



MUNICIPAL OFFICE COMPLEX
8401 W. MONROE STREET
PEORIA, AZ 85345

**PLANNING & ZONING
COMMISSION:**

Veda McFarland, Chair
Marc Melbo, Vice Chair
Bill Louis, Secretary
Greg Loper
Gene Sweeney
Nancy Golden
Leigh Strickman

Department Liaison
Glen Van Nimwegen

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Individuals with Disabilities.***
*Alternative format materials, sign
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in languages other than English
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advance notice through the Office
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Monroe Street, Room 150, Peoria,
Arizona 85345 (623)773-7340,
TDD (623)773-7221, or FAX (623)
773-7304. To the extent possible,
additional reasonable
accommodations will be made
available within the time
constraints of the request.*

**PLANNING & ZONING COMMISSION
REGULAR MEETING
NOTICE & AGENDA
THURSDAY, DECEMBER 2, 2010
6:30 P.M.
COUNCIL CHAMBERS
8401 W. MONROE ST.**

CONVENE:

ROLL CALL:

OPENING STATEMENT:

CALL TO SUBMIT SPEAKER REQUEST FORMS:

CONSENT AGENDA

CONSENT AGENDA: All items listed with "C" are considered to be routine or have been previously reviewed by the Planning and Zoning Commission, and will be enacted by one motion. There will be no separate discussion of these items unless a Commission member so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

CONSENT – New Business:

- 1C DISPOSITION OF ABSENCE:** Discussion and possible action to approve/excuse the absences of Commissioners Louis and Strickman from the November 4, 2010 meeting.
- 2C MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held November 4, 2010.

REGULAR AGENDA

NEW BUSINESS:

3R PUBLIC HEARING: Conditional Use Permit.

PUBLIC HEARING - CU10-0214: MHC Casa Del Sol West I, LLC is requesting a Conditional Use Permit to allow a percentage of the lots within the Casa Del Sol West mobile home park, located at 11411 N. 91st Avenue, to contain RV trailers. The subject property is generally located north of the northeast corner of 91st Avenue and Peoria Avenue.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request from MHC Casa Del Sol West I, LLC for a Conditional Use Permit to allow a percentage of the lots within the Casa Del Sol West mobile home park to contain RV trailers.

4R PUBLIC HEARING: City of Peoria Text Amendment.

PUBLIC HEARING - TA10-0132: The City of Peoria has proposed an amendment to Article 14-3-4 Screening & Article 14-3-5 Walls and Fences of the Zoning Ordinance. The amendment will amend the current screening requirements including height and placement for all walls and fences within the City of Peoria.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request from the City of Peoria to amend Article 14-3-4 Screening & Article 14-3-5 Walls and Fences of the Zoning Ordinance.

5R Zoning Code Amendments: Hillside Overlay / Desert Lands Conservation Overlay

Presentation and discussion on draft amendments to the Zoning Code in regards to Article 14-22A ('Hillside Development Overlay District') and Article 14-22B ('Desert Lands Conservation Overlay'). **(No Action).**

CALL TO THE PUBLIC: (Non-Agenda Items)

Your comments pertaining to the Planning and Zoning Commission business are welcome. However, if you wish to address the Planning and Zoning Commission, please complete a Speaker Request Form and return it to the clerk before the call to order for this meeting. Boards

and Commissions are not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

Reports from Staff:

Reports from the Planning and Zoning Commission:

ADJOURNMENT:

NOTE: Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Board/Commission Meeting, at any time during regular business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

**PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
NOVEMBER 4, 2010
DRAFT**

A **Regular Meeting** of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 8401 W. Monroe St., Peoria, AZ in open and public session at 6:30 p.m.

Members Present: Chair Veda McFarland, Vice Chair Marc Melbo, Commissioners Gene Sweeney, Greg Loper, and Nancy Golden.

Members Absent: Commissioners Bill Louis and Leigh Strickman.

Others Present: Glen Van Nimwegen – Director Planning and Community Development, Ellen Van Riper - Assistant City Attorney, Chris Jacques – Planning Manager, Ed Boik – Planner, Melissa Sigmund - Planner, David Moody – Transportation Planning Director, Bill Mattingly – Public Works Director, Shawn Kreuzwiesner – Systems Planning Manager, and Bev Parcels – Planning Assistant.

Opening Statement: Read by Chris Jacques, Planning Manager.

Call for speaker request forms.

Audience: Eighteen.

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

CONSENT AGENDA

All items listed with a “C” are considered to be routine by the Planning and Zoning Commission, and were enacted by one motion.

- 1C **DISPOSITION OF ABSENCE:** Discussion and possible action to approve/excuse the absences of Vice Chair Melbo and Commissioners Loper and Golden from the October 7, 2010 meeting.
- 2C **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held October 7, 2010.
- 3C **CU10-0118:** Moneymart, d.b.a. Loan Mart requested a Conditional Use Permit to allow a gold/gold jewelry buying business within an existing non-chartered financial institution (i.e. payday loan business). The proposed location is a suite within Agua Fria Plaza multi-tenant commercial center at 8987 W. Olive Avenue.

COMMISSION ACTION: Commissioner Loper moved to approve the Consent Agenda items. The motion was seconded by Commissioner Golden and upon vote, carried unanimously.

REGULAR AGENDA

NEW BUSINESS:

- 4R **PUBLIC HEARING - CU10-0185:** Salty Seniorita requested a Conditional Use Permit to allow a change to the current Series 12 (Restaurant) liquor license to a Series 6 (Bar) liquor license. The proposed use is located at the Peoria Sports Complex; specifically at 8011 W. Paradise Lane.

STAFF REPORT: Presented by Ed Boik, Planner

COMMISSION COMMENT: Comments included City ownership of land with site leased to restaurant; the ability of the City to regulate the operations of bar/restaurant; Planning Manager retains jurisdiction of the Conditional Use Permit allowing for the right to recommend revocation, suspension or modification should the conditions be violated; how will restaurant operations change with a Series 6 liquor license; how to determine the sound level and if it is from the restaurant or another source; music restriction is on live music and not recorded music; and discussion regarding a noise complaint made by a resident across Skunk Creek.

PUBLIC COMMENT:

██████████ applicants, commented on lack of food sales and reason for needing the CUP; their efforts to work with neighboring residents on their concerns; efforts to address noise complaint such as changing the orientation of the stage to keep noise down; has never heard from the Police about noise being too loud; and conducts decibal readings at the restaurant every time they have live music.

██████████ resident, has called repeatedly about the noise level at Salty Seniorita; presented a list of forty-one residents that signed a petition against the restaurant's noise level; does not hear noise from the Sports Complex; and wants restaurant to be a good neighbor.

COMMISSION ACTION: Commissioner Loper moved to recommend approval of a request from Salty Seniorita for a Conditional Use Permit to allow a change to the current Series 12 (Restaurant) liquor license to a Series 6 (Bar) liquor license. The motion was seconded by Commissioner Melbo and upon vote, carried unanimously.

- 5R **PUBLIC HEARING - TA10-0133:** The City of Peoria has proposed an amendment to Article 14-34 "Signs" of the Zoning Ordinance. The amendment will modify the standards pertaining to Special Event and Grand Opening Signage.

STAFF REPORT: Presented by Melissa Sigmund, Planner

COMMISSION COMMENT: Comments include clarification on the length of time signage can be displayed; sunset clause on the temporary changes; cost of City fees for a sign permit; sign walkers; and regulation on condition of signs.

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Loper moved to recommend approval of a request from the City of Peoria to amend Article 14-34 "Signs" of the Zoning Ordinance. The motion was seconded by Commissioner Sweeney and upon vote, carried unanimously 5-0.

6R Multi-Modal Transportation Plan

Presentation and discussion on various aspects of the Multi-Modal Transportation Plan under development (**No Action**).

STAFF REPORT: Introduced by Dave Moody - Transportation Planning Director, and Presented by Jeff Slater – Consultant with Nelson/Nygaard.

COMMISSION COMMENT: Commission comment included the cost of bus service being so costly.

PUBLIC COMMENT: None

CALL TO THE PUBLIC: (Non-agenda Items): None

REPORT FROM STAFF: None

REPORTS FROM THE PLANNING AND ZONING COMMISSION: None

ADJOURNMENT: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 8:11 p.m.

Veda McFarland, Chair

Date Signed



CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 10-0214
DATE: December 2, 2010
AGENDA ITEM: 3R

Applicant: MHC Casa del Sol West I, LLC

Request: Obtain a Conditional Use Permit to allow RV's and travel trailers within a permitted mobile home park.

Proposed Development: RV's and travel trailers at Casa del Sol West.

Location: North of the northeast corner of 91st Avenue and Peoria Avenue, specifically 11411 N. 91st Avenue.

Site Acreage: 29.4 acres

Support / Opposition: As of the date of this printing, staff has received one protest (at the counter) against the proposal.

Recommendation: **Approve**, with conditions.

AREA CONTEXT

Table 1: Existing Land Use, Current Zoning. (Exhibits A & B)

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Mobile Home Park	Residential Low Density (2-5 du/ac, target of 3 du/ac)	RMH-2, Mobile Home Park
North	RV Sales (Sun City RV), Mini-Storage	Business Park/Industrial	C-4, General Commercial
South	Mobile Home Park	Residential Medium Density (5-8 du/ac, target of 6 du/ac)	RMH-2, Mobile Home Park
East	Hospitality/RV Park (Ramada) and Single-Family Residential	Community Commercial and Residential Low Density (2-5 du/ac, target of 3 du/ac)	C-4, General Commercial and R1-6, Single-Family Residential
West	Arterial Road (91 st Ave), then Single-Family Residential	Residential Low Density (2-5 du/ac, target of 3 du/ac)	R1-7, Single Family Residential

PROJECT DESCRIPTION

Request and Development Details

1. The applicant is proposing to locate RV's and travel trailers within the existing 246 space Casa del Sol West Mobile Home Park. The total number of RV's and travel trailers is proposed to not exceed 12% of the total number of spaces (29 RV/travel trailer spaces). Additionally, it is proposed that the RV's and travel trailers *not* be restricted to any specific area of the site and have the ability to locate in any qualifying space that will allow the RV/travel trailer to meet the dimensional and setback requirements of the RMH-2 zoning district.
2. The property was annexed into the City in 1970 and developed (under RMH-2) prior to 1979 as a 246 space mobile home park with a clubhouse and site amenities. In 1988, the City of Peoria reorganized and redrafted its zoning districts relating to mobile home parks and RV resorts. However, under Ordinance 88-16 (establishing today's RMH-2 RV Resort District), there is language clarifying that those parks developed and operated prior to the change would continue to utilize the previous district standards in effect. Accordingly, the pre-1988 RMH-2 standards (Exhibit E) were reviewed against this proposal since Casa del Sol West was originally established and operated under the pre-1988 standards.
3. The request for the Conditional Use Permit (CUP) stems from a code enforcement case in which the RV/travel trailers were being located on the property without a CUP. The RV's and travel trailers which were on the site when the complaint was filed have been allowed to remain for the duration of the Conditional Use Permit review. No additional RV's and travel trailers have been allowed on the property until the Conditional Use Permit request has been resolved.
4. The project narrative (Exhibit D) includes a number of commitments (1-5) proposed to be attached as CUP conditions of approval. With the exception of #4, these items will not be incorporated as CUP conditions of approval as they are outside of the purview of a CUP. A list of conditions specifically tailored to the request are included as part of staff's recommendation.

DISCUSSION AND ANALYSIS

Applicability

5. The Pre-1988 RMH-2 District (Exhibit E) permits up to 15% of the total lots or spaces to be designated for RV or travel trailer use with the issuance of a Conditional Use Permit and as limited by the specified dimensional and setback requirements.

6. Section 14-39-10.D of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a CUP is to mitigate any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.

Analysis

7. The use is not expected to impact the adjacent commercial uses or residential properties through light, odor, smoke, heat or glare.
8. Although the RMH-2 standards do not limit the amount of time that RV/travel trailers may occupy a space within the development, minimum lease lengths have been proposed to reduce the potential transient nature and frequent turnover inherent with RV's and travel trailers. The applicant has agreed to a condition of approval that requires a 30-day minimum lease length for all RV's and travel trailers located on the site.
9. Casa del Sol West is currently an age-qualifying community. Several of the residents have expressed a concern that the age qualification requirement may be susceptible to change if RV's and travel trailers are permitted in the development. As provided for in a recent CUP application (CU09-02268: Apollo Village), there were certain areas of the development that were set aside for RV's and travel trailers. This was the initial plan for Casa del Sol West and was included as a recommended condition of approval in the narrative statement (Exhibit D - #5). However, based on the concern of the community's Resident Association Board President, segregating a portion of the development could lead to the RV/travel trailer area isolating their area off from the rest of the site and in turn creating a development within a development. This new development would have the ability to create a new statement of policy and altering the age limitations. Due to this reason, Staff has not proposed a condition of approval restricting RV's and travel trailers to certain portions of the community.
10. While it is not generally under the purview of the City to address residential association's guidelines, Staff has included a condition of approval in an attempt to maintain the stability of the community and assuage the concerns of residents. The condition will prohibit the management company, currently Equity LifeStyles Properties, from modifying the statement of policy regarding age limitations.
11. Due to the mobile nature of RV's and travel trailers, there is no permitting required for vehicle siting and utility hook-ups. A condition of approval has been included that will require the management company to verify that the RMH-2 setbacks are met and that utilities are hooked up properly. As with any

development, if there are any city code or zoning compliance issues, a report may be filed with the Code Enforcement Department to investigate the issue.

12. In staff's judgment, the proposed use is appropriate and compatible with surrounding land uses and the context of the area in question. The code allows the use, subject to specifications regarding minimum lot area, setbacks, and a maximum overall limit of RV's and travel trailer units. The proposal meets these requirements.
13. Although the introduction of RV's and travel trailers will affect existing residents, the use standards, conditions of approval, and other components of the city code are designed to minimize those impacts while providing the owner the full use of their property as permitted by law.

Noticing and Neighborhood Comment

14. The application notice was forwarded to all property owners within 600 feet of the proposal and properly noticed pursuant to Section 14-39-10 of the Peoria Zoning Ordinance. As of the printing of this report, no comments in support or opposition to the request have been received from the surrounding property owners.
15. Staff has met with the applicant's representative and the community's Resident Association Board President to outline the resident's concerns. During that meeting, the Association President indicated that clustering of the RV's and travel trailers is not the preferred method. An alternative was proposed to disperse the RV's and travel trailers throughout the community to minimize the overall impact to the community. In addition, the age limitations and utility hook-ups were discussed. As outlined in the proceeding paragraphs, Staff has included conditions of approval that will address those concerns.
16. One resident from Casa del Sol West has met with Staff at the front counter to learn more about the request and voice her concern for the proposal. Staff has attempted to satisfy the concerns with the conditions of approval. To date, no other resident(s) of the community have indicated their support or opposition to the proposal.
17. The applicant's representative has met with the Residents' Association Board President on multiple occasion as well as attending a meeting of the Board. The Board expressed their concerns regarding the proposal and other issues regarding the site in general. An agreed-upon list of stipulations was developed to remedy many of the issues on the property. The stipulations pertain to maintenance and other management activity not directly related to the request at hand.

Proposition 207

18. The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver that will be recorded following the outcome of this application.

FINDINGS AND RECOMMENDATION

19. Based on the following findings:

- Operation of the site with RV's and travel trailers is compatible with adjacent land uses; and
- RV's and travel trailers are a permitted conditional use within the RMH-2 zoning district; and
- The use, in conjunction with the conditions of approval, will operate in a manner that mitigates nuisances and other disturbances from impacting the existing mobile home community.

It is recommended that the Planning and Zoning Commission take the following action:

Approve the applicant's request for a Conditional Use Permit under Case CU10-0214, subject to the following conditions:

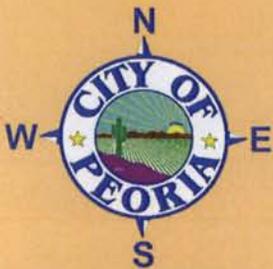
1. The use shall substantially conform to the project narrative (Exhibit D), except for the stipulations listed therein, as contained in the staff report to the Planning & Zoning Commission dated December 2, 2010, except where modified herein.
2. No more than 12% of the total spaces (29 spaces) shall be designated for RV's and travel trailer use.
3. The minimum lease length for RV's and travel trailers shall not be less than 30 days.
4. The management company of Casa del Sol West may not alter the statement of policy regarding age qualifications for residents.
5. The management company of Casa del Sol West will be required to verify that the RMH-2 district requirements are met for all RV and travel trailers located on-site.
6. The management company of Casa del Sol West will be required to supervise and monitor the RV hook-ups to utility stub-outs per industry approved standards.

Attachments:

Exhibit A	Location Map
Exhibit B	Zoning Map
Exhibit C	Context Aerial Map
Exhibit D	Project Narrative
Exhibit E	RMH-2 Standards (pre-1998)

Prepared by:	Robert Gubser, AICP Senior Planner
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CU10-0214 Location Map



Not to Scale

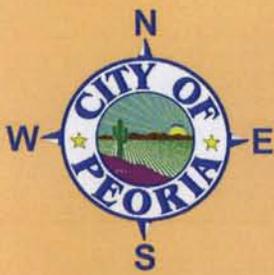
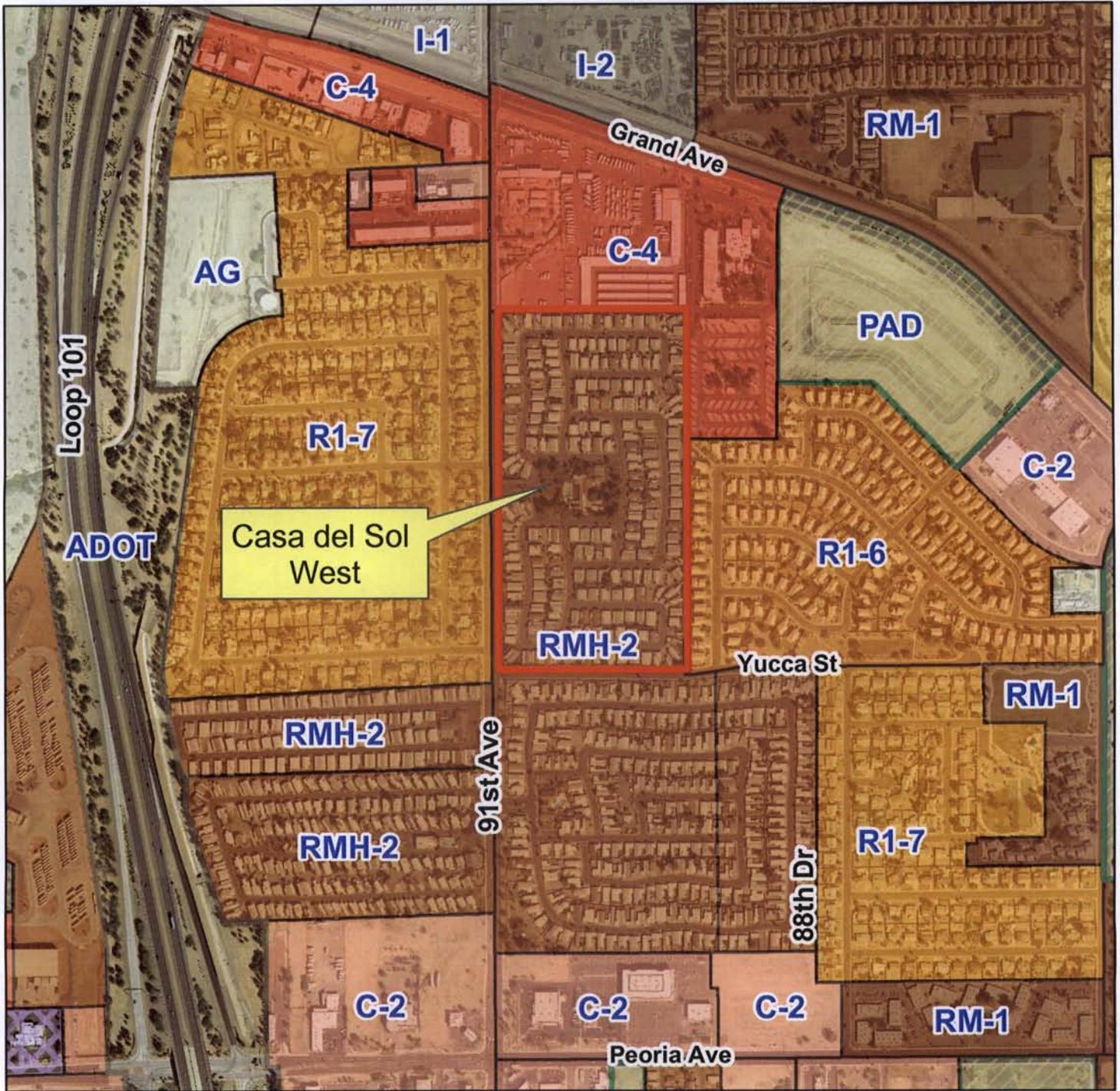
CU10-0214 Casa del Sol West

Applicant: MHC Case del Sol West I, LLC

Request: Conditional Use Permit to allow RV's and travel trailers within an existing mobile home community.

Exhibit A

CU10-0214 Zoning Map



Not to Scale

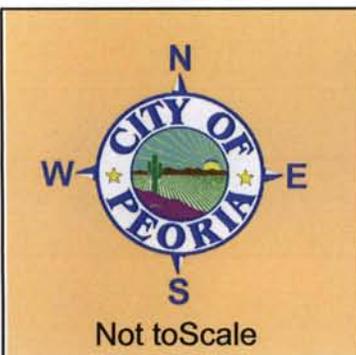
CU10-0214 Casa del Sol West

Applicant: MHC Case del Sol West I, LLC

Request: Conditional Use Permit to allow RV's and travel trailers within an existing mobile home community.

Exhibit B

CU10-0214 Context Aerial Map



CU10-0214 Casa del Sol West

Applicant: MHC Case del Sol West I, LLC

Request: Conditional Use Permit to allow RV's and travel trailers within an existing mobile home community.

Exhibit C

NARRATIVE

With this submittal of application for a conditional use permit, the Applicant seeks permission to lease spaces to RV's in Casa del Sol West, subject to the stipulations and limitations set forth within this narrative. The Applicant is a nationwide owner/operator of manufactured home/RV communities, and respectfully submits this request in the experience and belief that an RV element in a manufactured home community is an enhancement to the community, enhancing revenues which allow for upgraded services and amenities.

The Applicant has sought out the neighborhood leadership and has discussed this matter with Peoria Staff as well to learn what may be done to properly address the needs of the community in connection with the placement of RV's in Casa del Sol West. Those discussions have led the Applicant to propose the following list of stipulations to be attached to the requested approval of the conditional use permit. The proposed stipulations are, as follows:

1. Approval of this conditional use permit shall not affect age requirements at Casa del Sol West, which shall remain unaltered.
2. Applicant shall undertake street maintenance measures to fill in all potholes in the streets of Casa del Sol West existing as of the date of approval of this conditional use permit request. Such improvements shall be completed on or before 12/31/2010.
3. The following improvements to the Casa del Sol West clubhouse shall be completed on or before 2/28/2011:
 - all new cabinetry in the kitchen
 - new refrigerator and stove in the kitchen
 - new floor in the kitchen and dance hall
 - \$1,000 check to Residents Association for new computers
4. No more than 29 RV's/travel trailers (12%) may occupy spaces in Casa del Sol West at any given time.
5. Every effort shall be made to locate new RV/travel trailers within the west and north portions of the site (the "RV Compatible Area") as shown on the site plan attached to and a part of this conditional use permit request (the "Site Plan"). Existing RV/travel trailers and vacant lots which are not located within the RV Compatible Area, as depicted on the Site Plan shall be permitted to be used for RV/travel trailer living units for a period not to exceed 5 years. All RV/travel trailers shall be located within the RV Compatible Area by that date which is 5 years from the date of CUP approval.

We respectfully request approval.

ARTICLE 14-8

RMH-2 MOBILE HOME PARK DISTRICT

14-8-1	Intent
14-8-2	Permitted Principal Uses
14-8-3	Permitted Conditional Uses
14-8-4	Permitted Accessory Uses
14-8-5	Definitions (Incidental to RMH-2 Zoning)
14-8-6	Property Development Standards for Mobile Home Parks
14-8-7	Placement of Mobile Homes on Individual Sites
14-8-8	Permits and Inspections
14-8-9	General Regulations

Section 14-8-1 Intent

This district comprises areas suitable for placement and occupancy of mobile homes for residential purposes on rental or leased lots in mobile home parks. Regulations are designed to stabilize and protect the residential character of the district and to promote compatibility with adjacent districts.

Section 14-8-2 Permitted Principal Uses

One mobile home per site.

Section 14-8-3 Permitted Conditional Uses

- A. Recreation areas, facilities, laundry, restrooms, offices, service buildings and storage yards, subject to approval of the commission of proposed site development plans, provided that the only purpose of any such use is service to residents and guests of the mobile home park.
- B. Travel trailer park, subject to Maricopa County Health Department Regulations and the following:
1. All direct vehicular access shall be from abutting arterial streets.
 2. Each travel trailer space shall have an area of not less than one thousand square feet and a width of not less than twenty-five square feet.
 3. Minimum setback of trailer and towing vehicle from any boundary line shall be eight feet, except the minimum setback from any public street shall be twenty-five feet.
 4. Minimum setback of a trailer and towing vehicle from any private access street shall be four feet; minimum distance between adjacent travel trailers shall be fifteen feet.
 5. Private access streets within the travel trailer park shall have a minimum pavement of twenty-four feet measured between curb faces.

6. The ratio of travel trailer lots to mobile home lots shall not exceed fifteen percent by number of total proposed phase being constructed, except as to developments devoted exclusively to travel trailer use.
- C. The mobile home park developer or owner may apply for approval of a mobile home condominium development, in compliance with State regulations, and file and record a mobile home plat containing individually owned mobile home sites and commonly owned recreational and common use areas. The developer must obtain prior City approval of declaration of covenants, conditions and restrictions or other common scheme rules and regulations.

Section 14-8-4 Permitted Accessory Uses

One attached carport, one attached covered patio, one temporary utility storage room, one garage.

Section 14-8-5 Definitions (Incidental to RMH-2 Zoning)

- A. Carport: An attached structure with one or more open sides.
- B. Attached covered patio: An attached structure with one or more open sides used for casual living with only normal lawn furniture.
- C. Temporary Utility Storage: A storage building anchored to concrete slab, main structure, carport or patio. Maximum size: One hundred twenty square feet. No storage room shall be used for sleeping or living purposes.
- D. Mobile Home: The main structure capable of being moved on its own wheels, including expandos, tipouts and additions made thereto. (Also see Article 14-2-39.)
- E. Open End (pertaining to carport and patio): Open end shall be facing street.
- F. Garage: A structure used for the storage of automobiles as per the Uniform Building Code requirements.

Section 14-8-6 Property Development Standards for Mobile Home Parks

- A. Minimum area. Ten acres undivided by a public street, based on full acre including street easements.
- B. Maximum building height. Two stories or twenty-five feet, whichever is less.
- C. Minimum net area per mobile home. Minimum lot area three thousand six hundred feet.
- D. Minimum setback Of any building or mobile home from any public street line: fifteen feet.

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- E. Minimum setback Of any building or mobile home from any district boundary or exterior lot line: seven feet.
 - F. Minimum setback of any mobile home from any interior private street: seven feet to edge of paving.
 - G. Recreation and open space area: Ten percent of area, less private streets, shall be devoted to recreation and open space.
 - H. Off-site parking area: Fifty square feet per mobile home space, dust free for parking of travel trailers, boats, etc.
 - I. On-site parking area: Parking for two vehicles shall be provided on each mobile home lot (see Section 14-23-8A-4).
 - J. No travel trailer shall be parked on an unoccupied mobile home lot.

Section 14-8-7 Placement of Mobile Homes on Individual Sites

- A. No mobile home shall be placed over any existing utility easements (gas or electric underground service).
- B. Minimum distance between mobile homes without carports, attached covered patios or temporary utility storage on the sites.
 - 1. Between sides of two mobile homes on adjoining sites: twenty feet.
 - 2. Between one side of a mobile home and one end of a mobile home on adjoining sites: fifteen feet.
 - 3. Between the ends of mobile homes on adjoining sites: ten feet.
- C. Minimum distance between mobile homes with carports, attached covered patios and temporary utility storage constructed of all metal.
 - 1. Between a mobile home and temporary storage on adjoining sites: fifteen feet.
 - 2. Between attached covered patios and carports with both sides open on adjoining sites: two feet.
 - 3. Between attached covered patios and carports with one or more sides closed on adjoining sites: five feet.
 - 4. Between two temporary utility storages on adjoining sites: Ten feet.
- D. Minimum distance between mobile homes with carports, attached covered patios and temporary utility storages constructed of other than all metal.

1. Between a mobile home and storage building on adjoining sites, twenty feet.
2. Between a carport and/or an attached covered patio with both sides open and an attached covered patio and/or a carport on adjoining sites: Ten feet.
3. Between carports and/or attached covered patios with one or more sides closed on adjoining sites: Fifteen feet.
4. Between temporary utility storages on adjoining sites: Twenty feet.

Section 14-8-8 Permits and Inspections

- A. All mobile homes moved into the corporate limits of the City of Peoria must be issued a move-in permit, pursuant to this Section and be inspected by the Department of Building Inspections, City of Peoria prior to gas and electric service being turned on by the servicing utility.
- B. The required inspections for mobile homes shall include, on site utilities requirements including gas, electric, sewer and water, set back requirements, off street parking requirements, fees for which, have been set by the City Council, by resolution.
- C. In addition to move-in permits, original development of each space within a proposed park shall be valued at One Thousand Dollars per space. A building permit is required for said space development. Permits must be obtained for additions, alterations, canopies, carports, storages and detached refrigeration units. Fees for which are set by the Uniform Building Code (Section 8-1) and Uniform Mechanical Code (Section 8-1).
- D. It shall be unlawful for any person, firm, corporation or agency to turn on or allow to be turned on any gas or electric service without a clearance from the Department of building Inspections, City of Peoria.
- E. It shall be the responsibility of the park owners or managers to see that all sections of this article are complied with, including requirements relating to placement of mobile homes, and all required permits.

Section 14-8-9 General Regulations

1. Approval shall be contingent upon finding that the site plan shows a proper relationship exists between local streets and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety; and all development features including the principal building or buildings and any accessory buildings, uses, open spaces, service roads, driveways and parking areas are located so as to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited, channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas or building grouping and circulation routes located as to interfere with police or fire equipment access.



ZONING ORDINANCE TEXT AMENDMENT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: TA 10-0132
DATE: December 2, 2010
AGENDA ITEM: 4R

Applicant: City of Peoria Planning Division
Request: Amend Section 14-3-4, *Screening* and Section 14-3-5, *Walls and Fences* of the Peoria Zoning Ordinance with respect to required wall standards.
Support / Opposition: As of the date of this printing, Staff has not received any comment in support or opposition to this amendment.
Recommendation: **Approve** as requested.

BACKGROUND

1. The proposed amendments are intended to be housekeeping items and code enhancements. The City's wall ordinance was last amended in 2003 when the development in the northern portion of the City was on the rise and instances of hillside lots and / or retaining wall permits was also rising. In an effort to minimize the effects of large flat walls, the concept of terraced walls with intervening landscaping was introduced. The ordinance was intended to offer design flexibility and ease of understanding for the user.
2. This ordinance has proven itself useful in concept, but over time, staff has encountered a number of specific instances where the ordinance was not as effective as it could be. Staff has examined the *Screening* and *Walls and Fences* sections of the zoning ordinance to find areas that should be clarified or altogether changed to enhance the City's wall standards while maintaining the core concepts of the ordinance and its usability.

ANALYSIS AND DISCUSSION

Section 14-3-4 Screening

3. This section has the fewest revisions since the intent of *Screening* is to identify when the use of walls or fences is required. Most of the revisions in this section are intended to be for clarification purposes. For example, in subsection B.1

language has been added to have walls placed along 'landscape tracts' instead of the current requirement that requires wall "...adjacent to public rights-of-way." This requirement was expanded since due to the required eight or ten-foot landscape tract requirement, it is rare that a wall would actually be located adjacent to a right-of-way, yet screening in these areas may still be required.

Section 14-3-5 Walls and Fences

4. The revisions within this section comprise the bulk of this amendment. Though there are numerous revisions, the concepts remain the same and the focus is still on clarity of the regulations and overall usability of the code. The changes to this section are outlined (by concept) below:

Measuring Fence and Wall Height

5. This ordinance identifies two main approaches to measuring wall heights depending on the type and location of the wall. First, in flat areas, wall heights are currently measured from finished grade and/or from top-of-curb. Finished grade is defined in Article 14-2 as a point twenty feet from the property line, which although is intended to provide an estimated average of on-site elevations, it is impossible to enforce in areas where homes or other buildings are permitted to be much closer to the property line than twenty feet. Similarly, measurements from the top-of-curb are used when a wall is located along a street. This has been the City's method of measurement for many years, however at times, the effectiveness of the wall is compromised when sidewalks, paths or trails are at a higher elevation than the curb.
6. To alleviate this issue, staff has drafted language to allow wall heights to be measured from any point within a required 2-foot "shelf" located at the base of the wall on the lot side and from the top-of-curb or from the top of the sidewalk, path or trail, whichever results in the smaller dimension. The allowable wall heights must still fall within the existing permitted range, that is, only the method of measurement has changed. This accomplishes the goal of simplified measurements on one side of the wall and enhanced effectiveness / privacy from the street side of the wall.
7. The second means of measuring wall height comes from a later subsection that addresses walls that are adjacent to drainage or retention areas. In 2003, this ordinance was updated to reflect the City's requirement of a 'shelf' to be placed at the base of any wall adjacent to a retention area. At that time, the amendment proposed wall heights to be measured (on the retention side of the wall) from the 'toe of slope' (i.e. the bottom) of the retention area. The problem that arose with this method was that, at times, the toe of slope for larger retention basins could be hundreds of feet from the wall. Not only is this difficult to measure, but the as the distance between the wall and the toe of slope increase, the impact of wall's height being 'over-height' becomes increasingly inconsequential, however to

satisfy the height requirement, walls either had to substantially reduced in height or the retention area had to be made more shallow, but larger in area. The result being either an ineffective wall height or an inefficient use of land.

8. The solution to this matter is a relatively simple one. Wall heights will be measured as they are currently on the lot side, but on the retention side, measurements will be taken from the required 'shelf' at the base of the wall. Additionally, in the event that space is limited and increased retention capacity is required, small retaining walls may be placed in the retention area to gain volume. These walls are not to exceed two feet in height and shall be spaced no closer than four feet from each other. The area between the walls will also be in compliance with the Engineering Department's maximum slope of 4:1.

Retaining Walls

9. Retaining walls have traditionally been complicated to regulate due to the inevitable conflict between form and function. In 2003, this ordinance was amended to limit individual wall heights through the use of landscaped terraces between intermittent four-foot (maximum) tall retaining walls. The intent of this requirement was to soften the appearance of retaining walls by stepping them back and providing moderate amounts of landscaping to break up large wall surfaces.
10. Although successful in many instances, the effect of this requirement does not always align with the intent. The four-foot wall requirement often resulted in more walls, not less; and the offset created some difficult situations in residential areas where side lot lines might be located adjacent to streets or in some instances, between individual side lot lines where terracing is virtually impossible. In cases where the terracing requirements could not be fully achieved, staff would typically process a wall waiver.
11. Though the wall waiver is still available as a last resort solution, such waivers are often viewed as an indicator as to when a particular standard may be ripe for revision. Using the outcomes of these waivers, staff was able to get a general feel for what the revised ordinance should allow.
12. The terracing concept is still a requirement as is the four-foot separation between terraces. The change, however, is that the 'first' retaining wall is permitted to be 6'8" tall – the same height as a standard residential wall. The 'second' retaining wall shall be limited to four feet of retaining area height (wall may be higher) and must be set back at least four feet from the first wall behind a landscaped terrace. Then, as another deviation from the current requirement, the 'final' privacy wall or view fence is permitted to be placed on the last retaining wall.
13. This change to the ordinance accomplishes three key goals. First, it encourages more efficient use of land by reducing the overall area required for retaining walls while still maintaining the required 'softening' that comes with street-level and

terrace landscaping. Second, by allowing a taller 'first' wall, no more accessible to pedestrians than a standard residential wall, thereby eliminating the question about whether or not guardrails should be required. Lastly, by allowing the privacy or screen wall to be located on the 'final' retaining wall, the often-referred-to 'wasted' four-foot space that was once required between the 'final' retaining wall and the privacy wall / view fence is eliminated.

14. Staff has reviewed this amendment against past wall waivers, known projects with complex walls and with City Engineering standards in an effort to resolve any disconnects that may exist. It is with confidence that this amendment will be successful in maintaining appropriate levels of privacy, functionality, and appearance in manners dealing with walls. It should be noted that in the event that this ordinance cannot be applied with precision to a given circumstance, a wall waiver is still an available option.

FINDINGS AND RECOMMENDATION

15. Based on the following findings:
 - The proposed amendment is consistent with the goals, objectives and policies of the Land Use element of the General Plan which promote compatibility between differing uses and promote high-quality architectural and site development;
 - The proposed amendment is intended to resolve known issues relating to wall placement and methods of measurement.
 - Upon review of the application, the Planning Manager has determined that a Proposition 207 waiver is not required for this application.

It is recommended that the Planning and Zoning Commission take the following action:
Recommend approval to the City Council Case TA 10-0132.

ATTACHMENTS:

Exhibit A Proposed Amendments, legislative format

Prepared by: Adam Pruet, AICP, LEED Green Associate
Senior Planner

Exhibit A

TA 10-0132

ARTICLE 14-3 GENERAL PROVISIONS

(Ord. No. 02-85)

CONTENTS

- 14-3-4 SCREENING
- 14-3-5 WALLS AND FENCES

14-3-4 SCREENING

A. Intent

The intent of this Section of the ~~Peoria Zoning Ordinance~~ is to establish general development standards for screening between uses of differing character, density, or intensity and for screening certain uses and activities on a site from public view. The screening standards are intended to assure compatibility of uses, minimize deterioration of properties and property values, and to enhance the health and safety of the residents of Peoria.

B. Use of Screening

1. *Wall or Fence.* A masonry wall or fence a minimum of six (6) feet in height above grade, or as otherwise approved, shall be constructed and maintained between the following uses of differing intensity or character:
 - a. Single-family and multi-family developments
 - b. ~~Different multi-family developments~~
 - c. Residential (single- or multi-family) and non-residential uses
 - d. Different non-residential uses
 - e. Rear and/or side lot areas ~~and adjacent to public rights-of-way or~~ landscape tracts
 - f. Recreational vehicle or boat storage adjacent to public rights-of-way or landscape tracts ~~areas and areas with public rights-of-way, residential, or non-residential uses~~
2. *Educational and Municipal Facilities.* Public elementary and secondary and similar private educational facilities, as well as municipal facilities, are exempt from the screening provisions of this section.
3. *Loading and Delivery Bays.* All loading and delivery bays shall be screened from street view in accordance with provisions of Section 14-23-4.

4. *Outdoor Storage.* All outdoor storage for Commercial and Industrial uses, and for materials, racking, equipment, vehicles, or other similar items, shall be screened from public view, public uses, and areas such as rivers, washes, equestrian and bike paths, parks, golf courses, and other public open spaces. Such screening shall consist of a wall or fence with a minimum height of six (6) feet, or a height that will adequately screen the stored items as determined by the Planning Manager during the Site Plan review process. Agriculturally related activities are exempt from this provision.
5. *Utilities.* All utility substations, wells, storage facilities, or other utilities shall be screened from public view. Such screening shall consist of a wall, fence, or landscape screen of a height adequate to screen the facility, as determined by the Planning Manager during the Site Plan review process.
6. *Mechanical Equipment.* All roof and ground-mounted mechanical equipment, ~~except for in single-family applications uses~~, shall be fully screened from public view unless otherwise specified elsewhere this Ordinance.
- 6.7. Parking. Parking screening requirements are provided in Article 14-35 Landscape Requirements.

14-3-5 WALLS AND FENCES

A. General Provisions (Ord. No. 95-15)

1. *Permit Required.* No persons, firm or corporation, ~~except an agriculture activity~~ shall hereafter construct, or cause to be constructed or erected within the City of Peoria any fence or wall ~~ever exceeding~~ six (6) feet, eight (8) inches in height without first making an application for and securing a permit from the City Community Development Department. In addition, no fence or walls shall be constructed within the street right-of-way without obtaining a permit from the Engineering Department. Wall height requests above eight (8) feet shall be reviewed for approval by the City Engineer
2. *Locations.* All fences, ~~or walls,~~ and gates shall be located entirely upon the private property of the persons, firms, or corporation constructing, or causing the construction of such fence unless the owner of the property adjoining agrees, in writing, that such fence or wall may be erected on the division line of the respective properties. This shall not apply to the initial wall construction by the homebuilder. Pedestrian gates may be installed by a private property owner to provide access to public open space with written approval from the Community Services Department. This shall not apply to the initial wall construction by the homebuilder.
3. *Maintenance.* Every fence or wall shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair, damage, or unsightliness, or constitute a nuisance, public or private. Any such fence or wall which is, or has become, dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or

neglect is a public nuisance and the Code Compliance Officer shall commence proper proceedings for the abatement thereof. Any wall, or a portion of any wall, which is removed for any purpose or by any means whatsoever, shall be restored to its original or upgraded condition relative to construction, material and finish whenever exposed to any street or any adjoining property.

4. *Measuring Fence and Wall Height.* The height of any fence or wall shall be calculated to the uppermost points as follows:

- a. In required yards abutting a street, sidewalk, or trail, the height of the fence shall be the height measured from the top of curb or from the top of sidewalk or trail (when no curb exists), whichever is the smaller dimension (Figure A), finished grade on the street side of the fence or wall.
- b. On non-street property lines, the height may be measured from the highest finished grade on either side of the fence or wall. However, in no case shall the height of the fence or wall on either side exceed eight (8) feet in height within or abutting a residential district, or twelve (12) feet in the case of a non-residential district.

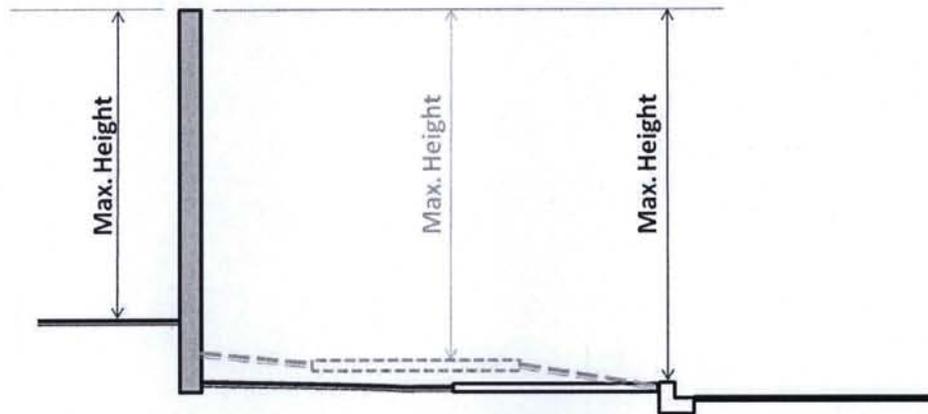
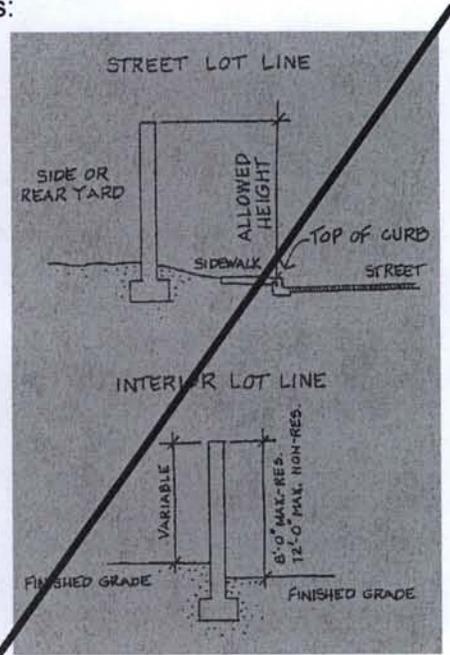


Figure A – Measuring Wall Height

5. *Undulating Wall Required.* All fences and walls along arterial and collector streets with a continuous length greater than two hundred (200) feet shall use an undulating pattern at minimum intervals of one hundred (100) feet or at every other side lot line, whichever results is less in the shorter distance, to provide variety and visual interest. The undulation depth from the street line shall be a

minimum of three (3) feet. (Figure B) Alternate-Alternative options patterns to the above requirements may be approved during the Preliminary Plat or Site Plan Review Process. (Ord. No. 04-186)

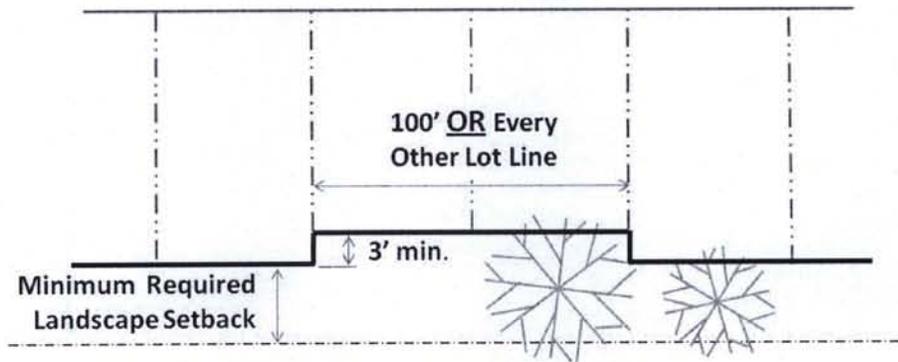


Figure B – Perimeter Wall Undulation

6. Finished Elevations. Any fence or wall that is constructed to have only one elevation “finished”, which shall be defined as not having its supporting members significantly visible, shall be erected such that the finished elevation of the fence is exposed to the adjacent property or street or public / semi-public area.

7. Exemptions. The following uses are Exempt from the height restriction to of three (3) feet within or bounding the front yard, as set forth in Section 14-3-5.B.1 of this Ordinance; “Wall and Fences,” section (B)(1), “Residential Requirements,” are the following:
 - a. An agriculture activity
 - b. Uses-Residential and ranch uses in the Suburban Ranch Districts
 - c. Schools and other public or quasi-public institutions when necessary for the safety or restraint of the occupants.
 - d. Temporary construction sites which are enclosed for security purposes.
 - e. Temporary construction yards for off-site construction.
 - f. Arched, masonry entry features in accordance with Section 14-3-2 c(6)(g) of this Article.

8. Barbed Wire Fences: Barbed wire shall be prohibited in the City of Peoria except for the following:
 - a. Barbed wire shall be permitted in the General Agriculture and Suburban Ranch zoning districts.

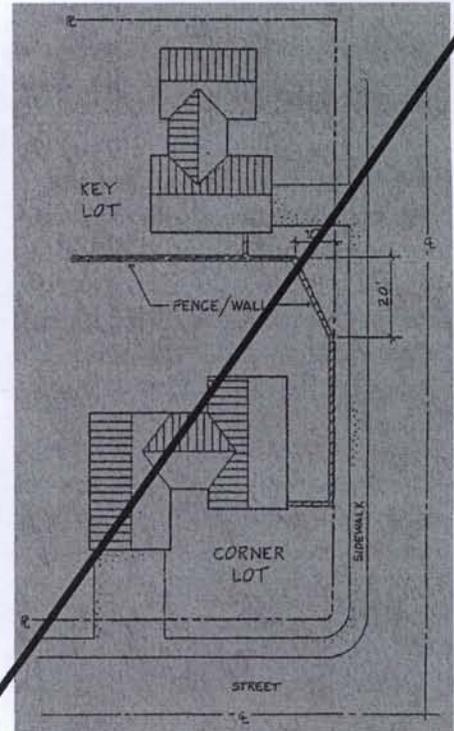
- b. Barbed wire shall be permitted for temporary construction sites or yards in all zoning districts provided that the barbed wire is located six (6) feet or more above grade.
- c. Barbed wire shall be permitted for security purposes for commercial and industrial uses provided that the barbed wire is located six (6) feet or more above grade.

B. Residential Requirements

1. 4. — *Height of Fences and Walls.* In all Residential Districts, no fence or wall within or bounding the front yard shall exceed a height of three (3) feet, and no fence or wall within or bounding a side or rear yard shall exceed a height of six (6) feet eight (8) inches, except as may be specified elsewhere within this Ordinance.

2. 2. — *Corner Lots and Key Lots.* (Figure C)

- a. On a corner lot contiguous to a key lot a fence or wall over three (3) feet in height may be placed on the property line except within a triangle measured ten (10) feet from the street line along the common lot line, and twenty (20) feet along the property line extending from the common lot line towards the front of the corner lot. The location of this clear zone may shift in areas where landscape tracts exist.
- b. On a key lot contiguous to a corner lot, a fence or wall not exceeding six (6) feet eight (8) inches may be erected along that portion of a key lot contiguous with the rear yard of the corner lot, but such fence or wall shall not come closer to the front line of the key lot than ten (10) feet.



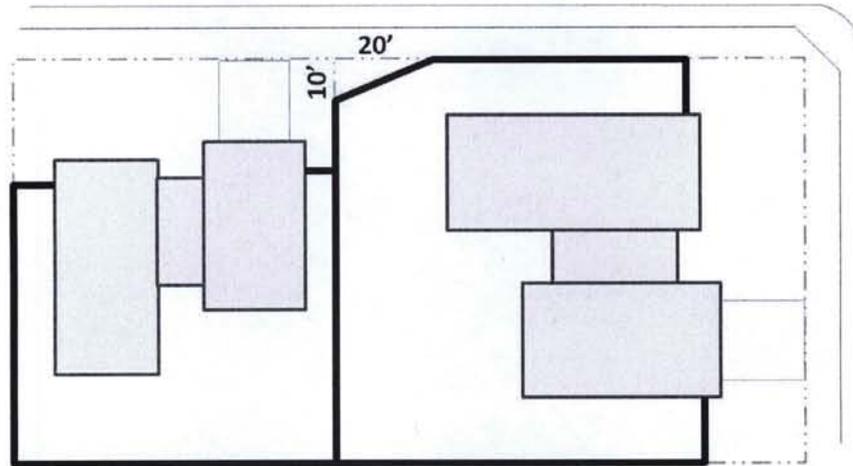


Figure C – Key Lots

3. Adjacent Residential Lots. Where two residential lots abut one another, but have differing finished grades, the wall heights shall be limited to six (6) feet eight (8) inches in height on the high side and eight (8) feet in height on the low side. (Figure D)

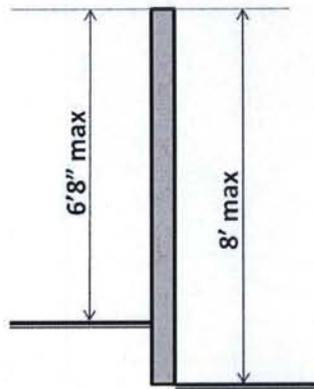


Figure D – Residential to Residential

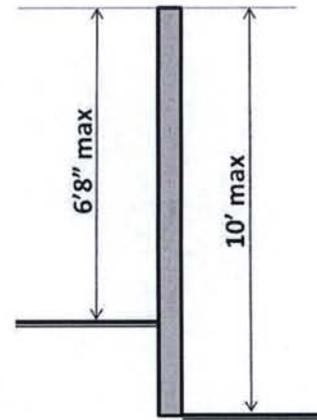


Figure E – Residential to Street

4. 3. Street Side Lots/Lots Adjacent to Streets. The lot side of a wall shall not exceed six (6) feet eight (8) inches in height, measured from finished grade. The Street side shall not exceed ten (10) feet in height, measured from top of curb (Figure E).
5. Retaining Walls. For the purpose of this ordinance, any wall retaining a minimum of twelve (12) inches of earth shall be considered a retaining wall. If retaining requirements exceed ten (10) feet in height, then terracing shall be permitted. When terracing walls, the first wall at grade level shall not exceed six (6) feet eight (8) inches or be less than five (5) feet in height and each

retaining wall above the first shall not retain more than four (4) feet of earth (Figure F). Terraced walls shall be offset a minimum of four (4) feet and each terrace shall be landscaped. Terraces and terraced walls shall be designed to include weep holes for drainage and sleeves for landscape irrigation. Terrace walls shall not exceed four (4) feet in height, measured from finished grade and shall be separated by no less than four (4) feet except as specifically provided elsewhere in this Ordinance. Terraces are to be landscaped. All terracing requirements shall be subject to review by the City Engineer and / or the Building Safety Division. Wall height requests above ten (10) feet shall be reviewed for approval by the City Engineer. Nothing herein is intended to relax the building code or other applicable city standards.

Solid Masonry Wall, View Fence, or Combination Thereof

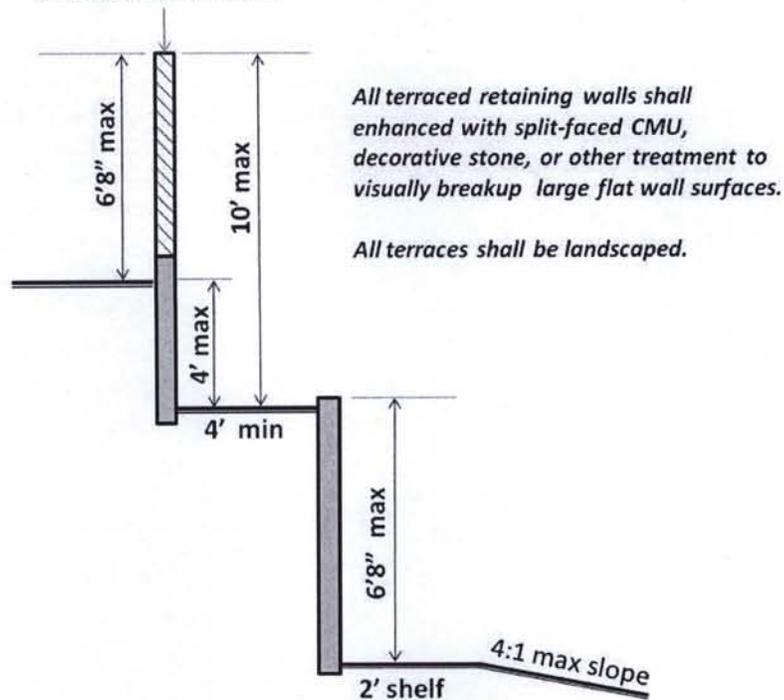
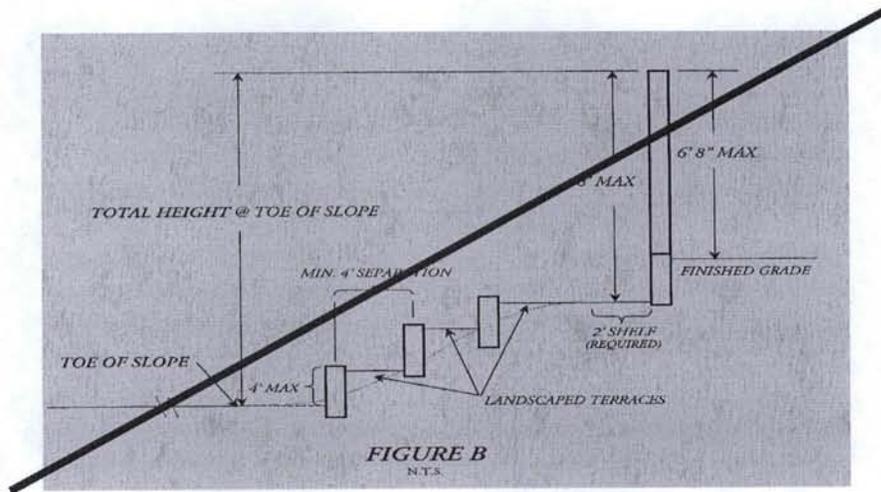


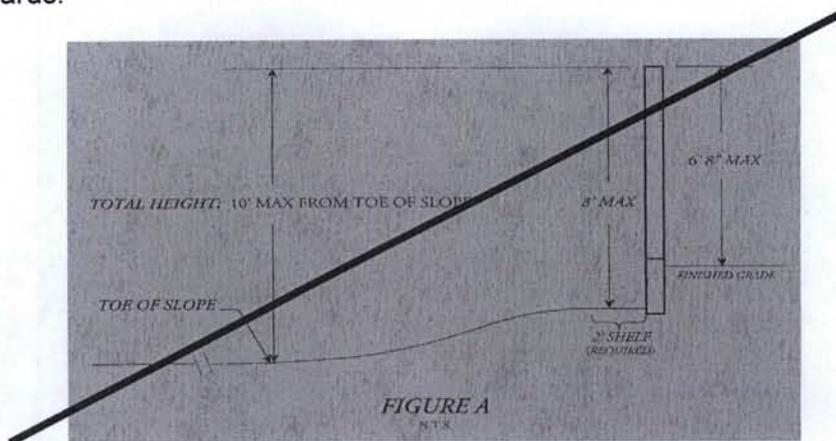
Figure F – Retaining Walls

6. 4. Retention Lot/Lots Adjacent to Retention Areas. Walls adjacent to planned or natural retention areas, waterways, or natural trails/similar features shall not exceed six (6) feet eight (8) inches in height on the lot side and shall not exceed eight (8) feet on the retention side as measured to the required two (2) foot shelf at the base of the wall. Maximum slope of the retention shall be no greater than 4:1. If additional retention depth is required, retaining walls may be added in the sloped banks of the retention area. Such walls shall not exceed two (2) feet in height and shall be offset by no less than four (4) feet. The maximum slope between walls shall not exceed 4:1 (see Figure G), be constructed

according to Figure A. The non-lot side of the wall will be referred to as the retention side of the wall. This illustration shows the top of wall measuring a maximum of six (6) feet eight (8) inches from finished grade on the lot side of the wall and a maximum of eight (8) feet from the required bench on the retention side of the wall. Note the Total Height is a maximum of ten (10) feet from the toe of the slope. A contiguous grade shall extend a minimum horizontal distance of six (6) feet from the toe of the slope in order to use the toe as a point of measurement.



If the Total Height exceeds ten (10) feet, all affected walls shall be constructed according to Figure B. Terrace walls shall not exceed four (4) feet in height, measured from finished grade and shall be separated by no less than four (4) feet. Terraces are to be landscaped. Wall standards for these walls will be applied to terrace walls. All terraced walls Terracing requirements shall be subject to review by the City Engineer and the Building Safety Division. All retaining walls are subject to review by the City Engineer or designee. Nothing herein is intended to relax the building code or other applicable city City standards.



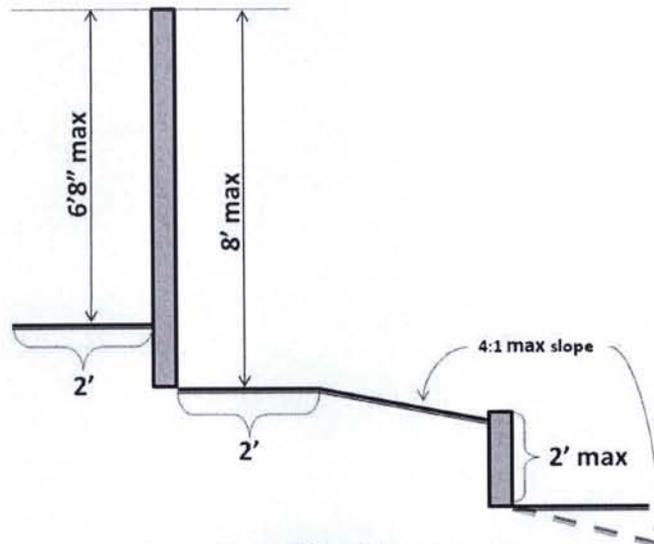


Figure G – Residential to Retention

7. 5. ~~Exceptions~~ Wall Waivers. Waivers from the wall requirements may be granted by the Planning Manager if the applicant for the waiver has provided a Waiver of Proposition 207. A wall plan and narrative shall be submitted to the Planning Manager for review. Waivers may be granted based on the following:

- a. Topography prohibits walls from conforming to wall requirements.
- b. Waiver will not be detrimental to present or future surrounding property owners.
- c. City Engineer recommends approval of waiver.

~~(Section 14-3-5 amended by Ordinance No. 07-14, enacted and effective April _____, 2007.)~~

If the waiver request is denied by the Planning Manager, the applicant can file a Variance Request to be heard by the Board of Adjustment, in accordance with Article 14-39 of this Ordinance.

8. 6. ~~Gates Required.~~ In those instances where a fence or wall is erected as an enclosure which restricts access from the front to the rear yard, a gate with a minimum of three (3) feet in width shall be included to provide access. ~~The location of such ingress points shall be positioned at any point paralleling the~~

~~front lot line between the side lot line and the principal structure. Gates located between parcel lines must first be approved of in writing by both property owners. For pedestrian gates located between private and City properties, written permission must first be obtained from the appropriate City department.~~

9.7.—*Noise Attenuation Walls Required.* Where adjacent to a transportation corridor a masonry noise attenuation wall with a minimum effective height of eight (8) feet in height constructed of a minimum of six (6) inch (thick) concrete block, or as otherwise approved by the City Engineer, shall be placed adjacent to the transportation corridor for any residential subdivision recorded after the effective date of this Ordinance. A transportation corridor shall be defined as all arterial streets, truck routes north of Union Hills Drive, Lake Pleasant Parkway, Loop 101, Loop 303, State Route 74, and the Burlington Northern Santa Fe Railroad. (Ord. No. 03-11)

C. Commercial and Industrial Requirements.

1.4.—Fences and walls in all Commercial and Industrial Districts shall not exceed ten (10) feet in height except that boundary line fences abutting Residential Districts shall not be greater than six (6) feet eight (8) inches in height, or except as specifically required as a condition of an approved Site Plan or Preliminary Plat or as otherwise specified in this Ordinance (Figure H).

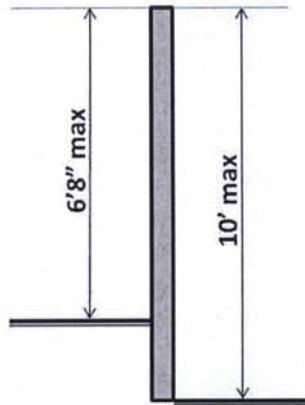


Figure H – Residential to Non-Residential

2. In ~~industrial~~ Industrial zoning districts, walls and fences on local streets except when adjacent to a Residential District, may exceed three (3) feet in height in the front and corner side yard building setback when located no closer than ten (10) feet to the street line except as may be specified elsewhere in this Ordinance.

D. Hillside Development

1. Additional wall requirements for hillside areas are provided in Article 14-22A of the Zoning Ordinance.



Planning and Community Development Department

Planning Division

MEMORANDUM

DATE: December 2, 2010

TO: Planning and Zoning Commission

FROM: Adam Pruett, Senior Planner

RE: Proposed Zoning Code Amendment – Multiple Text Amendments
(Hillside Overlay and Desert Lands Conservation Ordinance)

AGENDA ITEM: 5R

The Planning and Community Development Department will brief the Planning and Zoning Commission on two draft Zoning Ordinance amendments to Article 14-22A *Hillside Development Overlay District* and Article 14-22B *Desert Lands Conservation Overlay*.

Periodically, staff reviews the Zoning Ordinance for areas that would benefit from revision. The articles being presented tonight are being revised in the spirit of enhancing usability and increasing overall flexibility without compromising the article's effectiveness. The proposed revisions will advance the purposes of the Zoning Ordinance in the near term. A comprehensive review of preservation and open space polices is also underway and more significant changes in these areas may be recommended in the near future.

Staff believes that input from the Planning and Zoning Commission is a critical component of Zoning Ordinance amendments, particularly those of substantial size or of content that is often brought before the Commission for a decision. This evening staff will give a brief overview of the direction of each amendment and will ask the Commission for input.

ARTICLE 14-22A HILLSIDE DEVELOPMENT OVERLAY DISTRICT

The intent of this ordinance is, and will continue to be, to preserve the City's mountainous areas by encouraging the placement of development in lower-slope areas. This ordinance establishes slope categories for areas above 10% and corresponding development standards for each category.

Proposed Amendment

1. Hillside categories: *unchanged*
2. Disturbable area and coverage per category: *unchanged*
3. The placement of development within slope categories has changed.

- a. Using the WestWing Mountain PCD as a template, staff has created a virtual 'bucket' for areas within the 10%-15%, the 15%-20%, and the 20%-25% slope categories in which all disturbable area and lot coverage figures can be combined and development can occur in a more efficient manner.
 - b. The figures within this 'bucket' are calculated once all allowances are transferred from higher slope categories to lower slope categories.
4. Wall standards within the Hillside district have been modified to address recent and recurring issues, particularly in side and rear yards.
 5. Staff has also introduced the concept of 'edge treatments' to soften the transition between the natural and built environments.

ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY

The intent of this article is to identify and protect the City's distinctive desert landscape, wildlife habitats, and its cultural resources. Again, the purpose of this amendment is maintain this intent while enhancing the clarity and overall function of the ordinance.

Proposed Amendment

1. Update many of the existing definitions to reflect those commonly used by the industry.
2. Clarify the requirements for each type of development (e.g. single-lot, master-planned community, commercial, etc.)
3. Switch definitions for Desert Lands Conservation Report and Master Conservation Plan – a 'report' should provide broad information pertaining to a project; a 'plan' should detail specific action items.
4. Maximum and minimum natural open space percentage requirements to remain unchanged.
5. Develop edge treatment development criteria / options.
6. Increase corridor width along the Agua Fria River from 100 feet to 150 feet.
7. Modified the protected and prohibited plant list sections to cite existing lists provided by the Arizona Department of Agriculture and the Arizona Department of Water Resources.
8. Establish a protocol for the donation of 'excess' native plants to the City or other government agencies for use in capital improvement projects.
9. Remove submittal requirements from ordinance and place in stand-alone process guide.