

## CHAPTER 7 - HILLSIDE

### SECTION 7.0 GENERAL

#### A. Purpose:

To allow for the reasonable use and development of hillside areas while promoting the public health, safety, and general welfare of the citizens of the Town of Cave Creek (*“the Town”*). The primary objectives of the Hillside Regulations are as identified below:

1. To maintain the character, identity and image of the Town’s hillside areas.
2. To minimize the possible loss of life and property through the careful regulation of development;
3. To protect watershed, natural waterways, and to minimize soil erosion;
4. To ensure that all development is free from adverse drainage conditions;
5. To encourage the protection of the existing environmentally sensitive areas by the preservation of natural topographic features;
6. To minimize the visual scarring effects of hillside construction

### SECTION 7.1 HILLSIDE PROVISIONS:

- A. All portions of a lot or parcel having a natural undisturbed slope of fifteen percent (15%) or greater shall be subject to the regulations set forth in this Chapter.
- B. For the purposes of this Ordinance, the percentage of slope of an area of a parcel shall be calculated by dividing the natural vertical rise (in feet) by an underlying one-hundred foot (100') horizontal run (rise in feet/100' = % of slope).

- C. The area of a site containing natural undisturbed slopes of fifteen percent (15%) or greater shall be limited in the amount of the maximum permitted disturbance allowed. Those portions of a parcel containing slopes of fifteen percent (15%) or greater shall be restricted to a disturbance limit not to exceed the permitted maximum indicated within the Lot Coverage and Land Disturbance Regulations Tables as contained within this Chapter.
- D. Provisions for adequate fire flow or a draftable water source shall be assured prior to issuance of any required *Zoning Clearance* or *Building Permit* for a building accessed by a hillside driveway.
- E. Prior to the issuance of any *Building Permit* for a hillside lot or parcel, *Zoning Clearance* approval shall first be obtained from the Zoning Administrator.

## **SECTION 7.2 HEIGHT REGULATIONS:**

- A. The height of all structures on those portions of property having a natural slope of fifteen percent (15%) or greater shall not exceed twenty-five feet (25') from original natural grade through any building cross section. The height of the structure shall be measured vertically at a point along the cross section that most accurately depicts the maximum height of the structure from original natural grade to the top of the roof.

## **SECTION 7.3 GRADING AND DRAINAGE REQUIREMENTS:**

- A. All grading and drainage within a hillside area shall at a minimum comply with the standards contained within the Town of Cave Creek *Technical Design Guideline Number 1 – Grading & Drainage*.
- B. There shall be no grading on or to any site, other than those areas designated for percolation testing and test boring (one hundred square feet (100 sq. ft.) maximum in size), without prior issuance of a *Zoning Clearance* or *Building Permit*.
- C. Raw spill slopes are prohibited.
- D. Rock veneered spill slopes may be allowed provided that:
  - 1. The vertical height of the spill slope does not exceed the vertical height of the exposed cut;
  - 2. The spill slope does not exceed a one-to-one slope;

3. Approved retaining walls used to limit the height of the spill slope shall be color treated or veneered to blend in with the surrounding natural colors;
  4. The maximum depth of fill must not exceed eight feet (8') except beneath the footprint of the main residence. All fill areas shall be designed by an Arizona Registered Civil Engineer and approved by the Town.
- E. Grading or disturbance of natural terrain and vegetation located within a hillside areas for the purpose of installing an on-site wastewater disposal system shall be confined to within seven feet (7') of the outside edge of the elements of that system. Examples of the subject elements include the leaching bed or pits, the septic tank, distribution box, and all associated connecting lines as required by the Maricopa County Department of Environmental Services regulations. All such grading or disturbance areas shall be considered part of the overall lot disturbance area calculation unless restored to original natural grade and revegetated to the original natural condition.
- F. The location of underground utility service lines shall be within the driveway graded area. If this location is not possible, then disturbance of the natural terrain for the location of these lines shall be confined to within four feet (4') of either side of the subject service lines. The grading or disturbance area for utility service lines shall be considered part of the overall disturbance area calculation unless restored to original natural grade and revegetated to the original natural condition.
- G. All exposed cut and fill areas shall be contained behind retaining walls or covered with a natural rock veneer and treated with an aging agent. Landscaping with indigenous plant material as contained within the Town of Cave Creek *Technical Design Guideline Number 4 – Landscaping* may be required.
- H. All cut and fill slopes shall must meet all of the provisions of the *International Building Code (IBC)* except for:
1. The minimum amount of swale grading necessary for drainage purposes; or
  2. The minimum area required to establish a driveway with associated parking and turn around areas (see "Driveway Requirements").

## **SECTION 7.4 DRIVEWAY REQUIREMENTS:**

- A. All private roads and driveways within a hillside area shall at a minimum comply with the standards contained within the Town of Cave Creek *Technical Design Guideline Number 2 – Transportation*.
- B. Driveways exceeding twelve percent (12%) slopes shall be paved with asphalt or concrete tinted to blend with the surrounding terrain.

## **SECTION 7.5 SLOPE STABILIZATION AND RESTORATION:**

- A. Vegetation shall be re-established on all exposed fill slopes, cut slopes, and graded areas with a mixture of shrubs, trees or cacti to provide a basic ground cover which will prevent erosion and permit natural re-vegetation. All landscaping shall be done with indigenous plant material as contained within the Town of Cave Creek *Technical Design Guideline Number 4 – Landscaping*.
- B. The Zoning Administrator may waive the aforementioned requirement when revegetation is not practical and may allow for exposed cut slopes to be rip-rapped with stone or chemically stain treated with materials that blend in with the natural setting.

## **SECTION 7.6 HILLSIDE LOT DISTURBANCES:**

- A. All *Building Permits* for sites having natural slope areas of fifteen percent (15%) or greater shall be limited in the amount of maximum total disturbance area. For those parcels with areas containing slopes of fifteen percent (15%) or greater the permitted total maximum disturbance is as indicated in Table 7.1:

**Hillside Lot Disturbance Table**

ZONING DISTRICT	ZONE CODE	INTENSITY OF USE				
		MAX. HILLSIDE LOT COVERAGE (% of Lot)	+	MAX. HILLSIDE LOT DISTURBANCE (% of Lot)	=	MAX. TOTAL HILLSIDE LOT DISTURBANCE as a % of the GROSS LOT AREA (Coverage + Disturbance)
DESERT RURAL	DR-190	10%	+	5%	=	15%
DESERT RURAL	DR-89	10%	+	10%	=	20%
DESERT RURAL	DR-70	10%	+	10%	=	20%
DESERT RURAL	DR-43	15%	+	15%	=	30%
SINGLE RESIDENCE	R-35	20%	+	20%	=	40%
SINGLE RESIDENCE	R-18	25%	+	25%	=	50%
MULTIPLE RESIDENCE	MR *	40%	+	10%	=	50%
COMMERCIAL BUFFER	CB	40%	+	10%	=	50%
TOWN COMMERCIAL CORE	TCC	40%	+	10%	=	50%
GENERAL COMMERCIAL	GC	40%	+	10%	=	50%
OPEN SPACE RECREATION	OSR	15,000 sq. ft.	+	15,000 sq. ft.	=	30,000 sq. ft.
OPEN SPACE CONSERVATION	OSC	3,000 sq. ft.	+	3,000 sq. ft.	=	6,000 sq. ft.

**TABLE 7.1**

- Notes: 1. Total land disturbance is inclusive of lot coverage as well as disturbance areas for accessory uses, driveways and septic systems.
2. Lot coverage and lot disturbance limits are not interchangeable or transferable and each category must stand on its own.

- Amended by Ordinance O2021-07

## **SECTION 7.7 HILLSIDE LOT MECHANICAL EQUIPMENT SCREENING:**

- A. All mechanical equipment located on a hillside lot shall be enclosed to a height of not less than six feet (6') by building walls, walls, or fences of view-obscuring material. Height is measured from grade to the top of the wall. Any access gates in said solid wall shall be constructed of view-obscuring material so as to provide effective site screening.
- B. No mechanical equipment screening shall be installed without first obtaining a *Zoning Clearance*.

## **SECTION 7.8 SPECIAL PROCEDURES:**

- A. Prior to the issuance of a *Zoning Clearance*, proposed improvements regulated by this Chapter must be presented to the Zoning Administrator in the form of a *Site Plan*. *Site Plans* for single residence uses and their accessories may be approved by the Zoning Administrator. All other hillside development *Site Plans* shall be reviewed and approved by the Town Council after recommendation by the Planning Commission.
- B. In relation to its approval of any *Site Plan*, the Town Council may include reasonable additional requirements as to grading, cut and fill, slope restoration, signs, vehicular ingress and egress, parking, lighting, setbacks, etc., to the extent that the noted purpose and objectives of this Ordinance are maintained and ensured.
- C. *Site Plans* for hillside area lots or parcels shall show topographic contours drawn with a minimum contour interval of two feet (2').
- D. All hillside areas encompassing 15% slopes or greater shall be clearly depicted on the *Site Plan*. The required symbols table shall identify the symbol use to depict the hillside areas on the plan.