

PLANNING COMMISSION REPORT



Meeting Date: May 10, 2023
General Plan Element: *Conservation and Environmental Planning*
General Plan Goal: *Protect the natural environment*

ACTION

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

275-PA-2023

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:

- 2035 General Plan, as amended
- Scottsdale Zoning Ordinance
- Design Standards and Policies Manual

APPLICANT CONTACT

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City of Scottsdale
480-312-7849

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 legally challenged and then updated to more properly execute the above-mentioned goals.

The 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 occasions with the last significant update to 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 on property located within the ESL overlay area.

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

The purpose of this amendment is to explore and possibly resolve some of these issues, and address some additionally identified concerns located within the ordinance text, including but not limited to:

- 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 into Scottsdale 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 with stakeholders of varying interests.

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



4/27/2023

Jesus Murillo, Report Author

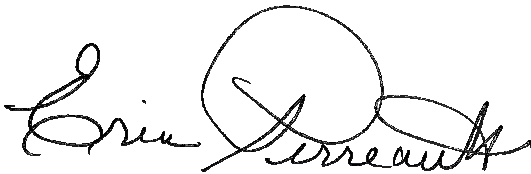
Date



4/26/2023

Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

Date



04/27/2023

Erin Perreault, AICP, Executive Director
Planning and Development Services
480-312-2664, eperreault@scottsdaleaz.gov

Date

ATTACHMENTS

1. ESL overlay map

Desert Hills

Carefree

Dynamite

Pinnacle Peak

Bell

Shea

