

MARICOPA COUNTY ZONING ORDINANCE

Chapter 12 – Development Regulations

SECTION 1201. HILLSIDE^{*1, *2, *4}

ARTICLE 1201.1. PURPOSE: The principal purpose of the hillside development standards is to allow the reasonable use and development of hillside areas while promoting the public health, safety, convenience and general welfare of the citizens of Maricopa County and maintaining the character, identity, and image of hillside areas. The primary objectives of the hillside development standards are to encourage the preservation of natural topographic features and to minimize the scarring of hillside construction.

ARTICLE 1201.2. GENERAL PROVISIONS:

1201.2.1. All portions of a lot, tract or parcel having a natural slope of **15% or greater** within any horizontal distance with a **ten foot (10') elevation change** shall be subject to the regulations set forth in this Section. Any challenge to a determination by the Department that any portion of a lot, tract or parcel is subject to the regulations set forth in this Section, shall include as part of the challenge a written determination of an Arizona registered civil engineer supported by sealed topographical plans.^{*3, *5}

1201.2.2. The issuance of grading permits, building permits or other approvals of improvement work on any real property, subject to the regulations in this Section, shall not be conditioned on altering, modifying or not utilizing existing grading, construction or other improvements on such real property to conform to the regulations in this Section if such existing grading, construction or other improvement was completed in conformance with valid permits, issued prior to the adoption of this provision.

ARTICLE 1201.3. USE REGULATIONS: The use regulations which apply to property in any zoning district with which hillside development standards apply shall remain the same as specified in the primary zoning district unless otherwise specified herein.

ARTICLE 1201.4. HEIGHT REGULATIONS: The height of all buildings and structures, including retaining walls, on portions of property having a natural slope of **15% or greater** shall not exceed **30 feet** from original natural grade through any building cross section, measured vertically at any point along that cross section from original natural grade. This shall not be construed to prevent relief from the standard with approval of a Special Use Permit in accordance with Section 1301 of this ordinance, a Unit Plan of Development in accordance with Sections 1002, 1003 or 1004 of this ordinance, or a Variance in accordance with Section 303 of this ordinance.

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ARTICLE 1201.5. OTHER REGULATIONS: The yard, intensity of use, parking, loading and unloading, and additional regulations which apply to property in any zoning district to which hillside development standards apply shall remain the same as specified in the primary zoning district unless otherwise specified herein.

ARTICLE 1201.6. DEVELOPMENT STANDARDS: Development standards shall apply only to development on those portions of a property having a natural slope of **15%** or **greater**. For purposes of this Article disturbance shall be defined as all grading, grubbing and clearing; construction activity; erection, placement or construction of buildings and structures; paving and surfacing of roadways, driveways, and parking areas; easements for above ground and underground utility lines; septic systems including leach fields and evaporation ponds; excavation or filling or combination thereof, and cut and fill of slopes and associated spill materials.*²

1201.6.1. ***Grading and Drainage Requirements:*** There shall be no grading or other disturbance on or to any site other than percolation and test borings (**100 square feet maximum in size**) prior to the issuance of a Zoning Clearance and Drainage Clearance, and prior to final approval of complete plans by the Building Safety Division and the issuance of a Building (grading) Permit.

1. The extent of all disturbance on that portion of a lot which has a natural slope of **15%** or **greater**, shall be limited to a total disturbance within the gross lot area not to exceed **75,000 square feet** and shall be located entirely within the buildable area of the lot, except that disturbance related to the driveway and utility connections may extend outside the lot's buildable area to the street line or other lot line. This shall not be construed to prevent relief from the standard with approval of a Special Use Permit in accordance with Section 1301 of this ordinance, a Unit Plan of Development in accordance with Sections 1002, 1003 or 1004 of this ordinance, or a Variance in accordance with Section 303 of this ordinance.
2. ***Sewage Disposal System:*** All spill materials shall be contained within the building envelope.
3. All utility lines shall be located underground within the driveway graded area whenever possible. If this location is not possible, then disturbance of natural terrain for these lines shall be confined to within **four feet** of either side of the lines.
4. The driveway shall be the shortest practical route from the street line to the lot's buildable area and shall be the narrowest practical width.

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5. Roadways and all related hillside disturbance shall be contained within dedicated rights-of-way, subdivision private street tracts, or easements. Roadways within easements are included in the maximum gross lot disturbance (sq. ft.).
6. No building or structure shall be placed outside of the lot's buildable area within any portion of a required yard that has a natural slope of **15%** or **greater**. This shall not be construed to prevent relief from the standard with approval of a Special Use Permit in accordance with Section 1301 of this ordinance, a Unit Plan of Development in accordance with Sections 1002, 1003 or 1004 of this ordinance, or a Variance in accordance with Section 303 of this ordinance.
7. ***Drainage:*** The entrance and exit points and continuity of all natural drainage channels on a hillside site shall be preserved.
8. All cut and fill slopes shall be completely contained by retaining walls or by substitute materials acceptable under the provisions of the County's adopted Building Code (including riprap materials) except for the minimum amount of swale grading necessary for drainage purposes.
9. The finished surfaces of any retaining wall shall blend into the natural setting.

1201.6.2. ***Slope Stabilization and Restoration:***

1. Vegetation shall be reestablished on all exposed fill slopes, cut slopes, and graded areas, or areas otherwise disturbed, by means of a mixture of indigenous grasses, shrubs, trees or cacti to provide a basic ground cover which will prevent erosion and permit natural revegetation. In lieu of the reestablishment of indigenous vegetation, all exposed cut slopes shall be riprapped with stone or chemically stain treated with materials which blend in with the natural setting.
2. Any slope disturbance in violation of this Section is a violation of this Ordinance and shall be remediated with a Plan of Compliance that will specifically list the method of slope stabilization including vegetation, soilscape and contours; will set deadlines for remediation to be completed; and may be subject to all remedies as outlined in Chapter 15 of this Ordinance.

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ARTICLE 1201.8. PROCEDURAL REGULATIONS:^{*4}

1201.8.1. All applications for a Zoning Clearance and Drainage Clearance on those portions of properties having a natural slope of **15%** or **greater** shall contain the following materials and information:^{*2}

1. ***Site Plan:***

- a. Contour interval not exceeding **five foot** intervals. Graphically depict all portions of properties having a natural slope of **15% or greater**, previously disturbed and proposed disturbance.
- b. Site plan must be submitted on/or along with a topographic survey prepared by a civil engineer or registered land surveyor.
- c. Scale of the site plan shall be not less than **1"=20'-0"**.
- d. At all structures show sections through site and building at **25'0"** intervals perpendicular to slope, giving maximum building and structure height conditions in each cross section.
- e. Graphically depict all disturbed areas and show the proposed method of final treatment.
- f. A grading and drainage plan is required and shall be prepared and sealed by an Arizona registered civil engineer.
- g. Show location of all proposed utility lines, and septic tank or sewage disposal areas.
- h. Give legal description and property dimensions.
- i. Provide a table on the plan which provides the following information:^{*3}
 1. Gross area of lot (sq. ft.)
 2. Area of lot that is hillside (sq. ft.)
 3. Area of hillside on lot that has been previously disturbed (if applicable). (sq. ft.)

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4. Area of hillside on lot that is will be new disturbance (sq. ft.), including disturbance during construction.

Date of Revisions			
*1	Added 2-15-83	*4	Effective 09-22-08 – TA2007016
*2	Revised 1-4-89	*5	Effective 05-20-14 – TA2013010
*3	Added 10-4-01 – TA2000010		

SECTION 1202. WIRELESS COMMUNICATION FACILITIES^{*1, *2}

ARTICLE 1202.1. PURPOSE: The principal purpose of this Section is to establish the locations in unincorporated Maricopa County where wireless communication and information system facilities may be located and the regulations that apply to their placement. The regulations contained herein are designed to recognize the need to accommodate the approval of those types of public utility uses while still recognizing the need to promote the public health, safety and general welfare of the citizens of Maricopa County. These regulations establish zoning standards that will protect the integrity of single-family neighborhoods and maintain the character, identity, and image of hillside areas.

ARTICLE 1202.2. GENERAL PROVISIONS

- 1202.2.1. Wireless communications facilities are permitted in all zoning districts subject to the provisions and standards outlined in this Section.
- 1202.2.2. Wireless communication facilities are permitted on individual lots of record, or on lease or easement areas described by metes and bounds of an area adequate to accommodate the tower structure and associated ground equipment for at least two carriers.
- 1202.2.3. The construction and location of wireless communication facilities and facilities for wireless information systems shall be subject to the standards contained in this regulation, unless otherwise noted herein.
- 1202.2.4. Wireless communication structures in excess of **199 feet** in height are prohibited unless co-locating on an existing structure (other than a wireless communication facility tower) and unless there is a plan to mitigate interference with military and commercial aircraft and to mitigate disruption of avian migration and nesting and to preserve nighttime skies for astronomical observation, and shall be required to obtain Special Use Permit approval of the Board of Supervisors. Structures of 199 feet or less in height shall not have lighting, unless said lighting is specific to the purpose of a structure upon which a wireless communication facility is co-located.^{*1}