

# TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331  
(928) 634-7943    [www.jerome.az.gov](http://www.jerome.az.gov)

## AGENDA

### SPECIAL JOINT MEETING OF THE JEROME TOWN COUNCIL AND THE JEROME PLANNING & ZONING COMMISSION

#### VIA ZOOM

**TUESDAY, DECEMBER 1, 2020 AT 6:00 PM**

**DUE TO PUBLIC HEALTH CONCERNS, IN-PERSON ATTENDANCE AT PUBLIC MEETINGS  
HAS BEEN SUSPENDED UNTIL FURTHER NOTICE.**

*Notice is hereby given pursuant to A.R.S. 38-431.02 that members of the Town Council will attend this meeting.*

#### PUBLIC PARTICIPATION IN THE MEETING

Members of the public are welcome to participate in the meeting via the following options:

1. Zoom Conference
  - a. Computer: <https://us02web.zoom.us/j/9286347943>
  - b. Telephone: 1 669 900 6833 Meeting ID: 928 634 7943
2. Submitting questions and comments:
  - a. If attending by Zoom video conference, click the chat button and enter your name and what you would like to address.
  - b. Email [c.gallagher@jerome.az.gov](mailto:c.gallagher@jerome.az.gov) (Please submit comments at least one hour prior to the meeting.)

NOTE: FOR THOSE WITHOUT HOME INTERNET: A drive-up internet hotspot is now available in the parking lot in front of the Jerome Public Library. Bring your device and access the internet while sitting in your car. The network is **Sparklight Yavapai Free WIFI** and no password is required.

ITEM #1:	<b>CALL TO ORDER/ROLL CALL</b> Mayor/Chairperson to call meeting to order. Town Clerk to call and record the roll for Town Council. Deputy Clerk to call and record the roll for Planning & Zoning Commission.	
ITEM #2:	<b>(P&amp;Z ONLY): PRELIMINARY/FINAL SITE PLAN REVIEW FOR A DECK AND ACCESS STAIRS AT 146 JUAREZ STREET</b> Planning and Zoning Commission will review proposed exterior improvements to extend an existing deck and add exterior stairs to a residential structure at 146 Juarez Street (APN 401-06-133C).	Discussion; Possible Action  <b>P&amp;Z Resolution 2020-17</b>
ITEM #3:	<b>RESPECTIVE ROLES AND RESPONSIBILITIES OF P&amp;Z AND COUNCIL</b> Council and the Commission will discuss their respective roles and responsibilities, and any concerns in that regard.	Sponsored by Mayor Jack Dillenberg Discussion only
ITEM #4:	<b>POSSIBLE AMENDMENTS TO ZONING ORDINANCE</b>	
	<b>ITEM #4A – SETBACKS, APPEALS AND REVIEW PROCESS</b> Council and Planning and Zoning Commission will discuss possible ordinance amendments related to setbacks, yard requirements, and appeals to Council.	Sponsored by Mayor Jack Dillenberg Discussion; Possible direction
	<b>ITEM #4B – ADMINISTRATIVE APPROVAL OF SMALL PROJECTS</b> Council and Planning and Zoning Commission will discuss possible ordinance amendments to allow small projects to be processed administratively by staff instead of through the Planning and Zoning Commission and Design Review Board/s.	Sponsored by Mayor Jack Dillenberg Discussion; Possible direction

	<b>ITEM #4C – RESIDENTIAL LODGING</b> Council and Planning Commission will discuss possible ordinance amendments related to the definitions and permit process for various types of Residential Lodging. This may include, but is not limited to bed and breakfast, boarding house/rooming house, hotel and motel uses.	<i>Sponsored by Mayor Jack Dillenberg Discussion; Possible direction</i>
	<b>ITEM #4D – SIGNS</b> Council and Planning Commission will discuss possible ordinance amendments related to various types of temporary signs.	<i>Sponsored by Mayor Jack Dillenberg Discussion; Possible direction</i>
	<b>ITEM #4E – MIXED USE</b> Council and Planning Commission will discuss possible ordinance amendments related to mixed use in the C-1 and I-1 Zones.	<i>Sponsored by Mayor Jack Dillenberg Discussion; Possible direction</i>
	<b>ITEM #4F – TELECOM ORDINANCE</b> Council and Planning Commission will discuss possible ordinance amendments related to providing a permit process and standards for new telecom facilities.	<i>Sponsored by Mayor Jack Dillenberg Discussion; Possible direction</i>
<b>ITEM #5</b>	<b>ADJOURNMENT</b>	

The Town Council may recess the public meeting and convene in Executive Session for the purpose of discussion or consultation for legal advice with the Town Attorney, who may participate telephonically, regarding any item listed on this agenda pursuant to A.R.S. § 38-431.03 (A)(3). The Chair reserves the right, with the consent of Council, to take items on the agenda out of order.

#### **CERTIFICATION OF POSTING OF NOTICE**

The undersigned hereby certifies that this notice and agenda was posted at the following locations on or before \_\_\_\_\_, on \_\_\_\_\_, in accordance with the statement filed by the Jerome Town Council with the Jerome Town Clerk.

970 Gulch Road, side of Gulch Fire Station, exterior posting case
600 Clark Street, Jerome Town Hall, exterior posting case
120 Main Street, Jerome Post Office, interior posting case

\_\_\_\_\_  
Rosa Cays, Deputy Town Clerk



# TOWN OF JEROME

Post Office Box 335, Jerome, Arizona 86331  
(928) 634-7943

## Zoning Administrator Analysis Planning and Zoning Commission Tuesday, December 1, 2020

**ITEM 2:** Preliminary/final site plan review for a deck and access stairs  
**Location:** 146 Juarez Street  
**Applicant/Owner:** Elias Wetzel/Prochaska, Edward J. and Nancy E. Trust  
**ZONE:** AR/C-1  
**APN:** 401-06-133C  
**Recommendation:** Approve  
**Prepared by:** John Knight, Zoning Administrator  
**Resolution:** **P&Z Resolution 2020-17**

**Background and Summary:** The applicants request preliminary and final site plan review to add a small addition to an existing deck and construct access stairs. The deck will also include an extension of the roof. The additional deck/roof area is approximately 12 (twelve) square feet. The stairs add a little less than 50 (fifty) square feet. The deck and stairs will be constructed of wood to match the existing deck. The proposed roof material is Zincolume® and will match the existing roof.

**Section 303.1.A. Purpose:** *The purpose of the preliminary site plan review is to provide for the public health, safety and general welfare, and to protect the environment and the historical character of the Town of Jerome. The plan review will include examination of all proposed site work and excavation and grading regulations, with special regulation of work on sites with extreme slope or unstable soils. Essential to this purpose is the review of possible impacts on surrounding properties.*

**Response:** The zoning administrator and Jerome Planning and Zoning Commission (P&Z) are required to review the proposed plans to provide for the public health, safety, and general welfare of the town of Jerome, and to protect the environment and the historical character of the town. This includes a review of all proposed site work, grading, and potential impacts on surrounding properties.

**Section 303.1.E. Review Procedures:** *The Zoning Administrator shall have ten (10) working days from the date of submission of a preliminary site plan application to review said plan for completeness. A completed preliminary site plan shall be submitted to the Planning and Zoning Commission at the earliest meeting time available. The Zoning Administrator may request Design Review recommendation on the Preliminary Site Plan. The Planning and Zoning Commission shall approve, conditionally approve or deny said plan. Once denied, the original plan shall not be resubmitted. The Planning and Zoning Commission may, if the preliminary drawings and other data are sufficiently clear and explicit, waive the requirements of Section 303.2 and/or Grant Final Approval at the Preliminary Review session, provided all other requirements of this section are conformed with.*

**Response:** After reviewing the proposed plans and application materials, the Planning and Zoning Commission may approve, conditionally approve, or deny the plan. Note: this section also identifies that the commission may simultaneously conduct preliminary and final site plan reviews if the drawings and information are sufficiently clear. The applicant has requested both preliminary and final approvals.

**Section 502.H.10. Deck Setback:** *No portion of any deck shall be located within five (5) feet of the lot line except in those districts where residential use is not a permitted use. In those districts, decks should conform to the required yard for that zone. Decks shall not encroach into any public easement. Square footage of decks shall be included in lot coverage for each zoning district.*

**Response:** The zoning ordinance requires a five-foot minimum setback for decks from all residential property lines. The setback to the front property line is approximately 11 (eleven) feet. The setback to the side property line is approximately 30 (thirty) feet.

**Section 503.D.4. Maximum Lot Coverage in AR Zone:** *Not more than forty (40) percent of the net area of the lot may be covered by the main building and all accessory buildings.*

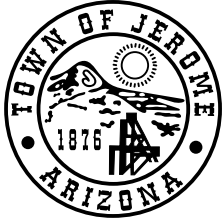
**Response:** The property is in two zoning districts, the AR and C-1. The maximum lot coverage in the AR is 40 percent. The C-1 zone does not have a maximum coverage standard. With the addition of the deck and stairs, the coverage for the portion in the AR is just under 30 percent.

**Recommended Conditions:** The Planning and Zoning Commission may add conditions to ensure compliance with town ordinances and standards. The zoning administrator has prepared a resolution and conditions for consideration by P&Z.

**Recommendation:** The zoning administrator recommends approval of the project with the conditions included in the attached resolution.

**Attachments:**

- P&Z Resolution 2020-17
- Application, plans, and supplemental information



# TOWN OF JEROME

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## P&Z Resolution No. 2020-17

### **Approving Preliminary and Final Site Plan Review for a deck and access stairs**

WHEREAS, the Town of Jerome has received an application for Preliminary and Final Site Plan Review from Elias Wetzel for property located at 146 Juarez Street (APN 401-06-133C); and

WHEREAS, the property is in both the AR and C-1 zoning districts; and

WHEREAS, a notice was posted at the site on November 17, 2020, in accordance with Jerome Zoning Ordinance Section 303.1C; and

WHEREAS, the application has been reviewed in accordance with Sections 303, 502, 503 and 508 of the Jerome Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission finds that the proposed improvements do not adversely affect the public health, safety, and general welfare of the Town of Jerome, and so protects the environment and the Town's historical character;

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the Town of Jerome, Arizona, that the Preliminary and Final Site Plan review for a rear deck and improvements at 146 Juarez Street is hereby approved, subject to the following conditions:

1. **Construction Hours and Noise** – Construction and noise shall be limited between 8:00 pm and 7:00 am in accordance with Section 10-1-13.C. of the Jerome Town Code.
2. **Other Improvements/Changes** – Any subsequent modifications or changes to the Plans, including but not limited to changes in setbacks, square footage, fences, siding, roofing, height, etc., will require additional review by the Planning and Zoning Commission and/or the Design Review Board.
3. **Drainage** - The building permit submittal shall indicate both existing and proposed drainage. This includes, but is not limited to, how drainage will be collected (such as from roof drains) and directed to provide disposal and protection of neighboring properties. This may include splash blocks, swales, detention basins, and gravel catchments to help dissipate hydraulic energy. Roof and other drains shall not be directed across sidewalks.
4. **Building Permit Submittal and Code Requirements** - The applicants shall consult with the Building Inspector and submit detailed drawings for building permits that clearly demonstrate compliance with all Code requirements, including, but not limited to, coverage, height, parking, and setbacks.
5. **Compliance with plans** – The project shall be completed in compliance with the approved plans.
6. **Conditions on Plans** – The building permit plan submittal shall include a sheet with a list of approved conditions from both the Design Review Board and/or Planning and Zoning Commission.

**P&Z RESOLUTION NO. 2020-17**

7. **Expiration of Approval** - This approval shall become null and void if a building permit is not issued within six (6) months of final Planning and Zoning and/or Design Review Board Approval of this application. If necessary, the applicants may request an extension by the approval body, if the extension is submitted prior to approval expiration.

ADOPTED AND APPROVED by a majority vote of the Planning and Zoning Commission on the 1st day of December 2020.

ATTEST:

APPROVED:

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Rosa Cays, Deputy Town Clerk

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Jessamyn Ludwig, Chair



**TOWN OF JEROME, ARIZONA**  
600 Clark Street, P.O. Box 335, Jerome, AZ 86331  
(928) 634-7943

File #:

Town Use

**General Land Use Application – Check all that apply**

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Site Plan Review \$100 | <input checked="" type="checkbox"/> Design Review \$50/\$200 | <input type="checkbox"/> Conditional Use Permit (CUP) \$100 |
| <input type="checkbox"/> Demolition \$50/\$200             | <input type="checkbox"/> Signage/Awning \$50                 | <input checked="" type="checkbox"/> Paint/Roofing \$0       |
| <input type="checkbox"/> Time Extension \$0                | <input type="checkbox"/> Variance \$200                      | <input type="checkbox"/> Other: _____                       |

Note: Refer to the corresponding Project Application Checklist/s for additional submittal requirements.

Applicant: Elias Wetzel	Owner: Nancy Prochaska
Applicant address: 1472 Horseshoe Bend Dr Camp Verde, AZ 86322	Owner Mailing Address: P.O. Box 680 Lukeville, AZ 85341-0680
Applicant role/title: Project Manager/Builder	
Applicant phone: 215-840-1409	Owner phone: Craig 602-616-6239
Applicant email: abramcustom@gmail.com	Owner email: chudson19@cox.net
Project address: 146 Juarez St	Parcel number: 401-06-140C 133C
Describe project: Replacing the metal roof with new metal (No Color), Upgrade 100 amp to 200 amp service and relocating meter, Add exterior star case to existing deck for second means of egress, Demo and rebuild meter wall (Sill plate rotted away)	

- I understand that review by the Jerome Design Review Board, Planning and Zoning Commission, and Town Council is discretionary.
- I understand that the application fee is due at submission and review will not be scheduled until fee is paid to the Town.
- I understand review criteria are used in evaluation by the Jerome Design Review Board and/or Planning and Zoning Commission. These criteria are included in the Jerome Zoning Ordinance.
- I understand that this application will not be scheduled for consideration until all required materials have been submitted and the application is determined to be complete.

Applicant Signature: Elias Wetzel

Date: 10/13/2020

Owner Signature: WC Prochaska

Date: 10/15/2020

**For Town Use Only**

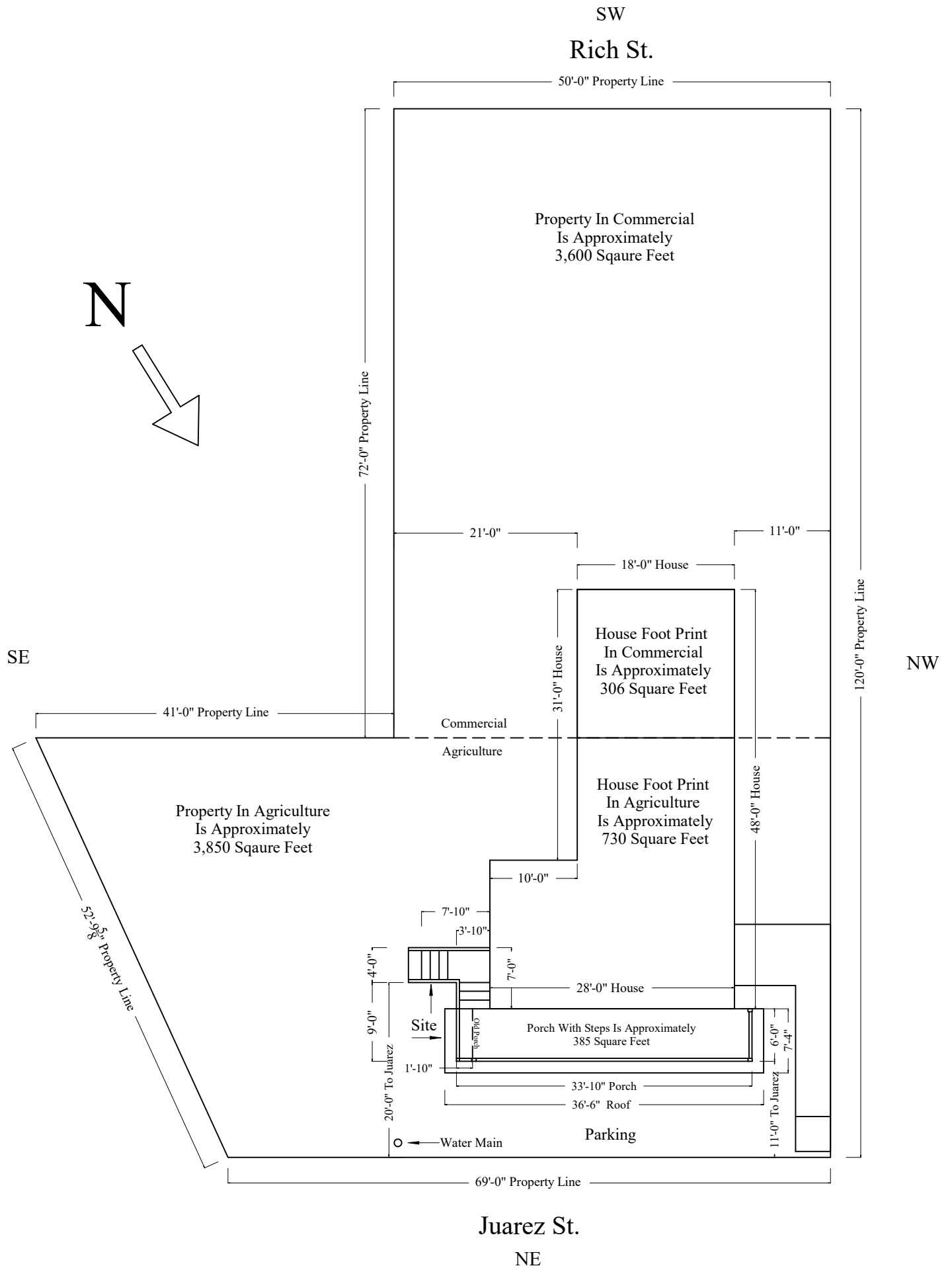
Received from: \_\_\_\_\_ Date: \_\_\_\_\_

Received the sum of \$ \_\_\_\_\_ as: ☐ Check No. \_\_\_\_\_ ☐ Cash ☐ Credit Card

By: \_\_\_\_\_ For: \_\_\_\_\_

Tentative Meeting Date/s - DRB: \_\_\_\_\_ P&Z: \_\_\_\_\_

E-mail completed forms and application information to: John Knight, Zoning Administrator [j.knight@jerome.az.gov](mailto:j.knight@jerome.az.gov)





- Roofer will remove old metal roofing on main building. Replace any lath that is rotten. Then install new metal. No color

Remove Watermark Now

- Electrician will remove existing meter and move meter to new location. He will upgrade the service to 200 amp.

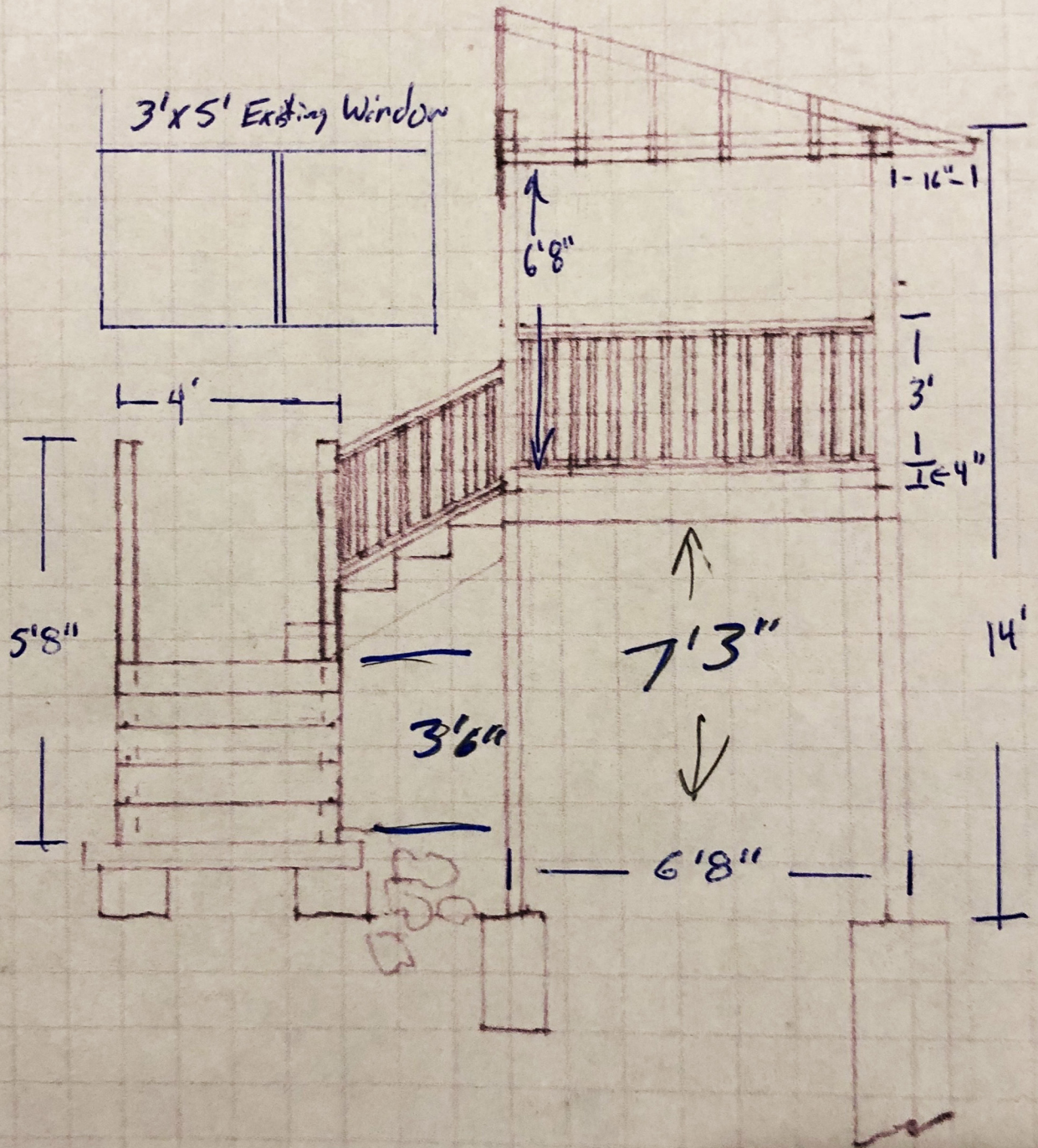
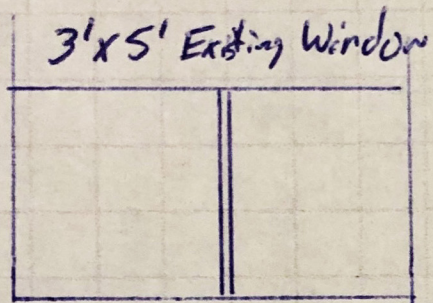
- I (Elias Wetzel) will build exterior staircase to 2020 ICC standards to existing deck for a second means of egress. Same color stain as already there.

- I (Elias Wetzel) will demo meter wall and rebuild wall to 2020 ICC standards. Same color and profile on siding

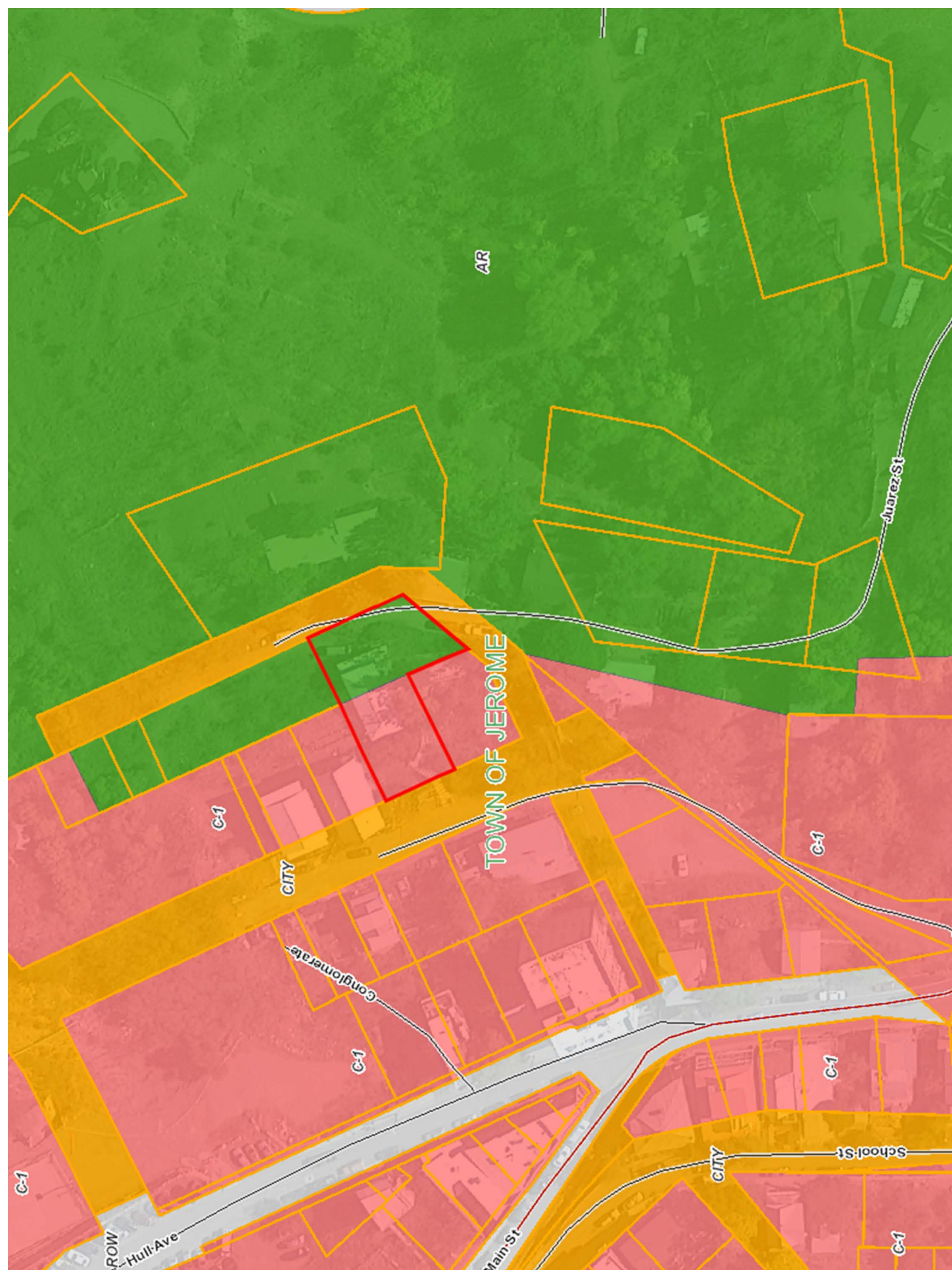
-The work will only be profomed between the hours of 7:30 am - 6:00 pm

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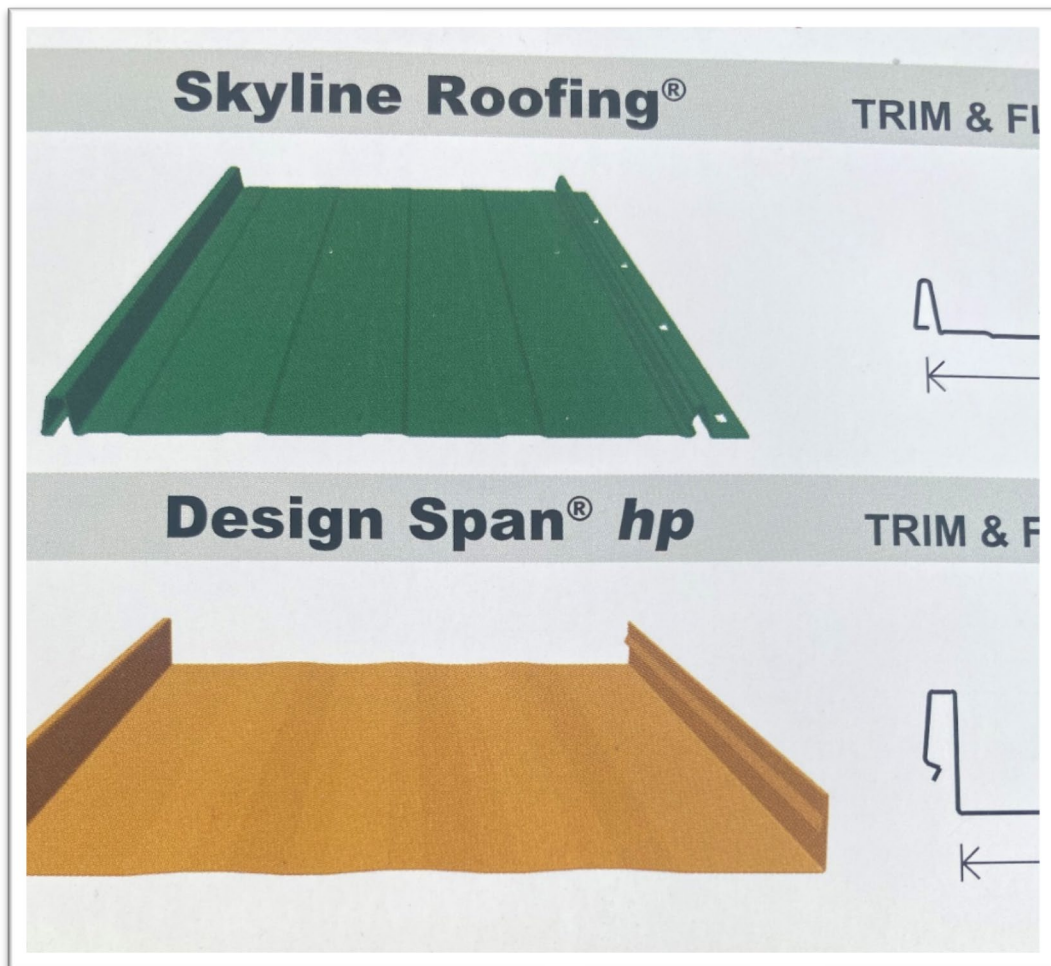
























# TOWN OF JEROME

Post Office Box 335, Jerome, Arizona 86331  
(928) 634-7943

## **Zoning Administrator Analysis Planning and Zoning Commission/City Council Tuesday, December 1, 2020**

**ITEM 4A:** Possible ordinance amendments including but not limited to those regarding setbacks, yard requirements, and appeals to Council

**Applicant/Owner:** Town of Jerome

**Recommendation:** Discussion/Direction to staff

**Prepared by:** John Knight, Zoning Administrator

**Background and Summary:** On September 21, 2020, the Council convened a special meeting to discuss proposed code amendments related to setbacks for stairs, yard requirements, and the appeals process. The results of the Council discussion are summarized in a memo from Town Manager Candace Gallagher (attached) along with a memo from Town Attorney Bill Sims. On October 21, 2020, the Planning and Zoning Commission reviewed this item as part of a study session.

**Discussion:** The Council and Planning and Zoning Commission should consider the following items:

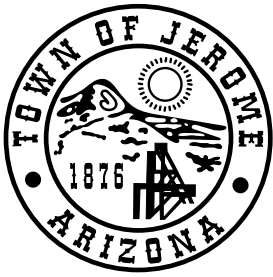
1. **Setbacks for access stairs:** The zoning ordinance does not include a requirement for access stairs. Due to the topography in Jerome, stairs are needed to access the street or sidewalk for nearly every property in town. The Council recommended a five- (5-) foot setback. This is consistent with the setback required for a deck. Requiring the same setback for stairs and decks makes sense. However, when stairs access the right of way, they should be looked at differently. On many properties, stairs are needed right up to the edge of the right of way. Issues for consideration:
  - a. **5-ft. Setback** – Since decks and most other structures require a five- (5-) foot setback, the same setback should be required for stairs, except when stairs are accessing a right of way.
  - b. **Stairs accessing right of way** – When stairs connect to the right of way, they provide access for residents as well as emergency services. The code could include a provision that allows stairs to access the right of way with no setback, provided adequate fire/emergency service access is maintained to the structure. This may need to be addressed on a case-by-case basis with review and approval by the Fire Chief.
  - c. **Landing** – Where stairs are connected directly to the right of way and ascend/descend from a street or sidewalk, it may be appropriate to require a flat landing that is level with the street.
  - d. **Fire-Resistant Materials** – When stairs are in the front setback or are less than ten (10) feet from other combustible structures, it may be appropriate to require them to be constructed of fire-resistant materials (such as metal). This could also be subject to review and approval by the Fire Chief on a case-by-case basis.
  - e. **Nonconforming stairs** – Property owners should be encouraged to upgrade nonconforming stairs. These could be exempt from meeting the new setback requirements provided that the stairs are being replaced in the same location and with similar or better (fire-resistant) materials.
  - f. **Ground-level stairs** – It may be appropriate to exempt stairs that are at the ground level and constructed of cement.

2. **Front, side, and rear yards:** The unique lot shapes in Jerome often make it difficult to determine which yard is a side yard and which yard is a front or rear yard. Issues for consideration are noted below:
  - a. **Applicant determination:** In the past, this has been handled on a case-by-case basis by the Planning and Zoning Commission, with preference given toward allowing the applicant to determine which yards are the front, rear, and side yards.
  - b. **Rear yard required:** On unusual lots, such as triangular lots, there may not be a rear yard. Instead there may only be a front yard and two side yards. This has been addressed case by case in the past.
  - c. **Double frontage lots:** On lots with two or more frontages, there may not be a rear yard. These lots may simply have two front yards and two side yards. This has been addressed on a case-by-case basis in the past.
3. **Appeals process:** The code has inconsistent and sometimes confusing sections regarding appeals of the Site Plan Review and Design Review processes. Issues for consideration:
  - a. **Appeal distance:** Appellants should be required to reside within 300 feet of the project, unless they can demonstrate how they would be adversely affected outside the 300-foot limit.
  - b. **Appeal fees:** Most jurisdictions require a fee in order to appeal a P&Z or DRB decision. There is currently no appeal fee.
  - c. **Appeal period:** Most jurisdictions require appeals to be submitted within 15 days of P&Z or DRB decisions. Flagstaff requires an appeal to be submitted within ten days. In some cases, a 30-day appeal period is used. The 30-day appeal is primarily reserved for administrative decisions and available only to the applicant, not an adversely affected party.
  - d. **Building permit issuance:** Most jurisdictions do not issue a building permit or allow work to begin until the appeal period has ended. This protects both the applicant and the Town and ensures that work will not have to be reconstructed if the appeal changes the approval.
4. **P&Z role in reviewing site plans:** The current process for site plan approval ends at the Planning and Zoning Commission unless the item is appealed. The Council indicated they would like a role in projects that involve the determination of nonconforming structures.

**Recommendation:** Provide direction to staff on how to address the above issues.

**Attachments:**

- Memo from Town Manager
- Memo from Town Attorney
- Appeals process in other jurisdictions



# TOWN OF JEROME

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## MEMO

**FROM:** Candace Gallagher, Town Manager/Clerk  
**TO:** John Knight, Zoning Administrator  
Members of the Planning & Zoning Commission  
**CC:** Mayor and Council  
**SUBJECT:** Proposed Zoning Code amendments  
**DATE:** September 28, 2020

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On September 21, the Jerome Town Council convened a special meeting and discussed proposed zoning code amendments, as outlined in the attached memo from Town Attorney Bill Sims. They have asked me to forward the memo to you with the following comments relative to each section of Mr. Sims' memo:

**Setbacks and Access Stairs:** Council recommended a five-foot setback, and that stairs within that setback be approved only by variance.

**Front, Side and Rear Yards:** Council has requested a recommendation from the Commission in this regard in light of the unique types of parcels in the Town of Jerome.

**P&Z Commission Role When Reviewing Site Plans:** Council would prefer that all site plans be subject to final approval by Council, with recommendations from the Commission, except for smaller projects, which could be approved at the Commission level. In addition, any projects involving a nonconforming structure would come to Council for final approval. Council would like the Commission to determine what will constitute a "smaller project."

### **Zoning Code Appellate Provisions:**

- **Board of Adjustment:** Council recommends no change in this process.
- **Conditional Use Permit:** Council recommends that the reference to appealing CUP recommendations be deleted, as "recommendations" do not constitute final decisions.
- **Site Plan Review and Design Review Board:** Council has requested recommendations from the Commission in this regard, noting that:
  - Council was concerned that 300 feet (as the distance within which an affected resident must reside in order to appeal) was not inclusive enough, and the suggestion was made that we increase that, or include an exception where a resident can prove that they are directly affected by the project proposed, or where the town's historic character would suffer.
  - Council would like a consistent appeals process between P&Z and DRB. Three items were specifically discussed: (i) broadening the appellate rights concerning DRB recommendations to more than the applicant, the ZA and the Town Council; (ii) allowing esthetics and design standards to be considered as part of the appeal criteria and (iii) standardizing the appeal deadlines – Council's preference was 30 rather than 15 days.





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WILLIAM J. SIMS, III  
DIRECT: (602) 772-5501  
[WJSIMS@SIMSMACKIN.COM](mailto:WJSIMS@SIMSMACKIN.COM)

**TO:** Mayor and Council  
**FROM:** Bill Sims, Town Attorney  
**SUBJ:** Lessons Learned from Recent Site Plan Review  
**DATE:** September 16, 2020

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A recent Site Plan review process raised a number of issues that provide a good opportunity to discuss amendments to the Town Zoning. Those issues include:<sup>1</sup>

1. Does the Zoning Code require setbacks for access stairs?
2. How are front, side and rear yards determined for corner and other lots?
3. What role does the Planning and Zoning Commission (“Planning Commission”) have when reviewing Site Plans and what is the appellate process following action by the Planning Commission?
4. How does the appellate process for Site Plan decisions relate to other appellate processes in the Town Zoning Code?

### **Setbacks and Access Stairs**

This was the issue that triggered this analysis. The issue arose because the Jerome Zoning Code grants the Planning Commission authority to review and approve Site Plans. Giving a planning commission final authority to take action on a matter is not customary. Typically, planning commissions only make recommendations to a city or town council for council consideration and action. Planning Commission recommendations usually involve zoning decisions, both text amendments and re-zonings. This distinction between planning commission recommendations and final actions impacts any appellate process because the process is different if the planning commission action is simply a recommendation and not a

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<sup>1</sup> The Site Plan review process dealt with modifications to a structure. There was an appeal of the Zoning Administrator’s decision in that matter, but that appeal was withdrawn. As a result, this memorandum does not relate to any one fact pattern. Instead, it makes recommendations based on lessons learned.

final decision. Recommendations are not appealed; only actual decisions are appealable. This distinction is discussed in the last section of this Memorandum.

A recent Site Plan submitted to the Jerome P&Z Commission involved access stairs that protruded into the building setback. The Town's Zoning Administrator reviewed Section 502.H, the section that establishes the requirement for setbacks. That section contains confusing language concerning what is permitted and what is prohibited. For example, Subparagraph H.1. prohibits enlarging a building into open space surrounding a building, but that sentence goes on to say that the prohibition on the encroachment would only be effective if the encroachment is allowed by "regulations hereinafter designated" unless "otherwise specifically provided." The reader is left trying to apply a prohibition unless the prohibition is overruled by a regulation, a regulation that itself might be overruled by other unspecified provisions of the Town Zoning Code.<sup>2</sup>

Because Section 502.H.1 does not apply, the Zoning Administrator interpreted Section 502.H.3 as requiring a three foot set-back for fire escape stairs, but because that subparagraph does not require a set-back for access stairs, the Zoning Administrator determined that no set-back was required for access stairs. That was a reasonable interpretation. To avoid this result, some have argued that we should look to other, general provisions of the Town Code for guidance. For example, there are other provisions in the Zoning Code that allow the reader to interpret by reference. Section 502.A.2 provides that "[a]ny use that is not specifically permitted is hereby declared to be a prohibited use, except as hereinafter provided." Zoning regulations adopt this methodology because variances from use restrictions are strictly enforced to preserve zoning use restrictions. Trying to apply this to setback requirement by applying the reference to fire escape stairs to access stairs results in an unpredictable result. Does this mean that (i) because only fire escape stairs are authorized to be in a setback, access stairs are absolutely prohibited in the setback, (ii) because fire escape stairs are permitted with a three foot setback, access stairs would be permitted but with a three foot setback or (iii) because the provision does not require a setback for access stairs, access stairs would be permitted without any setback? Amending the Zoning Code to avoid this uncertain result is the best alternative.

Recommendation: Expressly authorize stairs in a setback but with a three-foot setback.

### **Front, Side and Rear Yards**

The setback requirements for a lot depend on how the lot is situated. If the lot is a rectangular lot fronting on one street, the Zoning Code's definitions for front, side and rear yards

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<sup>2</sup> Another complicating factor are inconsistent definitions. The term "building" probably did not include the proposed stairs because even though the term "building" includes "structures," the definition of "building" only includes structures that have a roof. The stairs do not have a roof. Under this reasoning stairs could be in the setback without any constraints.

can easily be applied and the setback requirements clearly established. It becomes more complicated if (for example) the property fronts on more than one street. In that case the current Zoning Code requires the same setback for both streets and suggests that there could be two front yards, leaving the location of a rear yard uncertain. Because the Zoning Code is not clear on this point, the P&Z Commission accepted the applicant's determination of front, rear and side yards. This should be addressed with a Zoning Code amendment.

**Recommendation:** Amend the definition of rear, front and side yards. There are two possible approaches:

(i) A generic statement for rectangular lots that requires a front yard along the shortest street frontage with the rear yard opposite the front yard. Each side yard would be perpendicular to the front and rear yards. For unusual shaped lots, the Zoning Code could empower the Planning Commission to determine which yards are front, side and rear yards applying the general guidance of the generic statement for rectangular lots. The Zoning Administrator has prepared depictions of other lot configurations that is attached as an exhibit. That exhibit could be included in the Zoning Code amendment showing how the general concept would be applied to other lot configurations; or

(ii) Allow the applicant to elect which yard is the front yard and which yard is the rear yard. Upon such election, the choice would be fixed.

### **P&Z Commission Role When reviewing Site Plans**

Section 303.1.C of the Zoning Code requires a preliminary site plan to be submitted to the Zoning Administrator for review by the Building Inspector, Zoning Administrator and the P&Z Commission. Subparagraph E of that section requires the completed preliminary site plan to be submitted to the P&Z Commission for review and comment.

Section 303.2 establishes the process for final review and approval of a site plan. Subparagraph B of that section requires submission to the P&Z Commission for final review and approval. The criteria for approval are set forth in Section 303.2.A. Those criteria include compliance with the Zoning Ordinance, all applicable codes, and any conditions required by the Design Review Board and prior conditions required by the P&Z Commission at the preliminary site plan stage. This is key. The typical responsibility of the P&Z Commission is to make recommendations on all zoning ordinances under A.R.S. Section 9-462.04.A. The exception to that typical recommendation responsibility is to make decisions on actions based on explicit, delegated authority. That delegated authority is found in Sections 303.1 and 303.2 of the Zoning Code. It is under that authority that the P&Z Commission approved a recent proposal.

The site plan review provisions of the Town Zoning Code include a separate appeal process found in Section 303.3.D. That appellate provision is located under the Grading and

Excavation provisions and (as result) incorrectly appears to be limited to decisions related to Grading and Excavation. That cannot be what that provision meant. The Zoning Code should be amended to correct this error.

Recommendation. Any Zoning Code amendment should continue to confirm the unique, final decision-making authority of the P&Z Commission for site plan approval but distinguish that authority from the more typical recommendation powers of the P&Z Commission. The site plan appellate process provisions must be clarified so that the appellate process applies to all site plan decisions, not just grading and excavation.

### **Zoning Code Appellate Provisions**

The Town should the recent Site Plan matter as an opportunity to review the various review and appellate procedures in the Town Zoning Code. The following analysis compares the various appellate processes under the Zoning Code and suggests that the Zoning Code adopt more consistency.

#### Board of Adjustment (Section 105)

- The Board of Adjustment is clearly guided by statute (A.R.S. Section 9-462.06); as a result, its role and actions are understandable and consistently applied. The other review processes outlined below are not as clear.
- The BOA hears appeals of ZA decisions and requests for variances. Had the access stairs been clearly prohibited in setbacks, it would have been appropriate in the 639 Center Avenue Project to request a variance before the BOA.
- BOA decisions are then appealable to the Superior Court.

#### Conditional Use Permit (Section 302)

- P&Z Commission recommends an action on a CUP application
- Town Council reviews and approve or rejects
- Section 302.E.2 provides that any person may “appeal” the recommendation of the P&Z Commission.
  - The Zoning Code should delete the reference to “appealing” CUP recommendations because CUP recommendations are not final decisions and are not subject to appeal.
  - Section 302 technically allows any person in the world to appeal a P&Z Commission CUP recommendation. That provision should be modified to allow persons more directly impacted by the recommendation to provide input on P&Z Commission CUP recommendations. One option would be to use the 300 feet from the applicant’s property used for appeals to the Board of Adjustment as a model for determining who may provide input on P&Z Commission CUP recommendations.



Site Plan Review (Section 303)

- P&Z Commission makes final decision.
- May be appealed to Town Council
- Currently, the Zoning Code provides that any person “directly affected” by the Commission decision may appeal a site plan decision, but the term “directly affected” is not defined. A clear standard for determining who may appeal should be adopted. The 300 feet distance from the applicant’s property would be a consistent standard.

Design Review Board (Section 304)

- Section 304.F establishes the criteria for Design Review Board review.
- The Design Review Board evaluates a proposal and renders a decision under 304.F.5.
- The applicant may appeal a denial of the Design Review Board to the Town Council, but questions of esthetics or design standards are not appealable.
  - The esthetics and design standards exemption does not seem to make sense and should probably be deleted.
- Section 304.G also allows the Zoning Administrator to appeal a decision of the DRB to the Town Council and allows the Town Council on its own motion to review a decision of the DRB. Given how important design review is to the community, leaving these options for appeal to and review by the Town Council is probably a good idea.
- The appellate provisions for the Design Review Board do not allow any parties other than the applicant, the Zoning Administrator and the Town Council appeal or review. It might be a good idea to allow property owners within 300 feet from the applicant’s party to appeal a Design Review Board decision.

Not discussed in the analysis of the various options above are the deadlines for filing appeals. The filing deadline is imposed by both statute and the Zoning Code and is usually either fifteen or thirty days. A standard filing deadline would make the various appeal processes consistent. Thirty days is the deadline most often required, but Council could decide to have a fifteen-day appeal deadline. Additionally, Council may consider to authorize appeals from persons owning property more than three hundred feet from the subject property for specific issues, such as the Town’s historic character.

Enclosure (Lot Depictions)

cc:     Manager  
        Zoning Administrator



## Appeals Processes

Updated: September 29, 2020

Process (Code Section)	Time period	Who can appeal	Notes
<b>Clarkdale</b>			
Sidewalk Café Permit (4-0160)	15 days	Applicant	Decision by DRB and appeals go to Council
CUP Revocation (5-080)	15 days	Applicant	Decision by Planning Commission appealed to Council
Design Review (11-070)	15 days	Applicant or any council member	Appeals must be heard by Council within 60 days of the filing. Also requires payment of an appeal fee.
Site Plan Review (11-0100)	30 days	Applicant	Applications are done administratively, and appeals go to the BOA.
Preliminary Plat (12-043.H)	30 days	Subdivider (applicant)	Appeals must be heard by council within 30 days
Minor Subdivision (12-055)	30 days	Subdivider (applicant)	Appeals from the Subdivision Committee go to Council within 30 days
<b>Sedona</b>			
CUP (8.4.B(3)g.1.	15 days	Unclear	Appeals go to Council from P&Z.
Development Applications (8.3.H.)	15 days	Applicant or any member of the general public	Appeals go to Council. Burden of proof is on appellant. No building permit may be issued until the appeal period is completed.
Site Plan Review	30 days	Applicant	Applications are handled administratively and appeals go to BOA.
<b>Cottonwood</b>			
CUP (302.E.)	15 days	Applicant or any resident of Cottonwood	Appeals of P&Z decision to Council
Zoning Clearance (303.J.)	15 days	Applicant	Appeals go to BOA
Design Review (304.F.)	15 days	Applicant or any resident of Cottonwood	Appeals of P&Z to Council

<b>Process (Code Section)</b>	<b>Time period</b>	<b>Who can appeal</b>	<b>Notes</b>
Code Review (305.F.)	15 days	Applicant	Code Review Board appeals go to Board of Adjustment. This process replaces the Site Plan Review process and is handled administratively.
<b>Prescott</b>			
Site Plan Review & other Admin. Decisions (9.14.3.D.)	30 days	Unclear	Admin. Appeals go to BOA.
<b>Flagstaff</b>			
CUP (10-20.80.030.F.)	10 days	Any person aggrieved by the decision	P&Z appeal to Council
Admin Decisions (10-20.80.020)	10 days	Person aggrieved by the decision	Admin. Decisions go to BOA



# TOWN OF JEROME

Post Office Box 335, Jerome, Arizona 86331  
(928) 634-7943

## **Zoning Administrator Analysis Planning and Zoning Commission/City Council Tuesday, December 1, 2020**

**ITEM 4B: Administrative approval of small projects**

**Applicant/Owner:** Town of Jerome

**Recommendation:** Discussion/Direction to staff

**Prepared by:** John Knight, Zoning Administrator

**Background and Summary:** There have been various efforts over the years to allow certain types of projects to be approved administratively instead of going to the Planning and Zoning Commission or Design Review Board. These projects would still be reviewed for compliance with code standards regarding height, setbacks, coverage, etc. They would also be reviewed to ensure that the visual compatibility standards and other requirements related to design review criteria would still be met.

**Discussion:** A variety of small projects are currently reviewed by the Design Review Board and occasionally the Planning and Zoning Commission. Many of these projects are not controversial and could easily be reviewed and approved by staff. Examples include signs/awnings, landscaping, concrete/paving, painting, ground-level decks, and roof replacement. A list of projects approved by the boards in the last 18+/- months is included for reference.

Categories for consideration are included below:

1. Paint/Stain (this could also be listed as exempt from review)
2. Landscaping/concrete work/flatwork (this could also be listed as exempt from review)
3. Window and door replacement
4. Stair replacement with no change in footprint
5. Awnings
6. Signs
7. Ground-level decks and patios
8. Fences
9. Walls less than 48 inches tall
10. Changes in roof material or color
11. Sheds under 120 square feet
12. Residential additions less than 120 square feet
13. Modifications/improvements to existing residential structures that add no additional square footage

Projects that should not be subject to administrative approval would include the following:

1. New residential buildings or additions over 120 square feet
2. New commercial or industrial buildings
3. Modifications, improvements, or additions to commercial buildings that are not specifically listed above
4. Demolitions
5. Projects that could be controversial in nature
6. Any project that requires a Conditional Use Permit (CUP)

**Appeals:** Note that appeals of administrative decisions currently go to the Board of Adjustment for review. This process should be retained. However, there may be merit in considering a different appeals process that allows applicants to appeal to DRB, P&Z, or go straight to Council.

**Recommendation:** Provide direction to staff on what projects should be subject to administrative review.

**Attachments:**

- List of recently approved projects

**List of Approved Projects since 2019**

Updated: 10/20/2020

#	Type of Project	Address	Applicant/Owner	Date Approved	Approval	Notes
1	Accessory structure	700 Holly Ave.	Dillenberg, Jack	12/9/2019	DRB/P&Z	Greenhouse
2	Addition	701 Hull Ave.	Feher, Don	1/14/2019	DRB/P&Z	Garage Addition
3	Awning	208 Main St.	Jurisin, Brett	9/9/2019	DRB	New black awning
4	Commercial building	324 Queen St.	Jones, Windy & Lindner, Josh	1/13/2020	DRB/P&Z	Mixed-use commercial building
5	Concrete	815 Gulch Rd.	Barr, MaryBeth	3/16/2020	DRB	Concrete driveway strips
6	CUP for Residential use in C-1	123 Hill St.	Woodsworth, Dewayne	9/10/2019	Council	
7	CUP for Residential use in C-1	128 School St.	Nord, Don & Paula	2/11/2020	Council	Duplex
8	CUP for Residential use in C-1	324 Queen St.	Jones, Windy & Lindner, Josh	2/11/2020	Council	Boarding house rooms
9	Deck	222 First Ave.	Allen, Andrea	1/14/2019	DRB	
10	Deck	633 Clark St.	Gallagher, Candace & Michael	3/16/2020	DRB	Demo and roof deck repair
11	Deck	750 Verde Ave.	Tomlinson, Karen	10/15/2019	DRB	Deck replacement
12	Deck expansion	860 Hampshire Ave.	Chinander, Mary & Andy	8/5/2020	DRB/P&Z	Expand rear deck
13	Demo shed	128 First St.	Nord, Don & Paula	1/13/2020	DRB	
14	Door replacement	764 East Ave.	McDonald, Michael	1/14/2019	DRB	Replace front door
15	Fence	160 North Dr.	Moffett, Nelle	2/11/2019	DRB	T-post and wire fence
16	Fence	860 Hampshire Ave.	Chinander, Mary & Andy	12/10/2019	DRB	Replace fence
17	Handrail	540 School St.	Sarris, Ingrid	6/10/2019	DRB	New handrail
18	House	221 Dundee Ave.	Prior, Scott & Wendy	5/13/2019	DRB/P&Z	New home construction
19	House	174 North	Dougan, Matt	1/13/2020	DRB/P&Z	New home construction
20	House	18 North Drive	Leachman, Lori & Farber, Andy	12/9/2020	DRB/P&Z	New home construction
21	Landscape plan	728 East Ave.	Williams, Daryl & Jamie	1/14/2019	DRB	
22	Paint	819 Hampshire Ave.	Peterson, Andrew & Spring	5/13/2019	DRB	
23	Paint and Demo	810 Hampshire Ave.	LeBlanc, James and Pamela	3/16/2020	DRB	Chimney demo and paint
24	Parking and fire escape	123 Hill St.	Woodsworth, Dewayne	8/13/2019	DRB/P&Z	Jerome Clubhouse
25	Parking lot	200 Hill St.	Altherr, Larry	5/13/2019	DRB	
26	Patio cover	403 Clark St.	Bartell, John	5/11/2020	DRB/P&Z	New covered patio at UVX Building
27	Remodel and demo	875 Gulch Rd.	Barber, Alex and Sydney	8/7/2019	DRB/P&Z	House remodel
28	Remodel garage	11 Rich St.	Feher, Don	7/13/2020	DRB	Add windows and replace doors
29	Remodel garage	665 Verde Ave.	Foli, Debra	3/16/2020	DRB	Repair garage
30	Remodel house	128 School St.	Nord, Don & Paula	1/14/2019	DRB	Separate from CUP
31	Remodel, stairs, addition	639 Center Av.	Worth, Greg	8/5/2020	DRB/P&Z	Doors, windows addition, & stairs
32	Retaining wall	111 Third St.	Schadegg, Tony	8/5/2020	DRB	New retaining 4' retaining wall
33	Roof	110 Juarez St.	Rees, Ann & Elizabeth	5/13/2019	DRB	Shingle to metal roof
34	Roof	509 Main St.	Rabago, Robert	9/9/2019	DRB	New metal roof & windows
35	Roof	640 Main St.	Candias, Rivera	9/9/2019	DRB	New metal roof
36	Roof	215 2nd St.	Blair, Rusty	2/10/2020	DRB	Replace shingle roof
37	Roof and windows	569 Main St.	Roque-Lucero, Barbara	8/12/2019	DRB	Replace metal roof
38	Shed	105 Gulch Ln.	Martin, Richard	2/11/2019	DRB/P&Z	Gulch Radio
39	Sign	412 Main St.	Fonseca, Mark	1/14/2019	DRB	Bordello
40	Sign	403 Clark St.	Bailey, Aeron	5/13/2019	DRB	Smokin' Jerome's
41	Sign	301 Main St.	Harter, Kelly	9/9/2019	DRB	Passion Cellars
42	Sign	140 Main St.	Lavoire, Matt	3/16/2020	DRB	New sign for Four Eight Wineworks
43	Sign	105 Main St.	Jones, Windy	5/11/2020	DRB	Jerome Heritage Shop sign
44	Sign	112 Main St.	Rolfes, Jane	8/5/2020	DRB	University Shack
45	Sign	114 Jerome Ave.	McLoughlin, Brighid & John	1/13/2020	DRB	New sign for Jerome Winery
46	Sign	309 Main St.	Jurisin, Eric	1/13/2020	DRB	New sign for Klinkscale bulding
47	Sign	331 Main St.	Hernandez, Karen & Richard	8/12/2019	DRB	Jerome Jewelry and Gifts
48	Stair replacement	538 School St.	Bustrin, Janet	8/5/2020	DRB/P&Z	Replace/modify existing stairs
49	Stair replacement	665 Main St.	Kelt, Kyle	10/5/2020	DRB	Replace ex. wood stairs with metal
50	Window replacement	752 Gulch Rd.	Pontious, Steve and Janice	2/11/2019	DRB	Bathroom remodel
51	Window replacement	420 Hull Ave.	Diehl, Michael	4/13/2020	DRB	Replace fogged windows
52	Window replacement	502 Main St.	Town of Jerome	10/15/2019	DRB	Replace 41 windows

Summary of Project Types	Number	Notes
Misc. Accessory Structure	1	Greenhouse
Garage Addition	1	2nd story addition
Awning	1	Replace existing awning
Commercial Building	1	324 Queen St.
Concrete driveway strips	1	
CUP for residential in C-1	3	
Deck	4	
Demo shed	1	
Door replacement	1	
Fence	2	
Handrail	1	
New houses	3	
Landscape plan	1	
Paint	2	
Parking and fire escape	2	One included a fire escape
Patio cover	1	
Remodel house and/or garage	5	
Retaining wall	1	
Roof	5	Most converted to metal rooves
Shed	1	
Signs	9	
Stair replacement	2	
Window replacement	3	





# TOWN OF JEROME

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## **Zoning Administrator Analysis Planning and Zoning Commission/City Council Tuesday, December 1, 2020**

**ITEM 4C:** Code amendments to residential lodging  
**Applicant/Owner:** Town of Jerome  
**Recommendation:** Discuss and provide direction to staff  
**Prepared by:** John Knight, Zoning Administrator

**Background and Summary:** On May 12, 2020, the Council directed staff to update the definitions for *boarding house* and *rooming house*. This item was introduced at the May 20, 2020 P&Z meeting where the commission provided preliminary comments. This item was continued to the June 3, 2020 meeting, and was also reviewed by the commission on September 16, 2020.

From the comments at the last meeting, staff has provided a redline version of the ordinance for the Commission and Council's consideration.

### **Summary of Proposed Changes:**

#### **Section 201 - Definitions**

1. **Bed and Breakfast** – Modified. This definition has been amended to allow up to four (4) rooms and no longer limit the occupancy to a single family.
2. **Boarding or Rooming House** – Deleted. This definition is outdated, and this type of use is no longer common. If someone proposed a boarding or rooming house in the future, it would now be considered under the Hotel/Motel definition.
3. **Hotel** – Modified. The definition of *hotel* has been modified to encompass all types of transient lodging. Note that if a boarding or rooming house were proposed in the future, it would fall under the definition of Hotel.
4. **Motel** – Deleted. This definition has been combined with Hotel.

#### **Section 507. C-1 Zone**

5. **Hotel** – Modified to remove motel (since it is now part of hotel use).
6. **Bed and Breakfast** – Modified. Added Bed and Breakfast as a permitted use and deleted it from the list of conditional uses.
7. **Residential use of a building** – Modified. Removed boarding houses, rooming houses, and bed and breakfast from the list of residential uses requiring a CUP. Other residential uses in the C-1 are still listed as conditional uses.

**Recommendation:** Provide direction to staff on any additional changes.

**Attachment:** Redline excerpt of the proposed changes to the zoning ordinance

or group from whose decision the appellant seeks redress.

**Area, open** - (see Open Area).

**ARS** - Arizona Revised Statutes (Arizona State Law).

**Artist** - one who practices an art in which imagination and taste presides over the execution. This is not deemed to include the business of teaching the mechanics of the art.

**Attached building** - (see Building, Attached).

**Automobile Service Station** - (see Service Station).

**Automobile Repair Garage** - a structure or part thereof, other than a private garage, where motor vehicles are repaired or painted.

**Bed and breakfast** - a building or buildings containing central kitchen facilities and not more than ~~four (4) three (3)~~ rooms used to provide lodging for compensation; provided that, ~~1) No more than one (1) family is lodged per day, 2) no meals are provided other than breakfast, 3) the host family lives on the premises, 4)~~ smoke alarms are installed and, ~~5)~~ parking has no negative effect on the neighborhood.

**Board of Adjustment** - (see Section 105)

~~**Boarding or Rooming House**—a building or buildings containing central kitchen facilities and not more than eight (8) rooms where lodging is provided for compensation with or without meals, but not to include rest homes.~~

**Boundary, Zone** - the limit and extent of each zone district classification as shown on the official zoning map.

**Building** - a structure having a roof supported by columns or walls (see Structure).

**Building, Attached** - a building which has at least part of a wall in common with another building, or which is connected to another building by a roof.

**Building, Detached** - a building which is separated from another building or buildings on the same lot.

**Building, Height of** - the vertical measurement down from the highest point on the structure to an intersection with the horizontal projection of a plane established as the median between the highest and lowest points of original grade beneath the enclosed portion of the structure. (See Appendix for diagrams.)

**Building, Main** - a building, or buildings, in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the main building of the lot on which the same is situated.

**Building Area** - the total areas, taken on a horizontal plane at the mean grade level, of the principal buildings and all accessory buildings (including decks), exclusive of uncovered porches, terraces and steps.

**DECK** - An open structure at least twelve (12) inches above the ground that is located in the front, rear, or side yard or court of a property. When a structure has a roof or wall enclosure that keeps out the elements, it is not a deck and shall be deemed part of the primary structure for purposes of this Ordinance.

**Design Review Board** - (see Section 106).

**Drive-In Restaurant** - any establishment where food or beverages are dispensed and may be consumed on the premises, but not within a closed building.

**Drive-In Theater** - an open air theater where the performance is viewed by all, or part, of the audience from motor vehicles.

**Dump** - a place used for the disposal, abandonment or discarding by burial, incineration or by any other means of any garbage, sewage, trash, refuse, rubble, waste material, offal, or dead animals. Such use shall not include any industrial or commercial processes, and/or material.

**Dwelling** - a building portion thereof designed exclusively for residential purposes, including one-family, two-family, three-family and multiple dwellings; but not including hotels, apartment hotels, ~~boarding and lodging houses~~, fraternity and sorority houses, rest homes and nursing homes, or child care nurseries.

**Dwelling, One-Family** - a detached building designed exclusively for occupancy by or occupied by one (1) family for residential purposes.

**Dwelling, Two-Family** - a building designed exclusively for occupancy by or occupied by two (2) families living independently of each other (i.e., duplex).

**Dwelling, Three-Family** - a building designed exclusively for occupancy by or occupied by three (3) families living independently of each other (i.e., triplex).

**Dwelling, Multi-Family** - a building designed exclusively for occupancy by or occupied by four (4) or more families living independently of each other (i.e., four plex or apartment).

**Dwelling Unit** - a room or group of rooms within a dwelling containing one (1) cooking accommodation, occupied exclusively by one (1) or more persons living as a single non-profit family housekeeping unit.

**Easement** - a space on a lot or parcel of land reserved or used for location and/or access to utilities, drainage or other physical access purposes. No structure or other physical obstruction may be located within an easement.

**Erect** - the word “erect” includes built, built upon, added to, altered, constructed, reconstructed, moved upon, or any physical operations on the land, required for a building.

**Family** - an individual, or two (2) or more persons related by blood or marriage, or a group of persons not related by blood or marriage, living together as a single housekeeping group in a dwelling unit.

**Farming** - land used or cultivated which is intended only as a supplementary source of income or livelihood.

**Fence** - a structure built to separate two (2) parcels of land or separate a parcel of land into different use areas.

**Floodplain** - the areas adjoining the channel of a watercourse, or areas where drainage is or may be restricted by man-made structures which have been or may be covered partially or wholly by floodwater, but shall compose an area not less than that area confined by the fifty-year flood and shall not exceed that area confined by the one hundred-year flood.

**Frontage** - the linear distance of property along a public right of way.

**Garage, private** - an accessory building or a main building or portion thereof, used for the shelter or storage of self-propelled vehicles, owned or operated by the occupants of a main building wherein there is no service or storage for compensation.

**Garage, Public** - any building, except one herein defined as a private or storage garage used for the storage, care or repair or self-propelled vehicles or where any such vehicles are equipped for operation or kept for hire.

**Garage, Repair** - (see Automobile Repair Garage).

**Governmental Agency** - includes any agency of the federal, state, county or municipal governments.

**Greenhouse** - a building or structure constructed chiefly of glass, glass like translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

**Guest Room** - a room having no cooking facilities intended for occupancy by one or more persons not members of the family. Does not include dormitories for sleeping purposes.

**Height, Building or Structure** - (see Building, Height of, and Accessory Building, Height of).

**Home Occupation** - an occupation, profession, activity or use that is clearly a customary, incidental and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

**Hospital** - a place for the treatment or care of human ailments, and unless otherwise specified, the term shall include sanitarium, preventorium, clinic and maternity home.

**Hotel** - ~~a building in which lodging is provided and offered to the public for compensation and which is open to transient guests. Does not include Bed and Breakfast. a building in which there are nine (9) or more rooms where lodging with or without meals is provided for compensation, usually on a transient basis, "hotel" shall not be construed to include motel, trailer court, sanitarium, hospital, or other institutional building or jail or other building where persons are housed under restraint. No provision is made for cooking in the individual rooms or suites.~~

**Industry, Light** - those industrial uses which do not result in extensive open yard area, storage of extensive raw materials, nor otherwise result in noise, odors, dust, lights, vibration, waste products or adversely affect the surrounding properties.

**Junk Yard** - the use of two hundred (200) or more square feet of any lot or parcel of land for outside storage of any used or secondhand materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture. The outside storage of used or secondhand materials in an area less than two hundred (200) square feet is permitted only on the rear half of a lot or parcel.

**Kitchen** - any room in a building or dwelling unit which is used or intended to be used for cooking or the preparation of food.

**Kindergarten** - same as nursery school, except when operated in conjunction with a school of general instruction and having accredited instruction.

**Laundry, Self Help** - a building in which domestic type washing machines and/or dryers are provided on a rental basis for use by individuals doing their laundry.

**Land** - any lot or parcel, developed or undeveloped, and capable of being located, surveyed, staked and described by a legal description

**Lodge** - an order or society of persons organized for some common non-profit purpose, but not

**Lot** - land occupied or to be occupied by a building and its accessory structures, together with such surrounding open spaces as are required under the provisions of this ordinance, achieving not less than the minimum area required by this ordinance for a lot in the district in which such lot is situated and having frontage on a dedicated street or legally recorded easement.

**Lot Area** - the total horizontal area within the lot lines of a lot.

**Lot Coverage** - that portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools.

**Lot depth** - the depth of a lot shall be the horizontal length of a straight line connecting the bisecting points of the front and rear lot lines.

**Lot, double frontage** - a lot having frontage on and with access on more than one street.

**Lot Line, Rear** - a lot line which is opposite and most distant from the front lot line.

**Lot Line, Side** - those property lines connecting the front and rear property lines.

**Lot of Record** - a lot which is part of a subdivision, the map of which has been recorded in the Yavapai county recorder's office; or parcel of land, the deed of which is recorded in the office of the county recorder.

**Manufacturing** - (see Industry, Light).

**Mobile Home or Mobile Housing** - a movable or portable dwelling over thirty-two (32) feet in length or over eight (8) feet wide, constructed to be towed on its own chassis and designed so as to be installed with or without a permanent foundation for human occupancy as a residence which may include one (1) or more components that can be retracted for towing purposed and subsequently expanded for additional capacity, or two (2) or more units separately towable but dwelling composed of a single unit. Does not include recreational vehicle as defined in this article. The removal of the wheels and running gear shall **not** change the meaning of this term.

**Modular Home** - a dwelling unit or habitable room thereof which is either wholly or insubstantial part manufactured at an off-site location to be assembled on site, except that it does not include a mobile home as defined in this article.

~~**Motel** - a building or group of buildings containing guest rooms or apartments each of which maintains a separate outside entrance, used primarily for the accommodation of motorists, and providing automobile parking space on the premises.~~

**Natural** - the condition of the land, vegetation, rocks, and other surface features which have not been physically disturbed, changed or added to by any action of man or machine.

**Newspaper of general circulation** - *The Verde Independent*.

**Nonconforming building** - (see Section 501).

**Nonconforming use** - (see Section 501).

**Nuisance** - anything, condition or use of property which endangers life or health, gives offense to the senses, and/or obstructs the reasonable and comfortable use of other property.

**Nurseries** - a commercial operation for the growth and sale of plants, storage of equipment for landscaping and the wholesale-retail sale of commercial gardening supplies.

**Nursing Home** - a structure operated as a lodging house in which nursing, dietary and other personal services are rendered to convalescents, not including persons suffering from contagious diseases and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home shall be deemed a nursing home.

## SECTION 507. “C-1” ZONE, GENERAL COMMERCIAL

### A. PURPOSE

This district is intended to provide for and encourage orderly development in existing and future commercial areas within the Town.

### B. PERMITTED USES

1. Retail sales of apparel and accessories, dry goods, foods, drugs, flowers and plants, garden supplies, hardware, gifts and novelties, pet and hobby supplies, art and art supplies, jewelry, liquor, tobacco, newspapers and magazines, music and records, household supplies, stationary, books, paint, wallpaper and glass, sporting goods, toys, variety store goods, appliances, auto parts and supplies, furniture, office supplies, leather and leather products, carpet, antiques, fabrics, photo supplies, second hand and used goods and similar convenience goods.
2. Repair services such as, but no more objectionable or intensive in character than, watches, jewelry, shoes, locksmith, minor household appliances.
3. Personal services such as: barbers, beauty shops, health clubs, laundries and cleaners, mortuaries.
- ~~4.~~ ~~Hotels, and motels.~~
- ~~4.5.~~ ~~Bed and breakfast.~~
- ~~5-6.~~ Establishments serving food or beverages inside a building such as: restaurants, cafes, coffee shops, bars, taverns, cocktail lounges, excluding entertainment and dancing in connection therewith.
- ~~6-7.~~ Manufacturing incidental to a permitted use is permitted, but subject to the following limitations:
  - a. All products incidental to a permitted use which are manufactured or processed on the premises shall be sold at retail only and on the premises only.
  - b. Such manufacturing activity shall be restricted to not over fifty (50) percent of the ground floor area of the building allocated to the permitted use.
- ~~7-8.~~ Pawn shops.
- ~~8-9.~~ Printers and print shops.
- ~~9-10.~~ Radio and TV studios provided that no masts, towers or antenna used for transmission or broadcasting purposes are erected on the premises.
- ~~10-11.~~ Banks, stock brokerage firms, savings and loan associations, loan companies and credit unions.
- ~~11-12.~~ Governmental services, public utility offices and exchanges, excluding storage or repair services.
- ~~12-13.~~ Offices related to any of the following occupations: executive, administrative, professional, accounting, banking, writing, clerical, stenographic, graphic art, real estate and sales.
- ~~13-14.~~ Medical and dental offices and clinics.
- ~~14-15.~~ Establishments primarily supplemental in character to other permitted principal uses, such as: pharmacy, apothecary shop, sales of corrective garments, prosthetic devices and optical goods, medical and dental laboratories.

~~15-16.~~ Establishments whose principal function is basic research, design, and pilot or experimental product development, when conducted within an completely enclosed building.

~~16-17.~~ Business and trade schools, dancing, art and music schools and studios.

~~17-18.~~ Headquarters buildings of charitable, philanthropic, and welfare organizations provided that their primary activities are administrative and clerical rather than residential in nature.

~~18-19.~~ Accessory buildings, structures and other uses customarily incidental to a permitted use except as otherwise provided in this Ordinance.

~~19-20.~~ Any other such uses as determined by the Planning and Zoning Commission and approved by the Town Council to be similar to those uses listed above and not detrimental to the public health, safety and general welfare in accordance with the provisions of this Ordinance.

[Ord. No. 293]

### C. CONDITIONAL USES

1. Any "Permitted" or "Conditional" Uses in the "R1-10", "R1-5" or "R-2" Zones.
2. Establishments serving food or beverages for consumption on the premises, but outside of an enclosed building.
3. Establishments serving food or beverages which include entertainment or dancing.
4. Temporary outdoor sales, displays and other outdoor activities.
5. Indoor commercial recreation establishments, such as bowling alleys, billiard parlors, skating rinks and similar establishments.
6. Outdoor commercial recreation establishments.
7. Indoor theaters, assembly halls, ballrooms and similar places of assembly.
8. Taxi stands, bus stops, parking lots and garages.
9. Gas service stations.
10. Outdoor sales of nursery stock.
11. Pet shops.
12. Any such other uses as determined by the Planning and Zoning Commission and approved by the Town Council to be similar to those uses listed above and not detrimental to the public health, safety and general welfare in accordance with the provisions of this Ordinance.
13. Residential use of a building, including ~~three-family dwellings, multi-family dwellings, boarding houses, rooming houses, lodging houses,~~ apartment houses, and ~~Bed and Breakfasts,~~ when in the opinion of the Planning and Zoning Commission, said use has little or no adverse effect on the public health, safety and general welfare. Residential use with historic precedence in the subject buildings are exempt from the well-being criteria but remain subject to nonconforming use clauses.
14. Hospitals, nursing homes and convalescent homes.
15. Spirituous Liquor Tasting Facilities.

[Ord. No. 293; Ord. No. 408; Ord. No. 454]



- a. Required off-street parking shall be located within the C.1. Zone. Whenever the use of a separate lot or parcel is proposed for fulfillment of minimum parking requirements the owner shall submit as part of his application satisfactory assurance that the separate lot or parcel is permanently committed to parking use by deed restriction or recorded easement.
- b. Off-street parking spaces, driveways, and access ways shall be fully improved with an all-weather, dust-free surface, and properly drained to prevent impoundment of surface water.
- c. Off-street parking spaces shall be situated in a manner which will not result in automobiles backing onto a public street.

A variance from the requirement of Section C.2.c. may be granted by the Board of Adjustment if compliance with this section is geographically impossible. If such a variance is granted, it shall be required as a condition of the variance that traffic signs shall be placed by the Town, after approval by the Design Review Board, and paid for by the applicant, alerting crossing traffic of automobiles backing onto public streets in all areas except those abutting the State highway.

#### D. SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES

1. Off-street parking spaces shall be provided for each specified use in accordance with the following schedule. "Usable area" as used herein shall mean the area capable of being devoted to the specified use (does not include such spaces as kitchens, restrooms, hallways, etc.). If the use of any structure is changed, off-street parking shall be required and provided under the new use.

USE	SPACE REQUIRED
<del>a. Boarding House</del>	<del>1 space per unit</del>
<del>b.a.</del> Bowling alley	4 spaces per alley or lane
<del>e.b.</del> Church or other place of worship	1 space per 6 seats (each 30 inches of bench space is considered 1 seat), plus 1 space per 50 sq. ft. of usable area not used for seating
<del>d.c.</del> Day care center	2 spaces plus 1 space per 500 sq. ft. of usable floor area
<del>e.d.</del> Home occupation	No additional space
<del>f.e.</del> Hospital or nursing home	1 space per 2 beds
<del>g.f.</del> Hotel <del>or motel</del>	1 space per rental unit
<del>h.g.</del> Manufacturing, industry	1 space per 500 sq. ft. of wholesaling usable area
<del>i.h.</del> Medical, dental office, or clinic	3 spaces per doctor
<del>j.i.</del> Offices	1 space per 300 sq. ft. of usable area
<del>k.j.</del> Public assembly place such as auditorium meeting hall or theater	1 space per 6 seats (each 30 inches of bench space is considered 1 seat), plus. 1 space per 100 sq. ft. of usable area
<del>l.k.</del> Residential (except apartment)	2 spaces per dwelling unit
<del>m.l.</del> Residential (apartment)	1 1/2 spaces per dwelling unit
<del>n.m.</del> Restaurant or bar	1 space per 6 seats (each 30 inches of bench space is considered 1 seat) plus 1 space per 100 sq. ft. of usable area
o. Retail and service uses	1 space per 300 sq. ft. of usable area
p. School (elementary and middle)	and middle)
q. School (other than elementary	





# TOWN OF JEROME

Post Office Box 335, Jerome, Arizona 86331

(928) 634-7943

## **Zoning Administrator Analysis Planning and Zoning Commission/City Council Tuesday, December 1, 2020**

**ITEM 4D:** Temporary signage  
**Applicant/Owner:** Town of Jerome  
**Recommendation:** Discuss and provide direction to staff  
**Prepared by:** John Knight, Zoning Administrator

**Background and Summary:** On May 12, 2020, the Council initiated the amendment of the temporary signs ordinance. On June 3, 2020, the Planning and Zoning Commission held a work session on temporary signs. This discussion was continued to the September 16, 2020 meeting. The purpose of updating the ordinance is to bring it into compliance with recent case law that prohibits restricting content of various types of temporary signs.

Updates are needed to eliminate the size differences of various types of temporary signs in the same zoning district. Temporary signs can be restricted by size within each zoning district, but different types of temporary signs cannot have different size restrictions within the same zoning district.

### **Summary of Suggested Changes to Section 509:**

**Section 509.B. - Definitions:** Amendments to the definitions include removing the definition of *campaign sign* and expanding the definition of temporary sign to include campaign signs, candidate signs, real estate signs, contractor signs, banner signs, and garage sale signs. Also removed from this section was gas-generated signs, which were added to the list of prohibited sign types.

**Section 509.D. – Permits:** Amendments to the permit section include deleting the language related to political signs.

**Section 509.E. – Regulations applicable to signs in all zones:** Amendments to this section include deleting the separate provisions for political signs, real estate signs, and contractor signs. Note that a separate section has been added to address flags.

**Section 509.F. – Regulations applicable to signs in residential zones:** New language has been added to allow temporary signs in residential zones up to a maximum area of six (6) square feet. This would include all types of temporary signs – garage sale, candidate/campaign signs, real estate, contractor signs, and signs exhibiting messages of free speech. As noted above, flags are addressed separately.

**Section 509.G. – Regulations applicable to signs in commercial and industrial zones:** New language has been added to allow temporary signs in the commercial and industrial zones up to a maximum area of eight (8) square feet.

**Section 509.H. – Prohibited Signs:** A list of prohibited signs has been added.

**Recommendation:** Provide direction to staff on any additional changes.

**Attachment:** Redline of suggested changes to the Jerome Zoning Ordinance

## SECTION 509. SIGNS

### A. PURPOSE

This section provides a set of standards for the design and construction of signs within the Town of Jerome. The purpose of this section is to encourage the preservation of historic buildings and artifacts, to protect the general public from damage and injury, to protect property values, to preserve the beauty and unique character of Jerome, to aid in the free-flow of traffic within the town, and to promote the tourist industry which is important to the economy of Jerome, and the Historic Overlay District.

### B. DEFINITIONS

Within and for the purposes of this section, the following definitions, and only these definitions, apply.

1. Sign - An object meant to convey a message through the use of words or symbols. A sign can be painted on one surface, or both surfaces, be free-standing or be signs supported by a pole or be attached to a building. All exterior whether public or private, are regulated by this ordinance.
2. Area - A rectangular area calculated by drawing horizontal and vertical lines from all sign extremities excluding those which are essentially sign supports.
- ~~3. Sign, Campaign - A sign whose sole purpose is to advertise a political candidate or issue.~~
3. Sign, District - A sign which advertises one or more than one business in a single building or area. A district sign operates as a directory with a heading stating the district and uniform nameplate signs for those businesses within the district.
4. Sign, Canopy - A sign mounted on or painted on a canopy or awning.
5. Sign, Free-Standing - A sign not attached to or supported by a building.
6. Sign, Height - The vertical distance from the ground directly under the sign to the lowest point of the sign.
7. Sign, Interior - Signs within a building not accessible from outside. Interior signs are not regulated by this ordinance.
- ~~8. Sign, Gas Generated - Gas generated signs or signs illuminated by gas generated lighting, other than those existing on June 14, 1977, are prohibited.~~
- ~~9-8.~~ Sign, Off-premise - A sign not located on the premises of the business which it advertises. A district sign is not an off-premises sign.
- ~~10-9.~~ Sign, On-premise - A sign, the content of which relates to the premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, services, or activities of or on those premises, or the sale or lease of those premises.
- ~~11-10.~~ Sign, Nameplate - A sign which is limited to the name and/or business of the residents of the premises, not exceeding two inches by twelve inches (2" x 12").
- ~~12-11.~~ Sign, Business Door Identification - A nameplate sign of a business name on an entry door, not exceeding two inches by twelve inches (2" x 12").
- ~~13-12.~~ Sign, Projecting - A building mounted sign which projects from and is supported by a wall of a building.

- ~~14-13.~~ Sign, Wall - A sign attached flush to the exterior surface of a building, or permanently applied to a window of a building. The sign must not project above the roof. Light sources aimed at the wall sign may project further.
- ~~15-14.~~ Sign, Historical/Historical Period - A sign in use in Jerome during the period between  
i. 1876 and 1953.
- ~~16-15.~~ Sign, Service - An interior sign whose purpose is not to advertise the business displaying the sign, but to inform or provide for the safety of the public. Signs such as credit card placards, directional signs, "No Smoking" signs, and menu boards are examples of service signs.
- ~~17-16.~~ Sign, Open/Closed - A sign indicating that a place of business is open or closed.
- ~~18-17.~~ Sign, Temporary - A sign displayed for not more than forty-five (45) consecutive days or a total of ninety (90) days in a calendar year. Examples of temporary signs include garage sale signs, temporary sale signs, contractor signs, banner signs, political signs, and real estate signs. The definition of temporary sign does not include flags.
- ~~19-18.~~ Organization – An organized body of people with a particular purpose, such as a society, association, civic or charitable group, or similar, whether non-profit or for-profit.

[Ord. No. 457]

### C. APPLICABILITY

The provisions of this section shall apply to all signs placed or maintained within the Town of Jerome with the exception of the following:

1. Non-illuminated names of buildings, dates of erection, monument citations, commemorative tablets and the like when carved into stone, concrete, metal or any other permanent type construction and made an integral part of a permitted structure or made flush to the ground.
2. Signs required by law or signs of a duly constituted governmental body, such as traffic signs, warning signs, or no trespassing signs.
3. Signs placed by a public utility for the safety, welfare, or convenience of the public, such as signs identifying high voltage, public telephone, or underground cables.
4. Notices regarding parking, directions or trespassing on private property.
5. Signs upon a vehicle, provided that any such vehicle is actively used for bona fide delivery or other business purposes.

[Ord. No. 457]

### D. PERMITS

1. A sign permit shall be required before a permanent sign may be placed, constructed, reconstructed, or altered within the Town of Jerome with the exception of the following:
  - a. Name-plate signs and business door identifiers not exceeding two inches by twelve inches (2" x 12").
  - b. Repainting or maintenance of signs, provided there is no change in size, shape, wording, composition, or color.
  - ~~c. Political signs.~~
  - d. On-site menu boards, either in a wall-mounted case or window display.
  - e. Exterior temporary signs.
2. An application for a permanent sign permit shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall be accompanied

by eight identical copies of the sign plans. Each copy shall be on one or more sheets of paper measuring not more than twenty-four inches by thirty-six inches (24"x 36") drawn to scale, which shall show the following:

- a. Signature of the applicant.
- b. The name and address of the sign owner and sign erector.
- c. Drawings showing the design, dimensions, color, material, and structure of the sign.
- d. A drawing or photograph of the building facade indicating the proposed location of the sign, and all other existing signs maintained on the premises and regulated by this ordinance.
- e. Proposed method of lighting the sign.
- f. Any additional information which the Design Review Board may require in order to decide on the application.
- g. Payment of a non-refundable, one-time filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the offices of the Town Clerk. Applicant may re-submit a modified plan without paying an additional fee. Payment of the filing fee shall be waived when the applicant is an agency of the Town, County, State or Federal Government.

3. Plan Review

The Zoning Administrator shall review and accept completed plans in accordance with the provisions of Section 303. These plans shall be placed on the agenda of the next Design Review Board meeting.

4. Design Review

The Design Review Board shall, in accordance with the provisions of Section 304, deny, approve, or conditionally approve any application for a sign permit. Upon approval of an application by the Design Review Board, the Zoning Administrator shall be instructed to issue the sign permit.

5. The Design Review Board may waive the requirements of this section in order to allow the preservation or restoration of signs or commercial graphics which are determined to be of historical significance.

[Ord. No. 457]

## **E. REGULATIONS APPLICABLE TO SIGNS IN ALL ZONES**

1. The design, color, shape, materials and style of signs shall be subject to review and approval of the Design Review Board.
2. All signs shall be constructed, designed, or attached to structures in conformance with the building code adopted by the Town of Jerome.
3. No sign shall be constructed, erected or lit in such a manner as to interfere in any way with the flow of traffic on the public right of way, or present a traffic hazard.
4. Free-standing signs shall not exceed four (4) feet in height.
5. There shall be no off-premise signs.
6. Organizations as defined herein are allowed Temporary Signs without a permit or review for temporary special event banners or signs. Banners for special events must be removed within three (3) days of the close of any event and may not be hung on Town property without permission of the Town of Jerome. The Town Manager may approve special event

banners to be hung on Town property for recurring events. Banners to be hung on Town property for first time events shall be approved by the Town Council.

7. Lighting shall be directed at the sign from an external incandescent light source and shall be installed so as to avoid any glare or reflection into any adjacent property, or onto a street or alley so as to create a traffic hazard. These restrictions shall apply to internally lighted signs, which may be allowed if constructed of metal or wood. ~~No internally lit signs that are constructed of acrylic or plastic are allowed. No sign that flashes or blinks shall be permitted outside. No visible bulbs, neon tubing, or luminous paints, shall be permitted as part of any sign.~~
8. No sign or part of a sign shall have mechanically moving parts or audible devices.
9. ~~Political signs shall be permitted up to a total area of six (6) square feet in area for each premise, but shall not be placed in the public right of way or upon power or telephone poles. Political signs may be erected no earlier than sixty (60) days prior to any primary or general election; they shall be removed within ten (10) days after the election.~~
10. ~~One (1) real estate sign located on the property it refers to will be permitted.~~
  - a. ~~The sign shall be a maximum size of eighteen inches by twenty four inches (18" x 24"). Additionally, one (1) rider denoting the name of the agent not exceeding six inches by 24 inches (6" x 24") may be attached to the real estate sign. Upon opening of an escrow, an additional rider not exceeding six inches by twenty four inches (6" x 24") and containing the word "sold" or "pending" may be attached. Any other types of descriptive riders are specifically prohibited.~~
  - b. ~~All real estate signs must be removed within three (3) days of any transfer of ownership (recordation) of the property.~~
- ~~11. Contractor identification signs or Contractor and/or Architect identification signs may be erected for the duration of construction. Such construction signs are to be removed seven days after a certificate of occupancy is issued. The signs shall not exceed four (4) square feet in area. Also, signs warning of construction debris or denoting project sponsored by a funding source may be erected.~~
12. Any existing nonconforming sign may be continued in use; if such a sign is damaged, it may be restored or repaired. If a new sign is constructed, it must conform to the provisions of this chapter.
13. Once a year it shall be the duty of the Zoning Administrator to review all district signs and make appropriate recommendations to the Design Review Board.
14. Signs shall be removed upon thirty (30) days of business relocation or closure.
15. If any sign becomes a danger to the public or becomes deteriorated or is abandoned, the property owner, or owner of the sign shall be notified to remove or repair the sign. If he/she does not comply within ten (10) days, the Zoning Administrator shall have the sign removed and the cost assessed to the owner of the property on which such sign is located.

**16. Flags.** Unless otherwise required by state law or specified in this Article, no more than two (2) flags may be displayed on a flagpole, from a flag bracket or on a flag stanchion. The area of each flag shall not exceed sixteen (16) square feet and the height of the flag shall be no taller than any building located on the same property. For the purpose of determining the area of a flag, only one side of the flag shall be counted. Flags may be externally illuminated. A sign permit is not required for a flag.



## F. REGULATIONS APPLICABLE TO SIGNS IN RESIDENTIAL ZONES

1. One nameplate sign not exceeding two inches by twelve inches (2"x 12") indicating the names of the occupants or business, and one set of numbers four inches by twelve inches (4"x 12") indicating the street address shall be allowed for each dwelling unit without a permit.
2. One non-illuminated sign not exceeding eight (8) square feet in area shall be allowed on premises only to identify a home business and requires a permit. A two-sided sign is one sign.
3. No sign shall extend above the eaves line of a building or extend higher than ten (10) feet above the ground directly below it.

4. Temporary signs shall be permitted in the residential zones provided that the sum area of all temporary signs does not exceed six (6) square feet in size. Temporary signs shall be removed within three (3) days of the completion of the event or activity that they are advertising.

[Ord. No. 457]

## G. REGULATIONS APPLICABLE TO SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES

1. No more than two (2) signs are permitted for any one business except that a business having frontage on and physical access from two (2) or more streets will be allowed a total of three (3) signs.
2. The area of any single wall, projecting, free-standing or canopy sign shall not exceed sixteen (16) square feet.
3. No sign shall extend above the roof of the building to which it is attached.
4. The bottom of any projecting sign shall be no lower than eight (8) feet above the ground directly below it.
5. No part of any projecting or free-standing sign may project over any roadway.
6. One (1) set of address numbers not exceeding four inches by twelve inches (4" x 12") in total area shall be allowed in addition to normal sign allowances.
7. District signs, in addition to other allowed signs, will be considered on a case by case basis by the Design Review Board.
8. Temporary signs, such as "sale" signs are allowed in addition to other signs. Temporary signs must meet all restrictions for signs in this section in addition to the following:
  - a. The sum area of all temporary signs ~~No temporary sign may~~ shall not exceed eight (8) square feet.
  - b. No business may display a temporary sign more than ninety (90) days per calendar year, or forty-five (45) consecutive days.
  - c. No permit is required for temporary signs.

*Examples of ~~unrestricted~~ temporary signs: ~~one (1) day sign or special sign allowed (one per business)~~:-*

- Chalkboards or signs that change daily for menu specials
- Signs for special events that have limited use, such as Art Walk announcements
- Sandwich boards / A-Frame signs (allowed in vestibules and on private property, but not on public sidewalks)

~~Examples of restricted temporary signs (maximum 90 days per year and no more than 45 consecutive days):-~~

- *Banners*
  - *“Sale” and other exterior product advertising*
9. Exterior signs indicating open and closed are permitted in addition to normal sign allowances. These signs should be no more than four (4) square feet in area. Such an exterior open/closed sign requires a permit and approval from the Design Review Board.
10. Standard copyright signs offering information on incidental services or recommendations, e.g., VISA, MasterCard, WiFi, etc., are permitted in addition to normal sign allowances, provided:
- a. They conform to all provisions contained in this section.
  - b. They are inside a window.
  - c. There is no more than one (1) sign per incidental service per public entrance to the business.
  - d. No sign's area shall exceed sixteen (16) square inches.

#### **H. PROHIBITED SIGNS**

- 1. Sign walkers.
- 2. Inflatable signs.
- 3. Internally lit signs that are constructed of acrylic or plastic.
- 4. Sign that flash, blink, or move.
- 5. Signs with visible bulbs, neon tubing, or luminous paints.
- 6. Digital or electronic signs with changeable copy.
- 7. Gas generated signs.
- 8. Flying banners.



# TOWN OF JEROME

Post Office Box 335, Jerome, Arizona 86331  
(928) 634-7943

## **Zoning Administrator Analysis Planning and Zoning Commission/City Council Tuesday, December 1, 2020**

**ITEM 4E:**                      **Mixed use in the C-1 and I-1 zones**  
**Applicant/Owner:**      Town of Jerome  
**Recommendation:**      Discussion and possible direction  
**Prepared by:**              John Knight, Zoning Administrator

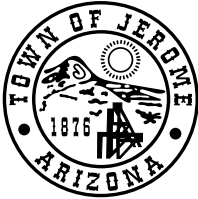
**Background and Summary:** On August 5, 2020, the Planning and Zoning Commission discussed the possibility of including mixed use within the C-1 zone. This item was further discussed at the September 16, 2020 and October 21, 2020 meetings. There appeared to be some agreement that amendments should be made to the zoning ordinance to address mixed use in the C-1 and I-1 zones.

**Discussion:** In acknowledging mixed use in the zoning ordinance, the Planning and Zoning Commission and Council may want to consider the following items:

- 1. Permitted vs. Conditionally Permitted:** Should mixed use be allowed as a permitted use or through the conditional use permit process? The commission seemed to be in agreement that mixed use should be allowed as a conditionally permitted use. One suggestion was to require a conditional use permit (CUP) if the residential use was at street level but allow residential as a permitted use if it was above or below street level.
- 2. Percentage of Residential vs. Commercial:** Commercial uses should still be the primary purpose of the C-1 zone. Should there be a minimum or maximum amount of residential and commercial uses that would be appropriate? For example, would it be OK to have a ten-unit apartment project with a tiny retail space at the street level?
- 3. Industrial:** Should mixed use be permitted with a CUP in the industrial zoning district? This primarily affects the old high school. Existing businesses at the high school have been interested in officially having residential use incorporated into their studio spaces. There seemed to be some agreement that it should be allowed in the industrial zone. If allowed in the industrial zone, staff recommends that a CUP be required.
- 4. Parking:** How should parking be addressed for mixed-use projects? Most jurisdictions that allow mixed use include a mechanism to reduce the parking requirements for mixed-use projects. The reduction is typically justified due to differing parking demands for residential and commercial uses. Reductions can range from 10 to 30 percent. In some cases, staff is authorized to provide a small reduction (10 percent, for example) but if the applicant wants a larger reduction, they are required to submit a parking demand study and have it approved by the P&Z Commission.
- 5. Other Considerations:** If mixed use is allowed as a permitted or conditional use, fire sprinklers will need to be provided for the entire structure.

**Recommendation:** Provide direction to staff on any potential changes to address mixed use.





# TOWN OF JEROME

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## **Zoning Administrator Analysis Planning and Zoning Commission/City Council Tuesday, December 1, 2020**

**ITEM 4F:**                      **Telecommunications ordinance**  
**Applicant/Owner:**      Town of Jerome  
**Recommendation:**      Discussion and possible direction  
**Prepared by:**              John Knight, Zoning Administrator

**Summary:** The Town does not currently have a telecommunications ordinance that addresses proposed cell sites. Recent changes in federal and state law and interest from telecommunications providers (like Verizon) necessitate the preparation of a new ordinance. Other neighboring jurisdictions have prepared ordinances that could be used as a template for Jerome's ordinance. Sedona appears to have the most current and "robust". This can be used as a model for the development of Jerome's ordinance. This item was briefly discussed at the May 12, 2020 Council meeting and the item was tabled to a date uncertain.

**Key Issues:** Key items to be addressed as part of a new ordinance are noted below.

1. **Aesthetic Standards** – The ordinance should include objective design standards that require visual screening and place an emphasis on the facility not being visible from streets, sidewalks, or other public areas. These are sometimes referred to as "stealth standards."
2. **Radio Frequency (RF) Standards** – Maximum RF levels are regulated by federal law. However, local jurisdictions can require that facilities demonstrate compliance with federal standards before and after installation.
3. **Environmental Compliance** – The ordinance should include an environmental review process to ensure that the proposed facility has completed all applicable federal, state, and local environment review standards.
4. **Collocation** – Preference should be given to collocating telecommunications facilities on existing poles/facilities whenever possible.
5. **Permitting Process** – A permit process will need to be included that addresses whether a proposal requires site plan review and/or design Review. Some facilities may also require a conditional use permit (CUP).
6. **Approval Criteria** – Approval criteria should include the following:
  - a. Use of suitable existing towers or base stations is preferred over placement of new towers;

- b. New base stations that do not exceed height limitations for the zoning district are preferred over base stations that do exceed the height limitation for the zoning district;
  - c. Concealed wireless communication facilities that cannot be readily observable by pedestrians on adjacent streets are preferred over facilities that are readily observable by pedestrians on adjacent streets;
  - d. Collocation of multiple uses on a single wireless communication facility will have significant favorable weight in evaluating the application;
  - e. Network development plans that achieve the fewest number of wireless communication facilities of all users reasonably necessary for commercial coverage are preferred;
  - f. Location in nonresidential zoning districts is preferred over residential districts;
7. **Allow on Town Property** – The Town will need to decide whether to allow telecommunications facilities on existing Town property – parks, fire station, the Jerome Hotel, water tanks, etc.
8. **Renderings/Mock-ups** – The ordinance could include a provision that requires applicants to submit photorealistic renderings. For small cell sites, the ordinance could also require the placement of a temporary “mock-up” of the proposed facility so the Town can see how it looks in the field.
9. **Expert Review** – Review by an outside expert (paid for by the applicant) can be included in the ordinance.
10. **Types of Facilities** – The telecommunications providers have created a variety of ways to partially hide/screen small cell facilities. A few of them are included for reference.

**Recommendation:** Discussion and possible direction to staff.