



# TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331  
(928) 634-7943 www.jerome.az.gov

## RESOLUTION NO. 610


**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF JEROME, ARIZONA,  
DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK  
AND ENTITLED "2021 CHANGES TO THE JEROME ZONING ORDINANCE REGARDING  
ADMINISTRATIVE APPROVALS AND APPEALS"**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JEROME, ARIZONA:

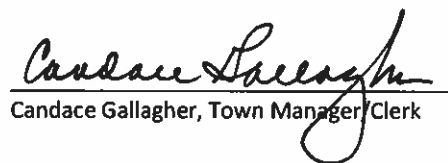
THAT the certain document entitled "2021 Changes to the Jerome Zoning Ordinance regarding Administrative Approvals and Appeals", as recommended by the Jerome Planning & Zoning Commission on April 21, 2021, which is attached hereto and made a part hereof, and three copies of which are on file in the office of the Town Clerk, is hereby declared to be a public record, and said copies shall remain on file with the Town Clerk.

PASSED AND ADOPTED BY THE Mayor and Council of the Town of Jerome, Arizona, this 8 day of June, 2021.

APPROVED:

  
\_\_\_\_\_  
Dr. Jack Dillenberg, Mayor

ATTEST:

  
\_\_\_\_\_  
Candace Gallagher, Town Manager/Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
William J. Sims, Town Attorney

**2021 CHANGES TO THE  
JEROME ZONING ORDINANCE  
REGARDING ADMINISTRATIVE APPROVALS  
AND APPEALS**

*As recommended by the Jerome Planning & Zoning Commission  
April 21, 2021*

# ZONING ORDINANCE OF THE TOWN OF JEROME

ARTICLE I - ADMINISTRATION	SECTION PAGE
Short Title .....	101 .....7
Purpose.....	102 .....7
Interpretation and Application .....	103 .....7
Planning and Zoning Commission .....	104 .....7
Board of Adjustment .....	105 ..... 8
Design Review Board .....	106 .....10
Zoning Administrator .....	107 ..... 11
Enforcement .....	108 ..... 11
Violation and Penalty .....	109 .....12
Severability .....	110 .....12
ARTICLE II - DEFINITIONS	
General .....	201 .....13
ARTICLE III - PROCEDURES	
Amendments or Zone Changes.....	301 ..... 23
Conditional Use Permits .....	302 ..... 26
<del>Preliminary</del> Site Plan Review .....	303.1 ..... 30
Final Site Plan Review.....	303.2 ..... 32
Grading and Excavation Requirements.....	303.3 ..... 33
<u>Appeals and Expiration of Approvals.....</u>	<u>303.4.....XX</u>
Design Review .....	304 ..... 36
<u>Administrative Appeals and Variances .....</u>	<u>305..... 42</u>
Neighborhood Meetings.....	306 ..... 44
ARTICLE IV - ZONING DISTRICTS	
Establishment of Zoning Districts .....	401 ..... 47
Location and Boundaries of Districts .....	402 ..... 47
ARTICLE V - USE REGULATIONS	
Nonconforming Situations.....	501 ..... 49
General Provisions.....	502 ..... 51
"AR" Zone, Agricultural Residential.....	503 ..... 56
"R1-10" Zone, Single Family Residential.....	504 ..... 59
"R1-5 Zone, Single Family Residential.....	505 ..... 61
"R-2" Zone, Single- and Two-Family Residential.....	506 ..... 63
"C-1" Zone, General Commercial .....	507 ..... 66
"I-1" Zone, Light Industrial.....	508 ..... 70
Signs .....	509 ..... 73
Parking and Loading Requirements.....	510 ..... 78
Historic Overlay District .....	511 ..... 81
(Reserved) .....	512 ..... 82
ARTICLE VI - EMERGENCY CLAUSE.....	83
APPENDIX.....	85
INDEX.....	93

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

|

# **ARTICLE II DEFINITIONS**

## **SECTION 201. GENERAL**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Office** - a room or rooms and accessory facilities for the managing or conducting of a business.
- Off-Street Loading Facilities** - a site or a portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, and access drives. (see Section 510).
- Off-Street Parking Facilities** - a site or a portion of a site devoted to the off-street parking of motor vehicles including parking spaces, aisles, and access drives. (see Section 510).
- Open Area** - any area used or intended to be used for parking, recreation, open space, agriculture, landing fields and other similar uses.
- Open Space** - any area used or intended to be used for recreation and/or conservation purposes for an unspecified period of time. This term implies that the environment will remain in its natural state and not be physically disturbed in any way.
- Original Grade** - the condition of the surface of the property at the time of submittal of preliminary site plan with no grading changes made.
- Park** - a public or private parcel of land developed and used for passive or active recreation.
- Parking Area** - an area designed and constructed and used ~~exclusively~~ primarily for the parking, storage and maneuvering of vehicles.
- Parking District** - a public parking district maintained by the federal, state, county or town government, to special district.
- Patio** - an area, usually paved, that is used for outdoor lounging, dining, and/or recreating that is less than 12 inches above the ground surface. When a structure has a roof or wall enclosure that keeps out the elements, it is not a patio and shall be deemed part of the primary structure for purposes of this Ordinance.
- Person** - included are: individual association, company, firm, corporation, Partnership, co-partnership, joint venture, city, county, special district, trust or any other legal group acting as an entity.
- Playground** - an area used by children for recreation purposes. Also may include a "tot-lot".
- Professional Office** - any building, structure, or portion thereof used or intended to be used as an office for a lawyer, architect, engineer, surveyor, planner, optometrist, accountant, doctor, dentist, or other similar professions.
- Public Building** - facilities for conducting public business constructed for various public agencies, including federal, state, county, and town offices and buildings.
- Public Hearing** - hearings held as required by law.
- Public Utility** - private or public facilities for distribution of various services, such as water, power, gas, communication, etc., to the public.
- Right-of-Way** - includes any public or private right-of-way and includes any area required for public use pursuant to any general or official plan.
- Recreation Facilities** - includes buildings, structures or areas built or developed for purposes of entertaining, exercising or observing various activities participated in either actively or passively by individuals or organized groups.
- Recreational Vehicle** - a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle.
- Recreational vehicle park** - facilities for the temporary storage, parking and maneuvering of recreational vehicles (motor homes, travel trailers, campers etc.) with adequate roads and stall sites, including sanitary and water facilities. Site locations are provided on a day to day

**Residence** - a structure containing a dwelling unit designed for occupancy or occupied by one (1) family living as a single non-profit family housekeeping unit.

**Restaurant** - an establishment which serves food or beverages only to persons seated within the building. This includes cafes and tea rooms.

**School, elementary, junior high, high school** - public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary and secondary levels. Such institutions shall offer general academic instructions equivalent to the standards prescribed by the state board of education.

**School, Nursery** - a school or the use of a site or a portion of a site for an organized program devoted to the education or day care of five (5) or more children of elementary school age or younger, than those residents on the site. Includes day care center.

**School, Trade** - schools offering preponderant instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technicians schools and similar commercial establishments operated by a non-governmental organization.

**School, Private or Parochial** - an institution conducting regular academic instruction at kindergarten, elementary and secondary levels operated by a non-governmental organization.

**Service Station** - an occupancy engaged in the retail sales of gasoline, oil, tires, batteries, and new accessories and which provides for the servicing of motor vehicles and operations incidental thereto, including: automobile washing, waxing and polishing, tire changing and repairing, but not including recapping. May also include battery service, radiator cleaning, flushing and repair, installation of minor accessories, lubrication of motor vehicles, rental of utility trailers, testing, adjustment and replacement of motor parts and accessories.

**Setbacks** - (see Yard).

**Sewage Disposal, Community** - a sewage system publicly or privately owned having approval to collect and dispose of domestic and/or industrial waste materials.

**Shed** - a simple roofed accessory building or structure, typically made of wood or metal, used as a storage space or a workshop and not to be used for human habitation.

**Sign** - (see Section 509).

**Site** - a parcel of land, subdivided or unsubdivided, occupied or to be occupied by a use or structure.

**Spirituos Liquor Tasting Facility** - An establishment promoting the retail sales of vinous, spirituous or malt liquor to consumers, and allowing tasting of those vinous, spirituous or malt liquors on the premises of the tasting facility. A vinous, spirituous or malt liquor tasting facility may include snacks, not meals, to consume with vinous, spirituous or malt liquor as a complement to but not as the primary function of the tasting facility. Vinous, spirituous or malt liquor tasting facilities may not include dining room seating. Vinous, spirituous or malt liquor tasting facilities may have an "Other Food" License for ware washing and appetizer preparation only, not for meal preparation. A vinous, spirituous or malt liquor tasting facility shall not have a Series 12 restaurant liquor license.

**Stable** - a detached accessory structure including, but not limited to, a corral or paddock for the keeping of one or more horses owned by the occupants of the premises and which are not kept for remuneration, hire or sale.

**Stable, Commercial** - a structure including, but not limited to, a corral or paddock for the keeping of horses for remuneration, hire or sale.

**Story** - that portion of a building included between the surface of any floor and the finished ceiling



**Street** - a public or private way permanently dedicated or reserved as a primary means of access to abutting property.

**Street Line** - the boundary line between street right-of-way and abutting property.

**Structure** - anything constructed or erected which requires a fixed location on the ground, including a building but not including a fence or wall used as a fence.

**Structure, Main** - a structure housing the principal use of a site or functioning as the principle use.

**Structure Alteration** - any change in the supporting members of a building, such as foundations, bearing walls, columns, beams, floor or roof joints, or any change in the exterior dimensions of a building, excepting those changes which may result from providing minor repairs and building maintenance.

**Subdivision of Land** - (see Arizona Revised Statutes, Section 9-463).

**Swimming Pool** - any permanent structure containing or intended to contain water for recreational uses, including wading pools.

**Travel Trailer** - a vehicle without motive power, portable structure with wheels built on a chassis, designed as a temporary dwelling for travel recreation and vacation purposes, having a body width not exceeding eight (8) feet and its body length does not exceed thirty-two (32) feet.

**Trailer Park or Court** - facilities for the storage, parking and maneuvering of mobile homes or trailers with adequate road and stall sites, and providing adequate sanitation and water facilities required to meet the needs of the residents. Site location is provided on a rent or lease basis. Includes mobile home parks.

**Town** - the Town of Jerome, Yavapai County, Arizona.

**Use** - the purpose for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered or enlarged or for which either a site or structure is or may be occupied and maintained.

**Use, Conditional** - a use which is listed as a conditional use in any given district in this ordinance. Conditional uses may be required to meet certain requirements as a condition precedent to the granting of a use permit which will allow the establishing of a conditional use in any given district.

**Use, Permitted** - a use which is listed as a permitted use in any given district in this ordinance. Permitted uses may not meet special requirements as a condition precedent to be allowed to establish in a given district, except as may be required by the provisions of this ordinance.

**Variance** - (see Arizona Revised Statutes, Section 9-462, and Section 305 of this Ordinance).

**Vineyard** - is an area of land planted with cultivated grapevines.

**Viniculture** - is the science, cultivation and study of grapes which deals with the series of events that occur in a vineyard, which vineyard produces grapes specifically for winemaking, whether for commercial, non-commercial or domestic use. The term "viniculture" shall not apply to plantings of one hundred (100) vines or less.

**Wall** - any structure or device forming a physical barrier which is so constructed that fifty (50) percent or more of the vertical surface is closed preventing the passage of light, air and vision through said surface.

**Warehouse** - a building or buildings used for the commercial storage of goods, where no retail or wholesale operations are conducted at the site.

## 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 agendaized 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~~ evidence 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.
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 town council. The Town Council may grant up to two additional extensions provided the approval is in compliance with all ordinances and requirements in effect at the time of the extension request. Application for an extension 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.

## 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~~First-Class mail, of a violation or termination of a use permit. If no attempt to change the violation is made within ~~ten-fifteen~~ (15+0) 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 and alterations to residential, commercial, or industrial structures.
2. Decks.
3. Grading, excavation, clearing and grubbing in accordance with Section 303.3.
4. Lot splits and, lot line adjustments.
5. Modifications to non-conforming structures.
6. New residential, commercial, or industrial structures. ~~construction;~~  
~~alterations.~~
7. Sheds and accessory structures. ~~buildings.~~
8. ~~grading and excavation and clearing and grubbing~~
9. Projects not specifically listed as exempt or requiring Zoning Administrator review.

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

1. Parking areas.
2. Patios.
3. Replacement of exterior stairs with metal or other fire-resistant materials, provided there is less than a 10 percent change in the original footprint. Approval by the Fire Inspector is also required.

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

1. Repair, replacement, and maintenance of existing structures, provided that the same materials are used.
- ~~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 Inspector,~~ 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~~ directional north arrow; scale used; lot dimensions referenced to a legal description; and 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; as well as 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 shall conform to Section 303.3 of this ordinance.
  - 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.~~

~~e.—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~~ that 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 in accordance with the provisions of this section. Once submitted, ~~†The 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 next available meeting if received by the submission deadline. earliest meeting time available. The Zoning Administrator may request ~~Design design Review review~~ recommendation on the ~~Preliminary Site-site Planplan, 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, Fire Inspector, and/or the Zoning Administrator from the Preliminary Site Plan Review~~ previous review.

### B. REVIEW

1. The ~~Final final Plan-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 design~~ elements of the ~~Final final Plan-plan~~ is outlined in Section 304.

2. All copies of the approved plan, with any conditions ~~shown from the approving board 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 design Review review~~ requirements and procedures shall be distributed mailed to the applicant and one (1) copy shall be filed with the Building Inspector.

[Ord. No. 293]

### 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.~~

Where the combined proposed cut and fill exceeds ten (10) 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.

Six (6) months from the date of approval of a grading permit, the approval becomes void if the grading permit has not been issued.

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.

#### 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/or~~
  - 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~~identified, and provisions made not to interrupt, ~~more than absolutely necessary~~, normal traffic flow, more than absolutely necessary.
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 residing 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 fifteen (30) 15~~ days from date of the ~~Commission's~~ commission's decision. If the appellant is not the applicant and resides 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 of the site. Notice shall also be given to the Planning and Zoning 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.
- ~~3. Any applicant or person or persons directly affected, An appeal may be filed by persons aggrieved or by any officer, department, board, or bureau of the municipality affected by a decision of the Zoning Administrator. Appeals will be forwarded to the Board of Adjustment 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 fifteen (30) 15 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.
- ~~2. A building permit shall not be issued by the Building Inspector until the fifteen (15)-day appeal period has expired.~~
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 board ~~body~~. The approving board may grant a second extension provided the approval is in compliance with all ordinances and requirements in effect at the time of the extension request. Any additional extension requests require review by the Town Council. Application for an extension 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.

### F.C. VIOLATION AND ENFORCEMENT

1. Prior to the issuance of a ~~Building building Permit permit Permit~~, the Building Inspector shall ascertain that the Planning and Zoning Commission has approved ~~Preliminary and~~ Final plans ~~which that~~ are in conformance to those presented with the Building Permit application and that the time limitations imposed by this ~~Ordinance 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~~ ordinance, the Zoning Administrator shall take appropriate legal action to abate the violation.

[Ord. No. 293]

---

## **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
3. Decks
4. Demolitions of existing structures
5. Fences and walls
6. New structures
7. Paint, stain, and similar coatings
8. Sheds and accessory structures
9. 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, provided the new roof has limited reflectivity.
2. Parking areas.
3. Patios.
4. Replacement of exterior stairs with metal or other fire-resistant materials, provided there is less than a 10 percent change in the original footprint and the change is approved by the Fire Inspector.
5. Window and door replacement, provided the new window or door replicates the same size and style of the window or door being removed.

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

Landscaping (not including accessory structures such as gazebos, pergolas, shade structures, and sheds) provided any grading and excavation is in compliance with Section 303.3 and repair, replacement, and maintenance of existing structures, provided that the same materials are used

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 that 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 Inspector, Zoning Administrator, and Design Review Board in accordance with the provisions of this section. 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 General Plan, the project shall be denied by specific motion of the Design Review Board.
3. 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 to the applicant and one (1) copy shall be filed with the Building Inspector.

#### **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 A prescribed application form for Design Review approval shall be filed with the Zoning Administrator on a form prescribed by the Administrator, which details the information that must be provided by the applicant along with the plans and other documents that must be submitted. 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;~~
  - ~~e.1. 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; one (1) set of legible photographs showing the adjoining properties, buildings and structures;
      - e. 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
      - f. any other information which the Design Review Board may find necessary to establish compliance with this Section.
- 2. ~~An~~ prescribed application form 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~~ which details the information that must be provided by the applicant along with the number of plans and other documents that must be submitted. ~~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)
  - e. Any other information the 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 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 shall show the following:
  - a. signature of the applicant.
  - b. the name and address of the sign owner and sign erector.
  - e. 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~~town, ~~County~~county, ~~County~~, ~~State~~state or ~~Federal~~federal ~~Government~~government ~~Government~~.

**F.H. REVIEW PROCEDURES AND CRITERIA FOR NEW CONSTRUCTION**

1. ~~The Design Review Board and Zoning Administrator shall use the criteria below 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~~ The Zoning Administrator, Design Review Board, and the applicant shall use photographs, lithographs, and ~~the like of other depictions 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 an 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 the 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, ~~antennae,~~ 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~~ 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~~ their 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 residing 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 the date of the

board's decision. If the appellant is not the applicant and resides 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 of the site. 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. An appeal may be filed by persons aggrieved or by any officer, department, board, or bureau of the municipality affected by a decision of the Zoning Administrator. Appeals will be forwarded to the Board of Adjustment by filing a written notice of appeal with the Zoning Administrator, no 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 board. The approving board may grant a second extension provided the approval is in compliance with all ordinances and requirements in effect at the time of the extension request. Any additional extension requests require review by the Town Council. Application for an extension 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.

#### **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 building Permit 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 design Approval approval. 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 design Approval approval. Approval.~~ If no attempt to change the circumstances of the violation is made within ~~ten fifteen (15+0)~~ days after notification, the building permit shall be revoked and considered null and void.
3. Violations, Enforcements and Fines. If, ~~thirty fifteen (1530)~~ 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 305. ADMINISTRATIVE APPEALS AND VARIANCES**

### **A. APPEALS TO THE BOARD OF ADJUSTMENT**

1. Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or department of the Town affected by any decision of the Zoning Administrator.
2. Applications for any matter to be considered by the Board shall be filed with the Zoning Administrator on forms furnished for the purpose within thirty (30) days after the action appealed from, and shall specify the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.
3. The appeal stays all proceedings in the matter appealed from, unless the Zoning Administrator, certifies to the board that, by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the Board, or by a court of record on application and notice to the Zoning Administrator.
4. The Board shall hear the appeal within thirty (30) days, and shall give notice of hearing by publication of a 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.
5. Any party may appear at the hearing in person or by agent or attorney. Parties in interest shall have the right to present their case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination of witnesses as may be required for a full and true disclosure of the facts.
6. Any aggrieved person may appeal to the Board of Adjustment for a variance from the terms of the Zoning Ordinance only, if because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
7. A variance shall not be granted by the Board unless the alleged hardship caused by literal interpretation of the provisions of this Ordinance results in more than personal inconvenience and/or financial hardship, and is not the result of actions by the appellant.
8. In granting Variance, the Board may impose such conditions and safeguards as are appropriate to insure that the purpose and intent of this Ordinance will be fulfilled. Failure to comply with such conditions and safeguards, when made a part of the terms under which a Variance is granted shall be deemed a violation of this Ordinance.
9. No nonconforming use or violations of this Ordinance with respect to neighboring lands, structures, or buildings, in the same zoning district, and no permitted use of lands, structures or buildings in other zoning districts, shall be considered grounds for granting a variance.
10. Every Variance granted shall be personal to the appellant therefore and shall be transferrable and shall run with the land only after completion of any authorized structure or structures.

## **SECTION 502. GENERAL PROVISIONS**

### **A. APPLICATION**

Except as hereinafter provided, no building, structure, or premise shall be used and no building or structure or part thereof shall be constructed, altered, repaired, improved, moved, removed, erected, demolished, or materially altered except in conformity with the provisions of the zone in which it is located. Any use that is not specifically permitted is hereby declared to be a prohibited use, except as hereinafter provided.

### **B. USE RESTRICTIONS**

1. **PRINCIPAL USES:** Only those uses and groups of uses specifically designated as “Permitted Principal Uses” in zoning district regulations shall be permitted as principal uses; all other uses shall be prohibited as principal uses, except as otherwise provided herein.
2. **CONDITIONAL USES:** Certain specified uses designated as “Conditional Uses” may be permitted as principal uses subject to special conditions of location, design construction, operation and maintenance hereinafter specified in this Ordinance or imposed by the Planning and Zoning Commission.
3. **ACCESSORY USES:** Use normally accessory and incidental to permitted principal or conditional uses shall be permitted as hereinafter specified.
4. **UNSPECIFIED USES:** Whenever a use is proposed which is not listed as a permitted or conditional use in any zone district, the Zoning Administrator shall complete a review of the proposed use to determine its basic characteristics and similarity to existing permitted uses and submit this report to the Planning and Zoning Commission. The Commission shall review the Administrator’s report and recommendation and determine in which zone district the proposed use should be placed and forward a recommendation to the Town Council. The Town Council, after reviewing the Administrator’s report, Commission’s Recommendation and other testimony, shall determine the similarity to the listed permitted uses and shall determine by minute order the proper zone district for the location of the proposed use. A copy of the minute order shall be added to the permitted use section of the appropriate zone district.

### **C. NONCONFORMING LOTS OF RECORD**

1. Notwithstanding any other provisions of this ordinance, a building may be constructed on any lot of record before the adoption of this Ordinance in any zone in which such buildings are permitted even though such lot fails to meet the area or width requirements for within the zone, except that such construction shall conform to any lot coverage and yard requirements of the zone.
2. Where two (2) or more vacant contiguous lots of record are owned by the same person at the time of the passage of the controlling ordinance, the land included in the lots shall be considered to be an undivided parcel and no portion of said parcel shall be used as a building site or sold which does not meet the area and width requirements of the zone in which the lot is located.

### **D. REDIVIDING OF RECORDED LOTS**

No lot may be divided to create a lot not in conformance with these regulations. No lot shall be divided or combined in any manner other than through subdivision procedures as specified by the Subdivision Regulations.

#### **E. STREET AND UTILITY REQUIREMENTS**

1. All lots shall abut a public street or legally recorded easement.
2. A building permit shall not be issued for a lot which abuts an undedicated portion of a partly-dedicated public street.
3. A building permit shall not be issued for any lot for which public sewerage or water supply is not available, unless and until the proposed mode of water supply and sewage disposal has been reviewed and approved in writing by the Yavapai County Health Department.

#### **F. SITE UNSUITABILITY**

No land shall be used or structure erected where the land is held by the Commission to be unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low percolation rate or bearing strength, erosion susceptibility, or any other features likely to be harmful to the health, safety and general welfare of the community. The commission, in applying the provisions of this section, shall state in writing the particular facts upon which its conditions are based. The applicant shall have the right to present evidence contesting such determination to the Council if he desires, whereupon the Council may affirm, modify or withdraw the determination of the unsuitability.

#### **G. DUMPING OR DISPOSAL**

1. The use of land for the dumping or disposal of scrap iron, junk, garbage, rubbish or other refuse, or of ashes, slag, or other industrial wastes or by-products, shall be prohibited in every district except as otherwise provided in this Ordinance.
2. The dumping of dirt, sand, rock or other material excavated from the earth shall be permitted in any district, provided that the surface of such material is graded, leaving the ground surface in a condition suitable for other use permitted in the district, provided that such fill does not so increase the elevation of the site as to prevent its development or use for other purposes and provided that such does not increase the susceptibility of the ground to erosion, landslide, flooding, or result in any other dangerous condition.
3. No person, firm or corporation shall strip, excavate or otherwise remove top soil for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto.
4. No yard or other open space surrounding an existing building in any residential zone, or which is hereinafter provided around any building in any residential zone, shall be used for the storage of junk, debris, or abandoned or inoperable vehicles; except as specifically permitted herein, and as provided and regulated in any other applicable Town Ordinances.

#### **H. YARD, LOT, AND AREA REQUIREMENTS**

1. No building shall be erected; nor shall any existing building be altered, enlarged, moved, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot, area and building location regulations hereinafter designated for the zone in which such building or open space is located, except, as otherwise specifically provided.

2. No yard or other open space provided about any building for the purpose of complying with the provisions of these Restrictions shall be considered as a yard or open space for any other building; and no yard or other open space on one (1) lot shall be considered as a yard or open space for a building on any lot.
3. Awnings, fire-escape stairs, window-type refrigeration units, suspended or roof evaporative coolers, and forced air furnaces, may not project more than five (5) feet over any required yard, provided that they shall be no closer than three (3) feet to any lot line.
4. Architectural details such as canopies, cornices, and eaves may project not more than three (3) feet over any required yard, provided that they shall be no closer than three (3) feet to any lot line.
5. Sills, leaders, belt courses and similar ornamental features may project not more than six (6) inches over or into any required yard.
6. Accessory Buildings (attached) – A private automobile garage, carport or accessory building having any part of a wall in common with a dwelling shall be considered an integral part of the main building in determining yard, lot, and area requirements.
7. Accessory Buildings (detached) – Any detached accessory building or swimming pool in any zone shall not be located in the front yard, shall be at least five (5) feet from the main structure, shall be at least five (5) feet from the rear and interior side lot lines, and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zone.
8. No automobile service station pump shall be located closer than twelve (12) feet to a street property line.
9. Except as provided herein, every part of a required yard shall be open to the sky and unobstructed. Trees, shrubbery, etc., shall not be considered obstructions.
10. No portion of any deck shall be located within five (5) feet of the lot line except in those districts where residential use is not a permitted use. In those districts, decks should conform to the required yard for that zone. Decks shall not encroach into any public easement. Square footage of decks shall be included in lot coverage for each zoning district.
- ~~10~~ 11. Patios may be constructed in the front, side or rear yard provided they are constructed of fire resistant materials; such as stone, metal or concrete; and do not include walls, a roof, railings or other features that block access through the yard.
- ~~12.~~ 11. Parking areas may be constructed in the front, side, or rear yard provided they are constructed of fire resistant materials; such as stone, metal or concrete; and do not include walls, a roof, railings or other features that block access through the yard.

[Ord. No. 374]

## I. BUILDING HEIGHT REQUIREMENTS

1. No building shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located, except as otherwise specifically provided.
2. Height regulations established elsewhere in this Ordinance shall not apply:
  - a. In any district, to church spires, belfries, cupolas and domes not for human occupancy, monuments, water towers, flagpoles, non-commercial radio or television antennas, provided that such structures and antennas shall be so located and constructed that if it should collapse, its reclining length would still be contained on

## **SECTION 503. "AR" ZONE, AGRICULTURAL RESIDENTIAL**

### **A. PURPOSE**

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

### **B. PERMITTED USES**

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

### **C. CONDITIONAL USES**

1. Animals, fowl, and other typical farm livestock, except as otherwise prohibited herein.
2. Commercial stables
3. Churches or similar places of worship
4. Schools: Public or private elementary and high.
5. Colleges, universities, and professional schools having a regular curriculum.
6. Nursery Schools and Day Care Centers.
7. Privately owned and operated recreation areas and centers.
8. Public buildings other than hospitals.
9. Public utility buildings, structures, or appurtenances thereto for public service use.
10. Model Homes
11. Bed and Breakfast
12. RESERVED *pending approval or rejection by voters in August 2014 of Ordinance 405.*
13. Viticulture use, pursuant to Chapter 16, "Vineyards," of the Jerome Town Code.

[Ord. No. 380]

### **D. ZONE RESTRICTIONS**

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



**SECTION 508. "I-1" ZONE, LIGHT INDUSTRIAL**

**A. PURPOSE**

This district is intended to provide for commercial, industrial, and manufacturing activities, while insuring that these activities will in no manner affect in a detrimental way any of the surrounding districts.

**B. PERMITTED USES**

Any permitted use in the C-1 Zone.

**C. CONDITIONAL USES**

1. Any conditional use in the C-1 Zone.
2. Light industries such as, but no more objectionable or intensive in character than: jewelry, clothing, and furniture manufacturers.
3. Warehouses.
4. Wholesale establishments.
5. Automobile repair garages.
6. Accessory buildings, structures, and uses customarily incidental to a permitted use except as otherwise provided in this ordinance.
7. Any such other uses as determined by the Planning and Zoning Commission and approved by the ~~City-Town~~ Council to be similar to those uses listed above and not detrimental to ~~the public~~the public health, safety, and general welfare in accordance ~~with the~~with the provisions of this Ordinance.

**D. ZONE RESTRICTIONS**

Same as C-1 Zone.

**E. PROPERTY DEVELOPMENT STANDARDS**

Same as C-1 Zone.

**F. PERFORMANCE STANDARDS**

Any permitted or conditional use in the I-1 zone must conform to the following performance standards. In conjunction with the plan review process, the developer-applicant shall provide to both the Zoning Administrator and the Planning and Zoning Commission data which are sufficient to show that the proposed use and the manner of its conduct will meet these performance standards.

1. NOISE: At no point on the property line shall the sound pressure level of any individual operation exceed the decibel levels in the designated octave bands shown below. (Excluding operation of motor vehicles or other transportation facilities.)

<b>Octave band cycles per second</b>	<b>Maximum sound pressure level in decibels .0002 dynes per CM<sup>2</sup></b>
0 - 75	72
75 - 150	67