

PLANNING COMMISSION REPORT



Meeting Date: February 14, 2018
General Plan Element: *Preservation & Environmentally Planning*
General Plan Goal: *Protect the natural environment*

ACTION

Environmentally Sensitive Lands Text Amendment – Treatment of Non-conforming ESL Property

933-PA-2017

Request to consider the following:

1. To initiate a text amendment to the City of Scottsdale Zoning Ordinance (Ordinance No. 455) for the purpose of amending Sections 6.1022.A., B., C., 6.1010, and any other applicable sections, to update the Environmentally Sensitive Lands (ESL) overlay provisions.

Related Policies, References:

- 2001 General Plan
- Zoning Ordinance
- Design Standards and Policies Standards

APPLICANT CONTACT

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LOCATION

Citywide

BACKGROUND

The City of Scottsdale was successful in establishing an ordinance that would conserve the city's desert character and minimize the negative impacts of development. This initial ordinance was titled the "Hillside Ordinance," and was approved by the City Council in 1977. The Hillside Ordinance established the dedication of Natural Area Open Space (NAOS) and protected people from hazardous conditions particular to mountains and hillsides. This ordinance was later challenged, and updated to more properly execute the above-mentioned goals.

That update to the Hillside District Ordinance was renamed to the "Environmentally Sensitive Lands Ordinance." The Environmentally Sensitive Lands Overlay (ESL), established in 1991, has

proven to be extremely successful at protecting natural and visual features, habitat, unstable slopes, erosion and flooding, and preserved significant and meaningful open space. Thus far, the ESL Ordinance has been updated on three separate occasion with the last significant update to the ESL ordinance, in 2004. This update included exemption provisions to account for development under previous versions of the ESL. Although helpful, the exemptions do not clearly provide solutions for treating some common non-conforming scenarios located within the ESL overlay area.

Over the years, staff continued to identify many issues with the ESL section of the Zoning Ordinance, particularly its application to existing developed single-family properties (specifically homes built prior to 1991). Application of these requirements in existing developed areas has not served to further the purpose of the Environmentally Sensitive Lands Overlay, and in many cases caused undue hardship to property owners.

The purpose of this amendment is to resolve some of these issues, and address some additionally identified concerns located within the ordinance’s text, including:

- reoccurring issues with ambiguity of the current regulations;
- impacts on existing developed properties as they relate to non-conformities,
- conflicts and clarifications related to future developments,
- obtaining Natural Area Open Space (NAOS) easements on smaller single-family properties developed prior to 1991 as currently required by the ESL Ordinance,
- prohibiting non-conforming homes in ESL to expand under current code restrictions, and
- applying other current ESL requirements for properties and developments originally constructed to Maricopa County development standards prior to their annexation and/or the application of the 1991 ESL

IMPACT ANALYSIS

Community Involvement

This proposal will include standard community involvement consisting of public notice in the newspaper, online notification, postcard mailing to interested parties and community outreach meetings.

STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Planning Commission initiate the text amendment.

RESPONSIBLE DEPARTMENT

Planning and Development

Current Planning Services

STAFF CONTACTS

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APPROVED BY



Jesus Murillo, Report Author

2-7-2018

Date



Tim Curtis, AICP, Current Planning Director
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2/7/2018

Date



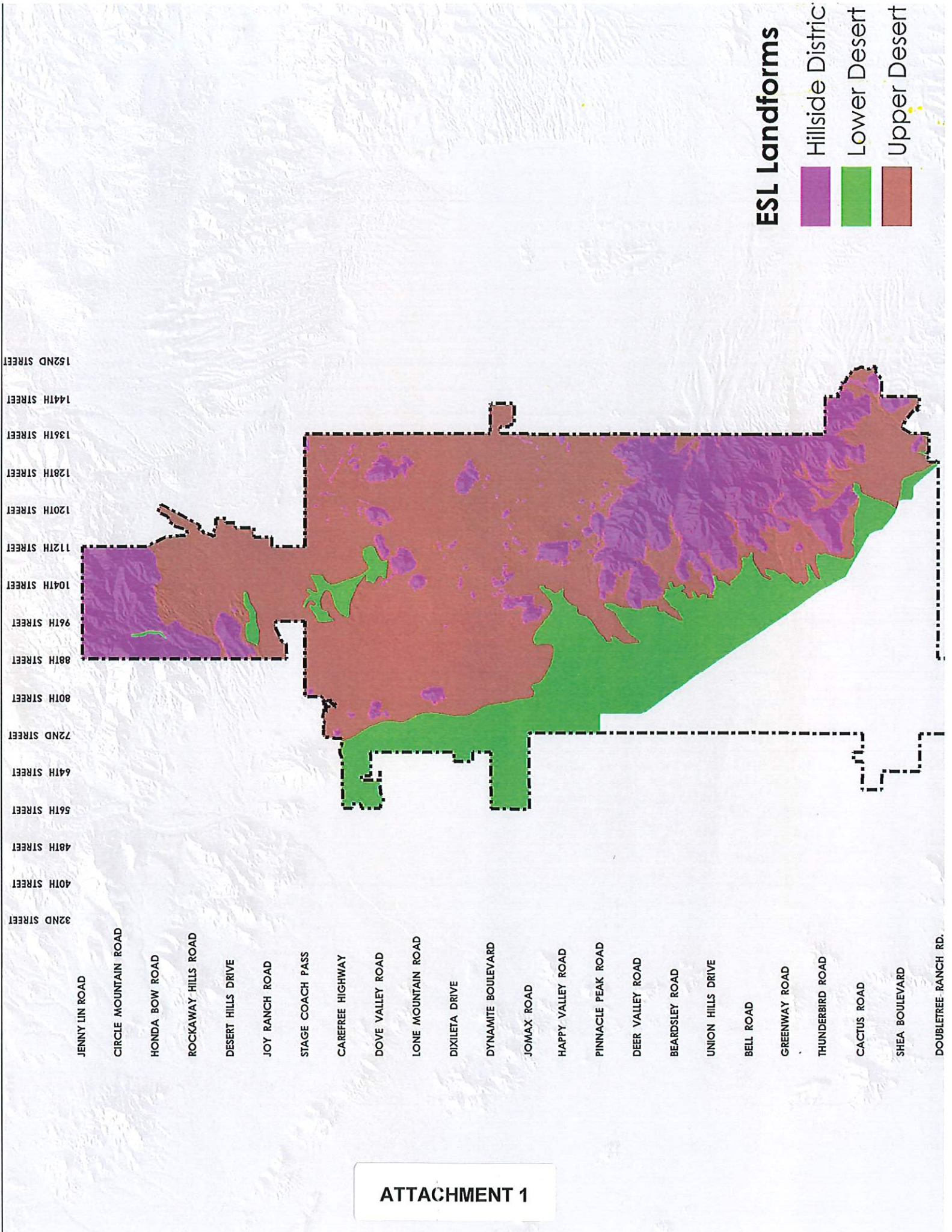
Randy Grant, Administrator
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2/8/18

Date

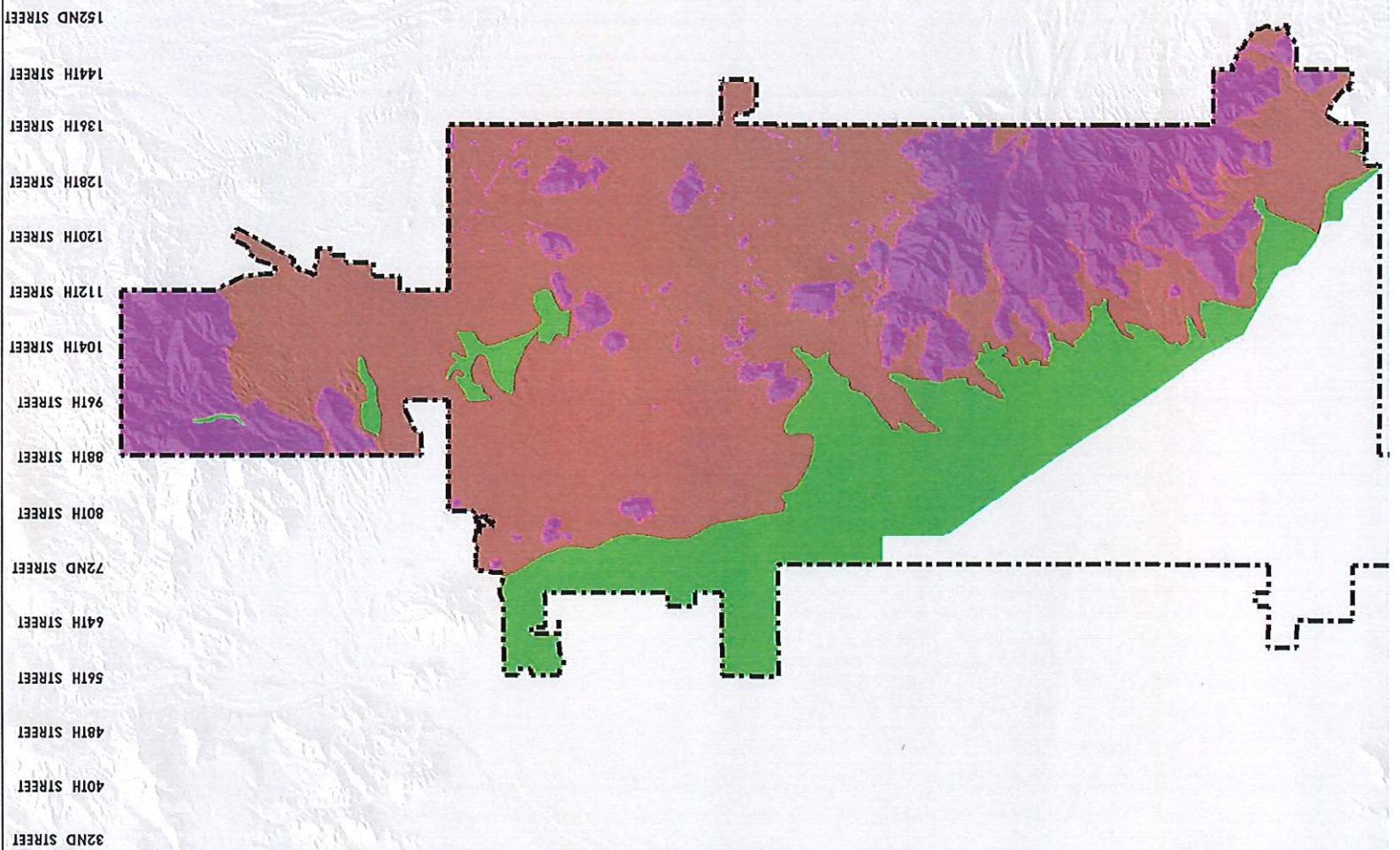
ATTACHMENTS

1. ESL overlay map



ESL Landforms

- Hillside District
- Lower Desert
- Upper Desert



32ND STREET
 40TH STREET
 48TH STREET
 56TH STREET
 64TH STREET
 72ND STREET
 80TH STREET
 88TH STREET
 96TH STREET
 104TH STREET
 112TH STREET
 120TH STREET
 128TH STREET
 136TH STREET
 144TH STREET
 152ND STREET

JENNY LIN ROAD
 CIRCLE MOUNTAIN ROAD
 HONDA BOW ROAD
 ROCKAWAY HILLS ROAD
 DESERT HILLS DRIVE
 JOY RANCH ROAD
 STAGE COACH PASS
 CAREFREE HIGHWAY
 DOVE VALLEY ROAD
 LONE MOUNTAIN ROAD
 DIXILETA DRIVE
 DYNAMITE BOULEVARD
 JOMAX ROAD
 HAPPY VALLEY ROAD
 PINNACLE PEAK ROAD
 DEER VALLEY ROAD
 BEARDSLEY ROAD
 UNION HILLS DRIVE
 BELL ROAD
 GREENWAY ROAD
 THUNDERBIRD ROAD
 CACTUS ROAD
 SHEA BOULEVARD
 DOUBLETREE RANCH RD.

ATTACHMENT 1