



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 15th 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 ~~Z~~ 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.