that the stated modifications better achieve the purposes of ESL Regulations in Section 7.810 than the existing zoning.

Section 7.858 Site Planning Standards and Guidelines

A. General Standards

1. Development projects shall employ design techniques which reduce the disruption of the severely constrained areas (SCA) of a parcel defined in Section 7.855 A.1., reduce the amount of streets

and pavement, maximize open space, reduce the length of water and sewer systems, and minimize the restructuring of natural drainage systems.

2. The intensity calculated in Sections 7.852 and 7.855 shall be the maximum permitted intensity. A structure or residential building construction envelope that is located in more than one density category in Section 7.852 (B) and (C) shall be considered as located in the higher density area if the majority of the floor area or construction envelope area (over 50 percent) is in the less restricted condition and the incursion into a lower intensity area extends less than twenty (20) feet for structures or thirty-five (35) feet for construction envelopes.
3. Whenever conceptual construction envelopes have been identified on the plat or approved site plan, all impervious surfaces and improved open space shall be contained within construction envelopes.
4. Underground utility corridors and drainage improvements outside of the construction envelopes shall be included in the revegetated open space.
5. The NAOS shall be clearly identified and protected during building by methods and techniques approved by the Project Review Director.

B. General Guidelines.

1. Clustering, density transfer, NAOS, or CA should be used to protect the most sensitive areas on a plat.
2. Sensitive site planning that responds to the environmental conditions will frequently lead to smaller average lot sizes, a reduction in disturbed land area, or fewer lots. The applicant has the burden of demonstrating that the proposed intensity can be developed on the site in a sensitive manner that is consistent with this ordinance, The Development Design Guidelines for Environmentally Sensitive Lands, and other approved City policies and guidelines.

TABLE C

Base Intensity By Zoning Category *

1. RESIDENTIAL USES, EXCLUDING GUEST ROOMS

<u>District</u>	<u>Factor (Dwelling Units/Acre)</u>	<u>District</u>	<u>Factor (DU/AC)</u>
R1-190	.21	R-3	12.93
R1-130	.31	R-4	8.31
R1-70	.55	R-4R	7.54
R1-43	.83	R-5	23.00
R1-35	1.04	S-R	12.44
R1-18	1.87	PNC	4.00
R1-10	3.12	PCC	4.00
R1-7, MH	4.16	PCoC	4.00
R1-5	5.00		
R-2	7.28	PCP	25.00

2. HOTELS, MOTELS, AND RESORTS

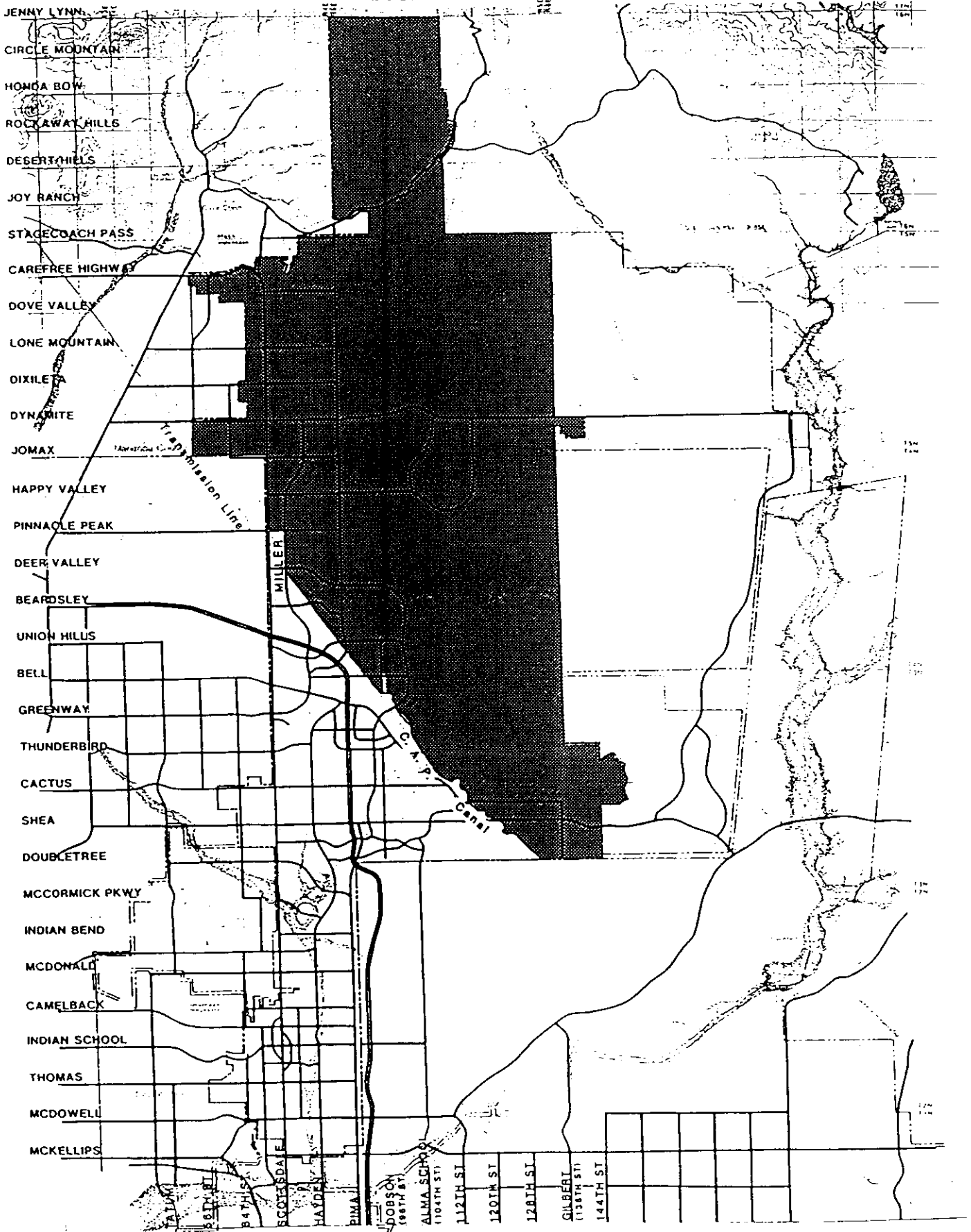
<u>District</u>	<u>Factor (Guest Rooms/Acre)</u>
R-4R	10.62
R-5	33.00
C-2	43.56
C-3	43.56
PRC	21.78
WP	43.56

3. NON-RESIDENTIAL USES

<u>District</u>	<u>Factor (Floor Area Ratio)</u>
S-R	.4
C-O, I-G, I-1,	.6
C-1, C-2, C-3,	
C-4, C-5, SS,	
PRC, WP, PCP	.8
PNC, PCC	.3
PCoC	.2
P-3	1.0

* These numbers shall be used in calculating the number of units or intensity to be used in a density transfer.

BOUNDARY MAP



ESLO BOUNDARY

approximately 134 square miles

city of scottsdale, arizona

[Amend existing Sec. 3.100 to add the following new definitions]

Archaeological Site is a concentration of material remains of past human life or activities that is of historic or pre-historic significance, has been surveyed by a qualified archeologist where the site meets the minimum criteria in the Federal Register, 36CFR60.6, for a significant archaeological resource, and where a report by a qualified archeologist has been filed with the City of Scottsdale and/or the Arizona State Museum and/or the State Historic Preservation Office (SHPO) demonstrating the significance of the site and recommendations for treatment of the site. Examples of material remains include rock art, pottery, basketry, tools, graves, skeletal remains, structures or portions of structures, or water-control devices.

Boulder Collapse is the natural process of splitting or felling of large boulders (four feet or larger in dimension).

Boulder Features are exposed bedrock clusters produced by the weathering of granite or other bedrock in place which have at least one dimension of 15 feet or more across, a height at one point above the surrounding terrain of 10 feet or more, and includes a minimum setback of 20 feet around the entire feature. The locations of boulder features are designated on maps by the City.

Boulder Rolling is the natural phenomenon where granite, gneiss, basalt or similar rock fragments, with one dimension of 4 feet or more, are dislodged from rock outcrops or steep rock slopes and slide or roll downhill.

Construction Envelope is one or more specified areas on a lot or parcel within which all structures, driveways, parking, non-native landscaping, water surfaces, decks, walks, and improved recreation facilities are located. Underground utilities may be located outside the construction envelope.

Density is usually used to describe the number of dwelling units per acre in residential districts, while **intensity** is usually used to describe floor area ratio of development in non-residential zoning districts. Where both residential and non-residential districts are encompassed, the term **intensity** is generally used.

Development means the performance of any building or mining operation, the making of any material change in the use or appearance of any structure or land, the division of land into two or more parcels, and the creation or termination of access rights. "Development" includes, but is not limited to, such activities as the construction, reconstruction, or alteration of the size, or material change in the external appearance of a structure or land; commencement of mining excavation, trenching, or grading; demolition of a structure or removal of vegetation; deposit of refuse, solid waste or fill; alteration of a floodplain, or bank of watercourse.

Development Project is any development resulting from the approval of a building permit, lot split, preliminary or final

plat, rezoning application, grading permit, public or private infrastructure improvement, variance requests, development review, master plans, native plant removal, relocation or revegetation, or use permit.

Development Site is a specific area within the development project which is proposed for a specified zone, use, or density, and may be developed separately from the balance of the development project by a person other than the master development plan applicant.

Environmental Scientists are professionals with training or experience in areas such as Environmental Planning, Physical Geography, Environmental Geology, Ecology, Botany, Soil Sciences, or Natural Resource Administration.

Environmental Design Concept Master Plan is a document that includes plans, design methods, guidelines and other similar material that outline the concepts to be used on a development project for open spaces, streetscapes, trails, common and public areas and the protection, conservation, and enhancement of environmentally sensitive features or conditions of a parcel.

Exposed/Shallow Bedrock is bedrock which is exposed or which has irregular patches of soil cover that may vary in depth or location over time. The maximum depth of the soil cover is 3 feet. Locations containing exposed/shallow bedrock shall be mapped if they have a minimum horizontal dimension of 40 feet or more.

Hillsides Landforms are the more elevated, deeper and rugged landforms which tend to divide broad desert valleys or separate the lower deserts from higher plateau regions, to the north and east. These landforms include mountains, hills, buttes, or escarpments predominantly composed of bedrock materials. Typical bedrock materials include volcanics such as basalt and tuff; intrusives such as granite; and metamorphics such as diorites, quartzites, and schists. Locally slopes may be covered by colluvium comprised of upslope bedrock materials or by thin veneers of in-situ soils. Land slopes are usually above 15% and in most cases are over 35%, but may be as little as 5% in isolated pockets, typically atop ledges or near ridge tops. Drainageways are relatively poorly defined on the slopes but collect into deep canyon bottom courses strewn with large-sized rubble. Hazards which may be present include boulder rolling, rock falls, debris movement and general slope instability. The surface movement of materials occurs as a result of both gravity and water transport. The surface material size includes larger boulders, rocks and gravel as well as grainy soil materials.

Historical Site is one or more parcels, structures, or buildings that is either: included on a City listing of historic properties covered by the City's historic property (HP) overlay zoning district, included on the State Register of Historic Properties, designated on the National Register of Historic Places, or has been authenticated as historic in a survey and report by a registered architect or an architectural historian and the report

is accepted by the City. The historic survey and report includes: dating the property from a specified period in Scottsdale's past, associating the property with significant events or outstanding past people or groups, determining the distinguishing architectural characteristics or style of the buildings, and demonstrating the role of the building in the community's heritage.

Improved Open Spaces are "constructed" landscaped areas, turf areas, parks, golf courses and other recreational facilities excluding any associated buildings.

Intensity is usually used to describe floor area ratio of development in non-residential zoning districts, while **density** describes number of dwelling units per acre in residential districts. Where both residential and non-residential districts are encompassed, the term **intensity** is generally used.

Land Slope is the ratio of the vertical rise in the land elevation over the horizontal dimension of the rise. For the purposes of the Zoning Ordinance the maximum horizontal dimension that shall be used to measure slope is 100 feet for all other areas. The allowed techniques for measuring slopes include the "slide-chord" method, computerized methods, or other methods approved by Project Review staff.

Lower Desert Landforms are the lower plains and expanses which typically occupy the broad lowlands and floodplains between isolated desert mountains. These landforms generally include basin floors and active alluvial fans. Generally, the depth to bedrock is deep to very deep (100 feet to over 2000 feet) and the texture of the alluvium is fine to medium grained. Caliche may be present but typically occurs in discontinuous lenses and is not strongly indurated. The land is low to moderately sloping and typically there is very little break, either by channels or ridges, in the planer character of the terrain. The typical land slopes are overwhelmingly less than 5%, although in rare localized situations, slopes may reach 15%.

Drainageways often are poorly defined, with the low side banks, and stream courses show substantial evidence of continuous braiding and overflows into widespread sheet flows. Hazards predominately relate to overbank and sheet flooding, but may in some areas, include the potential for earthcracks. Most material transport is by water flows although wind transport may become significant if the soil surface is disturbed. Materials are almost exclusively fine silts and loams with only very limited pockets of gravels and stones.

Natural Area Open Space are areas of undisturbed natural desert with no man-made improvements and approved revegetated areas.

Natural Landmarks are those prominent, unique terrain features which due to their character and location are considered landmarks for the City or for a local region within the City. Such "landmarks" may or may not be named features. These features shall

be indicated on maps of record at the City and shall be designated by the City Council. Historical and archaeological sites shall also be considered as landmarks.

Parcel is a legally defined lot, or contiguous group of lots in single ownership or under single control, and considered a unit for purposes of development and open space calculation.

Peak means a point of maximum elevation of a hill or mountain.

Project Review Director shall mean the project review director or his designee.

Protected Peak is a peak identified by the City as being visually significant and consequently important to the City's image and economy. Protected peaks are designated on maps by the City.

Protected Ridge is a ridge identified by the City as being visually significant and important to the City's image and economy. Protected ridges are designated on maps by the City.

Ridge means a relatively narrow elevation which is prominent because of the steep angle at which it rises; an elongated crest, or series of crests, with or without individual peaks, significantly higher than the adjoining ground.

Rockfalls are events where metamorphic, schist, or other paty rocks drop, slide, or roll downhill from a rock outcrop or steep slope. Areas at risk from rockfalls are below the sources of these falls.

A **Scenic Corridor** is a major roadway in the City which has been so designated on the General Plan in order to minimize the visual intrusion of adjacent development and maximize the unique character of different areas of the City.

Severely Constrained Area (SCA) is any land within the Hillside landform which contains land slopes over 25%, unstable slopes, or special features, including any land which is surrounded by one of these conditions.

Slope Collapse includes those soil slopes which, due to their steepness and internal structures, are prone to land or mud slides or similar mass wasting events.

Special Flood Hazard Areas as defined by Section 37-17 of Chapter 37 of the Scottsdale Revised Code (Floodways and Floodplains) are areas having flood and/or flood related erosion hazards as shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map as zone A, AO, A1-30, AE, A99, AH or E, and those areas identified as such by the Floodplain Administrator, delineated in accordance with Section 37-18(b) and adopted by the Floodplain Board.

Springs shall include areas where permanent or ephemeral flows or ponding of water naturally occur. Such sites may include

mountainous or canyon conditions where water flows or seeps out from water-bearing geologic structures or tanks and rock-bottomed washes where water typically collects for extended periods of time.

Talus Slopes are areas covered by loose piles of rocks and/or boulders and are typically void of surface soils and vegetation if they are active.

Underlying Zoning is the zoning district which exists on the property over which an overlay district has been applied. The existing zoning is found on the City's official zoning maps.

Upper Desert Landforms are typically the irregular terrain at the base of or surrounding mountain ridges or isolated mountain outcrops. These landforms include pediments, piedmonts, abandoned alluvial fan segments, alluvial-colluvial slopes, uplifted and dissected inactive alluvial slopes, and ridge/valley complexes. Underlying materials include shallow (10 to 100 feet) depths to bedrock, medium to strongly calichified alluvium, and fanglomerate. Locally there may be small hillocks, rock outcrops, boulder formations and fields, or bedrock balds which occur in isolated or grouped patterns. Land slopes range from 2% to 35% but are predominately in the 5% to 20% range. Drainageways are typically well incised with stream capacities greater than historic flow levels. Occasionally there may be old flood plain terraces benched between the wash bottom and distinct wash banks or there may be minor stream braiding which lasts for short distances and then reforms into a single main channel. Hazards are generally limited to flooding in channel bottoms and occasional bank collapse along sharply incised wash banks. The transport of material is dominated by water transport concentrated in drainage courses and the surface material size typically ranges from coarse silts to medium sized cobbles.

Viewsheds are the major segments of the natural terrain which are visible above the natural vegetation from designated scenic viewpoints which are designated on maps by the City.

Vista Corridor is a major open space corridor which follows major watercourses or other features as identified on the General Plan and which protect major wildlife habitat, protect distant views, separate land uses, and provide links for trails and paths. Special design criteria for landscaping, walls and drainage structures may be applied.

Watercourse means a lake, river, creek, stream, wash, arroyo, or other channel over which water flows at least periodically. "Watercourse" includes specifically designated areas in which substantial flood damage may occur.

Watercourses, major are those areas along natural watercourses where the calculated natural flow in a 100-year storm of the wash is more than 750 c.f.s. and the depth of flow is one foot or more.

Watercourses, minor includes those areas along natural watercourses where the calculated natural flow in a 100-year storm of the wash is between 250 and 750 c.f.s. and the depth of flow is one foot or more.

Section 1.702 Inspections

1. Inspections shall be made by the Planning and Zoning General Manager or his designee.
2. If such inspection reveals that any property or portion of a project is not in compliance with the requirements of the applicable ordinances and codes, the city manager or designee shall report the discrepancy to the property owner, developer or his representative, and shall order work on the project stopped or corrective action taken as appropriate. Reinspection by the City shall occur within 15 days of a request.
3. Any permit holder shall agree to allow entry onto the land or premises which is being developed under these provisions, for the purpose of making inspections.
4. The applicant for any permit shall designate in writing the name and address of the person to be served with the notice as provided herein.

[Add a new Section 1.803 following existing Section 1.802]

Section 1.803 Commencement of Action

Violations shall be reported by the City to the property owner, together with a Compliance Order. The Order shall describe the measures required to correct the violation.

Scottsdale City Council
Herbert R. Drinkwater, Mayor
Greg Bielli
Susan Bitter Smith
Sam Kathryn Campana
Ross Dean
Bill Soderquist
Bill Walton



City Clerk

City Clerk's Office

"Your Source for Voter Information and Public Records"

November 1, 1991

Mr. Robert Laslie
Vice President - Supplements
Municipal Code Corporation
P. O. Box 2235
Tallahassee, Florida 32316

Re: Ordinance 2305


Dear Mr. Laslie:

It has been brought to my attention that a requested correction to supplement 10 of the Scottsdale Revised Code was not included in the final copy.

Please find enclosed (1) a copy of the letter dated 9/16/91 which accompanied the supplement proof and (2) a copy of a memo from Deputy City Attorney Fredda Bisman. Both documents reference Ordinance 2305 - Appendix B Section 7.843(B), which still contains an incorrect reference to "ESLO Maps 1 & 2", which should read "ESLO Special Features Map".

May we look forward to a correction being included with the next supplement? If you have any questions regarding this correction, please contact my office (602) 994-2652.

Sincerely,


Pamela S. Hile
Deputy City Clerk-Records

cc: Fredda Bisman
Pluma Minor

3939 CIVIC CENTER BOULEVARD, SCOTTSDALE, ARIZONA 85251-4468

Scottsdale City Council
Herbert R. Drinkwater, Mayor
Greg Bielli
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City Clerk

City Clerk's Office

"Your Source for Voter Information and Public Records"

September 19, 1991

Mr. Robert Laslie
Vice President-Supplements
Municipal Code Corporation
P. O. Box 2235
Tallahassee, Florida 32316

Dear Mr. Laslie:

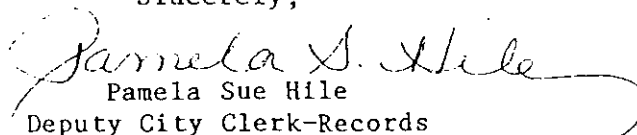
Enclosed is the proof for city code supplement ten. Corrections have been noted on the following page numbers: 4096.8, 4933, 4963, 5088, 5088.1, 5088.3, 5088.4, 5088.6, 5088.7, 5088.8, 5088.10, 5088.11, 5088.13, 5088.16, and 5088.17.

In reference to the letter from Amelia Galvan Shekita, dated 8/22/91, regarding Ordinances 2305, 2335, and 2336 questions a copy of the letter is enclosed and corrections to Ordinance 2305 is noted on the proof (page 5088.4) and the changes made to 2335 & 2336 are acceptable.

During the review process with the attorneys and ordinance authors, some changes were made as referenced above and noted on the proof. Other than the obvious corrections, a determination was made that the "ESLO maps 1 and 2" references in the supplement need to be changed to "ESLO Special Features Maps" so it is understood that this is a special reference. Assistant City Attorney Fredda Bisman will forward a letter to address that point for future reference. The referenced dates on page 5088.1 should remain as written in the proof, with the brackets removed and an editor's note which provides the actual dates (as indicated on the proof).

I will be out of the office until September 30th, however, if there is an emergency question prior to that date, you may contact Assistant City Attorney(s) Fredda Bisman or Jay Osborn at (602) 994-2405.

Sincerely,


Pamela Sue Hile
Deputy City Clerk-Records

To: Pluma Minor, Acting City Clerk

From: Fredda J. Bisman, Deputy City Attorney

Re: Codification of Environmentally Sensitive Lands Ordinance (ESLO)

Date: September 26, 1991

The Environmentally Sensitive Lands Ordinance, which was adopted by the City council on February 19, 1991, was drafted, reviewed and revised over a three year period, commencing in February, 1988. One of the many changes which were made during this process was the change in designation of certain maps. Maps which were referred to in early drafts as ESLO Maps 1 and 2, were referred to in the ordinance as adopted as the ESLO Special Features Maps.

In reviewing the ordinance for codification, it became evident that through administrative oversight, one reference to ESLO Maps 1 and 2, in section 7.843(B) of the ordinance, was never changed to the new designation. It is our opinion that in order to avoid confusion, the reference in section 7.843(B) should be changed from "ESLO Maps 1 and 2" to "ESLO Special Features Map", to reflect the intention of the City Council at the time the ordinance was adopted. ESLO Maps 1 and 2 do not exist at this time. The information they were intended to include, is contained in the ESLO Special Features Map.

I would ask that you keep the original of this memo in your files with ordinance 2305 adopting the ESLO, and that you also provide a copy to the Municipal Code Company, indicating that since we are correcting a scrivener's error, no footnote is necessary.

cc: Pam Hile