



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

**PLANNING & ZONING COMMISSION
REGULAR MEETING
NOTICE & AGENDA
THURSDAY, FEBRUARY 3, 2011
6:30 P.M.
COUNCIL CHAMBERS
8401 W. MONROE ST.**

**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

*Accommodations for
Individuals with Disabilities.
Alternative format materials, sign
language interpretation, assistive
listening devices or interpretation
in languages other than English
are available upon 72 hours
advance notice through the Office
of the City Clerk, 8401 West
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.*

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 Vice Chair Melbo, Commissioner Loper, and Commissioner Strickman from the January 20, 2011 Meeting.
- 2C **MINUTES:** Discussion and possible action to approve the minutes of the Meeting held January 20, 2011.

REGULAR AGENDA

UNFINISHED BUSINESS:

3R PUBLIC HEARING: City of Peoria Text Amendment.

PUBLIC HEARING - TA10-0131: The City of Peoria has initiated a text amendment to Article 14-22A (Hillside Overlay District) of the Zoning Ordinance. The amendment will amend the Hillside Development criteria 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 14-22A (Hillside Overlay District) of the Zoning Ordinance.

4R ELECTION OF OFFICERS: Discussion and possible action to elect officers for 2011 including Chairman, Vice-Chairman, and Secretary.

NEW BUSINESS: None

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
JANUARY 20, 2011
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 7:00 p.m.

Members Present: Chair Veda McFarland, Commissioners Bill Louis, Nancy Golden, and Gene Sweeney

Members Absent: Vice Chair Marc Melbo, Commissioners Leigh Strickman, and Greg Loper.

Others Present: Ellen Van Riper – Assistant City Attorney, Robert Gubser – Senior Planner, Adam Pruett – Senior Planner, and Bev Parcels – Planning Assistant.

Opening Statement: None Read.

Call for speaker request forms.

Audience: Six.

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 from the December 22, 2010 Special Meeting.
- 2C **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held December 22, 2010.
- 3C **CU10-0245:** [REDACTED] is requesting a Conditional Use Permit to allow for a Bed and Breakfast establishment. The subject property is located at 8250 W. Monroe Street (east of the northeast corner of 83rd Avenue and Monroe Street).
- 4C **CU10-0238:** Earl, Curley and Lagarde P.C. on behalf of PMT Ambulance, is requesting a Conditional Use Permit to allow for a Ambulance Operational Center (no dispatch). The subject property is located on the southwest corner of Loop 101 and Olive Avenue, and is more specifically described as 9299 W Olive Avenue, Building #7.

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

REGULAR AGENDA

NEW BUSINESS:

- 5R** **PUBLIC HEARING - Z10-0282:** The City of Peoria initiated a rezoning application for approximately 16.4 acres of privately owned property located east of the southeast corner of Beardsley Road / Loop 101 off-ramp and 81st Avenue and is more accurately described as a portion of APNs 200-30-010M and 200-30-010N. This request follows a recent annexation application. Arizona State Law mandates initial City zoning to be established on the property within six months of the effective annexation date. The request is to rezone the property from City of Glendale Agricultural (A-1) to City of Peoria General Agricultural (AG).

STAFF REPORT: Presented by Adam Pruett, Senior Planner

COMMISSION COMMENT: None

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Louis moved to recommend approval of a request from the City of Peoria to initiated rezoning for approximately 16.4 acres of privately owned property east of the southeast corner of Beardsley Road / Loop 101 off-ramp and 81st Avenue. The motion was seconded by Commissioner Sweeney and upon vote, carried unanimously 4-0.

- 6R** **PUBLIC HEARING - TA10-0131:** The City of Peoria initiated a text amendment to Article 14-22A (Hillside Overlay District) of the Zoning Ordinance. The amendment will amend the Hillside Development criteria within the City of Peoria.

STAFF REPORT: Senior Planner Adam Pruett requested that the case be continued until the February 3, 2011 meeting.

COMMISSION COMMENT: None

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Louis moved to recommend case TA10-0131 be continued until the February 3, 2011 meeting. The motion was seconded by Commissioner Sweeney and upon vote, carried unanimously 4-0.

- 7R** **PUBLIC HEARING - TA10-0040:** The City of Peoria initiated a text amendment to Article 14-37 ("Administrative and Decision Making Bodies") and Article 14-39 ("Administrative Procedures") of the Zoning Ordinance relating to the composition and duties of the Planning and Zoning Commission, Design Review Appeals Board and the Design Standards Advisory Boards and provide for various housekeeping updates.

STAFF REPORT: Presented by Robert Gubser, Senior Planner

COMMISSION COMMENT: None

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Louis moved to recommend approval of a request from the City of Peoria to amend Article 14-37 ("Administrative and Decision Making Bodies") and Article 14-39 ("Administrative Procedures") of the Zoning Ordinance. The motion was seconded by Commissioner Sweeney and upon vote, carried unanimously 4-0.

8R **ELECTION OF OFFICERS:** Discussion and possible action to elect officers for 2011 including Chairman, Vice-Chairman, and Secretary.

STAFF REPORT: None

COMMISSION COMMENT: None

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Louis moved to recommend the election of officers be continued until the February 3, 2011 meeting. The motion was seconded by Commissioner Sweeney and upon vote, carried unanimously 4-0.

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 7:15 p.m.

Veda McFarland, Chair

Date Signed



ZONING ORDINANCE TEXT AMENDMENT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: TA 10-0131
DATE: February 3, 2011
AGENDA ITEM: 3R

Applicant: City of Peoria Planning Division

Request: Amend Section 14-22A, Hillside Development Overlay District of the Peoria Zoning Ordinance with respect to hillside development standards.

Support / Opposition: As of the date of this printing, Staff has not received any comment in support or opposition to this amendment. However, staff has been in communication with the Homebuilder's Association of Arizona (HBACA) in regards to suggested modifications (See Exhibits B1-B2).

Recommendation: **Approve** as requested.

BACKGROUND

1. Article 14-22A *Hillside Development Overlay District* was adopted in 1999 to establish regulations for hillside development and consider the unique situations that typically arise when developing lands with significant slopes. The Hillside Development Overlay District applies to all lands where the natural terrain has a slope of 10% (rise / run) or greater. The Ordinance was conceived at a time when development pressures had begun to approach hillside areas in North Peoria (e.g. West Wing Mountain, Calderwood Butte).
2. The 1999 ordinance was modeled after the City of Phoenix ordinance, which established development standards for six defined slope categories and addressed matters such as slope determination methodology, wall standards, and hillside cuts and fills. The Ordinance also encouraged the transfer of disturbable area downhill to help preserve steeper slopes for both aesthetic and ecological reasons.
3. Though this proposed amendment is more comprehensive than those approved in recent years, it does not deviate from the intent established in 1999, which is to identify and preserve hillside areas to the extent possible and to minimize the impact of development on the land, specifically in areas of greater slope. Past

amendments included revisions to align the ordinance with Article 14-22B *Desert Lands Conservation Ordinance*, Article 14-39 *Administrative Procedures*, provisions for the Proposition 207 waiver, and modifications through the PAD / PCD rezoning process.

4. By nature of the subject, hillside ordinances can be complex, for both implementation and enforcement. For this reason the proposed amendment is intended to simplify one key element of hillside development – distribution of disturbable area.
5. Staff provided an overview of the Hillside Overlay and outlined the proposed amendment to the Planning & Zoning Commission at the December 2, 2010 meeting. This was presented in a study session format to allow open dialogue between the Commission and staff. At the conclusion of that meeting, staff indicated that this amendment would be coming before the Commission in early 2011.
6. This item was continued from the January 20, 2011 Planning & Zoning Commission agenda to allow additional time for staff to address a number of questions received from the Homebuilder's Association of Central Arizona (HBACA). These questions and responses are provided in Exhibit B of this report. The proposed amendment (Exhibit A) reflects adjustments made as a result of discussions with the HBACA.

ANALYSIS AND DISCUSSION

Current Standards and Process

7. The Hillside Overlay establishes six slope categories and each category is assigned certain permitted disturbed area and lot coverage percentages. Disturbed area is any portion of the property that may be altered. In the example of a custom home, disturbed areas typically include driveways, pools, and yards. Lot coverage, though related to disturbed area, is defined as any area under roof such as the residence, guest home, patios, and garages.
8. The table shown below organizes these items by slope category. Please note that the last column "Total Disturbed Area" is the sum of the disturbed area and lot coverage. Also note that all of the percentages decrease as the slope increases. This illustrates the ordinance's intent to encourage development in lower areas.

Slope Category	Disturbed Area	Maximum Lot Coverage	Total Disturbed Area
10% to 15%	25%	30%	55%
15% to 20%	20%	25%	45%
20% to 25%	20%	20%	40%
25% to 30%	15%	15%	30%
30% to 35%	12%	10%	22%
35% +	10%	7.5%	17.5%

9. To protect higher slope categories, the ordinance allows the transfer of permitted disturbed area "downhill" to maximize each category's development potential. Transfers cannot cause any slope category to exceed its maximum permitted disturbed area allowance.

Proposed Amendment

10. The body of this amendment is contained in the slope category and disturbance table shown above. None of the existing allowances for disturbed area or lot coverage within the table are the subject of this amendment. Rather, the methodology of how these percentages are distributed is the subject of this amendment.
11. The concept described in the following paragraphs was developed through months of working with a design consultant on an amendment to the hillside component for the WestWing Mountain PCD. After testing the amendment in a variety of scenarios, staff is comfortable with incorporating this concept into the Zoning Ordinance.
12. The table below presents a subtle change to the current table. Though the square footage calculation of the allowable hillside disturbance and lot coverage areas remains unchanged per slope category, the square footages from within the 10%-15%, 15%-20% and 20%-25% slope categories can now be combined into a virtual 'bucket' and be distributed at the owner's discretion between 10% and 25% slope categories.

Slope Category	Disturbed Area	Maximum Lot Coverage	Total Disturbed Area
10% to 15%	25%	30%	55%
15% to 20%	20%	25%	45%
20% to 25%	20%	20%	40%
25% to 30%	15%	15%	30%
30% to 35%	12%	10%	22%
35% +	10%	7.5%	17.5%

13. The benefit to the 'bucket' concept is that while it continues to encourage development to be transferred downhill, it also provides flexibility for designers that will result in more creative lot layouts and create a more interesting hillside development pattern. For example, under the current code, custom homes on hillside lots are often situated in a similar fashion, that is, long narrow structures with side-entry garages and large driveways / motor courts placed perpendicular to the slope of the land. This can result in greater cuts and taller walls. The proposed change will allow the designer to consolidate the permitted disturbed area into the lower three slope categories, which will provide an option to replace the long, narrow form placed perpendicular to the grade with a wider option that can be placed parallel to grade, thereby minimizing the visual impact of the building on the landscape.
14. The remaining portions of this amendment are housekeeping in nature and are limited to such topics as updating definitions to coordinate with the in-progress amendment to the Desert Lands Conservation Overlay, updating department names, and updating the hillside-specific wall standards to reflect the recently amended *Walls & Screening* code.

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 hillside development.
 - 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 TA10-0131.

ATTACHMENTS:

Exhibit A	Proposed Amendments, legislative format
Exhibit B1-B2	HBACA questions and staff responses
Prepared by:	Adam Pruett, AICP, LEED Green Associate Senior Planner

Exhibit A

TA10-0131

Text Amendment:

Article 14-22A Hillside Development Overlay District

ARTICLE 14-22A HILLSIDE DEVELOPMENT OVERLAY DISTRICT

(Revised Ord. No. 04-201)

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14-22A-16	DEFINITIONS

SECTION 14-22A-1 INTENT (Ord. No. 99-105)

A. It is the purpose of this Article to establish regulations which recognize that development of hillside land ~~in hilly or mountainous areas~~ involves special considerations ~~and unique situations~~ which result from the slope of the land. These ~~special considerations and unique situations~~ include but are not limited to increased hazards to development from rock falls, storm water runoff, geologic hazards, increased limitations on vehicular travel, and increased difficulties in providing public services. In addition, steeply sloped lands introduce design limitations to roadways, cuts and fills, and building sites. ~~In general, the more steeply the land slopes, the greater the hazard and development limitation.~~

~~1.B.~~ The Hillside Development Overlay District is an overlay district that applies to all land wherever the natural terrain of any lot or parcel or any portion thereof has a slope of ten percent (10%) or greater. The application of the Hillside Development Overlay District shall be as depicted below in Table 1, Hillside Determination. ~~The Hillside Development Overlay District shall apply to all lots or parcels less than five (5) gross acres in size which have over fifty percent (50%) of the gross area of the lot or parcel having a slope of ten percent (10%) or greater. For those lots or~~

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~~parcels not having fifty percent (50%) or greater of the gross lot or parcel area within a Hillside Development Area or those lots or parcels in excess of five (5) gross acres in size, the requirements of the Hillside Development Overlay District shall be applied only to that portion of the lot containing slopes of ten percent (10%) or greater. Commercial, Office, Industrial and Resort Developments shall comply with all applicable provisions of the Hillside Development Overlay District. The provisions of this Article may not be modified, except as expressly provided within this Article.~~

Table 1
Hillside Determination

<u>< 10% slope</u>	<u>Non-Hillside</u>
<u>≥ 10% slope</u>	<u>Hillside</u>
<u>≤ 5 acres with 50% or more of the site in Hillside</u>	<u>Hillside</u>
<u>≥ 5 acres with less than 50% of the site in Hillside</u>	<u>Only areas greater than 10% considered Hillside</u>

- | 4.C. All rezoning applications to Planned Community District (PCD) and Planned Area Developments (PAD) shall conform with the provisions of this Article unless expressly modified through an approved PCD or PAD District Standards/Guidelines Report and Development Plan. (Ord. No. 02-27)
- | D. G. Conservation features identified in Article 14-22B shall be preserved in accordance with that Article.

SECTION 14-22A-442 DEFINITIONS

Alter the Mountain Top Ridge Line. Means to alter or change the view or appearance of an established ridge line or ridge line of significance with cuts, fills or structures when viewed from a distance.

Construction Envelope. A specific area defined by the sum of the maximum allowable disturbed area plus the maximum coverage allowed for the lot or parcel.

Cut. The land surface which is shaped through the removal of soil, rock, or other materials.

Disturbed Area. That area of natural ground that has been or is proposed to be altered through grading, cut and fill, removal of natural vegetation, placement of material, trenching, or by any means that causes a change in the undisturbed natural surface of the land or natural vegetation.

Disturbed Area Reclaimed. ~~Disturbed areas may be reclaimed if they are restored to their natural contours, vegetation and colors to the satisfaction of the Staff.~~

Fill. The deposit of soil, rock, or other materials placed by man.

Finished Grade. The final grade and elevation of the ground surface after grading is completed.

Grading. Any excavating, or filling or combination thereof, including the conditions resulting from any excavation or fill.

Hillside Development Area. Building areas, other than sloped areas within washes and rivers, with a building site slope of ten percent (10%) or greater, measured as a vertical rise of ten (10) feet in a horizontal distance of one hundred (100) feet.

~~**Landscape Development Areas:** Areas within a site with different recommended plant palettes based on their proximity to natural open space, soil stabilization attributes and the desired visual character for the area.~~

- ~~1. **Oasis Area:** A landscaped area consisting of enclosed courtyards, similar semi-private areas and other areas located within the Disturbed Area where the use of Native Sonoran, Sonoran Character and Arid Zone plants are strongly encouraged, but where Exotic Zone plants are also allowed.~~
- ~~2. **Transitional Areas:** A landscaped area consisting of open backyards, commercial and public areas, streetscapes and common areas where use of Arid Zone plants is limited to 30% by area and where a buffer of Native Sonoran Zone plants is required at the perimeter of the lot or parcel or between the Disturbed Area and Natural Open Space.~~
- ~~3. **Buffer Area:** A landscaped area consisting of open areas adjacent to preserved wash corridors and Natural Open Space areas where the use of plants is limited to the Native Sonoran Zone palette.~~

Natural Grade. The grade and elevation of the ground surface in its natural undisturbed state.

Natural Open Space. Areas dedicated for public ownership or retained in private ownership containing naturally occurring conservation features in the Sonoran Desert that have not been altered except to allow decomposed granite trails (private or public) in accordance with ADA guidelines, roadways and utility easements as necessary.

Retaining Wall. A retaining wall is a wall used solely to retain more than eighteen twelve (12) inches (48") of material but not to support or to provide a foundation or wall for a building.

Site Disturbance Activity. Any action which results in a cutting of the natural soil grade, creation of an un-natural soil fill or movement of a significant natural landscape feature. A Site Disturbance Activity may include, but not be limited to the following activities: digging, trenching, filling, drilling, grading or clearing.

Slope Category Determination Study. A detailed study of the topography and slope of a development site, parcel or property. The study shall include a detailed graphic

showing all slope areas on the site utilizing the methodologies established in this Article and shall be composed of both graphical, numerical and textual information.

Spill. To cause or allow earth or other material to fall, flow or run down a slope, thereby creating a change in the natural appearance and topography.

Transitional Area: A landscaped area consisting of open backyards, commercial and public areas, streetscapes and common areas where use of Arid Zone plants is generally limited to 30% by area and where a buffer of Native Sonoran Zone plants is required at the perimeter of the lot or parcel or between the Disturbed Area and Natural Open Space.

SECTION 14-22A-33 SLOPE DETERMINATION

~~1.A.~~ A Slope Category Determination Study shall be required by the Community Development Department prior to the initiation of any Site Disturbance Activities for all land with slopes of 10% or greater located north of Pinnacle Peak Road and shall be prepared pursuant to the requirements of this Section. (Ord. No. 05-44)

~~2.B.~~ A property owner subject to Subsection A above shall prepare a Slope Category Determination Study utilizing one of the two methodologies outlined in this Article. A property owner or authorized agent shall submit to the Planning Manager Department a Slope Category Determination Study pursuant to this Section, ~~or request for a waiver from such,~~ as follows:

1. Simultaneously with a rezoning application;
2. If a rezoning action is not required, simultaneously with a preliminary plat or site plan; or
3. If a rezoning, plat, site plan, or minor land division is not required, prior to the issuance of any building permit or site grading permit.

~~4.C.~~ Applicants seeking a waiver from the provisions of this Section may request a waiver of the requirements for a Slope Category Determination Study to the Planning Manager. A written waiver request shall be submitted to the Planning Manager with an explanation of why a waiver is warranted and shall include such supporting materials as follows:

1. Site photographs;
2. Site specific topography information;
- ~~3. An analysis by the Applicant of 207 Claims and whether the Owner will enter into a Waiver of Proposition 207 regarding the property that is the subject of the waiver request;~~
4. All other such information which may provide information on the request.

The Planning Manager may approve or deny an application as submitted or may request additional information if necessary. In addition to any other grounds the City may have, the City expressly reserves the right to reject the waiver request in the event the Owner is unwilling to enter into a Waiver of Proposition 207 regarding the property that is the subject of the waiver request. It shall be the sole burden of the applicant requesting such a waiver to show that the subject property does not qualify as a Hillside Development Area under this Article. The Planning Manager may grant the requested waiver upon a finding that reasonable evidence exists that the subject site does not contain potential slope area that would qualify as a Hillside Development Area.

(Section 14-22A-3 amended by Ordinance No. 07-14. Enacted April 17, 2007 and effective May 17, 2007.)

- | 5-D. Applicants may prepare a Slope Category Determination Study utilizing a methodology differing from those outlined in this Article, if acceptable to the Planning Manager. Applicants seeking to utilize an alternative methodology shall provide both a written explanation of the proposed alternative methodology and a graphical example of its use. If, upon review of the proposed alternative Slope Category Determination Study by the Planning Manager, the slope analysis is not acceptable, the applicant shall utilize one of the adopted methodologies contained herein. Appeals ~~from~~ of the Planning Manager decision pursuant to this paragraph may be ~~appealed to~~ heard by the Administrative Hillside Hearing Officer subject to the provisions of Article 14-39 of the Zoning Ordinance. (Ord. No. 05-44)

- | 6-E. To determine parcel density and the location and extent of slope categories, carry out one of the following procedures:
 - | 1. *Manual Slope Determination Method:*
 - | a. a. Utilize a topographic map at a scale of two hundred (200) feet or less to the inch and with contours shown at two (2) foot intervals. Applicant may utilize maps containing contours at five (5) foot intervals for grades of more than twenty percent (20%). All contour lines shall be extended onto adjacent properties to a distance that establishes the overall slope of the land but in no case shall they be extended less than fifty (50) feet onto the adjacent properties.

 - | b. b. The Hillside Development Area shall commence at the midpoint of the one hundred (100) foot horizontal dimensions used to determine the slope as illustrated by Figure 42, attached hereto and by this reference made a part hereof. The one hundred (100) foot slope determination lines shall be located perpendicular to the site or property contour bands. Those properties containing multiple slope planes should provide slope information for all such planes.

 - | c. c. To determine those locations where slopes of ten percent (10%), fifteen percent (15%), twenty percent (20%), twenty-five percent (25%), thirty percent (30%), and thirty-five percent (35%) begin by the application of one hundred (100) foot straight lines that fall within each category. The one hundred (100) foot slope determination lines shall be extended

onto adjacent properties to a distance that establishes the overall slope of the land but in no case shall they be extended less than fifty (50) feet onto the adjacent properties.

d. d.—Connect the midpoints of each series of one hundred (100) foot lines of the same slope category to establish the limits of that slope category.

e. e.—Measure the areas resulting between each series of straight lines to determine the areas in each slope category.

f. f.—Figure 2, attached hereto and by this reference made a part hereof, illustrates the method used in calculating the slope categories.

2. *Computer Generated Slope Determination Method:*

a. a.—Utilize digital topographic information with contours shown at a maximum of two (2) foot intervals, except as established herein. Areas known or shown to contain slopes of more than twenty percent (20%) may utilize digital topographic information with contours shown at five (5) foot intervals.

b. b.—Utilizing a slope generating software application, slope categories shall be determined utilizing the slope categories established in Section 14-22A-2 of this Section.

c. e.—Computer generated slope analyses shall be prepared utilizing the following modeling parameters:

1.i. Maximum two (2) foot slope contour intervals for slopes less than twenty percent (20%);

2.ii. Maximum five (5) foot slope contour intervals for slopes more than twenty percent (20%);

3.iii. The slope analysis shall utilize the above noted slope contour intervals through the modeling basis of grid evaluation to determine slope facets or contours;

4.iv. The analysis shall utilize a twenty-five (25) foot grid system.

1.d. All data generated through the use of a computer generated slope determination shall be presented in both chart and graphical formats. ~~The presentation of all g~~Graphical slope information shall be presented in a clear and easily understandable format.

2.e. The final map shall be plotted at a minimum scale of 1" = 200' and submitted to the Planning ManagerDepartment for review. ~~If the Planning Manager finds the analysis found~~ acceptable, the final slope determination map shall be approved. The Planning ManagerDepartment may reject the analysis and require correction(s) to the digitized slope category lines to

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more accurately reflect the generalized slope conditions of the property or other revisions necessary to ensure compliance with this Article. Appeals from the decision of the Department Planning Manager may be filed for disposition by the Administrative Hillside Hearing Officer pursuant to Article 14-39 of the Zoning Ordinance.(Ord. No. 05-44)

- 3. ~~The Final Slope Category Map resulting from either Section 14-22A-3.E.1 or Section 14-22A-3.E.2 this Article shall be utilized in determining allowable densities, lot area, lot disturbance and lot coverage requirements. Preliminary Plats shall reflect proposed disturbance/coverage envelopes for each lot and shall contain tabular information necessary to determine compliance with this Article.~~

SECTION 14-22A-24 DENSITY

A. A. For all major and minor sub-divisions and for multifamily residential developments, the maximum number of residential lots or units permitted within hillside development areas shall be the sum of the number of lots allowed by the zoning district, or the sum of the number of lots allowed in each slope category of land as shown by the following table Table 1, whichever is the lesser number.

B. For all non-residential developments or single-lot construction where density allocation does not apply, the applicant shall comply with all other applicable portions of this Article.

TABLE - 42 DENSITY ALLOCATION	
Slope of Land	Maximum Number of Lots Per Gross Acre
<u>0%-10%</u>	<u>Underlying Zoning</u>
10% to 15%	1.50 ⁽¹⁾
15% to 20%	1.00 ⁽¹⁾
20% to 25%	0.70 ⁽¹⁾
25% to 30%	0.50 ⁽¹⁾
30% to 35%	0.30
35% to 40%	0.20
40% & Over	0.10

⁽¹⁾ The allowable density of these slope categories may exceed the Maximum Number of Lots Per Gross Acre shown above when density is transferred from a higher slope category. In no case shall the density exceed the sum of the number of lots allowed by the zoning district and in no case shall units be transferred to a location of higher elevation within the project. Plateau geographical features shall be addressed according to slope category and not according to elevation.

~~There shall be no more lots created than permitted by the slope category, except that lots not placed in a slope category may be placed in a lower slope category so long as the total number of lots in the Hillside Development Area shall not exceed~~

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~~the sum of the lots permitted in each slope category. Lots shall comply with the underlying zoning requirements or as set forth in Section 14-22A-2.C.~~

~~4.C. Transfer Rate: Disturbance and dwelling units/development rights that are allowed within preserved public and private open space may be transferred to other parcels within the same development. When all of the allowable dwelling units are transferred from a Hillside Development Area above the ten percent (10%) slope line to a non-hillside development area, resulting in a minimum fifty (50) acre undisturbed area above the ten percent (10%) slope line, the density transfer from the Hillside Development Area to the non-hillside development area may occur at a rate of 1:1.25 allowable dwelling units.~~

~~2.D. _____ The transfer of density within a Hillside Development Area shall not be an assumed right and in no case shall a transfer of density occur without the approval of the Planning Manager. Approvals of a density transfer shall be made only upon a finding that the proposed transfer will not be detrimental to the intent of the Hillside Development Overlay District and upon a finding that the transfer will advance the City's interests in protecting a Hillside Development Area.~~

SECTION 14-22A-45 GENERAL PROVISIONS FOR CONSTRUCTION ON A HILLSIDE LOTS

~~1.A. In those situations where a density transfer is being utilized, the increased density permitted under Table 1 shall only be permitted in an amount equal to the number of lots being transferred.~~

~~2.B. In those situations where density has been transferred from a higher slope category to a lower slope category minimum Minimum lot sizes in hillside areas shall be limited as shown in Table 23. The Planning Manager shall have authority to further reduce lot sizes in areas of 10% slope or greater may be reduced - sizes by up to twenty percent (20%) provided that all dwelling units / development rights have been transferred off of slope categories greater than twenty percent (20%).~~

Table 23	
Slope Category	Minimum Lot Size
<u>0%-10%</u>	<u>Underlying Zoning</u>
10% to 15%	10,000 square feet
15% to 20%	32,000 square feet
20% to 25%	43,560 square feet
25% to 30%	75,000 square feet
Over 30%	Same as Table 1

~~3.C. No residential lot within the Hillside Development Overlay District and having slope areas in excess of fifteen percent (15%) shall have a front lot width less than seventy-five (75) feet. The front lot width of all flag lots located within the Hillside Development Overlay District shall be measured from the point at which the drive~~

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access intersects with the main body of the lot or at a point not to exceed two hundred and fifty (250) feet from the front lot line of the flag lot.

- | 4.D. Building setbacks shall be as required by the zoning district.
- | 5.E. Maximum lot coverage by the main building and all accessory buildings shall not occupy more than that permitted by the zoning district or Table 34, whichever is the lesser area.
- | 6.F. ~~No building shall exceed a height of twenty eight (28) feet, above the natural grade of the land at any section through the structure.~~
- | 7.G. All hillside lots shall ~~conform to Table 3 and~~ provide an individual analysis of each lot or parcel shall be prepared prior to recording the final plat or minor land division. For existing lots of record as of the date of adoption of this ordinance, an individual site analysis shall be submitted prior to the approval of any development permits or entitlements. Following review and approval of the Slope Category Determination Study by the ~~Planning Division~~ Department, the individual site analysis shall be submitted in conjunction with a grading and drainage plan. No building permit shall be issued prior to approval of the grading and drainage plan and individual site analysis.
- | 8.H. All ~~Hillside~~ lots or parcels which abut a dedicated public open space or preserve area shall provide a one foot (1') non-vehicular access easement along the common property line.

SECTION 14-22A-56 HEIGHTS AND APPEARANCES

For development within hillside areas, the height of structures shall be determined by the following Sections and not by the definitions described in Section 14-2 of the Zoning Ordinance.

- | 1. No part of any structure shall penetrate an imaginary plane, the height of which is ~~twenty eight (28) feet~~ complies with the underlying zoning district measured vertically from any point outside of the building where the face of the building or support intersects natural ground (see Figure 34) ~~, except that:~~
- | 2. Where natural grade is not restored back against ~~the building~~, no exposed face in any vertical plane shall exceed a height of thirty (30) ~~twenty eight (28)~~ feet measured from the lowest exposed base.
- | 3.A. Materials used for exterior surfaces of all structures shall blend in color, hue and tone with the surrounding natural setting to avoid high contrasts.
 - | 1.1. Structures, walls, roofs and fences shall blend with the surrounding terrain and there shall be no material or colors used which have an LRV (Light Reflecting Value) greater than forty percent (40%). Mirror surfaces, or any treatment which changes ordinary glass into a mirror surface is prohibited.

ARTICLE 14-22A

HILLSIDE DEVELOPMENT OVERLAY

Bright untarnished copper or other metallic surfaces shall be treated at the time of installation so they are non-reflective.

~~4.2.~~ All electrical service equipment and subpanels and all mechanical equipment including, but not limited to, air conditioning and pool equipment, ~~solar panels, and antennas,~~ shall not be visible from outside the property when viewed from the same or a lower elevation. For the sake of functionality, solar panels and solar water heaters shall be exempt from screening requirements. It is recommended, however, that to the extent feasible, the frames and support structures for these elements should be painted to match the principal building on the property or be integrated into the building and / or landscape design. ~~Restrictions on visibility of solar panels and mechanical equipment may be modified if they are integrated into the roof design~~

3. Water storage facilities, pumping stations and related facilities shall be designed to minimize their visual impact. All such facilities shall be painted to match the predominant color of the natural terrain, disturbed terrain shall be dyed to blend with surrounding area, and walls shall be contextually sensitive in terms of color and materials. Additional screening techniques are provided in order of preference in the list below. Final designs must be approved by the Public Works Director or designee.

- Subterranean design
- Partially subterranean design
- Restricted height equal to or less than that of the perimeter site wall
- Design tank and walls to follow natural topography
- Context-sensitive berming / screening
- Vegetative screening

~~B. D.~~ The principal and accessory buildings, excluding chimneys, shall not exceed forty (40) feet from the highest point of the building to the lowest exposed base of a supporting structure (see Figure 34). The subterranean portion of a structure is not included in the total height calculation.

SECTION 14-22A-67 DISTURBED AREA CALCULATIONS FOR INDIVIDUAL HILLSIDE LOTS

Lots shall be developed to provide for the minimum amount of ground disturbance during the time of construction so as to prevent rock slides and falls, erosion and seepage. At final construction, disturbed areas shall be hidden or supported by retaining walls, buildings, finished surfaces or restored and landscaped to its original natural condition to the ~~maximum~~ extent possible. All cut and fill areas visible from off-site locations shall be treated with a natural staining or aging agent.

4.A. Hillside properties north of Pinnacle Peak Road must also comply with Article 14-22B Desert Lands Conservation Overlay.

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- 3-B. _____ All buildings, structures and roads shall to the fullest extent practicable, utilize the natural contours of the land so as to minimize the disturbed area.
- 4-C. Disturbed areas may be reclaimed if they are restored to their natural contours, vegetation and colors, and shall reflect the natural condition as depicted in historical aerial photos and site photos taken prior to the development of the site.
- 5-D. _____ The maximum height of any cut or fill used to establish a building site or a driveway shall not exceed fifteen (15) feet and must comply with the provisions of the Peoria Building Codes. The maximum height of any cut or fill used to establish a road or roadway shall not exceed thirty (30) feet. All areas of cut or fill necessary to establish a public or private roadway and falling outside of the public right-of-way or private roadway easement shall be counted against the total disturbed lot area of the individual lot or parcel. All roadway cuts shall be re-vegetated and all roadway fills shall utilize retaining walls to minimize spill areas. All spill slope areas shall be re-vegetated and all retaining walls shall be designed to minimize their visual impacts of any required retaining wall.
- 6-E. _____ The limits of construction and proposed disturbed areas shall be clearly ~~designated~~ delineated on the property prior to and during construction with visible roping and shall conform to the approved individual site analysis plan. No disturbance outside the designated area shall take place.
- 7-F. _____ All lots less than ~~24,000~~ 18,000 sf net area are eligible for mass grading.
- 8-G. _____ All lots equal to or greater than 24,000 ~~18,000~~ sf net area shall establish a construction envelope equal to the combined area of the maximum disturbed area and maximum lot coverage from Table 24, below.
- 9-H. _____ All surplus excavated material shall be removed from the lot.
- 10-I. _____ Up to ten percent (10%) of the gross land area above the ten percent (10%) slope line may be used for roadways (public and private) that shall not be included in disturbed area calculations. The disturbed area and roadways and driveways (that exceed the 10% roadway allowance), storm water retention areas and accessory use areas, shall not exceed the total disturbed area as set forth in Table 34.

Table 34

Building-Site Slope Category	Disturbed Area	Maximum Lot Coverage	Total Disturbed Area
<u>10% to 15%</u>	<u>25%</u>	<u>30%</u>	<u>55%</u>
<u>15% to 20%</u>	<u>20%</u>	<u>25%</u>	<u>45%</u>
<u>20% to 25%</u>	<u>20%</u>	<u>20%</u>	<u>40%</u>
<u>25% to 30%</u>	<u>15%</u>	<u>15%</u>	<u>30%</u>
<u>30% to 35%</u>	<u>12%</u>	<u>10%</u>	<u>22%</u>
<u>35% to Over</u>	<u>10%</u>	<u>7.5%</u>	<u>17.5%</u>

J. Calculation of Disturbed Area (Table 4)

B.1. The Total Disturbed Area for each individual development or development parcel shall be the sum of the amount of Disturbed Area allowed within each of the individual slope categories found on the development parcel and the Maximum Coverage.

C.2. Disturbed Area accounts for site elements such as driveways, non-natural / un-restored landscaping, pool areas, walkways, uncovered patios, etc.

D.3. Maximum Lot Coverage refers to any under-roof site element and shall include principal and accessory buildings.

4.

K. Transfer of Disturbed Area and dwelling units / development rights to a lower slope category shall be subject to the following conditions:

1. The Disturbed Area for each individual development or development parcel shall be the sum of the amount of disturbance allowed within each of the individual slope categories found on the development parcel.

2. Permitted Lot Coverage and Disturbed Area from a higher slope category may be transferred to a the next lower slope category within the site / parcel provided the transferred-to category does not exceed its allowable disturbed area. In the event that the transfer would cause the lower category to exceed its allowable disturbed area, the remaining portion of the transferred square footage may be transferred to the next lower category. This pattern may be repeated until all hillside categories have attained their respective allowable disturbed area. Transfers below the 10% slope line are not permitted, only with the sum of the transferable disturbed area and the permitted disturbed area comprising the new Disturbed Area amount.

3. ~~Permitted Disturbed Areas shall not be transferred from the 0-10% slope category to any other category.~~

4.4. ~~After any applicable transfers of Disturbed Areas have been calculated, the Total Disturbed Area, which includes Lot Coverage, within the 10%-25% slope categories as indicated in Table 4 may be combined to produce a "bucket" of disturbable square footage. This "bucket" may be distributed throughout the 10%-25% slope categories at the applicant's discretion (Figure 1).~~

5. ~~3. The transfer of a disturbed area allowance to a lower slope category shall only occur when accompanying the actual transfer of dwelling units for residential development and transfer of dicturbable area and development rights for non-residential development.~~

6. ~~4. The transfer of Disturbed Area within a Hillside Development area shall not be an assumed right and in no case shall a transfer of Disturbed Area occur without the approval of the Planning Manager.~~

7. ~~5.—Approvals of a disturbed area transfer shall be made only upon a finding that the proposed transfer will not be detrimental to the intent of the Hillside Development Overlay District and upon a finding that the transfer will advance the City's interests in protecting a Hillside Development Area.~~

8. ~~6. Transfer of all Disturbed Area and dwelling units/development rights shall be to the lowest slope category of the development or development parcel. Transfers that exceed the maximum allowable densities or Disturbed Area in the lowest slope category shall be transferred to the next highest slope category.~~

9. ~~7.—The location of the Disturbed Area and the allocation of Disturbed Area among parcels or lots shall require approval of the Planning Manager or designee; such approval shall be made upon a finding that:~~

a. The proposed location will not be detrimental to the intent of the Hillside Development Overlay District and, to the maximum extent feasible, is located in the lowest slope categories;

b. The difference of allocated Disturbed Area does not vary by more than twenty percent (20%) among lots of comparable size and location;

c. The resulting change in Disturbed Area on an individual lot ~~is taken from a Transitional Area and~~ does not interfere with the preservation of Natural Open Space;

d. ~~d.—The resulting change in Disturbed Area does not result in more cuts into hillside slopes above the twenty percent (20%) slope line or changes in contours that will remain unrestored;~~

e. e.—The location will advance the City's interest in protecting a Hillside Development Area; and

f. f.—The development or development parcel is otherwise in compliance with this article.

Figure 1 – Overview of Steps For Hillside Development

Step 1:

Identify slope categories and square footage of each category on property

Step 2:

Calculate density, permitted disturbed area and lot coverage per category using Tables 2 & 4

Step 3:

Develop property accordingly OR Proceed to Step 4

Step 4:

Transfer density or Total Lot Coverage to lower slope categories until such categories are at capacity

Step 5:

Combine Disturbed Area and Lot Coverage (in square feet) within the 10-15%, 15-20% and 20-25% slope categories to create a virtual "Bucket"

Step 6:

Distribute the "Bucket" as needed within the 10-15%, 15-20% and 20-25% slope categories

~~L. Within the ten to fifteen percent (10-15%) slope area only, the amount of Disturbed Area being transferred may exceed one hundred percent (100%) and any excess Disturbed Area may be transferred to a parcel other than the receiving parcel within the development lot. In no case shall excess permitted Disturbed Area not associated with transfer of dwelling units/development rights be transferred to parcels or portions of parcels above the twenty percent (20%) slope line.~~

M. In those cases where an increase in the maximum lot coverage is desired due to a transfer of density, the maximum lot coverage shall only be increased on the parcels receiving density transferred from a higher slope area. In those cases where all of the density has been transferred from a higher slope category to lower slope areas, all parcels or portions thereof within those slope categories may utilize the increased lot coverage allowance.

N. A Disturbed Area (up to 50% over Table 3, for slope areas over 10%) may be excluded from Disturbed Area calculations when the applicant has committed to comply with the following restoration conditions:

1. The restored area shall be re-contoured to match pre-existing contours.

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2. The restored area shall be re-vegetated to its pre-development condition utilizing native plant types arranged and placed at a density matching the surrounding native desert.
3. The restoration area shall be treated with an aging agent approved by the Planning Manager and restored with indigenous desert material.
4. The restoration plan and process shall be prepared by a registered engineer or landscape architect and shall be approved prior to issuance of a building permit.

SECTION 14-22A-78 GRADING AND DRAINAGE

All proposed development within a Hillside Development Area shall be required to submit for and receive Grading and Drainage Plan approval through the City of Peoria Engineering and ~~Public Works~~ Department prior to the commencement of any development or Site Disturbance Activities.

SECTION 14-22A-89 DRIVEWAYS

1. A. If any portion of a driveway grade is more than twenty percent (20%), the entire residence and all accessory buildings over one hundred twenty (120) square feet of roof area shall be protected with an approved fire sprinkling system.
2. B. Driveways with turning radii of less than forty (40) feet may be used provided all structures are protected with an approved fire sprinkling system.
3. C. To reduce the visual impact of driveways the following is intended to be an incentive to preserve the natural mountain ~~vistas~~ views. Driveways surfaced with paving bricks, colored concrete or with exposed ~~aggregate~~ aggregate, colored to blend with existing native color of the site, shall only be included in disturbed area calculations at ~~twenty-five (25) percent~~ forty percent (40%) of their total area.
4. D. Any driveway cut greater than eight (8) feet in depth shall not have a length greater than one hundred (100) feet; and the maximum height of any cut or fill used to establish a driveway shall not exceed fifteen (15) feet.

SECTION 14-22A-910 PERIMETER WALLS, PRIVACY WALLS, RETAINING WALLS, AND SPILL SLOPES AND EDGE TREATMENTS

Retaining Walls

2. A. The design of all retaining walls ~~and ground coverings~~ shall be prepared by a registered engineer or architect and shall be designed to blend with the surrounding environment and/or development in color, materials and style.
3. B. Raw spill slopes are prohibited.

- | 4.C. All exposed disturbed area fill shall be contained behind retaining walls or covered with a natural rock veneer and treated with an aging agent and landscaped with indigenous plant material.
- | 5.D. No single Residential retaining walls in any front yard shall not exceed six (6) four (4) feet in height in residential districts or six (6) feet in height in non-residential districts. retaining walls shall not exceed eight (8) feet in height; if
- | 6.E. No first-tier side or rear yard retaining wall shall exceed six (6) feet eight (8) inches in height in residential districts or ten (10) feet non-residential districts.
- | 7.F. aAdditional retaining height may be achieved through the use of offset retaining walls and terraces; is needed, such walls the wall shall be offset at a minimum of four (4) feet and all terraces shall be landscaped appropriately for the width of the offset -or one (1)-foot per one (1)-foot of height, whichever is greater. Retaining walls shall incorporate weep holes for drainage and sleeves for irrigation.
- | 8.G. View fences not exceeding ~~6 (six)~~ six (6) feet in height above the highest part of adjacent natural grade may be added to a retaining wall. Increases in the height of view fences may be granted by the Planning Manager provided that the retaining wall contains unique design and materials or other amenity features that, in the determination of the Planning Manager, mitigate the impact of the additional height. (Ord. No. 05-44)
- | 9.H. The total vertical wall face (including view fencing) visible from any street, adjacent property line or publically-accessible open space for any single lot shall not exceed twenty-five (25) feet in height. Terraced walls shall be constructed with decorative products and terraces shall be landscaped to minimize their visual impact. Terracing shall be conducted in accordance with Article 14-3-5 of the Zoning Ordinance.

Perimeter & Privacy Walls / Fences (interior to lot line)

- | 10.L. Fences or walls on lots within a hillside district shall be restricted to privacy walls attached to or directly screening a portion of the main residence. Privacy walls shall not exceed six (6) feet in height, shall be architecturally compatible with the main residence and shall be limited to the development envelope area only.

Edge Treatment

- | E.J. Hillside development shall receive edge treatments that soften the appearance of an abrupt transition between the built and natural environments. Such treatments shall consist of alternative perimeter fencing (type and/or materials), offset or staggered rear lot lines, transitional landscaping or other similar elements intended to soften the transition.
- | 13.K. Perimeter walls and fences surrounding a lot, tract or parcel shall be prohibited except as provided by Section F of this Article elsewhere within this Article. Privacy walls shall not be erected on a retaining wall and shall be offset a minimum of four (4) feet when utilized.

- 14.L. Within the ten to fifteen percent (10-15%) slope category only, exceptions to the limitations on fences or walls may be permitted. In those instances where an exception is desired, applicants shall submit a detailed Wall Plan to the Planning Manager for review and action. In conjunction with the submittal of the Wall Plan to the Planning Manager, the applicant shall submit a copy of the Wall Plan to the ~~Public Works / Engineering Department~~ appropriate City department(s) for review and approval for conformance with all City Grading and Drainage requirements. Wall Plans shall indicate the proposed locations of walls or fences, the proposed materials, colors and design of any wall or fence, and fence construction and disturbance mitigation measures. Such plans shall be accompanied by a narrative explaining the reasons why such an exception should be made. Upon completion of the review of the Wall Plan by the Planning Manager, and following the review and approval of the Wall Plan by the ~~Public Works / Engineering / Site Planning Division~~ Department, the Planning Manager may approve the Wall Plan. Wall Plans may be approved by the Planning Manager upon a finding that the proposed location and design of the wall(s) is in accordance with this Article and further that the proposed wall will not be contrary to the intent and purpose of this Article.
- 15.M. Perimeter walls or fences approved by the Planning Manager within the ten to fifteen percent (10-15%) slope category and abutting an open space area or tract, shall be a maximum of six feet eight inches (6'-8") in height with no more than three (3) feet being constructed of a solid or opaque material. That portion of the wall or fence not constructed of a solid or opaque material shall be open in design and may not include chain-link or wood materials. Notwithstanding the foregoing, walls exceeding six (6) feet eight inches in height and constructed of solid or opaque material may be approved by the Planning Manager if the wall is for the purpose of screening non-residential uses.
- 16.N. ~~All fences and walls within a Hillside Development Area shall be required to obtain a fence permit from the Community Development Department, in addition to all other necessary City of Peoria permits, prior to the initiation of any fence or wall related construction activities.~~

SECTION 14-22A-4011 LIGHTING, SEWERS, UTILITIES

- 1.A. All outdoor lighting concepts, fixture types, lamps and wattage shall be indicated on the site plan. All outdoor lighting shall be Dark Sky compliant.
- 2.B. Connection to a public sewer system is required in connection with Chapter Twenty-Five (25) of the City Code where available.
- 3.C. Private individual lot sewer systems shall be designed by a registered engineer.
- 4.D. All on-site utilities shall be placed underground.

SECTION 14-22A-4112 MOUNTAIN RIDGE PROFILE

- 1. ~~A.~~ Within a hillside development area and areas above the twenty percent (20%) slope line, no construction shall occur which will alter the mountain top profile and no building or structure shall be constructed which will project above a ridge line of significance when viewed from adjacent properties. Ridge lines of significance shall be identified in the hillside analysis accompanying the project submittal for a subdivision or shall be shown on the individual site analysis plan for individual lots. Upon review of the project submittal, the Planning Manager or their designee, shall determine the ridges of significance for the site. Ridge lines of significance shall include, but not be limited to the following, and may include ridge lines or ridge line complexes which meet the criteria listed below:
 - 1. Ridge lines and ridge line complexes which are visible from existing and/or planned collector and arterial roadways,
 - 2. Ridge lines and ridge line complexes which are visible from surrounding vantage points when viewed from a location with an elevation difference of a maximum of three hundred (300) vertical feet from the property line of the subject parcel/structure,
 - 3. Ridge lines and ridge line complexes which have a vertical height increase of more than three hundred (300) feet as measured from the point of the ten percent (10%) slope line of the ridge or ridge complex, and
 - 4. Other significant ridge lines or ridge line complexes as determined during the site analysis process.
- 4. ~~B.~~ Prior to the issuance of any building permits, cross-sections shall be submitted showing the relationship of the proposed development with established mountain top ridge lines and ridge lines of significance when applicable.

SECTION 14-22A-~~4213~~ SUBMITTAL REQUIREMENTS FOR CONSTRUCTION ON A HILLSIDE LOT

- 1. In addition to drawings, plans, specifications and details necessary to obtain a building permit, the following ~~documentary requirements and certifications~~ shall be provided for staff review:
 - 1. A topographic map at an appropriate scale on a 24" x 36" sheet presenting the total lot and a twenty (20) foot area beyond the property line shall be submitted with the application. This map shall show existing and proposed finished contours at two (2) foot intervals within a twenty (20) foot perimeter from any proposed building, five (5) foot intervals elsewhere. Existing contours shall be shown with dashed lines. This map shall show limits of excavation and fill, slope of cut and fill, total cubic yards of excavation and fill. The location and area of the sewage disposal systems, if public sewers are not provided.
 - 2. Detailed site plans and landscape plans at an appropriate scale, shall be submitted with each application and shall include, but not be limited to, the following: grade

and slope in percent at all disturbed areas. Dimensions and calculations of all cut and fill for the building site, roads, drives, swimming pools, septic systems and the method of concealment for each fill or exposed cut. Dimensions of length and height of retaining walls, fences and other attachments; the location and grade of all drainage channels, swales, drain pipes, etc. The amount and degree of surface disturbance, destruction or removal of natural vegetation. Protected desert vegetation shall be preserved in an appropriate manner in accordance with the Desert Lands Conservation Overlay district. (Ord. No. 05-44)

3. Cross sections at 1:1 scale, at two (2) or more locations perpendicular to the contours through the building site. Location of the cross-sections shall be clearly shown on the topographic map. Properties impacting ridge lines shall provide additional cross-sections indicating their relation and impact on such ridge lines as established in Section 14-22A-9.
4. An overall excavation, grading and drainage plan shall be prepared in accordance with sound professional engineering practices and to address minimum standards adopted by the City. Said plans shall be prepared and certified by a professional engineer registered in the State of Arizona. If any drainage structures or culverts are involved, it will be necessary to include calculations for peak flows for a 100 year storm to establish appropriate drainage facilities, cross-sections and details. Storm water diverted from its original drainage pattern shall be returned to its natural course before leaving the property.
5. Where possible and appropriate on less complex lots and lots with acceptable site conditions, the combining of the above maps into one drawing may be acceptable.
6. The Planning Manager, or their designee, may require an accurate oblique view architectural rendering in color; showing the appearance of the building, lot, landscaping, and skyline. The Planning Manager may also require a model if determined necessary to evaluate the project. The model may be a three dimensional physical model or it may be a computer generated model in a three dimensional format and presented by a series of prints or by a disc that can be viewed on a monitor. The rendering and the model will remain in the custody of the Planning Manager until a Certificate of Occupancy is issued. On the rendering or attached thereto, the applicant shall list all colors depicted on the exterior of all structures according to Section 14-22A-4.B.
7. Plans for any structure to be constructed on any land governed by these Hillside Regulations shall be sealed by a registered engineer or architect.
8. The plans for any hillside development of any kind or nature whatsoever, must be approved by the staff and appropriate permit(s) issued, before any grading, bulldozing, blasting, or movement of earth is commenced.

~~SECTION 14-22A-13~~ — RESERVED**SECTION 14-22A-14 INSPECTIONS**

ARTICLE 14-22A

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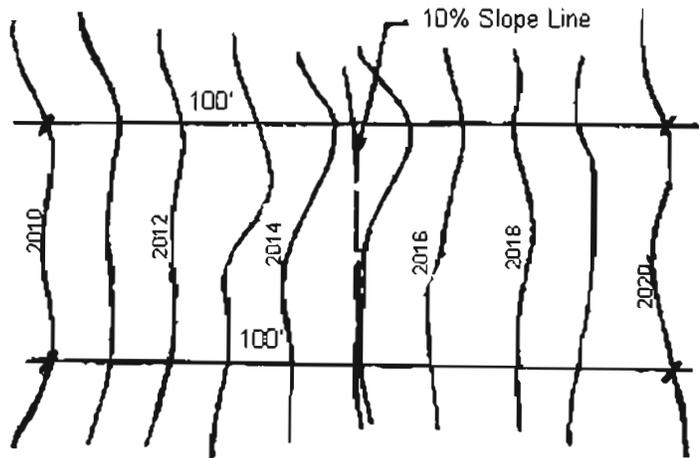
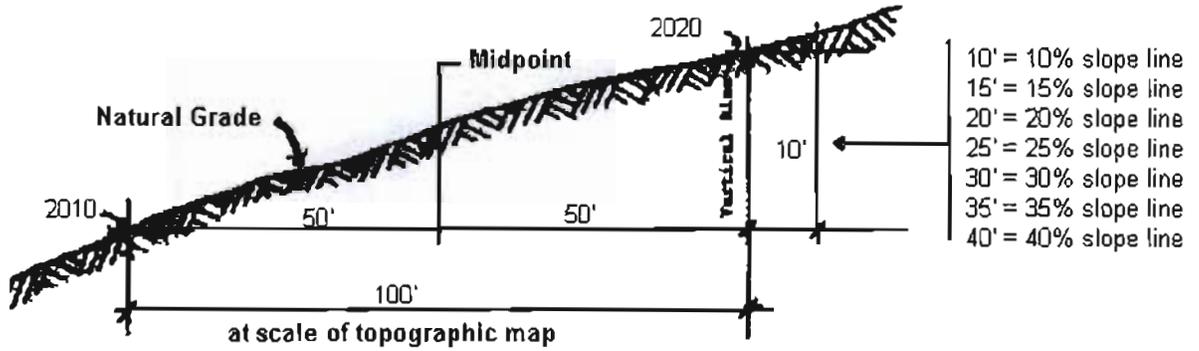
- | ~~1.A. Inspections may be made to insure compliance with this Article. Inspections to ensure compliance with this Article are required and shall occur prior to issuance of the first certificate of occupancy or equivalent.~~
- | ~~2.~~
- | ~~3.B. The applicant shall request from the City a preliminary inspection before commencing construction. This inspection shall document the original condition of the site through photos which shall be compared against historic aerial photos to ensure no disturbance has occurred prior to permitting.~~
- | ~~4.C. Prior to the inspection of property, an authorized employee shall attempt to obtain the consent of the property owner or representative pursuant to this Article. If consent is denied, the employee may conduct an inspection as permitted pursuant to applicable state or federal law.~~

SECTION 14-22A-15 ENFORCEMENT / COMPLIANCE

- | ~~1.A. Violations should be reported by the City to the property owner, together with a Compliance Order describing the measures required to correct the violation(s). Failure to comply with the terms of a Compliance Order shall constitute a violation of this Article.~~
- | ~~2.B. In those instances where a Site Disturbance Activity has commenced within a Hillside Development Area without an approved Slope Category Determination Study or where another violation of this Article has occurred, the City may issue a Stop Work Order to terminate immediately all development or construction related Site Disturbance Activity on the site, parcel or property. In addition, the City may revoke any or all of the permits issued by the City for the site, parcel or property. Upon the issuance of a Stop Work Order, the responsible party shall immediately terminate all activities on the site and then contact the City of Peoria Planning Division regarding what measures should be taken to eliminate any problems resulting from the development activity. Failure to comply with the terms of a Stop Work Order shall be a violation of this Article.~~
- | ~~3.C. Violations of this Article are subject to prosecution by the City of Peoria as a Misdemeanor violation under the City Code and shall be punishable as provided by law.~~

Figure 2

SLOPE CALCULATION



Typical Example for determining 10% slope line.

Figure 3

HILLSIDE DEVELOPMENT

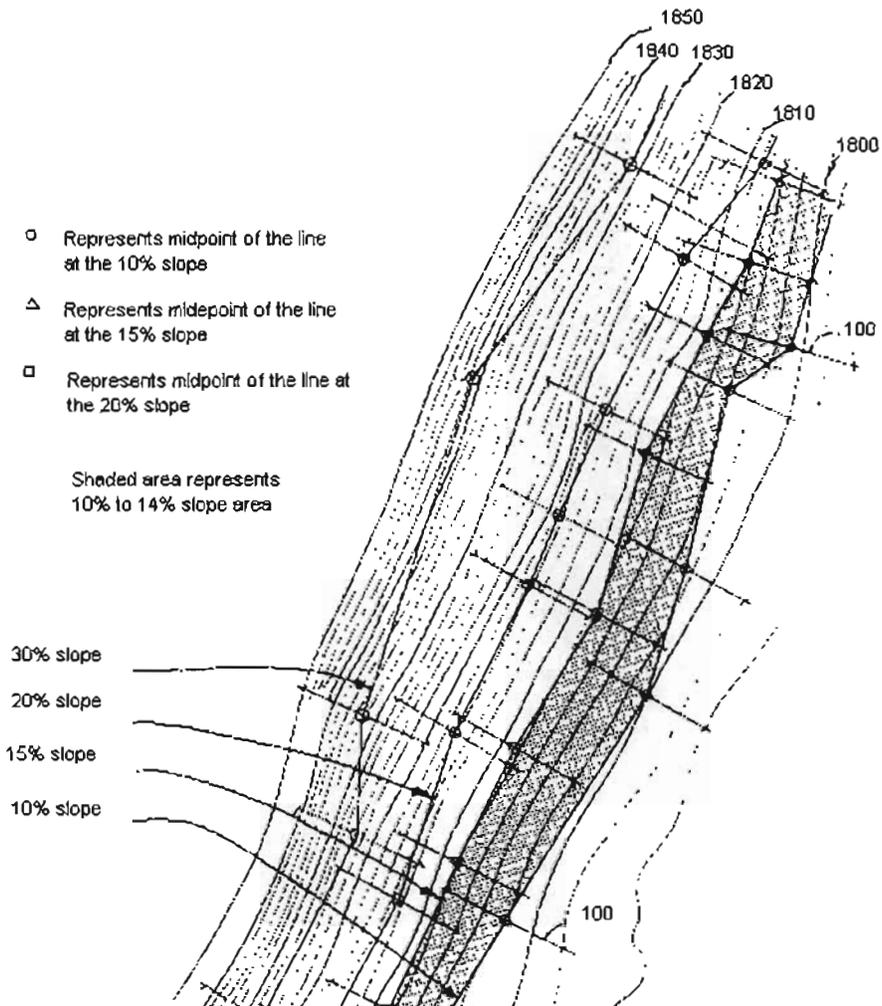
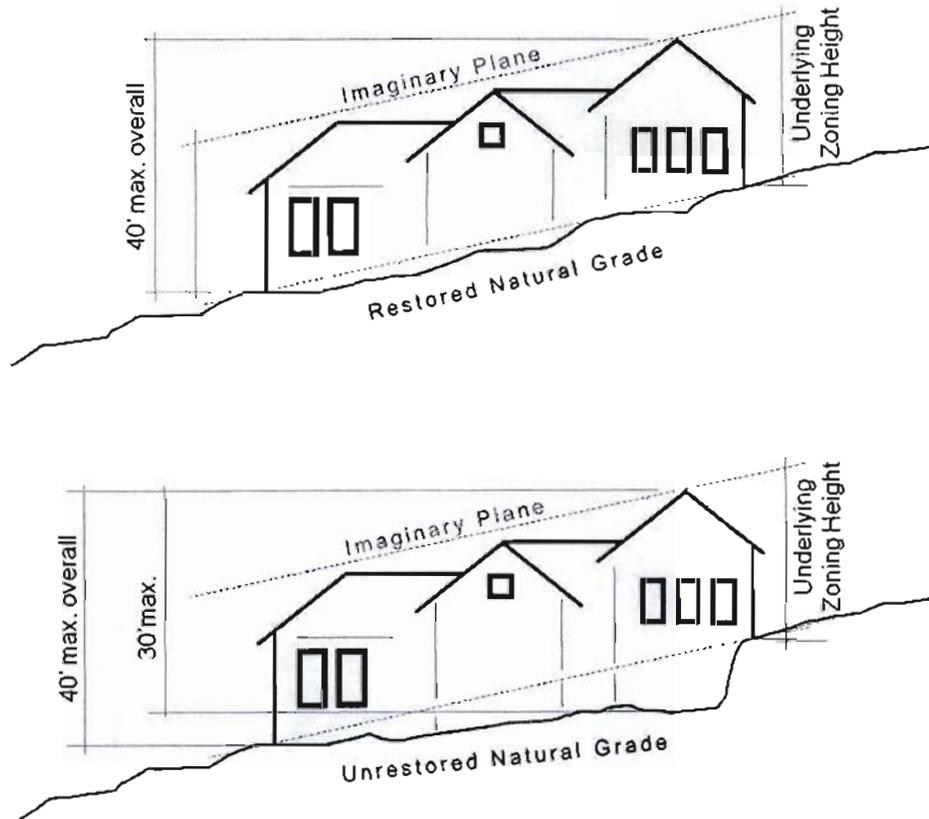
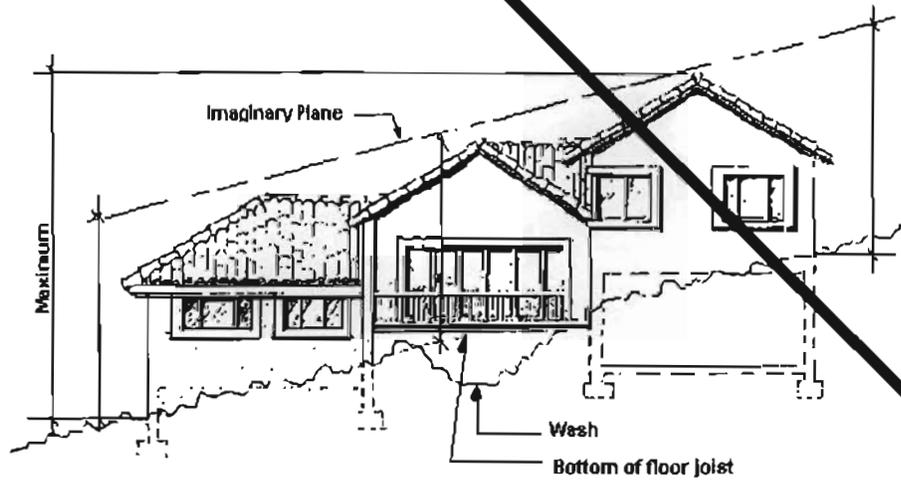
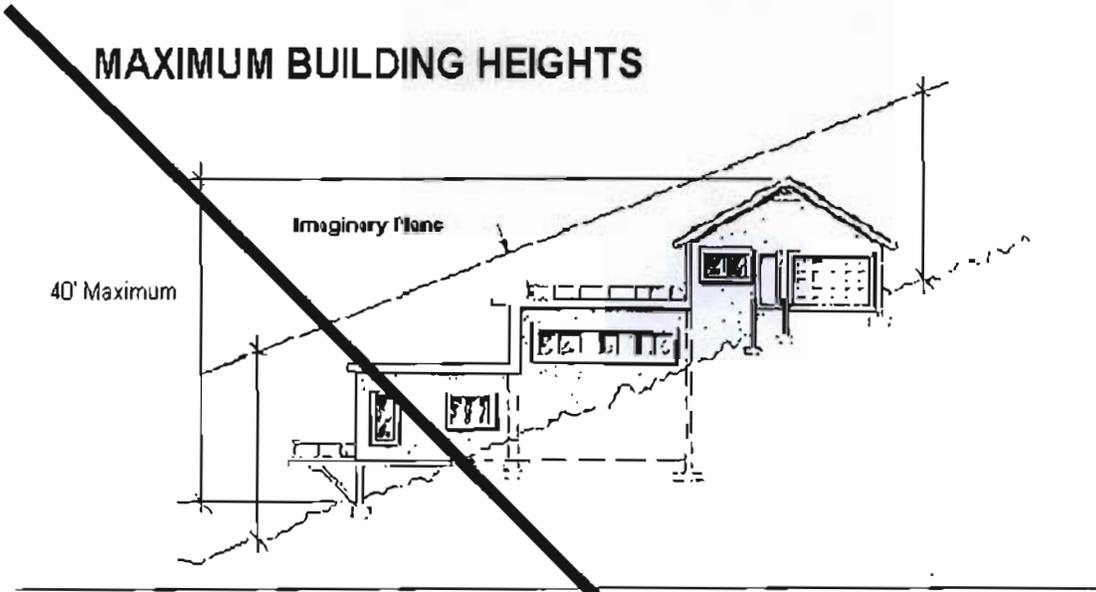


Figure 4



MAXIMUM BUILDING HEIGHTS



Questions from the Homebuilder's Association of Central Arizona (HBACA) with Staff Responses

1. **SECTION 14-22A-6, 2** :: "...vertical plane shall exceed a height of thirty-five (30)..."
Should the height be 35' or 30'? *Typo – correction (30') made.*
2. **SECTION 14-22A-7, C** :: "...if they are restored to their natural contours, vegetation and colors to the satisfaction of the Staff."
"To the satisfaction of the Staff" is subjective. Please define what this means. Perhaps: Disturbed areas may be reclaimed if such that they: 1. are restored to their natural contours, vegetation and colors ~~to the satisfaction of the Staff. Such restoration shall,~~ and 2. reflect the natural condition as depicted in historical aerial photos and site photos taken prior to the development of the site. *Suggested change accepted and added to document.*
3. **SECTION 14-22A-7, C** :: Is there a required survival rate for native re-vegetation? *Not specifically, however as with our landscape code, it is our intention to achieve 100% survival.*
4. **Figure 4** :: Does the overall height limitation of 40' apply to commercial buildings such as a golf course club house? *Yes. It is likely that any future golf courses would occur within a PAD or PCD master-planned community which allows for customized development standards. If additional height is needed, the PAD/PCD can be either written for more height or modified as needed (within reason).*
5. Do all of these restrictions apply to non-residential structures? *Yes, except where noted (i.e. cell towers, utilities, etc.).*
6. Any considerations or restrictions for water storage facilities? – views from distance, color, buried tanks, maximum capacity, etc? *? It has been the City's policy to camouflage these items when developing them as a CIP project. We have examples of buried / partially buried tanks, tanks designed to the existing topography, and painted tanks that attempt to blend with the surrounding area. We also have the Vistancia (privately built) tank which is entirely underground. This comment has encouraged us to add some language into our ordinance that requires screening of these facilities; however because we realize that these facilities really should be considered on a site-by-site basis, we have identified some minimum criteria for all facilities, then added short list additional screening alternative in order of preference. Not wanting to be over-prescriptive, we defining our intention and encouraging the developer and City staff to work together to develop a design that meets the intent of the ordinance. I've included the draft language below. This language is still under review internally, so any comments are certainly welcomed.*

Water storage facilities, pumping stations and related facilities shall be designed to minimize their visual impact. All such facilities shall be painted to match the predominant color of the natural terrain, disturbed terrain shall be dyed to blend with surrounding area, and walls shall be contextually sensitive in terms of color

and materials. Additional screening techniques are provided in order of preference in the list below. Final designs must be approved by the Public Works Director or designee.

- *Subterranean design*
- *Partial subterranean design*
- *Restricted height equal to or less than that of the perimeter site wall*
- *Design tank and walls to follow natural topography*
- *Context-sensitive berming / screening*
- *Vegetative screening*

7. Do the overall maximum % disturbance areas apply to golf course construction? *Yes.*
8. Are maximum turf acreages for golf courses the same for hillside golf courses as they are for non-hillside courses? *We don't have maximum turf acreages for golf courses, hillside or otherwise.*