



# TOWN OF JEROME

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

## Regular Meeting of the **Planning and Zoning Commission** Wednesday, February 17, 2021, 6:00 pm **AGENDA**

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: 9286347943
2. Submitting questions and comments:
  - a. If attending by Zoom video conference, click the chat button at the bottom of the screen, or raise your hand.
  - b. Email [j.knight@jerome.az.gov](mailto:j.knight@jerome.az.gov) (**Please submit comments at least one hour prior to the meeting.**)

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

### Item 1: Call to order

**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** – Regular meeting of January 20, 2021

### Public Hearings:

#### Item 4: Proposed text amendments related to administrative approval for small projects and updates to the appeals process for certain types of projects

Applicant: Town of Jerome

Amendments may include, but may not be limited to, Sections 303, 304, 305, 306 and 502 of the Town of Jerome Zoning Ordinance.

**Discussion/Possible Action (recommendation to Council) – P&Z Reso. 2021-02**

#### Item 5: Proposed text amendments regarding signs

Applicant: Town of Jerome

Amendments may include, but may not be limited to, Section 509 of the Town of Jerome Zoning Ordinance.

**Discussion/Possible Action (recommendation to Council) – P&Z Reso. 2021-03**

**Old (continued) Business: none**

**New Business: none**

### Informational Items (Current Event Summaries):

#### Item 6: Updates of recent and upcoming meetings – John Knight, Zoning Administrator

- a. **February 1, 2020 DRB meeting** – fencing for community garden, 18 North Drive exterior modifications, and administrative review of small projects
- b. **February 8, 2020 Council meeting** – executive session on the Mexican pool property and possible ordinance amendments regarding utility connection fees
- c. **February 9, 2020 Council meeting** – first reading of the transient lodging ordinance amendments and appointments to boards (P&Z and BOA)

**Item 7: Potential items for Wednesday, March 17, 2021:** selection of new chair/vice chair and hearing on code amendments regarding mixed use  
**Discussion/Possible Direction to Staff**

**Item 8: 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 enough 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

## Regular Meeting of the Planning and Zoning Commission Wednesday, January 20, 2021, 6:00 pm MINUTES

### 6:02 (0:20) Item 1: Call to order

Chair Jessamyn Ludwig called the meeting to order at 6:02 p.m.

Roll call was taken by Rosa Cays, Deputy Town Clerk. Commissioners present were Chair Ludwig, Lance Schall, Henry Vincent, and Mike Harvey. Vice Chair Chuck Romberger was absent at the time of roll call. Also present was John Knight, Zoning Administrator.

### 6:03 (1:11) Item 2: Petitions from the public –There were no petitions from the public.

### 6:03 (1:19) Item 3: Approval of Minutes – Regular meeting of October 21, 2020 and Joint Meeting with Council of December 1, 2020

Mr. Knight pointed out that Commissioner Harvey did not attend the October 21, 2020 meeting and suggested the commission approve the minutes separately.

#### Motion to Approve the Regular Meeting Minutes of October 21, 2020

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

#### Motion to Approve the Joint Meeting Minutes of December 1, 2020

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

### Public Hearings:

### 6:06 (4:07) Item 4: Proposed text amendments related to residential lodging may include, but not be limited to, Sections 201, 507, and 510 of the Jerome Zoning Ordinance

Applicant: Town of Jerome

Updates to the ordinance 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/Possible Action (recommendation to Council) – P&Z Reso. 2021-01**

Mr. Knight highlighted the main amendments to the ordinance including the deletion of definitions for boarding house, rooming house, and motel, leaving the definition for hotel to include all lodging in the commercial district except for B&Bs. He also mentioned that the number of rooms for a B&B in the residential zone was left at a maximum of three rooms. Mr. Knight stated for the record that this was a public hearing, encouraged public testimony, and said the notice was published in the Verde Independent newspaper and posted throughout town.

6:09 (7:25) Jerome property owner Windy Jones commended Mr. Knight on the ordinance amendments and said it was very positive for their project and agreed with the change in definitions.

Commissioner Vincent asked how B&B defined as having no more than three rooms affects the Surgeon’s House. Commissioner Schall explained that since she was in the C-1 district, her lodging was considered a hotel. Discussion ensued about changes to the B&B definition, which Mr. Knight clarified.

Commissioner Schall asked if this would be a recommendation to Council; Mr. Knight confirmed it would be.

#### Motion to Approve P&Z Resolution 2021-01

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

## Old (continued) Business:

### **6:14 (12:15) 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: 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 the primary reason for changing the ordinance has to do with the Supreme Court case regarding regulation of sign content (Gilbert, AZ). The town cannot prohibit content but can regulate the size, height, and type of sign as well as the setback. He referred to his staff report and additions to a list of prohibited signs, as well as Mr. Schall's suggestion about the length of flagpoles (which Mr. Schall clarified was already in the ordinance). In residential zones, Mr. Knight suggested a 10-foot setback for temporary signs in most situations (some properties have zero setback). He said real estate signs, along with riders (e.g., "in escrow" sign), fall under 5 square feet, and should not be more than 4 feet tall. Mr. Knight said flag stipulations should be separate from signs and that the most common size for a flag is 15 square feet, and suggested a maximum of 16 square feet be the limit and that the flag cannot be flown any higher than the height of the nearby structure. He also said the square footage of a flag should not be lumped in with signs. As for temporary signs, the total square footage of ALL temporary signs on the property must not exceed the maximum size limit of five (5) square feet.

Mr. Schall mentioned that the one barber pole in the commercial district is not allowed to rotate, although he wishes it could.

Commissioner Harvey asked if there was any distinction between private and business flags, e.g., a business-related statement versus a patriotic flag. Mr. Knight said the content is not regulatable.

Mr. Harvey asked if a business was advertising with a flag if that made it fall under a sign rather than a flag. Mr. Knight said that if it was a specific event, it would be considered temporary and would need to come down within a certain number of days in the residential zone (e.g., a garage sale). In the commercial district, the limit is 45 consecutive days or 90 days total in a calendar year and would include flags. Discussion ensued about the challenge of tracking this.

Chair Ludwig asked what action, if any, was needed for this item, which Mr. Knight clarified, then explained it would require a public hearing and notice posted, as did Item 4 above.

(25:22) Ms. Jones asked what the best way would be to put up a temporary sign for the Cuban Queen to advertise its imminent opening. Mr. Knight explained how the current ordinance addresses this. He then suggested hanging a temporary sign for 45 consecutive days, take it down for a few days, then put it up again for another 45 days for an allowable total of 90 days in a calendar year.

Ms. Cays asked if campaign signs on private property need to be removed by a certain number of days after an election. Mr. Schall said the state statute regarding campaign signs in the right of way (ROW) is what addresses the time limit. Mr. Knight said that on private property, campaign signs can stay up indefinitely, although if it is reflective of a specific past event, those signs would be treated like a garage sale sign and would need to be removed. Mr. Vincent also referred to the state statute and the time limit of signs in the ROW.

Mr. Knight said he was looking for direction concerning maximize size, height, and setback for temporary signs, and suggestions on how flags should be treated.

Mr. Harvey said the state statute requires campaign signs to be removed within 10 days after an election. Mr. Knight clarified that this was for signs in the right of way and that the Jerome Zoning Ordinance regulates signs on private property. .

[Vice Chair Chuck Romberger joined the meeting at 6:34 p.m. (31:56)]

Mr. Knight also explained the "clear vision triangle," which he had added to the draft amendment changes.

### **6:35 (33:28) Item 6: Work session on code amendments related to administrative approval of small projects**

Applicant: Town of Jerome

Possible ordinance amendments to allow small projects to be processed administratively by staff instead of through the Planning and Zoning Commission and Design Review Board/s.

#### **Discussion/Table to next P&Z Meeting**

Mr. Knight said this has been a longtime topic in P&Z, and said a meeting was held with two P&Z commissioners and two councilmembers to discuss it. He said "repair and replace" projects are not a concern and would be listed as exempt in Category 1, and he would also add anything landscape related (though not structures) to the same category. Mr. Knight said Category 2 would include projects that could be administratively approved but would still have to meet all the P&Z requirements (i.e., design, setback, coverage, etc.), and may need review by the Jerome Design Review Board. A few remarks were made regarding paint color.

Mr. Knight said he would like to add concrete work to Category 2, like the strips added to MaryBeth Barr's driveway, unless the work will be above a certain height. He said basic window and door replacements should be allowed, as should stairs and awnings, and that ground-level decks and patios (anything less than 18 inches) should not require a permit. He said fences and walls are a little more controversial in Jerome. As for Category 3 (projects for future consideration), Mr. Knight said there was less consensus for this one and that sheds (no permit needed for 120 square feet or less), additions, modifications, and anything commercial should still need to go through site plan review. He asked for input and said this item would also require a public hearing.

Mr. Harvey asked if sheds require setbacks; Mr. Knight said they do, but a lesser setback than main structures.

Mr. Schall suggested moving Category 3 projects to Category 4 (projects to be reviewed by P&Z and/or DRB) and be done. Mr. Knight said that Councilmember Jane Moore suggested waiting until the design guidelines were approved to determine the third and fourth categories. He turned the discussion back to Category 2 projects.

Mr. Harvey asked if walls 48 inches tall or more would have to go before DRB. Mr. Knight described the requirements for building a wall.

Ms. Cays asked for clarification regarding ground-level decks and patios, which Mr. Knight explained.

To get administrative approval, Mr. Schall said window (and door) replacements should include a condition of "simulation" and be the same size, materials, and style if possible, and gave examples of replacements (e.g., double-hung for double-hung).

Chair Jessamyn asked if there was a limit to the height of a fence for it to be administratively approved; Mr. Knight said they all go before DRB, but typically not P&Z since no setback is required. Discussion ensued regarding topographical changes, fence material, building codes, engineering needs, setbacks, and property lines.

Mr. Knight said he would redline the ordinance and present the amendments at the next meeting.

Chair Ludwig asked if Category 3 should be discussed further. Mr. Schall suggested waiting for the design guidelines or roll it into Category 4 as was mentioned earlier in the meeting.

Mr. Harvey suggested moving numbers 13–15 [13. Sheds under 120 square feet, 14. Residential additions less than 120 square feet 15.

Modifications/improvements to existing residential structures that add no additional square footage] into Category 2. Mr. Schall said that was fine, and that he was going the more conservative route by suggesting they go into the fourth category. Mr. Vincent suggested that placing them in the second category would require less administrative time, money, and burden on the board, plus it helps the taxpayers. Mr. Knight said no. 15 could go into category 2, but perhaps nos. 13–14 could still go through DRB.

Mr. Harvey asked if height restrictions apply to sheds. Mr. Schall said they do, as do setbacks, although they necessitate a smaller setback. This was momentarily discussed.

## **7:02 (59:55) Item 7: Joint Meeting follow-up**

Discussion and follow-up on items discussed at the joint meeting with Council.

### **Discussion/Possible direction to staff**

Mr. Knight said Ms. Cays had suggested adding this to the agenda to give the commissioners the opportunity to talk about the items discussed at the joint meeting.

No one had any significant comments.

**New Business: none**

## **Informational Items (Current Event Summaries):**

### **7:04 (1:02:12) Item 8: Updates of recent and upcoming meetings – John Knight, Zoning Administrator**

- a. **November 2, 2020 DRB Meeting** – 136 Main Street cornice (Nellie Bly); 200 Hill Street pipe fence (Grand Hotel); 420 Hull Avenue sign for Mimi (formerly Lola); 123 Beale Street paint (Gallagher residence); discussion about changes in the field
- b. **November 10, 2020 Council Meeting** – Ordinance to prohibit recreational marijuana (first reading); six-month blanket extension of permits; district signs; draft of beekeeping ordinance, COVID restrictions and timeline for reopening town hall; P&Z appointment (Harvey)
- c. **December 1, 2020 Joint P&Z and Council meeting** – discussion of various ordinance amendments
- d. **December 7, 2020 DRB Meeting** – 146 Juarez Street deck; 538 School Street windows; 403 Clark Street sign (tour business in B-7); 639 Center Avenue color and siding change
- e. **December 8, 2020 Council Meeting** – beekeeping discussion and business license for Jerome Ghost Tours
- f. **January 4, 2021 DRB Meeting** – cancelled
- g. **January 12, 2021 Council Meeting** – district signs, presentation on bees, porta-johns, soda machine for Paul and Jerry's

Mr. Knight reminded everyone that the last regular P&Z meeting was in October 2020, then covered the highlights of the other board meetings, as listed above. He did elaborate on the beekeeping ordinance and shared details with the commissioners, as did Mr. Harvey. He also shared the latest information on the COVID vaccine and how to schedule an appointment for a vaccination via the county website. Mr. Knight also announced that new members would be needed to serve on the boards.

Chair Ludwig asked if there was any discussion on sidewalk encroachment when the soda machine was denied at Paul & Jerry's. Mr. Knight said no, but that he almost brought it up. Mr. Harvey said the soda machine was denied and that sidewalk encroachment was the problem (and why the previous soda machine was removed). Mr. Knight said the councilmembers cited that allowing sales on the sidewalk would set a precedence of vendors selling other wares on public property.

Chair Ludwig proclaimed that the sidewalk encroachment policy was to be her legacy.

**7:14 (1:12:18) Item 9: Potential items for Wednesday, February 17, 2021: Various code amendments**  
**Discussion/Possible Direction to Staff**

*Mr. Knight said more code amendments would be on the agenda, but no applications have been submitted.*

**Item 10: Adjourn**

**Motion to Adjourn at 7:16 p.m.**

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



# TOWN OF JEROME

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

## Zoning Administrator Analysis Planning and Zoning Commission Wednesday, February 17, 2021

**ITEM 4: Public hearing on code amendments related to administrative approval of small projects and updates to the appeals process for certain types of projects**

**Applicant/Owner:** Town of Jerome  
**Recommendation:** Discussion/possible action  
**Prepared by:** John Knight, Zoning Administrator  
**Resolution:** **P&Z Reso. 2021-02**

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

The proposed changes have been reviewed and discussed by both the Planning Commission and the Council.

- May 20, 2020 – Council initiated the ordinance amendment
- December 1, 2020 – Council and P&Z discussed at a joint meeting
- January 20, 2021 – P&Z discussed at a work session
- February 1, 2021 – DRB discussed at a work session

**Discussion:** A variety of small projects are currently reviewed by the Design Review Board and occasionally the Planning and Zoning Commission. The projects can be sorted into four categories noted below.

**Category 1 – Exemptions:** These projects would not require review by P&Z and typically do not require a building permit:

1. Repair/replacement/maintenance provided comparable materials are used
2. Landscaping (not including structures such as gazebos, shade structures, and sheds)
3. Paint, stain, and similar exterior coatings for residential structures

**Category 2 – Administrative Approval:** The following items could be reviewed and approved by the zoning administrator without review by P&Z and DRB. Note that some of these do require review by the building inspector and fire chief:

4. Concrete work, pavers, and other flatwork provided they are less than 12 inches above the ground
5. Window and door replacement provided the new window or door closely simulates the same size, materials, and style of the window or door being removed
6. Stair replacement with limited change in footprint

7. Ground-level decks and patios (provided they are less than 12 inches above the ground and not covered)
8. Changes in roof material or color
9. Exterior modifications/improvements to existing residential structures that add no additional square footage

Note that the above items would not be exempt from building code, fire code, or requirements for design compatibility. They would simply be exempt from having to be processed through the P&Z site plan review process. Additional language will need to be added that provides discretion for the zoning administrator to require that any project considered to be controversial or have a large visual impact be reviewed by the DRB and/or P&Z.

### **Category 3: Projects requiring DRB review but not P&Z review**

10. Paint/stain for commercial structures
11. Awnings and permanent signs
12. Fences and walls
13. Sheds and detached accessory structures less than or equal to 120 square feet (note: sheds over 120 square feet would require both site plan review by P&Z and design review by the Design Review Board)
14. Residential additions less than or equal to 120 square feet (these would be exempt from site plan review by P&Z but still require approval by the DRB)
15. Murals

### **Category 4: Projects requiring P&Z and/or DRB review:**

16. Expansion or modification to an existing nonconforming structure
17. New residential structures or additions over 120 square feet
18. Additions to commercial or industrial structures
19. New commercial or industrial structures
20. Demolitions
21. Those controversial in nature
22. Those that require a Conditional Use Permit (CUP)
23. All other modifications, improvements, or additions to structures not specifically listed above

**Appeals process:** The code has inconsistent and sometimes confusing sections regarding appeals of the site plan review and design review processes. These should be amended so they are clear and consistent. Note that appeals of administrative decisions are heard and decided by the Board of Adjustment. Appeals from the Board of Adjustment are heard and decided by the Yavapai County Superior Court. Appeals of P&Z and DRB decisions are heard and decided by the Council.

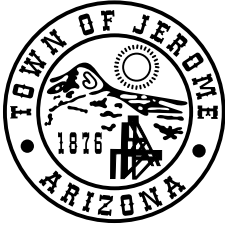
1. **Appeal distance:** Appellants would be required to reside within 300 feet of the project, unless they can demonstrate how they would be adversely affected outside the 300-foot limit.
2. **Appeal period:** The appeal period has been amended to be 15 days. Note that this is consistent with most of the other jurisdictions in the Verde Valley.
3. **Building permit issuance:** The proposed amendments include a provision that the building permit cannot be issued until the appeal period has passed. This protects both the applicant and the Town and ensures that work will not have to be reconstructed if the appeal changes the approval.

**Recommendation:** Discussion and possible action.

Attachments:

- Resolutions 2021-02
- Redline version of proposed changes





# TOWN OF JEROME

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

## **P&Z Resolution No. 2021-02**

### **Code amendments related to administrative approval for small projects and updates to the appeals process for certain types of projects**

WHEREAS, the Town of Jerome would like to amend Sections 106, 302, 303.1, 303.3, 303.4, 304 and 502 of the Jerome Zoning Ordinance; and

WHEREAS, the proposed amendments include, but are not limited to, amending the approval and appeals processes for certain types of projects; and

WHEREAS, the proposed amendments would allow for administrative approval for smaller projects; and

WHEREAS, the proposed amendments update and clarify the appeals process for Conditional Use Permits, Site Plan Review, and Design Review; and

WHEREAS, the Jerome Planning and Zoning Commission held a hearing and provided public notice in accordance with Section 301.C. of the Jerome Zoning Ordinance; and

WHEREAS, a notice was published in the *Verde Valley Independent* newspaper on January 31, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the Town of Jerome, Arizona, that the commission hereby initiates amendments to the above-referenced code sections; and

BE IT FURTHER RESOLVED by the Planning and Zoning Commission of the Town of Jerome, Arizona, that the Town Council of the Town of Jerome adopt amendments to Sections 106, 302, 303.1, 303.3, 303.4, 304 and 502 of the Jerome Zoning Ordinance related to administrative approval for small projects and updates to the appeals process for certain types of projects as shown in the attached redline document.

ADOPTED AND APPROVED by a majority vote of the Planning and Zoning Commission on February 17, 2021.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Jessamyn Ludwig, Chair

Attachment – redline version of proposed text amendments

Proposed changes to the Jerome Zoning  
Ordinance regarding Admin. Approvals  
and Appeals

Prepared for the February 17, 2021  
Planning and Zoning Commission  
meeting

Additions shown in underline, deletions  
shown in ~~strikeout~~

# ZONING ORDINANCE OF THE TOWN OF JEROME

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declaration that he has a conflict of interest, in which case such member shall take no part in the deliberation on the matter in question.

#### **E. RULES; REGULATIONS; RECORDS; MEETINGS**

The Board shall make and publish rules and regulations to govern its proceedings and to provide for its meetings. All meetings of the Board shall be open to the public. The minutes and records of all Board proceedings shall be kept and filed as public record in the office of the Town Clerk.

### **SECTION 106. DESIGN REVIEW BOARD**

#### **A. PURPOSE**

The purpose of the Design Review Board is to review the exterior design of new buildings and structures, the alteration of buildings and structures, ~~landscaping plans~~, signs, and proposed demolition of structures, within the Historic Overlay District, in order to ensure that new development is compatible with the surrounding environment, and to preserve and protect the historic character of the Town of Jerome in accordance with the provisions of Section 304-

#### **B. COMPOSITION; TERMS OF MEMBERS; VACANCIES; COMPENSATION OF MEMBERS**

The Design Review Board of the Town of Jerome shall be composed of five (5) members. The membership shall consist of five (5) residents of Jerome, who shall be persons qualified by design background, training or experience, to be appointed by the Town Council. Each member shall serve for a term of three (3) years. Members may, after a public meeting, be removed by the Council for inefficiency, neglect of duty, or unethical conduct in office. A Board member who is absent four (4) regular meetings of a year beginning March 1st and ending February 28th shall be deemed to have vacated his or her appointment without further action being taken by the Board or Council. In the event of death or resignation, or removal from the Board, the vacancy shall be filled by the Council for the unexpired term. All members shall serve without pay. However, members of the Board may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Board and approval of such expenditures by the Town Council.

[Ord. No. 313; Ord. No. 378; Ord. No. 410; Ord. No. 445; Ord. No. 459]

#### **C. POWERS AND DUTIES**

1. The Design Review Board shall have the power to approve, conditionally approve or disapprove all requests for design approval as required by this Ordinance, basing its decision on the criteria as set down in Section 304.
2. It shall be the responsibility of the applicant to prove that the intent and purpose established in this Section will be accomplished.
3. The Design Review Board, upon hearing an application, may impose such reasonable conditions as it may deem necessary in order to fully carry out the provisions and intent of this ordinance. Violation of any such condition shall be a violation of this ordinance and such violation shall render any building permit null and void.

#### **D. SELECTION OF OFFICERS**

The Board shall elect a Chair and Vice Chair from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. No individual may serve consecutively as Chair, or consecutively as Vice Chair, for more than two one-year terms. The Chair shall preside at all meetings and exercise all the usual rights, duties and

# Section 302 - Conditional Use Permits

## E. COUNCIL ACTION ~~AND APPEALS~~

1. Upon receipt from the Zoning Administrator of a Planning and Zoning Commission recommended action on a Conditional Use Permit application, the Town Clerk shall place the permit on the regular Council meeting agenda first following the 15<sup>th</sup> day after approval of the permit by the Planning Commission.
- ~~2. Any person may file an appeal with the Jerome Town Council over any decision of the Planning and Zoning Commission regarding the granting, or denying, of use permits. Such appeal must be filed with the Council within fifteen (15) days after Commission action.~~
- ~~3. When written appeal is filed with the Town Clerk, the Council shall evaluate the appeal at their regular meeting where the use permit is agendized for Council's action. Where an appeal has been filed, the Council may elect to set the matter for a public hearing, and if such action is taken, a legal notice shall be published at least once in the official newspaper of the Town and the property included in the application shall be posted at least fifteen (15) days prior to the hearing date. Notice shall be given to the Planning Commission of such appeal and the Commission shall submit a report to the Council setting forth the reasons for its action taken. The Commission shall be represented at the hearings by the Commission Chairman or his designee.~~
- ~~4.2.~~ The Council shall within fifteen (15) days after their regular meeting or public hearing, act on the recommendation of the Planning and Zoning Commission by either affirming, reversing or modifying the action of the Planning and Zoning Commission. The Town Council may make a decision based on its own findings.
- ~~5.3.~~ The Council may designate such conditions in connection with the permit as it deems necessary to secure the intent and purpose of this Ordinance and may require such guarantees and evidences that such conditions are being, or will be, complied with.
- ~~6.4.~~ The Council's decision shall be final and shall become effective immediately. Notice of the decision shall be mailed to the applicant at the address shown in the application.

## F. TIME LIMITS

1. Use permits become effective immediately upon action by the Town Council.
2. Any use permit issued by the Town Council shall be commenced within six (6) months from the date of Council ratification, and diligently pursued, otherwise it shall become null and void.
- ~~3.~~ No person shall reapply for the same or substantially the same use permit on the same or substantially the same plot, lot, or parcel of land within a period of one (1) year from the date of denial or revocation of said use permit.
- ~~3.4.~~ An extension of approval may be granted if the applicant files for the extension prior to the approval becoming void and the extension is granted by the approval body.

## G. REVOCATION

Use permits granted in accordance with the provisions of this ordinance may be revoked if any of the conditions of terms of the permit are violated or if any law or ordinance is violated in connection therewith.

The Zoning Administrator shall notify the permittee, by regular First Class mail, of a violation or termination of a use permit. If no attempt to change the violation is made within ten (10) days after notification, the permit shall be revoked and considered null and void.

Any use permit shall be considered null and void if construction does not conform to the originally approved site plan. Any deviations requested from the originally approved site plan shall be processed as a new use permit.

#### **H. FEE**

The application for a conditional use permit shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the office of the Town Clerk. No part of the filing fee shall be returnable. Payment of the filing fee shall be waived when the petitioner is the Town, County, State or Federal Government.

[Ord. No. 406; Ord. No. 407]

## **SECTION 303.1. ~~PRELIMINARY~~ SITE PLAN REVIEW**

### **A. PURPOSE**

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

[Ord. No. 293]

### **B. PROJECTS REQUIRING REVIEW BY THE PLANNING AND ZONING COMMISSION**

1. Projects requiring Preliminary Site Plan Review shall include but not be limited to: Additions to commercial or industrial structures,
2. Decks and patios which include walls or a roof,
3. Grading and excavation and clearing and grubbing in accordance with Section 303.3,
4. Lot splits and; lot line adjustments,
5. Modifications to non-conforming structures,
6. New commercial or industrial structures, construction,
7. Residential structures or additions over 120 square feet,  
-alterations,
8. Sheds and accessory structures buildings, larger than 120 square feet,
9. grading and excavation and clearing and grubbing Projects determined by the Zoning Administrator or Planning and Zoning Commission to be controversial in nature or of significant public interest, and
10. Projects not specifically listed as exempt or requiring Zoning Administrator review.

### **C. PROJECTS REQUIRING REVIEW BY THE ZONING ADMINISTRATOR**

1. Concrete work, pavers and other flatwork – provided the finished surface is no higher than 12” above the surrounding ground surface,
2. Ground level decks and patios – provided the finished surface is no higher than 12” above the surrounding ground surface and the deck or patio does not include walls or a roof,
3. Replacement of exterior stairs with limited change of the existing footprint and approval by the Fire Chief, and
4. Sheds and accessory structures less than or equal to 120 square feet.

### **D. PROJECTS EXEMPT FROM SITE PLAN REVIEW**

1. Repair, replacement and maintenance of existing structures – provided that comparable materials are used and
- ±2. Landscaping (not including accessory structures such as gazebos, pergolas, shade structures and sheds). [Ord. No. 293; Ord. No. 446]

## C.E. PROCEDURE

Applications for A preliminary-site plan review shall be submitted to the Zoning Administrator for review by the Building Inspector, Fire Chief, Zoning Administrator and Planning and Zoning Commission. The site shall be posted according to a procedure outlined by the Zoning Administrator. Such posting will include, but not be limited to, proposed improvements and usage of said property and will commence ~~two (2) weeks~~ fifteen (15) days prior to ~~preliminary~~ site plan review and remain until after final approval. If the site plan can be reviewed and approved by the Zoning Administrator, then site posting is not required. The request for approval shall be accompanied by eight (8) identical copies of the plan. Each copy shall be on one (1) or more sheets of paper measuring not more than twenty four by thirty six inches (24" x 36"), drawn to a scale not smaller than forty (40) feet to the inch which show the following: Plans submitted shall include the following:

1. A North arrow; scale used; lot dimensions referenced to a legal description; street dedications, easements and utilities, both public and private. In cases where the location of a property perimeter is unclear, the Building Inspector may require a boundary survey with corners identified on the ground.
2. A vicinity sketch showing the location of the site in relation to the surrounding street system. Adjacent properties and their uses shall be identified.
3. Location, perimeter size, and use of all existing and proposed buildings and structures: number of stories of all proposed buildings and structures.
4. Size and dimensions of required yards and lot coverage for the zoning district and the space between buildings.
5. Location and height of all existing and proposed walls and fences.
6. Location, number of spaces, dimensions, circulation patterns, and surface materials for all off-street parking and loading areas proposed. All parking shall comply with Section 510 of the Jerome Zoning Ordinance.
7. Existing drainage. Show how proposed drainage will be directed indicating both adequate disposal and protection of neighboring properties.
8. Natural features, such as rock outcroppings, trees over twelve (12) inches in diameter, washes and man-made features such as existing roads and structures, walkways and stairways, with indication as to which are to be retained and which removed or altered.
9. Existing and proposed grades, by spot grades or topographic representation. The Building Inspector may require a topographic survey and additional engineering.
  - a. Slopes exceeding thirty-five (35) percent shall require a topographic survey by a licensed engineer or surveyor. In addition, the applicant shall provide a satisfactory assessment by a licensed engineer regarding soil/geological stability, bearing qualities and drainage. If indicated by this assessment a structural engineer shall design all foundations and retaining structures.
  - b. Exceptions. The additional studies required in number 9(a) may be waived, if the dollar amount of the project does not require a licensed contractor according to A.R.S. 32-1121.
10. All proposed excavation and grading:
  - a. Shall conform to Section 303.3 of this ordinance.
  - b. Where the combined proposed cut and fill exceeds fifty (50) cubic yards, the applicant must obtain a separate grading permit from the Building Inspector. An assessment by a civil, structural or soils engineer may be required to show site



stability and lack of negative impact.

- c. Six (6) months from the date of approval of a grading permit approval becomes void if the grading permit has not been issued.
  - d. Exploratory excavation of ten (10) cubic yards or less can proceed with the approval of the Zoning Administrator and Building Inspector. The applicant shall submit plans for approval by the Planning and Zoning Commission for all excavation in excess of ten (10) cubic yards.
11. Any other information which the Zoning Administrator may find necessary to establish compliance with this and any other ordinances.
  12. Application for sign permits shall be filed in accordance with the provisions of Section 509.

[Ord. No. 293]

#### **D.F. FEE**

The application for Plan Approval shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the offices of the Town Clerk. No part of the filing fee shall be returnable. Payment of the filing fee shall be waived when the petitioner is the Town, County, State or Federal government.

[Ord. No. 293]

#### **E.G. REVIEW PROCEDURES**

Site Plan Review may be accomplished by either the Zoning Administrator or the Planning and Zoning Commission. Once submitted, tThe Zoning Administrator shall have ~~ten (10) working~~ fifteen (15) days from the date of submission of a ~~preliminary~~ site plan application to review said plan for completeness. If Planning and Zoning Commission review is required, a ~~A~~ completed ~~preliminary~~ site plan shall be submitted for review by the commission to the Planning and Zoning Commission at the earliest meeting time available. The Zoning Administrator may request Design Review recommendation on the ~~Preliminary~~ Site Plan. The Zoning Administrator or Planning and Zoning Commission shall approve, conditionally approve or deny said plan. Once denied, the original plan shall not be resubmitted. ~~The Planning and Zoning Commission may, if the preliminary drawings and other data are sufficiently clear and explicit waive the requirements of Section 303.2 and/or Grant Final Approval at the Preliminary Review session, provided all other requirements of this section are conformed with.~~

[Ord. No. 293]

## SECTION 303.2. FINAL SITE PLAN REVIEW

### A. FINAL PLAN PROCEDURES

~~If desired by the applicant, or requested by the Planning and Zoning Commission, projects may also be submitted for Final Site Plan Review. A final site plan shall be submitted to the Zoning Administrator for review by the Building Inspector, Zoning Administrator and Planning and Zoning Commission with a permit application. The request for approval shall be accompanied by eight (8) identical copies of the plan. Each copy shall be on one or more sheets of paper measuring not more than twenty four by thirty six inches (24" x 36"), drawn to a scale not smaller than forty (40) feet to the inch which show all of the features required in the Preliminary Plan and: The following information shall be submitted:~~

1. Any additional features required as a result of engineering and/or soils studies;
2. Compliance with the appropriate sections of the Zoning Ordinance for the Zoning District including:
  - a. lot area
  - b. lot width
  - c. maximum lot coverage
  - d. yard requirements
  - e. off-street parking and loading
  - f. building height
  - g. accessory building height
  - h. any other property development standards specific to the zone.
3. Compliance with all applicable codes, including the Uniform Building Code.
- ~~4. Compliance with any conditions recommended by the Planning and Zoning Commission, the Building Inspector or the Zoning Administrator from the Preliminary Site Plan Review.~~
- ~~5.4. Compliance with any conditions recommended by the Planning and Zoning Commission, Design Review Board, Building Inspector and/or the Zoning Administrator from the Preliminary Site Plan Review; previous review.~~

### B. REVIEW

1. The Final Plan shall be checked for completeness by the Zoning Administrator within fifteen (15) days. A completed final plan shall be presented to the Planning and Zoning Commission and the Design Review Board, when necessary, at the earliest possible meetings.

The Planning and Zoning Commission may approve, approve with conditions or deny. Once denied, the original plan shall not be resubmitted.

The Design Review Board approval of the Design elements of the Final Plan is outlined in Section 304.

2. All copies of the approved plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the Zoning Administrator. One (1) copy of said approved plan and conditions together with a notification of all Design Review requirements and procedures shall be distributed mailed to the applicant and one (1) copy shall be filed with the Building Inspector.

### **SECTION 303.3. GRADING AND EXCAVATION REQUIREMENTS**

All excavation and grading shall be performed in accordance with these provisions.

This section shall not affect existing legal uses of property or the right to continuation of such legal use. However, if a nonconforming use of a structure or land is discontinued for six (6) months, any further use shall comply with these requirements.

Projects with grading or excavation of greater than fifty (50) cubic yards of material shall comply with these requirements.

#### **A. APPROVAL PROCEDURE**

1. Any person wishing to do any grading, filling, excavation, cutting or other site earthwork shall submit plans, drawings and supporting data including the quantity of cut and the quantity of fill and any other information required by the Zoning Administrator and/or Building Inspector. The Planning and Zoning Commission will look for compliance with these requirements in making its decision.
2. Grading shall be done in conjunction with a site plan filed with the Zoning Administrator. Such plan will be presented to the Planning and Zoning Commission at its next regularly scheduled meeting. Grading, excavation and fill shall not:
  - a. adversely affect the lateral support of adjacent property or structures;
  - b. increase the stresses in or pressures upon any adjacent or contiguous property;
  - c. physically infringe on adjacent property;
  - d. include detrimental excavation or stockpiling;
  - e. be in a public right-of-way; and
  - f. have a negative impact on existing drainage.
3. The effect of the proposal on scenic views will be considered for potential impact.
4. Where the slope exceeds thirty-five (35), percent engineering reports shall be required under the Site Plan requirements of the Jerome Zoning Ordinance.

#### **B. POST-APPROVAL PROCEDURE**

If approved by the Planning and Zoning Commission, the activity will be carried out as stipulated in these requirements. The activities described below shall be performed by licensed contractors where required by law.

1. All grading and excavation shall be performed with safety precautions and any anti-erosion or drainage devices required by the Building Inspector.
2. Construction equipment parking and storage needs shall be identified and provisions made not to interrupt, more than absolutely necessary, normal traffic flow.
3. Dust control measures shall be taken and loads covered to prevent spilling and blowing.
4. Fencing of hazardous sites shall be required.
5. Safety fencing to protect neighboring property may be required.
6. The Building Inspector may require adequate inspection and compaction control by an approved soils testing agency. This may include certification concerning the inspection of cleared areas and benches to receive fill and the compaction of fills.

7. Cuts shall be accomplished to blend scale, form and visual character into the natural ~~land forms~~landforms and minimize exposed scars.
8. Cuts shall be adequately fenced.
9. Driveway slope shall not exceed fifteen (15) percent, where possible, within topographic constraints. In every case, driveways shall blend in with the surrounding natural colors, and shall have adequate measures taken for runoff and drainage.
10. Fills shall be accomplished to blend scale, form and visual character into the natural ~~land forms~~landforms and minimize exposed scars.
11. The Building Inspector may require further supporting data to ensure stability.

### **C. RESPONSIBILITIES OF THE APPLICANT**

1. The applicant his agent contractor or employee shall carry out the proposed work in accordance with the approved plans and specifications and in compliance with all Jerome Zoning Ordinance requirements.
2. During grading operations, the applicant shall be responsible for the prevention of damage to any street or drainage facilities or to any public utilities or services.
3. The applicant is responsible for the prevention of damage to adjacent property, and no person shall excavate on land sufficiently close to the property line to endanger any adjoining public street sidewalk alley or other public or private property prior to supporting and protecting such property from settling, cracking or other damage that might result.
4. No modification of the approved grading, excavating or fill plans may be made without the approval of the Planning and Zoning Commission.
5. Neither the issuance of a permit or approval under these requirements, nor the compliance with the provisions hereof, or with any conditions imposed in the permit issued hereunder, shall relieve any person from responsibility for damage to other persons or property, nor impose any liability upon the Town of Jerome for damage to other persons or property.
6. An as-built plan including original ground surface elevations, as-built surface elevations, site drainage patterns and location and elevations of all surface and sub-surface drainage facilities shall be submitted upon completion of work. If required by the Building Inspector, a civil engineer's certification shall be provided for the final plan.

## **SECTION 303.4. APPEALS AND EXPIRATION OF APPROVALS**

### **D.A. APPEALS**

1. Any applicant, person located within 300 feet of the project, or person ~~or persons~~ directly adversely affected; may appeal a decision of the Planning and Zoning Commission to the Town Council by filing a written notice of appeal with the Town Clerk not later than thirty-five (3015) days from date of the Commission's decision. If the appellant is not the applicant and beyond 300 feet of the project, the appellant shall clearly demonstrate how they might be adversely affected by the proposed project.
2. When a written appeal is filed with the Town Clerk, the Council shall evaluate the appeal at their next available regular or special meeting. Where an appeal has been filed, the Council may elect to set the matter for a public hearing. If such action is taken, a legal notice shall be published at least once in the official newspaper of the Town, the site shall be posted at least fifteen (15) days prior to the hearing date, and notice shall be mailed to property owners within 300 feet. Notice shall also be given to the Planning Commission and the appellant. The Zoning Administrator shall submit a report to the Council with all relevant information and set forth the reasons for action taken by the Planning and Zoning Commission.
- ~~1.3.~~ Any applicant ~~or person or persons directly affected,~~ may appeal a decision of the Zoning Administrator to the Board of Adjustment by filing a written notice of appeal with the Zoning Administrator, not later than thirty-five (3015) days from the date of the Zoning Administrator's decision.

### **E.B. BUILDING PERMIT ISSUANCE EXPIRATION OF APPROVAL**

1. Six (6) months from the date of approval, a plan approval becomes void if a building permit has not been issued and/or work has not commenced.
- ~~1.2.~~ A Building permit may not be issued by the Building Inspector until the fifteen (15) day appeal period has expired.
- ~~2.3.~~ An extension of approval may be granted if the applicant files for an extension prior to the approval becoming void and the extension is granted by the approving body.

### **F.C. VIOLATION AND ENFORCEMENT**

1. Prior to the issuance of a Building Permit, the Building Inspector shall ascertain that the Planning and Zoning Commission has approved ~~Preliminary and Final~~ plans which are in conformance to those presented with the Building Permit application and that the time limitations imposed by this Ordinance have not elapsed.
2. The Zoning Administrator shall ensure that all matters are undertaken according to the conditions of the approved plan. If, during the course of work, changes in the approved plan are necessitated by conditions found at the site, an appropriately licensed engineer's approval may be required for the modified plans. In the event of a violation, the Zoning Administrator shall notify the permittee, by mail, that he is in violation of the conditions of the approved plan. If there are no plans, approved by the Zoning Administrator, to eliminate the violation within ~~ten (10)~~ fifteen (15) days after notification, the building permit shall be revoked and considered null and void.
3. If, thirty (30) days after written notification by the Zoning Administrator, the applicant a Citizen is still in violation of this Ordinance, the Zoning Administrator shall take appropriate legal action to abate the violation.

## SECTION 304. DESIGN REVIEW

### A. PURPOSE

The purpose of Design Review is to enable the Design Review Board to review the exterior design of proposed new buildings and structures, proposed alterations of buildings and structures, ~~landscaping plans,~~ proposed signs, and proposed demolition of structures, within the Historic Overlay District, in order to ensure that new development is compatible with the surrounding environment, and to preserve and protect the historical character of the Town of Jerome. Design Review is intended to promote and preserve Jerome's economic and environmental well-being which depends exclusively upon its distinctive character, natural attractiveness, and overall architectural quality which contribute substantially to its viability as a recreational and tourist center and which contributed to its designation as a National Historic Landmark. Design Review is intended to enrich the lives of all the citizens of Jerome by promoting harmonious, attractive, and compatible development, and is therefore considered to be in furtherance of the general welfare. ~~The provisions of this Section shall apply to all new construction, exterior alterations, demolitions, and signs, in the Historic Overlay District.~~

### B. PROJECTS REQUIRING REVIEW BY THE DESIGN REVIEW BOARD

1. Awnings and permanent signs,
2. Additions and exterior modifications to commercial or industrial structures,
3. Demolitions of existing structures,
4. Fences and walls,
5. Additions and exterior modifications to residential structures (unless listed as exempt or subject to administrative review and approval),
6. New commercial or industrial structures,
7. Murals,
8. Paint, stain, and similar coatings for commercial structures,
9. Sheds and accessory structures,
10. Projects determined by the Zoning Administrator or Design Review Board to be controversial in nature or of significant public interest, and
11. Projects not specifically listed as exempt or requiring Zoning Administrator review.

### C. PROJECTS REQUIRING REVIEW BY THE ZONING ADMINISTRATOR

1. Changes in roof material or color,
2. Concrete work, pavers and other flatwork – provided the finished surface is no higher than 12" above the surrounding ground surface,
3. Ground level decks and patios – provided the finished surface is no higher than 12" above the surrounding ground surface and the deck does not include walls or a roof
4. Replacement of exterior stairs with limited change of the existing footprint and approval by the Fire Chief, and
5. Window and door replacement (provided the new window or door is approximately the same size and style of the window or door being removed).

#### **D. PROJECTS EXEMPT FROM DESIGN REVIEW**

1. Landscaping (not including accessory structures such as gazebos, pergolas, shade structures and sheds) and
2. Repair, replacement, and maintenance of existing structures – provided that comparable materials are used.
3. Nothing in this Section shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure; nor shall anything in this article be construed to prevent the construction, reconstruction, alteration or demolition of any such elements which the authorized municipal officers shall certify as required by public safety.

#### **B.E. PRELIMINARY REVIEW PROCEDURE**

- ~~1. Prior to the preparation of final design and working drawings and specifications or calling for bids from contractors, prospective property developers, owners or agents shall prepare preliminary scale drawings, photographs, specifications color samples, and material samples, and shall present these items to the Design Review Board for informal review and discussion. The purpose of this Review shall be to acquaint the developer, owner or agent with standards of design that are required of his proposed development.~~
1. Applications for design review shall be submitted to the Zoning Administrator for review by the Building Inspector, Fire Chief, Zoning Administrator and Design Review Board. Review may be accomplished by either the Zoning Administrator or the Design Review Board. Once submitted, the Zoning Administrator shall have fifteen (15) days from the date of submission of an application to review the application for completeness. If review is required by the Design Review Board, the application shall be submitted for review by the board at the next available meeting. If Site Plan Review is required according to Section 303, the application shall be submitted concurrently. The Design Review Board or Zoning Administrator shall approve, conditionally approve, or deny the application. Once denied, the original plan shall not be resubmitted.
2. When, in the opinion of the Design Review Board, upon hearing and considering all relevant information, a project is not in keeping with either the tenets of this Ordinance or the Jerome Comprehensive Plan, the project shall be denied by specific motion of the Board.

#### **C. FINAL REVIEW**

~~When required by the Design Review Board to submit an Application for Final Approval, the applicant shall do so in accordance with the requirements of Subsection D of this Section.~~

#### **D.F. APPLICATION FOR FINAL APPROVAL AND PERMIT**

1. An application for Design Review approval shall be filed with the Zoning Administrator on a form prescribed by the Administrator. All applications, at a minimum, must be accompanied by the following:
  - a. the name and address of the property owner;
  - b. the signature of the property owner or an authorized agent;
  - c. ~~eight (8) copies of the~~ plot plan or site layout, drawn to scale, including all improvements affecting the appearances such as walls, walks, terraces, landscaping, accessory buildings, lights and other elements;
  - d. one (1) set of legible photographs showing all sides of existing structures on the site;

- e. one (1) set of legible photographs showing the adjoining properties, buildings and structures;
  - f. ~~eight (8) copies of~~ exterior elevations, drawn to scale, ~~on one (1) or more sheets of paper measuring not more than twenty four by thirty six inches (24" x 36")~~, with sufficient detail to show, as far as they relate to exterior appearances, the design, proposed materials, textures and colors, and
  - g. any other information which the Zoning Administrator or Design Review Board may find necessary to establish compliance with this Section.
2. An application for *Approval of the Demolition, Partial Demolition or Removal of an Existing Building or Structure* shall be filed with the Zoning Administrator on a form prescribed by the Administrator. The application shall be accompanied by the following:
- a. Legible photographs showing all sides of the building or structure for which the application is made. (1 copy)
  - b. Legible photographs showing the adjoining properties. (1 copy)
  - c. Any other information the Zoning Administrator or Design Review Board may find necessary to establish compliance with this Section.
3. An application for Design Review Board approval of a proposed new Sign shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall be accompanied by: ~~eight (8) identical copies a copy~~ of the sign plans. ~~Each copy shall be on one (1) or more sheets of paper measuring not more than twenty-four by thirty-six inches (24" x 36") drawn to scale, which~~ Plans shall ~~show~~ include 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 resubmit 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.~~
- ~~4. Upon receipt of a complete application for Final Approval, the Zoning Administrator shall forward it to the chairman of the Design Review Board. The application shall be reviewed by the Design Review Board within the time limits established in Subsection F of this Section. The Zoning Administrator shall notify the applicant of the time and place of the meeting.~~



**E.G. FEE**

The application for Design Review shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the offices of the Town Clerk. No part of the filing fee shall be returnable. Payment of the filing fee shall be waived when the petitioner is the Town, County, State or Federal Government.

**F.H. REVIEW PROCEDURES AND CRITERIA**

1. The Design Review Board and Zoning Administrator shall use the following criteria to review proposed applications for new construction. ~~shall review a submitted application for design approval for all new construction and/or installation of Accessory Features. In doing so, both the Design Review Board~~ Where available, the Zoning Administrator, Design Review Board and the applicant shall use photographs, lithographs and the like of Jerome, to support their findings. If photographs, etc., are unavailable, then the determination or finding shall be based on the works of a recognized historic preservation authority; such as, but not limited to, text books or architect/historian. Each of the following criteria must be satisfied before an application can be approved.
  - a. PROPORTION – The relationship of the width of building or structure to its height shall be visually compatible to buildings, structures and places to which it is visually related
  - b. OPENINGS – The relationship of the width of the windows and doors, to height of windows and doors in a building shall be visually compatible with buildings, structures, and places to which the building is visually related.
  - c. PATTERN – The relationship of solids to voids in the facade of a building or structure shall be visually compatible with buildings, structures and places to which it is visually related.
  - d. SPACING – The relationship of buildings or structure to the open space between it and adjoining buildings shall be visually compatible to the buildings, structures, and places to which it is visually related.
  - e. ENTRANCES, PORCHES, DECKS AND PROJECTIONS – The height, projection, supports, and relationship to streets and sidewalks, of entrances, porches, decks, awnings, canopies, and balconies of a building shall be visually compatible to the buildings, structures, and places to which it is visually related
  - f. MATERIALS, TEXTURE AND COLOR – The materials, texture and color of the facade of a building or structure, shall be visually compatible with the predominant materials, textures, and color used in the building and structures to which it is visually related.
  - g. ROOFS – The roof shape of a building shall be visually compatible with the buildings to which it is visually related.
  - h. ARCHITECTURAL DETAILS – Doors, windows, eaves, cornices, and other architectural details of a building or structure shall be visually compatible with buildings and structures to which it is visually related.
  - i. ACCESSORY BUILDINGS - Garages, carports and sheds shall be visually compatible with buildings, structures and places to which they are visually related.
  - j. ACCESSORY FEATURES – Fences, walkways, decks, stairways, lighting, antenna and other manmade structures shall be visually compatible with buildings, structures, and places to which they are visually related.
  - k. LANDSCAPING – Landscaping shall be visually compatible with the landscaping around the buildings, structures, and places to which it is visually related.

- l. SCREENING – The proposed addition, alteration or other changes shall be screened with appropriate materials and in an appropriate design so as to be visually compatible with related properties, when, in the opinion of the Design Review Board, all other means of assuring visual compatibility are not reasonably possible.
  - m. SOLAR INSTALLATIONS – Refer to “Solar Energy System Design Guidelines” approved by the Town Council in June 2015, utilizing best practices for installing solar on historical buildings as recommended by the Department of the Interior. These Guidelines are available at Jerome Town Hall, the Jerome Library and on the Town of Jerome website.
2. The Design Review Board and Zoning Administrator shall review a submitted application for *Design Approval of Alterations, Additions, or Renovations to Existing Buildings or Structures*, and shall have the power to approve, conditionally approve, or disapprove all such requests, basing its decision on the following criteria:
    - a. ARCHITECTURAL FEATURES AND DETAILS – Original porches, decks, balconies, canopies, doors, windows, walls, fences, stairways, eaves, cornices, and other architectural features and details shall be preserved and retained where feasible. Necessary replacement of these features should be as near as possible to the original feature in design and material.
    - b. ROOFS – Original roof shape, design, and material shall be preserved and retained where feasible. Where contemporary roofing material is used, it should be as near as possible to the appearance of the original roofing material.
    - c. COLOR – Exterior colors should be as near as possible to the original colors appropriate to the years during which the particular building or structure was built.
    - d. MATERIALS AND TEXTURE – The original exterior materials and texture shall be preserved and retained where feasible. Where contemporary materials are used, they should be as, near as possible to the original material and texture.
  3. The Design Review Board shall review a submitted application for *Approval of the Demolition, Partial Demolition, or Removal of Existing Buildings or Structures*, and shall have the power to approve, conditionally approve, or disapprove, all such requests; in accordance with the following procedures and criteria.
    - a. In passing on an application for demolition, partial demolition, or removal, the Design Review Board shall consider, among other things, the architectural or aesthetic quality or significance of the building or structure to the public interests of the Town.
    - b. If the Design Review Board finds that the preservation and protection of historic places and the public interest will best be served by postponing the demolition, partial demolition, or removal of a building or structure, it may postpone such action for a designated period, which shall not exceed one hundred eighty (180) days from the receipt of the application, and shall notify the applicant of such postponement. Within the period of postponement such demolition or alteration of any building, the Design Review Board shall take steps to ascertain what the Town Council can or may do to preserve such building, including consultation with private civic groups, interested private citizens and other public boards or agencies and including investigation of the potential use of the power of eminent domain when the preservation of a given building is clearly in the interest of the general welfare of the community and of certain historic and architectural significance. The Design Review Board shall then make such recommendations thereabout to the Town Council as the Board may determine to submit.

4. The Design Review Board shall review a submitted application for Design Approval of Signs and shall have the power to approve, conditionally approve, or disapprove all such requests, basing its decision on the following criteria:
  - a. MATERIALS – Signs made of wood are preferred.
  - b. LETTERING – Lettering and symbols on signs should be routed, applied, or painted on the surface of the signing material.
  - c. COLORS – Colors of a sign shall be visually compatible to the colors of buildings, structures, and signs to which the sign is visually related.
  - d. EXCEPTIONS – The Design Review Board may waive the requirements of this Section and Section 507 in order to allow the preservation or restoration of signs or commercial graphics which are determined to be of historical significance or of particular interest.
- ~~5. The Design Review Board shall have thirty (30) days from the date of submission of a complete application to review the request and approve, conditionally approve, or reject, said request, and notify the applicant of his decision in writing. If, however, the Design Review Board wishes to hold a public hearing on the request, the Board shall fix a reasonable time for such hearing, but not more than forty five (45) days from the date of submission of a complete application. Prior to holding a public hearing, a Neighborhood Meeting may be required in accordance with Section 306 of this Zoning Ordinance. The Design Review Board shall give notice of the hearing at which the application will be considered by publication of notice in the official newspaper of the Town and by posting the property affected not less than, fifteen (15) days prior to the hearing. The notice shall set forth the time and place of the hearing and include a general explanation of the matter to be considered. In such case, the Design Review Board shall render its decision within fifteen (15) days after the public hearing.~~
- ~~6. If the decision is to deny the request for Design Approval, the applicant shall be so notified in writing, and the decision shall set forth in detail the reasons for denial.~~
- ~~7. If the decision is to approve or conditionally approve the request for Design Approval, all copies of the approved plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the chairman of the Design Review Board. One (1) copy of said approved plan and conditions shall be mailed to the applicant, one (1) copy shall be filed with the Building Inspector, and one (1) with the Zoning Administrator.~~

[Ord. No. 374; Ord. No. 406; Ord. No. 451]

#### **G.I. APPEALS AND EXPIRATION OF APPROVALS**

~~When, in the opinion of the Design Review Board, upon hearing and considering all relevant information, a project is not in keeping with either the tenets of this Ordinance or the Jerome Comprehensive Plan, the project shall be denied by specific motion of the Board. Any applicant who is aggrieved by such a decision may petition the Mayor or Council for a review within thirty (30) days of the decision. Questions of esthetics or design standards are not appealable to the Mayor and Council, but may be presented to a Court of Record within thirty (30) days of the decision. Additionally, if in the opinion of the Zoning Administrator a decision is not in conformance with the Zoning Code or Comprehensive plan, the Zoning Administrator may request a review by the Mayor and Council within thirty (30) days. By specific motion during an official meeting, the Mayor and Council may refuse to consider a request for review brought by the Zoning Administrator. Finally, the Mayor and Council shall maintain the right to review any and all decisions of the Design Review Board.~~

1. Any applicant, person located within 300 feet of the project, or person adversely affected; may appeal a decision of the Design Review Board to the Town Council by filing a written notice of appeal with the Town Clerk not later than fifteen (15) days from date of the

Commission's decision. If the appellant is not the applicant and beyond 300 feet of the project, the appellant shall clearly demonstrate how they might be adversely affected by the proposed project.

2. When a written appeal is filed with the Town Clerk, the Council shall evaluate the appeal at their next available regular or special meeting. Where an appeal has been filed, the Council may elect to set the matter for a public hearing. If such action is taken, a legal notice shall be published at least once in the official newspaper of the Town, the site shall be posted at least fifteen (15) days prior to the hearing date, and notice shall be mailed to property owners within 300 feet. Notice shall also be given to the Design Review Board and the appellant. The Zoning Administrator shall submit a report to the Council with all relevant information and set forth the reasons for action taken by the Design Review Board.
3. Any applicant may appeal a decision of the Zoning Administrator to the Board of Adjustment by filing a written notice of appeal with the Zoning Administrator, not later than fifteen (15) days from the date of the Zoning Administrator's decision.
4. Six (6) months from the date of approval, a plan approval becomes void if a building permit has not been issued and/or work has not commenced
5. A Building permit may not be issued by the Building Inspector until the fifteen (15) day appeal period has expired.
6. An extension of approval may be granted if the applicant files for an extension prior to the approval becoming void and the extension is granted by the approving body.

#### **H. EXPIRATION OF DESIGN REVIEW APPROVAL**

- ~~1. Six (6) months from the date of approval, a Design Approval becomes void if a building permit has not been issued.~~
- ~~2. An extension of approval may be granted if the applicant files for an extension prior to the approval becoming void and the extension is granted by the Design Review Board.~~
- ~~3. The Zoning Administrator shall notify the permittee by mail of an expiration of Design Approval.~~

#### **H.J. VIOLATIONS AND ENFORCEMENT**

1. Prior to the issuance of a building permit, the Building Inspector shall ascertain that the Design Review Board has approved plans which are in conformance to those presented with the Building Permit application and that the time limitations imposed by this ordinance have not elapsed.
2. The Zoning Administrator shall ensure that all matters are undertaken according to the conditions of the Design Approval. In the event of a violation, the Zoning Administrator shall notify the permittee, by mail, that he is in violation of the conditions of the Design Approval. If no attempt to change the circumstances of the violation is made within ten (10) days after notification, the building permit shall be revoked and considered null and void.
3. Violations, Enforcements and Fines. If, thirty (30) days after written notification by the Zoning Administrator, a citizen is still in violation of this ordinance, the Zoning Administrator shall take appropriate legal action to abate the violation.

#### **J. EXCLUSIONS**

~~Nothing in this Section shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure; nor shall anything in this article be~~

~~construed to prevent the construction, reconstruction, alteration or demolition of any such elements which the authorized municipal officers shall certify as required by public safety.~~

## Section 502 - General Provisions

3. In any district, the height of a deck may not exceed twenty-seven (27) feet from the natural grade.

[Ord. No. 374]

### J. WALLS AND FENCES

1. No freestanding wall or fence shall be constructed until a permit for such construction has been issued by the Building Inspector. No such permit shall be issued until the application for such permit has been reviewed and approved by the Zoning Administrator and/or the Design Review Board in accordance with the provisions of Section 303 and Section 304.
2. In any residential or commercial zone, no wall or fence over three (3) feet high shall be constructed or maintained nearer to the street line than the front and side walls of the building erected, nor be more than six (6) feet in height on any side or rear-lot-line. Provided, however, that open wire fences exceeding the above heights may be built around schools and other public or quasi-public institutions when necessary for the safety or restraint of the occupants thereof.
3. No fence or wall shall contain barbed wire, electrical current or charge of electricity, broken glass, or similar hazardous materials or devices, provided, however, that fences enclosing storage areas in industrial districts may use barbed wire so long as such wire is located not less than six (6) feet above grade.

### K. EXTERIOR LIGHTING

All lighting for off-street parking or loading areas or for the external illumination of buildings or signs shall be directed away from and shielded from any adjacent residential district and shall not detract from driver visibility on adjacent streets.

### L. REMOVAL OR DEMOLITION OF BUILDINGS OR STRUCTURES

No building or structure which has been wholly or partially erected on any property located within the Town of Jerome shall be demolished or removed until a permit for such demolition or removal has been issued by the Zoning Administrator. A permit for removal or demolition of any building or structure shall not be issued until the application for such a permit has been reviewed and approved by the Design Review Board in accordance with the provisions of Section 304.

### M. HOME OCCUPATIONS

1. Home occupations shall be clearly incidental and subordinate to the use of the property and dwelling unit for dwelling purposes, and shall not change the character thereof.
2. There shall be no employees other than members of the immediate family residing on the premises.
3. No business shall be conducted which requires delivery vehicles or other services not customary to a residence.
4. Signs shall be subject to applicable provisions of Section 509.
5. All materials and equipment used and maintained in connection with a home occupation must be used and stored inside the dwelling and accessory buildings.
6. No public display of items for sale shall be permitted.



# TOWN OF JEROME

Post Office Box 335, Jerome, Arizona 86331

(928) 634-7943

## Zoning Administrator Analysis Planning and Zoning Commission Wednesday, February 17, 2021

**ITEM 5:** Public hearing on code amendments related to temporary signage  
**Applicant/Owner:** Town of Jerome  
**Recommendation:** Discussion/possible action  
**Prepared by:** John Knight, Zoning Administrator  
**Resolution:** **P&Z Reso. 2021-03**

**Background and Summary:** 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. The proposed changes have been discussed and reviewed by both the Planning and Zoning Commission and the Town Council.

- May 12, 2020, the Council initiated the amendment to Section 509 of the Jerome Zoning Ordinance related to temporary signs.
- June 3, 2020, the Planning and Zoning Commission held a work session on temporary signs.
- September 16, 2020, the Planning and Zoning Commission continued the discussion on temporary signs.
- December 1, 2020 the Planning and Zoning Commission and Town Council further discussed temporary signage amendments.
- January 20, 2021, the Planning and Zoning Commission reviewed additional suggestions for amendments.

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

The zoning ordinance addresses a variety of types of temporary signs. These include A-frame signs (sometimes referred to as "free speech signs"), real estate signs, banners, and candidate/political signs. Note that flags are addressed separately.

**Additional revisions:** In addition to the revisions discussed on January 20, staff suggests several additional changes. These are noted below.

- **Materials** – Section 304.F.4. REVIEW PROCEDURES AND CRITERIA states, "Signs made of wood are preferred." Based on experience, signs made of wood do not hold up well to the elements. Signs can now be made of a variety of weatherproof materials such as acrylic, aluminum, MDO (a resin laminate), ACM (an aluminum laminate) and Dibond (also an aluminum laminate). In many cases, these signs can be made to look like wood. These materials have been added to the proposed amendments as appropriate materials for sign construction.

- **Other restrictions for temporary signs** – An additional standard has been added to Section 509.F.4. that prohibits illumination of temporary signs.
- **Flags** – Additional language has been added to Section 509.E.13. regarding flags. Under this provision, common types of flags are included, but are not limited to, the “insignia of any nation, organization of nations, state, province, county, city, any religious, civic or fraternal organization, or educational institution.”
- **Off-premise signs** – A provision has been added that restricts off-premise signs in the commercial and industrial zones but allows off-premise signs in the residential zones (to allow for temporary signs such as garage sale or realty signs).
- **Barber poles** – At the previous meeting, there was mention about whether traditional barber pole signs would be allowed to rotate. Although not included in the proposed draft, the commission may wish to consider amending the ordinance to allow traditional barber poles to rotate. It should be noted that Clarkdale has a provision in their zoning ordinance that allows rotating barber poles. This could be added to the ordinance if the commission desires.

### Summary of Suggested Changes to Section 509:

**Section 509.B. - Definitions:** Amendments to the definitions include:

1. **Clear Vision Triangle** – adding a definition of the area in which a sign cannot be placed at the intersection of two roads. This is defined as a triangle that is thirty feet for each leg adjacent to a road.
2. **Flying Banner, Balloon Sign, and Sign Walker** – definitions added for *flying banners*, *balloon signs*, and *sign walkers*. Note that these types of signs are prohibited.
3. **Campaign Sign** – the definition of *campaign sign* has been removed since it is a type of temporary sign.
4. **Temporary Sign** – the definition has been modified to identify that these types of signs are not permanently affixed to a structure or the ground. The restriction on the period it can be displayed has been removed since it is addressed later in the ordinance under Section 509.G.

**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:

1. **Off-premise signs** – the provision regarding off-premise signs has been deleted, which are prohibited in the commercial/industrial zones but allowed in the residential zones. This allows for temporary garage sale signs to be placed off the premises. Note that a separate section has been added to address flags.
2. **Political signs, real estate signs, contractor signs** – these have been deleted as separate categories since all temporary signs are treated the same.
3. **Flags** – a new section has been added to allow up to two (2) flags per flagpole and a maximum size of sixteen (16) square feet per flag. Note that the zoning ordinance already has a provision under Section 502.I.2.a. that addresses flagpoles, antennas, and spires.

**Section 509.F. – Regulations applicable to signs in residential zones:** New language has been added to allow temporary signs in residential zones up to a maximum area of five (5) square feet. This would include all types of temporary signs: garage sale, candidate/campaign signs, real estate, contractor signs, and signs exhibiting messages of free speech. As noted above, flags are addressed separately. Additional restrictions include sign size (no greater than



five [5] square feet), setbacks (no closer than ten [10] feet to the right of way unless the primary structure is closer than that), and a maximum height of four (4) feet.

**Section 509.G. – Regulations applicable to signs in commercial and industrial zones:**

New language has been added to allow temporary signs in the commercial and industrial zones to be up to a maximum area of eight (8) square feet. Note that this section also restricts the posting of temporary signs to a maximum of 45 consecutive days.

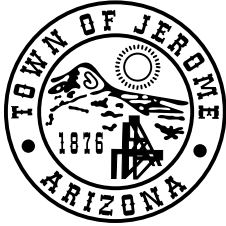
**Section 509.H. – Prohibited Signs:** A list of prohibited signs has been added. The following types of signs are prohibited.

1. Abandoned signs
2. Billboards
3. Digital or electronic signs with changeable copy
4. Flying banners
5. Flashing, blinking, or moving signs
6. Gas-generated signs
7. Inflatable and balloon signs
8. Off-premise commercial signs
9. Signs attached or painted on trees, rocks, or other natural features
10. Signs emitting any sound designed to attract attention
11. Signs in the clear vision triangle
12. Signs in the right of way
13. Signs painted on fences
14. Sign walkers
15. Signs with visible bulbs, neon tubing, or luminous paints

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

**Attachment:**

- P&Z Resolution 2021-03
- Redline of suggested changes to the Jerome Zoning Ordinance



# TOWN OF JEROME

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

## **P&Z Resolution No. 2021-03 Code amendments related to signage**

WHEREAS, the Town of Jerome is interested in amending Sections 304 and 509 of the Jerome Zoning Ordinance; and

WHEREAS, the proposed amendments include, but are not limited to, temporary signs; and

WHEREAS, the proposed amendments also include appropriate materials for permanent signs; and

WHEREAS, the Jerome Town Council initiated the ordinance amendment on May 12, 2020; and

WHEREAS, the Jerome Planning and Zoning Commission held a hearing and provided public notice in accordance with Section 301.C. of the Jerome Zoning Ordinance; and

WHEREAS, a notice was published in the *Verde Valley Independent* newspaper on January 31, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the Town of Jerome, Arizona, that the Town Council of the Town of Jerome adopt amendments to Sections 304 and 509 of the Jerome Zoning Ordinance regarding signs as shown in the attachment.

ADOPTED AND APPROVED by a majority vote of the Planning and Zoning Commission on the February 17, 2021.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Jessamyn Ludwig, Chair

Attachment – redline version of proposed text amendments

# Proposed changes to the Jerome Zoning Ordinance regarding Signs

Prepared for the February 17, 2021  
Planning and Zoning Commission  
meeting

Additions shown in underline,  
deletions shown in ~~strikeout~~

## Section 304.F.4.

solar on historical buildings as recommended by the Department of the Interior. These Guidelines are available at Jerome Town Hall, the Jerome Library and on the Town of Jerome website.

2. The Design Review Board shall review a submitted application for *Design Approval of Alterations, Additions, or Renovations to Existing Buildings or Structures*, and shall have the power to approve, conditionally approve, or disapprove all such requests, basing its decision on the following criteria:
  - a. ARCHITECTURAL FEATURES AND DETAILS – Original porches, decks, balconies, canopies, doors, windows, walls, fences, stairways, eaves, cornices, and other architectural features and details shall be preserved and retained where feasible. Necessary replacement of these features should be as near as possible to the original feature in design and material.
  - b. ROOFS – Original roof shape, design, and material shall be preserved and retained where feasible. Where contemporary roofing material is used, it should be as near as possible to the appearance of the original roofing material.
  - c. COLOR – Exterior colors should be as near as possible to the original colors appropriate to the years during which the particular building or structure was built.
  - d. MATERIALS AND TEXTURE – The original exterior materials and texture shall be preserved and retained where feasible. Where contemporary materials are used, they should be as, near as possible to the original material and texture.
3. The Design Review Board shall review a submitted application for *Approval of the Demolition, Partial Demolition, or Removal of Existing Buildings or Structures*, and shall have the power to approve, conditionally approve, or disapprove, all such requests; in accordance with the following procedures and criteria.
  - a. In passing on an application for demolition, partial demolition, or removal, the Design Review Board shall consider, among other things, the architectural or aesthetic quality or significance of the building or structure to the public interests of the Town.
  - b. If the Design Review Board finds that the preservation and protection of historic places and the public interest will best be served by postponing the demolition, partial demolition, or removal of a building or structure, it may postpone such action for a designated period, which shall not exceed one hundred eighty (180) days from the receipt of the application, and shall notify the applicant of such postponement. Within the period of postponement such demolition or alteration of any building, the Design Review Board shall take steps to ascertain what the Town Council can or may do to preserve such building, including consultation with private civic groups, interested private citizens and other public boards or agencies and including investigation of the potential use of the power of eminent domain when the preservation of a given building is clearly in the interest of the general welfare of the community and of certain historic and architectural significance. The Design Review Board shall then make such recommendations thereabout to the Town Council as the Board may determine to submit.
4. The Design Review Board shall review a submitted application for Design Approval of Signs and shall have the power to approve, conditionally approve, or disapprove all such requests, basing its decision on the following criteria:
  - a. MATERIALS – Signs ~~shall be made of wood are preferred.~~ of durable, weather resistant materials such as acrylic, resin, steel, aluminum or composite materials.
  - b. LETTERING – Lettering and symbols on signs should be routed, applied, or painted on the surface of the signing material.

## 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. Clear Vision Triangle - means a triangle shaped zone formed by the existing or proposed curb lines of two or more intersecting streets, roads, or alleys and a third line connecting said curb lines at a distance of thirty (30) feet in each direction from the point of curb line intersection, in order to provide vehicular traffic an unobstructed view of cross traffic at intersections. In locations without curbs, the edge of the drivable surface of the street or road shall be treated the same as a curb.
2. Flying Banner – a flexible or rigid pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which is used for the primary purpose of advertising or attention-getting by the public display of visually communicative images. Such banners are also known and sold under names which include, but are not limited to, “quill sign,” “wing banner”, “banana banner,” “blade banner,” “flutter banner,” “flutter flag,” “bowflag,” “teardrop banners,” and others. The definition includes functionally similar display devices.
3. 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.
- ~~4.~~ Sign, Balloon - Balloon sign shall mean any sign painted onto or otherwise attached to or suspended from a balloon, whether such balloon is anchored or affixed to a building or any other portion of the premises or tethered to and floating above any portion of the premises.
- ~~2.~~ Area - A rectangular area calculated by drawing horizontal and vertical lines from all sign extremities excluding those which are essentially sign supports.
- ~~3.5.~~ Sign, Campaign – A sign whose sole purpose is to advertise a political candidate or issue.
- ~~4.6.~~ 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.
- ~~5.7.~~ Sign, Canopy - A sign mounted on or painted on a canopy or awning.
- ~~6.8.~~ Sign, Free-Standing - A sign not attached to or supported by a building.
- ~~7.9.~~ Sign, Height - The vertical distance from the ground directly under the sign to the lowest point of the sign.
- ~~8.10.~~ Sign, Interior - Signs within a building not accessible from outside. Interior signs are not regulated by this ordinance.

- ~~9.~~ ~~Sign, Gas Generated – Gas generated signs or signs illuminated by gas generated lighting, other than those existing on June 14, 1977, are prohibited.~~
- ~~10-11.~~ Sign, Off-premise - A permanent or temporary sign not located on the premises of the business which it advertises. A district sign is not an off-premises sign.
- ~~11-12.~~ 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.
- ~~12-13.~~ 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").
- ~~13-14.~~ 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").
- ~~14-15.~~
- ~~15.~~ Sign, Projecting - A building mounted sign which projects from and is supported by a wall of a building.
16. 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.
17. Sign, Historical/Historical Period - A sign in use in Jerome during the period between 1876 and 1953.
18. 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.
19. Sign, Open/Closed - A sign indicating that a place of business is open or closed.
- ~~20.~~ Sign, Temporary - A sign not permanently attached to a structure or to the ground. Examples of temporary signs include garage sale signs, temporary sale signs, contractor signs, banner signs, candidate signs, and real estate signs. The definition of temporary sign does not include flags. displayed for not more than forty five (45) consecutive days or a total of ninety (90) days in a calendar year.
- ~~21.~~ Sign Walker - A person (or persons) waving "sales theme signs" with arrows at entrances to major highways or at corners of high traffic intersections directing customers to a sale. Also called sign twirlers, sign holders, human billboards, sign events.
- ~~20-22.~~ 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.
  - ~~e.~~ ~~Political signs.~~
  - ~~d.~~ On-site menu boards, either in a wall-mounted case or window display.
  - ~~e.~~ ~~d.~~ 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 permanent 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 in the clear vision triangle, 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.~~
- ~~6.5.~~ 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.
- ~~7.6.~~ Lighting shall be directed at the sign from an external incandescent light source and shall be installed so as to avoid any glare or reflection into any adjacent property, or onto a street or alley so as to create a traffic hazard. These restrictions shall apply to internally lighted signs, which may be allowed if constructed of metal or wood. No internally lit signs that are constructed of acrylic or plastic are allowed. No sign that flashes or blinks shall be permitted outside. No visible bulbs, neon tubing, or luminous paints, shall be permitted as part of any sign.
- ~~8. No sign or part of a sign shall have mechanically moving parts or audible devices.~~
- ~~9. Political signs shall be permitted up to a total area of six (6) square feet in area for each premise, but shall not be placed in the public right of way or upon power or telephone poles. Political signs may be erected no earlier than sixty (60) days prior to any primary or general election; they shall be removed within ten (10) days after the election.~~
- ~~10. One (1) real estate sign located on the property it refers to will be permitted.~~
  - ~~a. The sign shall be a maximum size of eighteen inches by twenty four inches (18" x 24"). Additionally, one (1) rider denoting the name of the agent not exceeding six inches by 24 inches (6" x 24") may be attached to the real estate sign. Upon opening of an escrow, an additional rider not exceeding six inches by twenty four inches (6" x 24") and containing the word "sold" or "pending" may be attached. Any other types of descriptive riders are specifically prohibited.~~
  - ~~b. All real estate signs must be removed within three (3) days of any transfer of ownership (recordation) of the property.~~
- ~~11. Contractor identification signs or Contractor and/or Architect identification signs may be erected for the duration of construction. Such construction signs are to be removed~~



~~seven days after a certificate of occupancy is issued. The signs shall not exceed four (4) square feet in area. Also, signs warning of construction debris or denoting project sponsored by a funding source may be erected.~~

- ~~12.7.~~ 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.
- ~~13.8.~~ 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.
- ~~14.9.~~ Signs shall be removed upon thirty (30) days of business relocation or closure.
10. 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.
- ~~15.11.~~ 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. Examples of flags include, but are not limited to, the insignia of any nation, organization of nations, state, province, county, city, any religious, civic, or fraternal organization, or educational institution. The area of each flag shall not exceed sixteen (16) square feet and the height of the flag shall be no taller than any building located on the same property. For the purpose of determining the area of a flag, only one side of the flag shall be counted. Flags may be externally illuminated. A sign permit is not required for a flag.

[Ord. No. 457]

## 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 without a permit, subject to the following provisions.
  - a. The sum area of all temporary signs does not exceed five (5) square feet in size.
  - b. If the temporary sign pertained to an event (such as an open house or garage sale), the sign shall be removed within three (3) days of the completion of the event or activity which is being advertised.
  - c. Signs shall maintain a minimum setback from the right of way of ten (10) feet, unless there is a primary structure on the lot which is located closer to the right of way than ten (10) feet. In which case, the sign may be placed at the same setback as the primary structure.
  - a.d. The maximum height of a temporary sign is four (4) feet.
  - b.e. Signs shall not be illuminated.

## 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 shall~~ No temporary sign may 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.
  - ~~b.c. Signs shall not be illuminated.~~
  - ~~a.d. 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.

11. Off-premise signs are prohibited in the commercial zone.

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

1. Abandoned signs
2. Billboards
3. Digital or electronic signs with changeable copy
4. Flying banners
5. Flashing, blinking, or moving signs
6. Gas-generated signs
7. Inflatable and balloon signs
8. Off-premise commercial signs
9. Signs attached or painted on trees, rocks, or other natural features
10. Signs emitting any sound designed to attract attention
11. Signs in the clear vision triangle
12. Signs in the right of way
13. Signs painted on fences
14. Sign walkers
15. Signs with visible bulbs, neon tubing, or luminous paints

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[Ord. No. 457]