

# ARTICLE 14-22A HILLSIDE DEVELOPMENT OVERLAY DISTRICT

(Revised Ord. Nos. 04-201, 2011-08)

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## 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 areas involves special considerations which result from the slope of the land. These considerations 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.
- 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.

**Table 1  
Hillside Determination**

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

- 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 PC or PAD District Standards/Guidelines Report and Development Plan. (Ord. No. 02-27)
- D. Conservation features identified in Article 14-22B shall be preserved in accordance with that Article.

**SECTION 14-22A-2 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.

**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.

**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 twelve (12) inches 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-3 SLOPE DETERMINATION**

- A. A Slope Category Determination Study shall be required prior to the initiation of any Site Disturbance Activities for all land with slopes of 10% or greater. (Ord. No. 2011-08)
- 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 Department a Slope Category Determination Study pursuant to this Section, 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.

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. 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.)

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 of the Planning Manager decision pursuant to this paragraph may be heard by the Administrative Hillside Hearing Officer subject to the provisions of Article 14-39 of the Zoning Ordinance. (Ord. No. 05-44)

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. 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. 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 2, 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. 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. 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. Measure the areas resulting between each series of straight lines to determine the areas in each slope category.
- 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. 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. 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. Computer generated slope analyses shall be prepared utilizing the following modeling parameters:
  - i. Maximum two (2) foot slope contour intervals for slopes less than twenty percent (20%);
  - ii. Maximum five (5) foot slope contour intervals for slopes more than twenty percent (20%);
  - 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;
  - iv. The analysis shall utilize a twenty-five (25) foot grid system.

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- d. All data generated through the use of a computer generated slope determination shall be presented in both chart and graphical formats. Graphical slope information shall be presented in a clear and easily understandable format.
  - e. The final map shall be plotted at a minimum scale of 1" = 200' and submitted to the Department for review. If found acceptable, the final slope determination map shall be approved. The Department may reject the analysis and require correction(s) to the digitized slope category lines to 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 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 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-4 DENSITY**

- 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 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.

<b>TABLE – 2 DENSITY ALLOCATION</b>	
<b>Slope of Land</b>	<b>Maximum Number of Lots Per Gross Acre</b>
0%-10%	Underlying Zoning
10% to 15%	1.50 <sup>(1)</sup>
15% to 20%	1.00 <sup>(1)</sup>
20% to 25%	0.70 <sup>(1)</sup>
25% to 30%	0.50 <sup>(1)</sup>
30% to 35%	0.30
35% to 40%	0.20
40% & Over	0.10

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- (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.
- 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.
- 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-5 GENERAL PROVISIONS FOR HILLSIDE LOTS**

- A. Minimum lot sizes in hillside areas shall be limited as shown in Table 3. Lot sizes in areas of 10% slope or greater may be reduced 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%).

<b>Table 3</b>	
<b>Slope Category</b>	<b>Minimum Lot Size</b>
0% to 10%	Underlying Zoning
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

- B. 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 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.
- C. Building setbacks shall be as required by the zoning district.

- D. Maximum lot coverage by the main building and all accessory buildings shall not occupy more than that permitted by the zoning district or Table 4, whichever is the lesser area.
- E. All hillside lots shall 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 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.
- F. All 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-6 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.

- A. No part of any structure shall penetrate an imaginary plane, the height of which 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 4).
- B. Where natural grade is not restored back against the building, no exposed face in any vertical plane shall exceed a height of thirty (30) feet measured from the lowest exposed base.
- C. 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. 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. Bright untarnished copper or other metallic surfaces shall be treated at the time of installation so they are non-reflective.
  - 2. All electrical service equipment and subpanels and all mechanical equipment including, but not limited to, air conditioning and pool equipment, 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.

3. Water storage facilities, pumping station, 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

D. 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 4). The subterranean portion of a structure is not included in the total height calculation.

#### **SECTION 14-22A-7 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 extent possible. All cut and fill areas visible from off-site locations shall be treated with a natural staining or aging agent.

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

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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.

- E. The limits of construction and proposed disturbed areas shall be clearly 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.
- F. All lots less than 18,000 square feet net area are eligible for mass grading.
- G. All lots equal to or greater than 18,000 square feet net area shall establish a construction envelope equal to the combined area of the maximum disturbed area and maximum lot coverage from Table 4, below.
- H. All surplus excavated material shall be removed from the lot.
- 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 4.

Table 4

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

- J. Calculation of Disturbed Area (Table 4)
  - 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.
  - 2. Disturbed Area accounts for site elements such as driveways, non-natural / un-restored landscaping, pool areas, walkways, uncovered patios, etc.

3. Maximum Lot Coverage refers to any under-roof site element and shall include principal and accessory buildings.
- K. Transfer of Disturbed Area and dwelling units / development rights to a lower slope category shall be subject to the following conditions:
1. Permitted Lot Coverage and Disturbed Area from a higher slope category may be transferred to 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.
  2. Permitted Disturbed Areas shall not be transferred from the 0-10% slope category to any other category.
  3. 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).
  4. 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.
  5. 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 does not interfere with the preservation of Natural Open Space;
    - 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. The location will advance the City’s interest in protecting a Hillside Development Area; and
- 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. 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.
- M. 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.
  - 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-8 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 Department prior to the commencement of any development or Site Disturbance Activities.

**SECTION 14-22A-9 DRIVEWAYS**

- 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.
- 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.
- C. To reduce the visual impact of driveways the following is intended to be an incentive to preserve the natural mountain views. Driveways surfaced with paving bricks, colored concrete or with exposed aggregate, colored to blend with existing native color of the site, shall only be included in disturbed area calculations at twenty-five (25) percent of their total area.
- 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-10 PERIMETER WALLS, PRIVACY WALLS, RETAINING WALLS, SPILL SLOPES, AND EDGE TREATMENTS***Retaining Walls*

- A. The design of all retaining walls 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.
- B. Raw spill slopes are prohibited.
- 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.

- D. No single retaining wall in any front yard shall exceed four (4) feet in height in residential districts or six (6) feet in height in non-residential districts.
- 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.
- F. Additional retaining height may be achieved through the use of offset retaining walls and terraces: such walls shall be offset a minimum of four(4) feet and all terraces shall be landscaped appropriately for the width of the offset. Retaining walls shall incorporate weep holes for drainage and sleeves for irrigation.
- G. View fences not exceeding 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.
- 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)*

- I. 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*

- 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.
- K. Perimeter walls and fences surrounding a lot, tract, or parcel shall be prohibited except as provided 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.
- 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 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 Engineering Division / Site Planning Division, 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.

- 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.

**SECTION 14-22A-11 LIGHTING, SEWERS, UTILITIES**

- 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.
- B. Connection to a public sewer system is required in connection with Chapter Twenty-Five (25) of the City Code where available.
- C. Private individual lot sewer systems shall be designed by a registered engineer.
- D. All on-site utilities shall be placed underground.

**SECTION 14-22A-12 MOUNTAIN RIDGE PROFILE**

- A. Within 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 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:

## **ARTICLE 14-22A**

## **HILLSIDE DEVELOPMENT OVERLAY**

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.
- 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-13 SUBMITTAL REQUIREMENTS FOR CONSTRUCTION ON A HILLSIDE LOT**

- A. In addition to drawings, plans, specifications and details necessary to obtain a building permit, the following 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-14 INSPECTIONS**

- A. Inspections to ensure compliance with this Article are required and shall occur prior to issuance of the first certificate of occupancy or equivalent.
- 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.

**SECTION 14-22A-15 ENFORCEMENT / COMPLIANCE**

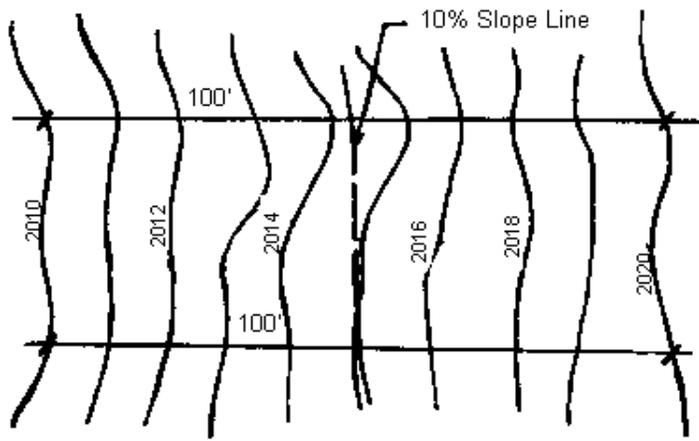
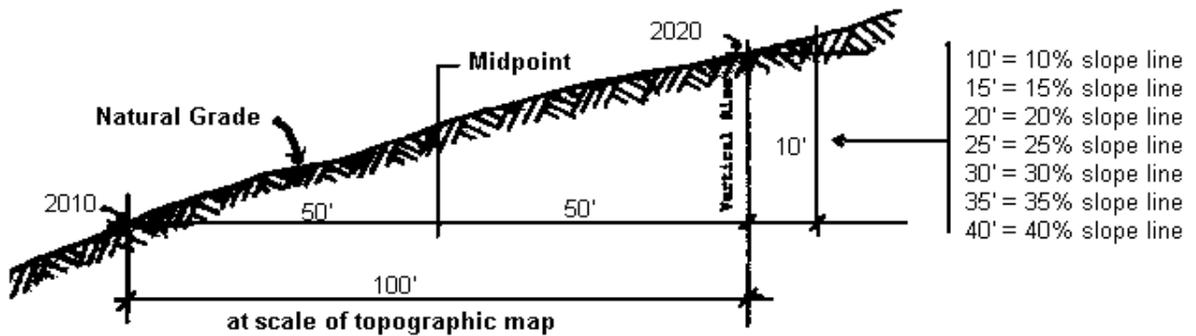
**ARTICLE 14-22A**

**HILLSIDE DEVELOPMENT OVERLAY**

- 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.
- 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.
- C. Violations of this Article are subject to prosecution by the City of Peoria under the City Code and shall be punishable as provided by law.

**Figure 2**

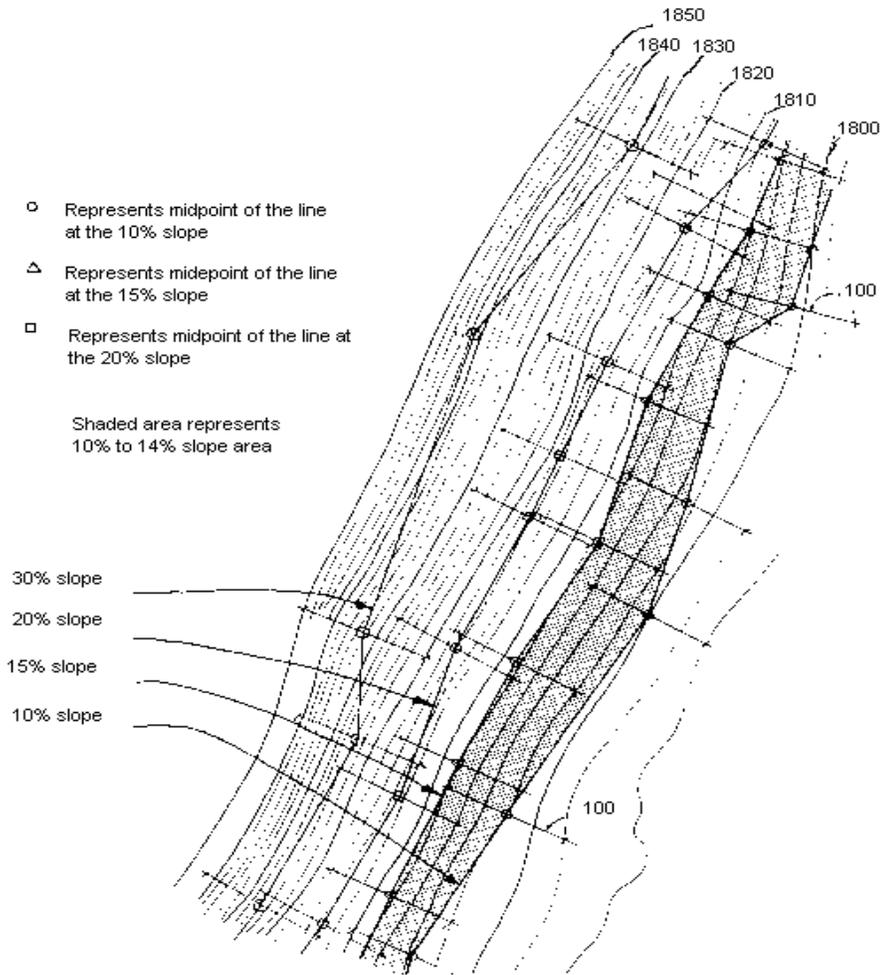
**SLOPE CALCULATION**



Typical Example for determining 10% slope line.

**Figure 3**

**HILLSIDE DEVELOPMENT**



**Figure 4**

