

Chapter 152 Zoning Code Rewrite – Significant Changes “Old to New”

(These Significant Changes accompany the FINAL DRAFT ZONING CODES Dated 12-8-22)

General and Overall Significant Changes incorporated into the NEW Zoning Code:

#1. The OLD Code is 232 pages with 88,340 total words. The NEW Code is 143 pages with 77,160 total words. This reduced the Old Code by 89 pages and 11,180 Words, even with substantial New Information being added.

#2. The OLD Code included numerous redundancies, which were eliminated in the NEW Code.

#3. The City Attorney nor I had the time, so we contracted the **Matrix Design Group** to rewrite the “Sign Codes” **Section 152.058** and bring them current with all new federal constitutional and state statutory laws (*Due September*).

#4. **158 Definitions removed from 514 existing, leaving 358 remaining Definitions:** These were either overly simple, redundant, not relevant to zoning, or they exist in other City Codes where they are better suited, such as:
Simple – Simple Definitions a child should know, such as: *Antenna; Balloon; Boat; Basement; and Wall.*
Redundant – Definitions with similar meanings, such as: *Abutting, Adjoining, Continuous & Contiguous.*
Zoning Relevance – Definitions like: *Decibel, Emergency, Color Correlated Temperature and Airport Board.*
Definitions better suited elsewhere – *Airport Approach Surface and Subdivision.*

#5. **152.007 TRANSITIONAL PROVISIONS**, subsection (E)(1) conditional use permits, and (E)(2) final site plans, were combined to eliminate the same redundant process required for both.

#6. **152.025 ZONING DISTRICTS & MAP ESTABLISHED, Table 2.1-1 removed the following zoning districts from the table since they have never been used or they aren’t needed:**

R1-12	Single Family Residential – <i>Never Used.</i>
C-3	Regional Commercial – <i>This zoning district is redundant to C-2 and is not needed.</i>
Planned Development (PD)	PD, PDR, PRD, PDMR, PDC, PDI, PDBC, PDGC – <i>Obsolete and No longer is use.</i>
AA	Airport Approach Zone Overlay - <i>Never used and not needed.</i>
ACZ	Airport Clear Zone Overlay - <i>Never used and not needed.</i>
FD	Future Development District - <i>Never used and not needed.</i>

And added the following four (4) New Special Districts:

ARSD	Airport Residential Special District – <i>New Residential Zoning District which allows on-site airplane hangars.</i>
HSRSD	Hillside Residential Special District – <i>New Residential Zoning District which allows homes to be built on Hillsides.</i>
PQP	Public / Quasi-Public District – <i>Properties with an established/dedicated use owned & maintained by governmental entities.</i>
UNDV	Undevelopable District – <i>Areas deemed undevelopable due to an existing Floodplain or steep escarpment or cliff.</i>

#7. **152.026 RESIDENTIAL DISTRICTS.** Removed R1-12 Zoning District. Combined RV Park & Campground since they are essentially the same use. Removed subsection (E) and combined it with Section 152.027 subsection (E) to reduce redundancy since all multi-family uses are considered commercial developments.

#8. **152.027 COMMERCIAL & MIXED-USE OVERLAY DISTRICTS.** Removed C-3 Zoning District and combined all of it’s attributes with C-2 since they are the same. Made Mixed-Use a Conditional Use for C-2 District.

#9. **152.028 BUSINESS AND INDUSTRIAL DISTRICTS.** Made Mixed-Use a Conditional Use for SC District.

#10. **152.029 PLANNED DEVELOPMENT (PD) DISTRICTS.** Removed all of these obsolete Zoning Districts that are no longer being used, except for three (3) total properties that still remain and have not yet been changed.

#11. **152.031 AIRPORT DISTRICTS.** Removed the Airport Approach Zone Overlay (AA) and the Airport Clear Zone Overlay (ACZ) since neither of these have been used, nor will they be needed or used in the future.

#12. **152.032 SPECIAL DISTRICTS.** Removed obsolete Future Development (FD) District. Added four (4) New Special Districts: *Airport Residential Special District (ARSD)*, to allow for home/airplane hangar construction; *Hillside Residential Special District (HSRSD)*, to allow homes on hillsides; *Public Quasi-Public District (PQP)* to show properties owned/maintained by entities; and, *Undevelopable District (UNDV)* to show undevelopable properties. Added *Indoor/Outdoor Gun Club & Shooting Range* “use” to the Parks & Open Space (POS) District.

#13. 152.045 TITLE & AUTHORITY - Changed Title to SPECIFIC LAND USE DEVELOPMENT & PERFORMANCE STANDARDS. Relocated repetitive paragraph rewritten for numerous individual supplementary uses and instead placed it one time under this section to cover all. Combined Campground and RV Park into one since they are effectively the same uses. Added modern “*Engineered Fall-Zone*” criteria in Cell towers. Reduced excessive wordiness throughout this section.

#14. 152.046 ACCESSORY BUILDINGS, STRUCTURES & USES. Accessory Dwelling Units-Detached, reduced required minimum square footage of lot from 8,000 to 6,000 square feet, as long as all building setbacks, maximum lot coverage, and minimum fire rating distance between structures is adhered to for the zoning district.

#15. 152.047 TEMPORARY USES & STRUCTURES. Added in language for how these are currently enforced.

#16. 152.055 PERFORMANCE STANDARDS. Required a minimum 15-foot public access easement to be placed around the base of all escarpments and beside the Honey Draw floodplain to prevent access from becoming closed off for public and utility access by private property boundaries into perpetuity.

#17. 152.056 OFF-STREET PARKING & LOADING. Overhauled this section to eliminate nonessential requirements, attempted to eliminate a sea of asphalt from being created when not needed, and brought the parking and loading space requirements current with modern planning principles and practices. Added Compact Car, Motorcycle and RV Parking standards in, with more of a need for large RV/Truck & Trailer type parking spaces in commercially zoned districts for our visiting travelers. Added Parking Study requirements throughout this section as a possible option for consideration by the developer, as approved by the Director. Increased number of parking spaces required in the Downtown Business District, since decreasing them will lead to major future issues.

#18. 152.057 LANDSCAPE, WALLS, AND SCREENING. Changed landscaping requirements to Xeriscape water-saving type landscaping to be designed by a Landscape Architect throughout this section, and to eliminate numerous unnecessary requirements. Cleared up the confusing requirements for screens, walls and fences.

#19. 152.058 SIGNAGE. This section was completely rewritten by The Matrix Design Group to become constitutionally acceptable. (See item #3 above) **Also,** The *Master Sign Program* and *Comprehensive Sign Plans* are both being eliminated since these codes were originally written for Scottsdale, Arizona, and they don’t fit here, nor have they been used since being incorporated.

#20. 152.059 OUTDOOR LIGHTING. This section was updated and condensed to modern planning practices.

#21. 152.072 PLANNING & ZONING COMMISSION. Removed option of site plan reviews by the P & Z Commission since that is the requirement of the Site Plan Review Committee whose staff are qualified to do that.

#22. ZONING PROCEDURES – Section 152.085 through 152.096. Simplified and condensed all Zoning Procedures by putting the specific “Review Authority”, “Notice Requirements” and all specific procedures for each type of zoning case into one table for each, so everything is located in one place and reader doesn’t have to jump around in the codes to figure out everything needing to be done for each different type of case. Removed Master Sign Program and Comprehensive Sign Plan since we’re not Scottsdale, and those have never been used since their incorporation. Completely revised the Site Plan and Building Permitting process and procedures to be in line with the recently adopted Subdivision Regulations and the actual processes we use for review and approvals.

#23. NONCONFORMITIES – Section 152.120 through 152.125. Went through all sections to better clarify the differences between a “**Legal Nonconforming lot, use or structure**” and a “**Nonconforming lot, use or structure**” to be more professionally accurate. Combined Nonconforming Structures and Signs into one section since there is very little difference in the enforcement of either, and reduce any unnecessary redundancies.

#24. DEFINITIONS – (See item #4 above).

“END OF SIGNIFICANT CHANGES”