



Action Report

File #: 18-290

Town of Paradise Valley Action Report

TO: Chair and Planning Commission

FROM: Andrew Miller, Town Attorney
Paul Michaud, Interim Community Development Director
Eva Cutro, Special Projects Manager
George Burton, Planner

DATE: July 17, 2018

CONTACT:
Andrew, 480-348-3526

AGENDA TITLE:
Discussion of a Hillside Code Amendments to Article XXII of the Zoning Ordinance.
Draft Ordinance 2018-15.

BACKGROUND:

History

Hillside related matters can be found throughout the Town Code but are most prevalent in Article XXII, Hillside Development Regulations, of the Zoning Ordinance which is often referred to as the "Hillside Code." The Town recently update the Hillside Code and adopted a Hillside Safety Code/Manual. The updates to the Hillside Code (Article 22) were adopted by the Town Council on May 10, 2018 and the Hillside Safety Code/Manual was adopted by the Town Council on June 14, 2018.

Scope of Hillside Code Update:

This update address three items: updating several definitions to reflect terms that are actually used in the Hillside Code; identifying the expiration limits of a hillside application; and identifying the requirement for a pre-application submittal as part of the hillside review process.

1. Definitions

After the Hillside Safety provisions were determined to be best added to Article V of the Town Code (in the Building Permits section), some of the definitions in the Hillside Code were no longer needed, so they have now been struck. Also, some additional technical definitions, such as the "Storm Drainage Design Manual" have now been added for clarity.

2. Pre-Application Submittal Requirement

Since the Hillside Safety Code/Manual was adopted after the recent amendments to the Hillside Code (Article 22), there is a discrepancy regarding the two codes. The Hillside Safety Code/Manual identifies that the applicant must submit a pre-application as part of the hillside review process; however, the pre-application requirement is not addressed in the Hillside Code (Article 22).

Therefore, language has been added to the code to identify the requirement of a pre-application submittal and review. The first step in the process is pre-application submittal; where staff will perform a preliminary review of the project and inform the applicant of the applicable hillside codes, the appropriate hillside review process (e.g. chair, combined, concept, or formal review), and the applicable safety improvement plan requirements. The pre-application submittal is a new requirement, but is similar to the current process in which staff typically has a preliminary meeting with the applicant to go over the project and outline the hillside review process.

3. Expiration of Hillside Application

The Hillside Code identifies that an applicant must submit a building permit within 12 months from the date of the Hillside Committee approval. However, the code does not clearly identify how much time an applicant has to receive Hillside Committee approval. As a result, staff is proposing to add language to clarify the expiration limits for a hillside application.

Similar to the treatment of building permit applications, hillside applications have an expiration. Therefore, a hillside application that fails to receive Hillside Building Committee or Hillside Building Committee Chair approval within eighteen months from the date of submittal, will expire and will be null and void.

However, extensions may be granted. An applicant may apply for a one-time six-month extension. After that six-month extension, the Town Manager or designee may grant up to two additional extensions based upon circumstances beyond the applicants control. The applicant must identify the circumstances in writing for Town Manager review. If granted, these two additional extensions will be limited to a maximum limit of one hundred eighty days each.

NEXT STEPS

The Planning Commission will review the Hillside Code amendments at the August 7, 2018 Citizen Review work session and August 21, 2018 Public Hearing.

ATTACHMENTS:

Draft Ordinance 2018-15