

STATE MANDATED CHANGES TO ZONING CODE

Existing Code	Proposed Changes	Explanation
<p>18.35.030 Permitted conditional uses.</p> <p>The following uses are permitted, subject to approval by the zoning administrator. At the discretion of the zoning administrator, submission of a proposed site plan may be required.</p> <p>A. Residential structures employing energy-saving devices.</p> <p>B. Any use customarily incidental to a permitted principal use.</p> <p>C. Private garage or carport for storage of not more than three vehicles.</p> <p>D. Garden house, tool house, ramada, and swimming pool.</p>	<p>18.35.030 Permitted conditional uses.</p> <p>The following uses are permitted, subject to approval by the zoning administrator. At the discretion of the zoning administrator, submission of a proposed site plan may be required.</p> <p>A. Residential structures employing energy-saving devices.</p> <p>B. Any use customarily incidental to a permitted principal use.</p> <p>C. Private garage or carport for storage of not more than three vehicles.</p> <p>D. Garden house, tool house, ramada, and swimming pool.</p> <p>E. Vacation rentals and short-term rentals. Requires a business license issued by the Town clerk.</p>	<p>Adding vacation rentals and short-term rentals as a permitted conditional use</p>
<p>18.100.260 Keeping of livestock and pets.</p> <p>Horses, burros, donkeys and mules are permitted within the town of Huachuca City, subject to the following provisions:</p> <p>A. The parcel of land on which they are kept is a minimum of four acres.</p> <p>B. There shall be a minimum of one acre per one animal maintained, exclusive of minimum dwelling site requirements.</p> <p>C. No animal shall be stabled any less than 50 feet from any residence on the property or 100 feet from dwellings on other properties.</p> <p>D. Provided further, that all town, county and state sanitary and health regulations shall be complied with and met.</p> <p>E. No cattle, sheep, hogs, rabbits, poultry, or other livestock shall be kept or maintained on any property within the town except in current on parcels of four acres or more.</p>	<p>18.100.260 Keeping of livestock and pets.</p> <p>A. Horses, mules, burros, donkeys and mules are permitted within the town of Huachuca City, subject to the following provisions:</p> <ol style="list-style-type: none"> 1. The parcel of land on which they are kept is a minimum of four acres. 2. There shall be a minimum of one acre per one animal maintained, exclusive of minimum dwelling site requirements. 3. No animal shall be stabled any less than 50 feet from any residence on the property or 100 feet from dwellings on other properties. <p>B. No cattle, sheep, goats, swine, rooster, guinea hens, pigeons, or other livestock shall be kept or maintained on any property within the town except on parcels of four acres or more.</p>	<p>Adding mules to list</p> <p>Formatting changes for better clarity</p> <p>This section is moved below</p> <p>Changes to the types of livestock listed</p>

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<p>Nothing in this section on livestock will be construed to permit any animals, whether permitted or not permitted within a particular zone, to run free and uncontrolled. Any and all of such animals are subject to seizure and impoundment by the town of Huachuca City at the expense of the owner thereof.</p>	<p>G. Nothing in this section on livestock will be construed to permit any animals, whether permitted or not permitted within a particular zone, to run free and uncontrolled. Any and all of such animals are subject to seizure and impoundment by the Town of Huachuca City as outlined in Title 6.</p>	
	<p>18.100.290 Hoophouses and polyhouses</p> <p>A. Notwithstanding any other law, construction of a hoophouse or polyhouses is exempt from municipal building permit requirements if the hoophouse or polyhouse meets all the following requirements:</p> <ol style="list-style-type: none"> 1. The structure does not have a permanent anchoring system. The structure shall be anchored in a way that allows removal and relocation of the structure at the discretion of the property owner and in a manner that prevents unintended detachment or relocation. 2. There is no temporary or permanent storage of solvents, fertilizers, gases or other chemicals or flammable materials. 3. The structure is not wider than thirty-one feet (31') and there is an unobstructed path of not more than one hundred fifty feet (150') from any point to a door or fully accessible wall. 4. The covering of the structure is of material not greater than twelve (12) mils in thickness, that conforms to the National Fire Protection Association (NFPA) standard methods of fire tests for flame propagation of textiles and files ((NFPA 701) and that yields approximately four pounds (4 lbs) of maximum impact resistance to provide egress through the wall. 	<p>New Section to add provisions for hoophouse and polyhouse greenhouses</p>

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	<p>B. Notwithstanding subsection A of this section, if a hoophouse or polyhouse is located on a lot less than one acre in size within a residential community, the height of the structure shall be no greater than five feet (5') above the fence line or a total height of thirteen feet (13'), whichever is less.</p> <p>C. Notwithstanding subsection A of this section, if a hoophouse or polyhouse contains a device that is subject to existing municipal electrical or mechanical codes and regulations, a permit shall be required for the device. If the hoophouse or polyhouse is connected to a potable water system, a permit shall be required for the backflow prevention devices contained within the potable water system.</p> <p>D. Notwithstanding subsections A of this section, a hoophouse or polyhouse shall comply with all height, setback and lot coverage requirements contained in the municipal zoning and land use regulations for detached accessory buildings or structures.</p> <p>E. A site plan shall be submitted for administrative review by Town building official and/or Town zoning administrator, to include the materials used in the construction of a hoophouse or polyhouse to determine if the planned construction meets the requirements of this section.</p>	
<p>18.135.030 Applications for amendment.</p> <p>Applications for amendment of these regulations shall be made to the commission on a standard form provided for that purpose and shall be signed by a real property owner in the area for which amendment is applied. In the event that the application includes other property in addition to that owned by the applicant, there shall be filed by the applicant on a form provided therefor, a petition in favor of the request signed by the real property owners representing at least 75 percent of the land area to be included in the application. Such petition shall be filed and checked for authenticity of</p>	<p>18.135.030 Applications for amendment</p> <p>A. Applications for amendment of these regulations shall be made to the planning and zoning commission, or zoning hearing officer in their absence, on a standard form provided for that purpose and shall be signed by a real property owner in the area for which amendment is applied.</p>	<p>Wording change for clarity</p> <p>Formatting changes for clarity</p>

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<p>ownership before the application is accepted by the commission. In the event that the application includes properties owned by more than one owner, the clerk shall notify, by certified mail, all property owners included in the area proposed for change. Such notice shall be postmarked not later than 15 days prior to any commission hearing of the application.</p>	<ol style="list-style-type: none"> 1. If the application includes other property in addition to that owned by the applicant, there shall be filed by the applicant on a form provided therefor, a petition in favor of the request signed by the real property owners representing at least 75 percent of the land area to be included in the application. Such petition shall be filed and checked for authenticity of ownership before the application is accepted. 2. If the application includes properties owned by more than one owner, the zoning administrator shall notify, by certified mail, all property owners included in the area proposed for change. Such notice shall be postmarked no later than 15 days prior to any required public hearing of the application. <p>B. Town shall determine whether an application for zoning amendment is administratively complete within thirty (30) days after receipt of the application. Town shall issue a written or electronic notice of administrative completeness or deficiencies to the applicant.</p> <ol style="list-style-type: none"> 1. If the Town determines that the application is not administratively complete, the Town shall include a comprehensive list of the specific deficiencies in the written or electronic notice provided to the applicant. Town shall follow these procedures until the application is administratively complete. 2. Town shall determine whether a re-submitted zoning amendment application is administratively complete within 15 days after receipt of the re-submitted application. 3. Town shall approve or deny an application for zoning amendment within one hundred eighty (180) days after determining that the application is administratively complete. 	<p>Adding timeline provisions for administrative review</p>

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	<p>4. Notwithstanding Subsection B1 of this Section, the Town may extend the timeframe to approve or deny the zoning amendment application beyond one hundred eighty (180) days for either of the following reasons:</p> <ul style="list-style-type: none">a. For extenuating circumstances, the Town may grant a one-time extension of not more than thirty (30) days.b. If an applicant requests an extension, the Town may grant extensions of thirty (30) days for each extension granted. <p>5. This Section does not apply to land that is designated as a district of historical significance or an area that is designated as historic on the National Register of Historic Places or planned area developments.</p>	

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<p>18.135.060 Protest against amendments.</p> <p>If the owners of 20 percent or more, either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side thereof extending 150 feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three-fourths of all members of the council. If any members of the council are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the council; provided, that such required number of votes shall in no event be less than a majority of the full membership of the council.</p>	<p>18.135.060 Protest against amendments.</p> <p>If the owners of 20 percent or more of the property by area and number of lots, tracts and condominium units within the zoning area of the affected property, excluding government owned property, file a protest in writing against a proposed amendment, the change shall not become effective except by the favorable vote of three-fourths of all members of the council. If any members of the council are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the council; provided, that such required number of votes shall in no event be less than a majority of the full membership of the council. For the purposes of this Section, the vote shall be rounded to the nearest whole number. A protest filed pursuant to this Section shall be signed by the property owners, excluding government owned property, opposing the proposed amendment and file in the office of the clerk of the Town no later than 12:00 noon one business day before the date on which the council will vote on the proposed amendment.</p>	<p>Excludes government owned property</p> <p>Added provision for protests</p>
	<p>18.10.010 Definitions</p> <p>“Fowl” means a domestic chicken, or hen (for the purpose of this Section)</p> <p>“Hoophouse or polyhouse” means a greenhouse used exclusively for producing and storing live plants</p> <p>“Permanent anchoring system” means a structurally engineered assembly of components designed to affix a structure to the ground on a permanent basis. Includes permanent foundations and anchors.</p> <p>“Vacation rental or “Short-term rental” means any individually or collectively owned single-family or one-to-four-family house or dwelling unit or any unit or group of units in a condominium or cooperative that is also a transient public lodging establishment or owner-occupied residential home offered for transient use if the accommodations are not classified for property taxation. Does not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center or another similar use.</p>	<p>New definitions</p>