

**MINUTES  
TOWN OF QUARTZSITE  
WORK SESSION MEETING OF  
PLANNING & ZONING COMMISSION  
TUESDAY, MARCH 5, 2013 AT 4:00 PM**

▶ CALL TO ORDER: 4:01 p.m. – by Acting Chairperson Jim Murphy.

PLEDGE OF ALLEGIANCE: Acting Chairperson Jim Murphy led the Pledge of Allegiance

▶ ROLL CALL:

Commissioner Jim Murphy, present Commissioner Dennis Kuehl, present  
Commissioner Jesse Hearne, present Commissioner Norm Simpson, present

Town of Quartzsite staff present: Steve Henrichs, Community Development Services and  
Tina Abriani, Secretary

▶ Motion made by Commissioner Dennis Kuehl to continue the meeting after the work  
session. Commissioner Norm Simpson seconded the motion. Motion passed.

▶ SUBJECT OF WORK SESSION:

1. Training with Mark Goldberg on the Basics of Planning & Zoning.

Mark Goldberg introduced himself: Over thirty years in Planning & Zoning. He has written  
codes and dealt with jurisdictional issues.

**Overview:**

Zoning allows the town to contribute to the protection of the public health, safety and general  
welfare.

Zoning regulations are adopted and amended by ordinance.

Zoning is defined as “uniform.” Consistently applied uniformity of application assures that all  
landowners are treated the same under the law and that no capricious or special favors are  
granted to individuals.

The zoning ordinance provides clear standards and expectations for anyone coming to the  
town who wants to build something or operate a business.

**General Process**

- ▶ A Public Hearing is held at the Planning & Zoning Commission level, generally resulting in a recommendation to the Town Council.
- ▶ Through this process, the public has an opportunity to give their input at both the Planning & Zoning level and the Town Council level.
- ▶ Structure of a Zone (in the zoning code)

Purpose Statement – a simple statement of what the objective is of the zone being applied.

- ▶ Permitted Uses – Uses that can be conducted, by right, in the zone. One may only do what the zoning code says one may do. So, if it is not on the list one cannot do it.
- ▶ It is permissive and restrictive. Changes to the code are adopted by resolution.
- ▶ Conditionally permitted uses – Permitted uses which may have unusual characteristics such as noise, unusual hours of operation, traffic issues and other factors which could be disturbing to other permitted uses; but, which can be controlled by appropriate conditions being imposed. **Conditional use permits run with the land, not the applicant.** As long as the conditions are satisfied, anyone can operate the use.

2.

- ▶ Variances – Current zoning was created in a public hearing to make policy. Special privileges should not be granted for one. If the reason for the request is feasible, worthwhile and sounds like a good idea for all, then amend the code so that all may have the privilege.
- ▶ Variances are designed for a physical hardship. The correct application of a variance gives a person the permission to do what everyone may do as a matter of right.

### Development Standards

Limitations and regulations governing how the use is placed on the ground, including, but not limited to:

Minimum lot area – The minimum square footage of a lot or parcel.

- ▶ Setbacks – The minimum distance of structures on the property to the property line (front, side, rear and side street). Setbacks provide for light and air circulation.

- ▶ Lot coverage – The maximum percentage of a lot which can be covered by structures.
- ▶ Height – Stated as a maximum. It usually covers structures and fencing.
- ▶ Parking – Number of and type of parking spaces required.
- ▶ Signage – Permitted signs, such as business identification, real estate signs, house numbers and temporary signs.
- ▶ Landscaping – Setback landscape requirements, street trees, etc.
- ▶ Buffers – Separations and/or landscaping placed next to adjoining property.

**NOTE:** Development standards are usually “minimum standards.”

#### ▶ Development Standards Common to Most Zones

- ▶ Definitions – all terms used in the zoning ordinance are specifically defined so that there is no confusion about the intended meaning or application.
- ▶ MAY and SHALL – If the verbiage is SHALL, this means it must be done, it is required. If it says may, it is permissive; you dont have to do it.
- ▶ Signs – Types of signs, and construction standards. Most ordinances define a sign as any device for visual communication designed to attract the attention of the public.
- ▶ Parking – Dimensional requirements for parking stalls, backup area, landscaping and other details.

#### Procedures Common to Most Zones

- ▶ Non-Conforming Uses – How to deal with uses which were legally constructed prior to current regulations. An amortization period is defined after which the use must be made to conform to current regulations. Illegally constructed uses do not enjoy non-conforming privileges.
- ▶ Illegal Non-Conforming Use – Something built without any permits and may have never met any building code, fire code or drainage requirements. It has no standing in terms of the towns laws. It does not have the right to amortize.
- ▶ Temporary uses – Standards and limitations for temporary uses in a zone. Uses which may be permitted for a limited period of time, for example, yard sales.

▶ Home Occupations – There are provisions for conducting business in the home. The importance being the weight of its residential character, such as traffic and signage,

Zone Changes – Procedures and mandatory findings listed for modifying a zoning designation on a piece of property.

Variances – Procedures and findings to grant exceptions to zoning development standards, based on physical hardship.

▶ Determination of Use - Procedures for determining if an unlisted use can be included in permitted or conditionally permitted uses in a zone. It is a way of accommodating people that have a reasonable request and something minor in nature.

▶ Administration of Zoning -

Once zoning is applied throughout the town, it serves as the standards for development. When a developer or individual comes to the town, he can build with confidence knowing what uses are permitted where and what development standards are expected and required.

The goal of the town at the point of development is to see that the development meets the permitted uses and standards set forth in the designated zone. The Planning & Zoning Commission and Town Council are usually not involved in routine new development decisions, since the development must conform to standards which the Town had already adopted. At that point, it is an administrative process where staff assures that the zoning and building code standards are met as development proceeds.

Staff evaluates consistency with adopted city plans: General Plan, Flood Control, Building Codes, Fire Codes and Zoning Ordinances.

The Planning and Zoning Commission and Town Council are involved in the creation and adoption of the standards; modification of the standards and special considerations like conditional uses, change of zone, or variances.

▶ Ordinance Amendment Procedure

- \* Reasonable Request
- \* Staff brings it before the Planning & Zoning Commission
- \* Advertise a Public Hearing saying there is a possible amendment to the ordinance (which means amending the law.)
- \* The Planning & Zoning Commission would make a recommendation to the Town Council.
- \* The Town Council votes on the final action.
- \* Once the Town Council adopts the ordinance, it becomes law.

▶ Discretion is involved with: Special Permits, i.e., Conditional Use, Variances and Determination of Use. The Planning & Zoning Commission will use its knowledge of the community and the surroundings to apply discretion and make recommendations as to does it fit our ordinance?

▶ Generally a Conditional Use will have findings. In order to grant a Conditional Use you would find:

- 1.The use is permitted in the zone and the codes are satisfied.
- 2.That the use is compatible with its surroundings.
- 3.That conditions have been applied that are reasonable and make it compatible with its surroundings and therefore can be approved because all conditions have been met.

▶ Variances have findings, too. In order to grant a variance there are usually at least three findings and sometimes more.

- 1.It is not granting a special privilege not enjoyed by everyone else in the neighborhood.
- 2.It is not a self-imposed hardship.
- 3.There is an exceptional reasonable basis for the request.

▶ Protecting public health, safety and welfare are the basis for codes.

ADJOURNMENT: ▶ 5:17 PM

Dated this \_\_\_\_\_ day of March 2013.

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Stephen C. Henrichs  
Community Services Development  
Acting Director

APPROVED:

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Commissioner