

# City of Kingman Zoning Ordinance

## Zoning Ordinance Audit and Recommendations Report

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Prepared for:  
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# Introduction

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The *City of Kingman General Plan Update 2030* (General Plan), adopted in March 2014, establishes comprehensive goals, objectives, and policies to achieve the City's vision for the future. The goal of the Land Use Element is:

*"To create the environment that makes Kingman the heart of historic Route 66 and the crossroads of the Southwest, a place its residents proudly call home because there are outstanding economic opportunities and numerous employment options, excellent post-secondary educational opportunities, a healthy business climate and diverse recreational and cultural amenities."*

The goal of the Growth Area Element is:

*"To promote managed, economically sound and orderly growth that supports a variety of land uses, conserves natural resources, reduces automobile dependency, and provides for the logical expansion of infrastructure and service capabilities."*

The General Plan incorporates many ideas from residents, City officials and staff, and others involved in the planning process. The challenge now is to translate the policies related to land use and development into user-friendly, legally defensible, and effective regulations and procedures that steer development in accordance with the goals and objectives of the General Plan.

## THE PROJECT

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Lisa Wise Consulting Inc. (LWC) was hired by the City of Kingman in June 2019 to update the City's current Zoning Ordinance. The purpose of the update to the City of Kingman's Zoning Ordinance is to produce a state of the art, comprehensive, modern, legally-defensible, user-friendly Zoning Ordinance with updated sign regulations and a Downtown Historic Overlay District that will serve as an effective tool to achieve the City's vision for the future as expressed in the General Plan and other adopted plans. The updated Zoning Ordinance will satisfy the following objectives:

- Implement the General Plan;
- Comply with state law, (e.g. A.R.S. § 12-1134, Proposition 207), federal law, and recent case law (e.g. the U.S. Supreme Court's decision in *Reed v. Town of Gilbert*);
- Reflect sound planning principles and current zoning trends and best practices for promoting and supporting well-designed high quality development;
- Preserve and expand historic resources and expands the Downtown Historic Overlay District through the use of effective and tested historic preservation tools and procedures;
- Respond to community concerns, values, and perspectives identified through a robust public engagement process;
- Streamline the development processes so they are easier to navigate, transparent, understandable, and can be more efficiently administered;
- Incorporate an extensive use of graphics and tables; and
- Is intuitive and user-friendly.

The preparation of the Zoning Ordinance Audit and Recommendations Report is the first phase of the update to the City’s Zoning Ordinance. The second phase of the project will be to develop Administrative Drafts of various chapters or divisions of the Zoning Ordinance (or as it will be known following the completion of the Update, the “Kingman Zoning Code”) for review and comment by City staff, prior to the third phase where the Public Review Draft of the updated Zoning Code will be released for public review, comment and eventual consideration for adoption by the Planning and Zoning Commission and City Council.

## WHY UPDATE THE KINGMAN ZONING ORDINANCE?

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The City of Kingman Zoning Ordinance was adopted in 1971, readopted in May 2001, and last updated in February 2019. Since its adoption the Zoning Ordinance has been amended over 290 times. Due to the lack of consistent Zoning Ordinance updates the current Ordinance is outdated, poorly organized, lacks clarity, is inconsistent, and is not user friendly. In addition, since 1971 the City has processed over 516 zone changes or zoning map amendments and has approved 246 text amendments.

While the Zoning Ordinance has been partially successful in achieving the City’s goals for growth and development, as individual land uses and land use patterns diversify, modernize, and adapt to changes in technology, the current regulations have been found to hinder the City’s objectives and economic development. Additionally, continuing to implement the General Plan through individual amendments to the Kingman Zoning Ordinance under its current organization and structure is likely to result in an Ordinance whose length, complexity and organization will be a constant source of frustration for both regular and casual users.

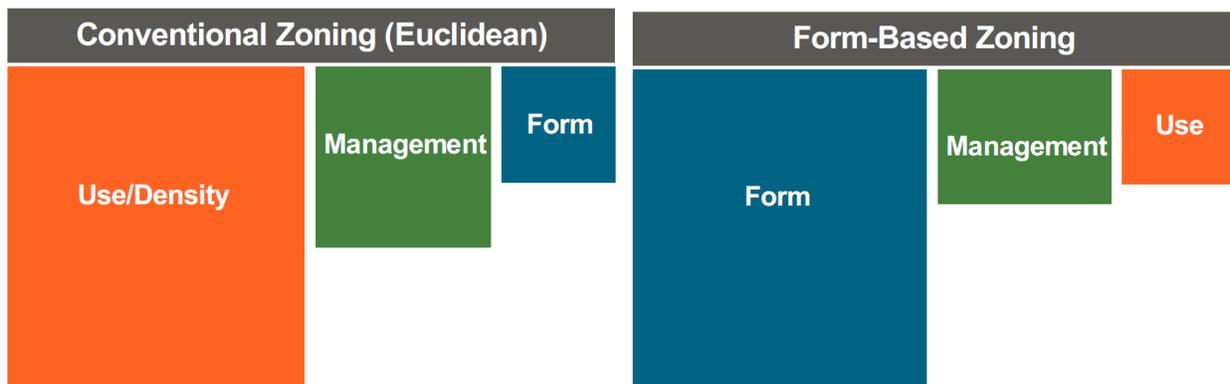
The Current Zoning Ordinance Is ...	The Updated Zoning Code Will Be ...
Inconsistent	Consistent
Complicated	User Friendly
Confusing	Coherent
Imprecise	Concise
Disorganized	Integrated
Antiquated	Contemporary
Disjointed	Innovative
Unpredictable	Predictable
	Involving Kingman residents
	Implementing the General Plan

## WHAT ARE ZONING ORDINANCES OR CODES?

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While the General Plan sets forth a wide-ranging and long-term vision for the City, the Kingman Zoning Ordinance specifies how each individual property can be used to achieve those objectives. Zoning ordinances or codes are the body of rules and regulations that control what is built on the ground, as well as what uses occupy buildings and sites. They determine the form and character of development, such as the size and height of buildings, and also includes provisions to ensure that new development and uses will fit into existing neighborhoods by establishing the rules for being a “good neighbor.”

Zoning codes in many jurisdictions are also evolving from being primarily Euclidian or “use-based” codes with a primary emphasis on the regulation of land use with the built form of a community considered secondarily, to codes that focus primarily on the built form of a community with use of the building or site as a secondary consideration. These “Form-Based Codes” are growing in acceptance nationally and elsewhere around the world as an appropriate tool to provide alternatives to traditional City development patterns especially where mixed-use development in more walkable urban contexts is desired. Form-based code elements will be included as part of the updated Kingman Zoning Code to be applied in parts of the Downtown area.



*Conventional zoning versus a Form-Based Coding approach*

The Form-Based Code Institute ([www.formbasedcodes.org](http://www.formbasedcodes.org)) defines a form-based code as “a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a guideline, adopted into city, town, or county law. A form-based code offers a powerful alternative to conventional zoning regulation”.

A Form-Based Code also addresses the relationship between building façades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. Standards in FBCs are presented primarily with clearly drawn diagrams and other visuals as well as supporting text keyed to a regulating plan that designates the appropriate form and scale (and therefore, the character) of development, rather than only distinctions in land-use types.

This approach contrasts with conventional zoning’s focus on the segregation of land uses, and the imprecise control of development intensity through tools like FAR, density, setbacks, parking ratios, etc. which do not regulate built form well.

## What Zoning Codes Can Do

Zoning codes are used to implement the community goals expressed in the General Plan. Zoning codes include the following:

- ✔ **Use Regulations.** Zoning codes specify which uses are permitted, which uses are required to meet specified standards or limitations, and which uses are prohibited. In this way, zoning codes determine the appropriate mix of compatible uses, as well as how intense these uses can be.
- ✔ **Development and Design Standards.** Zoning codes reflect the desired physical character of the community with development and design standards that control the height and bulk of buildings, street façades and architectural character, location of parking and driveways, buffering of uses when appropriate, and landscape needs. This is especially true through the application of Form-Based Code principles and standards.
- ✔ **Performance Standards.** Zoning codes often include standards that control the performance of uses to ensure land use compatibility between new and existing neighborhoods or uses. Performance standards address, for example, noise, glare, vibration, and stormwater runoff.
- ✔ **Predictability.** The use regulations and development standards established in zoning codes provide neighbors with assurance of which land uses are permitted and the scale to which they may be developed. Developers benefit from knowing exactly what can be constructed and developed. City staff benefit too, since the need for case-by-case discretionary review of development applications is reduced.

## What Zoning Codes Cannot Do

There are things that zoning codes cannot do, since they are limited in some respects by federal law as well as state law and legal precedent. However, issues not addressed in zoning codes are usually addressed by other planning tools, such as specific plans and design guidelines. Zoning codes will not do the following:

- ✘ **Dictate Architectural Style.** Although zoning codes can improve the overall physical character of a community, they can only do so with respect to the building envelope—the height, bulk, and basic elements of structures and their orientation and location on the site. Architectural style is usually addressed with design guidelines.
- ✘ **Regulate Free Market.** Zoning codes cannot create a market for new development. For example, it cannot determine the exact mix of tenants in a private development. It can, however, create opportunities in the real estate market by removing barriers and offering incentives for desirable uses.
- ✘ **Establish Land Use Policy.** Zoning codes are a tool for implementing land use policy, not setting it. As such, zoning codes are not the appropriate means for planning analysis or detailed study. Zoning codes take direction from the General Plan.

## The General Plan

The *City of Kingman General Plan Update 2030* adopted in 2014 establishes the basic policy direction for the City regarding community values, ideals, and aspirations through 2030. It provides a vision for the future, establishes a framework for how Kingman should grow and change over the next decade, and addresses all aspects of development including land use, growth area, public facilities, circulation, parks and open space, cost of development, and the environment, among other topics. It emphasizes economic growth, a diversity of land uses, and a healthy business climate, positioning Kingman into a place that will be internationally and domestically known as a Historic Route 66 destination.

The challenge now is to evaluate the City's regulatory framework's ability to achieve the City's vision and achieve the desired type and quality of development. The updated Kingman Zoning Code should clearly communicate and effectively implement the General Plan's policies and incorporate its carefully crafted direction for the development, maintenance, and improvement of land and properties. This report contains observations and strategies for improving regulations to be more conducive and effective in achieving the vision articulated in the General Plan.



## THIS REPORT

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As the first step of the project to update the Kingman Zoning Ordinance an evaluation of the City's current regulatory approach will be conducted with determinations if there are alternative approaches that would better implement the General Plan, attract high quality development that meets community needs, and responds to state and federal mandates.

This Report summarizes the principal findings and conclusions of an assessment of existing regulatory tools, field reconnaissance of current development, and discussions with code users and City staff. Six topical areas have been identified, each of which is addressed in subsequent sections of the Report:

1. **Code Usability;**
2. **Zoning Districts;**
3. **Use Regulation**
4. **Development Standards;**
5. **Development Review and Approval;** and
6. **Compliance with State and Federal Law**

Included as appendices are a summary of the relationship of the pertinent General Plans goals, objectives and policies to the existing Zoning Ordinance and how the updated Zoning Code may implement these goals, objectives and policies (Appendix A) and a summary of the key results and conclusions of the Stakeholder Interviews conducted in July 2019 (Appendix B).

## NEXT STEPS

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This Report will be the basis for a public workshop/study session with the Planning and Zoning Commission scheduled on September 18, 2019. Comments received from the Planning and Zoning Commission and members of the public who attend, as well as based on further work with City staff, will guide the preparation of an Annotated Outline representing a recommended approach to the overall organizational structure of the new Zoning Code and a Style Guide. The public workshop/study session may also inform the work plan for conducting an update to the existing Zoning Ordinance.

# 1 Code Usability

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The need to make the Kingman Zoning Ordinance more user-friendly and concise was a common observation noted by most stakeholders interviewed in July and an issue also expressed by City staff. Users find the text of the Zoning Ordinance hard to interpret resulting in inconsistency in the application of standards. The document is poorly organized and difficult to navigate, and it could benefit from a complete reorganization and the use of cross-references to direct users to appropriate regulations. A well-organized zoning code is one that is easy to use, navigate, and understand. This section contains general observations about the Zoning Ordinance’s existing organization, format, and usability, and suggests strategies for improvement.

## THE EXISTING CODE

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### Current Organization

The Kingman Zoning Ordinance is a stand-alone document from the Kingman Municipal Code and is referred to from Chapter 2 (Administration), Article VIII (Planning and Zoning) in Section 2-141 (Planning and zoning rules and regulations) which state that three copies of the City’s Zoning Ordinance are on file in the office of the City Clerk.

The Kingman Zoning Ordinance is comprised of the following 36 sections which are listed here as they are presented in the Zoning Ordinance:

- Section 1.000
- 2.000 Rules and Definitions
- 3.000 Residential: Single-Family
- 4.000 Residential: Multiple-Family District
- 50.000 Residential: Manufactured Home
- 6.000 Residential: Factory-Built
- 7.000 Rural Residential
- 8.000 Recreational Open Space
- 9.000 Reserved for Future Use
- 10.000 Landscaping
- 11.000 Commercial: Neighborhood Convenience (C-1)
- 12.000 Commercial: Community Business (C-2)
- 13.000 Commercial: Service Business (C-3)
- 14.000 C-2: HMR Overlay District: District Review Manual for The Hualapai Mountain Road Area
- 15.000: Bank Street Design Review Overlay District
- 16.000 Light-Industry (I-1)
- 17.000 Heavy-Industry (I-2)

- 18.000 Kingman Crossing Planned Development District
- 19.000 Planned Development District (PDD)
- 20.000 Performance Standards
- 21.000 Hillside Developments
- 22.000 Off-Street Parking and Loading Requirements
- 23.000 Reserved for Future Use
- 24.000 Home Occupation Regulations
- 25.000 Sign Code
- 26.000 General Development Standards
- 27.000 Administration & Enforcement
- 28.000 Board of Adjustment
- 29.000 Conditional Use Permits
- 30.000 Nonconforming Buildings, Structures and Uses of Land
- 31.000 Amendments and Zone Changes
- 32.000 Separability
- 33.000 Historic Overlay District (HOD)
- 34.000 Outdoor Lighting Code
- 35.000 Overlay District: Design Review Manual for The Hualapai Mountain Road Area Plan
- 36.000 Hualapai Mountain Medical Center – Planned Development District (HMMC-PDD).

Some issues with the organization of the current Zoning Ordinance include:

1. **Inconsistent naming and numbering** – e.g. Section 1.000 has no name; Section 2.000 (Rules and Definitions) appears to only include definitions; and, Section 5.000 (Residential: Manufactured Home) is incorrectly cited as Section “50.000”. Similarly, various Sections that include standards are variously named as “Regulations”, “Code” or “Standards”, and some (such as Landscaping) do not have a descriptor name. The existing Zoning Ordinance also uses the terms “zones”, “districts”, and “zoning districts” to describe the various categories of use zones within the City.
2. **Lack of organization** – e.g. Section 10.000 (Landscaping) is placed between the residential zones and the commercial zones and other development standards sections appear to be randomly placed throughout the Zoning Ordinance, including, for example, Sections 22.000 (Off-Street Parking and Loading Requirements), Section 25.000 (Sign Code), and Section 34.000 (Outdoor Lighting Code). Section 27.000 (Administration and Enforcement) is placed between two other Sections in the lower two-thirds of the Table of Contents where it is hard to find. Similarly, there is no logical order for the placement of Section 19.000 (Planned Development District (PDD)) after Section 18.000 (Kingman Crossing Planned Development District) with the Hualapai Mountain Medical Center – Planned Development District located in Section 35.000.
3. Similarly, while it is appropriate to establish the purpose and intent of the Zoning Ordinance in the first Section, this Section does not need to include the list of Text Amendments and Zoning Map Changes. Indeed, while maintaining these lists of revisions to the Zoning Code is important,

it is not necessary to include them in the body of the Code, and they should rather be included within a Preface or Preamble at the beginning of the Code or an addendum to the Code.

4. **Inconsistent content** – e.g. Section 28.000 (Board of Adjustment) includes provisions for the Board’s membership, whereas these provisions are included in the Municipal Code for the Planning and Zoning Commission and City Council.
5. **Difficulty updating over time** – The Zoning Ordinance’s Sections are numbered consecutively which makes it hard to insert a new Section when the need arises. Thus, when additional sections are needed, they are added to the end of the list of Sections, and any attempt at organization breaks down. Further, Subsections are numbered following the period in the numbering scheme, (i.e. Subsection 4.100 (Intent and Purpose)) so it is not possible to insert new Sections using the digits after the period. This makes it very hard to update the Zoning Ordinance and maintain a logical organization and structure.
6. In summary, the Sections of the Zoning Ordinance are not grouped by topic (such as administration and procedures, districts, overlay districts, or supplemental standards) and there is no level in the organizational hierarchy to organize the chapters into logical groups to make the Ordinance easier to navigate.

## Complexity

As noted above the organization of the current Zoning Ordinance has development standards spread out among various Sections. For example, Section 25.000 (Sign Code) provides standards for signs within the City, but sign standards are also included in Section 15.000 (Bank Street Design Review Overlay District), Section 35.000 (Overlay District: Design Review Manual for the Hualapai Mountain Road Area Plan), and Section 36.000 (Hualapai Mountain Medical Center – Planned Development District) and no cross-references within the Zoning Ordinance between these Sections are included. This makes it hard to find and apply all applicable sign standards for a given property.

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*"Kingman needs a coherent code that is clear and easy to use with more graphics, tables, etc., so it is easy to see what rules apply and what can or cannot be developed."*

*- Stakeholder*

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Similarly, the provisions for administration, permitting, and other procedures are located in various Sections of the Zoning Ordinance making them hard to find and apply.

This organizational structure requires ordinance users to flip through a number of different sections and subsections in order to find all of the regulations that apply to a particular site. This is particularly true of the lists of uses included in the zoning districts. In the residential, commercial, and industrial zones, rather than listing all the uses allowed in a zone, a reference to the uses in the preceding lower intensity zone is included. Thus, if a code user wants to find an allowable use in the C-3 (Commercial: Service Business) zone, they also need to review the list of allowed or not allowed uses in the C-2 and C-1 zones. This unnecessary paging through the Zoning Ordinance is inefficient, time consuming, and can lead to errors.

In general, code users have complained that when they look up the regulations governing a project, they have no confidence that they are seeing a comprehensive list. Because standards are dispersed, users are left with a nagging fear that a “hidden” regulation might affect the viability of a project. Uncertainty regarding development possibilities can be a significant barrier when attempting to attract investment.

## Unclear Definitions and Rules of Measurement

Definitions are located in a number of areas throughout the Zoning Ordinance. Section 2.000 (Rules and Definitions) defines terms commonly used throughout the Ordinance. Additionally, many sections contain definitions of terms frequently used throughout that section, including, for example, in Section 22.000 (Off-Street Parking and Loading Requirements), Section 25.000 (Sign Code), 26.1000 (Wireless Communication Facilities), and Section 33.000 (Historic Overlay District).

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*"The Zoning Ordinance needs clarity, coherence, and common sense."*

*- Stakeholder*

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Though a number of terms are defined, some terms that should be defined, aren't. Some other definitions are overly specific, not necessarily consistent with Arizona Revised Statutes, while others include actual development standards, e.g. the definitions for "Tiny House", "Recreational Vehicle", and "Street".

The Zoning Ordinance does not include a separate chapter on rules of measurement. Indeed, Section 2.000 (Rules and Definitions) does not appear to include any rules. Also, in many cases, measurements are incorporated into definitions or development standards. Clear rules of measurement ensure that all code users are able to determine the way that standards should be applied in the same manner in order to arrive at the same conclusion.

## Underutilized Tables and Lack of Illustrations

The existing Code does utilize tables to present certain regulatory requirements, albeit sparingly. Table organization and layout could be improved to enhance usability. The approach to table borders, headings, and titles is inconsistent; headings and subheadings are generally bolded but are otherwise often use the same font and style as the table's content, and in some cases, is the same as the text of the Ordinance. The tables also lack cross-references to other applicable standards. Tables could be used in many more applications within the updated Zoning Code, including, for example, to enumerate allowed or prohibited uses by zone, development standards by zone, and for parking, signs, or landscaping standards.

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*"The Code document should be more visual, with more tables and graphics."*

*- Stakeholder*

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In addition, the current Zoning Ordinance provides very few graphic examples or illustrations of standards, and when they are included, they are out of date and inconsistent in style, placement on the page, and design quality. Without clarifying visual examples of measurement standards, development standards, and other complex provisions, these Sections are vulnerable to misinterpretation, which further complicates understanding and enforcement.

# Recommendation 1: Improve Code Usability

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There are a number of strategies that the City could consider for revising its Zoning Ordinance to make it more coherent, streamlined, and easier to use and understand.

## 1-A: Develop a New Format and Organization

The organization of the updated Kingman Zoning Code can be improved in several ways. Sections that are unnecessary or obsolete could be deleted, e.g. the “Reserved for Future Use Sections”. More importantly, a hierarchy of “Chapters”, “Divisions” and “Sections” should be introduced to better organize and structure the updated Zoning Code making it easier to use and apply.

As much as possible, the updated Zoning Code could be organized so that it progresses from the standards and procedures that apply at the broadest level (e.g. Administrative Procedures that apply universally) and standards that apply Citywide to those that might apply to a parcel or lot. Similarly, the standards and procedures can also be organized based on the most frequently referenced Sections to the least, with consideration of who is primarily responsible for the administration of the division (i.e. Planning, Building, or Public Works).

Within each chapter divisions, sections, and subsections should also progress from the most often referenced to the least. This organizational structure should be supplemented with improvements to the appearance of the text itself, including wider spacing, different fonts for chapter, division, and section headings, and the main text, and consistent indentation. A different font should be used for within tables and as the captions for illustrations and photographs.

The Zoning Ordinance’s numbering system should be flexible and adaptable to easily allow for the insertion of new sections within chapters or divisions without compromising the numbering organization and flow. An Annotated Table of Contents and Style Guide will be developed and submitted to City staff for review and comment as part of the next phase of work.

The final numbering system will be determined once a decision is made on whether the updated Zoning Code will be included into the structure and organization of the City’s on-line Municipal Code, or if it will continue to be a stand-alone document.

A suggested approach to rewriting the Table of Contents based on the principles listed above is included here:

- **Preamble:** The Preamble, which will not be adopted as part of the updated Zoning Code, will include the following sections, Introduction, How to Use the Zoning Code, an Introduction to Form-Based Codes, and the list of Amendments to the Zoning Code.
- **XX.10 Title, Purpose and Jurisdiction:** This will include the official title of the Zoning Code, the Code’s Legislative Intent, Authority, and a Disclaimer of Liability and Severability.
- **XX.20 Administration, Procedures, and Enforcement:** This will include provisions defining all Administrative Bodies in the City, all common procedures (e.g. Fees, Requirements for Neighborhood Meetings, Noticing Provisions, all Permitting Requirements, and the Procedures for Zone Changes, Conditional Use Permits, Appeals, etc.).

- **XX.30 General to All:** This will include all the provisions that apply across all zones, including for example, Heritage or Historic Preservation, Site Planning Standards, and placeholders for such sections as Public Improvements.
- **XX.40 District Regulations or Specific to Zones:** This will include all the standards for the various zones established in the City organized by use, i.e. residential zones, commercial zones, industrial zones, overlay zones, etc. Each group of zones will be presented in the same consistent format using tables as much as possible to ensure ease of use.
- **XX.50 Supplemental Standards or Supplemental to Zones:** This will include all the development standards that supplement the standards in each zone, including, for example, standards for building height, fences and walls, landscaping, parking, and signs. The standards unique to the future Form-Based Code standards applied in the Historic Downtown, i.e. frontage type standards,) would also be included here.
- **XX.50 Standards for Civic Spaces:** Depending on how the City would like to incorporate the future Form-Based Code standards into the updated Zoning Code, this would include the standards for civic spaces which could be applied within the future Form-Based Code area or citywide.
- **XX.60 Terms and Definitions:** This will include definitions of all terms and phrases used throughout the updated Zoning Code.
- **XX.70 Maps:** Any maps referred to within the Zoning Code will be either listed or included here with references as needed to the City's on-line mapping resources.
- **Appendix:** The Appendix, which will not be adopted as part of the updated Zoning Code, could be used to include resources that are of interest or value to a code user, including for example, additional information on Form-Based Codes, the City's Planning Fee Schedule, or the City's Recommended Plant List.

PAGE HEADER

PROMINENT HEADINGS

CONSISTENT NUMBERING

TABLES

CROSS-REFERENCES

WHITE SPACE

ILLUSTRATIONS

PAGE NUMBER

Zoning Ordinance  
District Regulations

19.08.050 District Standards

Table 19.08.050A: Building Placement

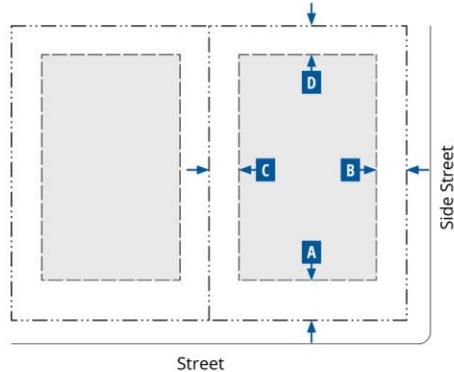
Setback Distance	Front <sup>1</sup> A	Corner Side <sup>1</sup> B	Interior Side C	Rear D
<b>Primary Building</b>				
Min.	10 ft	10 ft	0 ft	10 ft
Max.	20 ft	20 ft	--	15 ft

Miscellaneous

A building form with a chamfered corner is only allowed on corner lots and only if a corner entry is provided.

Notes:

<sup>1</sup> See Section 19.16.030 for additional setback standards.



Key for Diagram

- Lot Line
- Buildable Area
- Building Setback Line

19.08.060 Development Regulations

- A. **Parking Area Landscaped Setback.** A landscaped setback at least 10 feet wide shall be provided between the parking area and the adjacent right-of-way. A minimum of one fifteen-gallon tree and two five-gallon shrubs shall be provided for every 40 feet of the street frontage.

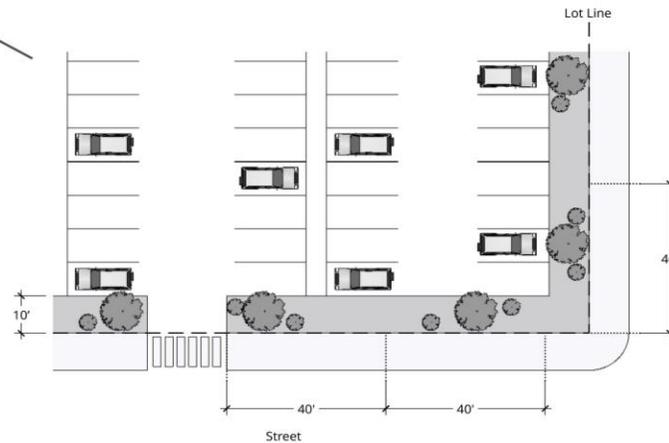


Figure 19.08.060.1: Parking Area Landscaped Setback

User-friendly formats help users find applicable information and references quickly.

## 1-B: Simplify Regulations and Procedures

The City should ensure that the updated Zoning Code functions efficiently and with the fewest number of provisions necessary to achieve its goals. To this end, unnecessary sections of the Code should be removed in order to avoid ambiguity and reduce the sheer bulk of the Code.

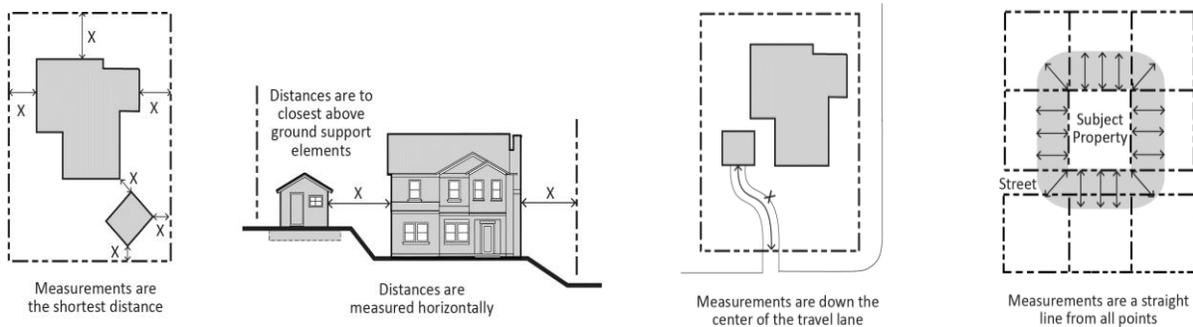
Overall, related content should be organized together. As illustrated in a suggested Table of Contents in the previous Section, standards that apply solely to a particular group of base zoning districts (i.e., Residential Zones, Commercial Zones, etc.), should be grouped together. Standards and other requirements that are applicable to specific uses or development citywide, such as parking or lighting standards, should be grouped together. Rules for the construction of language, interpretation of code provisions, and rules of measurement should likewise be grouped together to serve as a reference section that users can turn to in the event of uncertainty regarding code provisions. Consolidating these rules into one section will help to ensure that standards are logically and consistently interpreted and applied.

## 1-C: Provide Clear Definitions and Rules of Measurement

The definitions should be updated to include modern terminology and generalized so that they will apply to terms as they are used throughout the Zoning Code.

A good rule of practice is to create a subsection of the Definitions Chapter in which all uses would be defined separate from other defined terms. This enhances the ability of a user to find a defined term or the definition of a particular use type.

It is also recommended that the updated Zoning Code should include a separate chapter or division on rules of measurement (i.e., measuring height, measuring setbacks, determining lot area, etc.). Clear rules of measurement ensure that all code users are able to determine the way that standards should be applied in the same manner in order to arrive at the same conclusion. Placing the rules of measurement in one location provides an easy-to-locate reference tool to ensure consistent interpretation and application of standards.



*Graphics help provide consistent measurement and interpretation.*

### **1-D: Use Modern Terms and Constructions**

The updated Zoning Code should consistently employ modern language structure and terminology. This principle is especially important mind when drafting use regulations, as common use names or characteristics can change over time. For example, the definition of “Coin Operated Laundry Facilities” or “Adult Arcade” is defined by the existence of ‘coin-operated’ machines. The use of coins for pay-per-use activities is becoming less and less prevalent and replaced by credit card readers.

Likewise, the Zoning Code should avoid sentence constructions that are archaic or overly complex. Such constructions are particularly common to legal documents and often are marked by complex connecting words such as “herein”, “hereinafter”, “hereby”, and similar terms. Rules and regulations should be expressed as simply as possible as complex words serve only to complicate otherwise basic concepts. For example, “in the manner specified herein” could simply be written “as specified in this Section” while “including, but not limited to, ...” could be written as “including ...” and have the same meaning.

Consistent use of terminology is also important, and as will be decided with City staff, decisions will be made on which term to use to describe zones, i.e. “zoning districts”, “districts” or “zones”. Similarly, the Planning and Economic Development Director could simply be referred to as the “Director” because this term will be defined in the definitions and will include “his/her designee”. This will make it easy to update the Zoning Code in the future if the Director’s title should change as only one location in the definitions will need to be updated.

Finally, the archaic approach of writing out all numbers as well as including them in brackets – e.g. “ ... not less than twenty-four (24) feet wide ...” should be replaced with the more modern convention of only writing out numbers less than 10 (e.g. “nine”), and using digits for all numbers greater than or equal to 10. This approach will be more fully described in the Style Guide developed for the updated Zoning Code.

### **1-E: Utilize Tables and Cross-References**

The updated Zoning Code should rely more extensively on tables and cross references in presenting use regulations and development standards. Tables and cross references can provide quick and consistent access to all relevant regulations for a particular topic. The Zoning Code can establish a development standard in a single location and utilize extensive cross-references to the standard in applicable situations. This approach helps avoid unnecessary redundancy, repetition of provisions, and confusion from conflicts.

Tables and cross-references also greatly improve the general legibility of complex regulations and allows the user to quickly compare use regulations and development standards across different districts. This method also helps web-based versions of the Code by facilitating searches with hyperlinks.

<b>B. Allowed Uses (continued)</b>						
<b>Land Use <sup>1</sup></b>	<b>Specific Use Regulations</b>	<b>Industrial Zones</b>				
		<b>RD</b>	<b>LI</b>	<b>LI-O</b>	<b>HI</b>	<b>HI-O</b>
<b>Recreation, Education &amp; Assembly (continued)</b>						
Schools - Public & Charter		P	P	P	P	P
Schools - Private		UP	--	--	--	--
Trade Schools		UP	P	P	P	P
<b>Residential</b>						
Accessory Building and Structures	10-40.60.020	P	P	P	P	P
Day Care, Centers	10-40.60.150.A	P	P <sup>4,5</sup>	P <sup>4,5</sup>	P <sup>4,5</sup>	P <sup>4,5</sup>
<b>Institutional Residential</b>						
Custodial Care Facilities		--	UP	UP	UP	UP
Homeless Shelters	10-40.60.190					
Emergency Shelters		--	p <sup>6</sup>	p <sup>6</sup>	p <sup>6</sup>	p <sup>6</sup>
Short Term Housing		--	p <sup>6</sup>	p <sup>6</sup>	UP <sup>6</sup>	UP <sup>6</sup>
Transitional Housing		P	P	P	UP	UP
Nursing homes		--	UP	--	UP	--
Sheltered Care Homes		--	UP	UP	UP	UP
Live/Work	10-40.60.200	P	P	P <sup>7</sup>	--	--
Residence for Owner, Caretaker, or Manager		P	P	P	P	P
Residential Uses Above First Floor		UP	--	--	--	--
<b>Retail Trade</b>						
Drive-through Retail	10-40.60.160	P <sup>4</sup>	--	P <sup>7</sup>	--	--
General Retail Business		P <sup>4</sup>	UP	P <sup>7</sup>	UP	UP <sup>7</sup>
Heavy Retail/Service		--	--	P <sup>7</sup>	--	UP <sup>7</sup>
Restaurant or Café		P <sup>4</sup>	UP	P <sup>7</sup>	--	UP <sup>7</sup>
<b>Services</b>						
Adult Entertainment	10-40.60.050	P	P	P <sup>7</sup>	P	P <sup>7</sup>
Crematorium		--	P	P <sup>7</sup>	P	P <sup>7</sup>
General Services		P <sup>4</sup>	UP	UP <sup>7</sup>	--	--
Hospital		UP	UP	UP <sup>7</sup>	UP	UP
Kennel, Animal Boarding		UP	UP	UP <sup>7</sup>	UP	UP <sup>7</sup>
Lodging		P <sup>4</sup>	--	UP <sup>7</sup>	--	--
Medical Marijuana Offsite Cultivation Location		--	P	P <sup>7</sup>	P	P <sup>7</sup>
Office		P	UP	UP <sup>7</sup>	--	UP <sup>7</sup>

**End Notes**

<sup>1</sup> A definition of each listed use type is in Chapter 10-80 (Definitions).

<sup>4</sup> Limited to 10 percent of a primary use.

<sup>5</sup> Solely for use by employees of the permitted use.

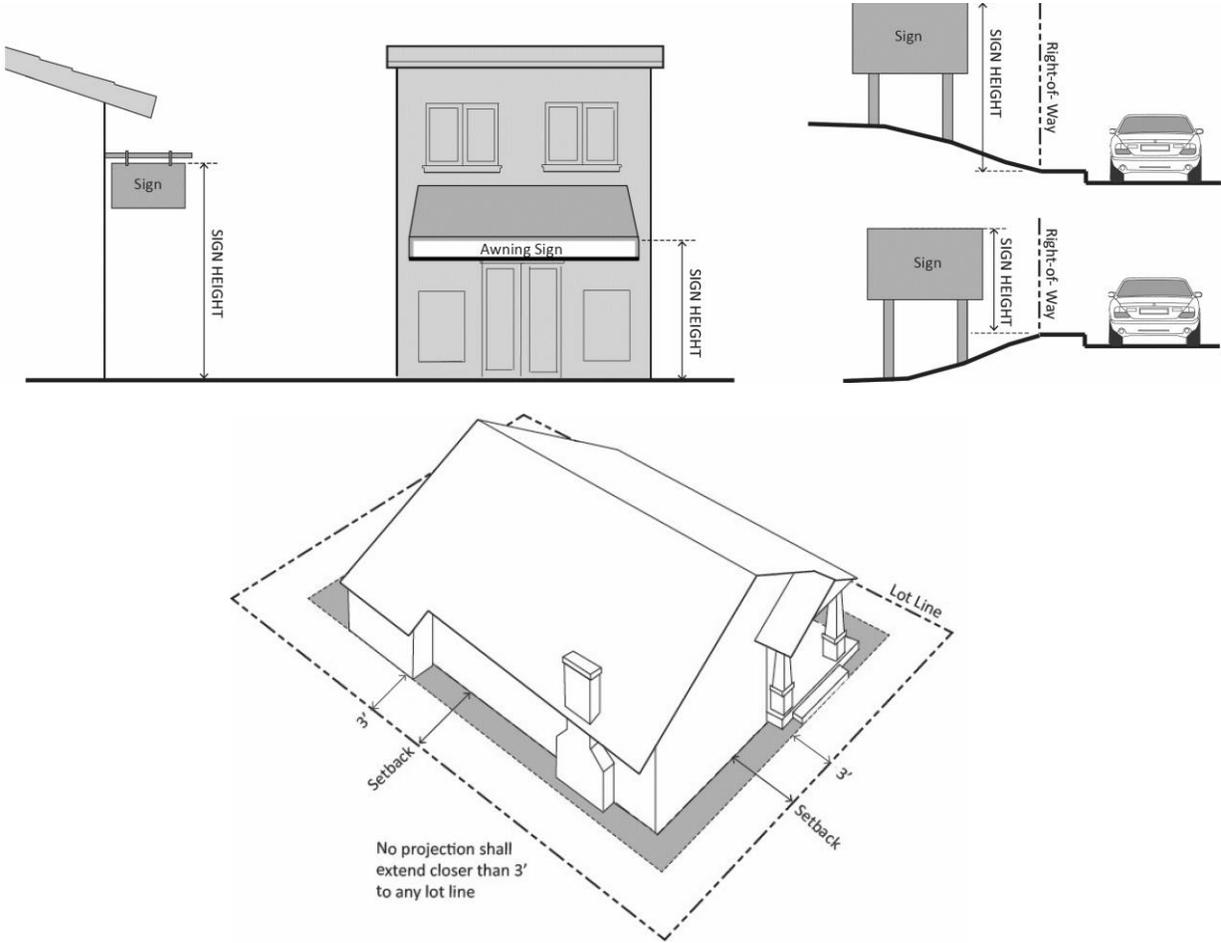
<sup>6</sup> Conditional Use Permit is required if distance between shelter facilities is less than ¼ mile.

<sup>7</sup> Allowed use with applied FAR standards (see Subsection 10-40.30.050.F).

*Tables improving the legibility of complex regulations.*

# 1-F: Incorporate Graphic Illustrations

In many instances, graphics can communicate the intent and application of development regulations clearer and in a more succinct manner than written standards. For example, images can depict standards for measuring building height or yard setbacks, while whereas written descriptions can be prone to misinterpretation. With visual clarification, fewer sections of the updated Zoning Code will be subject to competing or incorrect interpretations, and regulations can be cleared of much of the jargon that can obscure the Code’s intent. Photographs are also useful to illustrate desired design concepts in design guidelines.



*Illustrations and diagrams clarify concepts and help users visualize physical standards.*

## 2 Zoning Districts

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Zoning districts or “Zones” create the framework for implementation of General Plan policies and land use designations. The *Kingman General Plan Update 2030 Projected Land Use Map* establishes land use designations and the overall policy basis for land use and development within the City. The Zoning Ordinance then establishes districts or zones (the preferred term will be defined with City staff) which are intended to define distinct locations for different uses, consistent with General Plan land use designations. The Zoning Ordinance includes standards for each of these districts with detailed regulations defining what uses are allowed and what development standards apply.

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*"It is important to fight for good zoning."*

*- Stakeholder*

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### GENERAL PLAN LAND USE DESIGNATIONS

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The General Plan establishes 13 distinct land use designations that are described in broad categories. Land use and development parameters are established for each land use designation.

- **Residential.** Five residential land use designations establish different densities ranging from the Rural Density Residential designation which provides opportunities for rural living on lots with densities of one dwelling unit per acre or less to High Density Residential which provides opportunities for high density multiple residential uses at densities from 17 to 28 dwelling units per acre.
- **Commercial.** Four commercial land use designations are categorized into a range of commercial, retail, service, and office uses that provide goods and services based on the application of different development standards.
- **Industrial.** Two industrial land use designations allow for a wide range of uses, including manufacturing, assembly, research and development, and other industrial processes at different intensities.
- **Public/Quasi-Public.** This land use designation includes public uses such as government buildings and properties, schools, the Kingman Airport, and quasi-public uses such as places of worship.
- **Parks/Open Space.** This land use designation includes developed recreational areas such as public parks and golf courses, as well as lands for recreational use or preservation, including areas that are not likely to be developed due to topographical constraints, such as hilltops and washes.

# BASE ZONING AND OVERLAY DISTRICTS

Generally, zoning ordinances include two types of districts, what are called “base” and “overlay districts”. “Base districts” set the basic regulations that apply within the geographic area defined by the district. A city may want to vary some of the regulations within the base district to respond to particular conditions within defined areas. “Overlay districts” are often used for this purpose.

Overlay districts are “laid over” or applied to base districts in situations in which modification of permitted uses or required standards is appropriate due to specific conditions, circumstances, or goals. Overlay districts can be geographically defined and mapped or can apply wherever specific conditions exist.

## Base Zoning Districts

The City is divided into 27 base zoning districts which can be generally grouped into four primary categories - Residential, Commercial, Industrial, and Recreation and Open Space. Planned Development Districts are also applied to specific properties in the residential, commercial and industrial groups. The intent of each of the base zoning districts is presented in the following table.

CURRENT BASE ZONING DISTRICTS	
Zoning District	Intent
<b><i>Residential Zoning Districts</i></b>	
Rural-Residential (R-R)	This district provides for rural residential living at a minimum net site area of 40,000 square feet.
Residential: Single-Family (R-1-6)	This district provides for detached single-family residential development at a minimum net site area of 6,000 square feet.
Residential: Single-Family (R-1-8)	This district provides for detached single-family residential development at a minimum net site area of 8,000 square feet.
Residential: Single-Family (R-1-10)	This district provides for detached single-family residential development at a minimum net site area of 10,000 square feet.
Residential: Single-Family (R-1-20)	This district provides for detached single-family residential development at a minimum net site area of 20,000 square feet.
Residential: Single-Family (R-1-40)	This district provides for detached single-family residential development at a minimum net site area of 40,000 square feet.
Residential: Multiple-Family, Low Density (R-2)	This district provides for multiple-family residential development at 17-19 dwelling units per acre at a net site area of 2,500-6,000 square feet.
Residential: Multiple-Family, Medium Density (R-3)	This district provides for multiple-family residential development at 23 dwelling units per acre at a minimum net site area of 6,000 square feet.

## CURRENT BASE ZONING DISTRICTS

Zoning District	Intent
Residential: Multiple-Family, High Density (R-4)	This district provides for multiple-family residential development at 28 dwelling units per acre at a minimum net site area of 6,000 square feet.
Residential: Manufactured Home (R-MH-6, R-MH-8, R-MH-10, R-MH-20, & R-MH-40))	This district provides for single-family manufactured residential development at a net site area of 6,000-40,000 square feet.
Residential: Factory Built (R-FB-6, R-FB-8, R-FB-10, R-FB-20, & R-FB-40))	This district which is included in the Zoning Ordinance but has not been applied to any property in Kingman i.e. it is not mapped on the Zoning Map, provides for single-family factory-built residential development at a net site are of 6,000-40,000 square feet.
<b>Commercial Zoning Districts</b>	
<i>Commercial: Neighborhood Convenience (C-1)</i>	This district is intended to provide for the development of very limited neighborhood shopping areas situated adjacent to or surrounded by residential districts. The shopping areas are intended to serve only the need for convenience goods and service in their immediate locality and should fit into a residential environment without detriment to the character of the area.
<i>Commercial: Community Business (C-2)</i>	This district is intended to provide for and encourage the development of business and service uses designed to serve community needs. The district is intended to provide a wide variety of goods and services to the entire city, with provisions designed to ensure that such commerce will be efficient, functionally related, and compatible with adjacent non-commercial development.
<i>Commercial: Community Business (C-2 HMR)</i>	This district is intended to provide design guidelines to commercial and residential development within 300 feet of Hualapai Mountain Road. These guidelines: assure the compatibility of uses; encourage attractive appearances; prevent blight; and promote and enhance the health, safety and general welfare of the residents in the community.

## CURRENT BASE ZONING DISTRICTS

Zoning District	Intent
<i>Commercial: Service Business (C-3)</i>	This district is intended to provide for the development of business and service uses designed to meet the needs of the community, region and public at large. Such areas will provide a wide variety of goods and services in establishments whose operating characteristics require good exposure in a readily identifiable and accessible commercial setting. Provisions of this district are designed to ensure that such commerce will be compatible with adjacent, non-commercial development and to minimize any undesirable effects of heavy traffic or other operating characteristics.
<b>Industrial Zoning Districts</b>	
<i>Light Industry (I-1)</i>	This district is intended to provide for the orderly development of light manufacturing, research and development, wholesale and distribution, warehousing, and other compatible uses within the community. The provisions of this district are intended to ensure that industrial development will be protected from intrusion by inharmonious uses, that it will be provided with adequate space and accessory facilities and that adjacent, non-industrial areas will be protected from potential conflicts with industrial development.
<i>Heavy Industry (I-2)</i>	This district comprises certain industrial structures and uses having external effects which are offensive or hazardous to residential, commercial and light industrial uses. This district should not adjoin any residential or commercial districts.
<b>Specific Planned Development Districts</b>	
<i>Hualapai Mountain Medical Center – Planned Development District (HMMC-PDD)</i>	The Hualapai Mountain Medical Center – Planned Development District is intended to provide for the development of the Hualapai Mountain Medical Center Subdivision with uses and services to the needs of the community, region and public at large. Such areas will provide a wide variety of goods and services in establishments whose operating characteristics require good exposure in a readily identifiable and accessible commercial and professional setting. Provisions of this district are designed to ensure that such commerce will be compatible with adjacent, non-commercial development and to minimize any undesirable effects of heavy traffic or other operating characteristics.

## CURRENT BASE ZONING DISTRICTS

Zoning District	Intent
<i>Kingman Crossing Planned Development District (Kingman Crossing PDD)</i>	This district is intended to provide for the development of business and service uses designed to meet the needs of the Kingman Crossing area located south of Interstate-40. Such areas will provide a wide variety of goods and services in establishments whose operating characteristics require good exposure in a readily identifiable and accessible commercial setting. Provisions of this district are designed to ensure that such commerce will be compatible with adjacent, non-commercial development and to minimize any undesirable effects of heavy traffic or other operating characteristics.

As shown in the following table, not all of the zoning districts have been widely deployed. The Rural Residential (RR) zoning district covers the largest portion of the City accounting for 35 percent of all land area within City limits. Many zoning districts applied are very small in terms of total land area within the City limits. The Residential Factory Built zoning district is currently not assigned to any parcel(s) within the City.

## CURRENT ZONING DISTRICT ACREAGES

Zoning District (Abbreviation)	Acreage	Percentage of Total City Acreage
<i>Rural Residential (R-R)</i>	7,475	35
<i>Residential: Single-Family (R-1-6)</i>	2495	12
<i>Residential: Single-Family (R-1-8)</i>	989	5
<i>Residential: Single-Family (R-1-10)</i>	435	2
<i>Residential: Single-Family (R-1-20)</i>	918	4
<i>Residential: Single-Family (R-1-40)</i>	1,622	8
<i>Residential: Multiple-Family, Low Density (R-2)</i>	717	3
<i>Residential: Multiple-Family, Medium Density (R-3)</i>	15	0
<i>Residential: High Density (R-4)</i>	19	0
<i>Residential Factory Built (R-FB)</i>	0	0

<b>CURRENT ZONING DISTRICT ACREAGES</b>		
<b>Zoning District (Abbreviation)</b>	<b>Acreage</b>	<b>Percentage of Total City Acreage</b>
<i>Residential Manufactured Home (R-MH-6)</i>	499	2
<i>Residential Manufactured Home (R-MH-10)</i>	0.29	0
<i>Residential Manufactured Home (R-MH-20)</i>	104	0
<i>Residential Manufactured Home (R-MH-40)</i>	4	0
<i>Recreational Open Space (O)</i>	2,702	13
<i>Commercial: Neighborhood Convenience (C-1)</i>	78	0
<i>Commercial: Community Business (C-2)</i>	456	2
<i>Commercial: Hualapai Mountain Road Design Overlay (C-2 HMR)</i>	1,235	1
<i>Commercial: Service Business (C-3)</i>	1,382	7
<i>Light Industry (I-1)</i>	462	2
<i>Heavy Industry (I-2)</i>	13	0
<i>Kingman Crossing-Planned Development District (KC-PDD)</i>	128	1
<i>Hualapai Mountain Medical Center-Planned Development District (HMMC-PDD)</i>	28	0
<i>Commercial: Community Business Planned Development District (C-2 PDD)</i>	17	0
<i>Commercial: Planned Development District (C-3 PDD)</i>	114	1
<i>Light Industry Planned Development District (I-1 PDD)</i>	8	0
<i>Residential Single-Family Planned Development District (R-1-10 PDD)</i>	17	0
<i>Residential Single-Family Planned Development District (R-1-6 PDD)</i>	24	0
<i>Residential Multi-Family Planned Development District (R-2 PDD)</i>	17	0

<b>CURRENT ZONING DISTRICT ACREAGES</b>		
<b>Zoning District (Abbreviation)</b>	<b>Acreage</b>	<b>Percentage of Total City Acreage</b>
<b>TOTAL ACRES</b>	<b>21,147</b>	<b>100%</b>

## Overlay Districts

The Zoning Ordinance currently establishes four overlay districts which are described below.

- **Commercial: Hualapai Mountain Road Design Overlay (C-2-HMR).** This Overlay District (Section 14.000) establishes design standards for the areas covered by the Hualapai Mountain Road Area Plan. These standards are intended to aid in the implementation of the General Plan; to encourage sound design principles; to assure the compatibility of uses; to encourage attractive appearances; to prevent blight; and to promote and enhance the health, safety and general welfare of the residents in the community. The contents of the Design Review Manual for the Hualapai Mountain Road Area Plan are written as both standards and guidelines. This district is not a true Overlay District despite its name since it is unique to Hualapai Mountain Road and is not a part of the C-2 district.
- **Bank Street Design Review Overlay District.** This Overlay District (Section 15.000) establishes general development performance and design standards for commercial, multiple-family residential, or light industrial uses for the area on either side of Bank Street, from Gordon Drive south to Airway Avenue. The contents of the Design Review Manual for the Bank Street Overlay are written as both standards and guidelines
- **Historic Overlay District (HOD).** This Overlay District (Section 33.000) is intended to promote the educational, cultural, economic and general welfare of the community, and to ensure the harmonious growth and development of the City, by encouraging the preservation and rehabilitation of historic districts. Only one small Historic Overlay District in the Downtown area is established under this Section. The Historic Overlay District includes provisions for the establishment of the District as well as design guidelines and development standards.
- **Overlay District: Design Review Manual for The Hualapai Mountain Road Area Plan.** This Overlay District (Section 35.000) is established to provide general development performance standards for the study areas covered by the Hualapai Mountain Road Area Plan and it appears that the majority of standards and guidelines are duplicative of those included in Section 14.000 (Commercial: Hualapai Mountain Road Design Overlay (C-2-HMR)).

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*"Expand and strengthen the Historic Overlay District."*

*- Stakeholder*

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# Recommendation 2: Update Zoning Districts to Implement the General Plan

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## 2-A: Streamline/Consolidate Zoning Districts

There is an opportunity for combining existing zoning districts or possibly eliminating those that are no longer necessary, especially zoning districts that are applied only to very small or isolated areas of the City. In the interest of creating a concise and user-friendly development code, the total number of zoning districts within the Code could be minimized and zoning districts that are no longer needed could be removed. An analysis of the use regulations and development standards for each district will reveal whether a combination or elimination of zoning districts is appropriate. One example of where zoning districts could be potentially combined standards are those included in Sections 14.000 (C-2: HMR Overlay District: District Review Manual for The Hualapai Mountain Road Area) and Section 35.000 (Overlay District: Design Review Manual for The Hualapai Mountain Road Area Plan).

## 2-B: Incorporate Overlay District Standards into Base District Regulations, Where Appropriate

Existing overlay districts should also be evaluated for their usefulness in implementing the General Plan's goals and policies. The goals of some of the existing overlay districts could be achieved by incorporating their requirements into the base district regulations. Further, the C-2-HMR District will be renamed as a base district as it is not an Overlay District. Overlays are most useful when they involve more complex regulations and special criteria that apply to different parts of a single district or several different base districts. In cases in which an overlay district applies to only one or two base districts or uniformly imposes relatively straightforward regulations in a geographically defined area, an alternative would be to utilize base district regulations. Further discussion with City staff on this topic will be needed, especially given the implications of A.R.S. §12-1134, more commonly referred to as Proposition 207.

Similarly, and based on comments received from a number of stakeholders, consideration should be given to expanding the design guidelines/standards currently applicable within the Bank Street Overlay and the Hualapai Mountain Road Overlay areas to other commercial zones within the City.

## 2-C: Historic Overlay District

As part of a future phase of work, and consistent with the City's expectations, a comprehensive evaluation of the City's existing Historic Overlay District (Section 33.000) will be conducted. This will be based on an evaluation of the historic infrastructure in the Kingman Downtown and surrounding area, existing Route 66, and other areas of historic or heritage value. The City also desires the addition of form-based code

elements into the updated Zoning Code which may coincide with the expanded boundaries of the Historic Overlay District. Notwithstanding concerns with the provisions of A.R.S. § 12-1134 (Proposition 207), Form-Based Codes can also be a proven tool for the preservation of historic districts and resources. A preliminary review of Section 33.000 identified a number of preliminary recommendations, including widening the eligibility requirements to encompass more opportunities for historic preservation, adding a Landmarks provision to capture individual properties in addition to district provisions, deleting the exemption for City "important projects", and updating the existing historic preservation guidelines and/or referencing nationally-applied guidelines and standards.

# 3 Use Regulation

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Use regulations detail the type of uses that are allowed, the review process specific to each use, and specific limitations that apply to a particular activity or use. Land use categories are building blocks that establish the basis for regulation; they identify the specific use categories that are permitted, conditionally permitted, or prohibited in each zoning district. Use regulations may also include special requirements applicable to specific land uses.

Land use designations in the General Plan provide high-level policy direction on what land uses are appropriate within the City and where they should be located. These broad land use designations include residential uses (with minimum and maximum densities), commercial uses, industrial uses, public/quasi-public uses, and parks/open space uses. In addition, Citywide policies, particularly those related to economic development, call attention to particular land uses that should be promoted such as mixed-use and infill development. It is important to ensure that the land use regulations in the updated Kingman Zoning Code enable the City to implement the General Plan policies. The regulation of uses ensures that the operation of permitted uses within a district will be consistent with the policies of the General Plan and the purpose of the district.

## CURRENT USE REGULATIONS

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Use regulations identify uses that are allowed either by right or by review and approval of a Conditional Use Permit. Most land uses included in the "Permitted Uses" and "Uses Which May Be Permitted by Conditional Use Permit" within each zoning district or group of zoning districts are defined in Section 2.000 (Definitions). Some of the listed uses, including for example, art galleries, catering establishments, machining and tool rental, mail order houses, are not defined.

The current use regulations are lengthy, unclear, and overly complicated, making them difficult to administer and enforce on a day-to-day basis. In turn, this can result in delayed permit applications, the appearance of ever-changing requirements, inconsistent zoning decisions, and inadequate tools to address potential impacts.

### Use Lists

The Kingman Zoning Ordinance does not utilize a unified use categorization scheme. Instead, it includes lists of uses that are permitted by right and those that are conditionally permitted for each zoning district. Some of these lists are included in tables as in Section 3.000 (Residential: Single-Family) whereas the majority are included in the Zoning Ordinance as long lists arranged in alphabetical order. As noted previously, many of the commercial and industrial zones refer to the list of allowed uses in a previous zone (e.g. the C-2 Zone also allows all uses in the C-1 Zone). This approach to use regulation makes it difficult to compare how similar uses are regulated within a zoning district or in different districts. Grouping uses into broader categories (e.g., residential, public and semi-public, commercial, industrial) would consolidate similar uses and make such comparisons more straight-forward. Through this 'use group' approach use definitions could be revised to consist of an overall fewer number of use categories which has the advantage of also better accommodating new and changing uses.

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*"Their needs to be more opportunities for mixed-use [developments], especially in downtown."*

*- Stakeholder*

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## **Embedded Policies, Standards, and Review Procedures in Definitions**

Some use definitions in the existing Code include limitations and requirements on the use. Although limitations may be appropriate for certain types of uses, embedding standards within the use definitions complicates administration and makes it difficult for applicants to find the standards that apply to a particular proposal. Compared to many older zoning ordinances, Kingman's ordinance has a fairly clean set of definitions, with a limited number of embedded standards. However, revisions appear warranted where the definitions do contain embedded standards. Examples include the definitions of building height, Floor Area Ratio, and junkyard, and the many standards included within the definitions in Section 22.000 (Off-Street Parking and Loading Requirements).

## **Standards for Specific Uses and Activities**

Regulations applicable to specific land uses are currently found throughout the Zoning Ordinance, including within sections related to use definitions, district standards, permits and approvals, and supplemental standards. Regulations for a single land use are often found in two or more different sections. The fact that these use regulations are scattered throughout the Zoning Ordinance makes it hard for users to find them and determine which special regulations apply to a particular project.

In some cases, the regulations for a particular land use are missing from the Zoning Ordinance. For example, standards for micro-breweries and brew-pubs, which are a booming industry nationwide, and which are prevalent in Kingman already, are not included in the use tables and do not have specific use standards.

## **Outdated Approach**

The changing nature of land use also warrants flexibility in regulation. Specialized operations and segregated uses are becoming less prevalent as operations and uses adapt to rapidly changing technology and market preferences. Under the traditional business model, a company may have manufacturing in one location, an office somewhere else, and a retail store in still another location. Increasingly, and particularly for smaller operations, these functions are blending and being accommodated in a single building or space. As an example, a craft brew establishment may brew and distribute beer, sell beer and brewery related merchandise, serve beer and food, and feature live entertainment. This type of operation combines five traditionally separate uses: manufacturing, distribution, retail sales, eating and drinking, and entertainment. The rigidity of the current Code makes it difficult to determine how operations that combine uses fit into the City's existing use regulation scheme.

The update to the Kingman Zoning Ordinance provides the opportunity to update the City's approach to use regulation to reflect modern uses, current development practices, and where applicable, state and federal law. The updated regulations can address specific considerations for certain uses such as urban agriculture, artisan workspace (sometimes referred to as "maker spaces"), entertainment, and others. They can provide flexibility to allow for adaptation to changing preferences, technologies, and other circumstances, and the updated regulations can also support community objectives such as diversity of housing types and fostering vibrant commercial and employment centers.

# Recommendation 3: Modernize the Approach to Land Use Regulation

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The use regulations in Kingman’s existing Zoning Ordinance are lengthy, unclear, and overly complicated, making it difficult to administer and enforce on a day-to-day basis. In turn, this can result in delayed permit applications, the appearance of ever-changing requirements throughout the review process, inconsistent zoning decisions, problematic integration of new uses into the existing framework, retention of uses that are no longer economically viable, and inadequate tools to address development and design impacts. These concerns can largely be addressed by reorganizing the existing use regulations into a more logical, systematic framework. This framework will ensure the regulations are thorough, straightforward, and simplified, resulting in an updated Zoning Code that is easy to understand and apply.

## 3-A: Adopt a Use Classification System

The updated Kingman Zoning Code should consolidate use types into a clearly defined modern classification system, placing land uses and activities into groups based on common functional, product, or physical characteristics. There are many advantages to this type of use classification system. Listing use groups instead of specific uses helps to streamline the use regulation parts of the Zoning Code. Categories are also broad enough to allow classification of new, unanticipated uses, so that the City does not need to amend these sections or make interpretations as frequently in order to adapt. This system can still allow for standards for potentially problematic uses, such as tattoo parlors, outdoor storage, and auto repair.

Under this system, all use categories would continue to be defined in a single chapter of the Code. This chapter would organize use categories into groups such as residential; public and semi-public; recreation, education and assembly; retail trade; services; vehicle sales and services; industrial; telecommunication facilities; and, transportation and infrastructure uses. This way, similar uses are found near one another for comparison when a classification question arises. The official names of each use group would be utilized throughout the Code in a consistent manner. It is also beneficial to define the uses in a separate section of the definitions chapter for ease of reference.

While reviewing all land uses in the updated Zoning Code, existing definitions and terms will be reviewed for consistency with Arizona Revised Statutes. An example of such a definition and use that will be updated is for “day care, home” and “day care, center” rather than “Regulated Day Care” and “Unregulated Day Care Facility”.

<b>ANIMAL CARE, SALES, AND SERVICES</b>	<b>COMMERCIAL ENTERTAINMENT AND RECREATION</b>
Animal Sales and Grooming	Cinema/Theaters
Boarding/Kennels	Indoor Sports and Recreation
Veterinary Services	Outdoor Sports and Recreation
<b>AUTOMOBILE/VEHICLE SALES AND SERVICES</b>	<b>DRIVE-THROUGH FACILITY</b>
Automobile Rentals	<b>EATING AND DRINKING ESTABLISHMENTS</b>
Automobile/Vehicle Service and Repair	Bars/Night Clubs/Lounges
Automobile/Vehicle Sales and Leasing	Restaurant
Fueling Stations	<b>LODGING</b>
Towing and Impound	Hotel
<b>BANKS AND FINANCIAL INSTITUTIONS</b>	Motel
Banks and Credit Unions	
Check-Cashing Businesses	

*Example of a simple classification system for commercial uses.*

### **3-B: Eliminate Embedded Standards and Review Requirements from Use Definitions**

Some current use definitions include limitations and requirements on the use. Although some limitations may be appropriate to restrict certain types of uses, embedding standards within the use definitions complicates administration and makes it difficult for applicants to determine which development standards apply to a particular proposal. These regulations should be addressed in separate sections of the Code where the limitations are visible and adequately discussed. For example, they may be located in a chapter or division dedicated to standards for specific uses and referenced in the use regulations for each zoning district.

### **3-C: Reflect Contemporary Land Uses**

To help modernize the Kingman Zoning Ordinance, a new use classification system should eliminate obsolete uses (i.e., those no longer in use, allowed, or those containing outdated terms) and also include new contemporary uses such as micro-breweries, industrial flex spaces, maker spaces, shared office spaces, and urban agriculture uses (e.g., community gardens, produce stands, etc.). The updated Zoning Code should also incorporate mechanisms to allow for flexibility in the change in uses or combination of uses. In addition to identifying and providing for accessory uses that are typically associated with certain principal uses, the Code can incorporate provisions to allow other accessory uses, up to a certain threshold, that are subordinate and incidental to a principal use. Special attention can also be given to having uniform requirements or standards for uses, where appropriate. Reducing nuances between requirements for varying uses will ease administration and provide flexibility with regard to evolving operations and re-use of property.

Also, new standards that allow for attached as well as detached accessory dwelling units (ADUs) should be considered, and possibly allowing ADUs to be developed in more zoning districts across the City.



*Changes in contemporary land uses should be reflected and accommodated by the Code.*

### **3-D: Ensure All Zoning Districts Allow Appropriate Land Uses**

The allowable uses within each zoning district should be evaluated for compatibility with the purpose of the district and the corresponding General Plan land use designation, and for adaptability to contemporary trends. In particular, use regulations in non-residential districts should be evaluated to allow a broader range of combination of uses by-right, reflecting the changing nature of land use and allowing a creative combination of uses. Industrial district use allowances should also balance the need to protect the viability of industrial development as an employment base, and the need to support industrial development with adequate amenity uses. Amenity uses that are conducive to and supportive of vibrant employment areas can include restaurants, entertainment, retail, and service uses.

### **3-E: Use Tables in District Regulations**

A single use regulation table for each district or group of districts can simplify things greatly. In the regulations for each zoning district, a single use table that is organized by use classification would replace the need for the subsections devoted to "Permitted Uses" and "Uses Which May Be Permitted by A Conditional Use Permit." The regulations for similar zoning districts can also be consolidated into the same chapter, making it easier to determine and compare the use regulations applicable to different districts.

### 1109.030 Allowed Land Uses and Permit Requirements

- A. Land uses must comply with the allowed uses of the base zone, except as specifically modified or waived by an overlay zone in Chapter 1117 (Overlay Zones).
- B. The land uses allowed by this Code in the residential zones are listed in Table 1109.030.A, together with the type of planning permit required for each use. Each land use listed in Table 1109.030.A is defined in Chapter 1179 (Definitions).
- C. **Establishment of an Allowable Use**
  1. Any one or more land uses allowed in Table 1109.030.A may be established on any lot within the identified zone, subject to the planning permit requirement listed in the Table, and in compliance with all applicable requirements of this Code.
  2. Where a project on a single lot includes two or more of the land uses allowed in the Table, the overall project will be subject to the most restrictive permit level required by the Table for any individual use.
  3. If a use is not defined (in whole or in part) in Chapter 1179 (Definitions), the use is not allowed unless a Conditional Use Permit is approved. If a use is defined in Chapter 1179 (Definitions) and not listed in Table 1109.030.A, the use is not allowed.

**Table 1109.030.A Residential Zones Allowed Uses**

Land Use Type	Permit Required by Zone							Use Standards
	SE	SN-1	SN-2	TN	MRN-1	MRN-2	MRN-3	
<b>Agriculture and Animal Uses</b>								
Agriculture	P	-	-	-	-	-	-	
Animal Raising and Keeping	P	-	-	-	-	-	-	Section 1121.020
Community Garden	CUP	CUP	CUP	CUP	CUP	CUP	CUP	Section 1121.060
Kennel	CUP	-	-	-	-	-	-	
Veterinary Clinics and Hospitals	CUP	-	-	-	-	-	-	Section 1121.210
<b>Civic, Recreation, and Community Assembly Uses</b>								
Cemetery	CUP	-	-	-	-	-	-	
Child Care Center	MUP	CUP	CUP	CUP	CUP	CUP	MUP	Section 1121.050
Community Assembly	P	MUP	MUP	MUP	MUP	MUP	P	
Family Child Care Home Type A	P	P	P	P	P	P	P	
Family Child Care Home Type B	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Indoor Recreation	-	-	-	-	-	-	CUP	
Library and Museum	-	-	-	-	-	-	MUP	
Park and Outdoor Recreation	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Public Service Facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
School - Public and Private	CUP	CUP	CUP	CUP	CUP	CUP	MUP	
Vocational/Technical School	-	-	-	-	-	-	CUP	

*District regulations can include simple use allowance tables for easy reference and comparison.*

### 3-F: Consolidate Standards for Specific Uses and Activities

Requirements that are applicable to specific uses and activities should be combined into a single chapter or division. Within this chapter or division, the uses can be alphabetized making them easy to locate. The standards for specific uses can be referenced in the land use tables in the district regulations, which will reduce overall wordiness in the Code. The following is a preliminary list of uses that may warrant special standards and that can augment the standards in Section 26.000 (General Development Standards) :

- Accessory Uses
- Accessory Dwelling Units
- Adult-Oriented Businesses
- Alcoholic Beverage Sales
- Bed and Breakfast
- Home Occupations
- Outdoor Dining and Seating
- Outdoor Sales
- Telecommunications Facilities
- Temporary Uses
- Urban Agriculture

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**10-40.60.110 Automobile/Vehicle Repair Garage - Major/Minor**

A. All storage of vehicles awaiting needed parts or repair shall be within the building or within a compound yard enclosed by a six-foot high solid fence or wall, except for driveway openings.

B. An automobile service station shall store all vehicle parts within a completely enclosed building.

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**10-40.60.110 Bed and Breakfasts**

A. A bed and breakfast shall be operated by the property owner/manager living on the site.

B. Bed and breakfasts shall be limited to a maximum of four guest bedrooms, plus accommodations for the property owner/manager.

C. Food may only be served to registered overnight guests. Guest room cooking facilities are prohibited.

D. Parking shall be provided in compliance with Division 10-50.80 (Parking Standards).

E. Signs shall comply with the standards established in Division 10-50.100 (Sign Standards).

(Section 10-40.60.110 amended by Ord. 2016-07, adopted Feb. 16, 2016)

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**10-40.60.120 Co-housing**

A. Co-housing is a permitted use within those housing types that are already allowed with the zone in compliance with Division 10-50.110 (Building Types) or as a planned residential development (refer to Section 10-40.60.270 (Planned Residential Development)).

B. Co-housing does not include individual rooms (Single Room Occupancy (SROs)) except in those zones where SROs are permitted under boarding and rooming facilities in compliance with Divisions 10-40.30 (Non-Transect Zones) and 10-40.40 (Transect Zones).

C. Dwelling units in co-housing developments shall not have individual setbacks or lot lines.

D. Parking may be clustered in one area and not located at individual units in compliance with Division 10-50.80 (Parking Standards).

*Sample page with Specific to Use Standards.*

# 4 Development Standards

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As mentioned previously in this Report a zoning ordinance is a critically important tool for the implementation of a city's General Plan. A well-written and easily implementable zoning ordinance will enable property owners and developers to build new projects that meet the cities stated goals and objectives. Developers and builders construct and develop projects based on the rules and regulations in the zoning ordinance. This reinforces the importance of ensuring that the development standards that apply to all residential, commercial, and industrial zones must be clear, support the vision and goals of the General Plan, allow for the creation of a "sense of place" that is unique to Kingman, and legally defensible. A well-designed city that incorporates appropriate development standards into its regulations will directly elevate the quality of life and appearance of the community, which in turn, attracts investment and increases communal pride.

As Kingman continues to grow in size and become increasingly more developed, the City will continue to face design challenges. As noted by a number of stakeholders, the current Kingman Zoning Ordinance does not have sufficient standards to address development control, especially in building appearance and design compatibility.

## CURRENT REQUIREMENTS

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The current Zoning Ordinance has a variety of standards that address the design and quality of development. Many of the standards were established many years ago and reflect the specific development style and context popular at the time. Over the years, additional development standards and requirements have been added with little analysis on how all the standards work together and how they collectively influence resulting development. As the City has grown and developed over the years, new development areas along existing corridors will likely cease to be the dominant development pattern and attention must be paid to better address infill and redevelopment contexts.

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*"There is a need for commercial architectural design review for areas like Stockton Hill Road."*

*- Stakeholder*

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Many code users have commented that the standards are inflexible, too prescriptive, and out-of-date. With that said, there are many new development projects both within the design review overlay areas and in other corridors, that have successfully accomplished the design and aesthetic considerations desired by the City. However, development standards that are more comprehensive and written to ensure consistent application, will be easier to use and apply by City staff and developers, builders, and homeowners.

While not necessarily a bad idea, the current Zoning Ordinance does not include Floor Area Ratio (FAR) standards in the commercial or industrial zones where they are typically applied in most conventional i.e. Euclidian zoning codes. Whether or not FAR standards should be added into these zoning districts will be explored with City staff.

## Relief from Set Standards

The existing code provides for little flexibility in the application of development standards. There are two primary avenues available for modification of development standards, namely Variances and Planned

Developments. Specific findings related to unique characteristics of a property are required to approve Variances. The Planning Commission may modify development standards with a planned development approval. The Planned Development process articulated in Section 19.000 is intended to provide for a master planning process, offering flexibility in exchange for integrated, high-quality design.

Being applicable to so many cases, it appears the Planned Development process has become a catchall mechanism for instances where the City wishes to have discretionary review rather than a mechanism to allow modifications to development standards in exchange for better design in larger developments. Instead, such projects could be subject to design review or other discretionary approval and Planned Development could be reserved for integrated development on large parcels where greater flexibility in design than would be possible through strict application of district standards is warranted to achieve a superior development project.

## Landscaping Standards

Section 10.000 (Landscaping) establishes the standards for required landscaping for multi-family residential, commercial and industrial developments. The current section of the Zoning Ordinance was added in 1998 and it has been updated and amended a number of times since then.

The appearance of disturbed areas and parking areas within a new development can be significantly enhanced by the installation of appropriate landscaping materials. The quantity, location, and choice of species can have a substantial impact on the character and functionality of a development site, because if properly designed and installed, landscape materials can add shade, soften the appearance of buildings, structures and parking areas, attract wildlife, enhance property values, amongst other benefits. To encourage the correct selection of materials appropriate for a project and climate, a requirement will be added to the Zoning Ordinance that requires a licensed landscape architect to prepare landscape plans for larger commercial projects, the threshold for which will be defined. The Ordinance will also require that the landscape architect will sign-off final inspection of the property. Further if designed and installed appropriately in compliance with established xeriscape landscaping principles, plants with minimal irrigation and watering needs can be selected and planted.



*Well- designed landscape areas greatly influence the character of development. (Credit: CORFAC International)*

The City's approach to landscaping requirements is fairly standard when compared to other jurisdictions and it is understood that minimal updates to this Section of the Zoning Ordinance need be considered. Landscaping requirements for residential uses will be clarified.

## Hillside Developments

Section 21.000 (Hillside Developments) establishes the standards and procedures for new residential, commercial and industrial development with an average cross slope as defined in the Section. Aside from formatting this Section of the Zoning Ordinance to comply with the updated Zoning Code, the existing standards and requirements will be carried forward into the new Code. City staff suggests that this section will likely be removed from the Zoning Ordinance as the requirements from the Building Code will be applied instead.

## Parking Requirements

Section 22.000 (Off-Street Parking and Loading Requirements) establishes the standards for required parking and loading for various uses. The quantity, location, and appearance of parking areas have a substantial impact on the character and functionality of streets, commercial corridors, and residential neighborhoods. Too much parking can limit the utilization of a property and be an impediment to achieving a wide range of community goals. Too little parking can impede accessibility and impact nearby residential neighborhoods. The amount of parking is optimized when it strikes a right balance between supply and demand.



*The quantity, location, and appearance of parking areas greatly influence the character of development.*

The City's approach to parking requirements is fairly standard when compared to other jurisdictions and a minimum number of parking spaces rather than a maximum limit on the number of spaces – a common best practice in many U.S. cities – is established. Parking in compliance with the Code is required with any new development, however Section 22.300 (Required Parking and Loading) is vague on when parking is required if an existing structure is expanded or altered as no clear thresholds are included for when additional parking may be required. Further, the current ordinance does not offer flexibility in meeting parking requirements and no parking reductions are available.

Parking requirements also have a large influence on the ability to utilize property. This is particularly true in already built-out areas, where there may not be enough space to provide required parking on already developed sites. Where additional parking spaces cannot be provided due to site constraints, this may result in the negative effect of deterring businesses from expanding or investing within the City.

## Sign Standards

For many years, U.S. courts have affirmed that sign regulations must be “content-neutral” to survive a legal challenge. In order to be content-neutral, the sign regulations must be based on “time, place, and

manner” restrictions, rather than by making distinctions based on the message the sign conveys. This content-neutral distinction in sign regulation became even more important following the U.S. Supreme Court’s decision in *Reed v. Town of Gilbert* in June 2015, when regulating signs in a content-neutral manner to satisfy First Amendment limitations became more difficult for local governments. In this landmark First Amendment case available here ([www.supremecourt.gov/opinions/14pdf/13-502\\_9olb.pdf](http://www.supremecourt.gov/opinions/14pdf/13-502_9olb.pdf)) all nine Supreme Court justices agreed that the Sign Code of the Town of Gilbert, Arizona, failed the First Amendment’s content neutrality requirement.

The Town of Gilbert’s Sign Code distinguished between a variety of sign types, providing different standards for “political signs”, “ideological signs”, “directional signs”, “real estate signs”, and others. The pastor for a local church placed temporary signs in public rights-of-way to advertise religious services, and the Town’s enforcement staff enforced its Sign Code against the church’s temporary signs. Consequently, the church filed a challenge to the Town’s Sign Code. The federal district court upheld Gilbert’s Sign Code on summary judgment, a decision that was affirmed by the Ninth Circuit Court of Appeals. The church then appealed to the U.S. Supreme Court.



*One of the signs at issue in the Reed case.*

*Source: New York Times, Justices Side with Arizona Church in Dispute over Sign Limit*

The U.S. Supreme Court heard this case in 2015 (it was the first Supreme Court case to address local sign regulations in over twenty years). Six justices agreed that Gilbert’s Sign Code improperly distinguished between types of noncommercial speech based on the subject matter of the speech; the Code was facially content-based. The reason behind this decision was that Gilbert’s Sign Code made several exceptions to the permitting requirement for signs, including, for example, exceptions for “political”, “ideological”, and “temporary directional signage for qualifying events”, and regulated each of these excepted forms of signage in different ways. The Court majority found that these distinctions were regulated based on the signs’ content, which is prohibited under the Court’s First Amendment doctrine.

Further, because Gilbert’s Code regulated signs based on the content or message of speech, the Code was, therefore, subject to what is called a “strict scrutiny” standard of review. Strict scrutiny requires that a compelling governmental interest must be demonstrated and that the regulations must be narrowly

tailored to serve that compelling governmental purpose. The Court found that the Town failed to meet this standard and held that Gilbert’s Sign Code was invalid. On the other hand, a regulation that is “content-neutral” is subject to “intermediate scrutiny”, i.e. the regulation furthers a significant or important governmental interest that is unrelated to the suppression of speech, is narrowly tailored, and it provides ample alternative channels for communication.

Since the *Reed* decision, several lower courts have invalidated content-based regulations of noncommercial speech, particularly those relating to political signs (*Marin v. Town of Southeast*). The lower courts have also upheld several examples of content-neutral time, place, and manner regulations, including restrictions on painted wall signs (*Peterson v. Village of Downers Grove*), murals (*Kersten v. City of Mandan*), and a New York City prohibition on illuminated signage extending more than 40 feet above curb level (*Vosse v. City of New York*). In *Central Radio, Inc. v. City of Norfolk*, the lower court looked unfavorably at specific exemptions for artwork, and based on this decision, some cities have also chosen to exclude flags from their sign regulations as they could be considered an ideological message.

“Time, place, and manner” restrictions, as the name suggests, limit the length of time, the manner, and place or location of a sign. As an example, well-written sign regulations may include a limitation on the length of time they may be displayed, especially for portable or temporary signs, such as A-frames or banner signs; restrictions on the total area, maximum height, or illumination of a sign; and where the sign may be placed (i.e. so as not to encroach within the public right-of-way).

The City’s sign standards (Section 25.000) provide comprehensive standards for the design, placement, and illumination of signs and sign structures for both permanent and temporary signs. However, some of the current sign standards are not content-neutral, including, for example, the following sign types:

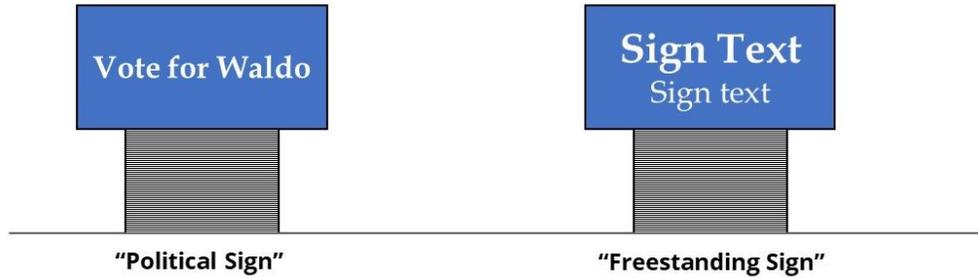
- Construction sign
- Grand opening sign
- Ideological sign
- Political sign
- Real estate sign
- Tract sign

In interviews with some stakeholders it was learned that there was a general consensus that most of the sign regulations in terms of sign area and height were acceptable, although it was suggested that incentives should be added to allow for reduced height for freestanding signs if greater sign area was allowed). The challenge for the City of Kingman though is to rewrite the sign regulations in a content-neutral manner in such a way that it reflects a careful balance of community tolerance for risk, as well as the community’s desire for aesthetic considerations.

## **Content-Based Regulations vs. Content-Neutral Regulations**

- What does sign say?
- Message determines if it stays up or down, or applicable regulations

- Time
- Place
- Manner



*The distinction between a content-based and a content neutral sign.*

## Outdoor Lighting Standards

Regulations for outdoor lighting are of particular importance in northern Arizona, and many municipalities such as Coconino County and the cities of Cottonwood, Flagstaff and Sedona have adopted regulations to minimize light pollution. The need to minimize light pollution is primarily due to the need to ensure dark skies for the US Naval Observatory located near Flagstaff as well as other observatories in the area, but it is also driven by the appreciation of local residents and visitors alike for the unique opportunity of observing stars at night with minimal interference from outdoor light sources.

Section 34.000 (Outdoor Lighting Code) provides reasonably comprehensive standards for outdoor lighting, including requirements for shielding of various light fixtures. However, the existing standards are outdated and will be revised and simplified to include current best practices for outdoor lighting, including, if desired by the City, new standards to regulated light output based on a determination of lumens per acre and new lighting technologies, such as LED lighting.

# Recommendation 4: Update Development Standards to Achieve High Quality Development

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A zoning ordinance's development standards and regulations have a direct implication on the quality of the built environment in any community, as builders, developers and property owners will complete new construction and development projects that meet the requirements established in the City's regulations. The City's development regulations will, therefore, be comprehensively evaluated, revised and updated as necessary to resolve known deficiencies and to include new standards following established best practices. In addition to the more significant amendments described in more detail in the sections below, amendments to the following regulations will also be considered:

- **Setbacks** – consider revisions to side and exterior side setback standards in some zoning districts where the City and property owners have acknowledged that they may be too large and impractical, especially on corner lots.
- **Design standards for new single-family residential subdivisions** – many stakeholders and some elected officials have commented on the need for updated design standards or guidelines for application in new single-family residential subdivisions to address concerns with the uniformity and homogeneity of the front facades. Ideas for consideration that would provide more variety include allowing building elements such as bay windows or porches to encroach into the front setback, varying the front setback standard along the length of a street, including a maximum block length standard, and requiring variations in building materials.
- **Site planning issues with commercial plazas** – staff has identified the need to address new development standards that would apply to a large commercial plaza with potentially multiple pads and owners and the need to ensure that circulation, parking, drive-through access, sign placement, etc. is better addressed.
- **Avigation easement** – consider the need for an avigation easement for properties within a stipulated distance of the airport to ensure that future development on these properties does not impact airport operations.
- **FAR** - consider the inclusion of a Floor Area Ratio (FAR) standard in commercial and industrial zoning districts.

## 4-A: Update the City's Physical Form and Design Related Standards

Many stakeholders have suggested that the City should update design standards and/or guidelines to address the form and design of new commercial development, particularly in desired infill areas and where mixed-use development is anticipated. These standards should promote a desirable physical form supported by the General Plan and ensure that more intense uses of land do not become public nuisances.

Establishing minimum design standards will set the tone for the type of development the City hopes to attract. These standards will allow developers to know exactly what is expected of them. At the same

time, flexibility can still be achieved by allowing a modification of standards so long as certain findings and criteria are met. For instance, setback requirements could be modified if a wider sidewalk area or outdoor dining area is provided that enhances a pedestrian-oriented feel.

Further, it has been suggested that the design guidelines and standards currently in place should be expanded to apply to other major commercial corridors in the City. The implications of these recommendations will need to be reviewed with City staff and discussed at future public meetings/workshops to assess how and where they may be updated and applied.

#### **4-B: Tailor Standards to Reflect Differences in Areas**

Development standards should be refined to foster the type of character desired within various areas of the City. In commercial and mixed use areas, the objective should be to provide an interesting, engaging street frontage, making walking and shopping pleasurable. In these areas, standards may address requirements for “active frontages,” where a building must include spaces for businesses with walk-in clientele, ground level fenestration, awnings and arcades, and visible entries, rather than long sections of ill-defined buildings, blank walls, and fences. In less intense and industrial areas, by contrast, development is more auto-oriented and there is more potential for incompatibility between uses, so landscaping and screening may be important.

While each zoning district should have individually tailored requirements, the organization of the district requirements should be uniform, so that users can easily ascertain the requirements for a particular district.

#### **4-C: Provide Certainty and Allow Flexibility**

There is common sentiment among stakeholders that more flexibility should be built into the development standards. This can be accomplished a number of ways, including striking the right balance of development standards and design guidelines. The City may establish a system where development standards address key elements of development form (i.e., height, building placement, site layout) while design guidelines provide clarity about the City’s design objectives. The design guidelines should give examples of acceptable solutions, but not mandate particular architectural styles. Another option is to offer a menu of options as a flexible way to comply with a particular design principle. The Code could also include more options for administrative relief from standards as described in the recommendation in Section.

#### **4-D: Update the Landscape and Hillside Development Standards**

Aside from formatting these Sections of the Zoning Ordinance to comply with the updated Zoning Code and making any necessary edits to revise and update existing regulations, most standards and requirements will be carried forward into the new Code.

#### **4-E: Use Consistent Parking Requirements for Multiple Uses, Where Possible**

Current parking requirements are extremely fine-grained, providing different requirements for each land use. Consideration should be given to providing uniform parking requirements for grouped land uses with similar space and operational requirements. The City could still provide separate requirements for land uses with particular space and operational requirements that generate unique parking demands.

Standardizing parking requirements so multiple uses have the same requirements can ease administration and provide flexibility with regard to re-use and re-investment.

#### 4-F: Expand the Use of Parking Reductions

The City could allow for expanded reductions in parking where special conditions exist—such as the nature of the proposed operation, proximity to transit service, or characteristics of persons residing, working, or visiting—or elements provided that would reduce parking demand. Elements that qualify for parking reductions could include proximity to transit, provision of bicycle and/or motorcycle parking (subject to updated standards), provision of a Parking Management Plan or Parking Demand Study, and shared parking.

#### 4-G: Do Not Require Additional Parking for Change of Use

It is often infeasible to provide additional on-site parking on an already developed site, thus limiting the types of new uses that may locate in an existing building. To support the continued occupancy of existing buildings, the City should consider not requiring additional parking where a new use is established in an existing building, even if the new use is subject to a higher parking requirement than the previous use, provided existing parking is retained and there is no change to the building that results in additional floor area.



*Consider parking reductions for projects incorporate certain elements that can reduce parking demand.*

#### 4-H: Update the Sign Standards

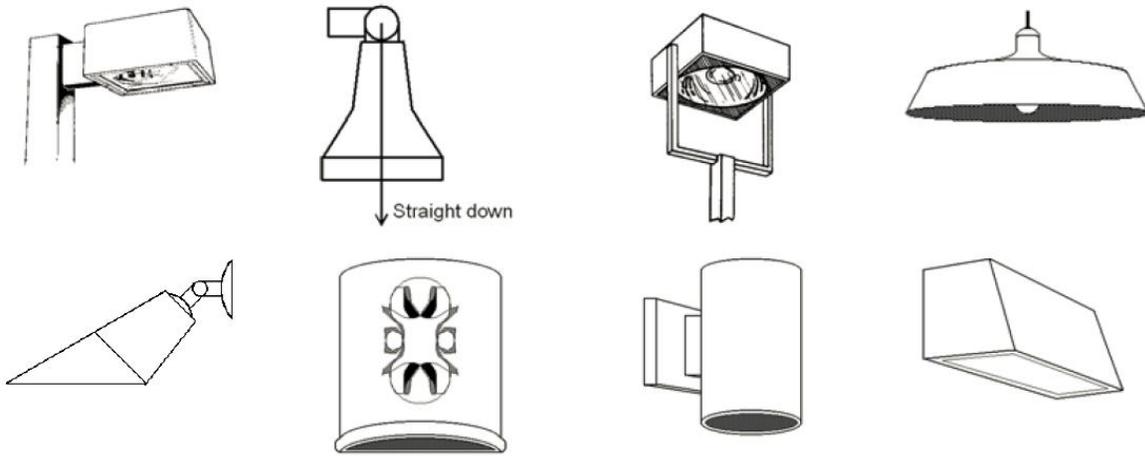
The U.S. Supreme Court’s decision in *Reed* has emphasized the need for local governments to ensure that their sign regulations are content-neutral. Interestingly, there is a divergence of opinions on what this means, and some First Amendment observers have suggested that the result in *Reed* will encourage local governments to take a more cautious approach to sign regulation that may more broadly suppress speech, while others predict that the decision will result in more freedom for sign owners to display signs with various messages.

In response to the *Reed* decision, and as a general recommended practice, the City of Kingman’s Sign Regulations should be amended to include several general provisions and principles intended to ensure they are constitutional, as listed below:

- **Purpose Statements.** Include in the Purpose Section confirmation that the City intends to regulate and enforce signs in a content-neutral manner.
- **Clear Basis in the General Plan.** Ensure that the Purpose statements are clear and are linked to the regulations and the policies in the General Plan.
- **Clarify Permitting Procedures.** Review sign permitting procedures to ensure they have a narrow focus, a review timeframe that is as short as possible, and include clear and enforceable standards against which permit applications can be reviewed.
- **Reduce Exceptions.** Reduce the number of sign exceptions as much as possible.
- **Clarify Message Substitution.** Add a substitution provision stating that any non-commercial message may be substituted for a commercial message to protect the City from mistakenly prohibiting the display of a non-commercial message, where a commercial sign would otherwise be allowed.
- **Create Balanced, Enforceable Regulations.** Limit sign regulations to those which are necessary and enforceable in balancing property owners' needs with the public interest of maintaining community character.
- **Permanent Sign Standards by Zoning District.** Establish permanent sign standards based on the zoning districts in which signs are located (residential, business, industrial). Ensure the standards are based on sign type and structure, rather than the message it conveys, (regulate "monument signs" or "yard signs", as opposed to "institutional signs" or "gas station signs").
- **Temporary Sign Standards by Zoning District.** As much as possible establish standards for temporary and portable signs based on the zoning districts in which signs are located (residential, business, industrial). Also, it is important to ensure the standards are based on sign type and structure, rather than the message it conveys, e.g. regulate "A-frame signs" or "feather signs", as opposed to "real estate signs" or "community event signs".
- **Temporary Signs in Public Right-of-Way.** Ensure that the rules for the placement of signs in the public right-of-way are consistently applied to all types of temporary or portable signs.
- **Regulate with Consistent Language.** Ensure that all words and phrases are clearly defined to enable consistent understand and application of the sign regulations.
- **Severability.** Include a severability clause for the sign regulations as well as for the entire Zoning Code.
- **Engage Community Interests.** Continue to engage diverse community interests, such as business owners, sign makers and installers, residents, community groups, etc. in the process of drafting new sign regulations.
- **Enforcement or Suspension of Existing Content-Based Regulations.** As mentioned previously, the existing sign regulations include some content-based sign regulations. It is recommended that City's Planning and Economic Development staff consult with the City's legal counsel to determine if enforcement of the existing sign provisions should be suspended (especially the enforcement of content-based standards) until the Sign Regulations are updated and the content-based issues are resolved.

## 4-I: Update the Outdoor Lighting Standards

Section 34.000 (Outdoor Lighting Code) provides reasonably comprehensive standards for outdoor lighting, including requirements for shielding of various light fixtures. However, the existing standards are outdated and will be revised to include current best practices for outdoor lighting, including, if desired by the City, new standards to regulated light output based on a determination of lumens per acre, updated requirements for fully or partially shielded light fixtures, and new lighting technologies, such as LED lighting.



*Examples of fully-shielded light fixtures.*

## 4-J: Add Expanded Sustainability Standards

The City could consider the addition of new standards that provide greater opportunities and incentives for promoting energy conservation, water conservation, etc. in the City. While including such standards as requirements is clearly an important policy decision for the City's elected officials, new provisions could be included in the updated Zoning Code that, for example, exclude roof mounted solar panels or collectors from otherwise applicable building height, allow solar collectors to encroach into setback areas, and that provide updated standards for accessory wind energy systems.

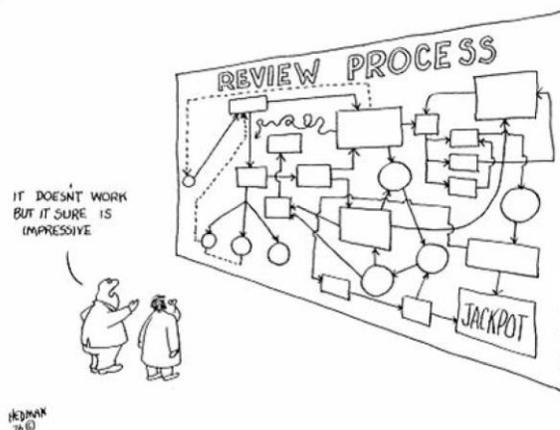
# 5 Development Review and Approval

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Zoning code provisions for development review and other administrative matters create the procedural environment through which the City can achieve the goals and policies laid out in its General Plan. At their best, development review provisions can promote the type of development a community wants by providing a clear, predictable path to project approval; conversely, vague review processes can cause developers a high level of anxiety, frustrate community residents, and severely dampen a City's ability to attract desirable investment and growth.

Generally, prospective project developers' value three central qualities in any administrative code:

- Certainty in the requirements and structure of the review process
- Built-in flexibility to adjust development standards to the needs of individual projects, and
- Opportunities to request relief from requirements that constitute a substantial burden.



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*"It is harder to remodel an existing home than to build a new house."*

*- Stakeholder*

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Certainty is also important to community residents so they know with some level of predictability what types of development they can expect to see in the City. The degree to which the City can incorporate these qualities into its updated Zoning Code will help improve its ability to compete for desirable development and ensure that residents are aware of and supportive of the new development. This section contains general observations about the existing review process and suggests strategies to streamline the development review and approval process.

## REVIEW PROCESSES

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The level of flexibility within a zoning code or ordinance is largely defined by its hierarchy of uses and their required permits. This hierarchy establishes the different levels of review the Code requires to make various types of land use and development decisions. These decisions typically range from a relatively informal counter staff review of proposed uses and/or structures for compliance prior to the issuance of a building permit or business license to more formal and complex procedures requiring public notice and a hearing before, for example, the Planning and Zoning Commission prior to issuance of a Conditional Use Permit.

The primary factor influencing a project's place in the hierarchy of uses is whether the proposed use is permitted "by right" or allowed subject to certain conditions, or whether a Conditional Use Permit, with review by the Planning and Zoning Commission, is required. This determination is a reflection of community issues and concerns typically embodied in the General Plan. Decisions about where an

application fits in the hierarchy may also, however, be influenced by how a jurisdiction selects and designs administrative processes. It is often possible, for example, to reduce the review threshold for a particular type of application (i.e. place it lower in the hierarchy ), by increasing the specificity of development standards and performance-based criteria, along with a related increase in one or more of the following:

- Scope of public notice;
- Length of time for public review; and
- Opportunities for informal public review and consultation.

A development code update provides an opportunity to adjust review thresholds based on analysis of the types of issues and projects in the City that have typically generated the most interest and concern. Generally speaking, responsibilities should be assigned with a view toward minimizing the number of players involved in making any given decision, while increasing opportunities for meaningful public input.

## Decision-Making Bodies

Kingman’s current Zoning Ordinance does not clearly define the decision-making authority for the various public bodies and officers who are normally charged with making decisions to interpret and apply the Zoning Ordinance. The Zoning Ordinance identifies the Planning and Zoning Director, Planning Commission, and City Council as decision making authorities, but only clearly describes the purpose, composition, and responsibility of the Board of Adjustment for Appeals (Section 28.000). The purpose, composition, etc. of the City Council and Planning Commission are defined and described in the Municipal Code (Chapter 2, Administration; Article II, Common Council; Article VIII, Planning and Zoning; and Article IX, Advisory Boards, Committees, and Commissions). Further, in discussion with staff and stakeholders it has been noted that the Building Official, Fire Chief, and City Engineer all have review responsibilities for various permits and approvals, yet their roles are not clearly defined in the current Zoning Ordinance.

## Administrative Authorities

The Kingman Zoning Ordinance authorizes four authorities to administer and make interpretations for the Code. Many code users believe that the Planning and Economic Director (note that the term “Planning and Zoning Director” and “Development Services Director” as currently used in the Zoning Ordinance are out-of-date) does not have enough authority to make decisions, particularly in instances of making interpretations or in granting exceptions to standards to provide flexibility in “common sense” applications. The general sentiment expressed by code users was that the Director have the ability to make decisions in circumstances that are considered limited in scope and impacts.

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*“Staff should be empowered to make decisions... Planning Commissioners [and City Council] are not design or building experts, so they shouldn’t be determining appropriateness of small adjustments necessary to make projects work.”*

*- Stakeholder*

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- **Planning and Economic Development Director.** The Planning and Economic Director and designees administers the Kingman General Plan, administers many ordinances and policies that support the objectives of the General Plan. These ordinances include the Zoning Ordinance, Subdivision Ordinance, various aspects of the Streets and Sidewalks Development Rules and Regulations, etc. The Director also provides support to the Planning and Zoning Commission, Board of Adjustment, and Historic Preservation Commission.,

- **City Engineer.** The City Engineer is responsible for reviewing private development plans for compliance with City codes and ordinances, including applicable sections of the Zoning Ordinance.
- **Building and Life Safety Division/Fire Department.** The Building and Life Safety Division, a division within the Kingman Fire Department, accepts and reviews applications for residential, commercial, industrial and sign permits.
- **Street Department Superintendent.** The Superintendent of the City's Street Department ensures the safe and efficient movement of traffic by providing well maintained streets, sidewalks, and lighting systems and applies sections of the existing Zoning Ordinance, when applicable.

## Land Use Permits and Approvals

The following table summarizes the types of land use and development approvals that are typically administered by many Planning Departments in a cities of equivalent size to Kingman. The current Zoning Ordinance is vague and does not include a lot of process descriptions or procedures for the approvals and permits it authorized within it. As noted in Section 1-A it is recommended that all administrative approvals should be consolidated in one chapter or division of the updated Zoning Code. The table below lists some possible permits and approvals that could be considered for inclusion in the updated Code, as well as the potential review authorities for those approvals.

APPROVALS AND ISSUING AUTHORITIES		
Permit or Approval Type	General Purpose	Issuing/Approval Authority
<b><i>Determination of Use</i></b>	An interpretation, rather than a permit, allowing the Director to assign an existing use to any use in an application that is not clearly identified by the Land Use Development Code.	Director
<b><i>Home Occupation Business License</i></b>	Permit allowing home-based businesses in residential neighborhoods.	Director or Tax/License Division after review by the Director
<b><i>Family Day Care Homes</i></b>	Permit establishing State-licensed family day care homes, while regulating aspects such as spacing and concentration, parking, and noise.	Director
<b><i>Accessory Dwelling Units</i></b>	Permit establishing accessory dwelling units on properties within single-family and multi-family residential districts.	Director

<b>APPROVALS AND ISSUING AUTHORITIES</b>		
<b>Permit or Approval Type</b>	<b>General Purpose</b>	<b>Issuing/Approval Authority</b>
<b>Sign Permit</b>	Permits for structures, devices, figures, displays, or other messages, used to advertise or provide information. A Planned Sign Program provides coordinated signage for a property or group of contiguous properties, utilizing common design elements.	Director
<b>Telecommunication Facilities</b>	Permit consistent with federal law allowing a comprehensive and broad range of telecommunications services.	Director and Building Official
<b>Design Review</b>	Review of new buildings for consistency with design guidelines for architectural design in specific areas of the city.	Director or Planning Commission?
<b>Variance</b>	Permit allowing the modification of one or more site development standards that cause unnecessary hardship, typically where unusual circumstances or conditions exist.	Board of Adjustment
<b>Appeal of Director Decision</b>	Any approval issued by the Director is appealable to the Board of Adjustments.	Board of Adjustment
<b>Conditional Use Permit</b>	Required for some uses to establish conformance with the Kingman Zoning Ordinance, General Plan, or other plans and policies, as well as compatibility with adjacent properties.	Planning and Zoning Commission
<b>Modifications to Approved Projects</b>	Change to approved plans, operating criteria, or conditions of approval of an approved project application.	Authority of original project application
<b>Time Extension</b>	Application allowing the applicant of an active project application to extend the expiration date for a specific period of time.	Authority of original project application
<b>Planned Developments</b>	Permit for development allowing flexibility, innovation, and creativity in project concept and design.	City Council
<b>Amendment to the Zoning Map or Zoning Text</b>	Change to the boundaries of districts or ordinance provisions whenever the public necessity, convenience and general welfare require such amendments.	City Council

Many of the current permits and review procedures are not clearly described in the Zoning Ordinance, and they are not located in an easy-to-locate section of the Ordinance. As many stakeholders have

observed, it is important to ensure that the updated Zoning Code should clearly distinguish and clarify the reviewing and issuing authorities for all City review processes and permits. The creation of a simplified permitting structure that establishes a limited number of procedural tracks for approvals would provide greater clarity for all code users and simplify administration. Also, it is helpful to include a table to help make navigation of the review and approval process simpler and easier for all Code users.

## Public Notice

Minimum requirements for the publication of notices for public hearings based on the provision in Arizona Revised Statutes for cities and towns are included in various locations in the Zoning Ordinance, including for example, in Sections 28.240 (Public Hearing) for appeals to the Board of Adjustment, 29.300 (Procedure) for Conditional Use Permits, and 31.000 (Amendments and Zone Changes). Each of these example sections include various levels of information regarding applicable statutorily required noticing requirements.

It is important to ensure that community members are provided with as much information as possible about a new development project under consideration so that they can be informed of the project, may have an opportunity to offer comments or concerns, and to provide meaningful input that is of benefit to the developer, City officials, and other residents.



# Recommendation 5: Revise Administrative Procedures to Streamline Development Review

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As noted previously in the first section of this Report, Code Usability, a significant shortcoming of the existing Zoning Ordinance is its complex and confusing structure. Simply reorganizing the existing regulations would be a meaningful first step toward streamlining existing procedures because this action alone would make the Zoning Ordinance's provisions much easier to locate, use, and understand. Streamlining procedures is not merely about making the approval process faster; it is also about providing certainty in the requirements and structure of the review process and providing built-in flexibility to enable the City to say 'yes' to the development it wants.

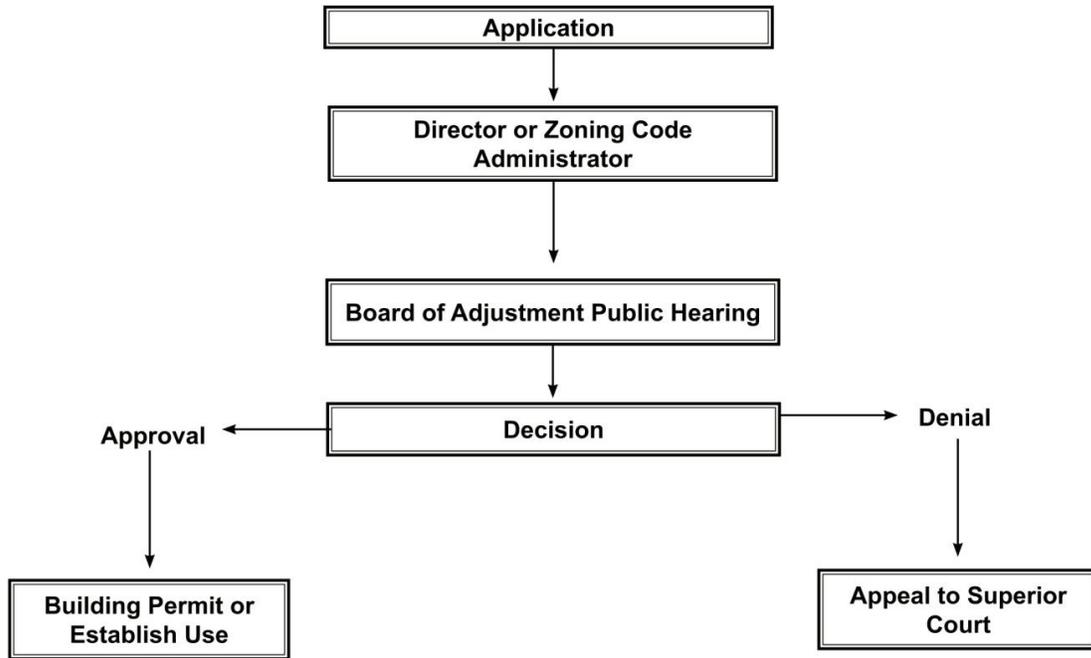
In addition, the Zoning Ordinance includes a number of procedural features that may warrant revision and/or updating in order to streamline the decision-making process. Generally speaking, responsibilities should be assigned with a view toward minimizing the number of players involved in making any given decision, while balancing the need for opportunities for meaningful public input.

## 5-A: Clarify Administrative Procedures for All Decisions

The updated Zoning Code should set forth clear administrative procedures for all types of planning-related decisions. The level and extent of administrative process required for different types of decisions will vary. However, for even the simplest administrative procedures, the updated Zoning Code should, at a minimum, establish unambiguous authority for approval, a clear process illustrated with an appropriate graphic (see below), and, where appropriate, clarify the right to appeal to a higher authority. The process for variances will be defined with clarification of the role of the Board of Adjustment. Similarly, the process for all applications to the City Council through the Planning Commission will be clarified.

The approval process can be streamlined simply by consolidating and clarifying procedures and permit approval criteria. Decision-making protocols should be clearly defined so that it is clear how approvals are processed, and the intent of these regulations should be included to help determine if a proposal meets the purpose of the regulation. Findings that the decision-making body are required to make in order to approve a project should be clear so that all interested parties know the criteria against which a project is evaluated.

All pertinent public hearing information (e.g., what information should be included in the notices, how notices are to be given [e.g., mailing, posting, publishing, use of the Internet], to whom notices should be sent, how hearings are to be conducted) should be located in one succinct chapter so that Code users will only need to look in one place to locate the applicable information.



Example of a simple flow chart graphic showing the process for approval of a variance.

## 5-B: Establish a Minor Modification Process

The updated Zoning Code could include a new process to enable the Director to make a decision on a minor modification to a dimensional development standard that would enable ‘common sense’ decisions to be made when a circumstance arises in which a slight modification, for example, of a fence or wall height, or adjustment to a setback would be beneficial. This Minor Modification Process – really a *de minimus* waiver process – is now fairly typical practice in many modern zoning codes across the country as it allows for flexibility in decision making by the City’s planning staff (Director) and is balanced by the application of criteria and maximum thresholds against which the Director’s decision must be made. Typically, any Minor Modification would be processed as expeditiously as possible, and a system of checks and balances would be established so that the Director’s decision may be appealed. To counter the perception that the Director or staff would be less impartial than the Planning and Zoning Commission, the updated Zoning Code could require expanded notification to neighbors and allow time for public review, although this is not typical practice. An example of the types of Minor Modifications allowed in another Arizona community is included on the next page.

**Table 10-20.40.090.A: Types of Minor Modifications Allowed**

<b>Types of Minor Modifications Allowed</b>		<b>Maximum Modification</b>
1.	A reduction of a designated setback.	5% or 2 feet, whichever is greater
2.	Where a majority of lots are developed with single-family residences with non-conforming setbacks, new buildings or structures may conform to the pattern established by the majority of the existing buildings in the same block.	Determined on a case-by-case basis
3.	An increase in allowable building height.	5% or 2 feet, whichever is greater
4.	An increase in residential lot coverage.	3%
5.	An increase in lot coverage in commercial or industrial zones.	10%
6.	An increase in the Floor Area Ratio (FAR) for commercial or industrial developments.	10%
7.	To encourage the development of housing units for disabled persons with limited mobility, a reasonable deviation from the prescribed standards of Chapter 10-40 (Specific to Zones) where necessary to install features that facilitate access and mobility of disabled persons may be allowed.	Determined on a case-by-case basis
8.	To encourage the use of passive solar designs and other sustainable practices, a reasonable deviation from the prescribed standards of Chapter 10-40 (Specific to Zones) where necessary to promote energy conservation may be allowed.	Determined on a case-by-case basis
9.	An increase or decrease in the number of dwelling units or lots.	10%
10.	A decrease in the minimum required parcel depth or parcel width.	10%
11.	A relaxation of the specified build-to-line, defined by the façade, for sites located within transect zones.	10%
12.	A relaxation of the specified front façade requirements for sites located within transect zones.	10%
13.	Minimum ground floor finished floor level in all T3 and T4 transect zones (18") for lots that slope away from the street (i.e. downhill).	Shall be measured from grade adjacent to the front elevation.
14.	A modification of Section 10-40.60.160 (Drive-through Retail), Subsections C.1 through C.5 only, to provide flexibility in the application of these standards when unique site circumstances exist.	Determined on a case-by-case basis
15.	A modification of Table 10-40.60.250.A (Site Layout and Development Design Standards). Factors to be considered include: the width and character of the street; if the site is located within a floodplain; if site conditions such as changes in topography make providing pedestrian accessibility difficult; if there is vacant property or existing non-commercial uses on the	Determined on a case-by-case basis

*Some of the types of standards that can be modified with a Minor Modification Process.*

## 5-C: Clarify the Site Plan Review Process

The process for site plan review for new developments in Kingman is not well defined in the current Zoning Ordinance. The City is working on a new process in cooperation with the Building Official. The process in place today appears to rely on the City's Building and Fire Department to manage the review process with the Planning staff providing input on the plans based on a review of applicable provisions of the Zoning Ordinance.

Many cities and towns have learned that a better approach is to manage all site plan and development review procedures, including Design Review, through the Planning Department under the leadership of the Director. This means that the basic site planning and zoning aspects of a new development application, including a determination of whether the use is appropriate in the zoning district in which the site is located, can be made before time is spent by other departments on more detailed reviews such as the placement of fire sprinklers, fire hydrants, exit doors, specification of construction type and separation requirements etc. Under this approach the City planners can also function as a Single Point of Contact (SPOC) for a developer or concerned citizen, as it is through the staff planner that all comments and questions are referred. This approach has significantly reduced permit and processing review times, improved communication and trust, reduced delays, and ensured a higher level of customer satisfaction. The City of Scottsdale implemented a process like this in the late 1990's – their so-called "One Stop Shop" – at the Community Development front counter, and variations of this approach have been implemented by many other Arizona cities, including Sedona and Flagstaff.

While providing recommendations on how to implement a "One Stop Shop" for the City of Kingman is beyond the scope of the Zoning Ordinance update, new processes and procedures could be broadly defined in the updated Zoning Code with implementation by City staff.

## 5-D: Reduce Reliance on Discretionary Review

The number of uses that require discretionary review through approval of a Conditional Use Permit can be reduced by including carefully crafted standards and restrictions that are specific to specific uses in particular zoning districts or uses throughout the City. As a result, more decisions to approve or deny a particular use based on these clearly defined standards may be made administratively without the financial costs and time constraints otherwise required in seeking approval at public hearings of the Planning and Zoning Commission. There are a variety of approaches the City could use to reduce the number of uses requiring review, including permitting more uses by right subject to:

- Compliance with enhanced and more detailed development and design standards added to the Code;
- Compliance with new standards and requirements that reflect "standard conditions" that are typically imposed when such uses have been conditionally approved by the Director or Planning and Zoning Commission; and
- Compliance with specific limitations on location, floor area, hours of operation, and similar features that are the source of potential adverse impacts.

## 5-E: Expand the Requirements for A Zone Change

Section 31.000 (Amendments and Zone Changes) establishes the procedures and requirements for amendments to the text of the Zoning Ordinance as well as for zone changes, sometimes called zoning map amendments. It is noteworthy that since the Kingman Zoning Ordinance was adopted in 1971, a total of 591 zone change applications have been processed, with 518 approved by the City Council. In the last

10 years since 2009, a total of 25 applications have been approved. While applications for zone changes are typical in any jurisdiction nationwide, the number of applications processed for review and approval by City staff is atypical.

It is recommended that a comprehensive review of this Section of the updated Zoning Code should be conducted and that it be revised to include new subsections to provide additional clarity on the process. Examples of the new subsections to be updated, expanded and included are:

- Applicability – i.e. to change the text of this Zoning Code, amend a parcel’s zoning designation, or a zone boundary on the zoning map;
- Initiation of Amendments – i.e. to clarify who may submit a zone change application;
- Expanded procedures section (with a cross-reference to submittal requirements on the application form) clearly describing the process for a text amendment and a zone change;
- Findings for the review of a text amendment and a zone change which will be reference back to the General Plan;
- Public hearing and action by the Planning and Zoning Commission and City Council;
- Protest procedures (the City’s existing protest procedures appear to have been updated to be consistent with recent state law);
- Conditions of approval; and
- Reversions of zone change approvals.

## **5-F: Update the Planned Development District**

Section 19.000 (Planned Development District) establishes the requirements and approval process for a Planned Development District. The principle behind the application and processing of Planned Development Districts within a community, when applied appropriately, provides a property owner with flexibility for unique uses or development that they may not neatly fit within the standards of any of the established base zones.

In almost all cities and towns, applications for a Planned Development District are approved following zone change procedures (a legislative process) with a recommendation from the Planning and Zoning Commission and a final decision by the City Council. The zoning map is updated once the new Planned Development District has been approved.

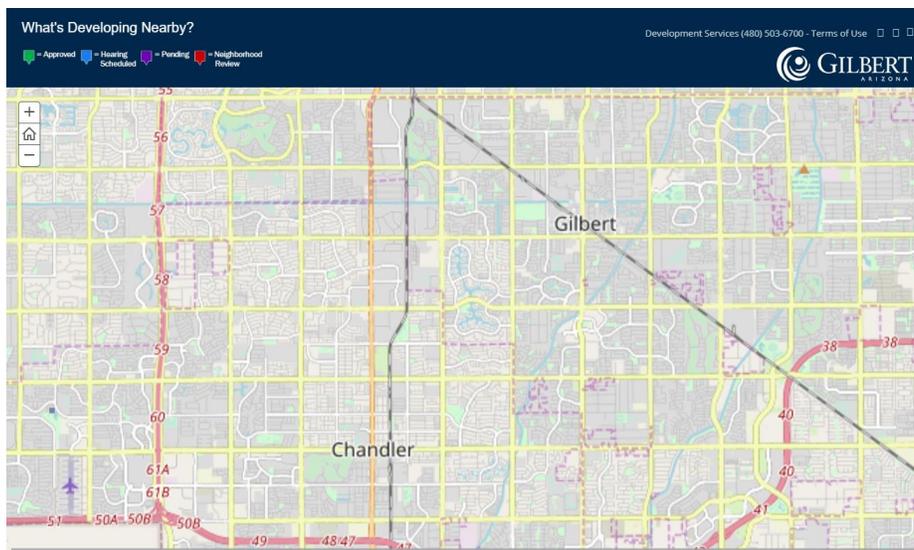
However, the current Zoning Ordinance requires that a Planned Development District should be reviewed and approved following the Conditional Use Permit provisions of Section 29.000. The updated Zoning Code will clarify the legislative nature of a request for a Planned Development District designation and its designation on the zoning map following the updated zone changes procedures described in Section 5-E above. Recommendations on whether the District should be called a planned development, planned unit development, or planned area development will be provided.

## **5-G: Facilitate Opportunities for Public Notice**

As discussed above, the public notice requirements in the current Zoning Code are based on state law, and include requirements for mailing notices, publishing legal notices in a newspaper of general circulation in the City, and the posting of a notice on the proposed development site. Technology has dramatically changed the way people access information with more and more people relying on the

internet and social media to access information. The way people communicate and get news is expected to continue to evolve.

The current Kingman Zoning Ordinance is not equipped with the flexibility to adapt accordingly to these changing technologies and trends. As such, the City may consider incorporating the state law requirements for public noticing in the Code and adopting a public notice policy or 'practice guide' which articulates various means of public notice the City will undertake for different projects and efforts. Policies and 'practice guides' can be more responsive to changes as they can be updated through an administrative process. Simple techniques for adapting legal notices to today's technology includes providing links to the City's web site or inserting a QR Code or similar tool into the public notice so that additional information on the new development or text amendment can be downloaded. This approach is being used successfully by a number of Arizona cities. The Town of Gilbert has a link on their Community Development Department webpage – "What's Developing Nearby" – that provides information on what new projects are approved, a hearing scheduled, pending, or under neighborhood review. Additionally, project information materials, such as staff reports, could list the dates and means of public notice given for a particular project.



*The Town of Gilbert's "What's Developing Nearby" webpage.*

## 6 Compliance with State and Federal Law

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Arizona law grants cities and counties relatively broad discretion in the regulation of land uses and development, and the Federal courts and United States Congress have, for the most part, left land use and environmental regulation up to state and local government. There are, however, some important exceptions to this approach. If local regulations conflict with federal law, pursuant to the supremacy clause of the United State Constitution, then local laws are preempted. In some cases, both Congress and the State have identified matters of critical concern that limit the authority of Arizona cities.

This section discusses some of state and federal laws that should be addressed as part of the updated Kingman Zoning Code.

### ADULT (OR SEXUALLY) ORIENTED BUSINESSES

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Based upon the legislative findings and evidence provided to the State of Arizona as part of A.R.S. § 13-1422; the evidence of the adverse secondary effects of adult-oriented businesses presented in hearings and in reports made available to the Arizona State Legislature; and on the findings discussed in legal cases, including *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *PAP's A.M. v. City of Erie*, 529 U.S. 277 (2002), *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *California v. Larue*, 409 U.S. 109 (1972), *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir.2005); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Center For Fair Public Policy v. Maricopa County*, 336 F.3d 1153 (9th Cir. 2003), the City may regulate, pursuant to a content-neutral ordinance, the time, place, and manner of operation of sexually-oriented business when the ordinance serves a substantial government interest, does not unreasonably limit alternative avenues of communication, and is based on narrow, objective, and definite standards.

Standards for Sexually Oriented Businesses are included in Section 16.230 (Uses Which May Be Permitted by Conditional Use Permit) in the Light Industry (I-1) Zone. This section includes standards and requirements for sexually oriented businesses, including separation requirements. These provisions should be reviewed to ensure there are a reasonable range of alternative sites where sexually oriented businesses may be located and that the regulations comply with any recent applicable case law.

### PRIVATE PROPERTY RIGHTS PROTECTION ACT

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Arizona's Proposition 207 was a 2006 ballot initiative officially titled the "Private Property Rights Protection Act" was passed by Arizona voters and is now codified in A.R.S. § 12-1134. This statute requires a local government to reimburse property owners when a new land use law is enacted that would result in a decrease in a property's value caused by that new land use law. Example include imposition of a more restrictive setback or building height standard or removing a land use from a zoning district that was previously allow. The statute also prevents a local government from exercising eminent domain on behalf of a private party.

The statute provides that "if the existing rights to use, divide, sell or possess private real property are reduced by ... any land use law enacted after the date the property is transferred to the owner and such action reduces the fair market value of the property the owner is entitled to just compensation." Property owners are entitled to compensation if they feel their property's value has diminished only if the

challenged regulation continues to apply to their property 90 days after filing a claim, allowing the local government to grant waivers in lieu of compensation. The statute specifically states that waivers run with the land and are not limited to the owners that first obtained them.

Throughout the Zoning Ordinance update care will be taken to ensure that land use laws (regulations) will be no more restrictive than current regulations, and that a property owner’s rights under the current Zoning Ordinance will be maintained. Close coordination with the City staff and City legal counsel will be maintained throughout the update to the Zoning Code on this matter.

## PROCESSING AND REVIEW PROCEDURES

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The Arizona State Legislature passed, and the governor signed SB 1598, the “Local Government Bill of Rights” in the 2011 session and revisions to this Bill in a subsequent session. This legislation (see A.R.S. § 9-461, etc.) went into effect on July 20, 2011 for cities, counties and county flood control districts. The legislation grants regulated private parties’ various rights in dealing with local government and it dramatically changed the procedures for applications for all permits and licenses reviewed and issued through a typical local government planning department. It also, addressed how compliance inspections should be conducted. While not necessarily within the scope of work of the Zoning Ordinance update, it will be important to ensure that all administrative procedures under the updated Zoning Code are in compliance with the provisions of the state statutes and, where appropriate, referencing state law.

## RELIGIOUS USES

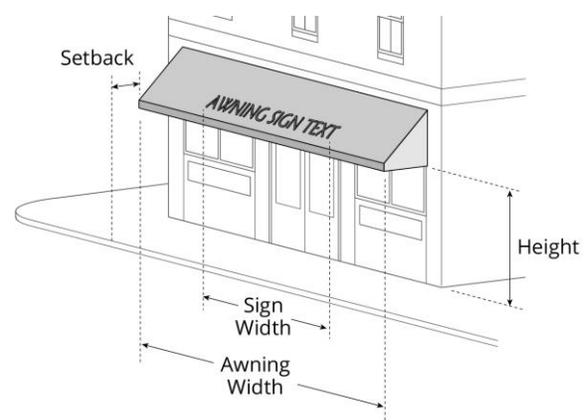
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The Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) requires public agencies to demonstrate a compelling government interest and to use the least restrictive means when making a land use decision that imposes a substantial burden on religious exercise. Religious uses must be treated the same as similar non-religious uses. Additionally, regulations cannot impose a substantial burden to religious uses. While the Zoning Ordinance does appear to have been amended to ensure compliance with RLUIPA, care will be taken throughout the Zoning Code update to ensure that religious uses are subject to the standards for ‘membership organization facilities’ and to ensure the applicable standards do not create a substantial burden.

## SIGNS

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In June 2015, the U.S. Supreme Court decision in *Reed v. Town of Gilbert* (No. 135 S.Ct. 2218, 2015) affirmed that sign regulations must be “content-neutral” to survive a legal challenge. In order to be content-neutral and satisfy First Amendment limitations, sign regulations must be based on “time, place, and manner” restrictions, rather than by content- or message-based restrictions. Content-based regulations are subject to what is called a “strict scrutiny” standard – that is, a compelling governmental interest must be demonstrated, and regulations must be narrowly tailored to serve that interest. As described in the recommendations in Section 4-G a comprehensive update to the City’s sign provisions will be completed



which will, as needed, also address recently adopted legislation in H2063 (ARS Title 16) that was signed by the governor in May 2019 regarding political signs.

## TELECOMMUNICATIONS

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The Federal Telecommunications Act of 1996 Limits state or local governments' authority to regulate placement, construction, and modification of personal wireless service facilities. State or local governments must not unreasonably discriminate against providers of functionally equivalent services and not prohibit or effectually prohibit use of personal wireless devices. Further, state or local governments must not regulate the placement, construction, and modification of personal wireless service facilities based on the environmental effect of radio frequency emissions, to the extent that such facilities comply with FCC regulations.



In August 2017, the provisions of HB 2365 (Small Cell Legislation) became effective. Now incorporated into A.R.S. § 9-591 – 9-599, this legislation requires cities to allow access to the right-of-way and utility easements for small wireless facilities, also known as “small cells” and to set monetary caps on fees that cities could charge for applications, use of the right-of-way, and for use of street lights, traffic signals and poles. The statutes also have some provisions that apply to other types of wireless facilities. Section 26.100 (Wireless Communications Facilities) provides comprehensive standards for a variety of wireless communications facilities. It will be reviewed updated as necessary to reflect current technologies and legislation.

## VACATION RENTALS

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Arizona law precludes cities and towns from regulating vacation rentals. However, H2672 (A.R.S. Titles 9, 11, and 42) enables municipalities to restrict rentals to overnight stays and prohibits events that otherwise would require a permit, like weddings or banquets. Further, owners of short-term rentals must provide cities or town with contact information and respond to complaints in a timely manner and if a violation occurs, the Department of Revenue and the owner of the short-term rental must be notified of the violation within 30 days of the violation. It also would require vacation-rental owners to provide contact information for a person responsible for handling complaints. This new legislation will be addressed, as needed, in the updated Zoning Code.

## ZONING HEARING

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The Arizona State Legislature passed, and the governor signed H2662 in May 2019. Now codified in A.R.S. § 19-462.04 and 9-471, this legislation essentially requires that at a public hearing on a zoning ordinance, a municipal governing body is authorized to consider the testimony of any "party aggrieved" when making its decision. An aggrieved party is further defined in the statute. This new legislation will be addressed, as needed, in the updated Zoning Code.

# Appendix A: Kingman General Plan; An Evaluation of Applicable Goals, Objectives, and Policies by Major Plan Element

GOALS, POLICIES, AND OBJECTIVES		NOTES
<b>LAND USE ELEMENT</b>		
<b>Goal</b>	To create the environment that makes Kingman the heart of historic Route 66 and the crossroads of the Southwest, a place its residents proudly call home because there are outstanding economic opportunities and numerous employment options, excellent post-secondary educational opportunities, a healthy business climate and diverse recreational and cultural amenities.	<i>The Zoning Code is a tool to implement this goal</i>
Objective 3	Encourage compatible mix of land uses, which allows accessibility to goods and services without extensive travel.	<i>The Zoning Code can enable mixed-use developments</i>
Objective 4	Develop Kingman into a place that is internationally and domestically known as a Historic Route 66 destination.	<i>Will have implications to the Signs and Historic District Sections of the updated Zoning Code</i>
<b>GROWTH AREA ELEMENT</b>		
<b>Goal</b>	To promote managed, economically sound and orderly growth that supports a variety of land uses, conserves natural resources, reduces automobile dependency, and provides for the logical expansion of infrastructure and service capacities.	<i>The Zoning Code is a tool to implement this goal</i>
Objective 1	Encourage infill development to occur in the Downtown, Stockton Hill Road, and Hualapai Mountain Road corridors to promote the most cost efficient and logical expansion of public services and infrastructure.	

Policy 1.3	Consider incentives for new development such as lower permit fees and development fees where appropriate in the Downtown, Stockton Hill Road and Hualapai Mountain Road corridor growth areas.	<i>Implemented with other City policies separate from the Zoning Code</i>
Objective 2	Work with other jurisdictions to ensure that all development that occurs within the City's water service boundary is in accordance with City development standards.	
Policy 2.4	The City and the Kingman Airport Authority should work together to identify methods to mitigate potential conflicts between the airport and nearby uses, such as requiring the recording of avigation easements for properties lying within two miles of the Airport boundary which are located inside aircraft over flight zones.	<i>Add a new Avigation Easement requirement</i>
Objective 3	Encourage a planned mixture of land uses that provides for a choice of transportation modes which reduces automobile dependency, provides for needed public open space and creates a sense of place.	<i>Include new mixed-use standards in the updated Zoning Code</i>
Policy 3.1	A mixture of housing types, densities, prices, rents and designs should be provided throughout Neighborhood Planning Areas with higher density areas near improved collector streets and close to commercial and public service areas.	<i>Consider adding Missing Middle Housing types and expanding where Accessory Dwelling Units are allowed</i>
Policy 3.2	Encourage commercial development to occur around identifiable nodes and discourage strip commercial development.	<i>Consider site planning and design standards using current best practices</i>
Policy 3.3	Neighborhood centers and gathering places in central locations should be encouraged.	<i>Include in updated design guidelines</i>
Policy 3.4	Offer incentives for developers to create Planned Development Districts with a variety of retail and employment opportunities, housing choices, public open spaces and multi-modal transportation options.	<i>Update the PDD section of the new Zoning Code</i>
Policy 3.5	Provide safe pedestrian and/or bicycle paths between and within neighborhoods, shopping areas, employment, and parks/open space areas by	<i>Include new connectivity requirements into the updated Zoning Code</i>

	assigning them greater priority in the City’s Street Policy and Subdivision standards.	
Policy 3.8	Follow Overlay District standards where appropriate to ensure new development fits within existing neighborhoods in terms of scale, design circulation, etc.	<i>Consider updated design standards or guidelines</i>
<b>REDEVELOPMENT AND PUBLIC FACILITIES AND BUILDINGS ELEMENT</b>		
<b>Goal</b>	To rehabilitate and expand residential and commercial development, maintain and enhance governmental and public use facilities while preserving the historic heritage of downtown Kingman	<i>The Zoning Code is a tool to implement this goal</i>
Objective 1	Preserve and enhance the historic heritage and preserve a sense of place in the downtown area.	<i>Implemented with the expanded Historic Overlay District and new Form-Based Code standards</i>
Policy 1.1	Upgrade and enhance development along the Route 66 frontage while preserving the historic fabric of the area.	<i>Implemented with the expanded Historic Overlay District and new Form-Based Code standards, and possibly new design standards</i>
Policy 1.2	Maintain and potentially expand the existing Historic Overlay District and use a historic building code to provide alternative building regulations for the rehabilitation, preservation, or restoration of structures designated as historic buildings.	<i>Implemented with the expanded Historic Overlay District</i>
Policy 1.3	Support the strong transportation infrastructure that made this location the heart of Mohave County to encourage an active downtown area.	<i>Implemented with the expanded Historic Overlay District and new Form-Based Code standards</i>
Policy 1.4	Support, enhance and encourage opportunities for new housing development as well as preserve existing and historic housing wherever possible.	<i>Consider adding Missing Middle Housing types and expanding where Accessory Dwelling Units are allowed</i>
Policy 1.6	Encourage the disbursement of social service uses throughout the community so as to remove any perceptible problems regarding development.	<i>Consider allowing social service uses in more zoning districts</i>
Policy 1.7	The rehabilitation of low to moderate income housing through the use of Community Development Block Grants and other available State, Federal and private sources of funding should be	<i>Consider adding Missing Middle Housing types and expanding where Accessory Dwelling Units are allowed</i>

	tapped to assist in the provision of affordable housing for all citizens.	
Objective 2	Support the private sector in playing a major role in the enhancement of commercial businesses to rejuvenate the downtown area with a variety of compatible land uses and implement programs to fund the ongoing maintenance standards of the downtown area.	<i>Consider allowing more uses in the Downtown than is currently enabled, including residential uses</i>
Policy 2.4	Allow light industrial uses only if they enhance supportive job creation in the area.	<i>Update the allowed uses tables for the industrial zones</i>
Objective 3	Maintain a daytime workforce and customer base by enhancing the governmental center and area schools.	
Policy 3.1	Consider a civic center and activity center in historic Downtown.	<i>Update the allowed uses table for the downtown area</i>
Policy 3.3	Support and develop policies to continue historic Downtown as the center of government in Kingman and Mohave County. The City should work with other governmental entities to the fullest extent possible to encourage the development and maintenance of governmental offices in the downtown area.	<i>Update the allowed uses table for the downtown area</i>
<b>CIRCULATION ELEMENT</b>		
<b>Goal</b>	Provide a safe, efficient, and aesthetically pleasing circulation network which considers all modes of vehicular and non-vehicular movement.	<i>The Zoning Code is a tool to implement this goal</i>
Objective 1	Create safe and efficient patterns of circulation.	
Policy 1.1	Provide criteria for the location of ingress and egress points on all arterial and collector streets.	<i>Coordinate these standards existing Engineering Standards</i>
Policy 1.3	Encourage secondary access in all areas that plan to develop over 100 residential lots or commercial and industrial areas	<i>Coordinate with existing Fire Code or Engineering Standards requirements</i>

Objective 2	Provide aesthetically pleasing circulation systems.	
Policy 2.1	Develop roadway landscape standards for landscaped medians and other portions of the unpaved rights-of-way.	<i>Confirm whether these standards should be in the updated Zoning Code or the Engineering standards</i>
Policy 2.2	Encourage the design of off-street parking area to be adequately landscaped.	<i>Consider landscape standards in parking areas as a requirement in the updated Zoning Code</i>
Objective 3	Provide for and encourage use of non-vehicular modes of transportation	
Policy 3.1	Ensure that new developments will be designed and provide for pedestrian and bicycle paths.	<i>Include new connectivity requirements into the updated Zoning Code</i>
Policy 3.2	Develop standards for bikeways systems along roadways, off-road areas and in drainage ways.	<i>Best included in the Engineering standards rather than the updated Zoning Code</i>
<b>PARKS, RECREATION, TRAILS AND OPEN SPACE ELEMENT</b>		
<b>Goal</b>	To provide the necessary recreational opportunities to meet the needs of the citizens of Kingman through the acquisition of land for open space and park sites and the funding and development of new parks and trails while remaining committed to maintaining and improving the condition and safety of existing facilities and programs.	<i>The Zoning Code is a tool to implement this goal</i>
Objective 1	Provide newly developed park space city-wide, based on the level of service standards established in this plan to address growth and maintain and improve the existing high quality park system expected by the citizens of Kingman.	
Policy 1.3	Consideration should be given to requiring open space, parks and recreation areas in developments and subdivisions.	<i>Confirm what thresholds may be applicable for this requirement</i>
Objective 2	Continue the current program of open space acquisition, concentrating on areas of unique geographical formation areas with limited development potential due to slope or flooding potential, and areas of archeological significance.	

Policy 2.1	The mountains, hillsides, buttes and viewsheds that frame the Kingman area as well as natural habitat areas should be preserved. The purchase of property for the preservation of open space and providing buffers to development should be prioritized within the designated open space reserves.	<i>Could be implemented through application of the Recreational Open Space Zone</i>
<b><i>COST OF DEVELOPMENT ELEMENT</i></b>		
<b><i>Goal</i></b>	To apportion the costs of development by ensuring that development pays its "fair-share" of the costs of additional public service facilities, and needs generated by new development.	<i>The Zoning Code is a tool to implement this goal</i>
Objective 1	Ensure that City services, facilities, equipment and infrastructure properly serve the community in a manner that enhances quality of life, optimizes existing facilities, and provides for future needs.	
Policy 1.3	Identify strategies for redevelopment and infill and enhancing existing service delivery for City residents and visitors.	<i>Discuss how the updated Zoning Code may implement this policy</i>
Policy 1.7	Encourage dedication of open space; parks and park sites in consider conjunction with development.	<i>Discuss how the updated Zoning Code may implement this policy; would it apply to new subdivisions only or large developments?</i>
Policy 1.8	Evaluate public/private partnerships, and development agreements.	<i>Add development agreements to the updated Administration/Procedures section</i>
Policy 1.9	Require concurrent infrastructure development with any hard zoning approval.	<i>Discuss whether this needs to be in the updated Zoning Code and/or included in the subdivision regulations</i>
Objective 2	Ensure new development pays its fair share of municipal costs necessary to support impacts created by new development	<i>Discuss whether this needs to be in the updated Zoning Code and/or included in the subdivision regulations</i>
<b><i>ENVIRONMENT PLANNING ELEMENT</i></b>		
<b><i>Goal</i></b>	To ensure that all development within the municipal water system service area shall have an adequate and secure source of water for domestic use and fire protection flows.	<i>The Zoning Code is a tool to implement this goal</i>

Objective 2	Continue and enhance water conservation programs and policies.	
Policy 2.2	Conserve groundwater resources by utilizing water conservation techniques, water conserving appliances in home, businesses and industrial uses and encourage appropriate drought tolerate landscaping.	<i>Update landscaping standards to promote xeriscape landscapes and water conservation</i>
Policy 2.4	Discourage large water users from establishing in the community.	<i>Update the land use tables as necessary being mindful of the implications of Proposition 207 (ARS Section12-1134)</i>
<b>AIR QUALITY AND RESOURCE CONSERVATION ELEMENT</b>		
<b>Goal</b>	To ensure the maintenance of high air quality standards and the conservation of natural resources in the Kingman area while encouraging quality development to enhance the image of the area.	<i>The Zoning Code is a tool to implement this goal</i>
Objective 1	Develop policies and continue programs to help the area's air quality by decreasing automobile dependence by promoting pedestrian, bicycle and transit alternatives.	
Policy 1.2	Continue to enforce bicycle parking requirements which require most new development to install bicycle racks.	<i>Update bicycle parking standards with best practices</i>
Policy 1.4	Consider land use policies that place services in proximity to residential areas to decrease the necessity of vehicle trips.	<i>Consider allowing mixed-use developments in a variety of zones</i>
Policy 1.5	Encourage employers with over 25 employees to develop traffic reduction programs such as carpooling.	<i>Consider best practices for parking demand management</i>
Objective 2	Develop policies and enforce existing ordinances designed to reduce existing air and water pollution sources.	
Policy 2.6	Support zoning and development policies which support industries that are not "major point-source of pollution" operations.	<i>Update the land use tables as necessary being mindful of the implications of Proposition 207 (ARS Section12-1134)</i>

Objective 3	Develop policies and enforce existing ordinances to mitigate potential hazards to development caused by the natural and man-made environment	
Policy 3.1	Continue to enforce Hillside Development ordinance in hillside areas.	<i>As needed update the Hillside Development ordinance</i>
Objective 4	Promote environmental awareness, conservation of resources and methods to protect and enhance the image of Kingman	
Policy 4.1	Promote the use of energy efficient site design and construction techniques.	<i>Consider best practices for sustainable development</i>
Policy 4.2	Promote the use of passive solar energy to light and heat residential, commercial, industrial, and public/government buildings.	<i>Consider best practices for sustainable development</i>
Policy 4.3	Encourage the use of low-water use vegetation and other drought-tolerant plants, as developed by the local Soil Conservation Office, especially along sidewalks, in parking lots and along streets.	<i>Update landscaping standards to promote xeriscape landscapes and water conservation</i>
Policy 4.4	Encourage the preservation of the original landscape wherever feasible.	<i>Update landscaping standards to promote preservation of existing vegetation</i>
Policy 4.5	Identify strategies to reuse effluent for irrigation purposes.	<i>Update landscaping standards to promote water reuse for irrigation</i>
Policy 4.9	Continue to enforce the Outdoor Lighting Code to promote dark skies.	<i>Update and expand using best practices</i>
Policy 4.1	Continue to enforce the Underground Utility Ordinance	<i>Confirm if this applies to new subdivisions only or if it also applies to new developments</i>

# Appendix B: Code User Interview Summary

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To learn about the issues associated with the current Kingman Zoning Ordinance, the consultant team conducted interviews with a range of community stakeholders. The community stakeholders were individuals who have used the Kingman Zoning Ordinance in various ways as members of the City Council or City Commissions, developers, designers, contractors, business owners and representatives, and sign company representatives who have a specific interest in the City's development regulations.

A representative from LWC conducted five hour-long interview sessions over a two-day period on July 10 and July 11, 2019. A total of 17 individuals were interviewed with representatives from the following groups:

- City Council (Mayor, Vice-mayor and City Manager)
- City Commissions – Planning and Zoning Commission, Historic Preservation Commission, Economic Development Advisory Commission, and Clean City Commission
- Developer and contractor representatives
- Downtown representatives
- Sign industry representatives.

Stakeholders were asked a series of questions regarding their experience with the Zoning Ordinance, as well as overarching concerns and specific topics related to the Ordinance. Participants were also given the opportunity to discuss issues of significance to them that were not otherwise addressed by the facilitated questions.

In addition, representatives from various City departments were invited to participate in a short questionnaire answering questions on how they use the Zoning Ordinance and how the Ordinance should be updated. These responses, as well as comments from the City planning staff, are not included in this summary.

## MAJOR THEMES

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A strong consensus among code users emerged about the major issues with the Zoning Ordinance and the City's development review processes. While stakeholders may have differing perspectives on some specific aspects of the Ordinance, there was clear agreement that the updated Zoning Code requires modifications to be more understandable, to reflect existing conditions, and to achieve major City policy goals. Generally, code users thought the City's regulations were outdated and in need of improvement in order to achieve the community's vision for the future. The following is a list of the major themes and recommendations heard. A list of comments received, organized by topic, is attached.

1. **Improve clarity, usability, and organization of the Code.** Currently, regulations are multilayered, often conflicting with each other or the General Plan.

2. **Allow greater flexibility with land uses, especially with definition of uses.** Narrow use categories that do not allow for the desired variety and mix of uses.
3. **Encourage strong design without being overly prescriptive.** Overly prescriptive standards limit flexibility and the ability to respond to individual site characteristics. They also tend to quickly become outdated.
4. **Address infill development, redevelopment, and adaptive reuse of existing development sites.** The City's development regulations are written to primarily address new development.
5. **Adjust review bodies and processes to more appropriately reflect the significance of a project.** In particular, evaluate opportunities for the Director to make decisions on Code interpretations and other projects that are limited in size and scope.

## CODE USER COMMENTS

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### General Comments

- It is important to fight for good zoning
- Community should be more pedestrian and bike friendly
- Need a coherent code that is clear and easy to use; more visuals, graphics, tables, etc. that makes it clear what rules apply and what can or cannot be approved
- Existing code has been cobbled together for years – difficult to use and apply
- City needs to stop unnecessarily amending the zoning code
- There is distrust in the community because of the existing zoning code; residents and applicants don't have certainty with what they will get; inconsistent application
- City's revenue source is sales tax only (no property taxes); need to promote success of local businesses; lots of non-residents from out-lying areas in the County use the City
- Need for more order and "beauty" in the City
- "It is harder to remodel a home than to build a new house"
- Planning Commission and City staff work hard to apply the existing zoning code
- Average person doesn't know much about the Zoning Ordinance
- The Zoning Ordinance is out of date
- Majority of downtown business property owners feel fine with the way things are
- Property owners do not want to invest the money but want more services
- General Plan and Zoning Ordinance should be more in line with each other
- Simplify the Zoning Ordinance and make it user friendly
- Protect the historic character of downtown
- Long history of too many text amendments and inconsistency in the zoning code

- Kingman Crossing development will be a threat to downtown's revival
- No ability for the City to attach liens on a property because the City does not have property taxes (Discuss with City staff/attorney; this may be possible by working through the County)
- Don't want Kingman to become two cities split by the railway line/Interstate
- Did not object to form based code and thought it would be a benefit for the downtown area
- Commissioners need to be more educated on zoning and planning issues
- The perceived problem with "good old boys" in the community isn't true
- Developer/Contractor interviewees thought that the Zoning Ordinance is mostly fine with no major problems Support for the flexibility that staff has with interpretation and that the code is frequently updated
- Concern with inconsistency in interpretation
- Concern with the project to update the zoning code and that it will result in more regulations that are more restrictive (e.g. design review for commercial zones (it's too late and unnecessary) or for tract homes); stay away from regulating taste;
- Balance adding new regulations with the need for economic growth
- Kingman Main Street Program is new but energetic
- High demand for rentals for single-people and small families, especially related to medical employees and trainees at Kingman Regional Medical Center (2-3 year contracts)
- Need for more higher-end rental units for young professionals – ADUs
- Median age in Kingman is 25-40
- Travelling nurses and doctors often use Airbnb to find temporary housing
- More walkability and greenspace
- There is a lack of a clear vision for Kingman
- Need for consistency, clarity and a succinct code that is easy to use.
- Code should promote affordability and should help businesses to be successful
- Too often projects fail/denied based on local opposition rather than what is best for the city as a whole (Veterans Housing project off Hualapai Mountain Road cited as an example)
- Kingman is seeing a boom with many Californians moving to the city as well as snowbirds.

## Administration and Procedures

- Minor changes should be handled at staff level and reduce Council involvement.
- Need more flexibility in the updated zoning code
- Strong support for a minor modifications section (common sense rule)
- Make the zone change process harder – too many over the years. Include findings for zone changes; must be tied to the General Plan
- Reduce the number of conditional uses and CUPs – default to the lowest common denominator to decide and approve, i.e. reduce applications to PC and CC
- Add flexibility into approved site plans so that they do not have to go back to the City Council when minor changes are needed
- Consider development agreements for more public spaces and parks in developments.
- Entitlement process for new development should be streamlined
- The PDD process needs better/tighter rules and standards (address drainage, for example). Require public improvements as a result of approval of a PDD, and do it through the zone change process, not as a CUP
- Code is too loose and may be interpreted and applied in multiple ways – uncertainty
- Add a better site plan review process? And link it with the process for zone changes
- Need more Code Enforcement
- Need to find a way to streamline the building permit process –
- Do not like having to go to several buildings or back in forth to process a building permit
- Would like to see a project manager in place for the entire building permit process (Single Point of Contact)
- Focused downtown Code Enforcement (weeds)
- Lack of uniformity in the interpretation of the zoning code
- Support for Minor Modifications Process
- Interpretation can be consistent or better written
- Would like to see some more flexibility (e.g. staggered front setbacks, allowed encroachments into rear yards and other setbacks)
- Flexibility is better than design restrictions – open to flexibility in applying standards for setbacks, especially on smaller lots
- City review process is better than the county (15 days for a zone change!) Check this with staff.
- Support for Minor Modification process and more predictability in the new code
- Establish a minor permitting process for fences, walls, decks, etc.
- Permitting issues - ongoing additional requirements while going through the permit process.

- Leaves applicant feeling frustrated – time consuming and expensive (not as bad today as it was 5-10 years ago).
- Remodeling projects are difficult
- Inconsistent application/interpretation of the zoning code.

## Zoning Districts

- More opportunities for mixed uses, especially in downtown
- Form-based codes should be applied to downtown and Kingman Crossing areas
- Variety and number of zoning districts is a plus
- Need to address setback issues
- Review industrial zones and update land uses to attract more industry; warehousing could be big in the future; think of Kingman as an “inland port” based on the airport, interstate, and trains
- Potential to expand more industrial land near the airport
- Allow duplexes in more zones and areas
- Downtown is coming back and there is a lot of activity; potential as a center for people choosing alternative lifestyles, such as millennials; local business are doing well.

## Historic District and Issues

- Expand and strengthen the historic district
- Interested in Historic Preservation
- Maybe do an individual landmark process versus an overlay district
- Historic Landmark Book completed in 1984 with SHPO registered and eligible registered buildings
- Some support Historic Overlay Designs and some don't want change
- Need incentives to restore historic structures
- Old Kingman south of the railroad tracks needs help
- Staff to provide the local register of historic properties, last updated in 1986
- Too many deteriorating buildings in Kingman that are too expensive to maintain
- Agree that some buildings are too dilapidated to save and should be torn down
- Did not support an idea to have an extra layer of restrictions in the Historic Overlay District, but support for expanding the district to Beale Street
- Would like to see more assistance for property owners to help preserve their historic buildings
- Preserve historic buildings like Hotel Beale; critical to the success of downtown to bring it back to life; more hotels are needed in downtown
- Take down old dilapidated buildings and use for parking, possibly multi-level

## Development Standards

- Parking – off-street parking of all vehicles in residential zones a concern
- Signs – a big issue
- Metal buildings – need for design controls in residential areas
- Uniformity of tract homes a problem
- Landscaping standards are effective
- Need commercial architectural design for areas like Stockton Hill Road (group support)
- Cargo containers should be prohibited in residential zones (but OK as a trendy development). OK for businesses if placed behind the building
- Sheds and landscaping requirements
- Do not like cookie cutter homes with the same setbacks. Maybe they could be staggered. Too much homogeneity.
- Address setbacks, especially street side setback, and for accessory structures (PC case the night before)
- Too many dollar-type stores in Kingman (11 so far). Can they be limited? The location of a recent store in downtown an issue.
- Need design standards in downtown
- Would like to see an allowance for attached secondary residences
- Need clarification; get rid of words like “tasteful and charming” which leaves too much room for interpretation
- Include an allowance for larger permanent subdivision entry signs (monument signs) and temporary signs
- Signs – building area dictates sign area; problem if the frontage is narrow as the sign size is reduced
- Setback adjustment for the exterior street side (30 feet too big)
- Allow ADUs as attached as well as detached in R-1-20 and R-1-40 zones
- Enable encroachments into rear and other yards
- Downtown parking solution
- City has a façade program (get information from City staff)
- Be silent on vacation rentals; no need to expand bed and breakfast uses
- Height and area standards for signs are fine and the limitations per property are acceptable
- Prefer pan channel or individual letter signs over panel/cabinet signs; incentivize

- Agree with the possibility of reducing tall free-standing signs (pole signs) with monument signs with a new incentive that would allow for larger sign face area. Applies to shopping center signs, not billboards.
- Maintain freedom for the property to place signs where they want on the building, subject to certain standards (no illuminated sign facing a residential zone)
- Mural signs should have a permit process; they are out-of-control in the downtown and affect sign companies as there is no enforcement
- Murals versus signs
- On freestanding signs (like monument signs) enable projections/embellishments so they are not included in sign area or sign height
- Bullhead City went too far regarding non-conforming signs and the removal of vacant signs/signs no longer advertising a business
- Establish a time limit on temporary signs so they are not in place all the time
- Otherwise leave the standards alone
- Would like to see City of Kingman adopt a similar code to Bullhead City regarding digital billboard signs (i.e. if a nondigital billboard is removed a new digital billboard can be installed). Note rather than 1:1 the typical industry standard is 2:1 or 3:1. Bullhead code provided to LWC.
- Increase the separation minimum from 300 feet to XX (more than 500 feet)
- Enable a process to transfer sign rights from one property to another – explore with city attorney (development agreement or other contractual agreement).
- Include an allowance for V-shape versus back-to-back sign requirements on billboards to enhance readability.
- Prefer NITS (300-345) vs foot candles to determine brightness of digital billboards; important to keep light sensors to reduce brightness from day to night.
- Eight second display time for digital signs is OK – don't change

## **Other Issues, Not Necessarily Related to the Zoning Ordinance**

- Ensure new developments provides public amenities like sidewalks, drainage facilities, etc.
- Developers clear-cut subdivisions – more regulation required
- Include better requirements for construction bonds (Zoning Code or subdivision regulations?)
- Reduce neighborhood traffic congestion and protect neighborhoods from traffic – one-way pair on/near Eastern referenced frequently
- Sidewalks are needed in subdivisions
- For empty buildings falling part, enforce property maintenance standards
- Make developers pave streets and sidewalks, especially in areas where the original subdivision developer was not required to
- Homes are being developed on dirt roads and expect the city to pave them
- Too much individual influence by certain members of the community – need for a more global citywide representation
- In the past too many developers did not have to complete infrastructure improvements – so no sidewalks, streets paved, drainage improvements.
- Need more planning staff and increased budget for the planning department
- Lack of connectivity – Eastern Loop (one-way pair) off Eastern cited as an example; an interim solution that now appears to be permanent
- Desire drive through Wal-Mart to Smith's
- Desire of underpass off Fairgrounds Ave to go to other side of town

## **What Would Be a Win for the City with a New Zoning Code?**

- Zoning Ordinance needs clarity, coherence, and common sense
- Zoning Ordinance should make it easy to do business and increase livability
- Zoning Ordinance should be a user-friendly and defensible document that has community buy-in
- Implementation of the General Plan
- Get away from the “good old-boy network”
- A zoning code that is simpler than the current code and easy to use, and that is more enforceable (“has more teeth”)
- Better control of the City's character and charm, especially in historic areas and gateway areas
- Preserve downtown's character
- Better code enforcement
- Too much development on North Stockton Hill Road
- Better landscaping standards

- Consistency with the code and more authority to City staff
- More education on planning and zoning issues/trends for the Commissions
- The fact that the City is working on the zoning code and considering improvements is a win
- Bigger subdivision signs
- Setback adjustment for the exterior street side (30 feet too big)
- Allow ADUs as attached as well as detached in R-1-20 and R-1-40 zones
- Allow for more encroachments into setback areas, e.g. patios into rear yards
- More parking in downtown, especially for big events or when the new theater opens
- Close off Beale between 3rd and 5th Streets as a pedestrian only space
- More parks/civic space (green space) downtown, e.g. a new park at The Powerhouse
- Well placed parking structure near downtown
- Manage and reduce congestion on residential streets
- Work together to be successful so the City can grow in a healthy way
- Adoption of the Bullhead City billboard ordinance but with 300-345 nits
- Uniformity and consistency with sign standards and how they are applied.