



# UPDATE OF THE GILA COUNTY ZONING ORDINANCE

## Staff Report to the Board of Supervisors

*The primary purpose of this update was to first reorganize the ordinance to facilitate easier use and second to make a few much needed changes that we felt were very important and shouldn't wait for the more comprehensive update that will follow this update.*

Robert Gould, Community Development Director

8/18/2014

# Update of the Gila County Zoning Ordinance

## *Staff Report to the Board of Supervisors*

There have been some minor additions, but no major update to the Gila County Zoning Ordinance since its original adoption over fifty years ago. Staff, to this day, spends more time trying to find specific items due primarily to how the Ordinance is structured. An example is when we want to find the regulations for an Administrative Variance we look into the section for density provisions. I have been using this ordinance for almost eight years and I still have trouble finding the administrative variance section.

When we originally set out to complete this task our goal was to develop a reorganization of this ordinance that was easier for both staff and our customers. Our second step once the reorganization was complete and adopted was supposed to entail a review and rewrite of our actual regulations. As it turned out we did complete the reorganization step, but we also included some necessary regulatory changes. There will be more forthcoming but at this time we limited the regulatory changes to a few we felt were absolutely necessary.

The first part of this report will discuss what we did to reorganize the ordinance and the reasons for the reorganization. The second part will go into the regulatory changes. There were also changes that will show up in red type, but were solely for the purpose of facilitating a clearer understanding and did not change the actual regulation or how we did our jobs in administering this ordinance.

## *Reorganization of the Zoning Ordinance*

### **Section 101:**

We added two new parts to this section:

1. Section 101.2 entitled “Administrative Responsibilities”. This section specifies the duties of the Planning & Zoning Commission, Board of Supervisors, Board of Adjustments, Design Review Committee and Community Development Director.
2. Section 101.3 entitled “Application Procedures”. This section brings all of our procedures, except amendments into one area. It includes Administrative Variance, Citizen Participation Plan, Conditional Use Permit, Use Permit, Temporary Use Permit, Pre-application Meetings, Public Hearings, and Variance.

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### **Section 102:**

All definitions were transferred to this section. We currently have definitions in the sections for Sexually Oriented businesses and Design Review. They were incorporated into this section. A few graphics were also added to facilitate better understanding.

### **Section 103:**

Relocated 103.9 entitled “Application Fees and Charges” to 101.3 entitled “Application Procedures”.

Relocated 103.10 entitled “Use Permits” to 101.3 entitled “Application Procedures”.

Relocated 103.11 entitled “Conditional Uses and Conditional Use Permits” to 101.3 entitled “Application Procedures”.

Relocated 103.12 entitled “Temporary Uses” to 101.3 entitled “Application Procedures”.

**Section 104:**

Use districts were changed around so that similar use classifications were grouped together. Single Family Residential, Multi-Family Residential, Commercial, Industrial, Overlay Districts, and Special Districts were all put together.

Design Review Committee Guidelines were relocated to 101.2(E).

Design Review Definitions were relocated to 102 entitled "Definitions".

Design Review Guidelines were relocated to 104.6(E)

**Regulatory Changes.**

Section 101.2(B) (1) (h) Allowed the Commission to make decisions on a Conditional Use Permit

Section 101.3(A) (5) Defined the 15 days for an appeal as calendar days.

Section 101.3(C) (b) Stipulated that an application for a conditional use permit shall be submitted by property owner or authorized agent.

Section 101.3(C) (3) (a) Stipulates the Commission's role in rendering a decision on a conditional use permit.

Section 101.3(C) (4) Allows all Commission decisions on conditional use permits to be appealed to the Board of Supervisors within 30 days.

Section 101.3(D) (4) Appeals to the Director's decision on a use permit will go to the Board of Adjustments within 15 working days.

Section 101.3(E) (1) Requires an expiration date on all temporary use permits.

Section 101.3(E) (4)( d) Allowed the Director to revoke a temporary use permit without notice if applicant violates conditions imposed.

Section 101.3(F) Added language for a pre-application meeting.

Section 102 Added the following definitions: Accessory Use or Structure; Berm; Buffer; Building Scale; Comprehensive Plan; Common Open Space; Conform To (Comply With) Zoning Regulations; County Officer; Director; Fully Shielded Fixture; Individual; Landscaping; Lawn; Natural Buffer; Screening Element; Traditional Neighborhood; Zoning Regulations

Section 103.6(B) (2) Added R1L and SFR as exclusions for parking requirements

Section 103.7(B) Added requirements for handicapped parking.

Section 103.12(C) Added language for review of the property development plan, making of decisions, and appeals.

Section 104 Added regulations that are applicable to all single family residential districts.

- Added language for maintaining livestock
- Added language for a guest house
- Added language for Bed and Breakfast
- Added language for public utilities

Section 105.2 The following issues were included in this section:

- Specified who can submit an application to rezone property
- Exempted staff and Commission from paying application fee
- Defined a completed application

Section 108

Section for Building Permits included language for when not to issue a building permit

The Planning & Zoning Commission has reviewed this Zoning Ordinance and have recommended that the Board of Supervisors approve the Code as submitted.