



ESL Text Amendment - Treatment of Fire Defensible Space

Project Narrative

Case 11-TA-2000#4

The request is for a text amendment to the City of Scottsdale Zoning Ordinance (Ordinance No. 455) for the purpose of amending Sections 3.100, 6.1100, A., B., and C. (and any other applicable sections), to update the Environmentally Sensitive Lands (ESL) overlay provisions; and to amend the City of Scottsdale Fire Code, Sections O102, O115, O116., O117, and O118. Text Amendment request may create additional ordinance sub-sections.

Background

The purpose of the current text amendment is to review the ESL Ordinance and the Fire Code to modify relevant sections to allow a fire defensible space that is adapted to more recent environmental changes and to address key issues identified in the existing ordinance, including:

- Responding to the increased threat of wildfires and extended fire seasons,
- Updating fire defensible space requirements in relation to Natural Area Open Space (NAOS),
- Identifying compatible maintenance techniques and buffer strategies for NAOS areas to help address public safety needs associated with wildfires, and
- Maintaining the protection and preservation of the City's environmentally sensitive lands.

Proposed Text Amendment Changes

Since the Council initiation of this text amendment process, staff reviewed related materials, and drafted the proposed text amendment changes (Attachments "A" and "B"). Staff also received communications regarding the proposed text amendment elements from stakeholders and HOA's within the community. The ESL Ordinance and Scottsdale Fire Code documents have been modified to incorporate the following:

- Amend the fire defensible space dimensions around structures and walls,
- Amend the ESL Ordinance to avoid creating non-conforming conditions for previously approved developments that implement updated fire defensible space dimensions,
- Ensure consistency between the ESL Ordinance and the Scottsdale Fire Code,
- Update text to require maintenance of fire defensible space,
- Transfer regulations from the ESL Ordinance to the Scottsdale Fire Code for improved code alignment and operations,
- Provide the Scottsdale Fire Department with code authorization to implement fire defensible space.

Next Steps

Targeted timeline for the process:

- **Initiation of text amendment (July 2, 2025 - Completed)**
- **Analysis of Zoning Ordinance provisions that may be impacted along with any associated changes to other City Codes and Guidelines (i.e. Scottsdale Fire Code) (Completed August 2025)**
- **Drafting of text amendments (September - Completed)**
- First Open House (December 11, 2025)
- McDowell Sonoran Preserve Commission Non-Action Presentation (January 8, 2026)
- Second Open House (January 2026)
- Third Open House (January 2026)
- Planning Commission Recommendation Hearing (Tentatively set for February 2026)
- City Council Consideration and Action Hearing (Tentatively set for March 2026)
- Post Council action, updates to all publicly dispersed materials such as pamphlets, webpages, electronic messaging will occur and be provided to the public (March-April 2026)

Attachments

- A. Zoning Ordinance Sections 3.100, 6.1100, A., B., and C. (and any other applicable sections) Text Amendment Language.
- B. City of Scottsdale Fire Code, Sections O102., O115., O116., O117., and O118 Text Amendment Language.

[Zoning Ordinance ARTICLE I. – ADMINISTRATION AND PROCEDURES, Section 1.1402]

Sec. 1.1402. - Penalties.

A. Upon a finding of responsible to a civil violation, the court shall impose a civil sanction not greater than two thousand five-hundred dollars (\$2,500.00) except if the violation is for a non-permitted use or a conditional use permit stipulation then the mandatory minimum civil sanction shall be five hundred dollars (\$500.00).

B. Upon a conviction of a misdemeanor, the court may impose a sentence in accordance with section 1-8(a) of the Scottsdale Revised Code and state law for class one misdemeanors. Probation may be imposed in accordance with the provisions of Title 12, Chapter 9, Arizona Revised Statutes.

C. In addition to the penalties prescribed in this section, a property owner found in violation of section 6.1035 shall be sentenced pursuant to section 6.1100. ~~CD~~.4.

(Ord. No. 4121, § 1, 12-9-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 60), 5-6-14)

[Zoning Ordinance ARTICLE III. – DEFINITIONS, Sec. 3.100]

Sec. 3.100. - General.

For the purpose of this Zoning Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural shall include the singular; the word "building" shall include the word "structure", and the word "lot" shall include the word "plot"; the word "may" is permissive, and the word "shall" is mandatory, further the word "or" shall mean "either" and the word "and" shall mean "in conjunction with." Land use activities defined herein are generally exclusive of other defined and/or specific uses in the Zoning Ordinance.

Watercourses, minor are washes having a capacity of at least fifty (50) cfs and a 100-year flood flow rate of up to seven hundred fifty (750) cfs.

Wholesale shall mean the sale of tangible personal property for resale by a licensed retailer and not the sale of tangible personal property for consumption by the purchaser.

~~*Wildland/urban interface is an area where development and native desert wildland areas meet at a well-defined boundary.*~~

~~*Wildland/urban intermix is an area where development and native desert wildland areas meet with no clearly defined boundary.*~~

Wireless communications facility (WCF) means a facility for the transmission and/or reception of radio frequency signals, including over-the-air broadcasting signals, usually consisting of antennas, equipment cabinet, a support structure, and/or other transmission and reception devices. Exemption: ham radio, amateur radio facilities, commercial radio and television broadcasting towers, and point-to-point end-user facilities less than one (1) meter in diameter.

Wireless communications facilities shall be categorized as Type 1, Type 2, Type 3, or Type 4 facilities, subject to Section 7.200H. (wireless communications facilities).

[Zoning Ordinance ARTICLE VI. – SUPPLEMENTARY DISTRICTS, Sec. 6.1100]

Sec. 6.1100. - Maintenance, Fire Defensible Space, and Violations.

A. *Maintenance—Improved areas.* The property owner of private property on which grading or other work has been performed pursuant to a grading plan approved under the ESL regulations, shall maintain in perpetuity and repair all graded surfaces and erosion control devices, retaining walls, drainage structures or devices, and planting and ground covers according to specifications established by the City.

B. *Maintenance—Natural Area Open Space (NAOS).*

1. NAOS shall be permanently preserved in its natural condition to be self-sustaining, except as otherwise provided in this Section.
2. The removal of small amounts of man-made trash and debris that may accumulate within NAOS is permitted.
3. Clearing, pruning, raking, and landscaping within NAOS areas is prohibited, except as otherwise provided in Subsections 4., 5., and 6. below this Section.
4. Maintenance of public non-paved trails within NAOS shall be subject to specific approval the requirements by the City outlined in Section 6.1091.
5. The removal of man-made dumping piles; and specified invasive; non-indigenous plants and weeds within NAOS shall be subject to specific approval by the City, except as otherwise provided in this Section.
- ~~6. A defensible space will be permitted to be established and maintained around homes in Wildland/Urban Interface and Intermix areas as defined in Section 3.100. The removal of flash fuels, which include invasive annual grasses, for an area of thirty (30) feet from a habitable structure, to provide for fire safety around dwellings, is permitted but shall not result in the destruction of native plants* within NAOS.~~
6. 7. Dead or dying native plants within NAOS shall be left in place to provide wildlife habitat, except as otherwise provided in this Section.
- ~~8. NAOS easements may be released by the Zoning Administrator only to the extent such releases conform to the standards set forth in Section 6.1060.F.~~

~~*Native plants include the specific species defined in Article V, Protection of Native Plants, Section 46-105 through 46-120 of the Scottsdale Revised Code.~~

C. *Fire Defensible Space.*

1. Fire defensible space can be located in NAOS, provided that such NAOS is located within a Wildland/Urban Interface and/or Wildland/Urban Intermix area, as those terms are defined in the Fire Code of the City of Scottsdale (S.R.C. Chapter 36), Sec. 36-18.1 (Adoption and Amendments), Appendix O, Section O102 (Definitions).

2. Fire defensible space must be maintained as provided in the Fire Code of the City of Scottsdale (S.R.C. Chapter 36), Sec. 36-18.1 (Adoption and Amendments), Appendix O, Sections O115, O116, O117, and O118, provided that such maintenance shall not result in the destruction of native plants* without applicable permit(s).
3. Fire defensible space within NAOS, as specified herein, shall not impact the classification or calculation of NAOS, as provided in Section 6.1060.D, and shall have no relation to NAOS requirements.
4. Individual property owners are limited to maintaining fire defensible space within the boundaries of their own property and adjacent right-of-way, and shall not maintain fire defensible space on adjacent property without the owner's permission.

*Native plants include the specific species defined in Article V, Protection of Native Plants, Section 46-105 through 46-120 of the Scottsdale Revised Code.

D. ~~C.~~ Violations.

1. A violation of any provision of the Environmentally Sensitive Lands Ordinance shall be subject to the violation and penalty provisions in Article I of the Zoning Ordinance.
2. Upon conviction for a violation of any provision of Section 6.1100 or the conditions of a permit issued hereunder, the court shall impose a fee of fifty dollars (\$50.00) for a preservation fund, in addition to any other fines or penalties.
3. Funds obtained from this fee shall be used to supplement the City's preservation efforts through deposit into the Trust for McDowell Mountain Land Acquisition.
4. In addition to the penalties prescribed in Section 1.1402, a property owner or owner's agent who is found in violation of Section 6.1035 shall fully restore the property to its natural topographic and vegetative condition, to the satisfaction of the City. The restoration shall be complete within one hundred twenty (120) days after the finding of violation. Failure to complete restoration within one hundred twenty (120) days is deemed authorization for the City to complete restoration at the expense of the property owner. The cost of the City's restoration shall become a lien against the property. All fees to apply for development approval on the property shall be twice the usual fees for such applications.

(Ord. No. 3395, § 1, 12-11-01; Ord. No. 3702, § 1, 2-20-07; Ord. No. 3920, § 1(Exh. § 88), 11-9-10; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 182, 183), 5-6-14)

[SRC Ch. 36 (Sec. 36-18.1 – Appendix O)]

**SECTION 0102
DEFINITIONS**

O102.1 Definitions. For the purpose of Appendix O, certain terms are defined as follows:

Fire Defensible Space is the area on a property between the property boundaries, and any buildings or structures on the property, including walls or fences, where the vegetation to must be maintained to reduce the wildfire threat and provide protection to the buildings or structures.

Hazardous Fire Area is an area that presents an increased fire risk, as determined by the Fire Code official or designee, because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to public.

Tracer is any bullet or projectile incorporating a feature which marks or traces the flight of said bullet or projectile by flame, smoke or other means which result in fire or heat.

Tracer charge is any bullet or projectile incorporating a feature designed to create a visible or audible effect which result in fire or heat and shall include any incendiary bullets or projectiles.

Wildland/urban interface is an area where development and native desert wildland areas meet at a well-defined boundary.

Wildland/urban intermix is an area where development and native desert wildland areas meet with no clearly defined boundary.

SECTION 0115

FIRE DEFENSIBLE SPACE: CLEARANCE OF BRUSH AND VEGETATIVE GROWTH FROM ELECTRICAL TRANSMISSION LINES

0115.1 General. Clearance of brush and vegetative growth from electrical transmission lines shall be in accordance with Section 115.

Exception: Section 115 does not authorize persons not having legal right of entry to enter upon or damage the property of others without consent of the owner.

0115.2 Support clearance. Persons owning, controlling, operating or maintaining electrical transmission lines upon hazardous fire areas shall, at all times, maintain around and adjacent to poles supporting a switch, fuse, transformer, lightning arrester, line junction, dead end, corner pole, towers, or other poles or towers at which power company employees are likely to work most frequently an effective firebreak consisting of a clearing or not less than 10 feet (3048 mm) in each direction from the outer circumference of such pole or tower.

Exception: Lines used exclusively as telephone, telegraph, messenger call, alarm transmission or other lines classed as communication circuits by a public utility.

0115.3 High tension line clearance. Persons owning, controlling, operating, or maintaining electrical transmission lines upon hazardous fire areas shall maintain the clearance specified in Section 115.3 in all directions between vegetation and conductors carrying electrical current:

1. For lines operating at 2,400 volts and less than 68,000 volts, 4 feet (1219 mm).
2. For lines operating at 68,000 volts and less than 110,000 volts, 6 feet (1829 mm).
3. For lines operating at 110,000 volts and over, 10 feet (3048 mm).

Such distance shall be sufficiently great to furnish the required clearance from the particular wire or conductor to positions of such wire or conductor at temperatures of 120 F (48.9 C) or less. Forked, dead, old, decadent and rotten trees; trees weakened by decay or disease; and trees leaning toward the line, which could contact the line from the side or fall on the line, shall be felled, cut or trimmed to remove the hazard.

0115.4 Self-supporting aerial cable. Line clearance is not required for self-supporting aerial cable, except that forked trees, leaning trees and other growth which could fall across the cable and break it shall be removed.

SECTION 0116

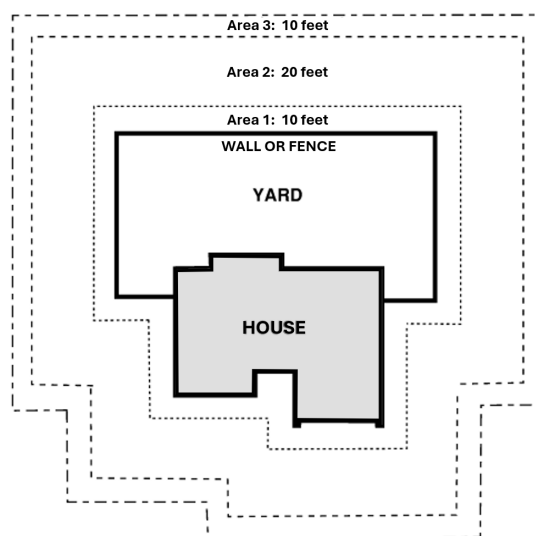
FIRE DEFENSIBLE SPACE: CLEARANCE OF BRUSH OR VEGETATION GROWTH FROM BUILDINGS OR STRUCTURES AND WALLS OR FENCES

O116.1 General. Persons owning, leasing, controlling, operating or maintaining buildings or structures, and walls or fences, in, upon or adjoining hazardous fire areas (or consider replacing with Interface/Intermix), and persons owning, leasing or controlling land adjacent to such buildings or structures and walls or fences, shall at all times:

1. Maintain an effective firebreak by removing and clearing away flammable vegetation and combustible growth from areas around buildings or structures and walls or fences as follows: ~~within 30 feet (9144 mm) of such buildings or structures.~~
 - a. Area 1: Within the first 10 feet (3048 mm); provide limited vegetation; boulders and other natural surface materials may be kept, provided they do not impede fire department access,
 - b. Area 2: Within the first 30 feet (9144mm); remove perennial grasses, invasive species, and thin out overgrown bushes 3 feet (914.4 mm) between bush vegetation; remove dead branches or branches touching the ground; and trim trees up from the ground a maximum 4 feet (1219.2 mm) in height,
 - c. Area 3: Within the first 40 feet (12192 mm); remove vegetation and succulents that are dead and down on the ground for maximum protection,
 - d. Or, as impacted by slope, topography, or fire flow.

Exception: Single specimens of trees, ornamental shrubbery, succulents, or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure, shall be retained.

Figure O116.A (Fire Defensible Space Visualization)



2. Maintain additional fire protection or firebreak by removing brush, flammable vegetation and combustible growth located from areas exceeding the parameters in Subsection 1 above up within 30 feet to 100 feet (9144 mm to 30 480 mm) from such buildings or structures and walls or fences, when required by fire code official because of extra-hazardous conditions causing a lesser firebreak of only 30 feet (9144 mm) to be insufficient to provide reasonable fire safety.

Exception: Grass and other vegetation located more than 40 30 feet (12192 9144 mm) from buildings or structures and walls or fences and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees which extend within 10 feet (3048 mm) of the outlet of a chimney.
4. Maintain trees adjacent to or overhanging a building free of deadwood; and
5. Maintain the roof of a structure free of leaves, needles, or other dead vegetative growth.
6. Native plant permits are required for the salvage or destruction of those specific species defined in Chapter 46 Article V, Protection of Native Plants, Section 46-105 through 46-120 of the Scottsdale Revised Code.
7. Additional requirements apply when fire defensible space is located adjacent to or affecting Natural Area Open Space (NAOS). See Section 6.1100. of the Zoning Ordinance, Appendix B of the Scottsdale Revised Code.

O116.2 Corrective actions. The executive body is authorized to instruct fire code official is authorized to give notice to the owner of the property upon which conditions regulated by Section 116.1 exist to correct such conditions. If the owner fails to correct conditions, the executive body fire code official is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such condition exists.

SECTION 0117

FIRE DEFENSIBLE SPACE: CLEARANCE OF BRUSH OR VEGETATION GROWTH FROM ROADWAYS

O117.1 Clearance of brush or vegetation. Fire code official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of public or private street rights-of-way highways, and private streets which are improved, designed, or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth as follows. Fire code official is authorized to enter upon private property to do so. Dimensions are taken from the edge of street pavement, surface treatment limits, or similar edge of non-paved roadway.

- a. Area 1: Within the first 10 feet (3048 mm); provide limited vegetation; boulders and other natural surface materials may be kept, provided they do not impede fire department access or the use of the right-of-way.
- b. Area 2: Within the first 20 feet (6096 mm); remove perennial grasses, invasive species, and thin out overgrown bushes 3 feet (914.4 mm) between bush vegetation; remove dead branches or branches touching the ground; and trim trees up from the ground a maximum 4 feet (1219.2 mm) in height.
- c. Area 3: Within the first 30 feet (9144 mm); remove vegetation and succulents that are dead and down on the ground for maximum protection.

Exception: Single specimens of trees, ornamental shrubbery, or cultivated ground such as green grass, ivy, succulents or similar plants used as ground cover, provided that they do not form a means of readily transmitting fire, shall be retained.

SECTION O118

FIRE DEFENSIBLE SPACE: FUEL REDUCTION, FIRE FLOW DISRUPTION, AND UNUSUAL CIRCUMSTANCES

O118.1 Unusual circumstances. If fire code official determines that difficult terrain, danger of erosion or other unusual circumstances make strict compliance with the clearance of vegetation provisions of Sections 115, 116, or 117 of Appendix O undesirable or impractical, enforcement thereof may be suspended or enhanced, and reasonable alternative measures shall be provided.