



TOWN OF JEROME

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

Regular Meeting of the Planning and Zoning Commission Wednesday, September 16, 2020, 6:00 pm

Agenda

PUBLIC PARTICIPATION IN THE MEETING

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

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

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 August 5, 2020 **Discussion/Possible Action/ Possible Direction to Staff**

Old (continued) Business:

Item 4: 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 *boardinghouse*, *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 5: Work session on code amendments related to temporary signs

Applicant: Town of Jerome

Updates to the Jerome 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 6: Initiate code amendments to allow mixed use in C-1 Zone

Applicant: Town of Jerome

Initiate updates to the Jerome Zoning Ordinance related to mixed use in the C-1 Zone. This could include but is not limited to horizontal and vertical mixed use and live-work units.

Discussion and possible direction to staff – P&Z Reso. 2020-16

Item 7: Community Garden Design Update

Applicant: Town of Jerome

Address: Middle Park

Zone: C-1

Owner of record: Town of Jerome

APN: 401-06-015

Update on the status of the Community Garden and various design features.

Discussion/Possible Action

New Business: none

Informational Items (Current Event Summaries):

Item 8: Updates of recent and upcoming meetings – John Knight, Zoning Administrator

- a. **August 31, 2020 DRB Meeting** – new sign for Wrenwood and Hawthorn (formerly Threads on Main) and SHPO discussion
- b. **Sept. 8, 2020 Council Meeting** – direction to pursue Certified Local Government (CLG) grant to prepare design guidelines
- c. **Special Council Meeting (date TBD)** – direction and discussion regarding stair setbacks, building setbacks, and the appeals process

Item 9: Potential items for Wednesday, October 21, 2020: Possible code amendments for stair setbacks, building setbacks, appeals process, residential lodging, temporary signs, and mixed use.

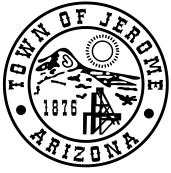
Discussion/Possible Direction to Staff

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, Deputy Clerk, 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 (928) 634-7943

Planning and Zoning Commission

via videoconference (Zoom)

Wednesday, August 5, 2020 Time: 6:00 pm

MINUTES

6:00 (2:14) Item 1: 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 Chuck Romberger, Lance Schall, and Henry Vincent. Also present was John Knight, Zoning Administrator.

6:01 (3:18) Item 2: Petitions from the public – There were no petitions from the public.

6:02 (3:45) Item 3: Approval of Minutes: Minutes of the meeting of June 3, 2020

Discussion/Possible Action/ Possible Direction to Staff

Motion to Approve the Minutes of June 3, 2020

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

Old (continued) Business: none

New Business:

6:03 (4:37) Item 4: Access stair setback interpretation/possible ordinance amendment

Applicant: Town of Jerome

Discussion and direction to staff – **P&Z Resolution 2020-12**

Zoning administrator John Knight shared why this item was on the agenda: two projects to be discussed at this meeting include the addition of stairs near or up to the right of way (ROW). Mr. Knight thought the commission might want to initiate an ordinance amendment or leave this alone. He mentioned a few incidents where stairs are mentioned in the ordinance but that there was no identification of access stairs. Mr. Knight said he discussed this with the town attorney, Bill Sims, who said it would be difficult to require a setback now if has not traditionally been required. Mr. Knight said it does not exempt stairs from building or fire codes; there are some restrictions. He said he wanted the commission's input and referred to items on the agenda.

Commissioner Lance Schall said that he did not recall ever talking about stair setbacks before in all his years on the commission.

Mr. Knight said his sense is that it has not been an issue, and that he talked to Fire Chief Rusty Blair about the stairs on School Street (Item 6), which improve access to the building. Discussion ensued with Mr. Schall. Mr. Knight mentioned the familiar legal term “arbitrary and capricious” and said that if the town suddenly changes course without an ordinance amendment, it would be a problem.

Mr. Schall said the only staircase he could think of in town that would not be approved now is the one that lands on the sidewalk on Hull Avenue across from the House of Joy.

Mr. Knight said he was looking for direction from commission, not necessarily a change to the ordinance, especially after hearing Mr. Schall’s comments.

Motion to that no setback is necessary [for access stairs]

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

6:11 (13:12) Item 5: Yard setback interpretation

Applicant: Town of Jerome

Discussion and possible direction to staff

Mr. Knight said that every code has its gray areas, and that interpretation of the code can vary. He referred to yards on the street side or corner yards and shared examples of lot configurations, which many are oddly shaped in Jerome. He shared an example of how yards are determined on a corner lot; that sometimes the address determines what is the front, back, or side yard; and that in some jurisdictions the front door establishes the front yard. He said access could also be a determinant. Mr. Knight went through examples and referred to photos in the agenda packet. He went on to say that it needs to be clarified in the ordinance or just let the property owners choose. He asked for input from the commission.

Mr. Schall said he remembered one example of this with a lot in the Gulch; it was a triangular lot that ended up having one front and two side yards. He said the concerns were the setback and easement/driveway. In the end, it was determined the lot had no rear yard. Discussion ensued. Mr. Schall said the applicant should be the one to define the yards and that the determination would be final. Discussion continued. Mr. Schall brought up a situation where an applicant has an odd lot and determines it has no back yard—is that acceptable? Applicant should be able to pick, but perhaps guidelines are needed.

Mr. Knight said that even if he were to revise the ordinance, it would be nearly impossible to cover every nuance in Jerome. He said based on a discussion with the town attorney, if the code is not clear, then the applicant chooses the yard parameters and once they build on the lot, they stay with those yard parameters. Mr. Knight said he was looking for direction from the commission, and that if it wants to see yard setbacks clarified, then it could be done by policy; an ordinance amendment would likely be needed for the future.

Mr. Schall suggested perhaps a memorandum of understanding would suffice for now. Mr. Knight said it may need to be run by the Council.

Commissioner Henry Vincent said that given the topography of Jerome, this should be handled on a case-by-case basis and to try to define or codify yards in Jerome considering the odd-shaped lots, it seemed like an exercise in futility.

Mr. Schall agreed with Mr. Vincent.

Mr. Knight mentioned there are also lots with two frontages (see Item 6) that also add to the unique challenge of defining yards in Jerome.

Commissioner Chuck Romberger said he would like to see a generous interpretation and let the owner define the yards as long as there are no violations.

Mr. Schall pointed out that applicants also need to keep the fire code in mind and work with the building inspector. He said working with them could help determine the yard parameters.

6:27 (29:05) Jerome resident Margie Hardie referred to the zoning ordinance and property development standards ("front, side, rear lots") and shared her interpretation and used the Worth property at Center Avenue and Fourth as an example. She then read from the ordinance regarding lots with double frontage and the required setback on the secondary road (pgs. 61–62). She said yard footage is applied but does not necessarily determine which yard is which. She mentioned the Worth house again and said the address has probably been the same for 100 years. Ms. Hardie said she is hearing the commission say that applicants doing reconstruction or construction can arbitrarily choose the configuration of their yards, thereby avoiding setbacks as stated in the ordinance. She referred to Center Avenue and said a change of address would likely have to go through county (outside her purview, she said) to create a new front yard. She differentiated between defining the front yard and applying front yard footage. Ms. Hardie said she completely disagreed with Mr. Knight and that the ordinance is not written in the negative and that it was written as what can be done. She referred again to pages 61–62 and that the only application of front, side, rear yard is in regard to the footage, not "turning a side yard into the front of the house." Ms. Hardie said allowing applicants to define the yards is ignoring the ordinance.

6:32 (33:32) Jerome homeowner Greg Worth introduced himself and his wife Barbara Nelson, then said he had questions, but first stated that they were not trying to change the address of their property at Center Avenue and Fourth Street or violate any rules. He explained their intention was to rehabilitate and improve the house Ms. Hardie was referring to, and that it needs a lot of work. He said the lot line goes right through the middle of it, so they are just trying to straighten that out. He said they were trying to make it better, not worse.

Mr. Knight proclaimed a point of order and said to Mr. Worth that it would be more appropriate to discuss this when the commission gets to the actual item (7).

Mr. Worth clarified that they are not initiating an address change.

Mr. Knight explained how addresses are determined. He said in some ways it is arbitrary and shared examples. Mr. Knight said addressing is not the best way to determine yards. He said Mr. Sims's opinion was that if the code is silent on the issue, the most appropriate course for now is to let the applicant determine the side and back yards, and that if it is important to the commission, they can initiate a code amendment.

Mr. Vincent reiterated his earlier opinion and said leave well enough alone and respect the ordinance on a case-by-case basis.

Mr. Schall referred to example 2 in the agenda packet, and said Margie raised a good point about two "fronts" at the Worth property, but that it does not really have two fronts, and said the one on Fourth Street is a side yard. He then shared examples of lots not addressed in the ordinance and agreed with Mr. Vincent, once again, to take these projects on one by one.

Chair Ludwig agreed that it would be best to address yard setbacks on a case-by-case basis.

Mr. Knight said a motion could be made but was not necessary and that he had enough direction. The commission agreed to move on.

6:38 (39:52) Item 6: Preliminary/final site plan review for stairs and misc. improvements

Applicant: Janet Bustrin

Address: 538 School Street

Zone: C-1

Owner of record: Bustrin Family Trust

APN: 401-06-092

Applicant is seeking preliminary and final site design approval to construct rear yard stairs and various yard

improvements.

Discussion/Possible Action – P&Z Reso. 2020-13

Mr. Knight introduced the item and mentioned that the applicant homeowner, Janet Bustrin, was in the meeting. He said unsafe stairs are the main concern and referred to the application and photos in the agenda packet. He further explained the applicant's plans.

6:40 (41:51) Ms. Bustrin introduced herself and said again that the unsafe stairs were the main issue.

Mr. Knight clarified the only other improvement was the drainage swale and confirmed this with Ms. Bustrin. He said that he reviewed this project with the Fire Chief Blair, who thought it would improve access and did not contribute a fire hazard since the stairs were made of metal.

Motion to Approve P&Z Resolution 2020-13

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

6:42 (43:29) Item 7: Preliminary/final site plan review for a lot line adjustment, addition, and stairs for a single-family home

Applicant: Greg Worth

Address: 639 Center Avenue

Zone: R1-5

Owner of record: Gregory A. Worth Living Trust

APN: 401-08-037

Applicant is seeking preliminary and final site design approval to adjust a property line, construct an addition, and construct second-story access stairs for a single-family home.

Discussion/Possible Action – P&Z Reso. 2020-14

Mr. Knight introduced the item and said the owners are rehabilitating and remodeling the home. They also are interesting in building an addition on the rear (or side) of the property and relocation of the lot line. He referred to the town's subdivision ordinance, which does not mention lot line adjustments, but one place in the ordinance does mention that lot line adjustments do need to go through a site plan review process. He explained that the owners/applicants, who own both lots, want to adjust the line 7 feet to the west so it does not run down the middle of the existing structures. He said the main issue to determine was the rear yard—is it opposite Fourth or Center Street? He then explained the setback requirements and that with the applicants' proposed lot line adjustment, the setback would be 5 feet, and the back yard would be the one opposite Fourth Street. Mr. Knight said this would be recorded and a permanent determination. He referred to the table that shows the required setbacks in the agenda packet.

Mr. Vincent asked about the proposed addition and its dimensions. Mr. Knight said it would be a 4-by-4-foot closet.

Mr. Schall was inclined to approve the applicants' proposal.

6:46 (48:23) Mr. Worth made a point of clarification and said the main priority is the lot line adjustment so that it does not intersect the other house. He said the addition would be a small request but not mandatory. He said he wants the decision to be made about the lot line. He then asked if it was just a matter of adjusting the lot line, did he still need approval from the commission.

Mr. Knight started to explain that if it's determined that the area between the two houses is a side yard, then a variance would not be needed to build the addition.

Mr. Worth interrupted and asked what if he abandoned the addition and just focused on moving the lot line and proposed the addition and the front stairs as two separate projects (three separate projects total).

Mr. Vincent said let's clean up the lot line and put it behind everyone. He commented about the odd technicalities regarding the setbacks and yards, then suggested making three separate motions. He asked the commission to expeditiously help the Worths and restrike the lot line.

Mr. Schall asked about the garage and if it was too close to its lot line at the side/rear yard, that it does not comply to either setback. Mr. Knight said this was true. Mr. Schall said they cannot change its footprint. Mr. Knight said it depended on if they were renovating or rebuilding the garage—if they were demolishing it, the new garage would need to comply to new standards. Mr. Schall said the applicants could move the lot line, call that lot the side, build the closet, leave the garage alone, and the commission can approve the front stairs and porch.

Mr. Knight said Mr. Vincent's suggestion for three separate motions made sense since these were three "different animals."

Mr. Vincent said if the commission supports all three aspects of the project, then he was fine with one motion to approve everything. He said let's allow the citizens to move on with their project. He said he doesn't care about a 16-square-foot addition barely seen from the street unless there is some technicality that Mr. Knight is aware of; then he would respect following the ordinance.

Mr. Schall said he would be inclined to approve the resolution. Chair Ludwig concurred.

Mr. Vincent asked if the stairs land right at the lot line, at the street, and if he would be stepping onto municipal property at the last step.

6:54 (56:30) Mr. Worth made remarks about the traffic on Fourth Street, then explained that they had surveyors determine that everything was correct, and explained where the stairs would land and how they were bringing them back to their original placement.

Mr. Knight reminded Mr. Worth that the stairs would need to meet building and fire code requirements. Mr. Worth pointed out that the stairs would be an additional exit for the building.

Motion to Approve P&Z Resolution 2020-14

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

6:57 (59:16) Item 8: Preliminary/final site plan review for rear deck

Applicant: Mary and Andrew Chinander

Address: 860 Hampshire Avenue

Zone: R1-5

Owner of record: Andrew and Mary Chinander

APN: 401-07-133

Applicant is seeking preliminary and final site design approval to construct a rear deck.

Discussion/Possible Action – P&Z Reso. 2020-15

Mr. Knight introduced the deck project and went over the dimensions and setback. He clarified that the deck will be at the second story above the existing first-story deck and would be the same size. He said coverage and setbacks are not issues. The stairs and the existing deck will be rehabilitated, meeting all ordinance requirements.

6:59 (1:01:04) Property owner Andrew Chinander said plans are being drawn and that they are at the preliminary design stage at this point. Mr. Knight said those plans will go by the building department.

Mr. Chinander said the existing deck (10 by 20 feet) will be expanded "out" from the house by two feet and will then be 12 by 20 feet.

Mary Chinander told Mr. Knight the plans he has (that they submitted) show the new deck dimensions of 12 by 20 feet, and that they had decided to mirror the old deck to be the same size.

Mr. Knight said this was not included in the application and would be up to the commission to decide if this was an issue.

Mr. Schall said it was not a problem and that it was clear they were well within the setback requirements. Chair Ludwig agreed.

Motion to Approve P&Z Resolution 2020-15

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

7:03 (1:04:25) Item 9: Discussion about mixed-use in C-1 Zone

Applicant: Town of Jerome

Discussion and possible direction to staff

Mr. Knight shared the background on this item. He said a discussion with a potential business owner at 415 Main St (the Flatiron patio) brought up a lot of questions about the building: Was it residential? Commercial? Both? How was it treated in the past? He said it could be considered a mixed use or live-work use. He went on to explain the benefits of mixed use. He referred to Commissioner Romberger's property (Lola building, 420 Hull Avenue) and his situation. Mr. Knight said the ordinance does not address mixed use and that it has been dealt with on a case-by-case basis in the C-1 district. As an example, he referred to the Cuban Queen project as a potential mixed-use property.

Mr. Knight said he would like to prevent the street level in the business district from being filled with residential units and taking away business space, and see this addressed in the ordinance. He said it seemed as if mixed use had simply been allowed in the past. He used Retro Roadrunner Resale as example, and what would happen if the business left and the space became a residence, and say the next tenant wanted to revert to mixed use again. Including something in the ordinance about mixed use would affect this specific building but also brings up the broader question of how the town wants to treat mixed use in the C-1 zone.

Chair Ludwig said she would love to see a mixed-use category, and that as Jerome grows, sees this happening more and more.

Mr. Knight referred to the "Smart Growth" principles in his staff report.

Mr. Schall said he would like to encourage mixed use, so maybe a code amendment would be in order.

Mr. Knight said he mostly wanted to bring it to the commission's attention and could bring back the item for further discussion at a subsequent meeting. He said mixed use could be allowed but sees some restrictions would be needed.

Mr. Schall said street-level use would be a concern and would want to restrict it to commercial use.

Mr. Vincent said he believed the marketplace would dictate that the street level would be commercial. He said the C-1 is replete with mixed use presently, and that maybe codifying conditions would be a good idea, and even encourage mixed use in the commercial zone.

Mr. Knight referred to the Lola building as an example of mixed use once again and said that if the commission wants to allow and encourage mixed use, it should be clarified in the zoning ordinance. He said one option would be to continue to allow mixed use through the conditional use permit (CUP) process.

Mr. Vincent said he would like to allow it in the C-1 district.

Mr. Romberger said yes, keep the street level as commercial use and residential use on other levels. He agreed mixed use should be encouraged.
Mr. Knight said he can come back with additional information and initiate the process to amend the code.

Informational Items (Current Event Summaries):

7:13 (1:14:40) Item 10: Updates of recent and upcoming meetings – John Knight, Zoning Administrator

- a. **June 8, 2020 DRB Meeting** – 446 Clark Street apartments and parking structure; change meeting date to first Monday of the month
- b. **June 9, 2020 Council Meeting** – first reading of residential parking ordinance
- c. **July 13, 2020 DRB Meeting** – approved garage remodel 11 Rich Street; discussed adopting design guidelines
- d. **July 14, 2020 Council Meeting** – approved P&Z and DRB bylaws and changed meeting dates

Mr. Knight went through the above list of updates and topics of recent meetings. He mentioned SHPO setting up a design guidelines workshop on August 31 with DRB and thought P&Z may like to participate. He also announced that the meeting date changes have been approved, effective September.

7:15 (1:16:53) Item 11: Potential items for Wednesday, September 16, 2020 (**Note meeting date change to third Wednesday**): Possible ordinance amendments for a sidewalk encroachments, temporary signs, residential lodging, and stair setbacks.

Discussion/Possible Direction to Staff

Mr. Knight listed the topics above, crossed off stair setbacks, and added mixed use in the C-1 zone. He said at this point the next meeting will mostly focus on code amendments.

Item 12: Adjourn

Motion to Adjourn at 7:16 p.m.

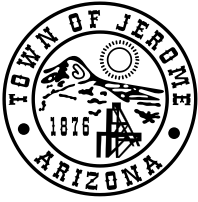
Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Ludwig	X		X			
Romberger			X			
Schall		X	X			
Vincent			X			

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, September 16, 2020

ITEM 4: 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 May 20, 2020 P&Z meeting where the commission provided preliminary comments. This item was continued to the June 3, 2020 meeting, and the commission provided additional comments and direction.

From the comments at the last meeting, staff has provided a redline version of the ordinance for the Commission's consideration. Note that the code amendments include updating the definitions as well as the permit process for each use.

Summary of Proposed Changes:

Section 201 - Definitions

1. **Bed and Breakfast** – Modified. This definition has been amended to allow up to five (5) rooms and no longer limit the occupancy to a single family.
2. **Boarding or Rooming House** – Deleted. This definition is outdated, and this type of use is no longer common. If someone proposed a boarding or rooming house in the future, it would now be considered under the Hotel/Motel definition.
3. **Hotel/Motel** – Modified. The definition of *hotel* now includes *motel* and has been modified to encompass all types of transient lodging. If a boarding or rooming house were proposed in the future, it would fall under the definition of Hotel/Motel.
4. **Motel** – Deleted. This definition has been combined with Hotel.

Sections 503-506. AR, R1-10, R1-5, R-2 Zones

5. **Bed and Breakfast** – Modified. Changed from a Conditional Use to a Permitted Use. This is consistent with the state law regarding short-term rentals. Under ARS 9-500.39, local jurisdictions are not able to require a CUP for vacation rentals and short-term rentals. This includes requiring a CUP for a bed and breakfast in any zone.

Section 507. C-1 Zone

6. **Hotel/Motel** – Modified. Includes Hotel/Motel as a permitted use. (Note: Hotel was already listed as a permitted use.
7. **Bed and Breakfast** – Modified. Added Bed and Breakfast as a permitted use and deleted it from the list of conditional uses.
8. **Residential use of a building** – Modified. Removed boarding houses, rooming houses and bed and breakfast from the list of residential uses requiring a CUP. Other residential uses in the C-1 are still listed as conditional uses.

Recommendation: The commissioners ought to discuss the proposed changes and provide direction to staff on any additional changes.

Attachments:

- A- Redline version of the proposed changes to the zoning ordinance
- B- ARS 9-500.39
- C- Staff report from June 3, 2020 P&Z Meeting
- D- Minutes excerpt from June 3, 2020 P&Z Meeting

Redline of proposed amendments to the Zoning Ordinance.

Additions are shown underlined

~~Deletions are shown in strike-out~~

ARTICLE II DEFINITION

SECTION 201. GENERAL

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, (2)~~ no meals are provided other than breakfast, ~~(3)~~ the host family lives on the premises, ~~(34)~~ smoke alarms are installed and, ~~(45)~~ 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/Motel - 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

including groups organized primarily to render a service which is customarily carried on as a business.

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.

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.~~ ~~Hotel/Motels and motels.~~
- ~~4.5.~~ ~~Bed and Breakfast~~
- ~~5.6.~~ Establishments serving food or beverages inside a building such as: restaurants, cafes, coffee shops, bars, taverns, cocktail lounges, excluding entertainment and dancing in connection therewith.
- ~~6.7.~~ Manufacturing incidental to a permitted use is permitted, but subject to the following limitations:
 - a. All products incidental to a permitted use which are manufactured or processed on the premises shall be sold at retail only and on the premises only.
 - b. Such manufacturing activity shall be restricted to not over fifty (50) percent of the ground floor area of the building allocated to the permitted use.
- ~~7.8.~~ Pawn shops.
- ~~8.9.~~ Printers and print shops.
- ~~9.10.~~ Radio and TV studios provided that no masts, towers or antenna used for transmission or broadcasting purposes are erected on the premises.
- ~~10.11.~~ Banks, stock brokerage firms, savings and loan associations, loan companies and credit unions.
- ~~11.12.~~ Governmental services, public utility offices and exchanges, excluding storage or repair services.
- ~~12.13.~~ Offices related to any of the following occupations: executive, administrative, professional, accounting, banking, writing, clerical, stenographic, graphic art, real estate and sales.
- ~~13.14.~~ Medical and dental offices and clinics.
- ~~14.15.~~ Establishments primarily supplemental in character to other permitted principal uses, such as: pharmacy, apothecary shop, sales of corrective garments, prosthetic devices and optical goods, medical and dental laboratories.

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

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

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

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

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

[Ord. No. 293]

C. CONDITIONAL USES

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

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

D. ZONE RESTRICTIONS

1. All activities, except as otherwise addressed herein, shall be conducted entirely within enclosed buildings.
2. Outdoor storage or display of goods or materials shall be prohibited.
3. Warehousing or indoor storage of goods or materials, exceeding that normally incidental to permitted uses, shall be prohibited.

[Ord. No. 293]

E. PROPERTY DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA: None, provided all other provisions of the ordinance are met.
2. MINIMUM LOT WIDTH: None, provided all other provisions of the ordinance are met.
3. MINIMUM SQUARE FOOTAGE OF MAIN BUILDING: None, provided all other provisions of the Ordinance are met.
4. MAXIMUM LOT COVERAGE: None provided all other provisions of the ordinance are met.
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:

The front yard is required equal to that established by any commercial 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 (2) 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.
 - b. Side Yard:
 - 1) Where the side lot line is in common with the side lot line of a property in a commercial or industrial zone, no side yard shall be required on that side.
 - 2) Where a side lot line abuts a street, the side yard shall be considered a front yard for the purpose of determining width.
 - 3) Where the side lot line is in common with the side lot line of a property in a residential zone, the side yard requirements of the residential zone shall apply to that side yard, provided nothing shall require such a side yard to be greater than ten (10) feet in width.
 - c. Rear Yard:
 - 1) There shall be a rear yard of not less than twenty (20) feet in depth, except where the rear lot line is in common with or separated by an alley from the side

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

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

D. SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES

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

2.

USE	SPACE REQUIRED
a. Boarding House	1 space per unit
b. <u>a.</u> Bowling alley	4 spaces per alley or lane
c. <u>b.</u> Church or other place of worship	1 space per 6 seats (each 30 inches of bench space is considered 1 seat), plus 1 space per 50 sq. ft. of usable area not used for seating
d. <u>c.</u> Day care center	2 spaces plus 1 space per 500 sq. ft. of usable floor area
e. <u>d.</u> Home occupation	No additional space
f. <u>e.</u> Hospital or nursing home	1 space per 2 beds
g. <u>f.</u> Hotel/ Motel or motel	1 space per rental unit
h. <u>g.</u> Manufacturing, industry	1 space per 500 sq. ft. of wholesaling usable area
i. <u>h.</u> Medical, dental office, or clinic	3 spaces per doctor
j. <u>i.</u> Offices	1 space per 300 sq. ft. of usable area
k. <u>j.</u> Public assembly place such as auditorium meeting hall or theater	1 space per 6 seats (each 30 inches of bench space is considered 1 seat), plus. 1 space per 100 sq. ft. of usable area
l. <u>k.</u> Residential (except apartment)	2 spaces per dwelling unit
m. <u>l.</u> Residential (apartment)	1 1/2 spaces per dwelling unit
n. <u>m.</u> Restaurant or bar	1 space per 6 seats (each 30 inches of bench space is considered 1 seat) plus 1 space per 100 sq. ft. of usable area
<u>o.</u> Retail and service uses	1 space per 300 sq. ft. of usable area
<u>p.</u> School (elementary and middle)	1 space per employee
<u>q.</u> School (other than elementary and middle)	1 space per 10 seats in main auditorium or 3 spaces per classroom whichever is greater

9-500.39. Limits on regulation of vacation rentals and short-term rentals; state preemption; definitions

A. A city or town may not prohibit vacation rentals or short-term rentals.

B. A city or town may not restrict the use of or regulate vacation rentals or short-term rentals based on their classification, use or occupancy except as provided in this section. A city or town may regulate vacation rentals or short-term rentals for the following purposes:

1. Protecting the public's health and safety, including rules and regulations related to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste and pollution control, and designation of an emergency point of contact, if the city or town demonstrates that the rule or regulation is for the primary purpose of protecting the public's health and safety.

2. Adopting and enforcing residential use and zoning ordinances, including ordinances related to noise, protection of welfare, property maintenance and other nuisance issues, if the ordinance is applied in the same manner as other property classified under sections 42-12003 and 42-12004.

3. Limiting or prohibiting the use of a vacation rental or short-term rental for the purposes of housing sex offenders, operating or maintaining a sober living home, selling illegal drugs, liquor control or pornography, obscenity, nude or topless dancing and other adult-oriented businesses.

4. Requiring the owner of a vacation rental or short-term rental to provide the city or town with contact information for the owner or the owner's designee who is responsible for responding to complaints in a timely manner in person, over the phone or by email at any time of day before offering for rent or renting the vacation rental or short-term rental.

C. Within thirty days after a verified violation, a city or town shall notify the department of revenue and the owner of the vacation rental or short-term rental of the verified violation of the city's or town's applicable laws, regulations or ordinances and, if the owner of the vacation rental or short-term rental received the verified violation, whether the city or town imposed a civil penalty on the owner of the vacation rental or short-term rental and the amount of the civil penalty, if assessed. If multiple verified violations arise out of the same response to an incident at a vacation rental or short-term rental, those verified violations are considered one verified violation for the purpose of assessing civil penalties pursuant to section 42-1125.02, subsection B.

D. If the owner of a vacation rental or short-term rental has provided contact information to a city or town pursuant to subsection B, paragraph 4 of this section and if the city or town issues a citation for a violation of the city's or town's applicable laws, regulations or ordinances or a state law that occurred on the owner's vacation rental or short-term rental property, the city or town shall make a reasonable attempt to notify the owner or the owner's designee of the citation within seven business days after the citation is issued using the contact information provided pursuant to subsection B, paragraph 4 of this section. If the owner of a vacation rental or short-term rental has not provided contact information pursuant to subsection B, paragraph 4 of this section, the city or town is not required to provide such notice.

E. This section does not exempt an owner of a residential rental property, as defined in section 33-1901, from maintaining with the assessor of the county in which the property is located information required under title 33, chapter 17, article 1.

F. A vacation rental or short-term rental may not be used for nonresidential uses, including for a special event that would otherwise require a permit or license pursuant to a city or town ordinance or a state law or rule or for a retail, restaurant, banquet space or other similar use.

G. For the purposes of this section:

1. "Transient" has the same meaning prescribed in section 42-5070.

2. "Vacation rental" or "short-term rental" means any individually or collectively owned single-family or one-to-four-family house or dwelling unit or any unit or group of units in a condominium, cooperative or timeshare, that is also a transient public lodging establishment or owner-occupied residential home offered for transient use if the accommodations are not classified for property taxation under section 42-12001. Vacation rental and short-term rental do not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center or another similar use.

3. "Verified violation" means a finding of guilt or civil responsibility for violating any state law or local ordinance relating to a purpose prescribed in subsection B or F of this section that has been finally adjudicated.



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

Motion to Approve P&Z Resolution 2020-9

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

6:16 (16:53) 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

Mr. Knight started by asking that anyone on the commission who had a conflict or potential conflict to please recuse themselves from discussion of this item; he also pointed out that it was solely up to them and it could not be recommended they do so.

Mr. Knight said the last discussion was productive and went over the types of lodging. He shared what a few other local municipalities are doing and said Clarkdale and Cottonwood have similar ordinances. He stated that the commission was to consider the definitions of the lodging terms and the permitted uses in town. Mr. Knight then proceeded to go through the terms, referring to his staff report, and suggested perhaps the number of rooms at a B&B could be increased. He also said a neighborhood meeting will need to be scheduled and that this discussion would not be the final word on the code amendments.

Mr. Schall said that the number of rooms for B&Bs would likely not need to change. Two places currently going by "B&B" are in the C-1 district and are more like hotels than B&Bs even though they call themselves B&Bs. Mr. Schall said it would probably be more desirable to have B&Bs rather than short-term rentals in the residential zones. Discussion ensued.

Chair Ludwig asked if anyone else had comments regarding the B&B definition. Mr. Knight reminded her that if members of the public wanted to speak, commissioners had the opportunity to speak first. He said resident Margie Hardie was standing by to speak.

(26:26) Ms. Hardie introduced herself and expressed concern about a possible conflict of interest for Mr. Testone (B&B owner) and Mr. Schall (in process of building a B&B) and asked, because she was not familiar with the process, if there should be some kind of recusal. Ms. Hardie acknowledged that it was up to the commissioners to respond to her concern. She also asked why any changes to B&Bs was being discussed.

Commissioner Chuck Romberger recused himself—he said he was planning to build a B&B in the future with three bedrooms, which is the current limit per the ordinance. He pointed out that it was in the C-1 zone.

Mr. Knight told Mr. Romberger that if he did choose to recuse himself, he would be asked to please leave the meeting while the item was being discussed, and Mr. Romberger complied.

Chair Ludwig asked if anyone else was going to recuse themselves.

Commissioner Joe Testone said he had planned to abstain from voting; Mr. Knight clarified that this was just a work session.

Mr. Testone asked why time was being wasted on this discussion if it was not up for a vote.

Chair Ludwig asked if Ms. Hardie had her hand up to speak, then asked Mr. Knight if the public is allowed to continue to speak.

(30:53) Ms. Hardie said she had said her piece and was only going to include more information about "the law." She said she was done for now.

Mr. Knight explained to Chair Ludwig that since it was an informal work session, it was up to her how she wanted to conduct it. Chair Ludwig then asked Mr. Knight to answer Ms. Hardie's question as to why the discussion was taking place.

Mr. Knight explained that initially definitions for boarding house and rooming house were being reviewed, which led to looking at other lodging definitions.

Mr. Schall said there is a need to make sense of the ordinance and/or explanations for parts that no longer make sense. Mr. Schall then directed his next statement to Ms. Hardie and told her he was not recusing himself since this was only a discussion and his B&B won't likely be built for another five years. He also said the definition for B&B will probably be revised four times by the time it is built. Mr. Schall also pointed out that his B&B would only ever be two rooms and that he had "no horse in the race."

Mr. Knight stated once again that the commissioners decide, not the staff or public, if they have a potential conflict of interest.

Mr. Schall said this was an opportunity to address the lodging definitions to make the ordinance work for the town in dealing with the "new" definition of short-term rentals, which are really outside the control of the town. Mr. Schall said the goal is to make the ordinance work for Jerome, and this is why the commission was discussing lodging definitions.

Mr. Knight said he had enough material to revise the definitions to return to the commission with a staff report. He then said the permitting

process also needs to be addressed and gave examples of how the ordinance currently reads does not make sense and posed different scenarios.

Mr. Schall said that the ordinance regarding CUPs and business licenses needs to be written in such a way that the town can make sure to collect a bed tax from B&Bs and short-term rentals. Discussion continued about taxes paid to the state for these types of lodging.

(44:01) Ms. Hardie said that according to the ordinance, any residential use in the C-1 zone requires a CUP. She said she felt it was important to continue this "tradition" as a form of control, B&Bs included.

Mr. Knight clarified that "residential use" does not include hotels or motels. As an example, he said someone could open a three-room boarding house and it would require a CUP, but a 100-room hotel would not require a CUP.

Mr. Knight moved on to the boarding/rooming house definitions. He suggested removing them from the ordinance altogether. [Mr. Testone left the meeting at this point.]

Mr. Schall agreed with Mr. Knight, as did the other commissioners.

Mr. Knight asked how the lodging above the Clinkscale (formerly the Mile High) would be classified. In this case it is a preexisting business, but for future consideration, this would need to be addressed; that is if the parking issue is ever resolved.

Mr. Knight addressed the permitting process and said Ms. Hardie had brought up a good point.

Mr. Schall said he would like to keep the CUP requirements for residential use in the C-1 as they are and wants the town to have control over prime commercial space and not reduce that real estate. Mr. Schall suggested limiting this for the C-1 district and perhaps keep it to upper levels, not the street level. A short discussion ensued.

Mr. Knight moved on to the definition of motel/hotel and suggested simplifying it (like Cottonwood). He suggested eliminating motel and just going by hotel, and instead of the number of rooms, define it as "transient lodging for pay."

Mr. Schall agreed with eliminating motel, but if the number of rooms was to stay in the definition, he suggested adding one more room than a B&B.

Mr. Knight said he would schedule a neighborhood meeting in July.

6:55 (55:23) 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

Mr. Knight said temporary sign ordinances have become a controversial topic and that the town ordinance needs to be revised so that it can be enforced. Mr. Knight talked about the information in the agenda packet, including the Supreme Court case that involved the town of Gilbert. He then went over the types of signs and said the ordinance needs to clarify temporary signs in a single category and that size, location/zone, and setbacks can be regulated but content cannot be regulated. Mr. Knight referred to the staff report in the packet and said he had also included Gilbert's sign ordinance, which has been amended to follow the law. He pointed out that Gilbert allows flying banners and sign walkers and thought the town would probably want to prohibit them. He said flags should also be addressed in the ordinance.

Chair Ludwig said she is against flying banners and that flag dimensions should be restricted.

Mr. Knight said there are currently size restrictions for signs in the residential zone, which could be applied to flags as well.

Mr. Schall asked about a maximum number of signs—for example, what about real estate signs all over town for, say, an auction

Mr. Knight said this is exactly why the ordinance needs to be updated. Does the town want to allow these types of temporary, A-frame signs?

Mr. Knight said they could be regulated as "off-premise" signs.

Mr. Schall said he would rather not see sign walkers in town. As for flags, he thought the ordinance addressed limiting the length of the pole but not the size of the flag. He suggested limiting flags to 6 to 8 square feet.

As for the number of signs, Mr. Knight said Gilbert gives a total square footage that is allowed. He said Jerome could have a larger limit for the commercial zone than residential zone. He threw out a few ideas of how the ordinance could address this without restricting the content.

Mr. Schall commented that he did not want to restrict homeowners to having to choose between a 6-square-foot political sign and a real estate sign, but agreed that the simplest way to deal with this would be to limit the total square footage of signage on someone's property.

Mr. Knight suggested 6 square feet for the residential zone and 8 square feet for the commercial zone. The discussion continued.

Mr. Schall said he wants the local organizations to have some freedom, e.g., the fire department picnic, the humane society flea market, etc.

Chair Ludwig asked if these would be considered flying banners. She suggested this be clarified in the ordinance.



TOWN OF JEROME

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

Zoning Administrator Analysis Planning and Zoning Commission Wednesday, September 16, 2020

ITEM 5: Work session on code amendments related to temporary signage
Applicant/Owner: Town of Jerome
Recommendation: Discuss and provide direction to staff
Prepared by: John Knight, Zoning Administrator

Background and Summary: On May 12, 2020, the Council initiated the ordinance amendment to temporary signs. On June 3, 2020, the Planning and Zoning Commission held a work session on temporary signs (see attached staff report and minutes from June 3, 2020). The purpose of updating the ordinance is to bring it into compliance with recent case law that prohibits restricting content of various types of temporary signs.

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

Summary of Suggested Changes to Section 509:

Section 509.B. - Definitions: Amendments to the definitions include removing the definition of *campaign sign* and expanding the definition of temporary sign to include campaign signs, candidate signs, real estate signs, contractor signs, banner signs, and garage sale signs.

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

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

Section 509.F. – Regulations applicable to signs in residential zones: New language has been added to allow temporary signs in residential zones up to a maximum of six (6) square feet in area.

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

Additional considerations: The commission may want to include language to prohibit certain types of signs and advertising – such as sign walkers and flying banners.

Recommendation: The commissioners ought to discuss the proposed changes and provide direction to staff on any additional changes.

Attachments:

- Redline of suggested changes to the Jerome Zoning Ordinance
- Staff report from June 3, 2020 P&Z meeting
- Minutes excerpt from June 3, 2020 P&Z meeting

SECTION 509. SIGNS

A. PURPOSE

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

B. DEFINITIONS

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

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

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

[Ord. No. 457]

C. APPLICABILITY

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

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

[Ord. No. 457]

D. PERMITS

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

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

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

3. Plan Review

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

4. Design Review

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

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

[Ord. No. 457]

E. REGULATIONS APPLICABLE TO SIGNS IN ALL ZONES

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

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

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

16. Flags. Unless otherwise required by state law or specified in this Article, no more than two (2) flags may be displayed on a flagpole, from a flag bracket or on a flag stanchion. The 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.

F. REGULATIONS APPLICABLE TO SIGNS IN RESIDENTIAL ZONES

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

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

[Ord. No. 457]

G. REGULATIONS APPLICABLE TO SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES

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

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

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

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

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

[Ord. No. 457



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

Minutes Excerpt from June 3, 2020 P&Z Meeting

process also needs to be addressed and gave examples of how the ordinance currently reads does not make sense and posed different scenarios.

Mr. Schall said that the ordinance regarding CUPs and business licenses needs to be written in such a way that the town can make sure to collect a bed tax from B&Bs and short-term rentals. Discussion continued about taxes paid to the state for these types of lodging.

(44:01) Ms. Hardie said that according to the ordinance, any residential use in the C-1 zone requires a CUP. She said she felt it was important to continue this "tradition" as a form of control, B&Bs included.

Mr. Knight clarified that "residential use" does not include hotels or motels. As an example, he said someone could open a three-room boarding house and it would require a CUP, but a 100-room hotel would not require a CUP.

Mr. Knight moved on to the boarding/rooming house definitions. He suggested removing them from the ordinance altogether. [Mr. Testone left the meeting at this point.]

Mr. Schall agreed with Mr. Knight, as did the other commissioners.

Mr. Knight asked how the lodging above the Clinkscale (formerly the Mile High) would be classified. In this case it is a preexisting business, but for future consideration, this would need to be addressed; that is if the parking issue is ever resolved.

Mr. Knight addressed the permitting process and said Ms. Hardie had brought up a good point.

Mr. Schall said he would like to keep the CUP requirements for residential use in the C-1 as they are and wants the town to have control over prime commercial space and not reduce that real estate. Mr. Schall suggested limiting this for the C-1 district and perhaps keep it to upper levels, not the street level. A short discussion ensued.

Mr. Knight moved on to the definition of motel/hotel and suggested simplifying it (like Cottonwood). He suggested eliminating motel and just going by hotel, and instead of the number of rooms, define it as "transient lodging for pay."

Mr. Schall agreed with eliminating motel, but if the number of rooms was to stay in the definition, he suggested adding one more room than a B&B.

Mr. Knight said he would schedule a neighborhood meeting in July.

6:55 (55:23) 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

Mr. Knight said temporary sign ordinances have become a controversial topic and that the town ordinance needs to be revised so that it can be enforced. Mr. Knight talked about the information in the agenda packet, including the Supreme Court case that involved the town of Gilbert. He then went over the types of signs and said the ordinance needs to clarify temporary signs in a single category and that size, location/zone, and setbacks can be regulated but content cannot be regulated. Mr. Knight referred to the staff report in the packet and said he had also included Gilbert's sign ordinance, which has been amended to follow the law. He pointed out that Gilbert allows flying banners and sign walkers and thought the town would probably want to prohibit them. He said flags should also be addressed in the ordinance.

Chair Ludwig said she is against flying banners and that flag dimensions should be restricted.

Mr. Knight said there are currently size restrictions for signs in the residential zone, which could be applied to flags as well.

Mr. Schall asked about a maximum number of signs—for example, what about real estate signs all over town for, say, an auction

Mr. Knight said this is exactly why the ordinance needs to be updated. Does the town want to allow these types of temporary, A-frame signs?

Mr. Knight said they could be regulated as "off-premise" signs.

Mr. Schall said he would rather not see sign walkers in town. As for flags, he thought the ordinance addressed limiting the length of the pole but not the size of the flag. He suggested limiting flags to 6 to 8 square feet.

As for the number of signs, Mr. Knight said Gilbert gives a total square footage that is allowed. He said Jerome could have a larger limit for the commercial zone than residential zone. He threw out a few ideas of how the ordinance could address this without restricting the content.

Mr. Schall commented that he did not want to restrict homeowners to having to choose between a 6-square-foot political sign and a real estate sign, but agreed that the simplest way to deal with this would be to limit the total square footage of signage on someone's property.

Mr. Knight suggested 6 square feet for the residential zone and 8 square feet for the commercial zone. The discussion continued.

Mr. Schall said he wants the local organizations to have some freedom, e.g., the fire department picnic, the humane society flea market, etc.

Chair Ludwig asked if these would be considered flying banners. She suggested this be clarified in the ordinance.

Mr. Schall said he did not want to see flying or wiggling banners like the ones at car lots, which Mr. Knight said could be lumped into one category.

(1:08:18) Ms. Hardie said she has done a lot of research on political signs in Arizona. She mentioned the town attorney, "William Sims, for example ... I'm referring to him ... because the concern about what's coming from Gilbert I believe has been represented to us by him." She also wanted to point out that he is the town attorney for Camp Verde and Tusayan, Arizona. Ms. Hardie went on to say that Tusayan's political sign ordinance mimics Jerome's although it is stricter about the size; Camp Verde's political sign ordinance is also similar to Jerome's but is more detailed. The larger difference is that they have these ordinances in their town codes under elections rather than their respective zoning ordinances. Ms. Hardie said she has also researched Arizona revised statutes and believes Jerome's is stricter regarding political signs. She gave examples of time restrictions in other townships. She said she didn't notice anything in the agenda packet comparing political sign ordinances in other towns. Her main concern is that the town does not restrict anyone yet keeps a fair playing field, especially this year. Ms. Hardie said why Jerome was being equated with Gilbert she has no idea, and that as far as she knew, she has been the only person to complain about a political sign. She said other local towns have not had any complaints that come from the Gilbert court case and suggested that Jerome "liberalize" the ordinance slightly and completely mimic the state ordinance about political signs.

Mr. Knight said the Arizona revised statute deals with signs specifically in right of ways—it's a state not a local statute, so it's different, and that other towns have not updated their sign ordinances to be in compliance with the Supreme Court decision (i.e., the Gilbert case), which reached the Supreme Court at the federal level. Mr. Knight said he appreciated Ms. Hardie's comments, but he was inclined to go with Mr. Sims on this matter. He said the current town ordinance needs to be cleaned up so that it is enforceable. He also mentioned that Councilmember Mandy Worth had brought up similar concerns at the last council meeting regarding the Supreme Court case and the need to update Jerome's temporary sign ordinances. Mr. Knight said that a neighborhood meeting will need to be done for this item as well.

7:13 (1:14:00) 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

Mr. Knight share background on the recent narrative regarding a sidewalk encroachment policy and how it's been passed between the boards and Council. He felt it was a good opportunity to bring it back to the commission since it hadn't been discussed since November. He referred to the table in the agenda packet showing items on local sidewalks. Mr. Knight mentioned hostess stands and benches and shared his concerns. He asked if they should be prohibited altogether or allow them in certain areas.

Chair Ludwig said that if A-frame signs are prohibited from being displayed directly on sidewalks then hostess stands should also be prohibited.

Mr. Schall said he agrees with the information in the table and pointed out a typographical error in the staff report (i.e., 36 feet instead of inches).

Mr. Knight went on to discuss benches and said some in town did not seem to obstruct the sidewalk while others are in tighter areas and do infringe on the pathway. He said he does not see a need to ban benches but perhaps to set a minimum width where a bench could be placed and/or a design restriction. Mr. Knight brought up the benches donated to the town by the Yavapai-Apache Nation.

Chair Ludwig supported the idea of regulating benches and that it was important to keep space wide enough for wheelchairs and strollers.

Mr. Schall talked about width restrictions and what would be feasible to allow room for traffic flow. A short discussion followed.

Commissioner Henry Vincent said the town just needs to provide enough room to not create a public hazard in line with ADA requirements.

Mr. Knight said he would set up a neighborhood meeting in July.

New Business:

7:23 (1:23:26) 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

Mr. Knight said the Council had asked to get input from P&Z and DRB, so comments were welcome.



TOWN OF JEROME

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

Zoning Administrator Analysis Planning and Zoning Commission Wednesday, September 16, 2020

ITEM 5: Initiate code amendment to allow mixed use in the C-1
Applicant/Owner: Town of Jerome
Recommendation: Approve Resolution 2020-16 to initiate the code amendment
Prepared by: John Knight, Zoning Administrator

Background and Summary: On August 5, 2020, the Planning and Zoning Commission discussed the possibility of including mixed use within the C-1 zone (see attached staff report and minutes from 8/5/2020). At that meeting there appeared to be agreement that amendments should be made to the zoning ordinance. A resolution is attached for the commission's consideration, which initiates the ordinance amendment process.

Mixed use is an important part of the "Smart Growth Principles" (<http://smartgrowth.org/smart-growth-principles/>). An excerpt from their web page is included below:

Smart growth supports mixed land uses as a critical component of achieving better places to live. By putting residential, commercial and recreational uses in close proximity to one another, alternatives to driving, such as walking or biking, become viable. Mixed land uses also provide a more diverse and sizable population and commercial base for supporting viable public transit. Mixed use can enhance the vitality and perceived security of an area by increasing the number and activity of people on the street. It attracts pedestrians and helps revitalize community life by making streets, public spaces and pedestrian-oriented retail become places where people meet.

Mixed land uses can contribute economic benefits. For example, siting commercial areas close to residential areas can raise property values, helping increase local tax receipts. Meanwhile, businesses recognize the benefits associated with locations that attract more people, increasing economic activity.

In today's service economy, communities find that by mixing land uses, they make neighborhoods attractive to workers who are considering quality-of-life-criteria as well as salary to determine where they will settle. Smart growth provides a means and a basis for communities to alter existing planning structures that don't allow mixed land uses.

Discussion: In considering allowing mixed use in the C-1 zone, the commission may want to consider the following items:

1. **Permitted vs. Conditionally Permitted:** Should mixed use be allowed as a permitted use or continue to be allowed through the conditional use permit process.

2. **Percentage of Residential vs. Commercial:** Commercial uses should still be the primary purpose of the C-1 zone. Should there be a minimum or maximum amount of residential and commercial uses that would be appropriate? For example, would it be OK to have a ten-unit apartment project with a tiny retail space at the street level?
3. **Street-Level Residential:** Should residential uses be allowed at the street level or should they only be allowed on upper or lower levels? Would residential be OK at the street level as long as the primary use was not visible from the street?
4. **Industrial:** Should mixed use be allowed in the Industrial Zoning District? This primarily includes the old high school. Existing businesses at the high school have been interested in having residential incorporated into their studio spaces.
5. **Live-work units:** Live-work units are a subset of mixed use. A typical live-work unit includes a small office or retail space with residential space above or below the commercial space. These differ from more traditional mixed-use projects in that they tend to be owner occupied and used by the same individual or individuals.
6. **Horizontal and Vertical Mixed Use:** Mixed-use projects are often horizontally or vertically separated and rented or owned by different parties. The Mill Town project in Flagstaff is a recent example of a large, vertical, mixed-use project (see attached excerpt on Mill Town). Although this is a very large project that would be out of scale for Jerome, would a smaller, scaled-down version of this be appropriate for Jerome?

Recommendation: The commissioners ought to discuss the proposed changes and provide direction to staff on any additional changes. If desired, the commission may wish to initiate the ordinance amendment by approving P&Z Resolution 2020-16.

Attachments:

- P&Z Resolution 2020-16
- Staff report from August 5, 2020
- Minutes excerpt from August 5, 2020 P&Z meeting
- Mill Town excerpt



TOWN OF JEROME

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

P&Z Resolution No. 2020-16

Initiating an amendment to the zoning ordinance to allow mixed use in the C-1 Zone

WHEREAS, the Town of Jerome is interested in amending Sections 201 and 507 of the Jerome Zoning Ordinance to allow mixed use and live-work units in the C-1 zoning district;

WHEREAS, amendments may also include, but are not limited to, changes to the definitions, list of permitted uses, and list of conditional uses;

WHEREAS, the Jerome Planning and Zoning Commission has the authority to initiate an amendment to the Jerome Zoning Ordinance; and

WHEREAS, the Jerome Planning and Zoning Commission is required to set a hearing date and provide public notice in accordance with Section 301.C. of the Jerome Zoning Ordinance; and

WHEREAS, a Neighborhood Meeting will be scheduled prior to the hearing in accordance with Sections 301.C.1., 306.B.4 and 306.B.5 of the Jerome Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the Town of Jerome, Arizona, that amendments to Sections 201 and 507 of the Jerome Zoning Ordinance to allow mixed use and live-work units in the C-1 zoning district are needed;

BE IT FURTHER RESOLVED that a hearing will be held to discuss the proposed amendment, and that public notice regarding such hearing shall be given in accordance with Section 301.C. of the Jerome Zoning Ordinance.

ADOPTED AND APPROVED by a majority vote of the Planning and Zoning Commission on the 16th day of September 2020.

ATTEST:

APPROVED:

Rosa Cays, Deputy Town Clerk

Jessamyn Ludwig, Chair



TOWN OF JEROME

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

Zoning Administrator Analysis Planning and Zoning Commission Wednesday, August 5, 2020

ITEM 9: Discussion about mixed-use in the C-1 Zone
Applicant/Owner: Town of Jerome
Recommendation: Discussion and possible direction to staff
Prepared by: John Knight, Zoning Administrator

Background and Summary: A question came up recently from local business/property owners Nancy and Tracy Weisel about how the town code addresses uses at 415 Main Street. This building has historically been occupied for both commercial and residential uses. The building now includes several businesses: Altai Leather, Flat Iron Café patio seating, commercial storage, and Retro Roadrunner Resale. The building also includes residential apartments. An excerpt of an email sent by Nancy Weisel is attached.

The question raises a larger issue of how the zoning ordinance addresses mixed-use buildings and projects. The C-1 district allows a variety of retail uses as “permitted uses” and allows residential uses as “conditional uses.” The code does not have a category for mixed uses that are both commercial and residential.

What is mixed use? Mixed use is typically characterized as a pedestrian-friendly development that blends two or more residential, commercial, cultural, institutional, and/or industrial uses. Mixed use is one of the ten principles of “Smart Growth,” a planning strategy that seeks to improve community design (<http://smartgrowth.org/smart-growth-principles/>). Mixed use can include vertical mixed uses (retail shops and offices below with residential apartments above) and horizontal mixed uses (retail shops and offices in front with residential apartments in back). Mixed-use developments typically include separate entrances for the commercial and residential uses and are typically occupied by different tenants. A few local examples of mixed use include the Sullivan Apartments over Threads on Main, the residence over the Miner’s Pick Rock Shop and the apartments in the Boyd Hotel over OJ’s Copper Country Fudge.

Mixed-use definitions can also include “live-work” units. Live-work units differ from vertical and horizontal mixed uses in that they are typically occupied by the same tenant. Examples might include an artist studio at street level with a bedroom above, an architect’s office in front with living quarters in back, or a restaurant below with family living quarters above. The uses at the Weisel’s property at 415 Main Street would be most appropriately classified as live-work units. Both the Lola building and House of Joy on Hull Avenue would also be considered live-work units.

Code amendment: To properly address mixed-use projects, the Planning and Zoning Commission would likely need to initiate a code amendment. This issue is closely related to the discussions the Commission is having regarding residential lodging in the C-1 district. The Commission may want to direct staff to include mixed use as a permitted or conditional use in the C-1. Consideration will need to be given to whether residential uses would be allowed at street level, what percentage of residential and commercial uses are allowed, and how parking is addressed for mixed-use projects.

Recommendation: Staff requests the Planning and Zoning Commission provide direction on whether a mixed-use category should be included in the zoning ordinance.

Attachment: ~~email from Nancy Weisel~~

Excerpt of Aug. 5, 2020 P&Z minutes

Mary Chinander told Mr. Knight the plans he has (that they submitted) show the new deck dimensions of 12 by 20 feet, and that they had decided to mirror the old deck to be the same size.

Mr. Knight said this was not included in the application and would be up to the commission to decide if this was an issue.

Mr. Schall said it was not a problem and that it was clear they were well within the setback requirements. Chair Ludwig agreed.

Motion to Approve P&Z Resolution 2020-15

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

7:03 (1:04:25) Item 9: Discussion about mixed-use in C-1 Zone

Applicant: Town of Jerome

Discussion and possible direction to staff

Mr. Knight shared the background on this item. He said a discussion with a potential business owner at 415 Main St (the Flatiron patio) brought up a lot of questions about the building: Was it residential? Commercial? Both? How was it treated in the past? He said it could be considered a mixed use or live-work use. He went on to explain the benefits of mixed use. He referred to Commissioner Romberger's property (Lola building, 420 Hull Avenue) and his situation. Mr. Knight said the ordinance does not address mixed use and that it has been dealt with on a case-by-case basis in the C-1 district. As an example, he referred to the Cuban Queen project as a potential mixed-use property.

Mr. Knight said he would like to prevent the street level in the business district from being filled with residential units and taking away business space, and see this addressed in the ordinance. He said it seemed as if mixed use had simply been allowed in the past. He used Retro Roadrunner Resale as example, and what would happen if the business left and the space became a residence, and say the next tenant wanted to revert to mixed use again. Including something in the ordinance about mixed use would affect this specific building but also brings up the broader question of how the town wants to treat mixed use in the C-1 zone.

Chair Ludwig said she would love to see a mixed-use category, and that as Jerome grows, sees this happening more and more.

Mr. Knight referred to the "Smart Growth" principles in his staff report.

Mr. Schall said he would like to encourage mixed use, so maybe a code amendment would be in order.

Mr. Knight said he mostly wanted to bring it to the commission's attention and could bring back the item for further discussion at a subsequent meeting. He said mixed use could be allowed but sees some restrictions would be needed.

Mr. Schall said street-level use would be a concern and would want to restrict it to commercial use.

Mr. Vincent said he believed the marketplace would dictate that the street level would be commercial. He said the C-1 is replete with mixed use presently, and that maybe codifying conditions would be a good idea, and even encourage mixed use in the commercial zone.

Mr. Knight referred to the Lola building as an example of mixed use once again and said that if the commission wants to allow and encourage mixed use, it should be clarified in the zoning ordinance. He said one option would be to continue to allow mixed use through the conditional use permit (CUP) process.

Mr. Vincent said he would like to allow it in the C-1 district.

Mr. Romberger said yes, keep the street level as commercial use and residential use on other levels. He agreed mixed use should be encouraged.
Mr. Knight said he can come back with additional information and initiate the process to amend the code.

Informational Items (Current Event Summaries):

7:13 (1:14:40) Item 10: Updates of recent and upcoming meetings – John Knight, Zoning Administrator

- a. **June 8, 2020 DRB Meeting** – 446 Clark Street apartments and parking structure; change meeting date to first Monday of the month
- b. **June 9, 2020 Council Meeting** – first reading of residential parking ordinance
- c. **July 13, 2020 DRB Meeting** – approved garage remodel 11 Rich Street; discussed adopting design guidelines
- d. **July 14, 2020 Council Meeting** – approved P&Z and DRB bylaws and changed meeting dates

Mr. Knight went through the above list of updates and topics of recent meetings. He mentioned SHPO setting up a design guidelines workshop on August 31 with DRB and thought P&Z may like to participate. He also announced that the meeting date changes have been approved, effective September.

7:15 (1:16:53) Item 11: Potential items for Wednesday, September 16, 2020 (**Note meeting date change to third Wednesday**): Possible ordinance amendments for a sidewalk encroachments, temporary signs, residential lodging, and stair setbacks.

Discussion/Possible Direction to Staff

Mr. Knight listed the topics above, crossed off stair setbacks, and added mixed use in the C-1 zone. He said at this point the next meeting will mostly focus on code amendments.

Item 12: Adjourn

Motion to Adjourn at 7:16 p.m.

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

Approved: _____ Date: _____

Jessamyn Ludwig, Planning & Zoning Commission Chair

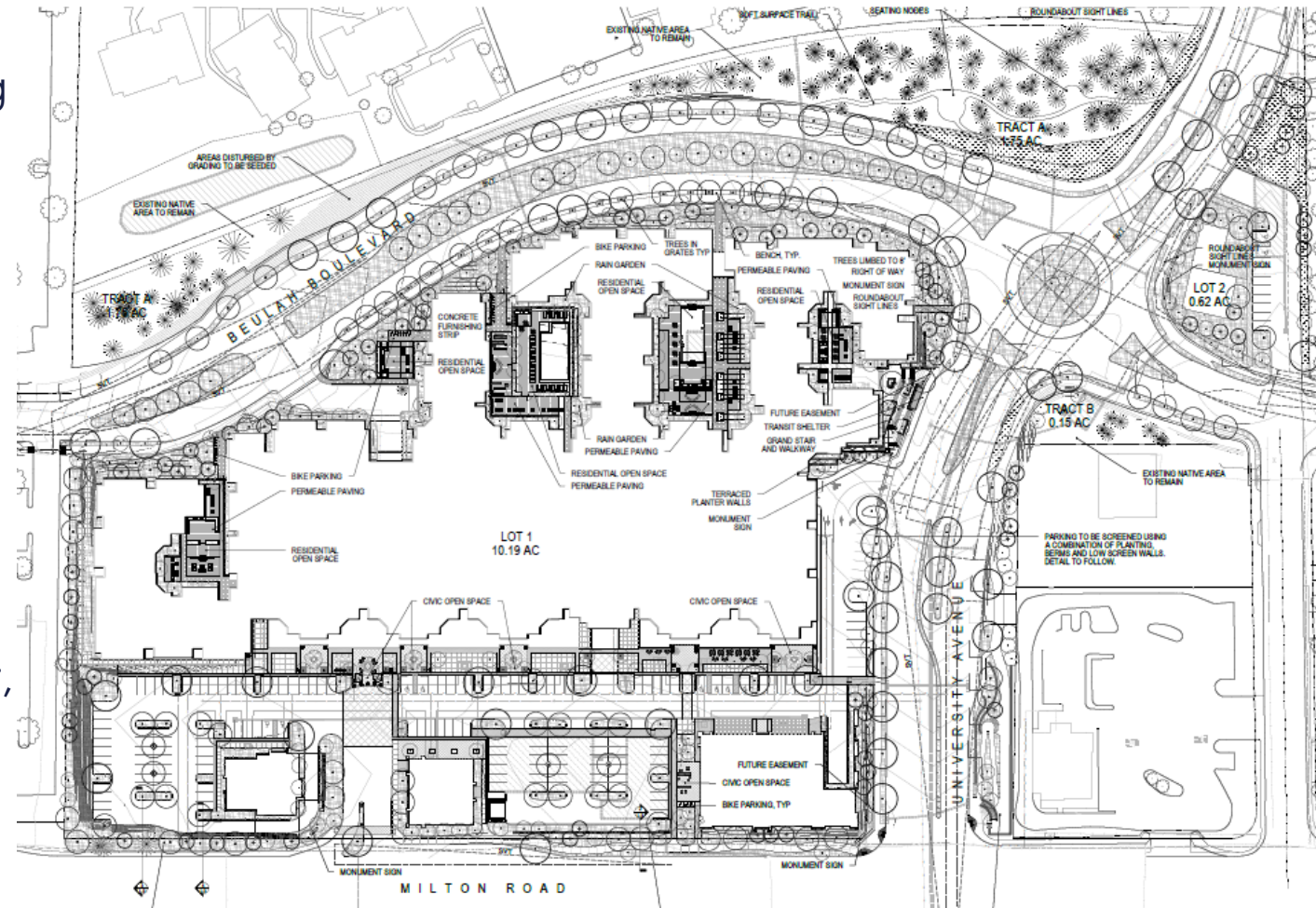
Attest: _____ Date: _____

Rosa Cays, Deputy Clerk



Mill Town Mixed-Use Site Plan

- Direct to Ordinance Zoning Map Amendment Process
- Site Plan approved subject to the approval of the Zoning Map Amendment.
- Mixed-use development consisting of 48,400 square feet of commercial development in conjunction with a 340-unit, 1,221 bed Rooming and Boarding Facility.

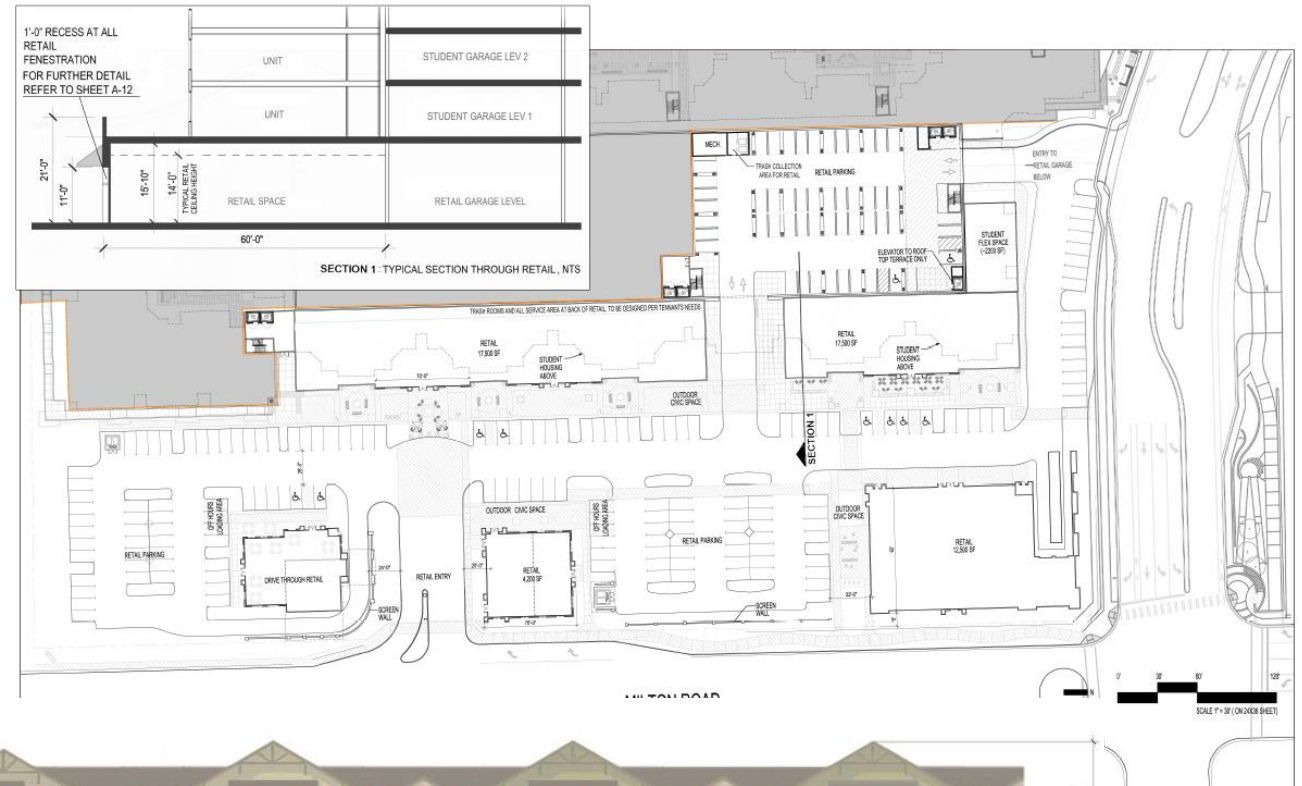


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Mill Town Mixed-Use Site Plan

- 3 Commercial Pads along Milton Road
- Surface parking separates the pad and the mixed-use building creating an internal main street.
- 26,200 square feet of garage dedicated to the c



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MILL TOWN MIXED USE
FLAGSTAFF, AZ
HP# 16638

A-15

VIEW INTO RETAIL VILLAGE LOOKING NORTH

June 26, 2017



VINTAGE PARTNERS

HUMPHREYS & PARTNERS ARCHITECTS, L.P.
5339 Alpha Rd., Suite 300, Dallas, TX 75240 | 972.701.8636 | www.humphreys.com



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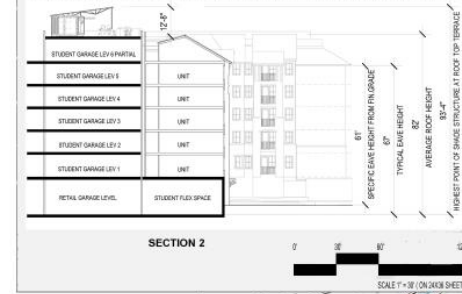


Mill Town Mixed-Use Site Plan

- Five-story building except for the portion facing Milton that is six-stories.
- 25,000 square feet of ground floor commercial with a 15-foot plate height and a 60-foot depth.
- Total FAR just under 3.0
- Gross density is 19 units per acre (18.11 acres).
- Net density is 34 units per acre (10.10 acres).

SECTION THROUGH ROOF TOP TERRACE AND TYPICAL HEIGHTS DIAGRAM

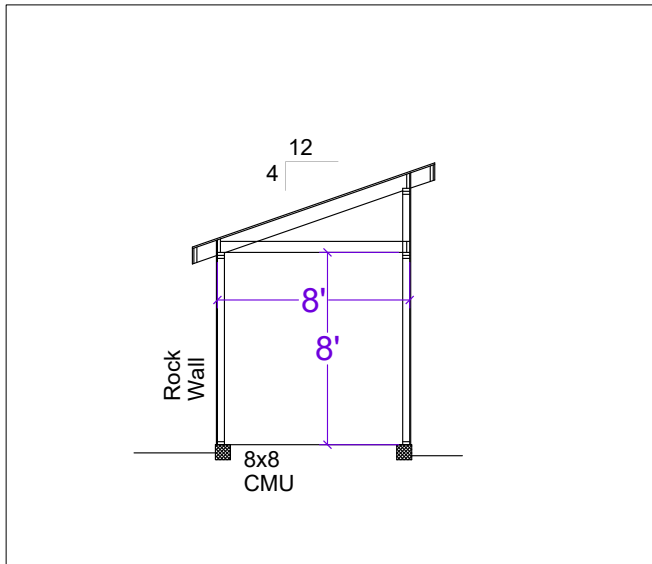
FOR FURTHER BUILDING HEIGHT INFORMATION REFER TO SHEETS A-10 AND A-22



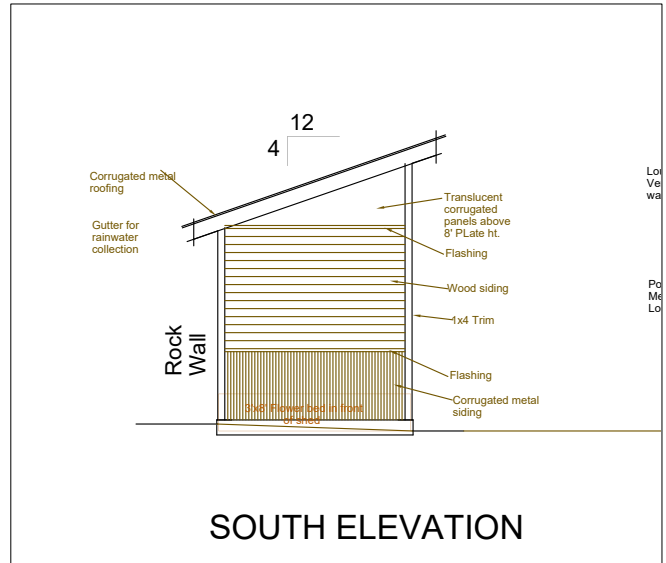
TEAM FLAGSTAFF

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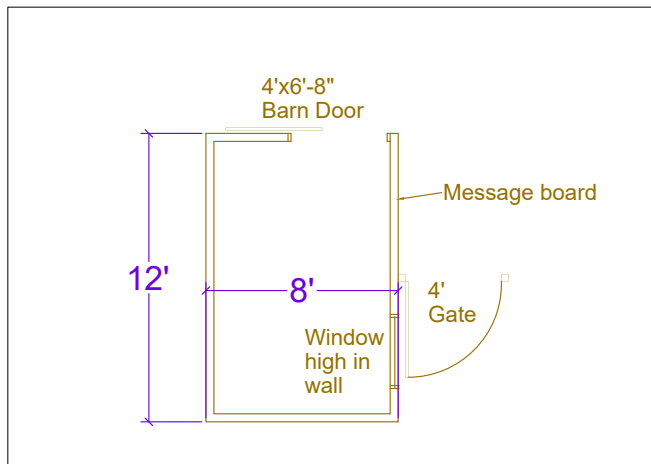




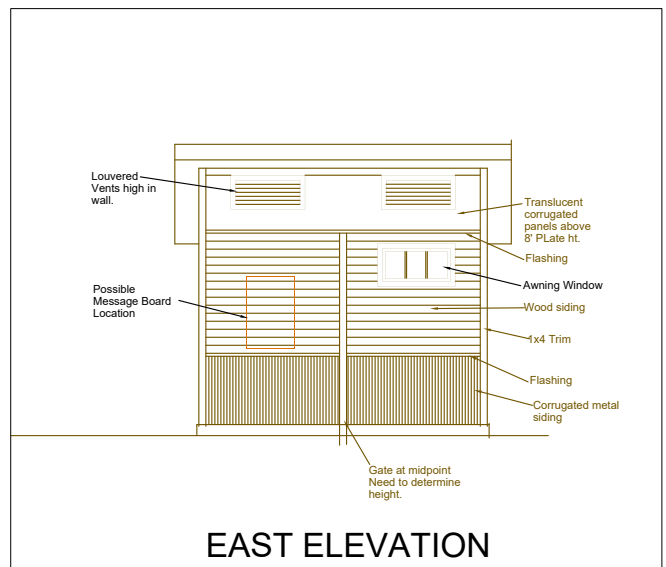
SHED SECTION



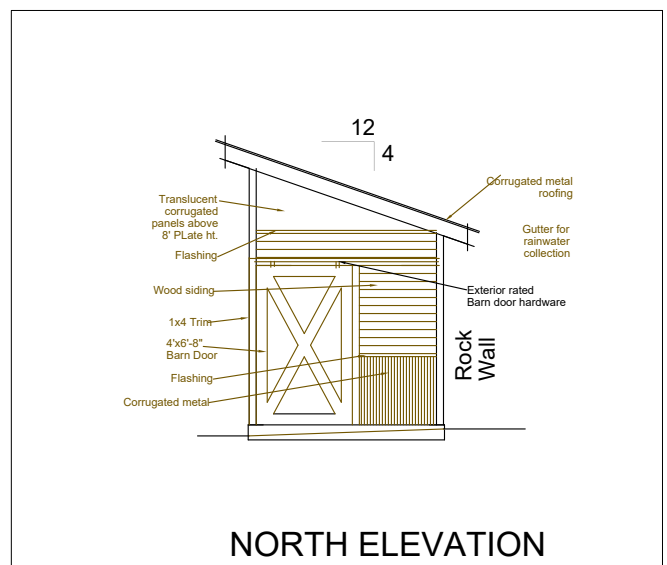
SOUTH ELEVATION



SHED PLAN



EAST ELEVATION



NORTH ELEVATION

Jerome Community Garden Proposed Garden Shed Option 1

Date: 2020-08-20
Drawn by: WIM
Scale: 1/8" = 1'-0"

