

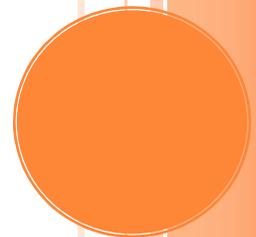


PROPOSED AMENDMENTS TO UNIFIED DEVELOPMENT CODE

Changing how we regulate land development

The purpose of this report is to provide the details to the current amendments that have been incorporated into the Unified Development Code. The first part describes the general changes that can't be attributed to a single article and then goes into describing the changes one article at a time. Some very minor amendments such as replacing zoning ordinance with Unified Development Code will not be mentioned in this report.

Robert Gould
Community Development Director
9/22/2011



PROPOSED AMENDMENTS TO UNIFIED DEVELOPMENT CODE

Changing how we regulate land development

GENERAL AMENDMENTS TO REGULATING LAND DEVELOPMENT

The most obvious change is bringing regulations from several different codes together into one document. Most land development regulations for Gila County will be contained in this one document. We did not include the Floodplain Ordinance due to concerns that were expressed by FEMA that it remains a stand-alone document.

It is not the intent of providing a completely amended code at this time. There are amendments included in this document, but our aim is to go through this document section by section over the next two years or less to complete the update process. Providing a fully amended code all at once would be too much for the Commission or Board of Supervisors to fully digest and know what is in there. By taking smaller bites at a time we believe there will be far more discussion on more individual elements.

As we get into the amendment process much effort will be made to eliminate legalese type language to facilitate easier reading and we will be utilizing graphics much more to describe what individual regulations actually mean.

Several changes were made to citations regarding state law. We had occurrences where the statute number had changed since last update or adoption.

ARTICLE #1 GENERAL PROVISIONS

1. Amended regulations that apply to mining and agricultural use. These uses are exempted by the State from restrictions of our Zoning Ordinance. What we have done here is to more clearly state how those exemptions work or when are they applicable. This is not a change in regulation. We have simply included the process we use administratively in determining if the exemption is applicable.
2. Added a new item #7 on page three that deals with Added a new item #7 on page three that deals with "Accessory Uses and Structures" Allows structures to be as close as 3 feet from side or rear property lines. Requires the applicant to apply for an administrative variance.
3. The amendments to Nonconforming regulations are primarily to do with more clearly stating the application of these regulations to nonconforming uses that exist at the time this code is adopted. There are three amendments included that have been implemented in the past through state statutes. Here we simply spell out those statutes in our code with the exception of the first item:

- a. Section 1-20, Item C.4 allows the Director to approve modifications to existing nonconforming uses that decrease the infringement on adjoining properties while not fully complying with current regulations.
- b. Section 1-20, Item C.6 allows us to remove nonconforming uses when a rezoning or variance is requested.
- c. Allows the Board of Supervisors to acquire by purchase or condemnation a nonconforming use or structure.

ARTICLE #2 ADMINISTRATION

This section is new. It states the responsibilities for staff, boards and commissions. Even though this is a new section the only real change from current practices is to allow the commission to make the final decision on conditional use permits with the right to appeal their decision to the Board of Supervisors.

ARTICLE #3 PROCEDURES

1. This is also a new section. The purpose of this section is to list the procedures one would need to follow. As with the preceding section conditional use permits are being changed to allow the Commission to make a decision to approve or deny with appeal rights being assigned to the Board of Supervisors.
2. The Board of Adjustments has been assigned to hear appeals to the Director's decision on use permits. The appeal must be filed within 15 days of the director's decision.
3. Added language that requires an expiration date be included on a temporary use permit.

ARTICLE #4 AMENDMENTS

1. Added a new section for amending the Comprehensive Plan most of this section was currently under state statutes.
2. Added a requirement that an application to amend other than that owned by the applicant must include a petition with at least 75% of property owners agreeing to the application.

ARTICLE #5 AMENDMENTS

No amendments to this section other than cleaning up references made to reflect Locations in this code.

ARTICLE #6 ESTABLISHMENT OF ZONES

No amendments to this section other than cleaning up references made to reflect Locations in this code.

ARTICLE #7 RESIDENTIAL ZONING DISTRICTS, SINGLE FAMILY

1. Guest houses are permitted in single family residential zoning with a use permit. Kept the language that a guest house cannot be used as a rental unit.
2. We included language that allows group homes. This is currently mandated under the fair housing act.
3. Section 7-10, item B.10 includes language for cottage industries and home occupations which is very vague and should be clarified.
4. Included regulation that placed a limit on yard sales of no more than three consecutive days, or more than two consecutive weeks or more than eight times a year.
5. Included language to allow fencing at a maximum height of six (6) feet and that they would not create a line of site traffic problem.
6. Included language to allow livestock.

ARTICLE #8 RESIDENTIAL ZONING DISTRICTS, MULTIPLE FAMILY

No amendments to this section other than cleaning up references made to reflect Locations in this code.

ARTICLE #9 COMMERCIAL ZONING DISTRICTS

No amendments to this section other than cleaning up references made to reflect Locations in this code.

ARTICLE #10 INDUSTRIAL ZONING DISTRICTS

No amendments to this section other than cleaning up references made to reflect Locations in this code.

ARTICLE #11 SPECIAL ZONING DISTRICTS

No amendments to this section other than cleaning up references made to reflect Locations in this code.

ARTICLE #12 OVERLAY ZONING DISTRICTS

This is a new section with minor changes such as citations being fixed to this code rather than the Zoning Ordinance. Districts in this section must have a base zoning district from the code. These regulations simply adjust development standards within the hard districts.

ARTICLE #13 DENSITY DISTRICTS

No amendments to this section other than cleaning up references made to reflect Locations in this code.

ARTICLE #14 PARKING REQUIREMENTS

1. This section was removed from Section 103 of the Zoning Ordinance and given its' own section
2. Added ADA parking requirements as they are currently applied in accordance with federal regulations.

ARTICLE #15 SIGNAGE REGULATIONS

As with the Parking requirements this section was removed from Section 103 of our Zoning Ordinance and given a separate article.

No amendments to this section other than cleaning up references made to reflect Locations in this code.

ARTICLE #16 ENFORCEMENT

No amendments to this section other than cleaning up references made to reflect Locations in this code.

ARTICLE #17 PERMITS

No amendments to this section other than cleaning up references made to reflect Locations in this code.

ARTICLE #18 DIVISION OF LAND INTO LOTS, TRACTS OR PARCELS

This article includes the Subdivision Regulations, Minor Land Division Regulations and Small Subdivision Regulations.

No amendments to this section other than cleaning up references made to reflect Locations in this code.

ARTICLE #19 WASTEWATER SYSTEMS

This section needed significant cleanup. When Wastewater was moved into Community Development it should have been changed. As it is now it is under the Health Division and not the Community Development Division but is operated by the Community Development Division. The basic change was to delete any reference to the Health Division.

1. The Wastewater Department currently provided training for those who install, perform soils evaluations and not ADEQ. So this change was made to reflect that.
2. Included language that if a person provided false information on three occasions they could be barred from doing any further soils investigations or future designs of wastewater systems.
3. Included language to define a public nuisance.

4. Added language to provide a 24 hour requirement for cleaning up wastewater spills and included language to remove water supplies or power sources from the property if spills are not cleaned up.
5. Provides language to give authority for enforcement to the Community Development Division
6. Provided language to allow both civil or criminal violations

ARTICLE #20 DRAINAGE AND EROSION CONTROL

No amendments to this section other than cleaning up references made to reflect Locations in this code.

ARTICLE #21 OUTDOOR LIGHTING

The only change to this section was to delete a type of bulb that is no longer allowed.

ARTICLE #22 RESERVED FOR FUTURE USE

ARTICLE #23 DEFINITIONS

Took definitions from various parts of our code and placed them together in this article. We did not take Drainage and Grading definitions because of definitions can be different than the normal definitions. In other words the same word can mean something different in this ordinance from the rest of the ordinance.

ARTICLE #24 PERMITTED USE TABLES

The intent here was to portray uses in an easier to read manner. There is still a permitted uses section in each zoning district that contains uses with certain criteria attached.