

Town of Paradise Valley

Zoning Ordinance Analysis

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Prepared for:



Town of Paradise Valley
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1. INTRODUCTION AND BACKGROUND

The Town of Paradise Valley has embarked upon an effort to review its Zoning Ordinance (“Ordinance”), which was last reviewed comprehensively in 2005. Since that time, the Ordinance has been amended from time to time to respond to the changing needs of the community and address impacts of specific development proposals.

This report summarizes the findings of a technical review of the existing Paradise Valley Zoning Ordinance performed by the Town’s professional land use and zoning consultant, Michael Baker International. This report also introduces recommendations for structural and content changes that set the direction for the preparation of a comprehensively updated, modernized Zoning Ordinance.

1.1. Process Overview

The goal of Phase 1 is to gather observations and best practices from staff and the consultant to reach a general agreement on proposed revisions and address any unresolved issues. Establishing this project “road map” early is crucial, as significant, or new, changes during the drafting process can lead to wasted time and effort. Clear policy direction at this stage ensures an efficient drafting process and a consistent final product. This report is intended to be general, with specific details of individual regulations to be thoroughly examined in the next phase. Additionally, as discussions with town staff and stakeholders continue, the information presented here will likely evolve and be refined in future phases.

1.2. Key Goals

The key goals draw upon preliminary information described in the project scope and initial observations made by town staff at the project kick off meetings on September 23, 2024. The following overarching project needs and goals were developed (in no particular order) to help guide the Ordinance Update process:

- Identify existing inconsistencies, conflicts and duplications.
- Ensure compliance with Arizona Revised Statutes.
- Benchmark select zoning concepts and processes against other peer municipalities.

1.3. What We Heard

The Zoning Ordinance significantly influences the daily lives, jobs, and activities of Paradise Valley residents by regulating the land and shaping the areas where they live, work, and play. To ensure the updated Zoning Ordinance effectively governs the town’s built environment, it is essential to gather input from those who regularly use and depend on the ordinance in their professional roles, as well as in public hearings to evaluate the suitability of various development application requests.

As part of initial reconnaissance efforts, on September 23, 2024, the project team conducted a kick-off meeting to identify key issues and challenges associated with the current zoning ordinance. This section summarizes the views expressed at the meeting as well as those provided to the project team via other means. In no order, the observations and Zoning Ordinance Update needs include:

Article	Proposed Change:	Reason:
	SUP Sign Amendments be MINOR	Align with current processes
Article 7, Section 702 4	R-18/A Pool Setbacks	Issue on smaller lots, adhering to larger setbacks
Section 2207 2b	Cantilever	Negative impact/additional disturbance
Section 1023	Lighting Compliance?	Homes/resorts below hillside shielding up in home in hillside. "Hooded/shielded" clarification.
Article XXIV Section 2413 & 2404	Walls/fences on major arterials allowed at 8' tall - Gates	Clarify language to allow gates on adjoining major arterial streets to have a maximum height limit of 8' tall. Gate match wall height.
Article XXIV	Combo View fence along side or rear with frontage	Consider a combo view fence be allowed at a 10' setback at a side or rear yard adjoining a right-of-way - overall hedge maintenance agreement on side/rear adjacent to ROW?
Article XXIV 2407(b)	Retaining wall height	Update language to identify that the height of the retaining wall is measured from the low side of grade (either finished or natural grade, whichever is lower).
Article XXIV 2404	Grade difference between properties, pertaining to common wall Interpretation?	Add language to address the issue when the neighboring property lowers their grade and its effects on the height measurement of fence since it is measured from the low side of natural grade
Article XXIV	Raised outdoor living areas - clarify and add requirements	Add language to the code (similar to hillside code) in which raised outdoor living areas (raised decks, platforms, etc.) must meet pool/spa setback. Require setback?
Article X 1001(D)	30-Day Rental Limit	Recommend removing last part of the sentence "and such rental shall be for less than a contiguous 30-day period." Issue that this is worded incorrectly
Article XXII 2307 & Interpretation	How calculate 50% on nonconforming structure	Codify the zoning interpretation (roof square area and exterior lineal footage)
Various	Consider codifying all or part of the zoning interpretations at https://www.paradisivalleyaz.gov/775/Zoning-Interpretations	Please review all and provide guidance

Article	Proposed Change:	Reason:
Guidelines	Special Use Permit Guidelines	It had been years since this were reviewed/approved. Some Council mentioned adding FAR guidelines.
Article II & XVII	Review to make sure the Assisted Living Home provisions meet current state/federal requirements	Idea of increasing the 1320' radius or other changes?
Article II	Rear yard - See what other communities do to determine	Staff many times has issues in determining the rear yard particularly of odd-shaped lots or what is opposite results in two rear yards. May require no edits, but good to discuss
Various	Keeping of animals - new state law? Provide more clarity.	The Zoning Code covers horses, but there is limited information on the keeping of other animals (goats, pigeons, etc).
Various	Pickleball/Game Courts	These follow the game court guideline and not tennis courts. Hot button issue for 2024 - case studies?
Article 12, Section 1211.B	Removed this section or modify it so a building permit for the approved improvements must be obtained within the 5-year time from noted in Section 1211.A. State law alteration?	Sections 1211 A&B appear to conflict with each other. Section A states the CUP is good for 5 years and Section B identified they need to get a building permit within 1 year of the approval. I would like to change Section B to identify that a building permit must be obtained within 5 years of the CUP approval OR look at changing the time frames in both Sections A&B.
	Ground Mounted Solar - Flat Land (Provide guidance)	Is this considered 'mechanical equipment' warranting screening? Under 6' in height, meets fence wall setbacks. Over 6', meets accessory structure setbacks. FAR?
Article 25	Subdivision Signage	Number of signs allowed & approval process. Council approval? Follow Managerial SUP process?
Hillside	Undisturbed Area	Undisturbed vs Restored - If planting and trenching for watering is added to disturbed area would it be considered disturbed then?
Various	Application expiration	There is currently no expiration for applications other than a Hillside or pre-application. Applications can stall or just sit with no action being taken.
Various	FAR & Lot Coverage	Clarify the difference between FAR and Lot Coverage throughout the Ordinance

2. ZONING CODE ANALYSIS

The following pages of this report discuss the individual sections of the existing Paradise Valley Zoning Ordinance in greater detail. This section-by-section analysis includes additional observations, comparisons to other codes/practices and recommendations directly from the consultant team regarding the status of the existing Zoning Ordinance.

Again, this section is intended to highlight the primary issues and recommendations impacting the Zoning Ordinance today based on project objectives and Ordinance needs expressed by town staff, as well as the consultant team's technical experience. The work of identifying specific, detailed solutions to individual regulations and/or observations will occur during a subsequent process.

2.1. General Observations

General Plan Comparison

Paradise Valley, Together, ratified in 2022, represents the community's overall vision for where and how it wants to grow and develop in the future. The Code is one of the primary tools for implementing that vision and should reflect the plan's goals, policies, and actions concerning the long-term physical development of the Town.

One of the strengths of Paradise Valley's General Plan is that it included robust community involvement as part of the development and approval process. Consequently, the challenge of updating the Zoning code is to align with community input and provide a set of regulations that enable the incremental evolution of the Town, while preserving the unique qualities that define the Town's built character and sense of community.

In order to achieve this outcome, the General Plan outlines several conditions that directly relate or align with specific aspects of the Zoning code update such as:

- Favor utilizing the Town's long-standing Special Use Permit zoning (SUP) process to guide future development outside of single-family homes. The Town's SUP process is used more comprehensively than other communities to ensure compatibility between non-residential and residential uses, with a specific focus on preserving the principal single-family residential character of the Town.
- Maintain the Town's primarily owner-occupied low-density residential character while allowing less than one acre per residence housing only as allowed by the Town Zoning Code or on Special Use Permit resort properties.
- Through the Outdoor Lighting and Illumination and Hillside Development zoning regulations, shall minimize outdoor lighting pollution and uses that are inappropriately directed or excessive illuminated, or found to be unnecessary.
- Through its Hillside Development zoning regulations, shall require new development and remodel/additions to avoid the creation of excessive glare that makes seeing difficult due to the presence of reflected sunlight from material types and paint color or artificial light from outdoor lighting fixtures and landscape floodlights.

- Evaluate and amend, as necessary, the Landscape Design Guidelines to address public landscape design along our public rights-of-way and associated open spaces, integrate applicable components of the Visually Significant Corridor Master Plan, and incorporate a native, drought tolerant, low water use plant list. In addition, consider incorporation of the key provisions of the Landscape Guidelines into the Zoning Ordinance.

Other Documents

Visually Significant Corridors Master Plan

The Visually Significant Corridors Master Plan was adopted by the town via resolution in 2018. Developed with community input and professional guidance, the plan aims to enhance the visual appeal and quality of life along key corridors, specifically Lincoln Drive and Tatum Boulevard. It outlines guidelines for streetscape improvements, including landscaping, lighting, and pedestrian amenities, to create cohesive and aesthetically pleasing environments. The plan is divided into sections detailing design guidelines for different character zones, existing conditions, and implementation strategies, emphasizing the preservation of mountain views and the town's unique character.

Storm Drainage Design Manual

The Storm Drainage Design Manual for the Town of Paradise Valley, Arizona, provides comprehensive guidelines for managing stormwater, floodplains, and erosion. It outlines standards and methodologies for preparing drainage reports and grading plans, ensuring compliance with federal, state, county, and town regulations. The manual covers floodplain management, stormwater storage, street drainage, channel conveyance, and stormwater quality, emphasizing the preservation of natural wash corridors and the use of low impact development techniques. It also includes requirements for drainage easements, grading permits, and maintenance agreements, aiming to protect both the environment and the community from flooding and erosion hazards.

Special Use Permit Guidelines

The Special Use Permit (SUP) Guidelines for Paradise Valley outline standards for non-residential developments, including lighting, open space, and specific criteria for resorts, medical offices, religious facilities, country clubs, and guardhouses. These guidelines ensure developments are compatible with the town's character, minimize impacts on adjacent properties, and provide clear standards for building heights, setbacks, parking, and signage.

Landscape Guidelines

The Landscape Guidelines for Paradise Valley, adopted in 1996, aim to enhance the natural environment with tree-shaded streets, native plants, and desert-compatible landscaping. Key points include planting canopy trees at 30-foot intervals, maintaining landscaping in a healthy condition, screening parking areas, designing recreational paths with desert-colored materials, and screening utility boxes. The guidelines also recommend low-water-use plants and advise against allergen-producing species.

Document Organization

Most individuals who reference the Zoning Ordinance, particularly those who do not use the Ordinance on a regular basis, desire to quickly find information to answer specific questions they may have. With the current format of the Ordinance, this outcome is generally feasible, however it could be improved.

The hierarchy of the Ordinance document utilizes a format sequence that references primary headings as “Articles” which are listed in roman numerals. Each Article is then divided into associated “Sections” which are identified with a corresponding three-digit number that begins with the Article number.

While this approach is straightforward and workable for the size of this Ordinance, a more intuitive listing of Article (e.g. Chapter) headings to organize the Ordinance could help to make the document more user friendly. For example, grouping all districts within a single “Zoning Districts” Article or grouping formal zoning procedures in an “Administrative Procedures” Article could help casual users better navigate the document while also allowing them to become more informed about the hierarchy of the individual Ordinance sections.

Further, placing each zoning district and its associated permitted uses in individual sections separate from development standards for the districts requires users to “flip” to multiple sections for information on the same topic. A preferred format is to group permitted uses, development standards, and design guidelines together and place them into one unified article/table. For example, zoning districts would be combined with permitted uses into one article/table with development standards for all zoning districts in another article/table. This would allow a user easy navigation of the Ordinance to quickly identify zoning type, permitted uses, and development standards.

Furthermore, the goal of the new document should be to place frequently used information earlier in the document where it can be easily referenced, and place more technical and seldom used information later in the Ordinance for reference only as needed. Conforming to this approach would consist of organizing the Ordinance more in the logical order of the land development process (i.e., what is allowed in my zoning district?, what can I build?, how do I build? I want to make a change?) by placing all language related to zoning districts, permitted uses, and development standards ahead of language related to administration, zoning procedures, enforcement, and nonconformities.

Document Format

Once an intuitive regulatory hierarchy is established, a more comprehensive and nuanced numbering system, similar to that in the Town Code (Figure 1), should be utilized, and each page layout should be revised so that specific reference standards are communicated more effectively.

Figure 1: Document Hierarchy

CHAPTER 3 ADMINISTRATION

Article 3-1	<u>OFFICES IN GENERAL</u>
3-1-1	Offices ^{446 614 2023-04}
3-1-2	Additional Offices ^{614 623 687 2018-12 2020-01 2023-04}
3-1-3	Bond
3-1-4	Vacancies; Holding More Than One Office
3-1-5	Additional Powers and Duties
3-1-6	Oath of Office
3-1-7	Criminal History Record Information for Employment and Licensing Purposes and for Public Safety Volunteers ⁴²²

Currently, the intended hierarchy of the code language is obscured by the absence of effective indents, margins, reference numbers, and paragraph spacing. The monotonous text layout used within most sub-sections immediately discourages the user, and ultimately, impedes the effectiveness of the document. When evaluating the extent of numbering system changes, consideration for cross referencing amongst other Town code documents and/or applications will need to be contemplated to avoid creating unintended conflicts between these coordinated documents.

Last, the header on each page simply says, “Zoning Ordinance”. We feel that the inclusion of a running header with the article number and title would be useful and would help the user when navigating through the ordinance.

Document Graphics

Lengthy sections of uninterrupted text are hallmarks of typical zoning codes. Unfortunately, the Town’s code fits this description. The zoning code should be more effectively communicated by consolidated tables and/or concise illustrations. The use of tables and graphics can be a quick and effective way to clarify specific regulations. When used properly, tables and graphics can communicate information without eliminating the regulatory details needed to support desirable development outcomes and answer day-to-day questions that arise in the enforcement of the ordinance.

Graphics should only be used however to provide clarity and illustrate specific regulatory intent. Images used just for the sake of making the ordinance more attractive often do more harm than good by creating confusion. Examples of graphics which could be included are shown below in Figures 2 & 3.

Figure 2: Setbacks

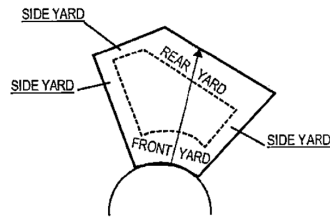
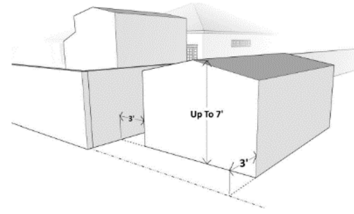


Figure 3: Accessory Building Setbacks



Zoning Interpretations

Over the course of time there have been numerous zoning interpretations that have been made as questions arise from users of the Zoning Ordinance. While some of those interpretations have been incorporated into the text of the ordinance there are many that have not been. Table 1 below is a list of the interpretations that have not been codified in the zoning ordinance. If an interpretation is not found in this table, the project team determined that it was either already codified or was not applicable to the Zoning Ordinance.

Table 1: Zoning Code Interpretations for Codification

Subject	Code Section Affected	General Explanation	Action
Accessory Structure Area	Section 1005	The area of accessory structures is compared to the main building's area based in the space within the exterior walls at ground level, including roof projections of covered patios and similar structures.	Add "ground area" definition to definitions article
Attached Structure Requirements	Article X	Structures are considered attached to the main building if connected by a continuous roof, with an opening between them not exceeding 20 feet, and must blend architecturally.	Codify into appropriate article/section of the Zoning Ordinance
Basements and F.A.R.	Section 1001	A partially subterranean basement is classified as a basement if more than 50% of its volume is below grade, with the above-grade portion included in the Floor Area Ratio.	Codify into appropriate article/section of the Zoning Ordinance
Building setbacks on lots adjacent to tracts	Section 1001	Lots adjacent to tracts are subject to either Side or Rear Setback requirements based on lot orientation, a outlined in Section 1001 District Regulations.	Codify into appropriate article/section of the Zoning Ordinance
Cantilevered and Raised Decks	Sections 1008 and 1010 (B)	Cantilevered or raised decks below three feet above grade can extend two feet into the setback and are excluded from the FAR, while those above three feet must comply with setbacks, include the area beneath in the FAR, and count towards building height.	Codify into Sections 1000 & 1010 of the Zoning Ordinance

Subject	Code Section Affected	General Explanation	Action
Chimney Height/Decorative Shrouds	Article X	Chimney height including shrouds, must not exceed building height, except within 10 feet of the main building and then the height of the chimney and decorative shroud may exceed the building height by 3 feet, or a height of 24 feet, whichever is greater. A chimney at the ridge of a 24-foot roof may not have a decorative shroud.	Codify into Article X of the Zoning Ordinance
Cluster Plan Guest Houses	Section 2109	Guest houses may be permitted on lots in R-43CP or R-35CP zoning if the lot size remains the same as when the original Cluster Plan was approved. However, lots reduced in size cannot have guest houses.	Codify into Section 2109 of the Zoning Ordinance
Construction Commencement	Section 1005B	"Actual commencement" of the main building is marked by the payment of building permit fees and activation of the permit, allowing for the construction of a six-foot perimeter wall prior to footing excavation to enhance site security.	Codify the determination of actual commencement into Section 1005B.
Construction Trailers, Dumpsters, Storage Containers, Port-A-Potty & Security Monitoring Equipment	Section 1014 (Section 1014 has been repealed)	Construction trailers, storage containers, and port-a-potty must meet setback requirements, with approval needed for placement and duration, while security and monitoring equipment has height and setback limitations.	Section 1014- Code states section 1014 has been repealed. Codify into appropriate section of Article X.
Courtyard	Section 2411	Accessory structures in a courtyard wall must meet accessory structure setbacks unless the courtyard is included in the F.A.R., in which case they must meet building setbacks.	Codify into Section 2411 of the Zoning Ordinance and potentially Article X
Courtyards	Section 2411	A courtyard is included in the 25% maximum F.A.R. if the 4th or additional sides of the house enclose enough of the courtyard to qualify as part of the structure.	Codify into Section 2411 of the Zoning Ordinance and potentially Article X
Decorative Features for Pools & Spas	Section 1005	Decorative features around pools and spas under six feet must meet fence/wall setbacks, while those over six feet are treated as accessory structures and must meet accessory structure setbacks.	Codify into Section 1005 of the Zoning Ordinance
Detached BBQs, Fireplaces, Fire Pits & Sculptures	Section 1005	Detached BBQs, fireplaces, fire pits, and sculptures under six feet must follow fence wall setbacks, while those over six feet must meet accessory structure setbacks.	Codify into Section 1005 of the Zoning Ordinance

Subject	Code Section Affected	General Explanation	Action
Existing Accessory Buildings & New Single-Family Residences	Section 1005	Existing detached accessory buildings may remain if a new single-family residence is constructed, provided the new home meets all zoning requirements and a building permit is submitted before the demolition of the existing home.	Codify into Section 1005 of the Zoning Ordinance
Expiration of Hillside Applications	Section 2005	Hillside applications expire if no building permit is submitted within 18 months, with possible extensions granted under specific circumstances.	Codify into Section 2005 of the Zoning Ordinance
Fence setbacks from alleys	Section 2404(B)	Fence setbacks are required for properties adjoining local, collector, and arterial streets, but not for properties adjoining alleys or non-street right-of-ways, as these do not serve as primary access routes.	Codify into Section 2404 of the Zoning Ordinance
Flag Lot Yard Designations & Setbacks	Section 1002	Flag lots are treated like cul-de-sac lots, with the front yard and building envelope determined by a radial arch from the flagpole or access easement.	Codify into Section 1002 of the Zoning Ordinance
Flagpole Height & Setback	Section 1003	Flagpoles must have a setback equal to or greater than their height, measured from the property line.	Codify into Section 1003 of the Zoning Ordinance as well as the definitions section
Game Courts (Multi-use and Basketball Courts & Hoops)	Article 24	Game courts must meet specific setbacks for play areas and poles, with one or two 16-foot lights allowed depending on court size, and setbacks for sunken courts and lighting must comply with zoning regulations.	Codify into appropriate article/section of the Zoning Ordinance
Nonconforming Structures Remodeling	Section 2302	A non-conforming structure must comply with current zoning if structural alterations or repairs exceed 50% of the original square footage, roof area, or exterior wall length within a 36-month period	Add the threshold in the appropriate section of Article 23
Plat vs. Zoning Ordinance Setbacks for Primary Buildings	Sections 908 & 1001	In specified zoning districts, setbacks follow Section 1001 of the Zoning Ordinance, while R-10 and CP zones, setbacks are based on the recorded plat or the least restrictive option if no building envelope is recorded.	Need to add to 908 Cluster Plan Procedure
R-18 CP SUP		In Via Vista subdivision, the FAR is capped at 7,000 square feet excluding the basements, with setbacks per the 1994 plat; in Cheney Estates, the livable area ranges from 2,000 to 5,000 square feet, with accessory buildings limited to 50% of the main residence.	Initial review suggests this is a one-off interpretation of the mentioned plats and does not need to be addressed within the code.

Subject	Code Section Affected	General Explanation	Action
Section 1005A Ground Area	Section 1005A	Ground area is defined as the first floor of a structure, including livable space, storage, covered patios, attached trellises and garages, but excluding overhangs. Accessory buildings and structures cannot occupy more than half of this ground area and must comply with the height limits in Table 1001B of the Town Zoning Ordinance.	Add Ground Area to definitions
Statues & Sculptures	Article X	Setback requirements for statues and sculptures vary by height, with no setbacks for those under three feet, ten-foot setbacks for those between three and eight feet, and accessory structure requirements for those over eight feet.	Potentially add to Height and Area Regulations
Basements and subterranean outdoor space in F.A.R. calculations and setbacks	Article X	Basement exits must meet setbacks and area included in the FAR, if exceeding specific dimensions, fully subterranean areas and certain subterranean outdoor spaces are excluded from FAR calculations, with additional guidelines for amenities and retaining walls based on their height and location.	Ensure this is captured in the Height and Area Regulations
Tennis Courts	Article IV & V and/or Article X	Setbacks for tennis courts must be measured from property lines, with specific setbacks for lighting (20 feet from side and rear, 40 feet from front) and walls (20 feet for fences over 6 feet, 60 feet from the front). Non-conforming courts are allowed if part of the court meets zoning regulations and requires site plans to detail all related structures.	Ensure the setbacks are included in either the tennis courts sections of R-175 and R-43 or in the Heights and Area regulations
Trampolines	Article X	Trampolines are classified as recreational structures, requiring them to adhere to swimming pool setback regulations and limiting their height to 6 feet; trampolines exceeding this height must follow accessory structure regulations.	Ensure the setbacks are included in Height and Area Regulations
Underground Driveways and Underground Garages	Article X	Underground garages and driveways are permitted with height measured from the Lowest Natural or Restored Grade, restored grades around the garage, no visible garage doors from the street, compliance with Fire Department standards, and adherence to setback and FAR requirements for retaining walls over 6 feet.	Codify into Article X of the Zoning Ordinance. May consider including a graphic example of this

2.2. Article 01 – Title, Purpose, and Interpretation

Article 01 contains a common language that sets out the purpose of the ordinance for the town. We find that the existing language is routine and consistent with the purpose of a modern-day zoning ordinance.

Much of the existing language is standardized and generally satisfactory. However, we suggest a subtle refinement of the language, organization, and the addition of provisions found later in the Ordinance be considered.

2.3. Article 02 –Definitions

Definitions are an integral component of zoning ordinances. They should provide the single definitive source of information that effectively clarifies the intent or specific meaning of provisions and avoids the need for users, staff, or decision makers to subjectively interpret the Zoning Ordinance.

Currently, the list of definitions in the Zoning Ordinance appears to be complete, however, in tandem with the rewrite of each section of the Zoning Ordinance, the definitions should be reviewed and revised as appropriate. They should also appear at the latter sections of the Zoning Ordinance, since most Ordinance users do not typically need to refer to the lengthy specific definitions to understand how the Ordinance applies to their specific need or inquiry. Additionally, definitions for specific topics such as Hillside and Personal Wireless Service Facilities are located within their respective sections. It would be our recommendation that all definitions be moved to the same section.

2.4. Article 03 – Districts, Boundaries and Amendments

This Article establishes the zoning district classifications in paragraph format without providing a purpose statement for each district, as well as the zoning map and zoning map district boundary determination language regarding the rules that guide the uncertainty of actual zoning district boundaries illustrated on the map, rules for establishing zoning in newly annexed areas and the rules for establishing the zoning of newly vacated streets.

Additionally, this Article addresses procedural requirements for a zoning amendment which as part of the reorganization of the ordinance we would suggest the town consider placing under a new “Administration Procedures” article. More detail regarding other stand-alone zoning procedures is also needed, such as clarifying procedural differences between zoning text and map amendments, as well as clarifying the General Plan Amendment and Variance processes (see section 2.8 for more detail). Within each of these procedures, several pieces of key information (such as flow diagrams, application material, posting/noticing information, etc.) appear to be missing, and should be included to encourage more consistent implementation.

2.5. Articles 04-08 - Single Family Residential Districts

These Articles contain the purpose and use regulations for each of the residential zoning districts identified in Article 4 – Zoning Districts & Boundaries

Due to the nature of Paradise Valley consisting of mostly Single-Family Residential zoning districts, these articles are likely some of the most frequently used by staff and the development community. As such, it is imperative that its content is accessible, orderly, and provided in a clear manner. That said, the following analysis will bring attention to a variety of items that should be considered for revision. Additionally, this analysis will provide commentary on certain items such as uses and development standards along with associated recommendations.

The current format of these Articles needs reorganized in a manner that places all permitted uses in one article. This approach would combine the residential zoning district articles into a more user-friendly, understandable format that will be easier for users to navigate and staff to administer. For example, currently, the Zoning Ordinance lists permitted uses in lengthy sentences whereas, the new format would include one easy-to-read table of permitted uses for all single-family residential districts that will identify permitted, conditional use and not permitted uses for all the zoning districts.

Another area of improvement that would make the zoning ordinance more user friendly is the establishment of a “supplemental use standards” section. This section would provide further guidance for unique uses that may be permitted by right or conditionally permitted in a particular zoning district, but by virtue of their unique nature, the type of use may require additional development standards to mitigate or buffer their operational characteristics. Examples in the Single-Family Residence districts would be the following uses are currently recognized as permitted with additional guidance: the keeping of horses, tennis courts.

Furthermore, the introduction of an additional column in the future “allowed uses table” that identifies where “Supplemental Use Regulations” are located within the Zoning Ordinance is a needed addition. Once a user locates a specific use type in the permitted use table, rather than require them to navigate through the remaining sections of the Zoning Ordinance to determine if (at all) there are any additional regulations associated with that use, this simple column can be utilized to directly guide the user to applicable regulations.

Table 1: Example Table of Allowed Uses				
Use Category	Specific Use Type	P = Permitted Use S = Special Use Permit X = Prohibited Use		
		Zoning Districts		
		R-43	R-35	Supplemental Use Regulations
Residential Use Category	Assisted Living	P	P	X.X.X
	Home Occupation	P	P	X.X.X
	Tennis Court	P	X	X.X.X

In terms of the list of uses, their descriptions should be reviewed to ensure they are sufficient to accommodate modern development. A more comprehensive list of uses that is consistent with current development trends should also be considered for all general zoning districts.

2.6. Article 09 – Cluster Plan

This article outlines the regulations and procedures for the Cluster Plan District in the Town of Paradise Valley. This district serves as an alternative to the R-43 and R-35 single-family residential districts, allowing for variations in lot sizes within tracts of eight acres or more while maintaining open space requirements. Tools like this are extremely common in zoning ordinances and are generally very effective in promoting creative development approaches.

The current format of this article is organized in a generally understandable manner and addresses alternative development standards within the district along with the procedural requirements staff uses to implement the district. As this district is similar to that of an overlay district found in other zoning codes it would be our suggestion that the content in this article remain within its own article with only minor potential revisions necessary.

2.7. Article 10 – Height & Area Regulations

This Article consists of development standards for single family development as well as those associated with variety of other development types, such as tall structures, flagpoles and antennas, and medical marijuana facilities. Additionally, this article contains the outdoor lighting and illumination requirements for the town.

Having an article for general development standards is important for any Zoning Code; however, portions of the content in this Article should be dispersed throughout the Code either as a stand-alone Article or perhaps as supplemental regulations.

While the content of each item in this Article will be evaluated for clarity, completeness and desirability, the following list is representative of sections that we suggest the town consider moving to a new “General Provisions”, or other appropriately named section in the zoning ordinance or to their own Article:

- Section 1005. Accessory Building/Structure Regulations – In addition to moving this section, changes may need to be made to ensure these regulations are compliant with recently adopted state law (SB1415).
- Section 1007. Parking of Vehicles and Trailers
- Section 1023. Outdoor Lighting and Illumination – In addition to moving this section, this section will be reviewed to ensure it aligns with current best practices and addresses all types of lighting technologies.
- Section 1026. Prohibition of Time-Share Projects
- Section 1027. Prohibition of Specific Types of Medical Marijuana Facilities and Other Marijuana-related Facilities or Uses

2.8. Article 11 – Additional Use & Special Uses

This Article combines additional regulations for specific types of uses that require review and approval on a case-by-case basis, while also providing specific detail on procedural conditions associated with Special Use, Conditional Use, and Temporary Use permit requests.

Although this zoning code update does not contemplate robust changes to the applicability or procedural aspects of the Towns long established Special, Conditional, or Temporary Use permit processes, adding (for new terms or uses) or removing (out of date terms or uses) specific use types may be necessary. The modern approach to use regulation focuses on the impacts of the use. Thus, use standards in this section should directly reflect reduction of potential impacts, which also helps to limit unnecessary over-regulation.

More specifically, review of what specific use guidelines are captured in this Article, what they include/address and how these regulations are applied is needed. To ensure regulations associated with specific use types are universal in their application, it is recommended that this Article be dedicated to a listing of uses and any unique conditions associated with them.

With the application of this formatting change, each Use Permit application, along with its associated administrative detail, would be moved to a standalone “Administrative Procedures” Article that would further include all other Town specific zoning procedures. This organizational change would also allow associated regulations, like Special Use Permit Guidelines (see Section 2.19) to be relocated and combined with like regulations as well as allow all administrative procedures to be located in a centralized location where common procedures can be consolidated, which removes excessive redundancies and makes the overall code more succinct and user friendly.

2.9. Article 12 – Personal Wireless Facility

Although not expressly identified as a topic of immediate concern as this article was recently updated, it is appropriate to ensure the provisions within the article properly regulate the ever-changing technology associated with wireless telecommunications and are in line with the most recent version of Federal Law.

In that regard, we feel that this section may need to incorporate a list of exceptions for radio/tv antennae and FCC licensed amateur stations. We will also suggest that the definitions included in this section be reviewed and re-located into the “Definitions” article for unity and clarity.

2.10. Article 13 – Enforcement

Article 13 outlines the responsibilities and procedures for enforcing the zoning ordinance and delegates these responsibilities to the Building Inspector. Additionally, the article has provisions for the keeping of records and reporting procedure which ensure transparency and accountability in the enforcement process.

Enforcement is a standard part of all modern-day zoning ordinances although in most cases it is part of a larger chapter rather than its own individual article. As part of the reorganization of the ordinance we would suggest the town consider moving this information to a section within Article 1.

2.11. Article 14 – Violation & Penalty

Violation & Penalty is a standard part of all modern-day zoning ordinances although in most cases it is part of a larger chapter rather than its own individual article. As part of the reorganization of the ordinance we would suggest the town consider moving this information to a section within Article 1.

2.12. Article 15 – Certificates of Occupancy

Article 15 outlines the requirements and timing for the issuance of a Certificate of Occupancy for a building as well as for land. While an article with this information is a standard part of all modern-day zoning ordinances, in most cases it is part of a larger chapter rather than its own individual article. As part of the reorganization of the ordinance we would suggest the town consider moving this information to a section within Article 1.

2.13. Article 16 – Home Occupation

The conditions in this section consist of standard Home Occupation regulations. Although these baseline regulations generally regulate most home occupation conditions/activities, it is recognized that additional considerations may be beneficial to account for new or emerging home-based businesses as well as to account for more recent legislative changes like House Bill 2042 (the Tamale bill).

2.14. Article 17 – Assisted Living Home

Based on the definition provided in Article II, this Article addresses dwelling units shared as a primary residence by persons who are disabled. More commonly referred to as “Group Homes” in other Codes, this section must balance and address complex Federal and State laws. While the Town does apply a universal “Reasonable Accommodation” policy to account for unique conditions, this Article will require robust and legal review to ensure the Town is regulating all types of assisted living homes (group homes) in a manner that meets Town preferences, but also is in alignment with the Federal Fair Housing Act and Arizona Revised Statutes.

2.15. Article 22 – Hillside Development Regulations

The purpose of this Article is to establish standards for hillside areas which conserve and maintain the character, identity, and image of this important visual aspect of Paradise Valley. This section is one of the most comprehensive hillside ordinances within Arizona. The breadth and depth of this section creates strong controls for hillside development but can also create unintended negative impacts as it relates to viewing development on hillsides, as well as hillside development viewing flat land development.

A detailed review with Town planning and engineering staff will need to be completed to further outline select edits that may be applicable. Staff has indicated clarifying undisturbed vs. restored areas is needed and the provisions with “Cantilevers” creates a negative impact and causes additional disturbance. Interpretations on specific calculations (i.e. nonconforming structures) is also highlighted as potentially needing to be completed.

2.16. Article 23 – Nonconformance

In many communities, the Non-Conforming Use provisions are referenced by both staff and property owners to give guidance on development regulations for land developed or entitled prior to the establishment of the current Zoning Ordinance. We find that overall, the current code contains the primary non-conforming characteristics needed in a modern-day zoning ordinance; buildings/structures, uses, lots/parcels and signs.

While the basic structure of content will remain similar, we do suggest an enhancement of the progression and flow of this section. We will also suggest a possible refinement to some of the individual provisions.

2.17. Article 24 – Walls & Fences

Walls & Fences is one topic that is found in various sections of a typical Ordinance. While this ordinance has Walls & Fences as its own article, generally this topic is found under a “General Provisions” section, but also can be housed with “Landscape” requirements too. Any of the above-mentioned ways can be appropriate but will depend on how the ordinance is outlined moving forward. Our experience has shown that it is often a matter of client preference. Our approach will be to recommend that walls & fences be located under a new “General Provisions” article.

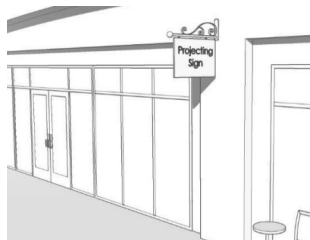
Staff has provided several areas of this Article that will need to be reviewed and potentially updated as part of this process. These areas include but are not limited to retaining wall height, combo view fencing and walls and fences along major arterials.

2.18. Article 25 – Signs

Typical sign regulations address the type, number and height of off-site or on-site signs, consideration of permanent and temporary signs, as well as the size, lighting, and design of most signs. While this article of the code does address the topics mentioned above it only does so for residential zoning districts with non-residential signs being approved as part of the Special Use Permit process. Additionally, all non-residential sign standards are found in the Special Use Permit Guidelines rather than in this article. In order to better align with current best practices and land use law, we recommend updating the Signs article with some of the following suggestions:

- Suggest regulating signs by type and zoning districts, rather than by individual use.
- Incorporate tables/graphics to more clearly identify permitted sign types and design standards.

Figure 4: Example Sign Graphic



- Review the size, number, and approval process for the various sign types.
- Address trends in electronic sign technology.
- Ensure sign regulations will reflect case law guidance from the Reed v. Town of Gilbert Supreme Court decision regulating the content of signage.

2.19. Special Use Permit Guidelines

While these guidelines are not part of the Zoning Ordinance, they supplement the regulations in the Zoning Ordinance and provide a generally accepted vision for site, bulk, density, perimeter, parking, sign, lighting, and other standards for non-residential developments to ensure that these developments are compatible with their surroundings and maintain the character of Paradise Valley.

Overall, this document outlines the suggested minimum standards that developments seeking a Special Use Permit are generally expected to adhere to. Due to the importance of this document in the planning process and the fact that it has been a while since it has been updated, a more in-depth review should be conducted in concert with planning staff. As part of that in-depth review, we suggest looking at the standards in each of the sections to determine if updates need to be made to align the guidelines with current development standard best practices. It should be noted that current best practices may not align with the vision of the town and the current General Plan's Goals and Policies and thus the guidelines may not require any revisions at this time.

3. SUGGESTED ACTION PLAN

Having undertaken a comprehensive review of the Zoning Ordinance to address evolving community needs and align with modern best practices the following action plan outlines the steps necessary to implement these recommendations, ensuring the Zoning Ordinance effectively supports the town's vision for future growth and development while maintaining its unique character and compliance with state and federal regulations.

3.1. Document Reorganization

The initial step in the action plan is the reorganization of Paradise Valley's Zoning Code which would modernize and streamline the ordinance to better align with current best practices and community needs. The reorganization will involve restructuring the document for improved usability, including grouping related sections together, moving specific sections and creating new ones, and incorporating a more comprehensive and nuanced numbering system, like that in the Town Code, with the overall objective to create a more user-friendly, efficient, and effective zoning ordinance. Additionally, doing this reorganization up front will prevent duplicative work when it comes to adding and updating references as part of other code updates.

3.2. Legal Compliance

The second step in the action plan is to ensure that all sections of the zoning code are compliant with the Arizona Revised Statutes and federal laws. Each year, state and federal legislatures enact new laws that can impact the zoning codes of cities and towns. However, not all of these laws are applicable to Paradise Valley. To address this, Michael Baker will collaborate closely with town staff to review and update the existing code language. This process will involve identifying any outdated or non-compliant sections and revising them accordingly. Additionally, any new code language required to comply with recently enacted legislation will be incorporated. This will ensure that the zoning code is current and legally sound, reflecting the latest legal requirements and best practices.

3.3. Updates, Refinements, & Clarifications

The final step in the action plan involves implementing specific changes to the zoning code to ensure it is comprehensive and user-friendly. This includes updating definitions to reflect current terminology and legal standards; refining and reviewing various standards; and enhancing clarity through the use of graphics and tables making the code more accessible and easier to understand for all users. Additionally, this step will incorporate the list of items identified by staff during the project kickoff, ensuring that all initial concerns and suggestions are addressed. Furthermore, it will involve the codification of zoning interpretations that have not yet been formally included in the code to provide clear guidance and consistency in the application of zoning regulations, helping to prevent ambiguities and disputes in the future.