

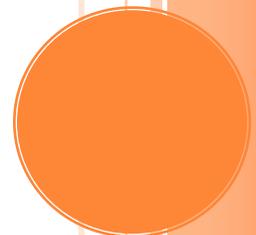


PROPOSED AMENDMENTS TO UNIFIED DEVELOPMENT CODE

*Changing how we portray land development
regulations*

The purpose of this report is to provide a summary of the proposed 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.

Robert Gould
Community Development Director
September 24, 2013



PROPOSED AMENDMENTS TO UNIFIED DEVELOPMENT CODE

Changing how we portray land development regulations

GENERAL AMENDMENTS TO REGULATING LAND DEVELOPMENT

The primary intent here was to combine several codes into one document for greater ease of use by our customers. 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. The codes included in this document are:

1. Zoning Ordinance for Gila County, and
2. Subdivision Regulations for Gila County, and
3. Minor land Division ordinance for Gila County, and
4. Wastewater Ordinance for Gila County, and
5. Clean and Lien Ordinance, and
6. Hearing Officer Rules of Procedures, and
7. Outdoor Lighting Ordinance, and
8. Grading and Drainage Ordinance

It was not our intent to provide a complete amendment of the codes at this time. There are a few changes included in this document, but our primary objective was to reorganize our current regulations into a single document. Most of the redlines in this document do not affect how we regulate development. Some changes are simply changes in citations due to changes in the Arizona Revised Statutes or referrals to sections of the code. It is not the intent to discuss those changes in this report.

We did attempt to eliminate legalese type language to facilitate easier reading and we will be utilizing graphics much more to describe what individual regulations actually mean.

ARTICLE #1 GENERAL PROVISIONS

1. Added a new item “G” on page three that deals with **“Accessory Uses and Structures”**. This amendment allows accessory structures to be as close as 3 feet from side or rear property lines with an administrative variance. Also keeps accessory structures out of front yard and finally allows accessory structures without primary use with a Use Permit
2. 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 two 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 1-19, item B.4 allows us to request the removal of nonconforming uses when a rezoning or variance is requested.
- b. Section 1-19, item B.3 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. This is included in Section 2-11 (A) (9) on page #6.

ARTICLE #3 PROCEDURES

1. This is also a new section. The purpose of this section is to list the various 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.(See Section 3-12 (C) and (D) on page 14 & 15.
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. (See Section 3-13 (D) on page 16).
3. Added language that requires a timeframe be included on a temporary use permit. (See Section 3-14 (A) on page 16).

ARTICLE #4 AMENDMENTS

Added a new section for amending the Comprehensive Plan (See Section 4-10 on page #23). This is taken directly from the Arizona Revised Statutes.

ARTICLE #7 RESIDENTIAL ZONING DISTRICTS, SINGLE FAMILY

1. Article 7-10 include two issues that are applicable to all single family residential zoning districts. This includes the keeping of domestic livestock, (See 7-10 (B) (1) and yard sales. (Sec Section 7-10 (B) (2)
2. 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
3. Selected one of the current horsekeeping regulations to be applicable to all single family residential zoning:
 1. Livestock (See Section 7-10(B)(1), Page #36)

The keeping of domestic livestock shall be permitted with the following stipulations:

- a. Buildings for the housing of livestock shall be confined to the rear one-half of the property and shall be located no closer than one hundred (100) feet from a front or side street property line or thirty (30) feet from a rear or interior property line.
- b. It shall be the responsibility of the livestock owner to ensure that all livestock is kept confined within the property boundaries.
- c. The keeping of dangerous wild, exotic or non-domestic animals shall be prohibited.
- d. All domestic animals shall be kept and maintained in such a manner as to conform with all applicable State and County health requirements and to cause a minimum of disruption to neighboring property owners in terms of noise, odor, and insect and vermin infestation.
- e. There shall be no more than a combination of three (3) horses or cattle and a combination of five (5) sheep or goats and a combination of forty (40) rabbits or poultry for each acre of lot area.
- f. Up to two (2) swine per acre shall be permitted, provided that all applicable state and county health and livestock requirements are met.

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 #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. (See Section 14-10 (E).)

ARTICLE #19 WASTEWATER SYSTEMS

This section needed significant cleanup. When Wastewater was moved into Community Development Division 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 references to the Health Division. Other changes include the following:

1. The Wastewater Department currently provides training for those who design and install septic systems and perform soil evaluations and not ADEQ. So this change was made to reflect that. The language in this section

- has been updated to allow professional courses not taught by Gila County Community Development Division.(See Section 19-11(B)(3))
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. See Section 19-11(B)(4)
 3. Included language to define a public nuisance. (See Section 19-15)
 4. Added language to provide a 24 hour requirement for cleaning up wastewater spills and included language to turn off water supplies or power sources to the property if spills are not cleaned up. (See Section 19-15 (B)(1))
 5. Provides language to give authority for enforcement to the Community Development Division (See Section 19-16)
 6. Provided language to allow both civil or criminal violations (See Section 19-17)

ARTICLE #21 OUTDOOR LIGHTING

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

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.