

Sec. 1.904. - Criteria.

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- A. In considering any application for development, the Development Review Board shall be guided by the following:
1. The Board shall examine the design and theme of the application for consistency with the design and character components of the applicable guidelines, development standards, Design Standards and Policies Manual, master plans, character plan and General Plan.
 2. The architectural character, landscaping and site design of the proposed development shall: **RESPONSE:** *The new subdivision or re-plat is expanding the number of lots to a total of seven on thirty-nine acres. This density is well below the maximum allowed the placement of the homes and accessory use will designed to retain as much of natural character of the original site. On each lot there is minimal movement of trees, cacti and low-level plants.*
 - a. Promote a desirable relationship of structures to one another, to open spaces and topography, both on the site and in the surrounding neighborhood; **RESPONSE:** *The lots and their tentative home location have approximate similar distances between them to clearly recognize the NAOS areas between them and respects the interior road interior to the site for access. The wash will remain undisturbed and no mass grading is required of anticipated. Any healthy vegetation will be replanted if necessary on site with very minimal alteration of the natural landscape.*
 - b. Avoid excessive variety and monotonous repetition; **RESPONSE:** *All lots are arranged with the topography and the homes will be custom built and relate architecturally to the surrounding environment with color, texture of materials and any natural features which can be incorporated into the design of the homes.*
 - c. Recognize the unique climatic and other environmental factors of this region to respond to the Sonoran Desert environment, as specified in the Sensitive Design Principles; **RESPONSE:** *The homes should be designed in a north/south orientation where possible, developed with Green building guidelines and minimal if any non reflective surfaces for access, flat surface areas and the addition of plant material indigenous to the area.*
 - d. Conform to the recommendations and guidelines in the Environmentally Sensitive Lands (ESL) Ordinance, in the ESL Overlay District; and **RESPONSE:** *We are complying with this submittal with exception of lot 3,5 and 6. Field measurements on this lots front yard setback and the existing wall may need an exception to the 60' required setback. We believe the exception is warrant to 45' because the exception was part of the original development of the 39 acres. The lot dimensions deem this area a front yard because the lots are conforming to the natural landscape.*
 - e. Incorporate unique or characteristic architectural features, including building height, size, shape, color, texture, setback or architectural details, in the Historic Property Overlay District. **RESPONSE:** *N/A*

3. Ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas and pedestrian ways shall be so designed as to promote safety and convenience.
RESPONSE: *Primary access to and from the lots is from Dixileta Rd. with sufficient access through an existing guard gate and onto an existing private access way with adequate access points for fire protection. The service areas for each lot will be within each lots grade able area and the balance donated as additional NAOS.*
4. If provided, mechanical equipment, appurtenances and utilities, and their associated screening shall be integral to the building design. **RESPONSE:** *This will be a requirement of the lot development.*
5. Within the Downtown Area, building and site design shall: **RESPONSE: N/A**
 - a. Demonstrate conformance with the Downtown Plan Urban Design & Architectural Guidelines;
 - b. Incorporate urban and architectural design that address human scale and incorporate pedestrian-oriented environment at the street level;
 - c. Reflect contemporary and historic interpretations of Sonoran Desert architectural traditions, by subdividing the overall massing into smaller elements, expressing small scale details, and recessing fenestrations;
 - d. Reflect the design features and materials of the urban neighborhoods in which the development is located; and
 - e. Incorporate enhanced design and aesthetics of building mass, height, materials, and intensity with transitions between adjacent/abutting Type 1 and Type 2 Areas, and adjacent/abutting Type 2 Areas and existing development outside the Downtown Area.
6. The location of artwork provided in accordance with the Cultural Improvement Program or Public Art Program shall address the following criteria: **RESPONSE: N/A**
 - a. Accessibility to the public;
 - b. Location near pedestrian circulation routes consistent with existing or future development or natural features;
 - c. Location near the primary pedestrian or vehicular entrance of a development
 - d. Location in conformance with the Design Standards and Policies Manual for locations affecting existing utilities, public utility easements, and vehicular sight distance requirements; and
 - e. Location in conformance to standards for public safety.

Sec. 6.1011. - Purpose.

The purpose of the ESL District is to identify and protect environmentally sensitive lands in the city and to promote the public health, safety and welfare by providing appropriate and reasonable controls for the development of such lands. Specifically, the ESL District is intended to:

- A. Protect people and property from hazardous conditions characteristic of environmentally sensitive lands and their development. Such hazards include rockfalls, rolling boulders, other unstable slopes, flooding, flood-related mud slides, subsidence, erosion, and sedimentation. **RESPONSE:** *Other than a new Grading and Drainage Report is provided, there no conditions on this site to be considered the hazardous.*
- B. Protect and preserve significant natural and visual resources. Such resources include, but are not limited to, major boulder outcrops and large boulders, major ridges and peaks, prime wildlife habitat and corridors, unique vegetation specimens, significant washes, and significant riparian habitats. **RESPONSE:** *There are no significant natural resources on the site and sahuaros and large trees are being left in their natural condition when able.*
- C. Protect renewable and nonrenewable resources such as water quality, air quality, soils, and natural vegetation from incompatible land uses. **RESPONSE:** *All required construction requirements will be followed for minor infrastructure improvements and the construction of the homes*
- D. Minimize the costs of providing public services and facilities in ESL District areas such as streets, water, sewer, emergency services, sanitation services, parks, and recreation. Costs associated with the design and development of infrastructure in environmentally sensitive areas can be higher than costs in other areas of the city due to the unique and fragile nature of such lands. **RESPONSE:** *All services are already provided to the site and minimal disturbance will be caused by the minor infrastructure construction and development of each lot.*
- E. Conserve the character of the natural desert. Guide the location and distribution of meaningful on-lot and common tract open space and protect sensitive environmental features to sustain the unique desert character found in ESL District areas. **RESPONSE:** *All of those items have been considered in providing the re plat design.*
- F. Recognize and conserve the economic, educational, recreational, historic, archaeological, and other cultural assets of the environment that provide amenities and services for residents and visitors. **RESPONSE:** *N/A*
- G. Assure that decisions regarding development in environmentally sensitive areas are based on complete and accurate information about the environmental conditions including drainage features and probable development impacts. **RESPONSE:** *No new environmentally sensitive characteristics have been identified since the site was permitted in 2009.*

- H. Minimize the impacts of development by controlling the location, intensity, pattern, design, construction techniques, and materials of development and construction. **RESPONSE:** *All these items were considered during the design phase of this re plat.*
- I. Retain the visual character of the natural landscape to the greatest extent feasible by regulating building mass, location, colors, and materials; grading location, design and treatment; and landscaping design and materials. **RESPONSE:** *All lots are will have significant natural landscape between them and the new homes will reflect a similar character with the natural desert quality will be the dominant theme.*
- J. Maintain significant open spaces which provide view corridors, buffers, protect landmarks and large boulders, and prime wash habitats, by preserving these features in their natural state to maintain the city's unique desert setting. **RESPONSE:** *ALL existing natural features of this original 39-acre site are being preserved.*
- K. Protect environmentally sensitive lands, while also recognizing the legitimate expectations of property owners and the city's overall economic goals. **RESPONSE:** *These new lots and homes will complement the development in the area and we have opposition to this request. These new lots will stimulate the City through increased sales and property taxes and the wealth needed to reside here is significant and a continuous value to the City.*
- L. Encourage innovative planning, design, and construction techniques for development in environmentally sensitive areas. **RESPONSE:** *These items will be conveyed to the future owners through CCR at the time of sale.*

R1-190 ESL FO – Amended Development Standards.

Sec. 5.014

The following property development standards shall apply to all land and buildings in the R1-190 District:

A. *Lot area.*

1. Each lot shall have a minimum lot area of not less than one hundred ninety thousand (190,000) square feet.
2. If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the passage of this ordinance, such lot may be used for any purpose permitted in this section.

B. *Lot dimensions.*

Width. All lots shall have a minimum width of three hundred (300) feet.

C. *Density.* There shall be not more than one (1) single-family dwelling unit on any one (1) lot.

D. *Building height.* No building shall exceed ~~thirty (30)~~ **twenty-four (24)** feet in height, except as otherwise provided in article VII. ***in accordance with Sec. 6.1004.A and Sec. 6.1070.B.**

E. *Yards.*

1. Front Yard. ***amendments applicable to Lots 3, 5, and 6**

- a. There shall be a front yard having a depth of not less than ~~sixty (60)~~ **forty-five (45)** feet.
- b. Where lots have a double frontage on two (2) streets, the required front yard of ~~sixty (60)~~ **forty-five (45)** feet shall be provided on both streets.
- c. On a corner lot, the required front yard of ~~sixty (60)~~ **forty-five (45)** feet shall be provided on each street. No accessory buildings shall be constructed in a front yard. *Exception:* On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street.

2. Side Yard. There shall be a side yard of not less than thirty (30) feet on each side of a building.

3. Rear Yard. There shall be a rear yard having a depth of not less than sixty (60) feet.

4. Other requirements and exceptions as specified in article VII.

F. *Distance between buildings.*

1. There shall be not less than ten (10) feet between an accessory building and the main building.
 2. The minimum distance between main buildings on adjacent lots shall be not less than sixty (60) feet.
- G. *Walls, fences and landscaping.* Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side and rear yard. Walls, fences and hedges up to twelve (12) feet in height are allowed subject to a sixty-foot setback from the side and rear property line. Walls, fences and hedges up to three (3) feet in height are allowed on the front property line or within the required front yard, except as provided in Article VII. The height of the wall or fence is measured from within the enclosure. Exception: Where a corner lot does not abut a key lot or an alley adjacent to a key lot, the height of walls, fences and hedges in the yard of the longer street frontage need only conform to the side yard requirements.
- H. *Access.* All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.
- I. *Corral.* Corral not to exceed six (6) feet in height shall be permitted on the property line or within the required front, side or rear yard.