



TOWN OF JEROME

Planning and Zoning Commission Meeting Agenda

POST OFFICE BOX 335, JEROME, ARIZONA (928) 634-7943

Wednesday, June 3, 2020 Time: 6:00 pm

Notice is hereby given pursuant to A.R.S. 38-431.02, that members of the Jerome Planning and Zoning Commission and staff will attend by audio/video conference call. Members of the public are encouraged to participate in the meeting via Zoom conference by computer: <https://us02web.zoom.us/j/9286347943> or by telephone: **1-669-900-6833**, then enter the meeting ID: **928 634 7943** when prompted.

Questions and comments can be submitted, if attending by Zoom video conference, by clicking the chat button at the bottom of the screen and entering your name and the agenda item you would like to address. Written comments can be submitted two hours prior to the meeting by e-mail to John Knight (j.knight@jerome.az.gov).

The Planning & Zoning Commission 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).

Item 1: Call to order/roll call

Item 2: Petitions from the public — Pursuant to A.R.S. § 38-431.01(H), public comment is permitted on matters not listed on the agenda, but the subject matter must be within the jurisdiction of the commission. All comments are subject to reasonable time, place, and manner restrictions. All petitioners must fill out a request form with their name and subject matter. When recognized by the chair, please state your name, and please observe the three (3)-minute time limit. No petitioners will be recognized without a request. The commission's response to public comments is limited to asking staff to review a matter commented upon, asking that a matter be put on a future agenda, or responding to criticism.

Possible Direction to Staff

Item 3: Approval of Minutes: Minutes of the meeting of May 20, 2020
Discussion/Possible Action/ Possible Direction to Staff

Continued Items from Previous Meetings:

Item 4: Reapproval of Site Design for an apartment building and parking structure

Applicant: Steve Knowlton/Nancy Robinson

Address: 446 Clark Street

Zone: C-1

Owner of record: Ideas-a-plenty, LLC

APN: 401-06-032, -033, and -026Q

Applicant is seeking Preliminary and Final Site Design approval of a previously approved apartment project and adjacent parking structure.

Discussion/Possible Action – P&Z Reso. 2020-09

Item 5: Work session on code amendments to residential lodging

Applicant: Town of Jerome

Updates to the Jerome Zoning Ordinance related to residential lodging. Updates may include but are not limited to the definitions for *boarding house*, *rooming house*, *bed and breakfast*, *hotel* and *motel*. Amendments may also include modifications to the permitting process for each type of residential lodging.

Discussion/Table to next P&Z Meeting

Item 6: Work session on code amendments related to temporary signs

Applicant: Town of Jerome

Updates to the Zoning Ordinance related to temporary signs. Amendments may include but are not limited to the following types of temporary signs: real estate signs, contractor signs, political signs, temporary banners, and A-frame signs. Amendments may also include modifications to the permitting process for each type of sign.

Discussion/Table to next P&Z Meeting

Item 7: Work session on code amendments related to a sidewalk encroachment policy

Applicant: Town of Jerome

Updates to the Zoning Ordinance related to encroachments onto or over the public sidewalks. Amendments may address benches, trash cans, newspaper racks, projecting signs, awnings, and other miscellaneous encroachments.

Discussion/Table to next P&Z Meeting

New Business:

Item 8: Community Garden Site Plan Review

Applicant: Town of Jerome

Location: Middle Park

Owner of record: Town of Jerome

Zone: C-1

APN: 401-06-015

The Town of Jerome is requesting a "courtesy review" of the proposed site design for the community garden.

Discussion/Possible Action

Informational Items (Current Event Summaries):

Item 9: Potential items for upcoming P&Z agendas

- **Wednesday, July 1, 2020** – Ordinance amendments for a sidewalk encroachment policy, ordinance amendments for temporary signs, ordinance amendments for residential lodging

Discussion/Possible Direction to Staff

- **Future Items** – Telecommunications ordinance (work session scheduled for June 11, 2020, at 5pm)

Item 10: Adjourn

The undersigned hereby certifies that this notice and agenda was posted at the following locations on or before 6 p.m. on _____

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, Attest

Persons with a disability may request reasonable accommodations such as a sign language interpreter by contacting Town Hall at (928) 634-7943. Requests should be made as early as possible to allow sufficient time to make arrangements. Anyone needing clarification on a P&Z Commission agenda item may call John Knight at (928) 634-7943.



TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943

Petition to Speak

Name: _____

Address: _____

Date: _____

Topic/Comments: _____

Pursuant to A.R.S. § 38-431.01(H), public comment is permitted on matters not listed on the agenda, but the subject matter must be within the jurisdiction of the commission. All comments are subject to reasonable time, place, and manner restrictions. All petitioners must fill out a request form with their name and subject matter. When recognized by the chair, please step to the podium, state your name, and please observe the three-minute time limit. No petitioners will be recognized without a request. The commission's response to public comments is limited to asking staff to review a matter commented upon, asking that a matter be put on a future agenda, or responding to criticism.



TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943

Special Meeting of the Town of Jerome
Planning and Zoning Commission
via videoconference (Zoom)

Wednesday, May 20, 2020 Time: 6:00 pm
MINUTES

6:00 (9:08) Call to order/roll call

Chair Jessamyn Ludwig called the meeting to order at 6:00 p.m.

Roll call was taken by Rosa Cays, Deputy Clerk. Commissioners present were Vice Chair Joe Testone, Lance Schall, Henry Vincent, and Chuck Romberger. Also present was John Knight, Zoning Administrator.

6:01 (9:50) Item 2: Petitions from the public – There were no petitions from the public.

6:01 (10:00) Item 3: Approval of Minutes: Minutes of the Joint DRB/P&Z Meeting from April 29, 2020
Discussion/Possible Action/ Possible Direction to Staff

Chair Ludwig asked if anyone had questions or concerns. Commissioner Henry Vincent pointed out that at the end of the joint meeting, he had asked about the status of the Cuban Queen and if a notice of claim had been filed against the Town of Jerome relative to the Cuban Queen, to which Town Manager Candace Gallagher had answered yes. His initial question was in the draft minutes, but his question about the notice of claim was not, and he asked that the minutes be revised to include this material fact discussed in the meeting.

Motion to Approve the Minutes of April 29, 2020 once revised as requested

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Ludwig			X			
Romberger			X			
Schall		X	X			
Testone			X			
Vincent	X		X			

Continued Items from Previous Meetings:

6:04 (12:22) Item 4: Update Planning and Zoning Commission Bylaws

APPLICANT: Town of Jerome

Discussion/Possible Action – P&Z Reso. 2020-7

Zoning Administrator John Knight reminded the commission that although the bylaws are the commission's bylaws, they do need to be approved by the Jerome Town Council. The bylaws did go before Council again, and this time they agreed with the change to the meeting start time of 6:00 p.m. Mr. Knight said that if the commission is fine with the minor changes redlined in the bylaws pages included in the agenda packet, then a motion could be made to approve this item. The final approval/changes would then go before Council along with the changes to the DRB bylaws. He also mentioned Item 8 on the agenda, which is related to the bylaws but warrants a separate discussion.

Mr. Knight clarified Resolution 2020-7 was motioned for approval.

Motion to Approve P&Z Resolution 2020-7

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Ludwig	X		X			
Romberger			X			
Schall			X			
Testone		X	X			
Vincent			X			

New Business:

6:06 (14:18) Item 5: Site Plan Review for new patio cover – Jerome UVX Center

Applicant: John Bartell

Address: 403 Clark Street

Owner of record: 1299 Properties

Zone: C-1

APN: 401-06-152H

Applicant is seeking preliminary and final site plan review for a new patio cover and red tile “eyebrow.”

Discussion/Possible Action - P&Z Reso. 2020-8

Mr. Knight explained that this item was why P&Z was called to a special meeting. The application was submitted when Mr. Knight was out sick with pneumonia for two weeks in late February and essentially “fell through the cracks.” To expedite the process, DRB has already approved the project pending P&Z’s approval. Mr. Knight then explained what was happening with the project and the condition added to the application that an arborist be consulted regarding the large pine tree in the middle of the courtyard where the patio cover will be installed. He pointed out that the applicant was present to answer questions.

(16:39) Building owner and Jerome resident John Bartell said it was a project he had been wanting to do for a long time. The purpose is to better utilize the space for commercial tenants—currently it is Jerome Olive Traders.

Motion to Approve P&Z Resolution 2020-8

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Ludwig	X		X			
Romberger			X			
Schall		X	X			
Testone			X			
Vincent			X			

6:10 (18:51) Item 6: Reapproval/Extension request for apartment building and parking structure

Applicant: Steve Knowlton/Nancy Robinson

Address: 446 Clark Street

Owner of record: Ideas-a-plenty, LLC

Zone: C-1

APN: 401-06-032, -033, and -026Q

Applicant is seeking reapproval/extension of a previously approved apartment project and adjacent parking structure.

Discussion/Possible Action

Mr. Knight clarified that a decision could not be made at this meeting because the item needed to be posted for 14 days, but he wanted to introduce the item to the commission and continue it to the June 3 P&Z regular meeting.

Mr. Knight explained that the project was originally approved in 2016 and that there were two parts to the project: the first phase was to include work on the existing building as well as an addition (approved March 2016), and a parking structure in the second phase (approved December 2016) under a separate application. A building permit was issued for the first phase. The second phase expired unbeknownst to the applicant. Mr. Knight said he spoke with the town attorney who thought the most expeditious approach was to reapprove the project.

(21:28) Applicant Steve Knowlton always viewed this as a single project and explained that it needed to be constructed in a certain order. Mr. Knowlton said the next step is to build the foundation of the addition and the parking structure last. He said they have been following the town ordinances and despite the two separate approvals, wants to treat this as one project.

Mr. Vincent asked Mr. Knight if the motion to approve needed to wait until the June 3 P&Z meeting.

Mr. Knight confirmed this and said at this meeting it was merely to introduce the item.

Motion to Table Item 6 until the next regular P&Z Meeting

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Ludwig	X		X			
Romberger			X			
Schall		X	X			
Testone			X			
Vincent			X			

6:16 (24:44) Item 7: Initiate code amendment to Definitions for Boarding/Rooming House

Applicant: Town of Jerome

Updates to the Zoning Ordinance Section 201, Definitions. Updates may include but are not limited to the definitions for boarding house, rooming house, bed and breakfast, hotel, and motel.

Discussion/Possible Action – P&Z Reso. 2020-10

Mr. Knight introduced the item and said it originally came up in discussions during the “Cuban Queen” project at 324 Queen Street. He said the zoning ordinance currently requires boarding/rooming houses to have a kitchen, an archaic portion of the code that needed to be updated, and that the Cuban Queen project was more like a boutique hotel. Mr. Knight then went through the definitions for bed-and-breakfast (B&B), boarding/rooming house, and hotel/motel. He said the Council is interested in having this section of the ordinance amended and has requested that

P&Z do the “heavy lifting” and present back to Council. Mr. Knight said that this was a preliminary discussion and suggested different approaches the commission could take.

Mr. Schall pointed out that the ordinance can’t be changed in any way that disallows anything that currently exists in town; he mentioned the definition of B&B as one example. He mentioned a few lodging places in town. He also suggested that boarding house/rooming house be dropped from the ordinance and to not differentiate between a hotel and a motel because of number of rooms.

Discussion ensued about the rationale for requiring a conditional use permit (CUP) for smaller hotels in the C-1 district.

Mr. Vincent asked if the goal was to clean up the definitions.

Mr. Knight told him yes, but it was to also have them coincide with state definitions/laws. He mentioned short-term rentals as an example.

Mr. Schall made a comment about the lack of practicality of the current B&B definition in the ordinance.

Mr. Knight suggested looking at definitions separately for lodging in residential zones versus the commercial zones.

More was discussed about the difference between a short-term rental and a B&B, with the important distinction that the owner lives on the premises at a B&B, as Chair Ludwig pointed out.

Mr. Knight asked if the town wants to require different “hoops” for B&Bs than short-term rentals, and that it doesn’t seem fair. He also said the town seems to prefer the B&B model.

Mr. Vincent asked why the Council delegated this to P&Z.

Mr. Knight answered that Councilmember Jane Moore had requested this. She was interested in changing the definition considering the kitchen requirement for boarding/rooming house, which came up during the Cuban Queen project.

Mr. Schall said he felt it was worth doing.

Mr. Vincent proclaimed the commission signed up to help Mr. Knight with this.

Mr. Schall continued the discussion about B&Bs versus vacation rentals. He suggested cleaning up the definitions but not make it harder for someone to have a B&B in Jerome.

Commissioner Chuck Romberger said he has run B&Bs in Pine and Payson. Pointed out that about four years ago, Ducey made it so municipalities cannot override state regulations. Mr. Romberger elaborated on the state laws and what Jerome could and could not do.

Mr. Vincent asked if the zoning administrator and perhaps the town attorney, Mr. Bill Sims, should educate the commission on the state law.

Vice Chair Joe Testone responded to Mr. Vincent’s comment, but unfortunately audio issues made it difficult to hear him. Mr. Knight suggested he call in by phone.

Mr. Knight said he’ll bring information on state regulations to the next P&Z meeting. Code amendments do require a public workshop, which will be scheduled. [Mr. Testone joined the meeting again.]

Chair Ludwig asked Mr. Testone if he could repeat what he had said earlier.

Mr. Testone said that he agreed with Mr. Vincent that it was important to determine disparities between Jerome’s ordinances and what the state requires but not to make it more difficult for someone to maintain or open a B&B.

Mr. Knight talked about the next steps for this item, which will include a mid-June workshop and adding it to the agenda for the P&Z meeting in July. Tonight’s motion was to initiate the process.

Mr. Vincent said it would be helpful if Mr. Knight would please email the revised state statutes to the commissioners.

Motion to Approve P&Z Resolution 2020-10

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Ludwig			X			
Romberger			X			
Schall	X		X			
Testone			X			
Vincent		X	X			

6:35 (44:20) Item 8: Possible change to P&Z Meeting Day of the month

Applicant: Town of Jerome

Discussion/Possible Action

Ms. Ludwig believes third Wednesdays would work best.

Mr. Knight reminded the commissioners that the Council was concerned about efficiency of project approvals. He further explained other reasons why the date change was being considered. He said it was also to reduce the burden on the staff to prepare packets for multiple meetings in one week. Mr. Knight further discussed how the schedule change would work in relation to the P&Z and Council meetings. He mentioned there was talk about moving the DRB meetings to the first Monday of each month.

Mr. Vincent said if it helps the staff, move the meeting. The rest of the P&Z commissioners agreed a change in schedule was fine.

Mr. Knight said it sounded like everyone agreed on moving the P&Z meetings to the third Wednesday of the month.

Motion to Change the P&Z Regular Meeting to the Third Wednesday of the Month; change the bylaws to reflect this change, and recommend this change to Council

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Ludwig	X		X			
Romberger			X			
Schall		X	X			
Testone			X			
Vincent			X			

Informational Items (Current Event Summaries):

6:43 (51:25) Item 9: Zoning Administrator Informational Items

- **Monday, May 11, 2020 DRB** - New sign for Jerome Heritage Shop and new patio at UVX Center
- **Tuesday, May 12, 2020 Council** - Initiate ordinance amendment for temporary signs, setting workshop regarding telecommunication ordinance, blanket six-month extension active zoning permits

Mr. Knight went through the list of informational items to update the commissioners on recent decisions made by DRB and the Council. He said P&Z will be invited to the workshop once the date is set in mid-June. He said the Council approved a six-month blanket extension for all active, approved projects and building permits.

6:46 (55:15) Item 10: Potential items for upcoming P&Z agendas

- **Wednesday, June 3, 2020** - Sidewalk Encroachment Policy, Sign Ordinance Amendments for temporary signs
- **Wednesday, July 1, 2020** - Update ordinance definitions regarding *boarding house*, *rooming house*

Discussion/Possible Direction to Staff

Mr. Knight went over upcoming agendas.

Item 11: Adjournment

Motion to Adjourn at 6:48 p.m.

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Ludwig	X		X			
Romberger			X			
Schall		X	X			
Testone			X			
Vincent			X			

Approved: _____ Date: _____
 Jessamyn Ludwig, Planning & Zoning Commission Chair

Attest: _____ Date: _____
 Rosa Cays, Deputy Clerk



TOWN OF JEROME

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

Zoning Administrator Analysis Planning and Zoning Commission Wednesday, June 3, 2020

ITEM 4: Reapproval/Extension for apartment building and parking structure
Location: 446 Clark Street
Applicant/Owner: Steve Knowlton and Nancy Robinson/Ideas-a-Plenty, LLC
ZONE: C-1
APN: 401-06-032, -033 and -026Q
Recommendation: Approve
Prepared by: John Knight, Zoning Administrator
Resolution: **P&Z Resolution 2020-9**

Background and Summary: Applicants request preliminary and final site plan review for a project that was originally approved in 2016. This item was introduced at the May 20, 2020 meeting and continued to provide adequate time to post a notice on the site.

The applicants received approval for a remodel of the apartment building in March 2016. They later returned for a separate approval of the parking structure in December 2016. The applicants have obtained a building permit for the apartment project but have not been able to start on the parking structure. The applicants have continued to make forward progress on the apartment building but are unable to start on the parking structure until work on the apartment building is complete. As a result, the approval for the parking structure has expired.

The applicants request that the Planning and Zoning Commission (P&Z) reapprove the previously approved projects and combine them into a single project. This should have been done as a single project back in 2016 but was overlooked by both the Town and the applicant. As a result, the approval for the parking structure has expired and needs to be reapproved. Although this is being processed as a new site plan review, the staff and commission are essentially reapproving and combining the two phases into a single project. This will allow the applicant the ability to finish both the apartment building and parking structure.

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 are required to review the proposed plans to provide for the public health, safety, and general welfare, and to protect the environment and the historical character of the Town of Jerome. This includes a review of all proposed site work, grading, and potential impacts on surrounding properties.

Section 303.1.A. 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 applicant may receive both preliminary and final site plan review if the drawings and information are sufficiently clear. The applicants have requested both preliminary and final approval as part of their request.

Section 505.D. Property Development Standards

Item	Code Standard	Proposed
Square footage of apartment structure	none	5,564 square feet
Coverage (footprint)	None	2,268 square feet
Square footage of parking structure	none	2,800 square feet
Lot size	none	7,841 square feet (combined area of all 3 lots)
New lot coverage	none	64% $((2,268 + 2,800)/7,841)$
Front yard	0 feet to 10 feet	0 feet (existing setback)
Side yard	0 feet	0 feet (existing setback)
Rear yard	20 feet min.	0 feet for existing structure and 20+ feet for the parking structure
Building height	25 feet max.	20 feet for parking structure (note – the existing apartment building is slightly taller than 25 feet)

Response: The proposal appears to meet all the code standards. Note that the existing apartment building is a legal, nonconforming structure and does not meet the current rear yard setback of 20 feet. It is also slightly taller than the maximum allowed height of 25 feet. The zoning ordinance allows for modifications of nonconforming structures as long as the applicant is not making the nonconforming situation worse. Section 501.B. of the ordinance states that nonconforming structures may be altered if the change does not “increase the discrepancy.” The Planning and Zoning Commission previously determined that the remodel of the apartment building would not increase the nonconforming discrepancy. The new parking structure meets all current code requirements.

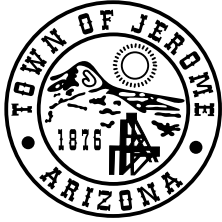
Recommended Conditions: The Planning and Zoning Commission may add conditions to ensure compliance with town ordinances and standards. The zoning administrator has prepared a resolution and conditions for consideration by P&Z.

Other Issues: The project includes three (3) separate lots. These will need to be combined prior to completion of the project. A condition has been added to the resolution that requires the lot combination be completed prior to beginning construction on the parking structure.

Recommendation: The Zoning Administrator recommends approval of P&Z Resolution 2020-9 with the conditions included.

Attachments:

- P&Z Resolution 2020-9
- Application, plans, and supplemental information



TOWN OF JEROME

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

P&Z Resolution No. 2020-9

Approving Preliminary and Final Site Plan Review for an apartment building and parking structure at at 446 Clark Street (Walsh Apartments)

WHEREAS, the Town of Jerome has received an application for Preliminary and Final Site Plan Review from Steve Knowlton and Nancy Robinson for property located at 446 Clark Street (APN 401-06-032, -033, and -026Q); and

WHEREAS, the property is in the C-1 zoning district; and

WHEREAS, the structure is an existing, legal, nonconforming building and is allowed to continue under Section 501 of the Jerome Zoning Ordinance provide the proposed modifications do not increase the nonconforming discrepancy; and

WHEREAS, a notice was posted at the site on May 20, 2020, in accordance with Jerome Zoning Ordinance Section 303.1C; and

WHEREAS, the application has been reviewed in accordance with Section 303.1 and Section 303.2 of the Jerome Zoning Ordinance; and

WHEREAS, the application has been reviewed and determined to be in compliance with the property development standards of Section 507 of the Jerome Zoning Ordinance; and

WHEREAS, the Jerome Planning & Zoning Commission reviewed this application at their June 3, 2020 meeting and wishes to approve the application with certain conditions; and

WHEREAS, the Planning and Zoning Commission finds that the site plan does not adversely affect the public health, safety, and general welfare, and so protects the environment and the historical character of the Town of Jerome;

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the Town of Jerome, Arizona, that the Preliminary and Final Site Plan for an apartment building and parking structure at 446 Clark 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.

P&Z RESOLUTION NO. 2020-9

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 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 (Section 505).
5. **Engineering Report** – Stamped, engineered plans and an engineering report shall be submitted for review and approval prior to issuance of any building permits for the parking structure.
6. **Compliance with plans** – The project shall be completed in compliance with the approved plans and elevations.
7. **Photos** – Photos showing the building before and after restoration shall be submitted prior to final occupancy for purposes of documenting the historic record.
8. **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 Planning and Zoning Commission.
9. **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 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 3rd day of June 2020.

ATTEST:

APPROVED:

Rosa Cays, Deputy Town Clerk

Jessamyn Ludwig, Chair



File #:

Town Use

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

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 type="checkbox"/> Paint/Roofing \$0 |
| <input type="checkbox"/> Time Extension \$0 | <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |

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

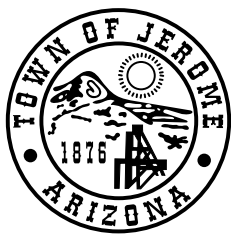
Applicant: Steve Knowlton/Nancy Robinson	Owner: Ideas-A-Plenty, LLC
Applicant address: 460 Clark Street, PO Box 997 Jerome, AZ 86331-	Owner Mailing Address: PO Box 1045 Jerome, AZ 86331-1045
Applicant role/title: Members of LLC	
Applicant phone: 603-355-7410	Owner phone: 603-355-7410
Applicant email: cchjerome@gmail.com	Owner email: cchjerome@gmail.com
Project address: 446 Clark Street	Parcel number: 401-06-032; 401-06-033; 401-06-0;
Describe project:	401-06-32
Building restoration; rebuild of addition; tenants' parking structure	

- 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: _____ signature on file Date: _____

Owner Signature: _____ Date: _____

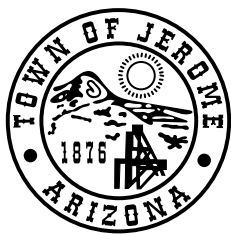
For Town Use Only	
Received from: _____	Date: _____
Received the sum of \$_____ as: <input type="checkbox"/> Check No. _____ <input type="checkbox"/> Cash <input type="checkbox"/> Credit Card	
By: _____	For: _____
Tentative Meeting Date/s - DRB: _____ P&Z: _____	



Site Plan Review Application Checklist

Each application will be filed with the zoning administrator and forwarded to the Jerome Design Review Board once the application has been reviewed by staff and determined to be complete. All application materials must be submitted electronically in PDF format (8.5-by-11 inches or 11-by-17 inches). Contact the zoning administrator at 928-634-7943 if assistance is needed regarding submitting materials.

- ☐ General Land Use Application Form
- ☐ Written narrative of the proposed project (include uses, hours of operation, number of employees, etc.)
- ☐ Plot plan or site layout, including all improvements drawn to scale
- ☐ Location, dimension, and calculation of required parking spaces
- ☐ Dimensions of all setbacks (front, rear, sides)
- ☐ Diagram and calculation of median grade and maximum building height
- ☐ Topographic survey (note: may be waived for some projects)
- ☐ Existing and proposed grades
- ☐ Location and dimensions of property lines, street right-of-way boundaries, and easements
- ☐ Location and dimensions of all existing buildings, structures, and nearby features
- ☐ Square footage and coverage of existing and proposed buildings
- ☐ Elevations and dimensions of all sides of proposed building walls
- ☐ Location and dimensions of existing and proposed pedestrian walkways and stairways
- ☐ Photographs showing all sides of existing structures
- ☐ Location of trees and other natural features
- ☐ Utility locations and connections
- ☐ Method of disposal for storm drainage (including energy dissipaters and retention/detention)
- ☐ Fire sprinkler and fire safety components
- ☐ Landscape plan
- ☐ Lighting plan and lighting fixtures
- ☐ Signage (if applicable)
- ☐ Photographs showing adjoining properties, buildings, and structures
- ☐ Explanation and location of any building or structure to be demolished or removed
- ☐ Depth and volume of any cut and fill or other proposed excavation
- ☐ Additional information requested by zoning administrator
 - ☐ _____
 - ☐ _____
 - ☐ _____



Design Review Application Checklist

Each application will be filed with the zoning administrator and forwarded to the Jerome Design Review Board once the application has been reviewed by staff and determined to be complete. All application materials must be submitted electronically in PDF format (8.5-by-11 inches or 11-by-17 inches). Contact the zoning administrator at 928-634-7943 if assistance is needed regarding submitting materials.

- ☐ General Land Use Application Form
- ☐ Written narrative of the proposed project, uses, hours of operation, number of employees, etc.
- ☐ Plot plan or site layout, including all improvements drawn to scale
- ☐ Elevations (all sides of proposed building or project) drawn to scale
- ☐ Photographs showing all sides of existing structures
- ☐ Photographs showing adjoining properties, buildings and structures
- ☐ Material samples *Existing*
- ☐ Color samples *Existing*
- ☐ Explanation and location of any building or structure to be demolished or removed
- ☐ Location of trees and other natural features
- ☐ Utility locations and connections
- ☐ Method of disposal for storm drainage (including energy dissipaters and retention/detention)
- ☐ Fire sprinkler and fire safety components
- ☐ Landscape plan
- ☐ Lighting plan and lighting fixtures
- ☐ Signage (if applicable)
- ☐ Additional information requested by Zoning Administrator
 - ☐ _____
 - ☐ _____
 - ☐ _____

Rear Elevation



Front Elevation



Ideas-A-Plenty, LLC
446 Clark Street PO Box 1045
Jerome, AZ 86331

May 11, 2020

Town of Jerome
600 Clark Street PO Box 335
Jerome, AZ 86331

To Whom It May Concern:

Through discussions about the COVID-19 with Building Inspector Barry Wolstencroft and Zoning Administrator John Knight they brought to our attention that because we received two separate approvals - the first for the restoration and addition to the Walsh building at 446 Clark Street in the Spring of 2016 (which is currently in process) and the second for the tenants' parking structure in the Fall of 2016 – the Town of Jerome is viewing these as two separate projects.

We would like the two separate approvals to be considered as one project. Our reasoning for this is due to the sequences in which the overall project has to be completed.

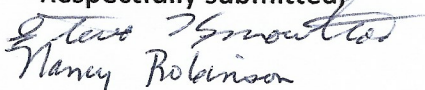
Phase 1: The foundation of the main building structure has to be redone before the addition can be added. (Main building foundation work was completed this Spring of 2020).

Phase 2: Heavy equipment needs access to the lower level of the property for excavation of the new foundation for the approved addition. (The completion of the parking structure will eliminate access to the lower level.)

Phase 3: The tenants' parking structure is the final stage of the overall project.

This letter of intent is to help you to better understand the construction stages necessary to complete the project in its entirety. We have always viewed the approvals as one entity and we are asking for your consideration in viewing them the same.

Respectfully submitted,



Ideas-A-Plenty, LLC

Members:

Steve Knowlton

Nancy Robinson



Jerome Historical Society, Inc.

P.O. Box 156
Jerome, AZ 86331



March 2, 2016

Town Of Jerome
Planning & Zoning Commission
Jerome, AZ 86331

Former Walsh Property Located on Clark Street

Dear Commission Members,

The Jerome Historical Society is in total support of Steve Knowlton's plans concerning the Walsh Property remodeling and landscape project.

He has discussed this project with myself and members of the Jerome Historical Society. Based on these discussions we welcome the improvements he has planned.

In line with improvements and remodeling already completed at the former Copper Camp Hotel property, we feel confident that the improvements to the Walsh property will be of the same caliber of professionalism.

If you have any additional questions, please don't hesitate to contact me.

Sincerely,

Allen Muma. President
JEROME HISTORICAL SOCIETY
An Arizona Non-Profit Organization

ZA P&Z Review/Analysis

Al Sengstock, Zoning Administrator

03/02/2016

ITEM 4: PARTIAL DEMO AND REHAB OF THE WALSH APARTMENT BUILDING

APPLICANTS: IDEAS-A-PLENTY

ZONE: C-1

ADDRESS: 446 CLARK ST.

APN'S: 401-06-032

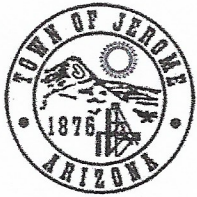
OWNER OF RECORD: ABOVE

The applicant ask for approval to partially demo and rehabilitate the Walsh Apartment Building.

Analysis:

This property is in critical need of rehabilitation as it applies to health and safety and occupancy issues, as well as having become an eyesore to the town. The submitted plan meets all zoning requirements as a legal-nonconforming apartment building. The front and rear setbacks were established prior to the current zoning ordinance requirements; there are no setback requirements from the side lot lines. The use of the building as an apartment building will continue, and the number of apartments will remain the same.

The owner, Steve Knowlton, has already demonstrated his attention to detail, and his commitment to historical accuracy in the rehabilitation of his neighboring home site. I recommend that this request be approved.



Founded 1876
Incorporated 1899

Town of Jerome, Arizona

PO Box 335, Jerome, Arizona 86331
Kyle Dabney, Planning & Zoning Administrator
Historic Preservation Officer

Office: (928) 634-7943 Fax: (928) 634-0715

k.dabney@jerome.az.gov

Celebrating Our 117th Anniversary
1899-2016

NOTICE OF DECISION

Steve Knowlton and Nancy Robinson
PO Box 1045
Jerome, AZ 86331

Re: Ideas-A-Plenty 446 Clark St. APN: 401-06-32 / 401-06-33 / 401-06-026Q

On December 7, 2016, your request for the construction and installation of a parking structure for tenants was approved by the Planning and Zoning Administration under the condition that engineering stamped plans are submitted at the time of obtaining a building permit.

Signed Kyle Dabney Date: 12.13.16
Kyle Dabney
Zoning Administrator

This approval is subject to all limitations, including termination provisions set forth in the Jerome Zoning Ordinance and in this Notice of Decision. Approval becomes void if not completed within 6 months from the date of decision. If you have any questions regarding this Notice of Decision please contact Kyle Dabney, Zoning Administrator.



Town of Jerome, Arizona

PO Box 335, Jerome, Arizona 86331
Al Sengstock, Planning & Zoning Administrator
Historic Preservation Officer

Office: (928) 634-7943 Fax: (928) 634-0715 a.sengstock@jerome.az.gov

Celebrating Our 116th Anniversary
1899-2015

Founded 1876
Incorporated 1899

NOTICE OF DECISION

March 14, 2016

PARTIAL DEMO AND REHAB OF THE WALSH APARTMENT BUILDING

APPLICANTS: IDEAS-A-PLenty

ZONE: C-1

ADDRESS: 446 CLARK ST.

APN'S: 401-06-032

OWNER OF RECORD: STEVE KNOWLTON

On March 14, 2016, your request to rehabilitate the apartment building was approved by the Design Review Board.

Your request was approved with the following condition:

1. Complete project as presented on the elevations.
2. Take before and after photos for the historic record and parcel file.

Signed

Albert L Sengstock,

Zoning Administrator

This approval is subject to all limitations, including termination provisions set forth in the Jerome Zoning Ordinance and in this Notice of Decision. Approval becomes void if not completed within 6 months from the date of decision. If you have any questions regarding this Notice of Decision please contact Al Sengstock, Zoning Administrator.



For TTY Access, Call the Arizona Relay Service at 1-800-367-8939 and Ask for Town of Jerome at 634-7943



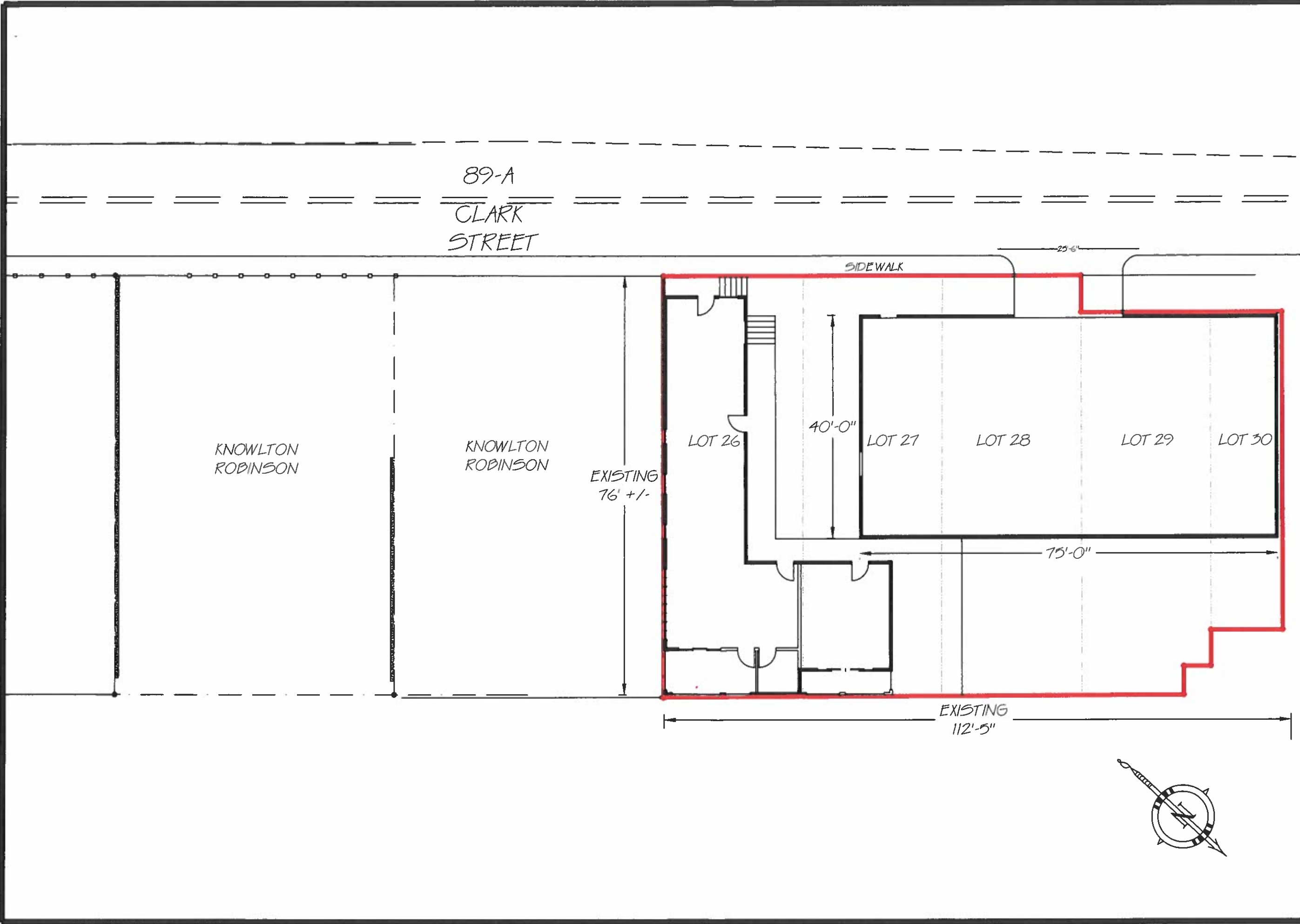
Jerome Town Hall Located at 600 Clark Street, Jerome Civic Center

Previously Approved Plans
from 2016

WALSH
BUILDING RESTORATION
446 CLARK STREET
JEROME, ARIZONA 86331

IDEAS-A-PLenty LLC,
446 CLARK STREET
JEROME, ARIZONA 86331
603-355-7410

DESIGNED BY: STEVE KNOWLTON	PROJECT NAME: WALSH RESTORATION	RESIDENTIAL & COMMERCIAL DESIGNS		KNOWLTON'S CONSTRUCTION PO BOX 604 W. SWANZEE, N.H. 03469 PHONE: 603-357-4950 FAX: 603-357-9925
	ADDRESS: CLARK STREET JEROME, ARIZONA			
	SCALE: DATE: 11-02-16			
PAGE: COVER SHEET				



DESIGNED BY: STEVE KNOWLTON

SCALE: 1/8" = 1'

DATE: 11-02-16

PROJECT NAME: WALSH RESTORATION

ADDRESS: CLARK STREET
JEROME, ARIZONA

**RESIDENTIAL
&
COMMERCIAL
DESIGNS**

KNOWLTON'S CONSTRUCTION

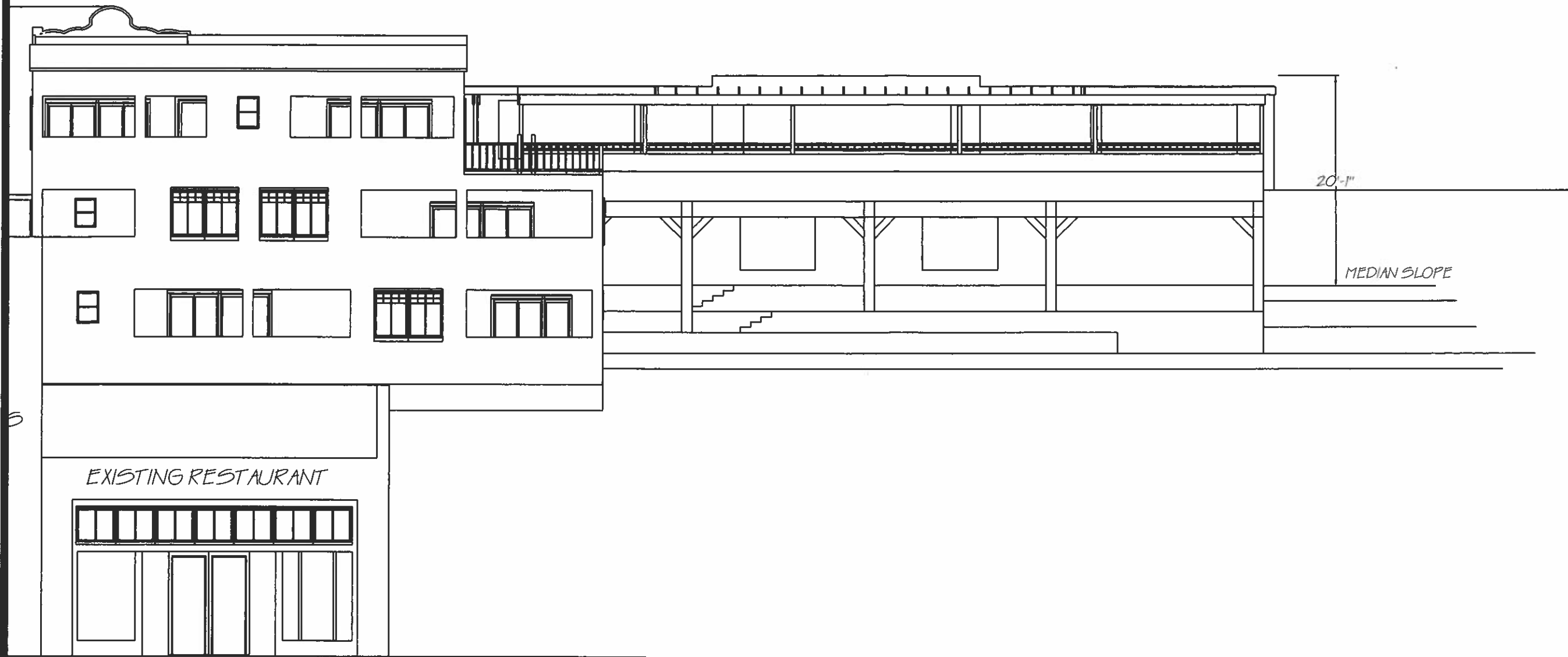
PO BOX 604
W. SWANSEY, N.H. 03469

PHONE: 603-357-4950
FAX: 603-357-9925

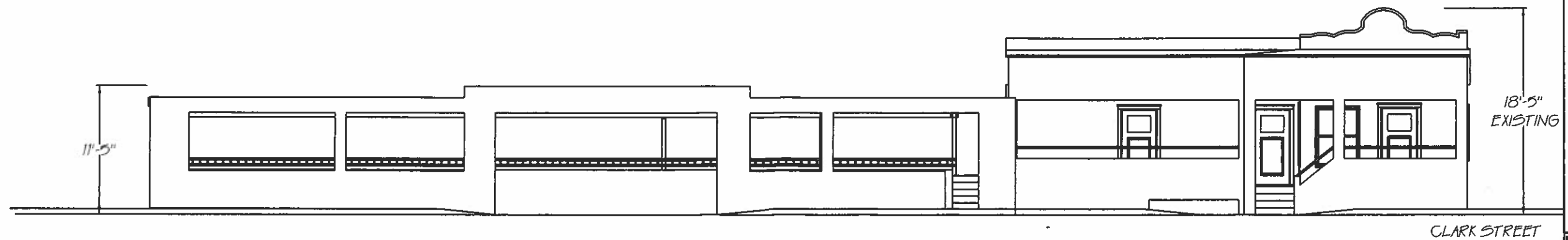
PAGE: 1

PLOT PLAN

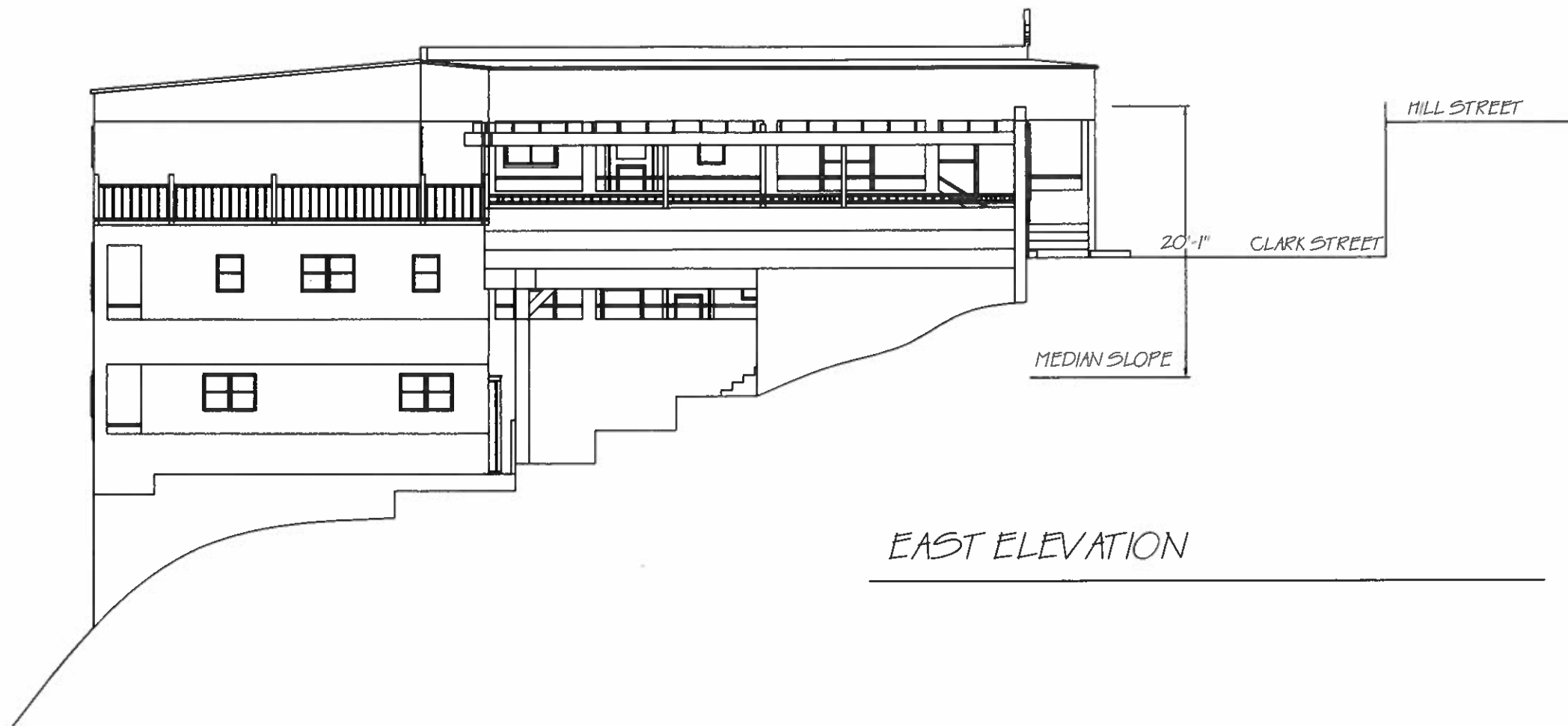
NORTH ELEVATION



CLARK STREET (SOUTH) ELEVATION



DESIGNED BY: STEVE KNOWLTON	SCALE: 3/32" = 1'	DATE: 11-19-16
PROJECT NAME: WALSH RESTORATION	ADDRESS: CLARK STREET	JEROME, ARIZONA
RESIDENTIAL & COMMERCIAL DESIGNS		
KNOWLTON'S CONSTRUCTION PO BOX 684 W. SWANSEY, N.H. 03469 PHONE: 603-357-4950 FAX: 603-357-9925		
PAGE: NORTH SOUTH ELEVATIONS		



DESIGNED BY: STEVE KNOWLTON
SCALE: $\frac{3}{32}'' = 1'$
DATE: 11-19-16

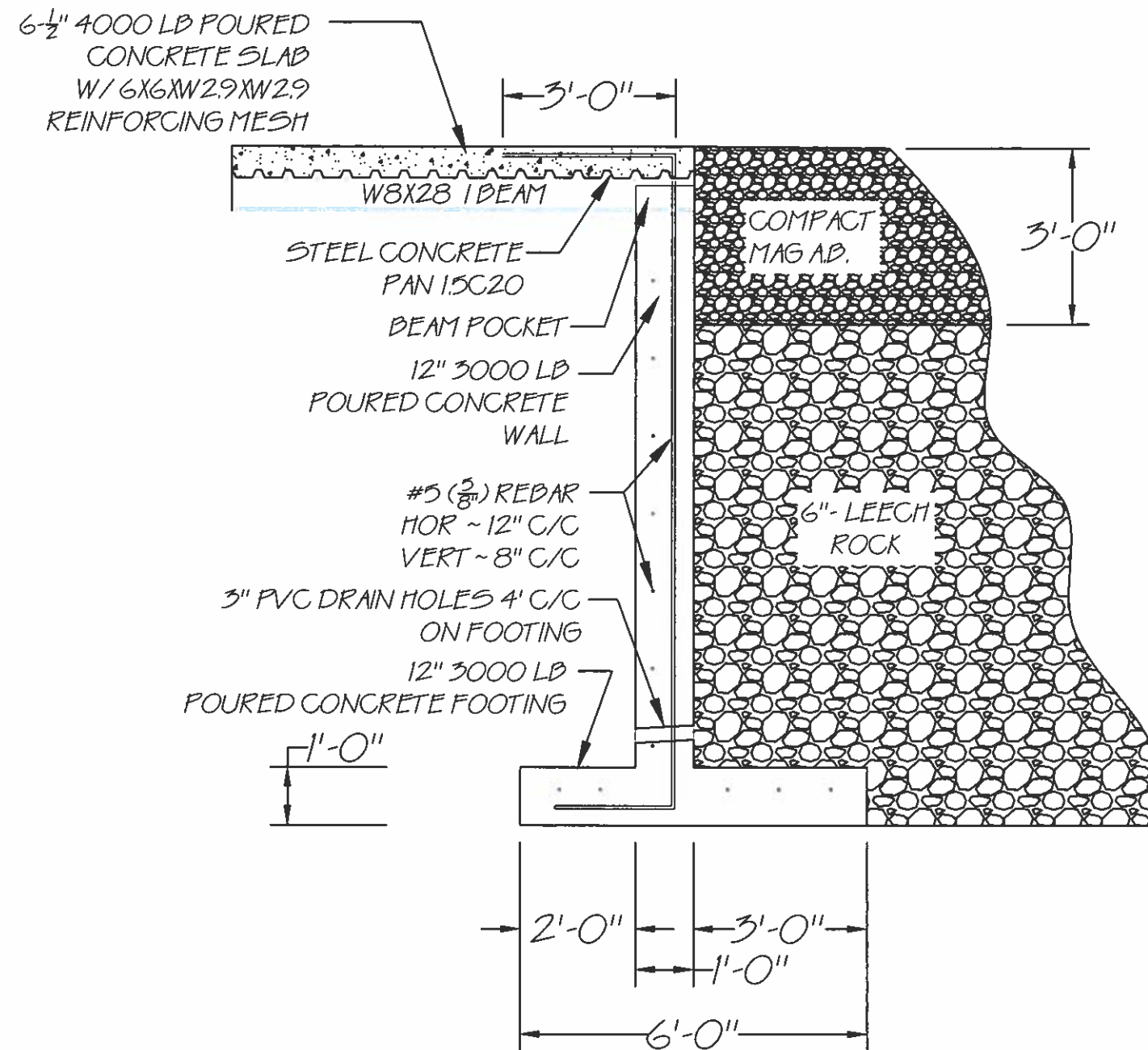
PROJECT NAME: WALSH RESTORATION
ADDRESS: CLARK STREET
JEROME, ARIZONA

RESIDENTIAL
&
COMMERCIAL
DESIGNS



KNOWLTON'S CONSTRUCTION
PO BOX 604
W. SWANZEY, N.H. 03469
PHONE: 603-357-4950
FAX: 603-357-9925

PAGE:
EAST
ELEVATION



SECTION P-1 SCALE 3/8" = 1"

DESIGNED BY: STEVE KNOWLTON
SCALE: SEE DETAIL
DATE: 11-02-16

PROJECT NAME: WALSH RESTORATION
ADDRESS: CLARK STREET
JEROME, ARIZONA

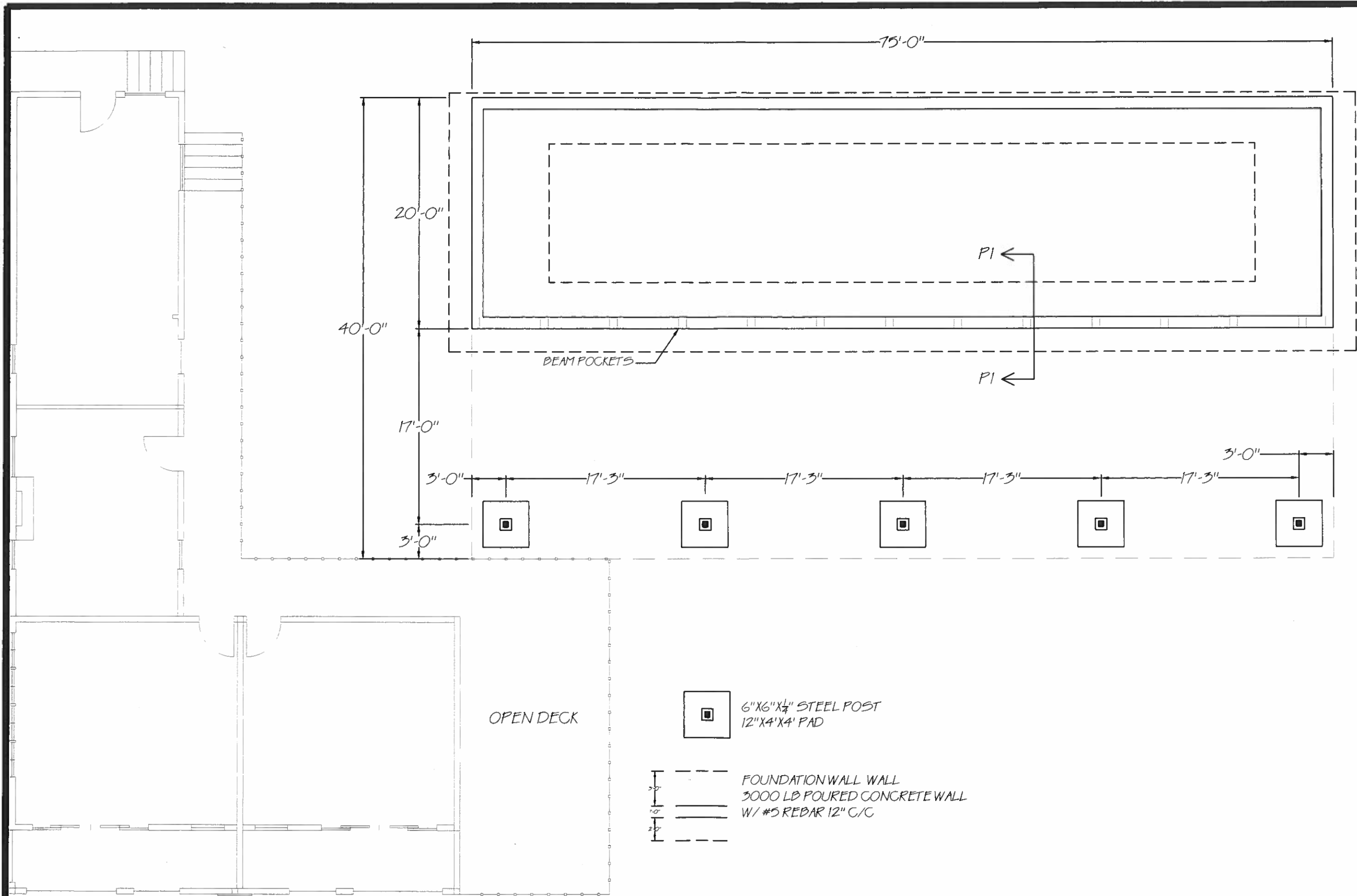
RESIDENTIAL
&
COMMERCIAL
DESIGNS



KNOWLTON'S CONSTRUCTION
PO BOX 604
W. SWANZEE, N.H. 03469
PHONE: 603-357-4950
FAX: 603-357-9925

PAGE:

PARKING LOT
CAR
LAYOUT



DESIGNED BY: STEVE KNOWLTON

SCALE: 1/8" = 1'

DATE: 11-02-16

PROJECT NAME: WALSH RESTORATION

ADDRESS: CLARK STREET

JEROME, ARIZONA

RESIDENTIAL
&
COMMERCIAL
DESIGNS

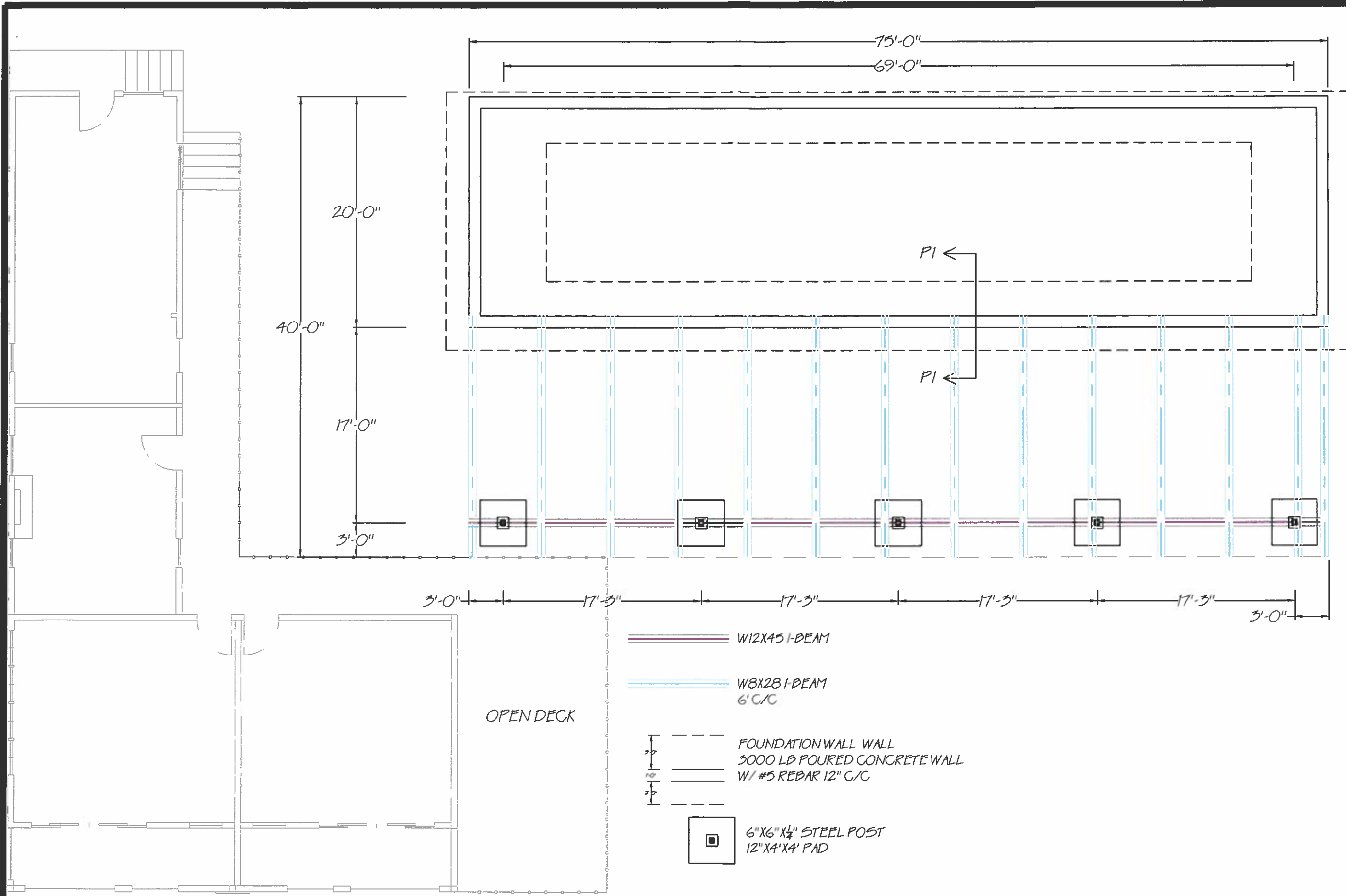


KNOWLTON'S CONSTRUCTION

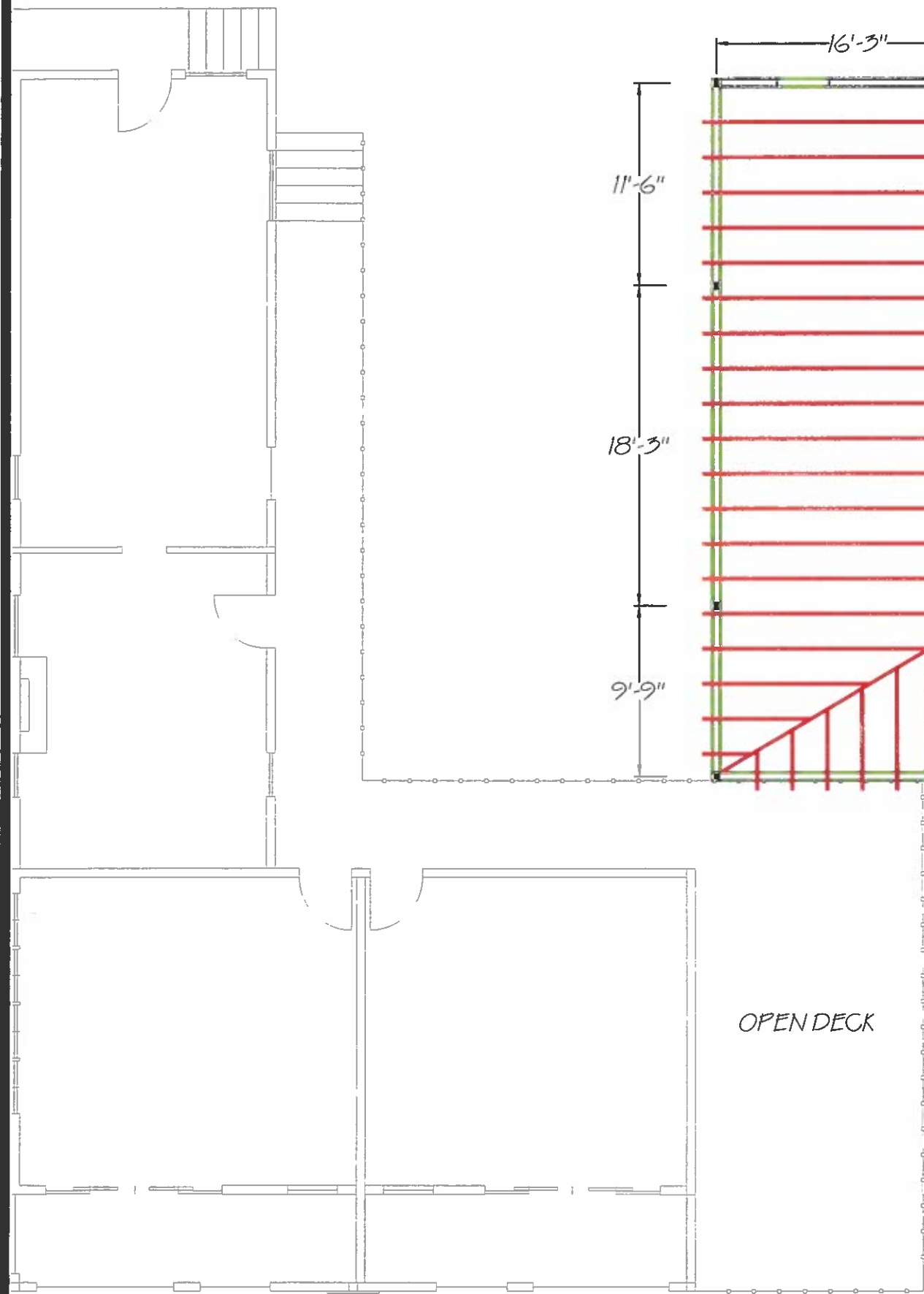
PO BOX 604
W. SWANSEY, N.H. 03469
PHONE: 603-357-4950
FAX: 603-357-9925

PAGE:

PARKING LOT
FOUNDATION



DESIGNED BY: STEVE KNOWLTON	PROJECT NAME: WALSH RESTORATION	RESIDENTIAL & COMMERCIAL DESIGNS		KNOWLTON'S CONSTRUCTION PO BOX 604 W. SWANZEY, N.H. 03469 PHONE 603-357-4950 FAX 603-357-9925
SCALE: 1/8" = 1'	ADDRESS: CLARK STREET JEROME, ARIZONA			
DATE: 11-02-16	PAGE: PARKING LOT FOUNDATION AND STEEL			



2~2X10 SUPPORT BEAM

2X10 PERGOLA RAFTER

4X4 POST

OPEN DECK

DESIGNED BY: STEVE KNOWLTON
SCALE: 1" = 1'
DATE: 11-02-16

PROJECT NAME: WALSH RESTORATION
ADDRESS: CLARK STREET
JEROME, ARIZONA

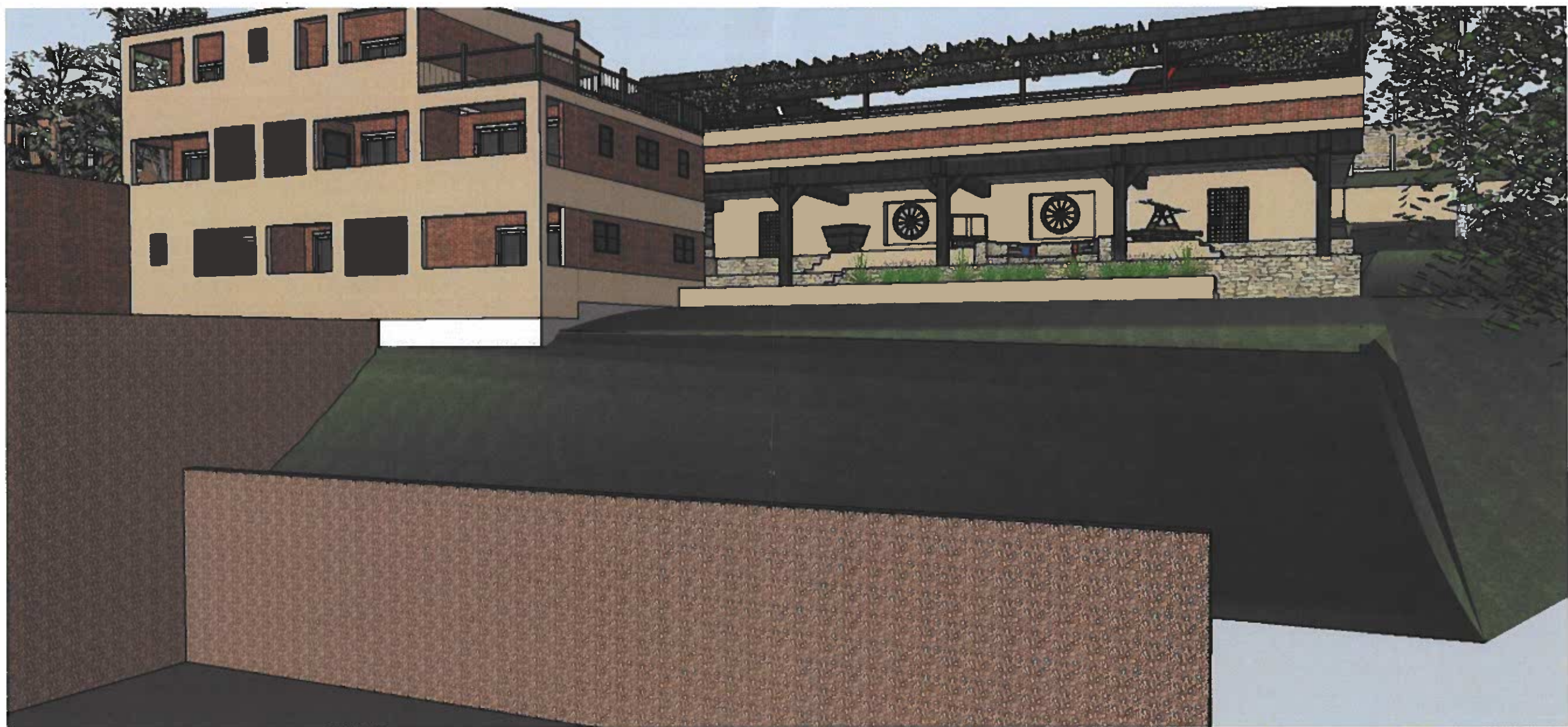
RESIDENTIAL
&
COMMERCIAL
DESIGNS



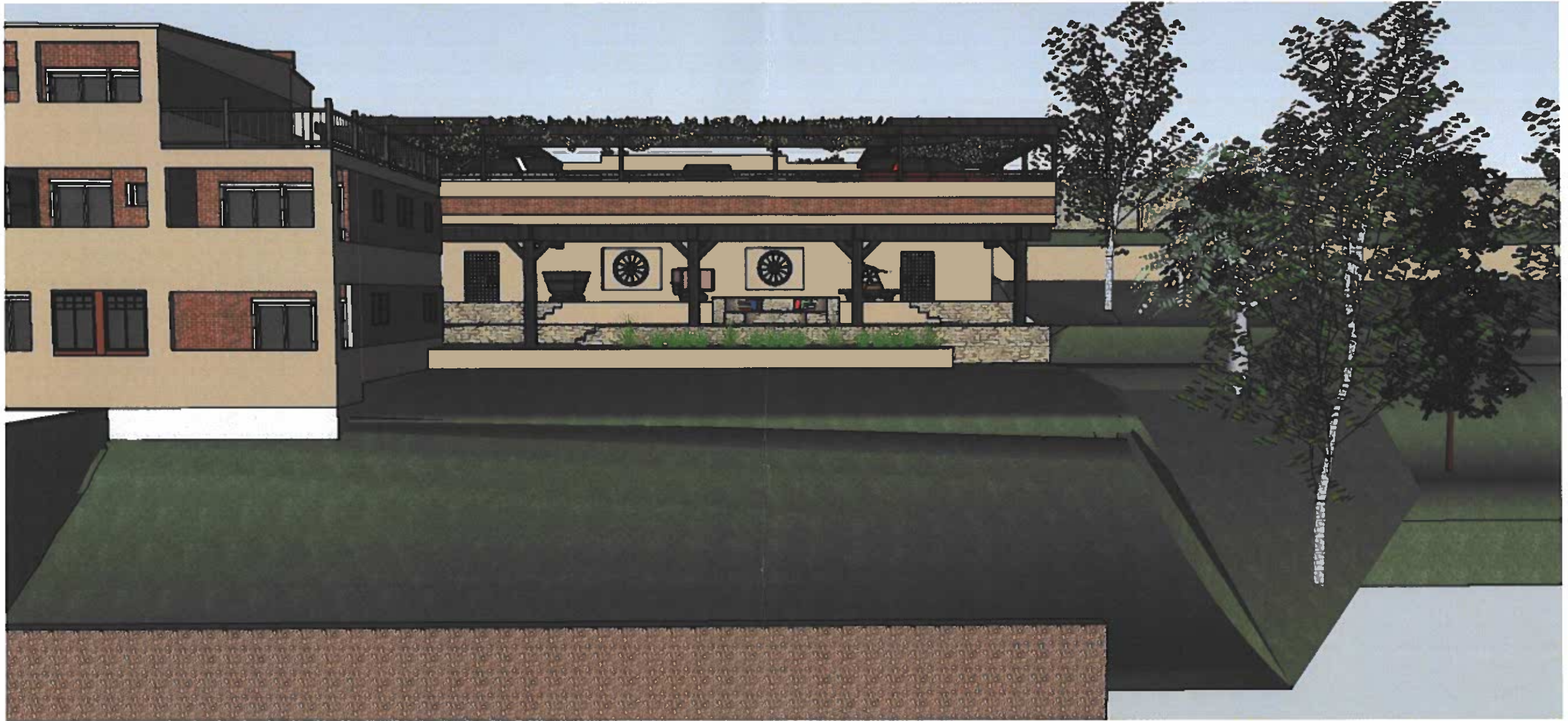
KNOWLTON'S CONSTRUCTION
PO BOX 604
W. SWANZEE, N.H. 03469
PHONE: 603-357-4950
FAX: 603-357-9925

PAGE:
PARKING LOT
PERGOLA
FRAMING











TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943 FAX (928) 634-0715

typo - March 2nd

PLANNING AND ZONING COMMISSION

DATE: WEDNESDAY, March 3, 2016 TIME: 7:00 pm

PLACE: JEROME CIVIC CENTER

600 Clark St., JEROME, ARIZONA 86331

Minutes

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the Planning and Zoning Commission and to the general public that the Planning and Zoning Commission will hold the above meeting in Council Chambers at Jerome Town Hall. Members of the Planning and Zoning Commission will attend either in person or by telephone, video or internet conferencing. The Planning and Zoning Commission 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).

ITEM 1: CALL TO ORDER/ROLL CALL

Vice Chair Lance Schall called the meeting to order at 7:01 p.m.

Roll call was taken by Albert Sengstock, Zoning Administrator. Commission members present were Vice Chair Lance Schall, Margie Hardie, Mike Parry and Hunter Bachrach.

Staff present were Albert Sengstock, Zoning Administrator, and Jennifer Julian, Minute Taker.

Members of the public present were Steve Knowlton and Nancy Robinson, applicants.

ITEM 2: APPROVAL OF MINUTES FROM FEBRUARY 3, 2016

Commissioner Hardie moved to approve the minutes of February 3, 2016 as presented. Commissioner Parry seconded. The motion passed unanimously.

ITEM 3: PETITIONS FROM THE PUBLIC

There were no petitions from the public.

ITEM 4: ELECTION OF CHAIR AND VICE-CHAIR

Commissioner Hardie moved to nominate Lance Schall as Chair. Commissioner Bachrach seconded. All were in favor and the motion passed unanimously.

Commissioner Parry moved to nominate Hunter Bachrach for Vice Chair. Commissioner Hardie seconded. All were in favor and the motion passed unanimously.

ITEM 5: PARTIAL DEMO AND REHAB OF THE WALSH APARTMENT BUILDING

APPLICANTS: IDEAS-A-PLENTY

ZONE: C-1

ADDRESS: 446 CLARK ST

APNs: 401-06-032

OWNER OF RECORD: ABOVE

The applicant asks for approval to partially demo and rehabilitate the Walsh Apartment Building.

The applicants were present.

Mr. Sengstock presented the request. The property is a legal nonconforming apartment building, and setbacks are not an issue in the C-1 zone.

The Jerome Historical Society submitted a letter in support of the project.

TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943 FAX (928) 634-0715

The main part of the building will be rehabilitated with the same materials. The rear part is structurally challenged and will be rebuilt with a small extension. The heights will not change. The applicant has cleaned up the property. There are no zoning issues and Mr. Sengstock recommends approval.

Commissioner Hardie moved to approve the item. Chair Schall seconded. All were in favor and the motion passed unanimously.

Vice Chair Bachrach asked if the interior will be gutted. Mr. Knowlton replied yes, but they are trying to save what they can. The exterior will remain as it is but patched up. Chair Schall asked if the brick will be repointed. Mr. Knowlton said it will be repointed as necessary and they are trying to match the new brick as much as possible.

Mr. Knowlton explained that the interior framing, plumbing and electrical all needs to be redone. The structure is free-standing brick with concrete stucco interior and exterior walls without insulation. The interior walls and the roof are framed. There are five apartments but only four have been occupied recently. The building is built "like a bowling alley," only 16 feet wide, 21 feet including the porch.

Commissioner Bachrach complimented Mr. Knowlton on his renovation of the Copper Camp Hotel.

ITEM 6: FUTURE AGENDA ITEMS

Commission Hardie asked if home occupations had been discussed with Town Council. Mr. Sengstock said that is still in process.

ITEM 7: ADJOURNMENT

Commissioner Hardie moved to adjourn. Chair Schall seconded. All were in favor and the meeting was adjourned at 7:13 pm.

Approval on next page.

TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943 FAX (928) 634-0715

PLANNING AND ZONING COMMISSION

DATE: WEDNESDAY, March 3, 2016 TIME: 7:00 pm

PLACE: JEROME CIVIC CENTER

600 Clark St., JEROME, ARIZONA 86331

Minutes

Respectfully submitted by Jennifer Julian on December 7, 2016.

Approved: _____

[Signature]
Planning & Zoning Commission Chair

Date: _____

12/2/2016

Attest: _____

[Signature]
Planning & Zoning Commission Vice Chair

Date: _____

12-7-16



TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943 FAX (928) 634-0715

PLANNING AND ZONING COMMISSION

DATE: WEDNESDAY, December 7, 2016 TIME: 7:00 pm

PLACE: JEROME CIVIC CENTER

600 Clark St., JEROME, ARIZONA 86331

Minutes

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the Planning and Zoning Commission and to the general public that the Planning and Zoning Commission will hold the above meeting in Council Chambers at Jerome Town Hall. Members of the Planning and Zoning Commission will attend either in person or by telephone, video or internet conferencing. The Planning and Zoning Commission 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).

ITEM 1: CALL TO ORDER/ROLL CALL

Chair Lance Schall called the meeting to order at 7:03 p.m.

Roll call was taken by Jennifer Julian, Minute Taker. Commission members present were Lance Schall, Margie Hardie, Mike Parry and Zachariah Runyon.

Staff present were Kyle Dabney, Zoning Administrator, and Jennifer Julian, Minute Taker. Former Zoning Administrator Al Sengstock was present via teleconference.

ITEM 2: APPROVAL OF MINUTES FROM MARCH 3, 2016

Commissioner Parry moved to approve the minutes of March 3, 2016 as presented. Commissioner Hardie seconded. The motion passed with 3 votes in favor. Commissioner Runyon abstained as he was not present at the March meeting.

ITEM 3: PETITIONS FROM THE PUBLIC

There were no petitions from the public.

ITEM 4: ELECTION OF VICE CHAIR and Swearing In of New Commissioner

Chair Schall nominated Commissioner Parry to be Vice Chair. Commissioner Hardie seconded. The motion passed unanimously.

Commissioner Runyon read and signed the oath of office. It was witnessed by Chair Schall.

ITEM 5: REQUEST: REVIEW OF A PROPOSED PARKING STRUCTURE

APPLICANT: IDEAS-A-PLENTY, LLC (STEVE KNOWLTON AND NANCY ROBINSON)

ADDRESS: 446 CLARK ST.

ZONE: C-1

OWNER OF RECORD: ABOVE

APN: 401-06-032, 401-06-033, 401-06-026Q

The applicants are requesting review and approval of the construction of a parking structure.

The applicants were present.

Mr. Sengstock presented the item. Although it is a substantial structure and largely unprecedented in Jerome, it is simple from a zoning perspective. In addition, the objective of creating on-site parking is desirable. Mr. Sengstock also explained that, if approved, once the parking spaces have been created, it loses its nonconforming status and can never revert back to less than the parking that has been created.

The structure meets all of the zoning requirements. There is no restriction on percentage of lot coverage. The rear setback is exceeded by eight feet. There are no front or side setbacks required.

TOWN OF JEROME

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(928) 634-7943 FAX (928) 634-0715

Mr. Sengstock recommended that the motion include that stamped engineering and drainage plans be submitted along with the building permit. He recommended approval.

Chair Schall asked for comments from the commissioners. There were no remarks.

Commissioner Hardie moved to approve the parking structure with the condition that the engineering report is submitted at the time of getting the building permits. Vice Chair Parry seconded. All were in favor and the motion passed unanimously.

ITEM 6: REQUEST: BUILD AN ADDITION FOR A SECOND PUBLIC BATHROOM

APPLICANTS: EKZ, LLC (ROBERT CONLIN, JR.)

ADDRESS: 119 JEROME AVE.

OWNER OF RECORD: DRK, LLC

ZONE: C-1

APN: 401-06-013

The applicant requests review and approval of an addition to the original building to add a second ADA bathroom.

The applicant was present.

Mr. Sengstock presented the item. This project is an effort to catch up to current building codes by adding an additional women's ADA-compliant bathroom. The addition includes the new bathroom and the deck extension to access the bathroom. It is subject to all building permits. He recommended approval.

Chair Schall asked if the existing restroom had come before the Planning & Zoning Commission. Mr. Conlin said yes, the unisex ADA-accessible restroom was approved in 2011.

Chair Schall moved to approve the additional bathroom as submitted. Vice Chair Parry seconded.

Commissioner Hardie pointed out that the motion should include approval by the fire department, building department, and any other relevant town department prior to Planning and Zoning approval.

Mr. Sengstock said that the Building Inspector Mr. Wolstencroft and Fire Chief Blair always work together on construction, but it is also appropriate to say approval is conditional on all building permits and fire safety reviews being accomplished prior to issuing the permit. His Notice of Decision will include that with the Commission's decision.

Chair Schall amended his motion to include fire inspection, building inspection, and plan check (the usual procedure for construction). Commissioner Hardie seconded. All were in favor and the motion passed unanimously.

ITEM 7: FUTURE AGENDA ITEMS

Mr. Sengstock said that the Commission had previously discussed home occupations. He will brief Mr. Dabney on the status so that it can come before the Commission again. Commissioner Hardie mentioned that the Commission had received a packet about home occupations and Mr. Sengstock agreed to provide it again.

ITEM 8: ADJOURNMENT

Commissioner Runyon moved to adjourn. Vice Chair Parry seconded. The motion carried unanimously and the meeting adjourned at 7:20 p.m.

Approval on next page.

TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943 FAX (928) 634-0715

PLANNING AND ZONING COMMISSION

DATE: WEDNESDAY, December 7, 2016 TIME: 7:00 pm

PLACE: JEROME CIVIC CENTER
600 Clark St., JEROME, ARIZONA 86331

Minutes

Respectfully submitted by Jennifer Julian on February 1, 2017.

Approved: _____


Planning & Zoning Commission Chair

Date: _____

2/1/2017

Attest: _____


Planning & Zoning Commission Vice Chair

Date: _____

2-1-17



TOWN OF JEROME

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

Zoning Administrator Analysis Planning and Zoning Commission Wednesday, June 3, 2020

ITEM 5: Work session on 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 last P&Z meeting (May 20, 2020) and the commission provided preliminary comments. Note that the zoning ordinance requires a neighborhood meeting for all code amendments. This will likely be scheduled sometime in July with the other code amendments that are in process (temporary signs and sidewalk encroachment policy).

Staff recommends the commission provide additional comments and direction and table the item until the next regular Planning and Zoning Commission meeting. Note that the code amendment should include updating the definitions as well as the permit process for each use.

Definitions of residential lodgings: Under the definitions section of the Jerome Zoning Ordinance, the code distinguishes between several different types of residential lodging: bed and breakfast (B&B), boarding or rooming house, hotel, and motel. The differences are noted in the table below.

Item	Allowable Rooms	Permit Requirement	Notes
Bed and Breakfast	3	CUP in Residential and C-1	The CUP requirement is inconsistent with the state law regarding short-term rentals.
Boarding/ Rooming House	8	CUP in C-1 only	Requires a central kitchen facility.
Hotel	9 or more	Permitted in C-1	No provision for cooking in the rooms.
Motel	N/A	Permitted in C-1	Unclear why this is separate from hotel definition and doesn't identify the min/max number of rooms.

Definitions from the Zoning Code:

Bed and breakfast - a building or buildings containing central kitchen facilities and not more than 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.

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.

Hotel - 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.

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 provides automobile parking space on the premises.

Other Jurisdictions: For comparison, staff reviewed the definitions and permit requirements for similar uses in the jurisdictions noted below.

Item	Allowable Rooms	Permit Requirements	Notes
Sedona			
Lodging, Fewer than Seven Units	6	Permitted use in commercial and mixed-use zones	Not allowed in the residential zones. This use includes the definition of <i>hotel</i> and <i>motel</i> .
Lodging, Medium-Density	7 or more units	Permitted in the M3 (Mixed-use Activity Center) and L (Lodging Zones only)	Not allowed in the residential zones. Includes the definition of <i>hotel</i> and <i>motel</i> .
Lodging, High-Density	7 or more units	Requires approval of a "lodging density rezone"	Higher density lodging of more than 8 units per acre.
Clarkdale			
B&B Homestay	Max. of 3 guest units	Permitted in the residential, commercial, and industrial zoning districts	Definition states it must be owner occupied and must serve breakfast. Additional requirements for parking.
B&B Inn	Max of 5 guest units	Permitted in the residential, commercial, and industrial zoning districts	Definition states it must be owner occupied and serve breakfast. Additional requirements for parking.
B&B Country Inn	Six or more guest units	Permitted in the commercial and industrial districts but not the residential districts	No requirement to serve breakfast.
Hotel	Not specified	Permitted in the commercial zones	

Item	Allowable Rooms	Permit Requirements	Notes
Yavapai County			
B&B Homestay	Up to 3 guest units	Permitted use in R1 and R2	Note how similar this is to Clarkdale. Parcel must be 35,000 square feet or larger.
B&B Inn	Max of 5 guest units	Permitted use in R2	
B&B Country Inn	Six or more guest units	Permitted in the C1	This is treated similarly to a hotel.
Hotel	More than 5 guestrooms	Permitted in C1, C2, and C3	
Rooming House	Less than 5 guest rooms	Permitted in the R2	No requirement for a common kitchen
Cottonwood			
B&B Country Inn	Six to 11 guest units	Unclear	
B&B Inn	Max. of 5 guest units	Unclear	
B&B Residence	Max of 3 guest units	Unclear	
Boarding House	No standard	Permitted in R-3 and C-1 (but not allowed in the R-1 and R-2 districts)	Requires that the facility serve meals, which are included as part of the rent
Hotel	No standard	Permitted in C-2	

Summary from other Jurisdictions: Each of the jurisdictions surveyed treat residential lodging slightly differently. Some key differences and notes.

- **Sedona** - Sedona restricts commercial lodging to the commercial and mixed-use zones.
- **Clarkdale** – Clarkdale has multiple types of bed-and-breakfast facilities. The smaller facilities with less than five (5) guest units are allowed as a permitted use in the residential zones. There are additional requirements in the code for one additional space per guest unit.
- **Yavapai County** – Similar to Clarkdale, Yavapai County allows smaller B&Bs (less than 5 guest units) in the R1 and R2 zones. Larger B&Bs (they refer to them as “Country Inns”) and hotels are allowed in the commercial zones. The County does have a definition for *boarding house*. These are permitted in R-2 zones.
- **Cottonwood** – Cottonwood also has multiple definitions for B&Bs. However, it’s unclear what zones they are permitted or conditionally permitted in. Boarding houses are permitted in the R-3 and C-1 zones.

Options for Discussion: Under the current ordinance, it appears that the intention was that bed and breakfast would cover 1 to 3 rooms, boarding/rooming houses would be 4 to 8 rooms, and hotel (and perhaps motel) would be 9 or more rooms. Some options for discussion are noted below.

Bed and Breakfast Definition (B&B): The B&B definition currently limits the occupancy to three (3) rooms and no more than one family.

Option #1 – Remove definition: The B&B definition could be removed from the code entirely. Due to the state law change regarding short-term rentals (aka Airbnbs), local jurisdictions have very little authority to regulate all types of short-term rentals. This includes traditional, owner-occupied B&Bs.

Option #2 – Revise definition: The definition could be changed from three (3) guest rooms to (5) guest rooms – this is consistent with the definition in Clarkdale, Yavapai County, and Cottonwood.

Bed and Breakfast Permit Process (B&B): The current permit process requires a Conditional Use Permit (CUP) to have a B&B in the residential zones. The requirement to obtain a CUP is likely to discourage B&B owners and encourage short-term rentals instead.

Option #1 – Keep the CUP requirement: As noted above, this may discourage new B&Bs in town.

Option #2 – Change to permitted use: If this changes from a conditional use to a permitted use, this will be consistent with state law.

Boarding/Rooming House Definition: The definition requires that a common kitchen be included and that there be no more than eight (8) rooms.

Option #1 – Remove kitchen requirement

Option #2 – Remove the Definition: This use is essentially a small hotel. There does not seem to be a need to define this use separately.

Boarding/Rooming House Permit Process: A CUP is currently required for a boarding/rooming house in the C-1.

Option #1 – Keep the CUP requirement

Option #2 – Change to a permitted use: Since hotels are allowed as a permitted use, it seems strange to require a building with a small number of rooms to obtain a CUP. It does not make sense to allow a 200-room hotel as a permitted use but a three-room “mini-hotel” must obtain a CUP.

Hotel/Motel Definition: The definition for *hotel* is nine (9) or more rooms. *Motel* does not state the number of rooms.

Option #1 – Keep the definition the same

Option #2 – Broaden the definition: The definition for *hotel* could be changed to include any number of rooms intended for transient guests. This would be similar to the Cottonwood definition, which states, “*A building in which lodging is provided and offered to the public for compensation and which is open to transient guests.*”

Hotel/Motel Permit Process: The code currently allows hotels and motels in the C-1 as a permitted use. This should stay the same.

Recommendation: The Commission should discuss the various options and provide preliminary direction to staff on how the definitions and permit processes could be changed. Staff will return to the Commission in July with additional detail on the proposed changes.

Attachments:

- Other jurisdictions' lodging definitions and permit requirements
- Redline of suggested changes to the code

Sedona – Lodging Definitions

Lodging, Fewer than Seven Units

A [building](#) or portion of a [building](#) containing fewer than seven units offered for transient lodging accommodations at a daily rate. [Accessory uses](#) may include additional services such as [restaurants](#), meeting rooms, and recreational facilities. This use includes hotels, motels, timeshares, boarding house, bed and breakfast, and similar lodging, but does not include foster homes, sheltered care homes, nursing homes, or primary health care facilities.

Lodging, Medium-Density

A [building](#) or portion of a [building](#) containing seven or more units offered for transient lodging accommodations at a daily rate and that meets the density and other standards in Section [3.3.C\(14\)b](#). [Accessory uses](#) may include additional services such as [restaurants](#), meeting rooms, and recreational facilities. This use includes hotels, motels, timeshares, boarding house, bed and breakfast, and similar lodging, but does not include foster homes, sheltered care homes, nursing homes, or primary health care facilities.

Lodging, High-Density

A [building](#) or portion of a [building](#) containing seven or more units offered for transient lodging accommodations at a daily rate and that meets the standards in Section [3.3.C\(14\)c](#). [Accessory uses](#) may include additional services such as [restaurants](#), meeting rooms, and recreational facilities. This use includes hotels, motels, timeshares, boarding house, bed and breakfast, and similar lodging, but does not include foster homes, sheltered care homes, nursing homes, or primary health care facilities.

Lodging by Zone – Sedona

	Residential									Non-Residential						Other			Use-Specific Standards
	RS-70	RS-35	RS-18	RS-10	RS-6	RMH	RM-1	RM-2	RM-3	M1	M2	M3	CO	IN	L	CF	OS	OC	
Government Office																			
Financial Institution										P	P	P	P	P	P				3.3.C(13)
Lodging																			
Lodging, Fewer than Seven Units										P	P	P	P		P			P	3.3.C(14)
Lodging, Medium-Density												P			P			P	3.3.C(14)b
Lodging, High-Density															See 3.3	→ 3.3.C(14)c			

Clarkdale – Lodging Definitions

Bed & Breakfast Guest Unit: One or more rooms intended for overnight occupancy by persons other than those who permanently reside at the premises.

Bed & Breakfast Homestay: An owner-occupied residence which has a maximum of three (3) guest units within a single-family dwelling, the owners of which serve breakfast to guests.

Bed & Breakfast Inn: An owner-occupied residence which has a maximum of five (5) guest units within a single-family dwelling, the owners of which serve breakfast to guests.

Bed & Breakfast Country Inn: A residence or building which has six (6) or more guest units which exhibits a character of use consistent with a motel or hotel and which may have a restaurant open to the general public as well as the guests.

Hotel: A facility offering transient lodging accommodations to the general public in which access to individual rooms is provided through an inside lobby and which may offer additional services including, but not limited to, restaurants, meeting rooms, entertainment or recreational facilities.

Clarkdale – Permitted Uses in R1

Section 3-010 Single Family Residential (R1)

A. Principal Use Permitted: (Not requiring a use permit).

1. Single family dwellings, excluding mobile or manufactured homes.
2. Publicly owned or operated park, playground or community building.
3. Installation for sewer, water, gas, electric and telephone main lines and incidental appurtenances, excluding electrical substations and treatment plants.
4. Family Day Care Homes located on a public street.
5. Bed and Breakfast establishments in conformance with Section 4-15.

Clarkdale – Bed and Breakfast Establishment Regulations

Section 4-0150 Bed and Breakfast Establishments

A. **Homestay Regulations: Bed & Breakfast Homestays**, as defined in Chapter 2, Section 2-1, are permitted in the following Zones: R1, R1L, R2, R3, R4, R4A, C, I, & C-B. Said Bed & Breakfast Homestay facility shall comply with the following regulations and performance standards:

1. Facility shall be owner-occupied with no more than 50% of the floor area of the primary structure used for guest quarters or Bed and Breakfast purposes.
2. State and County Health Department approval and permits are required.
3. Building shall meet the requirements of the International Building Code.
4. When changing the use or occupancy, both zoning compliance check and building safety clearance is required prior to commencement of the use.
5. No more than three (3) guest units shall be available for rent at any time.
A guest unit consisting of more than one room shall not be constructed, converted, or modified so as to permit division into separate guest units.
6. In addition to the required parking for the owner of the Homestay, per zoning code district, one (1) parking space per guest unit shall be provided on site in accordance with the parking standards of the Ordinance.

7. One (1) sign, for identification purposes, not exceeding the size permitted per zoning code district, may be attached to the primary structure or placed in the front yard no higher than three (3) feet above grade.
8. Necessary to have a current business license.

B. Bed & Breakfast Inn Regulations: Bed and Breakfast Inns, as defined in Chapter 2, Section 2-1, are permitted in the following Zones: R1, R1L, R2, R3, R4, R4A, C, I, and C-B. Said Bed & Breakfast Inn facility shall comply with the following regulations and performance standards.

1. Facility shall be owner-occupied with no more than seventy five percent (75%) of the floor area or structural coverage to be used for guest quarters or Bed and Breakfast purposes.
2. Building shall meet the requirements of the International Building Code.
3. When changing the use of or occupancy, both zoning compliance check and building safety clearance are required prior to commencement of the use.
4. No more than five (5) guest units shall be available for rental at any time. A guest unit consisting of more than one room shall not be constructed, converted, or modified so as to permit division into separate guest units.
5. In addition to the required parking for the owner of the Bed & Breakfast Inn, per zoning code district, one (1) parking space per guest unit shall be provided on site in accordance with the parking standards of the Ordinance
6. One (1) sign, for identification purposes, not exceeding the size permitted per zoning code district, may be attached to the primary structure or placed in the front yard no higher than three (3) feet above grade.
7. Necessary to have a current business license.

B. Country Inn Regulations: Country Inns, as defined in Chapter 2, Section 2-1, are permitted in the following Zones: C, I, & C-B. Said Country Inn facility shall comply with the following regulations and performance standards.

1. Installation of commercial kitchen facilities, as well as acquisition of necessary permits per County and State Health Department requirements.
2. Building shall meet the requirements of the International Building Code.
3. When changing the use of or occupancy, both zoning compliance check and building safety clearance required prior to commencement of the use.
4. Signage shall meet applicable sign code standards
5. In addition to the required parking for the owner of the Bed & Breakfast Country Inn, per zoning code district, one (1) parking space per guest unit and employee shall be provided on site in accordance with the parking standards of the Ordinance.
6. Necessary to have a current business license.

Yavapai County – Lodging Definitions

SECTION 301 DEFINITIONS

BED & BREAKFAST GUEST UNIT – One (1) or more rooms intended for overnight occupancy for remuneration by persons other than those who permanently reside at the home.

BED & BREAKFAST HOMESTAY - An owner-occupied residence which has up to three (3) guest units within a single-family residential structure, the owners of which serve breakfast to guests and seldom advertise.

BED & BREAKFAST INN - An owner-occupied residence which has a maximum of five (5) guest units, the owners of which serve breakfast to guests and advertise on a regular basis.

BED & BREAKFAST COUNTRY INN - A residence or building which has six (6) or more guest units, the facility may have a restaurant open to the general public as well as registered guests, and the facility exhibits a character of use consistent with that normally associated with a hotel or motel. Performance standards for Hotel/Motel shall apply for application of Ordinance requirements.

HOTEL - A building other than a boarding house, which building contains more than five (5) guestrooms and where entrance to the sleeping rooms or apartments is from a common entrance or lobby used primarily for lodging on a daily or weekly basis. For Density Formula purposes, two (2) such guestrooms may be counted as one (1) dwelling unit.

ROOMING HOUSE - A dwelling, otherwise permitted in the District in which it is situated, containing five (5) or fewer guestrooms and in which food may or may not be served to the occupants thereof. Any dwelling in which more than five (5) rooms are occupied as guestrooms shall be deemed to be a hotel.

Yavapai County – Permitted Use in R-1

Bed & Breakfast Homestays as defined under Section 301 (Definitions), subject to performance standards set out in Section 507 (Bed and Breakfasts) for Homestays with Administrative Review with Comment Period.

Yavapai County – Permitted Use in R-2

R2 DISTRICT (Residential; Multi-Family) Permitted Uses:

Where no Zoning/Density District has been combined, then all provisions of Density District 3 shall prevail. (See Section 516 (Density Districts), most common ones shown in attached chart.)

A. All principal and accessory uses and structures permitted in the RCU District.

B. Multi-family dwelling units and apartment hotels (site-built buildings only) in conformity with the Density Formula for the District.

C. Lots abutting an arterial highway permit the following:

1. Rooming and boarding houses.
2. Fraternity and sorority houses.
3. Orphanages and homes for the aged.

D. Bed & Breakfast Homestays as defined under Section 301 (Definitions).

E. Bed & Breakfast Inns as defined under Section 301 (Definitions), subject to the regulations and performance standards set out in Section 507 (Bed and Breakfasts) subject to Administrative Review with Comment Period.

Cottonwood – Lodging Definitions

BED & BREAKFAST COUNTRY INN – The uses of a residence or other type of building for commercial lodging purpose, and which has at least six (6) and no more than eleven (11) guest units, and which exhibits a character of use consistent with a motel or hotel, and which may have a restaurant open to guests, as well as the general public, and which may have other related activities open to the public.

BED & BREAKFAST INN - An owner-occupied single-family residence offering rooms for commercial lodging purposes, and which has a maximum of five (5) guest units, and which serves breakfast to guests.

BED & BREAKFAST RESIDENCE - An owner-occupied single-family residence offering rooms for commercial lodging purposes, and which has a maximum of three (3) guest units, and which serves breakfast to guests.

BOARDING HOUSE - A house where one can rent sleeping accommodations and receive board (meals), the cost of which is included in the rent. The term shall not include other lodging facilities as defined by this ordinance, including group homes for the handicapped, nursing homes, assisted care facilities, hotels, motels, bed and breakfast establishments or a dwelling occupied by one or more individuals living together without supervision as a single housekeeping unit.

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 Boarding House as herein defined.

Cottonwood – Allowed Uses in R-3 & C-1 (note – boarding/rooming house not allowed in R-1 and R-2)

11. Boarding or Rooming House.

Cottonwood – Allowed Uses in C-2

25. Hotels and motels.

Redline Excerpt from Jerome 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 ~~three (3)~~ **five (5)** rooms used to provide lodging for compensation; ~~provided that, (1)~~ ~~No more than one (1) family is lodged per day, (12)~~ no meals are provided other than breakfast, ~~23~~ the host family lives on the premises, ~~34~~ 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.

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 503. “AR” ZONE, AGRICULTURAL RESIDENTIAL

A. PURPOSE

This district is intended to promote and preserve low density residential development and noncommercial farming and agriculture. Land use is composed chiefly of individual homes, together with required recreational, religious, and educational facilities.

B. PERMITTED USES

1. One (1) single-family dwelling or one (1) modular home per lot. Mobile homes are prohibited.
2. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
4. Publicly owned and operated parks and recreation areas and centers.
5. Home occupations.
6. Noncommercial farming and agriculture, not including the keeping of livestock.
- ~~7.~~ Keeping of cattle and horses owned by members of the family occupying the premises, but not to exceed one (1) head per 20,300 square feet of lot area.

~~7-8.~~ Bed and Breakfast

C. CONDITIONAL USES

1. Animals, fowl, and other typical farm livestock, except as otherwise prohibited herein.
2. Commercial stables
3. Churches or similar places of worship
4. Schools: Public or private elementary and high.
5. Colleges, universities, and professional schools having a regular curriculum.
6. Nursery Schools and Day Care Centers.
7. Privately owned and operated recreation areas and centers.
8. Public buildings other than hospitals.
9. Public utility buildings, structures, or appurtenances thereto for public service use.
10. Model Homes

~~11.~~ Bed and Breakfast

~~12-11.~~ RESERVED pending approval or rejection by voters in August 2014 of Ordinance 405.

~~13-12.~~ Viniculture use, pursuant to Chapter 16, “Vineyards,” of the Jerome Town Code.

[Ord. No. 380]

D. ZONE RESTRICTIONS

1. Cattle, horses, sheep, goats, dogs, cats, birds, fowl, and any other living animals, and the pens, stalls, stables, yards, shelters, cages, areas, places, and premises where they are held or kept, shall be so maintained that flies, insects, or vermin, rodent harborage, odors, ponded water, the accumulation of manure, garbage, refuse or other noxious

SECTION 504. “R1-10” ZONE, SINGLE FAMILY RESIDENTIAL

A. PURPOSE

This district is intended to promote and preserve low density residential development. Regulations and property development standards are designed to protect the single-family residential character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes, together with required recreational, religious and educational facilities.

B. PERMITTED USES

1. One (1) single-family dwelling or one (1) modular home per lot. Mobile homes are prohibited.
2. Customary accessory uses and buildings provided such uses are incidental to the principal use.
3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
4. Publicly owned and operated parks and recreation areas and centers.
- ~~5.~~ Home Occupations.

~~5-6.~~ Bed and Breakfast

C. CONDITIONAL USES

1. Churches or similar places of worship.
2. Schools: Public or private elementary and high.
3. Colleges, universities, and professional schools having a regular curriculum.
4. Nursery Schools and Day Care Centers.
5. Public buildings other than hospitals.
6. Public utility buildings, structures, or appurtenances thereto for public service use.
7. Libraries.
8. Model Homes.

~~9.~~ Bed and Breakfast

~~10-9.~~ RESERVED pending approval or rejection by voters in August 2014 of Ordinance 405.

D. PROPERTY DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA: Ten thousand (10,000) square feet
2. MINIMUM LOT WIDTH: One hundred (100) feet
3. MINIMUM SQUARE FOOTAGE OF DWELLING: Eight hundred and fifty (850) square feet of enclosed floor space exclusive of any attached garage.
4. MAXIMUM LOT COVERAGE: Not more than forty (40) percent of the net area of the lot may be covered by the main building and all accessory buildings.
5. YARDS:
 - a. Front Yard:
 - 1) There shall be a front yard of not less than twenty (20) feet in depth.

SECTION 505. “R1-5” ZONE, SINGLE FAMILY RESIDENTIAL

A. PURPOSE

This district is intended to fulfill the need for medium density single family residential development. Regulations and property development standards are designed to protect the single family residential character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes, together with required recreational, religious, and educational facilities.

B. PERMITTED USES

1. One (1) single-family dwelling or one (1) modular home per lot. Mobile homes are prohibited.
2. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
4. Publicly owned and operated parks and recreation areas and centers.
- ~~5.~~ Home occupations.
- ~~5-6.~~ Bed and Breakfast

C. CONDITIONAL USES

1. Churches or similar places of worship.
2. Schools: Public or private elementary and high.
3. Colleges, universities, and professional schools having a regular curriculum.
4. Nursery Schools and Day Care Centers.
5. Public buildings.
6. Public utility buildings, structures, or appurtenances thereto for public service use.
7. Libraries.
8. Model homes
- ~~9.~~ Bed and Breakfast

~~10-9.~~ RESERVED pending approval or rejection by voters in August 2014 of Ordinance 405.

D. PROPERTY DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA: Five thousand (5,000) square feet.
2. MINIMUM LOT WIDTH: Fifty (50) feet.
3. MINIMUM SQUARE FOOTAGE OF DWELLING: Eight hundred and fifty (850) square feet of enclosed floor space exclusive of any attached garage.
4. MAXIMUM LOT COVERAGE: Not more than sixty (60) percent of the net area of the lot may be covered by the main building and all accessory buildings.
5. YARDS:
 - a. Front Yard:

SECTION 506. “R-2” ZONE, SINGLE- AND TWO-FAMILY RESIDENTIAL

A. PURPOSE

This district is intended to fulfill the need for medium density residential development regulations and property development standards are designed to allow maximum flexibility and variety in residential development while prohibiting all incompatible activities. Land use is composed chiefly of single- and two-family homes, together with required recreational, religious, and educational facilities.

B. PERMITTED USES

1. One (1) single-family dwelling or one (1) two-family dwelling or one (1) modular home per lot. Mobile homes are prohibited.
2. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
4. Publicly owned and operated parks and recreation areas and centers.
5. Home occupations.

~~5-6.~~ Bed and Breakfast

B. CONDITIONAL USES

Any conditional use in the R1-5 zone.

D. PROPERTY DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA: Five thousand (5,000) square feet.
2. MINIMUM LOT WIDTH: Fifty (50) feet.
3. MINIMUM SQUARE FOOTAGE OF DWELLING: Eight hundred and fifty (850) square feet of enclosed floor space exclusive of any attached garage.
4. MAXIMUM LOT COVERAGE: Not more than sixty (60) percent of the net area of the lot may be covered by the main building and all accessory buildings.
5. YARDS:
 - a. Front Yard:
 - 1) There shall be a front yard of not less than ten (10) feet in depth except when the following conditions prevail:

A front yard is required equal to that established by any building within one hundred (100) feet on either or both sides of the lot. Where more than one such building is within one hundred (100) feet of the lot then the front yard of the nearest such building shall be the required front yard of the lot, except that where the lot is between two such buildings, each within one hundred (100) feet of a lot, then the front yard of this lot shall be that established by a line joining the nearest front corner of the other such building. Nothing in the above shall require that a front yard in this district exceed twenty (20) feet.
 - 2) Where lots have a double frontage on two (2) streets, the required front yard shall be provided on both streets.

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.



TOWN OF JEROME

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

Zoning Administrator Analysis Planning and Zoning Commission Wednesday, June 3, 2020

ITEM 6: Work session on code amendments to temporary signage
Applicant/Owner: Town of Jerome
Recommendation: Discussion and direction to staff for potential amendments
Prepared by: John Knight, Zoning Administrator

Background and Summary: This report discusses a potential amendment to the Jerome Zoning Ordinance regarding temporary signs. This was discussed at the Council meeting on April 14, 2020, and the amendment was initiated on May 12, 2020, by the Council. The purpose of the amendment is to update the sign ordinance to be consistent with case law relating to free speech. Amending the ordinance will allow the Town to legally enforce the sign ordinance without impinging on the right to free speech. A recent Supreme Court decision, *Reed v. Town of Gilbert, AZ* (attached), determined that the Town could not regulate the content of temporary signs. The Supreme Court stated that “*content-based laws that target speech based on its communicative content are presumptively unconstitutional ...*” As a result of the decision, the Town of Gilbert updated their sign code (see attached).

Discussion: Section 509 of the Zoning Ordinance addresses several types of temporary signs. These include political/candidate signs, banners, real estate signs, and contractor signs. These types of signs are required to meet code requirements but do not require a permit since they are temporary.

Regulations: As noted above, the Town cannot regulate content but can regulate the size, location, and type of temporary sign. Common types of temporary signs include banners, A-frame signs, and flags. The Town can also prohibit certain types of signs in different zoning districts. For example, banners and A-frame signs could be allowed in the C-1 but prohibited in the residential zoning districts.

Current Code Requirements: The code currently addresses the following types of temporary signs.

Definitions:

Campaign Sign (509.B.3) – a sign intended to advertise a political candidate or issue.

Temporary Sign (509.B.19) – a sign displayed for not more than 45 consecutive days or 90 days in a calendar year.

Permits:

Political Signs (509.D.1.c.) – exempt from requiring a permit.

Exterior Temporary Signs (509.D.1.e.) – exempt from requiring a permit.

Other Regulations:

Temporary Signs (509.E.6.) – states that banners are allowed without a permit and must be removed within three (3) days of the close of any event.

Political Signs (509.E.9.) – allows up to six (6) square feet in area and restricts from being placed earlier than 60 days before an election.

Real Estate Signs (509.E.10.) – allows for a maximum size of 18-by-24 inches.

Contractor Signs (509.E.11.) – allows signs up to four (4) square feet in area.

Issues for discussion:

1. **Location by zone:** Need to determine what signs are allowed in which zones. For example, should banners be allowed or prohibited in the residential zones? Should A-frame signs be allowed only in the commercial zones?
2. **Size by zone:** Should larger temporary signs be allowed in the commercial zones than the residential zones?
3. **Placement:** Temporary signs can be restricted from being placed on the sidewalk or in the street right of way, but should an additional front (or side) setback be required?
4. **Maximum Number:** How many temporary signs should be allowed to be placed on the same property? Should the number differ for the commercial vs. the residential zones?
5. **Duration:** Should temporary signs only be allowed for a certain number of days? Banners are currently restricted to a maximum of 45 continuous days.
6. **Flags:** Flags are not currently regulated in the sign ordinance. Should a section be added to address flags and flagpoles?
7. **Flying Banners and Sign Walkers:** The Gilbert Code has a separate definition for a “flying banner.” Their code also includes a definition for “sign walkers.” Should these types of signs be added to our code?

Action: Discussion and direction to staff

Attachments:

- Reed v. Gilbert, AZ, decision
- Gilbert sign ordinance excerpts

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

REED ET AL. *v.* TOWN OF GILBERT, ARIZONA, ET AL.CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

No. 13–502. Argued January 12, 2015—Decided June 18, 2015

Gilbert, Arizona (Town), has a comprehensive code (Sign Code or Code) that prohibits the display of outdoor signs without a permit, but exempts 23 categories of signs, including three relevant here. “Ideological Signs,” defined as signs “communicating a message or ideas” that do not fit in any other Sign Code category, may be up to 20 square feet and have no placement or time restrictions. “Political Signs,” defined as signs “designed to influence the outcome of an election,” may be up to 32 square feet and may only be displayed during an election season. “Temporary Directional Signs,” defined as signs directing the public to a church or other “qualifying event,” have even greater restrictions: No more than four of the signs, limited to six square feet, may be on a single property at any time, and signs may be displayed no more than 12 hours before the “qualifying event” and 1 hour after.

Petitioners, Good News Community Church (Church) and its pastor, Clyde Reed, whose Sunday church services are held at various temporary locations in and near the Town, posted signs early each Saturday bearing the Church name and the time and location of the next service and did not remove the signs until around midday Sunday. The Church was cited for exceeding the time limits for displaying temporary directional signs and for failing to include an event date on the signs. Unable to reach an accommodation with the Town, petitioners filed suit, claiming that the Code abridged their freedom of speech. The District Court denied their motion for a preliminary injunction, and the Ninth Circuit affirmed, ultimately concluding that the Code’s sign categories were content neutral, and that the Code satisfied the intermediate scrutiny accorded to content-neutral regulations of speech.

Held: The Sign Code’s provisions are content-based regulations of

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speech that do not survive strict scrutiny. Pp. 6–17.

(a) Because content-based laws target speech based on its communicative content, they are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *E.g.*, *R. A. V. v. St. Paul*, 505 U. S. 377, 395. Speech regulation is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g.*, *Sorrell v. IMS Health, Inc.*, 564 U. S. ___, ___–___. And courts are required to consider whether a regulation of speech “on its face” draws distinctions based on the message a speaker conveys. *Id.*, at ___. Whether laws define regulated speech by particular subject matter or by its function or purpose, they are subject to strict scrutiny. The same is true for laws that, though facially content neutral, cannot be “‘justified without reference to the content of the regulated speech,’” or were adopted by the government “because of disagreement with the message” conveyed. *Ward v. Rock Against Racism*, 491 U. S. 781, 791. Pp. 6–7.

(b) The Sign Code is content based on its face. It defines the categories of temporary, political, and ideological signs on the basis of their messages and then subjects each category to different restrictions. The restrictions applied thus depend entirely on the sign’s communicative content. Because the Code, on its face, is a content-based regulation of speech, there is no need to consider the government’s justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny. Pp. 7.

(c) None of the Ninth Circuit’s theories for its contrary holding is persuasive. Its conclusion that the Town’s regulation was not based on a disagreement with the message conveyed skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government’s benign motive, content-neutral justification, or lack of “animus toward the ideas contained” in the regulated speech. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410, 429. Thus, an innocuous justification cannot transform a facially content-based law into one that is content neutral. A court must evaluate each question—whether a law is content based on its face and whether the purpose and justification for the law are content based—before concluding that a law is content neutral. *Ward* does not require otherwise, for its framework applies only to a content-neutral statute.

The Ninth Circuit’s conclusion that the Sign Code does not single out any idea or viewpoint for discrimination conflates two distinct but related limitations that the First Amendment places on government regulation of speech. Government discrimination among viewpoints

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is a “more blatant” and “egregious form of content discrimination,” *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829, but “[t]he First Amendment’s hostility to content-based regulation [also] extends . . . to prohibition of public discussion of an entire topic,” *Consolidated Edison Co. of N. Y. v. Public Serv. Comm’n of N. Y.*, 447 U. S. 530, 537. The Sign Code, a paradigmatic example of content-based discrimination, singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter.

The Ninth Circuit also erred in concluding that the Sign Code was not content based because it made only speaker-based and event-based distinctions. The Code’s categories are not speaker-based—the restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. And even if the sign categories were speaker based, that would not automatically render the law content neutral. Rather, “laws favoring some speakers over others demand strict scrutiny when the legislature’s speaker preference reflects a content preference.” *Turner Broadcasting System, Inc. v. FCC*, 512 U. S. 622, 658. This same analysis applies to event-based distinctions. Pp. 8–14.

(d) The Sign Code’s content-based restrictions do not survive strict scrutiny because the Town has not demonstrated that the Code’s differentiation between temporary directional signs and other types of signs furthers a compelling governmental interest and is narrowly tailored to that end. See *Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett*, 564 U. S. ___, ___. Assuming that the Town has a compelling interest in preserving its aesthetic appeal and traffic safety, the Code’s distinctions are highly underinclusive. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town when other types of signs create the same problem. See *Discovery Network, supra*, at 425. Nor has it shown that temporary directional signs pose a greater threat to public safety than ideological or political signs. Pp. 14–15.

(e) This decision will not prevent governments from enacting effective sign laws. The Town has ample content-neutral options available to resolve problems with safety and aesthetics, including regulating size, building materials, lighting, moving parts, and portability. And the Town may be able to forbid postings on public property, so long as it does so in an evenhanded, content-neutral manner. See *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789, 817. An ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—e.g., warning signs marking hazards on private property or signs directing traffic—might also survive strict scrutiny. Pp. 16–17.

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707 F. 3d 1057, reversed and remanded.

THOMAS, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, KENNEDY, ALITO, and SOTOMAYOR, JJ., joined. ALITO, J., filed a concurring opinion, in which KENNEDY and SOTOMAYOR, JJ., joined. BREYER, J., filed an opinion concurring in the judgment. KAGAN, J., filed an opinion concurring in the judgment, in which GINSBURG and BREYER, JJ., joined

Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 13–502

CLYDE REED, ET AL., PETITIONERS *v.* TOWN OF
GILBERT, ARIZONA, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE THOMAS delivered the opinion of the Court.

The town of Gilbert, Arizona (or Town), has adopted a comprehensive code governing the manner in which people may display outdoor signs. Gilbert, Ariz., Land Development Code (Sign Code or Code), ch. 1, §4.402 (2005).¹ The Sign Code identifies various categories of signs based on the type of information they convey, then subjects each category to different restrictions. One of the categories is “Temporary Directional Signs Relating to a Qualifying Event,” loosely defined as signs directing the public to a meeting of a nonprofit group. §4.402(P). The Code imposes more stringent restrictions on these signs than it does on signs conveying other messages. We hold that these provisions are content-based regulations of speech that cannot survive strict scrutiny.

¹The Town’s Sign Code is available online at <http://www.gilbertaz.gov/departments/development-service/planning-development/land-development-code> (as visited June 16, 2015, and available in Clerk of Court’s case file).

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I
A

The Sign Code prohibits the display of outdoor signs anywhere within the Town without a permit, but it then exempts 23 categories of signs from that requirement. These exemptions include everything from bazaar signs to flying banners. Three categories of exempt signs are particularly relevant here.

The first is “Ideological Sign[s].” This category includes any “sign communicating a message or ideas for noncommercial purposes that is not a Construction Sign, Directional Sign, Temporary Directional Sign Relating to a Qualifying Event, Political Sign, Garage Sale Sign, or a sign owned or required by a governmental agency.” Sign Code, Glossary of General Terms (Glossary), p. 23 (emphasis deleted). Of the three categories discussed here, the Code treats ideological signs most favorably, allowing them to be up to 20 square feet in area and to be placed in all “zoning districts” without time limits. §4.402(J).

The second category is “Political Sign[s].” This includes any “temporary sign designed to influence the outcome of an election called by a public body.” Glossary 23.² The Code treats these signs less favorably than ideological signs. The Code allows the placement of political signs up to 16 square feet on residential property and up to 32 square feet on nonresidential property, undeveloped municipal property, and “rights-of-way.” §4.402(I).³ These signs may be displayed up to 60 days before a primary election and up to 15 days following a general election. *Ibid.*

²A “Temporary Sign” is a “sign not permanently attached to the ground, a wall or a building, and not designed or intended for permanent display.” Glossary 25.

³The Code defines “Right-of-Way” as a “strip of publicly owned land occupied by or planned for a street, utilities, landscaping, sidewalks, trails, and similar facilities.” *Id.*, at 18.

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The third category is “Temporary Directional Signs Relating to a Qualifying Event.” This includes any “Temporary Sign intended to direct pedestrians, motorists, and other passersby to a ‘qualifying event.’” Glossary 25 (emphasis deleted). A “qualifying event” is defined as any “assembly, gathering, activity, or meeting sponsored, arranged, or promoted by a religious, charitable, community service, educational, or other similar non-profit organization.” *Ibid.* The Code treats temporary directional signs even less favorably than political signs.⁴ Temporary directional signs may be no larger than six square feet. §4.402(P). They may be placed on private property or on a public right-of-way, but no more than four signs may be placed on a single property at any time. *Ibid.* And, they may be displayed no more than 12 hours before the “qualifying event” and no more than 1 hour afterward. *Ibid.*

B

Petitioners Good News Community Church (Church) and its pastor, Clyde Reed, wish to advertise the time and location of their Sunday church services. The Church is a small, cash-strapped entity that owns no building, so it holds its services at elementary schools or other locations in or near the Town. In order to inform the public about its services, which are held in a variety of different loca-

⁴The Sign Code has been amended twice during the pendency of this case. When litigation began in 2007, the Code defined the signs at issue as “Religious Assembly Temporary Direction Signs.” App. 75. The Code entirely prohibited placement of those signs in the public right-of-way, and it forbade posting them in any location for more than two hours before the religious assembly or more than one hour afterward. *Id.*, at 75–76. In 2008, the Town redefined the category as “Temporary Directional Signs Related to a Qualifying Event,” and it expanded the time limit to 12 hours before and 1 hour after the “qualifying event.” *Ibid.* In 2011, the Town amended the Code to authorize placement of temporary directional signs in the public right-of-way. *Id.*, at 89.

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tions, the Church began placing 15 to 20 temporary signs around the Town, frequently in the public right-of-way abutting the street. The signs typically displayed the Church's name, along with the time and location of the upcoming service. Church members would post the signs early in the day on Saturday and then remove them around midday on Sunday. The display of these signs requires little money and manpower, and thus has proved to be an economical and effective way for the Church to let the community know where its services are being held each week.

This practice caught the attention of the Town's Sign Code compliance manager, who twice cited the Church for violating the Code. The first citation noted that the Church exceeded the time limits for displaying its temporary directional signs. The second citation referred to the same problem, along with the Church's failure to include the date of the event on the signs. Town officials even confiscated one of the Church's signs, which Reed had to retrieve from the municipal offices.

Reed contacted the Sign Code Compliance Department in an attempt to reach an accommodation. His efforts proved unsuccessful. The Town's Code compliance manager informed the Church that there would be "no leniency under the Code" and promised to punish any future violations.

Shortly thereafter, petitioners filed a complaint in the United States District Court for the District of Arizona, arguing that the Sign Code abridged their freedom of speech in violation of the First and Fourteenth Amendments. The District Court denied the petitioners' motion for a preliminary injunction. The Court of Appeals for the Ninth Circuit affirmed, holding that the Sign Code's provision regulating temporary directional signs did not regulate speech on the basis of content. 587 F.3d 966, 979 (2009). It reasoned that, even though an enforcement

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officer would have to read the sign to determine what provisions of the Sign Code applied to it, the “kind of cursory examination” that would be necessary for an officer to classify it as a temporary directional sign was “not akin to an officer synthesizing the expressive content of the sign.” *Id.*, at 978. It then remanded for the District Court to determine in the first instance whether the Sign Code’s distinctions among temporary directional signs, political signs, and ideological signs nevertheless constituted a content-based regulation of speech.

On remand, the District Court granted summary judgment in favor of the Town. The Court of Appeals again affirmed, holding that the Code’s sign categories were content neutral. The court concluded that “the distinctions between Temporary Directional Signs, Ideological Signs, and Political Signs . . . are based on objective factors relevant to Gilbert’s creation of the specific exemption from the permit requirement and do not otherwise consider the substance of the sign.” 707 F. 3d 1057, 1069 (CA9 2013). Relying on this Court’s decision in *Hill v. Colorado*, 530 U. S. 703 (2000), the Court of Appeals concluded that the Sign Code is content neutral. 707 F. 3d, at 1071–1072. As the court explained, “Gilbert did not adopt its regulation of speech because it disagreed with the message conveyed” and its “interests in regulat[ing] temporary signs are unrelated to the content of the sign.” *Ibid.* Accordingly, the court believed that the Code was “content-neutral as that term [has been] defined by the Supreme Court.” *Id.*, at 1071. In light of that determination, it applied a lower level of scrutiny to the Sign Code and concluded that the law did not violate the First Amendment. *Id.*, at 1073–1076.

We granted certiorari, 573 U. S. ____ (2014), and now reverse.

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II

A

The First Amendment, applicable to the States through the Fourteenth Amendment, prohibits the enactment of laws “abridging the freedom of speech.” U. S. Const., Amdt. 1. Under that Clause, a government, including a municipal government vested with state authority, “has no power to restrict expression because of its message, its ideas, its subject matter, or its content.” *Police Dept. of Chicago v. Mosley*, 408 U. S. 92, 95 (1972). Content-based laws—those that target speech based on its communicative content—are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *R. A. V. v. St. Paul*, 505 U. S. 377, 395 (1992); *Simon & Schuster, Inc. v. Members of N. Y. State Crime Victims Bd.*, 502 U. S. 105, 115, 118 (1991).

Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g.*, *Sorrell v. IMS Health, Inc.*, 564 U. S. ___, ___–___ (2011) (slip op., at 8–9); *Carey v. Brown*, 447 U. S. 455, 462 (1980); *Mosley*, *supra*, at 95. This commonsense meaning of the phrase “content based” requires a court to consider whether a regulation of speech “on its face” draws distinctions based on the message a speaker conveys. *Sorrell*, *supra*, at ___ (slip op., at 8). Some facial distinctions based on a message are obvious, defining regulated speech by particular subject matter, and others are more subtle, defining regulated speech by its function or purpose. Both are distinctions drawn based on the message a speaker conveys, and, therefore, are subject to strict scrutiny.

Our precedents have also recognized a separate and additional category of laws that, though facially content neutral, will be considered content-based regulations of speech: laws that cannot be “justified without reference to

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the content of the regulated speech,” or that were adopted by the government “because of disagreement with the message [the speech] conveys,” *Ward v. Rock Against Racism*, 491 U. S. 781, 791 (1989). Those laws, like those that are content based on their face, must also satisfy strict scrutiny.

B

The Town’s Sign Code is content based on its face. It defines “Temporary Directional Signs” on the basis of whether a sign conveys the message of directing the public to church or some other “qualifying event.” Glossary 25. It defines “Political Signs” on the basis of whether a sign’s message is “designed to influence the outcome of an election.” *Id.*, at 24. And it defines “Ideological Signs” on the basis of whether a sign “communicat[es] a message or ideas” that do not fit within the Code’s other categories. *Id.*, at 23. It then subjects each of these categories to different restrictions.

The restrictions in the Sign Code that apply to any given sign thus depend entirely on the communicative content of the sign. If a sign informs its reader of the time and place a book club will discuss John Locke’s *Two Treatises of Government*, that sign will be treated differently from a sign expressing the view that one should vote for one of Locke’s followers in an upcoming election, and both signs will be treated differently from a sign expressing an ideological view rooted in Locke’s theory of government. More to the point, the Church’s signs inviting people to attend its worship services are treated differently from signs conveying other types of ideas. On its face, the Sign Code is a content-based regulation of speech. We thus have no need to consider the government’s justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny.

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C

In reaching the contrary conclusion, the Court of Appeals offered several theories to explain why the Town's Sign Code should be deemed content neutral. None is persuasive.

1

The Court of Appeals first determined that the Sign Code was content neutral because the Town “did not adopt its regulation of speech [based on] disagree[ment] with the message conveyed,” and its justifications for regulating temporary directional signs were “unrelated to the content of the sign.” 707 F. 3d, at 1071–1072. In its brief to this Court, the United States similarly contends that a sign regulation is content neutral—even if it expressly draws distinctions based on the sign's communicative content—if those distinctions can be “justified without reference to the content of the regulated speech.” Brief for United States as *Amicus Curiae* 20, 24 (quoting *Ward, supra*, at 791; emphasis deleted).

But this analysis skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification, or lack of “animus toward the ideas contained” in the regulated speech. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410, 429 (1993). We have thus made clear that “[i]llicit legislative intent is not the *sine qua non* of a violation of the First Amendment,” and a party opposing the government “need adduce ‘no evidence of an improper censorial motive.’” *Simon & Schuster, supra*, at 117. Although “a content-based purpose may be sufficient in certain circumstances to show that a regulation is content based, it is not necessary.” *Turner Broadcasting System, Inc. v. FCC*, 512 U. S. 622, 642 (1994). In other words, an

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innocuous justification cannot transform a facially content-based law into one that is content neutral.

That is why we have repeatedly considered whether a law is content neutral on its face *before* turning to the law’s justification or purpose. See, e.g., *Sorrell, supra*, at ____–____ (slip op., at 8–9) (statute was content based “on its face,” and there was also evidence of an impermissible legislative motive); *United States v. Eichman*, 496 U. S. 310, 315 (1990) (“Although the [statute] contains no explicit content-based limitation on the scope of prohibited conduct, it is nevertheless clear that the Government’s asserted *interest* is related to the suppression of free expression” (internal quotation marks omitted)); *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789, 804 (1984) (“The text of the ordinance is neutral,” and “there is not even a hint of bias or censorship in the City’s enactment or enforcement of this ordinance”); *Clark v. Community for Creative Non-Violence*, 468 U. S. 288, 293 (1984) (requiring that a facially content-neutral ban on camping must be “justified without reference to the content of the regulated speech”); *United States v. O’Brien*, 391 U. S. 367, 375, 377 (1968) (noting that the statute “on its face deals with conduct having no connection with speech,” but examining whether the “the governmental interest is unrelated to the suppression of free expression”). Because strict scrutiny applies either when a law is content based on its face or when the purpose and justification for the law are content based, a court must evaluate each question before it concludes that the law is content neutral and thus subject to a lower level of scrutiny.

The Court of Appeals and the United States misunderstand our decision in *Ward* as suggesting that a government’s purpose is relevant even when a law is content based on its face. That is incorrect. *Ward* had nothing to say about facially content-based restrictions because it involved a facially content-*neutral* ban on the use, in a

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city-owned music venue, of sound amplification systems not provided by the city. 491 U. S., at 787, and n. 2. In that context, we looked to governmental motive, including whether the government had regulated speech “because of disagreement” with its message, and whether the regulation was “justified without reference to the content of the speech.” *Id.*, at 791. But *Ward*’s framework “applies only if a statute is content neutral.” *Hill*, 530 U. S., at 766 (KENNEDY, J., dissenting). Its rules thus operate “to protect speech,” not “to restrict it.” *Id.*, at 765.

The First Amendment requires no less. Innocent motives do not eliminate the danger of censorship presented by a facially content-based statute, as future government officials may one day wield such statutes to suppress disfavored speech. That is why the First Amendment expressly targets the operation of the laws—*i.e.*, the “abridg[ement] of speech”—rather than merely the motives of those who enacted them. U. S. Const., Amdt. 1. “The vice of content-based legislation . . . is not that it is always used for invidious, thought-control purposes, but that it lends itself to use for those purposes.” *Hill*, *supra*, at 743 (SCALIA, J., dissenting).

For instance, in *NAACP v. Button*, 371 U. S. 415 (1963), the Court encountered a State’s attempt to use a statute prohibiting “improper solicitation” by attorneys to outlaw litigation-related speech of the National Association for the Advancement of Colored People. *Id.*, at 438. Although *Button* predated our more recent formulations of strict scrutiny, the Court rightly rejected the State’s claim that its interest in the “regulation of professional conduct” rendered the statute consistent with the First Amendment, observing that “it is no answer . . . to say . . . that the purpose of these regulations was merely to insure high professional standards and not to curtail free expression.” *Id.*, at 438–439. Likewise, one could easily imagine a Sign Code compliance manager who disliked the Church’s

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substantive teachings deploying the Sign Code to make it more difficult for the Church to inform the public of the location of its services. Accordingly, we have repeatedly “rejected the argument that ‘discriminatory . . . treatment is suspect under the First Amendment only when the legislature intends to suppress certain ideas.’” *Discovery Network*, 507 U. S., at 429. We do so again today.

2

The Court of Appeals next reasoned that the Sign Code was content neutral because it “does not mention any idea or viewpoint, let alone single one out for differential treatment.” 587 F. 3d, at 977. It reasoned that, for the purpose of the Code provisions, “[i]t makes no difference which candidate is supported, who sponsors the event, or what ideological perspective is asserted.” 707 F. 3d, at 1069.

The Town seizes on this reasoning, insisting that “content based” is a term of art that “should be applied flexibly” with the goal of protecting “viewpoints and ideas from government censorship or favoritism.” Brief for Respondents 22. In the Town’s view, a sign regulation that “does not censor or favor particular viewpoints or ideas” cannot be content based. *Ibid.* The Sign Code allegedly passes this test because its treatment of temporary directional signs does not raise any concerns that the government is “endorsing or suppressing ‘ideas or viewpoints,’” *id.*, at 27, and the provisions for political signs and ideological signs “are neutral as to particular ideas or viewpoints” within those categories. *Id.*, at 37.

This analysis conflates two distinct but related limitations that the First Amendment places on government regulation of speech. Government discrimination among viewpoints—or the regulation of speech based on “the specific motivating ideology or the opinion or perspective of the speaker”—is a “more blatant” and “egregious form of

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content discrimination.” *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829 (1995). But it is well established that “[t]he First Amendment’s hostility to content-based regulation extends not only to restrictions on particular viewpoints, but also to prohibition of public discussion of an entire topic.” *Consolidated Edison Co. of N. Y. v. Public Serv. Comm’n of N. Y.*, 447 U. S. 530, 537 (1980).

Thus, a speech regulation targeted at specific subject matter is content based even if it does not discriminate among viewpoints within that subject matter. *Ibid.* For example, a law banning the use of sound trucks for political speech—and only political speech—would be a content-based regulation, even if it imposed no limits on the political viewpoints that could be expressed. See *Discovery Network, supra*, at 428. The Town’s Sign Code likewise singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter. Ideological messages are given more favorable treatment than messages concerning a political candidate, which are themselves given more favorable treatment than messages announcing an assembly of like-minded individuals. That is a paradigmatic example of content-based discrimination.

3

Finally, the Court of Appeals characterized the Sign Code’s distinctions as turning on “the content-neutral elements of who is speaking through the sign and whether and when an event is occurring.” 707 F. 3d, at 1069. That analysis is mistaken on both factual and legal grounds.

To start, the Sign Code’s distinctions are not speaker based. The restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. If a local business, for example, sought to put up

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signs advertising the Church’s meetings, those signs would be subject to the same limitations as such signs placed by the Church. And if Reed had decided to display signs in support of a particular candidate, he could have made those signs far larger—and kept them up for far longer—than signs inviting people to attend his church services. If the Code’s distinctions were truly speaker based, both types of signs would receive the same treatment.

In any case, the fact that a distinction is speaker based does not, as the Court of Appeals seemed to believe, automatically render the distinction content neutral. Because “[s]peech restrictions based on the identity of the speaker are all too often simply a means to control content,” *Citizens United v. Federal Election Comm’n*, 558 U. S. 310, 340 (2010), we have insisted that “laws favoring some speakers over others demand strict scrutiny when the legislature’s speaker preference reflects a content preference,” *Turner*, 512 U. S., at 658. Thus, a law limiting the content of newspapers, but only newspapers, could not evade strict scrutiny simply because it could be characterized as speaker based. Likewise, a content-based law that restricted the political speech of all corporations would not become content neutral just because it singled out corporations as a class of speakers. See *Citizens United*, *supra*, at 340–341. Characterizing a distinction as speaker based is only the beginning—not the end—of the inquiry.

Nor do the Sign Code’s distinctions hinge on “whether and when an event is occurring.” The Code does not permit citizens to post signs on any topic whatsoever within a set period leading up to an election, for example. Instead, come election time, it requires Town officials to determine whether a sign is “designed to influence the outcome of an election” (and thus “political”) or merely “communicating a message or ideas for noncommercial purposes” (and thus “ideological”). Glossary 24. That obvious content-based

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inquiry does not evade strict scrutiny review simply because an event (*i.e.*, an election) is involved.

And, just as with speaker-based laws, the fact that a distinction is event based does not render it content neutral. The Court of Appeals cited no precedent from this Court supporting its novel theory of an exception from the content-neutrality requirement for event-based laws. As we have explained, a speech regulation is content based if the law applies to particular speech because of the topic discussed or the idea or message expressed. *Supra*, at 6. A regulation that targets a sign because it conveys an idea about a specific event is no less content based than a regulation that targets a sign because it conveys some other idea. Here, the Code singles out signs bearing a particular message: the time and location of a specific event. This type of ordinance may seem like a perfectly rational way to regulate signs, but a clear and firm rule governing content neutrality is an essential means of protecting the freedom of speech, even if laws that might seem “entirely reasonable” will sometimes be “struck down because of their content-based nature.” *City of Ladue v. Gilleo*, 512 U. S. 43, 60 (1994) (O’Connor, J., concurring).

III

Because the Town’s Sign Code imposes content-based restrictions on speech, those provisions can stand only if they survive strict scrutiny, “‘which requires the Government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest,’” *Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett*, 564 U. S. ___, ___ (2011) (slip op., at 8) (quoting *Citizens United*, 558 U. S., at 340). Thus, it is the Town’s burden to demonstrate that the Code’s differentiation between temporary directional signs and other types of signs, such as political signs and ideological signs, furthers a compelling governmental interest and is narrowly tai-

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lored to that end. See *ibid.*

The Town cannot do so. It has offered only two governmental interests in support of the distinctions the Sign Code draws: preserving the Town’s aesthetic appeal and traffic safety. Assuming for the sake of argument that those are compelling governmental interests, the Code’s distinctions fail as hopelessly underinclusive.

Starting with the preservation of aesthetics, temporary directional signs are “no greater an eyesore,” *Discovery Network*, 507 U. S., at 425, than ideological or political ones. Yet the Code allows unlimited proliferation of larger ideological signs while strictly limiting the number, size, and duration of smaller directional ones. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town while at the same time allowing unlimited numbers of other types of signs that create the same problem.

The Town similarly has not shown that limiting temporary directional signs is necessary to eliminate threats to traffic safety, but that limiting other types of signs is not. The Town has offered no reason to believe that directional signs pose a greater threat to safety than do ideological or political signs. If anything, a sharply worded ideological sign seems more likely to distract a driver than a sign directing the public to a nearby church meeting.

In light of this underinclusiveness, the Town has not met its burden to prove that its Sign Code is narrowly tailored to further a compelling government interest. Because a “law cannot be regarded as protecting an interest of the highest order, and thus as justifying a restriction on truthful speech, when it leaves appreciable damage to that supposedly vital interest unprohibited,” *Republican Party of Minn. v. White*, 536 U. S. 765, 780 (2002), the Sign Code fails strict scrutiny.

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IV

Our decision today will not prevent governments from enacting effective sign laws. The Town asserts that an “absolutist” content-neutrality rule would render “virtually all distinctions in sign laws . . . subject to strict scrutiny,” Brief for Respondents 34–35, but that is not the case. Not “all distinctions” are subject to strict scrutiny, only *content-based* ones are. Laws that are *content neutral* are instead subject to lesser scrutiny. See *Clark*, 468 U. S., at 295.

The Town has ample content-neutral options available to resolve problems with safety and aesthetics. For example, its current Code regulates many aspects of signs that have nothing to do with a sign’s message: size, building materials, lighting, moving parts, and portability. See, e.g., §4.402(R). And on public property, the Town may go a long way toward entirely forbidding the posting of signs, so long as it does so in an evenhanded, content-neutral manner. See *Taxpayers for Vincent*, 466 U. S., at 817 (upholding content-neutral ban against posting signs on public property). Indeed, some lower courts have long held that similar content-based sign laws receive strict scrutiny, but there is no evidence that towns in those jurisdictions have suffered catastrophic effects. See, e.g., *Solantic, LLC v. Neptune Beach*, 410 F.3d 1250, 1264–1269 (CA11 2005) (sign categories similar to the town of Gilbert’s were content based and subject to strict scrutiny); *Matthews v. Needham*, 764 F.2d 58, 59–60 (CA1 1985) (law banning political signs but not commercial signs was content based and subject to strict scrutiny).

We acknowledge that a city might reasonably view the general regulation of signs as necessary because signs “take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation.” *City of Ladue*, 512 U. S., at 48. At the same time, the presence of certain

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signs may be essential, both for vehicles and pedestrians, to guide traffic or to identify hazards and ensure safety. A sign ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—such as warning signs marking hazards on private property, signs directing traffic, or street numbers associated with private houses—well might survive strict scrutiny. The signs at issue in this case, including political and ideological signs and signs for events, are far removed from those purposes. As discussed above, they are facially content based and are neither justified by traditional safety concerns nor narrowly tailored.

* * *

We reverse the judgment of the Court of Appeals and remand the case for proceedings consistent with this opinion.

It is so ordered.

ALITO, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 13–502

CLYDE REED, ET AL., PETITIONERS *v.* TOWN OF
GILBERT, ARIZONA, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE ALITO, with whom JUSTICE KENNEDY and
JUSTICE SOTOMAYOR join, concurring.

I join the opinion of the Court but add a few words of
further explanation.

As the Court holds, what we have termed “content-
based” laws must satisfy strict scrutiny. Content-based
laws merit this protection because they present, albeit
sometimes in a subtler form, the same dangers as laws
that regulate speech based on viewpoint. Limiting speech
based on its “topic” or “subject” favors those who do not
want to disturb the status quo. Such regulations may
interfere with democratic self-government and the search
for truth. See *Consolidated Edison Co. of N. Y. v. Public
Serv. Comm’n of N. Y.*, 447 U. S. 530, 537 (1980).

As the Court shows, the regulations at issue in this case
are replete with content-based distinctions, and as a result
they must satisfy strict scrutiny. This does not mean,
however, that municipalities are powerless to enact and
enforce reasonable sign regulations. I will not attempt to
provide anything like a comprehensive list, but here are
some rules that would not be content based:

Rules regulating the size of signs. These rules may
distinguish among signs based on any content-neutral
criteria, including any relevant criteria listed below.

Rules regulating the locations in which signs may be

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placed. These rules may distinguish between free-standing signs and those attached to buildings.

Rules distinguishing between lighted and unlighted signs.

Rules distinguishing between signs with fixed messages and electronic signs with messages that change.

Rules that distinguish between the placement of signs on private and public property.

Rules distinguishing between the placement of signs on commercial and residential property.

Rules distinguishing between on-premises and off-premises signs.

Rules restricting the total number of signs allowed per mile of roadway.

Rules imposing time restrictions on signs advertising a one-time event. Rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed.*

In addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech. See *Pleasant Grove City v. Summum*, 555 U. S. 460, 467–469 (2009). They may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots.

Properly understood, today’s decision will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate esthetic objectives.

*Of course, content-neutral restrictions on speech are not necessarily consistent with the First Amendment. Time, place, and manner restrictions “must be narrowly tailored to serve the government’s legitimate, content-neutral interests.” *Ward v. Rock Against Racism*, 491 U. S. 781, 798 (1989). But they need not meet the high standard imposed on viewpoint- and content-based restrictions.

BREYER, J., concurring in judgment

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[June 18, 2015]

JUSTICE BREYER, concurring in the judgment.

I join JUSTICE KAGAN’s separate opinion. Like JUSTICE KAGAN I believe that categories alone cannot satisfactorily resolve the legal problem before us. The First Amendment requires greater judicial sensitivity both to the Amendment’s expressive objectives and to the public’s legitimate need for regulation than a simple recitation of categories, such as “content discrimination” and “strict scrutiny,” would permit. In my view, the category “content discrimination” is better considered in many contexts, including here, as a rule of thumb, rather than as an automatic “strict scrutiny” trigger, leading to almost certain legal condemnation.

To use content discrimination to trigger strict scrutiny sometimes makes perfect sense. There are cases in which the Court has found content discrimination an unconstitutional method for suppressing a viewpoint. *E.g.*, *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 828–829 (1995); see also *Boos v. Barry*, 485 U. S. 312, 318–319 (1988) (plurality opinion) (applying strict scrutiny where the line between subject matter and viewpoint was not obvious). And there are cases where the Court has found content discrimination to reveal that rules governing a traditional public forum are, in fact, not a neutral way of fairly managing the forum in the interest of all

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speakers. *Police Dept. of Chicago v. Mosley*, 408 U. S. 92, 96 (1972) (“Once a forum is opened up to assembly or speaking by some groups, government may not prohibit others from assembling or speaking on the basis of what they intend to say”). In these types of cases, strict scrutiny is often appropriate, and content discrimination has thus served a useful purpose.

But content discrimination, while helping courts to identify unconstitutional suppression of expression, cannot and should not *always* trigger strict scrutiny. To say that it is not an automatic “strict scrutiny” trigger is not to argue against that concept’s use. I readily concede, for example, that content discrimination, as a conceptual tool, can sometimes reveal weaknesses in the government’s rationale for a rule that limits speech. If, for example, a city looks to litter prevention as the rationale for a prohibition against placing newsracks dispensing free advertisements on public property, why does it exempt other newsracks causing similar litter? Cf. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410 (1993). I also concede that, whenever government disfavors one kind of speech, it places that speech at a disadvantage, potentially interfering with the free marketplace of ideas and with an individual’s ability to express thoughts and ideas that can help that individual determine the kind of society in which he wishes to live, help shape that society, and help define his place within it.

Nonetheless, in these latter instances to use the presence of content discrimination automatically to trigger strict scrutiny and thereby call into play a strong presumption against constitutionality goes too far. That is because virtually all government activities involve speech, many of which involve the regulation of speech. Regulatory programs almost always require content discrimination. And to hold that such content discrimination triggers strict scrutiny is to write a recipe for judicial management

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of ordinary government regulatory activity.

Consider a few examples of speech regulated by government that inevitably involve content discrimination, but where a strong presumption against constitutionality has no place. Consider governmental regulation of securities, *e.g.*, 15 U. S. C. §78l (requirements for content that must be included in a registration statement); of energy conservation labeling-practices, *e.g.*, 42 U. S. C. §6294 (requirements for content that must be included on labels of certain consumer electronics); of prescription drugs, *e.g.*, 21 U. S. C. §353(b)(4)(A) (requiring a prescription drug label to bear the symbol “Rx only”); of doctor-patient confidentiality, *e.g.*, 38 U. S. C. §7332 (requiring confidentiality of certain medical records, but allowing a physician to disclose that the patient has HIV to the patient’s spouse or sexual partner); of income tax statements, *e.g.*, 26 U. S. C. §6039F (requiring taxpayers to furnish information about foreign gifts received if the aggregate amount exceeds \$10,000); of commercial airplane briefings, *e.g.*, 14 CFR §136.7 (2015) (requiring pilots to ensure that each passenger has been briefed on flight procedures, such as seatbelt fastening); of signs at petting zoos, *e.g.*, N. Y. Gen. Bus. Law Ann. §399–ff(3) (West Cum. Supp. 2015) (requiring petting zoos to post a sign at every exit “‘strongly recommend[ing] that persons wash their hands upon exiting the petting zoo area’”); and so on.

Nor can the majority avoid the application of strict scrutiny to all sorts of justifiable governmental regulations by relying on this Court’s many subcategories and exceptions to the rule. The Court has said, for example, that we should apply less strict standards to “commercial speech.” *Central Hudson Gas & Elec. Corp. v. Public Service Comm’n of N. Y.*, 447 U. S. 557, 562–563 (1980). But I have great concern that many justifiable instances of “content-based” regulation are noncommercial. And, worse than that, the Court has applied the heightened

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“strict scrutiny” standard even in cases where the less stringent “commercial speech” standard was appropriate. See *Sorrell v. IMS Health Inc.*, 564 U. S. ___, ___ (2011) (BREYER, J., dissenting) (slip op., at ___). The Court has also said that “government speech” escapes First Amendment strictures. See *Rust v. Sullivan*, 500 U. S. 173, 193–194 (1991). But regulated speech is typically private speech, not government speech. Further, the Court has said that, “[w]hen the basis for the content discrimination consists entirely of the very reason the entire class of speech at issue is proscribable, no significant danger of idea or viewpoint discrimination exists.” *R. A. V. v. St. Paul*, 505 U. S. 377, 388 (1992). But this exception accounts for only a few of the instances in which content discrimination is readily justifiable.

I recognize that the Court could escape the problem by watering down the force of the presumption against constitutionality that “strict scrutiny” normally carries with it. But, in my view, doing so will weaken the First Amendment’s protection in instances where “strict scrutiny” should apply in full force.

The better approach is to generally treat content discrimination as a strong reason weighing against the constitutionality of a rule where a traditional public forum, or where viewpoint discrimination, is threatened, but elsewhere treat it as a rule of thumb, finding it a helpful, but not determinative legal tool, in an appropriate case, to determine the strength of a justification. I would use content discrimination as a supplement to a more basic analysis, which, tracking most of our First Amendment cases, asks whether the regulation at issue works harm to First Amendment interests that is disproportionate in light of the relevant regulatory objectives. Answering this question requires examining the seriousness of the harm to speech, the importance of the countervailing objectives, the extent to which the law will achieve those objectives,

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and whether there are other, less restrictive ways of doing so. See, e.g., *United States v. Alvarez*, 567 U. S. ___, ___–___ (2012) (BREYER, J., concurring in judgment) (slip op., at 1–3); *Nixon v. Shrink Missouri Government PAC*, 528 U. S. 377, 400–403 (2000) (BREYER, J., concurring). Admittedly, this approach does not have the simplicity of a mechanical use of categories. But it does permit the government to regulate speech in numerous instances where the voters have authorized the government to regulate and where courts should hesitate to substitute judicial judgment for that of administrators.

Here, regulation of signage along the roadside, for purposes of safety and beautification is at issue. There is no traditional public forum nor do I find any general effort to censor a particular viewpoint. Consequently, the specific regulation at issue does not warrant “strict scrutiny.” Nonetheless, for the reasons that JUSTICE KAGAN sets forth, I believe that the Town of Gilbert’s regulatory rules violate the First Amendment. I consequently concur in the Court’s judgment only.

KAGAN, J., concurring in judgment

SUPREME COURT OF THE UNITED STATES

No. 13–502

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APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE KAGAN, with whom JUSTICE GINSBURG and JUSTICE BREYER join, concurring in the judgment.

Countless cities and towns across America have adopted ordinances regulating the posting of signs, while exempting certain categories of signs based on their subject matter. For example, some municipalities generally prohibit illuminated signs in residential neighborhoods, but lift that ban for signs that identify the address of a home or the name of its owner or occupant. See, *e.g.*, City of Truth or Consequences, N. M., Code of Ordinances, ch. 16, Art. XIII, §§11–13–2.3, 11–13–2.9(H)(4) (2014). In other municipalities, safety signs such as “Blind Pedestrian Crossing” and “Hidden Driveway” can be posted without a permit, even as other permanent signs require one. See, *e.g.*, Code of Athens-Clarke County, Ga., Pt. III, §7–4–7(1) (1993). Elsewhere, historic site markers—for example, “George Washington Slept Here”—are also exempt from general regulations. See, *e.g.*, Dover, Del., Code of Ordinances, Pt. II, App. B, Art. 5, §4.5(F) (2012). And similarly, the federal Highway Beautification Act limits signs along interstate highways unless, for instance, they direct travelers to “scenic and historical attractions” or advertise free coffee. See 23 U. S. C. §§131(b), (c)(1), (c)(5).

Given the Court’s analysis, many sign ordinances of that kind are now in jeopardy. See *ante*, at 14 (acknowledging

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that “entirely reasonable” sign laws “will sometimes be struck down” under its approach (internal quotation marks omitted)). Says the majority: When laws “single[] out specific subject matter,” they are “facially content based”; and when they are facially content based, they are automatically subject to strict scrutiny. *Ante*, at 12, 16–17. And although the majority holds out hope that some sign laws with subject-matter exemptions “might survive” that stringent review, *ante*, at 17, the likelihood is that most will be struck down. After all, it is the “rare case[] in which a speech restriction withstands strict scrutiny.” *Williams-Yulee v. Florida Bar*, 575 U. S. ___, ___ (2015) (slip op., at 9). To clear that high bar, the government must show that a content-based distinction “is necessary to serve a compelling state interest and is narrowly drawn to achieve that end.” *Arkansas Writers’ Project, Inc. v. Ragland*, 481 U. S. 221, 231 (1987). So on the majority’s view, courts would have to determine that a town has a compelling interest in informing passersby where George Washington slept. And likewise, courts would have to find that a town has no other way to prevent hidden-driveway mishaps than by specially treating hidden-driveway signs. (Well-placed speed bumps? Lower speed limits? Or how about just a ban on hidden driveways?) The consequence—unless courts water down strict scrutiny to something unrecognizable—is that our communities will find themselves in an unenviable bind: They will have to either repeal the exemptions that allow for helpful signs on streets and sidewalks, or else lift their sign restrictions altogether and resign themselves to the resulting clutter.*

*Even in trying (commendably) to limit today’s decision, JUSTICE ALITO’s concurrence highlights its far-reaching effects. According to JUSTICE ALITO, the majority does not subject to strict scrutiny regulations of “signs advertising a one-time event.” *Ante*, at 2 (ALITO, J., concurring). But of course it does. On the majority’s view, a law with an exception for such signs “singles out specific subject matter for

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Although the majority insists that applying strict scrutiny to all such ordinances is “essential” to protecting First Amendment freedoms, *ante*, at 14, I find it challenging to understand why that is so. This Court’s decisions articulate two important and related reasons for subjecting content-based speech regulations to the most exacting standard of review. The first is “to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail.” *McCullen v. Coakley*, 573 U. S. ___, ___–___ (2014) (slip op., at 8–9) (internal quotation marks omitted). The second is to ensure that the government has not regulated speech “based on hostility—or favoritism—towards the underlying message expressed.” *R. A. V. v. St. Paul*, 505 U. S. 377, 386 (1992). Yet the subject-matter exemptions included in many sign ordinances do not implicate those concerns. Allowing residents, say, to install a light bulb over “name and address” signs but no others does not distort the marketplace of ideas. Nor does that different treatment give rise to an inference of impermissible government motive.

We apply strict scrutiny to facially content-based regulations of speech, in keeping with the rationales just described, when there is any “realistic possibility that official suppression of ideas is afoot.” *Davenport v. Washington Ed. Assn.*, 551 U. S. 177, 189 (2007) (quoting *R. A. V.*, 505 U. S., at 390). That is always the case when the regulation facially differentiates on the basis of viewpoint. See *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829 (1995). It is also the case (except in non-public or limited public forums) when a law restricts “discussion of an entire topic” in public debate. *Consolidated*

differential treatment” and “defin[es] regulated speech by particular subject matter.” *Ante*, at 6, 12 (majority opinion). Indeed, the precise reason the majority applies strict scrutiny here is that “the Code singles out signs bearing a particular message: the time and location of a specific event.” *Ante*, at 14.

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Edison Co. of N. Y. v. Public Serv. Comm'n of N. Y., 447 U. S. 530, 537, 539–540 (1980) (invalidating a limitation on speech about nuclear power). We have stated that “[i]f the marketplace of ideas is to remain free and open, governments must not be allowed to choose ‘which issues are worth discussing or debating.’” *Id.*, at 537–538 (quoting *Police Dept. of Chicago v. Mosley*, 408 U. S. 92, 96 (1972)). And we have recognized that such subject-matter restrictions, even though viewpoint-neutral on their face, may “suggest[] an attempt to give one side of a debatable public question an advantage in expressing its views to the people.” *First Nat. Bank of Boston v. Bellotti*, 435 U. S. 765, 785 (1978); accord, *ante*, at 1 (ALITO, J., concurring) (limiting all speech on one topic “favors those who do not want to disturb the status quo”). Subject-matter regulation, in other words, may have the intent or effect of favoring some ideas over others. When that is realistically possible—when the restriction “raises the specter that the Government may effectively drive certain ideas or viewpoints from the marketplace”—we insist that the law pass the most demanding constitutional test. *R. A. V.*, 505 U. S., at 387 (quoting *Simon & Schuster, Inc. v. Members of N. Y. State Crime Victims Bd.*, 502 U. S. 105, 116 (1991)).

But when that is not realistically possible, we may do well to relax our guard so that “entirely reasonable” laws imperiled by strict scrutiny can survive. *Ante*, at 14. This point is by no means new. Our concern with content-based regulation arises from the fear that the government will skew the public’s debate of ideas—so when “that risk is inconsequential, . . . strict scrutiny is unwarranted.” *Davenport*, 551 U. S., at 188; see *R. A. V.*, 505 U. S., at 388 (approving certain content-based distinctions when there is “no significant danger of idea or viewpoint discrimination”). To do its intended work, of course, the category of content-based regulation triggering strict scrutiny must

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sweep more broadly than the actual harm; that category exists to create a buffer zone guaranteeing that the government cannot favor or disfavor certain viewpoints. But that buffer zone need not extend forever. We can administer our content-regulation doctrine with a dose of common sense, so as to leave standing laws that in no way implicate its intended function.

And indeed we have done just that: Our cases have been far less rigid than the majority admits in applying strict scrutiny to facially content-based laws—including in cases just like this one. See *Davenport*, 551 U. S., at 188 (noting that “we have identified numerous situations in which [the] risk” attached to content-based laws is “attenuated”). In *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789 (1984), the Court declined to apply strict scrutiny to a municipal ordinance that exempted address numbers and markers commemorating “historical, cultural, or artistic event[s]” from a generally applicable limit on sidewalk signs. *Id.*, at 792, n. 1 (listing exemptions); see *id.*, at 804–810 (upholding ordinance under intermediate scrutiny). After all, we explained, the law’s enactment and enforcement revealed “not even a hint of bias or censorship.” *Id.*, at 804; see also *Renton v. Playtime Theatres, Inc.*, 475 U. S. 41, 48 (1986) (applying intermediate scrutiny to a zoning law that facially distinguished among movie theaters based on content because it was “designed to prevent crime, protect the city’s retail trade, [and] maintain property values . . . , not to suppress the expression of unpopular views”). And another decision involving a similar law provides an alternative model. In *City of Ladue v. Gilleo*, 512 U. S. 43 (1994), the Court assumed *arguendo* that a sign ordinance’s exceptions for address signs, safety signs, and for-sale signs in residential areas did not trigger strict scrutiny. See *id.*, at 46–47, and n. 6 (listing exemptions); *id.*, at 53 (noting this assumption). We did not need to, and so did not, decide the

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level-of-scrutiny question because the law’s breadth made it unconstitutional under any standard.

The majority could easily have taken *Ladue*’s tack here. The Town of Gilbert’s defense of its sign ordinance—most notably, the law’s distinctions between directional signs and others—does not pass strict scrutiny, or intermediate scrutiny, or even the laugh test. See *ante*, at 14–15 (discussing those distinctions). The Town, for example, provides no reason at all for prohibiting more than four directional signs on a property while placing no limits on the number of other types of signs. See Gilbert, Ariz., Land Development Code, ch. I, §§4.402(J), (P)(2) (2014). Similarly, the Town offers no coherent justification for restricting the size of directional signs to 6 square feet while allowing other signs to reach 20 square feet. See §§4.402(J), (P)(1). The best the Town could come up with at oral argument was that directional signs “need to be smaller because they need to guide travelers along a route.” Tr. of Oral Arg. 40. Why exactly a smaller sign better helps travelers get to where they are going is left a mystery. The absence of any sensible basis for these and other distinctions dooms the Town’s ordinance under even the intermediate scrutiny that the Court typically applies to “time, place, or manner” speech regulations. Accordingly, there is no need to decide in this case whether strict scrutiny applies to every sign ordinance in every town across this country containing a subject-matter exemption.

I suspect this Court and others will regret the majority’s insistence today on answering that question in the affirmative. As the years go by, courts will discover that thousands of towns have such ordinances, many of them “entirely reasonable.” *Ante*, at 14. And as the challenges to them mount, courts will have to invalidate one after the other. (This Court may soon find itself a veritable Supreme Board of Sign Review.) And courts will strike down those democratically enacted local laws even though no

KAGAN, J., concurring in judgment

one—certainly not the majority—has ever explained why the vindication of First Amendment values requires that result. Because I see no reason why such an easy case calls for us to cast a constitutional pall on reasonable regulations quite unlike the law before us, I concur only in the judgment.

Excerpt from Gilbert Code

otherwise allowed in this Article 4.4 does not provide sufficient area for visibility and legibility for a sign, then the maximum size of Sign Area may be increased but only as necessary to allow for visibility and legibility; however in no event shall the foregoing allow a total business Sign Area to exceed by more than twenty-five (25) percent any maximum area standard otherwise allowed in this Article 4.4.

- c. Design Features and Materials. Design features and materials shall be compatible with the architecture, colors, and materials of the structures.
- d. Amendments. The Planning Manager may administratively approve minor amendments to a Gateway Sign Plan, where such changes are determined to have little or no visual impact and are consistent with the intent of the original approval. In approving a minor amendment, the Planning Manager shall not base any determination on the message content of a sign.

4.406 Review of Sign Applications for Permanent Signs

All applications for Permanent Signs, except for those applications subject to administrative approval by the Planning Manager as set forth in Section 5.602B.1, Administrative Design Review, shall be considered by the Design Review Board or, in the Heritage District Overlay Zoning District, by the Redevelopment Commission. Approval for a Permanent Sign may be by:

- A. A Comprehensive Sign Program; or
- B. A Master Sign Plan; or
- C. A Heritage Sign Plan; or
- D. A Gateway Sign Plan; or
- E. A separate Administrative Design Review application approved by the Planning Manager.

4.407 General Provisions for Signs

The following general provisions for signs shall apply to this Article and to all lawful conforming and nonconforming signs, unless otherwise indicated in this article.

- A. **Viewpoint Neutrality.**
 - 1. Notwithstanding anything in this Article to the contrary, no sign or sign structure shall be subject to any limitation based upon the viewpoint of the message contained on such sign or displayed on such sign structure.

2. Notwithstanding anything in this Article to the contrary, it is the policy of the Town to regulate signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate protected noncommercial speech by message content.
 3. Within this Article, any distinction between onsite signs and offsite signs applies only to commercial messages. It does not apply to noncommercial messages.
- B. ***Substitution of Noncommercial Speech for Commercial Speech.*** Notwithstanding anything contained in this Article to the contrary, any sign erected pursuant to the provisions of this Article may, at the option of the owner, contain a noncommercial message in lieu of a commercial message and the noncommercial copy may be substituted in whole or in part at any time in place of the commercial copy. The noncommercial message (copy) may occupy the entire Sign Face or any portion thereof. The Sign Face may be changed from a commercial message to a noncommercial message or from one noncommercial message to another non-commercial message; provided, however, that there is no change in the size, height, setback or spacing criteria contained in this Article.
- C. ***Administrative Interpretation and Discretionary Approval.***
1. Interpretations of this Article may be made by the zoning administrator pursuant to Section 1.109. All interpretations of this Article are to be exercised in light of the policies, purposes and intent set forth herein.
 2. Whenever a sign permit or other approval is subject to discretion, **such discretion shall not be exercised as to message content**, but instead shall be directed to structural and location factors, including, as applicable:
 - a. Whether the location and placement of the sign will endanger motorists;
 - b. Whether the sign will cover, blanket or interfere with any prominent view of a structure or façade of historical or architectural significance;
 - c. Whether the sign will obstruct views of users or adjacent buildings to side yards, front yards or open space;
 - d. Whether the sign will negatively impact the visual quality of a public open space, such as a public recreation facility, square, plaza, park, courtyard and the like.
 - e. Whether the sign is compatible with building heights of the existing neighborhood;
 - f. Whether the sign's lighting or illumination system will cause hazardous or unsafe driving conditions for motorists;

4.408 Temporary Signs

Other than as provided below and in subsections 4.408.B through 4.408.H, Temporary Signs shall meet the criteria set forth in Section 4.408.A Temporary Signs: General Criteria and Limitations by Zoning District. A Temporary Sign may be displayed as a ground sign or a wall sign, inclusive of a Window Sign.

- A. **General Criteria for Temporary Signs.** A Temporary Sign is unlawful if it does not meet the criteria established for the zoning district in which the Temporary Sign is located, as set forth and described below in Table 4.408.A, Temporary Signs: General Criteria and Limitations by Zoning District. However, except as otherwise provided below, the general criteria and limitations in this Section 4.408.A do not apply to A-Frame and T-Frame Signs, Banner Signs, Flying Banner Signs, Flags and Umbrella Signs.

TABLE 4.408.A Temporary Signs: General Criteria and Limitations by Zoning District			
ZONING DISTRICTS	Residential Zoning Districts	Non-Residential (Other than Heritage Village Center) Zoning Districts	Heritage Village Center and Gateway Zoning Districts
Maximum Number of Signs Per Parcel	4 ¹	4	4
Maximum Sign Area ²	6 sq. ft.	32 sq. ft.	32 sq. ft.
Sign Height Maximum for a Freestanding Sign ³	4 ft.	6 ft.	6 ft.
Sign Height Maximum for a Wall Sign (inclusive of a Window Sign ⁴)	6 ft.	15 ft.	15 ft.
Minimum Setback/ Distance from Right of Way ⁵	10 ft.	10 ft.	10 ft.

¹ In single-family residential zoning districts, each single family residential use with at least one principal structure may place up to 6 offsite Temporary Signs on private property for the purpose of directing the public to a residential activity (e.g. real estate open house, garage/yard sale, estate sale). Said signs shall be displayed only during the hours that the single family residence is open for public inspection and shall not exceed 6 sq. ft. in area per sign.

² The aggregate maximum sign area was deleted from this table for clarity but there was no effect on how the total square footage is calculated. Multiply the maximum sign area by the maximum number of signs to calculate the aggregate maximum sign area. There is no limit to the number of separate messages that may appear on the allowable surface(s) of any Temporary Sign.

³ Not applicable to signs displayed on Flagpoles.

⁴ Window Signs shall not cover more than 25% of the first floor window area. See Appendix 1, Figures 18, for graphic illustrations.

⁵ Minimum Sign Setbacks are measured from the edge of the property line. Setbacks do not apply to wall signs or signs affixed to a temporary construction fence.

TABLE 4.408.A Temporary Signs: General Criteria and Limitations by Zoning District			
ZONING DISTRICTS	Residential Zoning Districts	Non-Residential (Other than Heritage Village Center) Zoning Districts	Heritage Village Center and Gateway Zoning Districts
Minimum Spacing from any Other Sign (Temporary Sign or a Permanent Sign) ²	15 ft.	15 ft.	15 ft.
Permit Required	No	No	No
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No	No	No
Permission of Owner Required	Yes	Yes	Yes
Allowed within a Sight Visibility Triangle	No	No	No
Allowed on Public Sidewalk / Right of Way ⁶	No	No	No
Duration Allowed After Conclusion of an Event if Sign Pertained to an Event	3 days	3 days	3 days
Lighting or Illumination Allowed	No	No	No
Movement Allowed	No	No	No

⁶ Government Signs displaying government speech are exempt from regulation under this Article 4.4.

B. ***A-Frame Signs and T-Frame Signs.***⁷ A-Frame Signs and T-Frame Signs are unlawful if they do not meet the criteria and limitations set forth in the following Table 4.408.B A-Frame and T-Frame Signs: Criteria and Limitations.

1. A-Frame Signs and T-Frame Signs are permitted in all zoning districts but may be placed in single-family residential zoning districts only in conjunction with non-residential uses.
2. A-Frame Signs and T-Frame Signs must be located adjacent to the parcel or business advertised thereon, supported by a base of sufficient weight and durability to withstand wind gusts, and maintained in a professional manner free from fading, tearing, and tattering.
3. A-Frame Signs and T-Frame Signs shall not be placed in raised or painted medians, with stakes fastened to or driven into concrete, across the street from the business being advertised, on equestrian or multi-use trails, and must be placed at grade level. See Appendix 1, Figures 16, for graphic illustrations.

TABLE 4.408.B. A-Frame and T-Frame Signs: Criteria and Limitations	
Maximum Number of Signs	Four (4) per business ⁸
Maximum Width	Thirty-one (31) inches
Maximum Height	Forty-five (45) inches
Minimum Setback/Distance from Roadway	Five (5) feet (Except in Heritage Village Center and Gateway Zoning Districts, where minimum shall be one (1) foot)
Maximum Width of Public Sidewalk that the Sign May Obstruct	No more than one third (1/3) of the width of a public sidewalk and must provide at least four (4) feet of sidewalk clearance
Maximum Distance of Sign from Premises ⁹	Ten (10) feet with signs spaced at least twenty (20) feet apart
Duration	Only during hours when business is open
Allowed on Public Sidewalk / Right-of-Way	Yes
Allowed within a Sight Visibility Triangle	No
Lighting or Illumination Allowed	No
Permit Required	No
Movement Allowed	No

⁷ The provisions of 4.408.B allowing for A-Frame Signs and T-Frame Signs shall be reviewed by the Town Council as soon as reasonably practicable after June 1, 2020, for the purpose of evaluating the effectiveness of A-Frame Signs and T-Frame Signs and to determine whether changes to 4.408.B should be made.

⁸ The combined total number of A-Frame, T-Frame, and Flying Banner Signs shall not exceed four (4) per business.

⁹ Signs may be allowed at the perimeter of a multiple-tenant commercial/office complex or employment park, but only pursuant to an approved sign plan.

**TABLE 4.408.B. A-Frame and
T-Frame Signs: Criteria and Limitations**

Incorporation of Florescent Color or Exhibition of Florescence Allowed	No
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The purchase and placement of A-Frame Signs and T-Frame Signs is not a substantial capital investment in the business being advertised. Upon repeal or modification of the regulations pertaining to these types of Temporary Signs that results in further restricting or prohibiting the same, then such signs shall not be legal non-conforming signs and such signs shall comply with all new regulations.

- C. **Banner Signs.** Banner Signs are permitted in all zoning districts, but may be placed in single-family residential zoning districts only in conjunction with non-residential uses. Banner Signs are unlawful if they do not meet the criteria and limitations set forth below in Table 4.408.C, Banner Signs: Criteria and Limitations.

TABLE 4.408.C Banner Signs: Criteria and Limitations	
Maximum Number of Banner Signs Per Parcel/Business	1
Maximum Sign Area ¹⁰	40 sq. ft. for occupancies up to 5,000 sq. ft. 80 sq. ft. for occupancies greater than 5,000 sq. ft. up to 15,000 sq. ft. 120 sq. ft. for occupancies greater than 15,000 sq. ft. up to 50,000 sq. ft.; or 180 sq. ft. for occupancies greater than 50,000 sq. ft.
Sign Height Maximum if displayed as a Freestanding Sign	8 ft.
Minimum Sign Setback if displayed as a Ground Signs ¹¹	3 ft.
Minimum Spacing from any Other Sign (Temporary Sign or a Permanent Sign ¹²)	15 ft.
Permit Required	Yes
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No
Allowed on Public Sidewalk / Right of Way ¹³	No
Allowed within a Sight Visibility Triangle	No
Duration	No more than 120 days per year in the aggregate
Duration Allowed After Conclusion of an Event if the Sign Pertains to an Event	1 day
Lighting or Illumination Allowed	No
Movement Allowed ¹⁴	Yes

¹⁰ The square footage limitation is per side for a double-sided Banner Sign or Flying Banner Sign. For example, a 40 square foot limitation means there is a limit of 40 square feet of surface area per side of the double-sided Banner Sign or Flying Banner.

¹¹ Minimum Sign Setbacks are measured from the edge of the property line. Setbacks do not apply to a Banner Sign displayed on walls.

¹² Not applicable to signs displayed on Flagpoles.

¹³ Government Signs displaying government speech are exempt from regulation under this Article 4.4.

¹⁴ Movement is allowed for a Flying Banner Sign, but is not allowed for a Banner Sign.

D. ***Flying Banner Signs.***¹⁵ Flying Banner Signs are unlawful if they do not meet the criteria and limitations set forth below in Table 4.408.D, Flying Banner Signs: Criteria and Limitations.

1. Flying Banner Signs are permitted in all zoning districts, but may be placed in single-family residential zoning districts only in conjunction with non-residential uses.
2. Flying Banner Signs must be located adjacent to the parcel or business advertised thereon, supported by a base of sufficient weight and durability to withstand wind gusts, and maintained in a professional manner free from fading, tearing, and tattering.
3. Flying Banner Signs shall not be placed in raised or painted medians, with stakes fastened to or driven into concrete, across the street from the business being advertised, on equestrian or multi-use trails, and must be placed at grade level.

TABLE 4.408.D Flying Banner Signs: Criteria and Limitations	
Maximum Number of Flying Banner Signs	Four (4) per parcel or business ¹⁶
Maximum Sign Area	12 sq. ft.
Sign Height	15 ft.
Minimum Setback	4 feet from edge of curb, or a distance equal to the height of the Flying Banner Sign, whichever is greater.
Minimum Distance From an Access Drive or Street Intersection	30 ft.
Minimum Distance from another Flying Banner Sign, A-Frame or T-Frame Sign	20 ft.
Permit Required	No
Allowed on Public Sidewalk / Right of Way ¹⁷	Yes on a public sidewalk, subject to the criteria and limitations herein
Allowed within a Sight Visibility Triangle	No
Duration	Only during hours when business is open
Maximum Width of Public Sidewalk that the Sign May Obstruct	No more than one third (1/3) of width of public sidewalk, and in all instances there must be at least four (4) feet of sidewalk clearance

¹⁵ The provisions of 4.408.D allowing for Flying Banner Signs shall be reviewed by the Town Council as soon as reasonably practicable after June 1, 2020, for the purpose of evaluating the effectiveness of Flying Banner Signs and to determine whether changes to 4.408.D should be made.

¹⁶ The combined total number of Flying Banner Signs, A-Frame Signs, and T-Frame Signs shall not exceed four (4) per business.

¹⁷ Government Signs displaying government speech are not subject to Article 4.4.

TABLE 4.408.D Flying Banner Signs: Criteria and Limitations	
Lighting or Illumination Allowed	No
Movement Allowed	Yes

E. ***Sign Walkers.*** Sign Walkers are permitted in all zoning districts. Sign Walkers must comply with State law (A.R.S. § 9-499.13) and meet the following criteria and limitations:

1. *Location.* Sign Walkers shall be only located:

- a. 30 feet from a street or driveway intersection measured from the back of the curb or edge of pavement if no curb exists.
- b. 5 feet from the street measured from the back of curb or edge of pavement if no curb exists.
- c. Sign walkers shall yield right-of-way to pedestrians, bicycles and all others traveling or located on the sidewalks.
- d. At grade level.

2. *Prohibited locations.* Sign walkers shall not be located:

- a. In raised or painted medians.
- b. In parking aisles or stalls.
- c. In driving lanes or driveways.
- d. On equestrian or multi-use trails.
- e. So that less than a minimum of 4 feet is clear for pedestrian passage on all sidewalks and walkways, or so as to cause a hazard to pedestrian traffic.
- f. On fences, boulders, planters, other signs, vehicles, utility facilities, or any structure.
- g. Within a minimum distance of 20 feet from any other sign walker.
- h. In a manner that results in sign walkers physically interacting with motorists, pedestrians, or bicyclists.

3. *Display.* Sign shall be:
 - a. Displayed only when the business is open to conduct business.
 - b. Held, worn or balanced at all times.
4. *Elements prohibited.* The following shall be prohibited:
 - a. Any form of illumination, including flashing, blinking, or rotating;
 - b. Animation on the sign itself;
 - c. Mirrors or other reflective materials;
 - d. Attachments, including, but not limited to, balloons, ribbons, speakers.
- F. ***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 Sign Area of a flag displaying a commercial message shall not exceed twenty-four (24) square feet. For the purpose of determining the Sign Area of a flag, only one side of the flag shall be counted. Flags on residential or nonresidential parcels may be externally illuminated. A sign permit is not required for a flag.
- G. ***Umbrella Signs.*** For each table in an outside seating area for a licensed business establishment, one (1) Umbrella Sign per umbrella is allowed. An Umbrella Sign shall not exceed eight (8) feet in height. An umbrella having an Umbrella Sign shall be mounted on or in the table or secured within an umbrella holder adjacent to the table. A sign permit is not required for an Umbrella Sign. Umbrella Signs shall not be counted as part of a Maximum Sign Area for any use.

- H. ***Temporary Residential Subdivision Signs.*** Temporary Residential Subdivision Signs are permitted in single-family residential zoning districts for each builder in a recorded subdivision plat only in conjunction with a valid building permit for a model home complex. Temporary Residential Subdivision Signs are unlawful if they do not meet the criteria and limitations set forth below in Table 4.408.H, Temporary Residential Subdivision Signs: Criteria and Limitations.

TABLE 4.408.H. Temporary Residential Subdivision Signs: Criteria and Limitations			
	Principal Entry(ies)	Model Home Complex	Perimeter Subdivision Open Space
Maximum Number of Signs	1 per entry	1 or more	1 per street frontage
Maximum Sign Area	32 sq. ft.	96 sq. ft.	32 sq. ft.
Maximum Height	8 ft.	12 ft.	8 ft.
Minimum Setback/ Distance from Right of Way ¹⁸	10 ft. (5 ft. if less than 32 sq. ft.)	10 ft. (5 ft. if less than 32 sq. ft.)	10 ft. (5 ft. if less than 32 sq. ft.)
Aggregate Maximum Sign Area	256 sq. ft.		
Duration	3 years or until the model home complex is permanently closed, whichever occurs first.		
Allowed on Public Sidewalk / Right-of-Way	No		
Allowed within a Sight Visibility Triangle	No		
Lighting or Illumination Allowed	No		
Permission of Owner Required	Yes		
Permit Required	Yes		
Movement Allowed	No		
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No		

¹⁸ Minimum Sign Setbacks are measured from the edge of the property line. Setbacks do not apply to Wall Signs or signs affixed to a temporary construction fence.

- I. **Offsite Temporary Signs on Private Property.** Offsite Temporary Signs are permitted in all zoning districts on unimproved lots or parcels of 10 acres or more subject to criteria and limitations set forth below in Table 4.408.I, Offsite Temporary Signs on Private Property: Criteria and Limitations.

TABLE 4.408.I. Offsite Temporary Signs on Private Property: Criteria and Limitations	
Maximum Number of Signs Per Parcel	1
Minimum Size of Unimproved Parcel Required	10 acres
Maximum Sign Area	32 sq. ft.
Maximum Sign Height	8 ft.
Minimum Setback/ Distance from any Right of Way ¹⁹	10 ft.
Minimum Spacing from any Other Sign (including any Temporary Sign or Permanent Sign)	100 ft.
Duration	1 year
Allowed on Public Sidewalk / Public Right-of-Way	No
Allowed within a Sight Visibility Triangle	No
Lighting or Illumination Allowed	No
Permission of Owner Required	Yes
Permit Required	Yes
Movement Allowed	No
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No

¹⁹ Minimum Sign Setbacks are measured from the edge of the property line.



TOWN OF JEROME

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

Zoning Administrator Analysis Planning and Zoning Commission Wednesday, June 3, 2020

ITEM 7: **Sidewalk Encroachment Policy**
Applicant: Town of Jerome
Zone: C-1
Recommendation: Discussion and direction to staff
Prepared by: John Knight, Zoning Administrator

Summary: The Council has requested input from the Planning and Zoning Commission and the Design Review Board in developing a sidewalk encroachment policy. This was reviewed by the Council on October 8, 2019. A copy of the staff report is attached for reference and additional background information. Since the sidewalks are either owned or the responsibility of the Town (and not private property), the Town has a great deal of discretion on creating a policy. This was reviewed by the Planning and Zoning Commission on November 6, 2019.

Key Issues/Discussion Items: The following items should be addressed/discussed regarding the implementation of a policy.

- **Permit Process** – A permit submittal process and fee
- **Standards** – Standards regarding sidewalk clearance (horizontal/vertical) and size/scale of encroachments
- **Items Allowed** – A list of items that are appropriate to be placed on the sidewalk
- **Exemptions** - A list of exempt items, such as utilities
- **Transition Period** – A time frame to allow owners of businesses to transition to the new standards and requirements

Additional detail about each of the above items is included below.

1. **Permit Process** – Applications should be required for installation of both temporary and permanent encroachments. Some encroachments are already included in other parts of the town code or zoning ordinance. Utilities are addressed under the town code and require encroachment permits from Public Works and the Building Inspector. There is no reason to change the permit process for these items. Signs and awnings that project over the sidewalk are included under the sign ordinance and are permitted through the design review process. There should not be any to change the existing permit process for signs and awnings. There should be two basic permit processes as noted below:
 - **Administrative Process** – A simple application and fee should be created for “minor” encroachments or items that have already been preapproved (such as a standard bench). These items will still require a permit but can be handled over the counter. The review authority should be either the zoning administrator or town manager. A small fee should be associated with the request for minor encroachments.

- **Design Review Process** – The DRB process can be implemented for larger projects or unusual requests. The standard DRB application and fee can be used.
2. **Standards** – Standards should be added to ensure that adequate clearance is provided on the sidewalk. The following standards are suggested.
- **Horizontal Clearance** – a minimum horizontal clearance of 36 feet should be maintained. This is consistent with ADA requirements, building code and fire code. For sidewalks less than 36 feet wide, no encroachments should be allowed.
 - **Vertical Clearance** – the sign ordinance requires that projecting signs be a minimum of 8 feet above the ground (or in this case sidewalk). This standard should continue to be used for encroachments. This would primarily apply to projecting signs and awnings. Note that awnings are not currently addressed in the zoning ordinance and should be included as part of a sidewalk encroachment policy.
3. **Items Allowed** – a list of common items and a suggested permit process is included in the table below:

Item	Description	Process	Notes
Projecting Sign	Permanent signs that project over the sidewalk	Design Review	Currently addressed in the sign ordinance as requiring Design Review. This should be continued.
A-Frame Signs	Temporary A-frame signs that businesses put in front of their store	Prohibit	These are addressed in the sign ordinance and should be clarified as only allowed on private property and not on the right of way.
Awnings	Permanent awnings attached to buildings	Design Review	Not currently addressed in the zoning ordinance. These may or may not include the name of the business. This should be treated the same as a permanent sign, added as a permitted item, and require design review.
Benches	Benches and similar seating	Design Review/ Administrative	A standardized town bench design should be approved by the DRB. Once approved, businesses would have the option of installing this bench through a simple administrative process. More unique benches or bench/planter features, (like in front of the Mile High Grill/Clinksale) can be done through the DRB.
Trash Cans		Design Review/ Administrative	A standardized town trash can should be approved by the DRB. Once approved, businesses would have the option of installing the standard trash can through an administrative process or a more unique receptacle through the DRB.
Cigarette disposal bin		Design Review/ Administrative	A standardized Town cigarette disposal bin could be approved by the DRB. Once approved, businesses would have the option of installing the standard cigarette disposal bin through an administrative process or a more unique one through the DRB.
Hostess Stands	A temporary stand placed on the sidewalk to take reservations	Prohibit	The commission may wish to prohibit hostess stands. These block pedestrian traffic on the sidewalk when people are queued by the hostess stand.
Artistic or Historical Features	This includes a variety of permanent items such as mining equipment and metal sculptures	Design Review	These would be individually considered by the DRB

Newspaper Racks/ Stands	These include a variety of racks/stands intended for distribution of newspapers, pamphlets, or similar items	Design Review	The content distributed in newspaper racks is protected by free speech. However, the town can regulate what these racks look like.
Other	Anything not specifically listed above	Design Review	This is a catch-all category to address any other items that businesses might want to place on the sidewalk.
Utilities	Gas meters and other utilities	Building Permit or Exempt	These items are addressed as part of the building permit process and should be exempt from administrative or design review.

4. **Exemptions** – A list of items that are exempt from the encroachment policy might include the following (some are noted above).

- Items placed by the town (benches, trash cans, cigarette disposal bins, signs, etc.)
- Utilities associated with a building permit or addressed elsewhere in town ordinances

5. **Transition Period** – The Commission should consider a time frame for businesses to comply with the new encroachment ordinance. This would apply only to existing encroachments that did not already go through design review or another process. For example, several businesses have placed benches that may not be appropriate on the sidewalk. Businesses would be given the option of applying for design review or removing the encroachment. An appropriate time frame might be a year after ordinance adoption.

Action: The Commission should provide direction to staff on the items and information listed above. Staff will present a draft ordinance for P&Z consideration at a future meeting.

Attachment: Oct. 8, 2019 Council Staff Report on Sidewalk Encroachment Policy



TOWN OF JEROME

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OFFICE (928) 634-7943 FAX (928) 634-0715

ZONING ADMINISTRATOR REPORT

Town Council
October 8, 2019

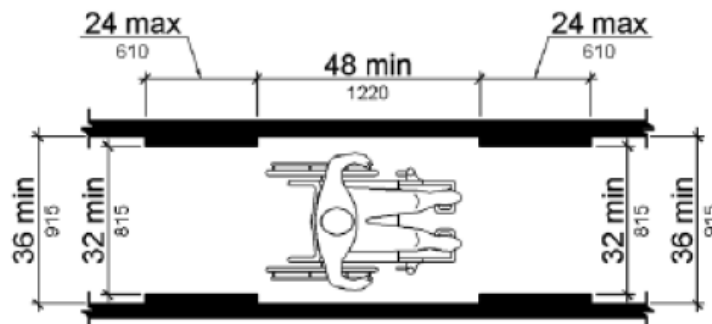
ITEM 10A: **Sidewalk Encroachment Policy**
Prepared by: John Knight, Zoning Administrator
Approved by: Candace Gallagher, Town Manager
Action: Discussion and Direction to Staff

Background: There has recently been discussion on what items are allowed on the sidewalks in the C-1 District. Anything on the sidewalk is within the public right of way and considered an “encroachment”. Common encroachments include benches, hostess stands, trash cans, signs, awnings, utilities (like gas meters), and various “sculptures” and artistic features. The right of way belongs to the Town or to ADOT. Under a previous agreement with ADOT, the Town is responsible for ADOT sidewalks within the Town limits.

Town Code Requirements: Town Code Article 14-4 governs work in Town right of way. Specifically, Section 14-4.A. relates to permits for encroachments – see below. A copy of the full text is attached.

14-4-1.A. A permit is required for all construction work in, or encroachments on public rights-of-way, sidewalks, curbs, bridges, pedestrian walks, and bicycle paths owned or maintained by the Town of Jerome where held by deed, easement, dedication, or other claim of right. Construction work includes excavation, pavement cuts, or structural alterations such as sidewalks, curb cuts, or drainage structures. The permit shall be applied for on a form provided by the Public Works Department.

ADA Requirements: Under the Americans with Disabilities Act (ADA), a minimum of 36” in width is generally required. Smaller widths (down to 32”) are allowed for short (less than 24”) distances. See below for diagram. An excerpt of the ADA Regulations is also attached.



Zoning Code Requirements: The only section of the Zoning Code that addresses encroachments relates to projecting signs. Under Section 509.G., signs are required to be at least 8' above the ground.

Section 509.G.

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.*

Fire Code: The Fire Code has various exiting requirements based on occupant load. These are primarily related to inside buildings and on private property – as opposed to sidewalks. However, it's important to note that the Fire Code requires a minimum clear width of 36" for exit passageways.

[B] 1023.2 Width. The minimum width of *exit passageways* shall be determined as specified in Section 1005.1 but such width shall not be less than 44 inches (1118 mm), except that *exit passageways* serving an occupant load of less than 50 shall not be less than 36 inches (914 mm) in width. The required width of *exit passageways* shall be unobstructed.

Other Requirements: Under an intergovernmental agreement (IGA) approved by the Town in 2007, the Town is responsible for the maintenance and repair of the sidewalks within the ADOT right of way. Although the IGA does not specifically mention encroachments, ADOT has essentially turned over responsibility of the sidewalks to the Town.

2. The Town shall be responsible for:
 - a. Street sweeping and cleaning, repair of sidewalks, handrails that do not serve as vehicular guard rails, and all Town utilities underneath the paved surface of SR 89A, and similar routine or emergency maintenance.
 - b. Maintenance of landscaping (including water).
 - c. Street lighting and street lighting maintenance. Maintenance consists of all routine and emergency repairs and replacement of equipment and includes electrical energy costs.
 - d. Removal of sand, rock and other debris in the roadway caused by natural slides or other unusual natural causes.
 - e. Parking striping (after initial installation), street name and parking signs, and all other signage per ADOT standards.
 - f. Complying with the "Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), as per A.R.S. 28-641, during all maintenance operations conducted by the Town on State Highway right-of-way.
 - g. Obtaining an encroachment permit and keeping on file per established procedures through ADOT's Prescott District Office for all planned routine/normal and emergency maintenance work for areas under this Agreement within the State's right-of-way.
 - h. Ensuring all work performed under the provisions of this Agreement shall be performed in a manner satisfactory to the State.

Discussion: The Town either owns the sidewalk right of way or has the responsibility to maintain the ADOT sidewalk right of way (per the IGA). The Town has both the right and responsibility to govern what may be placed on or above the sidewalk. In the past, there has not been clear standards or guidelines on what encroachments are allowed. This has resulted in an eclectic mix of items – trash cans, artwork, planters, benches, signs, etc. Except for signs, there has not been a clear permitting process, so businesses simply added benches and other items in front of their stores.

Key Issues/Questions for discussion are as follows:

1. **Permit Process:** Does the Town want to create a permitting process (and permit fee) to allow placement of items on or above the sidewalks?
2. **Standards:** Should design and safety standards be developed to address what items look like and where they can be placed?
3. **Items Allowed:** What items should be allowed to be in the right of way? The following items below are the most common.
4. **Utilities:** Utilities such as gas meters are common items on the sidewalk. Staff recommends that utilities continue to be allowed on the sidewalk provided that a minimum width of 36" is maintained.



5. **Projecting Signs & Awnings:** Projecting signs and awnings are already addressed in the Zoning Ordinance. Staff recommends that these continue to be allowed provided that they go through the Design Review process and are a minimum of 8' above the sidewalk (per the Zoning Code).



6. **Sandwich Board Signs:** These are prohibited by the Sign Ordinance and should continue to be prohibited. A periodic enforcement effort may be needed to keep these signs off the sidewalk.



7. **Benches:** Benches are the most common item placed on the sidewalk. The types of benches vary dramatically. The main question is whether the Town should allow only a single type of bench to be placed on the sidewalk. If so, there should be a transition period where businesses are asked to remove/replace existing benches that are currently in front of their businesses. Some benches were placed by community groups, some by private businesses, and some by the Town. Some of these are very old and should be replaced. Some have been placed recently but are not consistent with the new benches placed by the Town. Note that the Town currently has 5 or 6 of the new style benches that could be used to replace some of the older benches. The brass plaques on some of the community placed benches (like the ones that list the Jerome High School graduating classes) could be moved onto the new style benches.

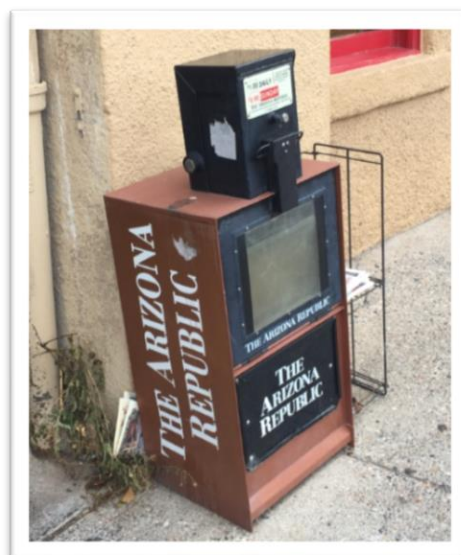




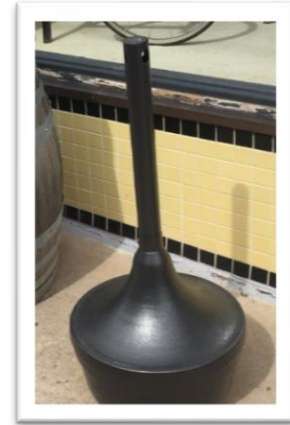
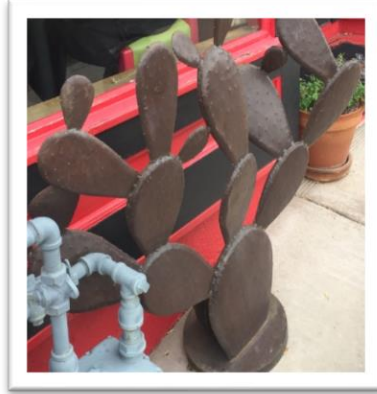
8. **Trash Cans:** The Town is in the process of removing the older wine barrel trash cans and replacing them with the new metal trash cans. The Town previously purchased a small number of cans and hopes to purchase another ten or more next year. Eventually, all the wine barrel trash cans will be replaced with the new metal receptacles.



9. **Newspaper Racks:** There are a few newspaper racks on the sidewalk. Although the Town can create standards on what the racks look like, the content and type of papers being distributed is protected by various free speech laws. Additional research is needed to determine whether and how these can be regulated.



10. **Miscellaneous Items:** There are a variety of other items on the sidewalk that generally fall into the realm of either art or mining equipment. There are also cigarette butt holders and hostess stands. Although the cigarette holders these might not be attractive, they are far better than having cigarette butts on the sidewalk. The question for the Council is what types of other items should be allowed or not allowed.



Recommendation: The Council should provide direction to staff on whether a sidewalk encroachment policy should be developed. This would also include a permit process and permit fee. The Council may also wish to provide general direction on what items are allowed and what standards should be required for items placed on the sidewalk. Should a policy be developed, the Council may want to obtain input from the Planning & Zoning Commission as well as the Design Review Board.



TOWN OF JEROME

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Zoning Administrator Analysis Planning and Zoning Commission Wednesday, June 3, 2020

ITEM 8: **Community Garden Site Plan Review**
Applicant/Owner: Town of Jerome
Recommendation: Discuss and provide feedback
Prepared by: John Knight, Zoning Administrator

Background and Summary: At the May 12, 2020 Council meeting, the Council requested that the Community Garden concept plan be reviewed by both the Planning and Zoning Commission and the Design Review Board. The Council has previously reviewed the concept plan and has allocated financial resources to build the garden.

The Planning and Zoning Commission's review is not required by code. This is simply a "courtesy review" to gather any additional comments or ideas from the boards. This will be scheduled for review by the Design Review Board at their June 8, 2020 meeting.

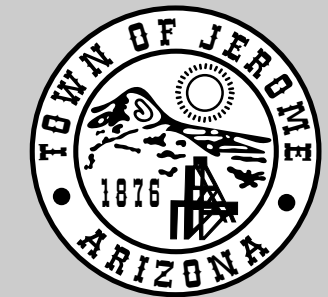
Recommendation: Discuss and provide feedback to staff

Attachments:

- Garden Concept Plan

Community Garden Concept Middle Park

Updated: March 30, 2020



Compost Corral
Concept



Raised Bed
Concept



Garden Shed
Concept

Fruit Trees
Along Edge

Compost
Corral

12' x 4' Bed
Typical

Existing
Parking

Entrance
Gate

Picnic Table/
Potting Table

Garden
Shed



Exterior
Fence Concept

Existing
Parking