

Redlined Version of Effected Sections of the Zoning Ordinance

Article 1: Administration

Section 1-3-1 Amendments

D. REVIEW PROCESS FOR MAJOR AMENDMENTS TO ZONING MAP.

1. A Major Amendment is any amendment that is not considered a Minor Amendment in accordance with Section 1-3-1-E.
2. The Development Review **Committee** shall review the application submittal for an **amendment** of the boundaries of a Zoning **District**. Following the completion of the review by Development Review **Committee** and the Citizen Review Process specified in Section 1-3-8, the **Zoning Administrator** shall forward the application submittal with a recommendation for approval, approval with conditions or denial to the Planning and Zoning Commission for review at a public hearing for which due and proper notice has been provided in accordance with Section 1-3-9.
3. Requests for **amendments** shall be considered by the Planning and Zoning Commission at a public hearing for the purpose of making a written recommendation to City Council. Following a public hearing at which parties of interest and citizens have been heard, the Planning and Zoning Commission shall issue a recommendation to be forwarded to City Council recommending approval, approval with conditions or denial of the **amendment** and the reasons for such recommendations. Such recommendation may or may not be consistent with the **Committee's** recommendations.
4. The Development Review **Committee's** and Planning and Zoning Commission's reviews and recommendations shall be guided by the following considerations:
 - a. consistency with the goals, objectives, policies and future land **use** map of City's General Plan; consideration of current market factors, demographics, infrastructure, traffic, and environmental issues; and if conditions have changed significantly since the Plan was adopted;
 - b. suitability of the subject property's physical and natural features for the **uses** permitted under the proposed zoning **district**;
 - c. compatibility of all potential **uses** allowed in the proposed zoning **district** with surrounding **uses** and zoning in terms of such things as land suitability, environmental impacts, **density**, nature of **use**, traffic impacts, aesthetics, infrastructure, and potential impact on property values;

- d. proposed zoning **district**'s consistency with other land **uses** within the immediate area and whether **uses** allowed under proposed zoning **district** would be better suited to the subject property than the **uses** allowed under current zoning;
 - e. demand for the types of **uses** permitted in the proposed zoning **district** in relation to amount of land currently zoned and available to accommodate the demand;
 - f. demands for public services that will be generated by the **uses** permitted in the proposed zoning **district** and requirements for meeting such demands in terms of public infrastructure and facilities and other capital equipment, such as water supplies, water treatment, storage, and distribution facilities, wastewater treatment, recharge and distribution facilities, streets, bridges, schools and emergency services facilities and equipment;
 - g. potential adverse fiscal impacts that will result from providing services to areas not in proximity to where existing public services are provided;
 - h. general public's concerns;
 - i. whether the **amendment** promotes orderly growth and development; and,
 - j. any other factors related to the impact of the **amendment** on the general health, safety and welfare of the citizens of the City and the general public.
5. Following the completion of the Planning and Zoning Commission's review, the **Zoning Administrator** shall forward the application submittal and the Planning and Zoning Commission's recommendation to the City Council for final review and decision.
- a. The City Council may approve, approve with conditions, or deny the application for **amendment**. Such recommendation may or may not be consistent with the recommendations of the Planning and Zoning Commission. The City Council may decide the application for an **amendment** without a second public hearing if the City Council intends to adopt the recommendations of the Planning and Zoning Commission without change and there has been no written request for a public hearing by the applicant, by a person appearing in opposition to the **amendment** at the Planning and Zoning Commission or by any person who filed a written protest to the **amendment** in accordance with state law. If a public hearing is requested as provided herein, the City shall hold a public hearing before deciding the application for **amendment**. If the City Council does not intend to adopt the recommendations of the Planning and Zoning Commission without change, the City Council shall continue the matter until a public hearing can be scheduled before the City Council decides the matter.
 - b. Adoption of an amendment may be subject to such conditions as the City Council deems applicable to enforce this **Ordinance**. If one condition is a schedule for

development of specific **uses** for which zoning is requested, and at expiration of that period the property has not been developed according to said schedule, it may be reverted to its former zoning classification by action of the City Council after conducting a public hearing for which public notice has been posted and published in accordance with the requirements of Arizona law.

- c. If the owners of twenty (20) percent or more of the area of the lands included in a proposed ordinance or zoning map change, or those immediately **adjacent** in the rear or any side extending one hundred fifty (150) feet therefrom, or those directly opposite extending one hundred fifty (150) feet from the **street frontage** of opposite **lots**, file a protest in writing against a proposed ordinance **amendment**, such **amendment** shall not become effective except by favorable vote of three-fourths (3/4) of the Council. If any member of Council is unable to vote because of a conflict of interest, then the required number of votes shall be three-fourths (3/4) of the remaining Council members (provided that required number of votes shall not be less than a majority of the full Council).
6. If an application for **amendment** to amend the boundaries of a Zoning **District** or to amend any terms, conditions, stipulations or other type of requirements set forth in and ordinance amending the boundaries of a Zoning **District** is denied by the City Council, or the application is withdrawn after the Planning and Zoning Commission hearing, the Planning and Zoning Commission shall not consider an application for the same **amendment** within one (1) year from the date of the original hearing.

E. REVIEW PROCESS FOR TEXT **AMENDMENT** OR MINOR AMENDMENT

1. A Minor Amendment is any amendment which:
 - a. Changes the text of this Ordinance or a Planned Area Development (PAD) Ordinance.
 - b. Changes or deletes a stipulation of zoning approval, unless the proposed change or deletion will likely negatively impact adjacent properties as determined by the Zoning Administrator.
 - c. Changes the height, setback, or other development regulations of a Planned Area Development (PAD) by less than 10%.
 - d. Any other proposed change that is determined by the Zoning Administrator to constitute a minor amendment.
2. The Development Review **Committee** shall review the application submittal for an **amendment** to this **Ordinance**. Following the completion of the review by Development Review **Committee**, the **Zoning Administrator** shall forward to the Planning and Zoning Commission the application submittal along with a recommendation to approve, to approve subject to modifications, or to deny the application for the Planning and Zoning Commission's review at a public hearing for which due and proper notice has been provided in accordance with Section 1-3-9.

3. Requests for **amendments** to this **Ordinance** shall be considered by the Planning and Zoning Commission for the purpose of making a written recommendation to City Council. Following a public hearing, the Planning and Zoning Commission shall issue a recommendation to be forwarded to City Council recommending approval of the **amendment** as proposed, recommending approval of the **amendment** subject to modifications or recommending denial of the **amendment**. Such recommendation may or may not be consistent with the **Committee**'s recommendations.
3. The Development Review **Committee**'s and Planning and Zoning Commission's reviews and recommendations for minor amendments shall be consistent with Section 1-3-1-D-4 of this Ordinance. The review and recommendations for text amendments shall be guided by the following considerations:
 - a. Documentation indicating inconsistencies in terms of the **Ordinance** or problems and/or conflicts in implementation of specific sections of the **Ordinance** that will be resolved by the **amendment**;
 - b. Whether **amendment** is needed to respond to changes in the law, statutory or case law;
 - c. Whether **amendment** is needed to address zoning and/or development issues or to improve processes for addressing such issues;
 - d. Whether **amendment** will to promote implementation of goals and objections of the City's General Plan;
 - e. Any other factors related to the impact of the **amendment** on the general health, safety or welfare of the citizens of the City and the general public.
4. Following the completion of the Planning and Zoning Commission's review, the **Zoning Administrator** shall forward the application submittal and the Planning and Zoning Commission's recommendation to the City Council for final review and decision.
 - a. The City Council may decide the application for **amendment** without a second public hearing unless a public hearing is requested in writing by the applicant, by any person appearing in opposition to the **amendment** at the Planning and Zoning Commission or by any person who filed a written protest to the **amendment** in accordance with Arizona Law. If a public hearing is requested as provided herein, the City shall hold a public hearing before deciding the application for **amendment**.
 - b. Following and consideration of the application submittal and public hearing, if held, the City Council shall render a decision on the application for **amendment** and either approve, approve with modifications, or deny the application for

amendment. Such action may or may not be consistent with the Planning & Zoning Commission's recommendation.

Article 4: Administration

Section 4-4-4 Permitted Temporary Uses. Temporary uses are limited to the uses and time limits listed below.

Use	Time Limit (days)	Frequency of Use (calendar year)	Interval Between Uses (days)⁵
Carnival or Circus	3	4x/year	30
Crop Maze	30	1x/year	30
Food Vendors¹	3	4x/year	30
Haunted House	30	1x/year	30
Outdoor Fair or Festival	30	1x/year	30
Outdoor Assembly²	3	4x/year	30
Seasonal Sales³	30	1x/year	30
Sport Tournament	3	4x/year	30
Parking Lot Sales⁴	10	3x/year	30
Temporary laydown yard	None ⁶	None	None

1. Food vendors are those vendors that use a portable stand for the retail sale of food and beverages including food carts, such as hot dog stands, but not including food sales that take place primarily in a vehicle, such as an ice cream truck, or that are operated in compliance with Section 4-4-5.

2. Outdoor assembly includes, but is not limited to concerts, tent revivals, religious events, and fund raisers.

3. Seasonal sales refer to the outdoor sale of goods that are related to a particular seasonal or cultural activity including, Christmas tree lots and pumpkin patch sales.

4. Parking lot sales include any outdoor retail sale that takes place on a parking lot.

5. The interval between temporary uses shall be calculated based on the number of calendar days between temporary uses regardless of the use category.

6. The time limit, frequency and interval of temporary laydown yards shall be determined by the Zoning Administrator.

Article 8: General Provisions

Section 8-1-F

F. Every part of a required **yard** shall be open to the sky and unobstructed except for **accessory buildings** in a rear **yard**.

1. The projections of skylights, window sills, belt courses, cornices, chimneys, flues and other ornamental features and open or lattice enclosed fire escapes, ramadas, patios, fireproof outside stairways and balconies may project into a **yard** not more than five (5) feet except in the case of a side **yard** where it shall not come nearer than three (3) feet to the side **lot line**.

Section 8-1-L

L. A **mobile home, recreational vehicle**, or similar vehicle shall not be considered a **dwelling unit**, nor occupied as such, unless located in a **recreational vehicle** or **mobile home park** or **mobile home subdivision**. A **mobile home, recreational vehicle**, or similar vehicle shall be prohibited as a facility for any non-residential use permitted in this Ordinance, except as an office when construction is on-going on a site. A mobile home, recreational vehicle may be permitted as a sales office on a site zoned for industrial use if the site is undeveloped and at least seventy-five (75) acres in size. The City may require that the use discontinue if the area becomes significantly developed.

Section 8-1-R

R. Up to three chickens may be kept on a residential property for the purpose of a formal Supervised Agricultural Experience. The project may last up to 6 months in duration. Animals must be kept in a coop that is kept in a clean and sanitary manner and is located at least three (3) feet away from walls abutting other residential properties,