



TOWN OF JEROME

Planning and Zoning Commission Meeting Agenda
POST OFFICE BOX 335, JEROME, ARIZONA (928) 634-7943
Wednesday, August 5, 2020 Time: 6:00 pm

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

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

The Planning & Zoning Commission may recess the public meeting and convene in Executive Session for the purpose of discussion or consultation for legal advice with the town attorney, who may participate telephonically regarding any item listed on this agenda pursuant to A.R.S. § 38-431.03 (A)(3).

Item 1: Call to order/roll call

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

Possible Direction to Staff

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

Old (continued) Business: none

New Business:

Item 4: Access stair setback interpretation/possible ordinance amendment

Applicant: Town of Jerome

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

Item 5: Yard setback interpretation

Applicant: Town of Jerome

Discussion and possible direction to staff

Item 6: Preliminary/final site plan review for stairs and misc. improvements

Applicant: Janet Bustrin

Address: 538 School Street

Zone: C-1

Owner of record: Bustrin Family Trust

APN: 401-06-092

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

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

Item 7: Preliminary/final site plan review for a lot line adjustment, addition, and stairs for a single-family home

Applicant: Greg Worth

Address: 639 Center Avenue

Zone: R1-5

Owner of record: Gregory A. Worth Living Trust

APN: 401-08-037

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

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

Item 8: Preliminary/final site plan review for rear deck

Applicant: Mary and Andrew Chinander

Address: 860 Hampshire Avenue

Zone: R1-5

Owner of record: Andrew and Mary Chinander

APN: 401-07-133

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

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

Item 9: Discussion about mixed-use in C-1 Zone

Applicant: Town of Jerome

Discussion and possible direction to staff

Informational Items (Current Event Summaries):

Item 10: Updates of recent and upcoming meetings – John Knight, Zoning Administrator

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

Item 11: Potential items for Wednesday, September 16, 2020 (*Note meeting date change to third Wednesday*):

Possible ordinance amendments for a sidewalk encroachments, temporary signs, residential lodging, and stair setbacks.

Discussion/Possible Direction to Staff

Item 12: Adjourn

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

970 Gulch Road, side of Gulch fire station, exterior posting case

600 Clark Street, Jerome Town Hall, exterior posting case

120 Main Street, Jerome Post Office, interior posting case

Rosa Cays, Deputy Clerk, Attest

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



TOWN OF JEROME

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

Petition to Speak

Name: _____

Address: _____

Date: _____

Topic/Comments: _____

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TOWN OF JEROME

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

Planning and Zoning Commission
via videoconference (Zoom)
Wednesday, June 3, 2020 Time: 6:00 pm
MINUTES

6:00 (0:21) Item 1: Call to order/roll call

Chair Jessamyn Ludwig called the meeting to order at 6:00 p.m.
 Roll call was taken by Rosa Cays, Deputy Clerk. Commissioners present were Vice Chair Joe Testone, Lance Schall, Chuck Romberger, and Henry Vincent. Also present was John Knight, Zoning Administrator.

6:01 (1:12) Petitions from the public – Possible Direction to Staff

Zoning Administrator John Knight announced that he had received email from Jerome resident and homeowner Jera Peterson, then reminded the commissioners of the rules regarding petitions from the public.
 (2:13) Ms. Peterson introduced herself and gave her address. She said she was concerned about construction of a new house next to her property. She said she was initially told her northern view would be partially obstructed, but this has now changed and her view will be completely blocked. Ms. Peterson said she was contesting the approval of the site plan and is hoping something can be worked out. She expressed a few other concerns regarding the new homeowners and would like to see the town preserve the views for existing houses.
 Chair Ludwig asked Mr. Knight if permits had been granted for the project.
 Mr. Knight said yes and reminded Chair Ludwig that the item could not be discussed since it was not on the agenda. He informed the commission that this project had been previously approved by P&Z. Direction for staff could be initiated if the commission wanted more information to be added to the next meeting agenda or sent via email, but no action was required.
 Lance Schall suggested that perhaps staff could be directed to review the project and approvals from DRB and P&Z.
 Vice Chair Joey Testone said he understood Ms. Peterson's position, but the project has been approved (audio was difficult to hear).
 Mr. Knight suggested what the commission could do to move forward on the petition and stated he has met and talked with Ms. Peterson several times about the project.
 Mr. Schall suggested that staff review the project to make sure the approved site plan had not changed and to add it to the next agenda.

6:12 (12:16) Item 3: Approval of Minutes: Minutes of the meeting of May 20, 2020
Discussion/Possible Action/ Possible Direction to Staff

Motion to Approve the Minutes of May 20, 2020

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

Continued Items from Previous Meetings:

6:14 (14:12) Item 4: Reapproval of Site Design for an apartment building and parking structure

Applicant: Steve Knowlton/Nancy Robinson
 Address: 446 Clark Street
 Owner of record: Ideas-a-plenty, LLC
 Applicant is seeking Preliminary and Final Site Design approval of a previously approved apartment project and adjacent parking structure.

Discussion/Possible Action – P&Z Reso. 2020-9

Mr. Knight briefly reintroduced the situation regarding this project, which had been discussed at the previous P&Z meeting (see May 20, 2020 P&Z minutes) and summarized that the commission was basically being asked to reapprove the approved project.
 Mr. Schall said that since the item had been discussed at the previous meeting and they were simply waiting for the posting period to pass, he motioned for approval. Mr. Knight reminded everyone that this item would also be going before DRB.

Motion to Approve P&Z Resolution 2020-9

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

6:16 (16:53) Item 5: Work session on code amendments to residential lodging

Applicant: Town of Jerome

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

Discussion/Table to next P&Z Meeting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Knight said he had enough material to revise the definitions to return to the commission with a staff report. He then said the permitting process also needs to be addressed and gave examples of how the ordinance currently reads does not make sense and posed different scenarios.

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

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

Mr. Knight clarified that "residential use" does not include hotels or motels. As an example, he said someone could open a three-room boarding

house and it would require a CUP, but a 100-room hotel would not require a CUP.

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

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

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

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

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

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

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

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

6:55 (55:23) Item 6: Work session on code amendments related to temporary signs

Applicant: Town of Jerome

Updates to the Zoning Ordinance related to temporary signs. Amendments may include but are not limited to the following types of temporary signs: real estate signs, contractor signs, political signs, temporary banners, and A-frame signs.

Amendments may also include modifications to the permitting process for each type of sign.

Discussion/Table to next P&Z Meeting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Knight said the Arizona revised statute deals with signs specifically in right of ways—it's a state not a local statute, so it's different, and that other towns have not updated their sign ordinances to be in compliance with the Supreme Court decision (i.e., the Gilbert case), which reached the Supreme Court at the federal level. Mr. Knight said he appreciated Ms. Hardie's comments, but he was inclined to go with Mr. Sims on this matter.

He said the current town ordinance needs to be cleaned up so that it is enforceable. He also mentioned that Councilmember Mandy Worth had brought up similar concerns at the last council meeting regarding the Supreme Court case and the need to update Jerome's temporary sign ordinances. Mr. Knight said that a neighborhood meeting will need to be done for this item as well.

7:13 (1:14:00) Item 7: Work session on code amendments related to a sidewalk encroachment policy

Applicant: Town of Jerome

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

Discussion/Table to next P&Z Meeting

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

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

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

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

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

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

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

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

New Business:

7:23 (1:23:26) Item 8: Community Garden Site Plan Review

Applicant: Town of Jerome

Location: Middle Park

Zone: C-1

Owner of record: Town of Jerome

APN: 401-06-015

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

Discussion/Possible Action

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

Mr. Schall said the garden plan looked beautiful. He recollected that a time capsule was buried in that area at the foot of a tree. He suggested they find out if it's still there so it is left undisturbed.

Mr. Vincent said Lew Currier or Bob Bouwman may know where it is. Chair Ludwig suggested placing a marker.

Mr. Vincent asked if the community garden was within P&Z's purview.

Mr. Knight said it was more a courtesy review and that the only concerns expressed have been about the fencing concept.

Informational Items (Current Event Summaries):

7:27 (1:27:45) Item 9: Potential items for upcoming P&Z agendas

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

Discussion/Possible Direction to Staff

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

Item 10: Adjournment

Motion to Adjourn at 7:29 p.m.

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



TOWN OF JEROME

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

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

ITEM 4: Access stair setback interpretation and possible ordinance amendment
Applicant/Owner: Town of Jerome
Recommendation: Discussion and direction to staff and possibly initiate ordinance amendment
Prepared by: John Knight, Zoning Administrator
Resolution: P&Z Resolution 2020-12

Background and Summary: Recently, two projects have been submitted with access stairs showing no setback to the right of way. One is located at 538 School Street and the other is located at 639 Center Avenue. As part of the site plan review process, the Planning and Zoning Commission has the responsibility to determine compliance with code standards such as setbacks. The code is unclear on whether a setback is required for access stairs. This could include an interpretation by the commission and/or it could involve an amendment to the code.

Analysis: The Jerome Zoning Ordinance does not specifically identify setbacks for stairs. If the code is silent (or unclear) on the issue, several potential pathways can be taken to resolve the matter. These are noted below:

1. **No setback required:** The commission could determine that stairs are not subject to setback requirements. Numerous examples of stairs have been constructed in town with no setbacks required (see attachment).
2. **Establish a setback:** The commission could determine that stairs are similar in nature to other items that are addressed in the code – such as fire escape stairs, accessory features, or decks (see discussion below). Each of these items is required by code to have a setback.
3. **Code amendment:** The commission may wish to consider initiating an amendment to the code to address setbacks for stairs. This is a longer process and does not address the immediate setback question on the upcoming applications. To resolve this, the commission could do an interpretation for the short term and initiate a code amendment to resolve the matter long term.

Historically, stairs accessing the street right-of-way have not been required to provide any setback. Examples are attached for reference.

Code Compliance: As noted above, the Jerome Zoning Ordinance has several similar features that should be considered. These include fire escape stairs, accessory features, and decks. These are briefly discussed below.

Fire Escape Stairs: Section 502.H.3. of the zoning code addresses setbacks for fire escape stairs, awnings, and window refrigeration units. These features may project no more than five (5) feet over any required yard provided they are no closer than three (3) feet to any lot line. The purpose of this is to ensure that proper separation is maintained for fire code purposes as well as access. Access stairs are not specifically addressed.

Section 502.H.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.

Accessory Features: Section 502.H.4. of the zoning code addresses setbacks for accessory features such as canopies, cornices, and eaves. These features may project no more than three (3) feet over any required yard provided they are no closer than three (3) feet to any lot line. The purpose of this is to ensure that proper separation is maintained for fire code purposes as well as access. Note that access stairs could be considered an accessory feature.

Section 502.H.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.

Decks: Section 502.H.10. of the zoning code addresses setbacks for decks. Decks in the residential areas are required to be set back at least (5) feet from the property line. Decks in nonresidential areas are required to meet the setback of the primary structure.

Section 502.H.3. 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.

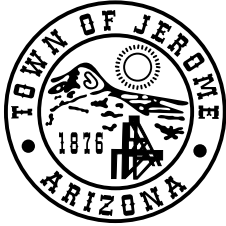
Interpretation: Access stairs are not specifically addressed in the zoning ordinance. To do an interpretation, it is suggested the commission consider the following:

1. **Option 1 – Stairs are Accessory Features or Fire Escape Stairs:** These are required to be no closer than three (3) feet to the property line.
2. **Option 2 – Stairs should be treated as decks:** Decks are required to be set back five (5) feet from the property line.
3. **Option 3 – Stairs are exempt:** Determine that access stairs can be constructed with no setback provided fire and building code requirements are maintained.

In addition to the interpretation, the commission may want to start the process to amend the code. A resolution is attached for the commission's consideration.

Attachments:

- Reso. 2020-12
- Photos of access stairs



TOWN OF JEROME

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

P&Z Resolution No. 2020-12 Initiating an amendment to stair setbacks

WHEREAS, the Town of Jerome is interested in amending Section 502 of the Jerome Zoning Ordinance to address setbacks for stairs; and

WHEREAS, amendments may also include, but are not limited to, changes to setbacks for decks, fire escape stairs, and other architectural details identified in Section 502.H. of the Jerome Zoning Ordinance; and

WHEREAS, the Jerome Planning and Zoning Commission has the authority to initiate an amendment to Section 301.A. of the Jerome Zoning Ordinance; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the Town of Jerome, Arizona, that an amendment to stair setbacks has been initiated in accordance with Section 301.A. of the Zoning Ordinance; and

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

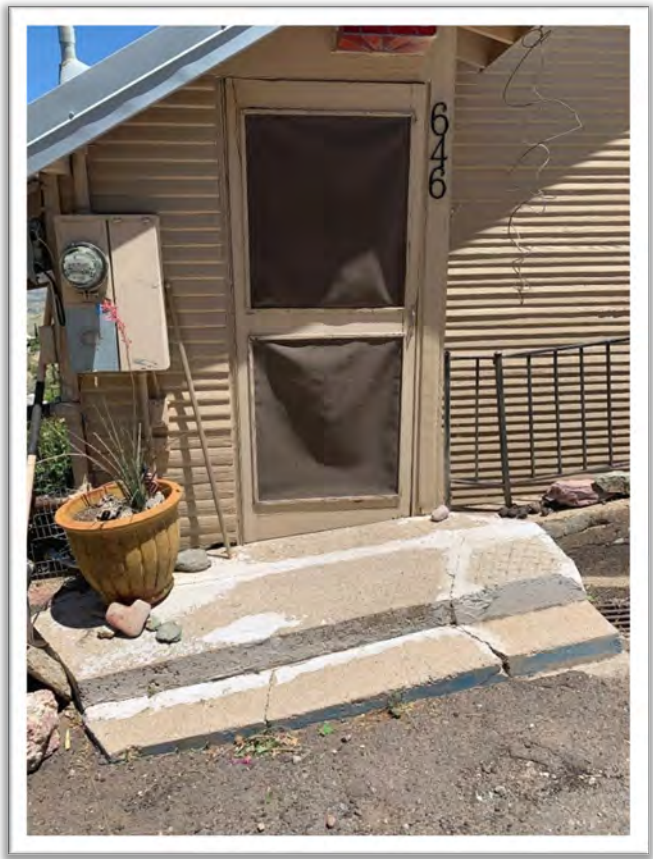
ADOPTED AND APPROVED by a majority vote of the Planning and Zoning Commission on the 5th day of August 2020.

ATTEST:

APPROVED:

Rosa Cays, Deputy Town Clerk

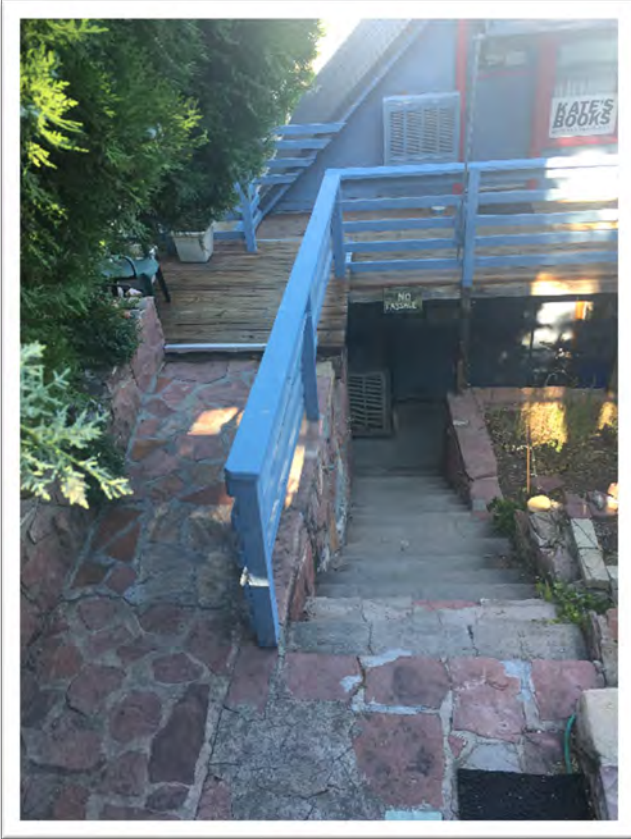
Jessamyn Ludwig, Chair















TOWN OF JEROME

Post Office Box 335, Jerome, Arizona 86331
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Zoning Administrator Analysis Planning and Zoning Commission Wednesday, August 5, 2020

ITEM 5: Yard setback interpretation
Applicant/Owner: Town of Jerome
Recommendation: Discussion and direction to staff and possible direction to staff
Prepared by: John Knight, Zoning Administrator

Background and Summary: Recently, a question came up on how to determine yards and setbacks for lots with multiple street frontages and odd-shaped lots. This applies to corner lots, double frontage lots (such as the lots on School St. and Main St.) and unusually shaped lots (such as triangular lots). The Jerome Zoning Ordinance states that when lots have “*double frontage on two (2) streets, the required front yard shall be provided on both streets.*” The ordinance does not state which yard then becomes the rear yard and which yards become the side yards.

Code Analysis: An excerpt from the R1-5 section of the ordinance is included below (the other zoning categories have the same provision).

Section 505.D.Property Development Standards

5. YARDS:

a. Front Yard:

- 1) *There shall be a front yard of not less than ten (10) feet in depth except when the following conditions prevail:*

A front yard is required equal to that established by any building within one hundred (100) feet on either or both sides of the lot. Where more than one (1) such building is within one hundred (100) feet of the lot then the front yard of the nearest such building shall be the required front yard of the lot, except that where the lot is between two such buildings, each within one hundred (100) feet of a lot, then the front yard of this lot shall be that established by a line joining the nearest front corner of the other such building. Nothing in the above shall require that a front yard in this district exceed twenty (20) feet.

- 2) *Where lots have a double frontage on two (2) streets, the required front yard shall be provided on both streets.*

b. Side Yard:

- 1) *There shall be a side yard along interior lot lines of not less than five (5) feet in width.*
- 2) *Where a side lot line abuts a street, the side yard shall be considered a front yard for the purpose of determining width.*

c. *Rear Yard:*

- 1) *There shall be a rear yard of not less than twenty (20) feet in depth. Except where the rear lot line is in common with or separated by an alley from the side lot line of another lot, there shall be a rear yard of not less than ten (10) feet in depth.*
- 2) *Where the rear lot line abuts an alley, the required rear yard shall be measured from the center line of the alley.*

Response: The code does clearly state that a front setback is required for lots with double frontages. However, the code does not clarify which yard becomes the rear yard and which yards become the side yards. In discussing the matter with the town attorney, Bill Sims, he stated that if the code is silent on the issue, then it should be up to the owner to determine which yard they will use as their rear yard and which yards they will use as their side yards. Once the owner decides which yard is their rear yard and which are the side yards, staff will record this in the parcel files and the owner cannot later change which yard is which.

Staff has included some examples of odd-shaped lots to demonstrate the difficulty of determining yards and setbacks. These are just a few of the many examples in town. Should the Commission decide that this issue be clarified with a code amendment, there are several ways that other cities have approached this issue. These are briefly discussed below.

1. **Thin side:** Some jurisdictions state that the front yard and rear yard are determined based on the thinner dimension. For example, if a corner a lot is 50 by 100 feet, the 50-foot dimension at the street becomes the front yard and the 50-foot dimension at the back becomes the rear yard. This only works for rectangular lots and does not address unusually shaped or triangular lots.
2. **Address side:** Some jurisdictions use the street address as the front yard. The rear yard then becomes the yard opposite their street address. This works on rectangular lots but doesn't work with odd-shaped lots or triangular lots. Another problem with using the address as the front yard is that the addressing is often arbitrary.
3. **Front-door side:** Some jurisdictions use the location of the front door as the front yard. Then the rear yard becomes the yard opposite the front door. Again, this does not work well for unusually shaped or triangular lots.

Recommendation: Staff recommends that the Planning and Zoning Commission make a motion to:

1. Confirm staff's interpretation that the owner can decide which yard is their rear yard and which yard is their front yard for corner lots and odd-shaped lots. Once this is determined, it will be recorded in the parcel file and cannot be changed in the future.

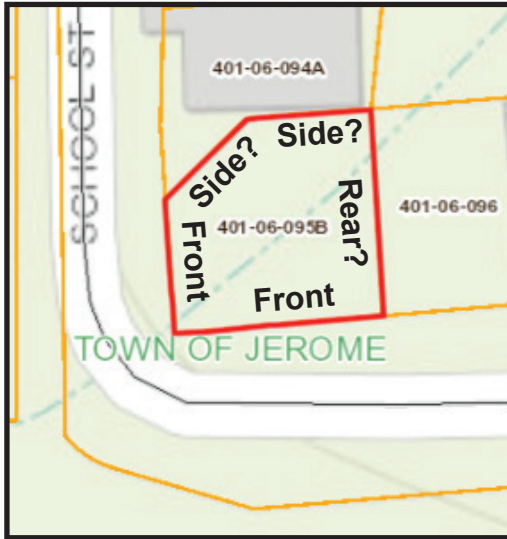
The Commission should also determine if this matter should be clarified in the code by a new code amendment. If so, staff will return to the Commission at a future meeting with suggested language.

Attachments:

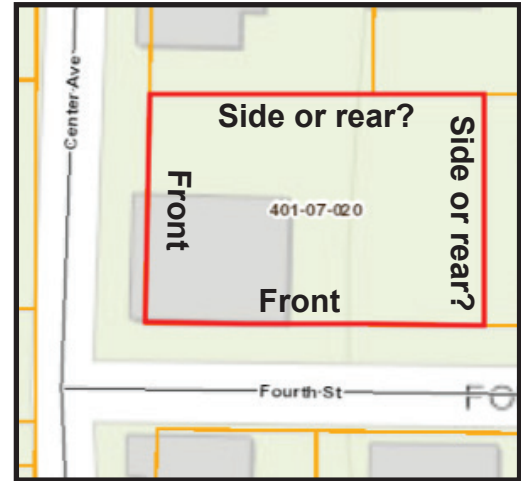
- Examples of odd-shaped lots

Corner and odd-shaped lots with setback questions

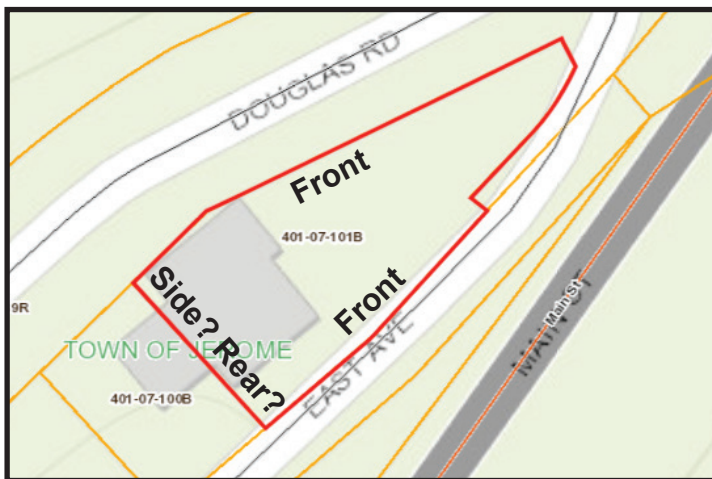
Example 1 - Odd-Shaped Lot



Example 2 - Corner Lot



Example 3 - Triangular Lot



Example 4 - Odd-Shaped Lot with double frontage



TOWN OF JEROME

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

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

ITEM 6: Preliminary/final site plan review for stairs and misc. improvements
Location: 538 School Street
Applicant/Owner: Janet Bustrin/Bustrin Family Trust
ZONE: C-1
APN: 401-06-092
Recommendation: Approve
Prepared by: John Knight, Zoning Administrator
Resolution: P&Z Resolution 2020-13

Background and Summary: The applicant requests preliminary and final site plan review for rear access stairs and miscellaneous yard improvements on a single-family home. The proposed stairs replace existing, steep, “dangerous” (per applicant) stairs that provide access to School Street. The proposed stairs will be designed to meet current rise/run requirements of the building code and will be curved at the bottom to maximize yard space. Yard improvements include a planter adjacent to the rear retaining wall and a concrete drainage swale on the south side.

Section 303.1.A. Purpose: *The purpose of the preliminary site plan review is to provide for the public health, safety and general welfare, and to protect the environment and the historical character of the Town of Jerome. The plan review will include examination of all proposed site work and excavation and grading regulations, with special regulation of work on sites with extreme slope or unstable soils. Essential to this purpose is the review of possible impacts on surrounding properties.*

Response: The zoning administrator and Jerome Planning and Zoning Commission (P&Z) are required to review the proposed plans to provide for the public health, safety, and general welfare of the town of Jerome, and to protect the environment and the historical character of the town. This includes a review of all proposed site work, grading, and potential impacts on surrounding properties.

Section 303.1.E. Review Procedures: *The Zoning Administrator shall have ten (10) working days from the date of submission of a preliminary site plan application to review said plan for completeness. A completed preliminary site plan shall be submitted to the Planning and Zoning Commission at the earliest meeting time available. The Zoning Administrator may request Design Review recommendation on the Preliminary Site Plan. The Planning and Zoning Commission shall approve, conditionally approve or deny said plan. Once denied, the original plan shall not be resubmitted. The Planning and Zoning Commission may, if the preliminary drawings and other data are sufficiently clear and explicit, waive the requirements of Section 303.2 and/or Grant Final Approval at the Preliminary Review session, provided all other requirements of this section are conformed with.*

Response: After reviewing the proposed plans and application materials, the Planning and Zoning Commission may approve, conditionally approve, or deny the plan. Note: this section also identifies that the commission may conduct both preliminary and final site plan reviews if the drawings and information are sufficiently clear. The applicant has requested both preliminary and final approvals.

Section 505.D. Property Development Standards

Item	Code Standard	Proposed
Stair setback	none	0 feet
Drainage swale setback	none	0 feet
Planter setback	none	0 feet

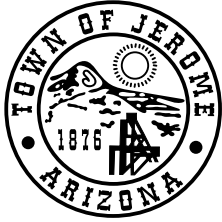
Response: The zoning ordinance does not have a setback for stairs, drainage swales, or planters. Therefore, the applicant’s proposal is consistent with the code requirements.

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

Recommendation: The zoning administrator recommends approval of the project with the conditions included in the attached resolution.

Attachments:

- P&Z Resolution 2020-13
- Application, plans, and supplemental information



TOWN OF JEROME

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

P&Z Resolution No. 2020-13

Approving Preliminary and Final Site Plan Review for stairs and miscellaneous improvements at 538 School Street

WHEREAS, the Town of Jerome has received an application for Preliminary and Final Site Plan Review from Janet Bustrin for property located at 538 School Street (APN 401-06-092); and

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

WHEREAS, a notice was posted at the site on July 21, 2020, in accordance with Jerome Zoning Ordinance Section 303.1C; and

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

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

WHEREAS, the Jerome Planning & Zoning Commission reviewed this application at their August 5, 2020 meeting and wishes to approve the application with certain conditions; and

WHEREAS, the Planning and Zoning Commission finds that the proposed improvements do not adversely affect the public health, safety, and general welfare of the Town of Jerome, and so protects the environment and the Town's historical character;

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the Town of Jerome, Arizona, that the Preliminary and Final Site Plan review for stairs and miscellaneous improvements at 538 School Street is hereby approved, subject to the following conditions:

1. **Construction Hours and Noise** – Construction and noise shall be limited between 8:00 pm and 7:00 am in accordance with Section 10-1-13.C. of the Jerome Town Code.
2. **Other Improvements/Changes** – Any subsequent modifications or changes to the Plans, including but not limited to changes in setbacks, square footage, fences, siding, roofing, height, etc., will require additional review by the Planning and Zoning Commission and/or the Design Review Board.
3. **Drainage** - The building permit submittal shall indicate both existing and proposed drainage. This includes, but is not limited to, how drainage will be collected (such as from roof drains) and directed to provide disposal and protection of neighboring properties. This may include splash blocks, swales, detention basins, and gravel catchments to help dissipate hydraulic energy. Roof and other drains shall not be directed across sidewalks.

P&Z RESOLUTION NO. 2020-13

4. **Building Permit Submittal and Code Requirements** - The applicant/s shall consult with the Building Inspector and submit detailed drawings for building permits that clearly demonstrate compliance with all Code requirements, including, but not limited to, coverage, height, parking, and setbacks (Section 507).
5. **Compliance with plans** – The project shall be completed in compliance with the approved plans.
6. **Conditions on Plans** – The building permit plan submittal shall include a sheet with a list of approved conditions from both the Design Review Board and Planning and Zoning Commission.
7. **Expiration of Approval** - This approval shall become null and void if a building permit is not issued within six (6) months of final Planning and Zoning and Design Review Board Approval of this application. If necessary, the applicants may request an extension by the approval body, if the extension is submitted prior to approval expiration.

ADOPTED AND APPROVED by a majority vote of the Planning and Zoning Commission on the 5th day of August 2020.

ATTEST:

APPROVED:

Rosa Cays, Deputy Town Clerk

Jessamyn Ludwig, Chair



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

File #: _____

Town Use

General Land Use Application – Check all that apply

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Site Plan Review \$100 | <input checked="" type="checkbox"/> Design Review \$50/\$200 | <input type="checkbox"/> Conditional Use Permit (CUP) \$100 |
| <input type="checkbox"/> Demolition \$50/\$200 | <input type="checkbox"/> Signage/Awning \$50 | <input type="checkbox"/> Paint/Roofing \$0 |
| <input type="checkbox"/> Time Extension \$0 | <input type="checkbox"/> Other: <small>Replace stairs from School Street to house</small> | <input type="checkbox"/> Other: _____ |

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

Applicant: Janet Bustrin	Owner: Janet Bustrin
Applicant address: 156 Irving Ave. South Orange, NJ 07079-2309	Owner Mailing Address: 156 Irving Ave. South Orange, NJ 07079-2309
Applicant role/title: Owner	
Applicant phone: 973-713-6866	Owner phone: 973-713-6866
Applicant email: Bustbelt@verizon.net	Owner email: Bustbelt@verizon.net
Project address: 538 School St., Jerome, AZ	Parcel number: 401-06-092
Describe project: Replace steep, dangerous steps from School St to back of home with a safe design in keeping with Jerome "style," while providing better use of the backyard space.	
All treads, even on the slight curve at the bottom of the steps (see drawing), will be a 10" tread.	

- I understand that review by the Jerome Design Review Board, Planning and Zoning Commission, and Town Council is discretionary.
- I understand that the application fee is due at submission and review will not be scheduled until fee is paid to the Town.
- I understand review criteria are used in evaluation by the Jerome Design Review Board and/or Planning and Zoning Commission. These criteria are included in the Jerome Zoning Ordinance.
- I understand that this application will not be scheduled for consideration until all required materials have been submitted and the application is determined to be complete.

Applicant Signature: Date: 6-22-20

Owner Signature: Date: 6-22-20

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



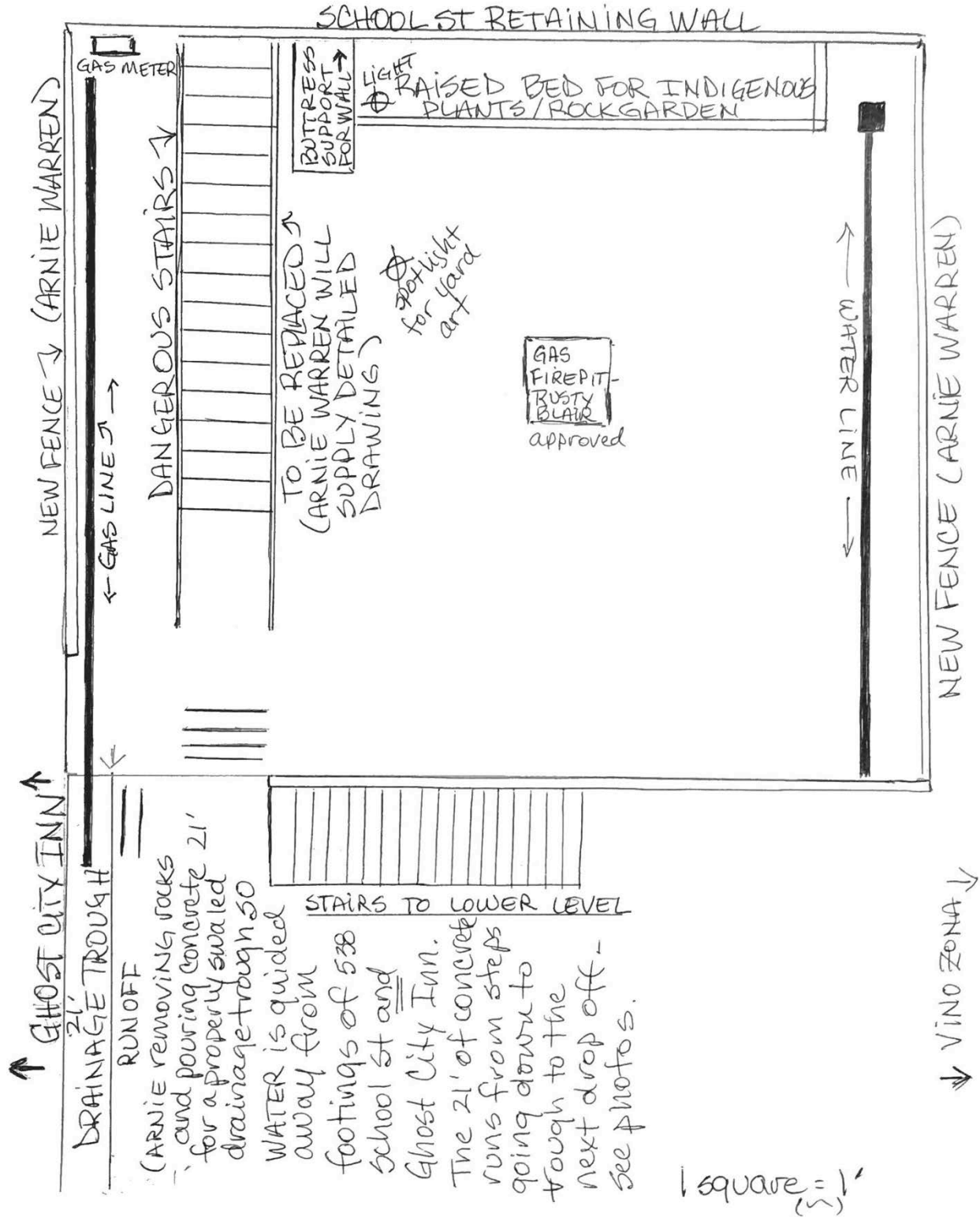
Design Review Application Checklist

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

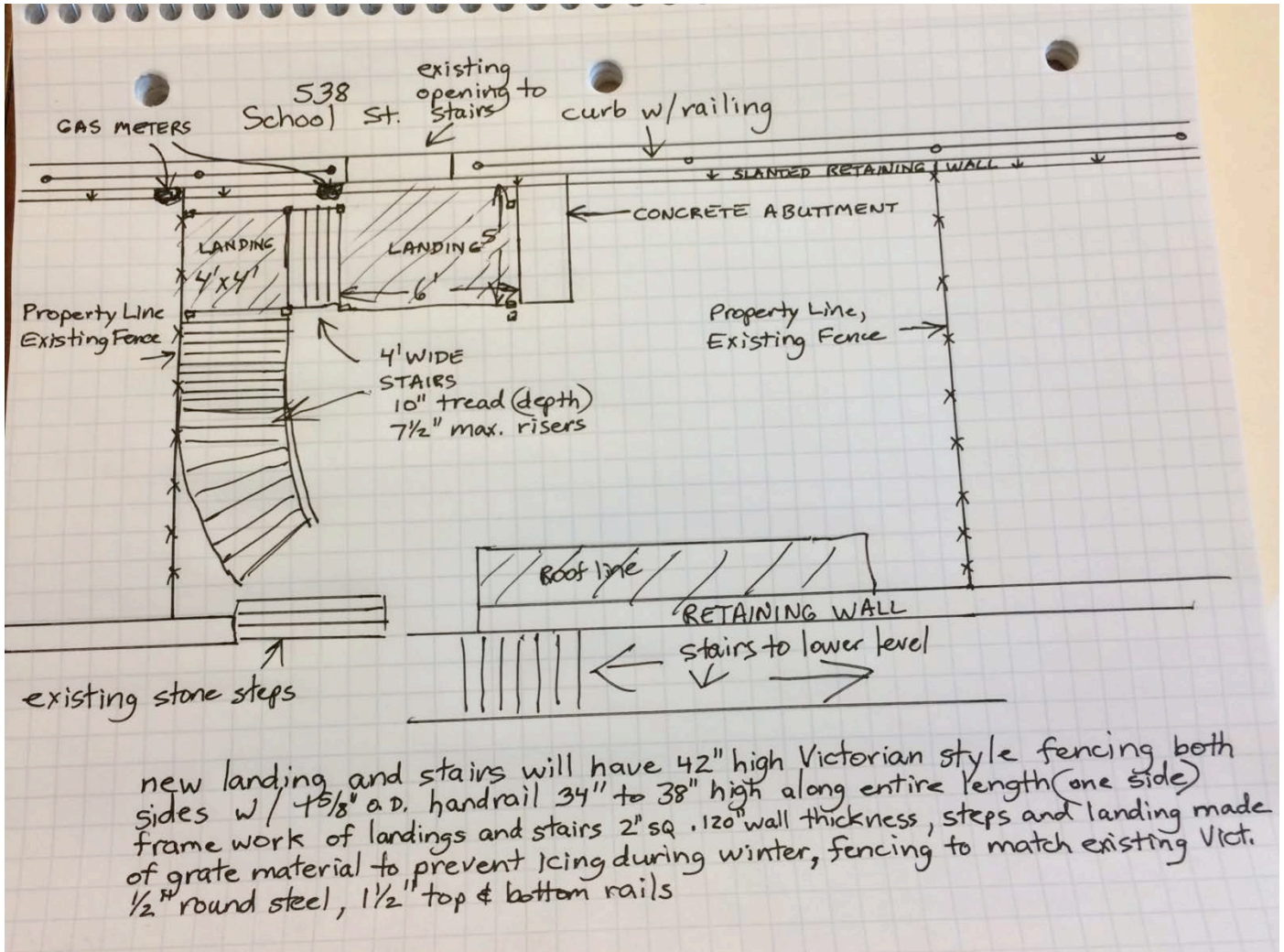
- General Land Use Application Form
- Written narrative of the proposed project, uses, hours of operation, number of employees, etc.
- Plot plan or site layout, including all improvements drawn to scale
- Annie* Elevations (all sides of proposed building or project) drawn to scale
- Photographs showing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

**Plot plan or site layout, including all improvements drawn to scale.
Please see my drawing below of the current site plan and Arnie Warren's
drawing of the proposed stair unit.**

538 SCHOOL ST. AKA 539 MAIN ST., JEROME, AZ 86331



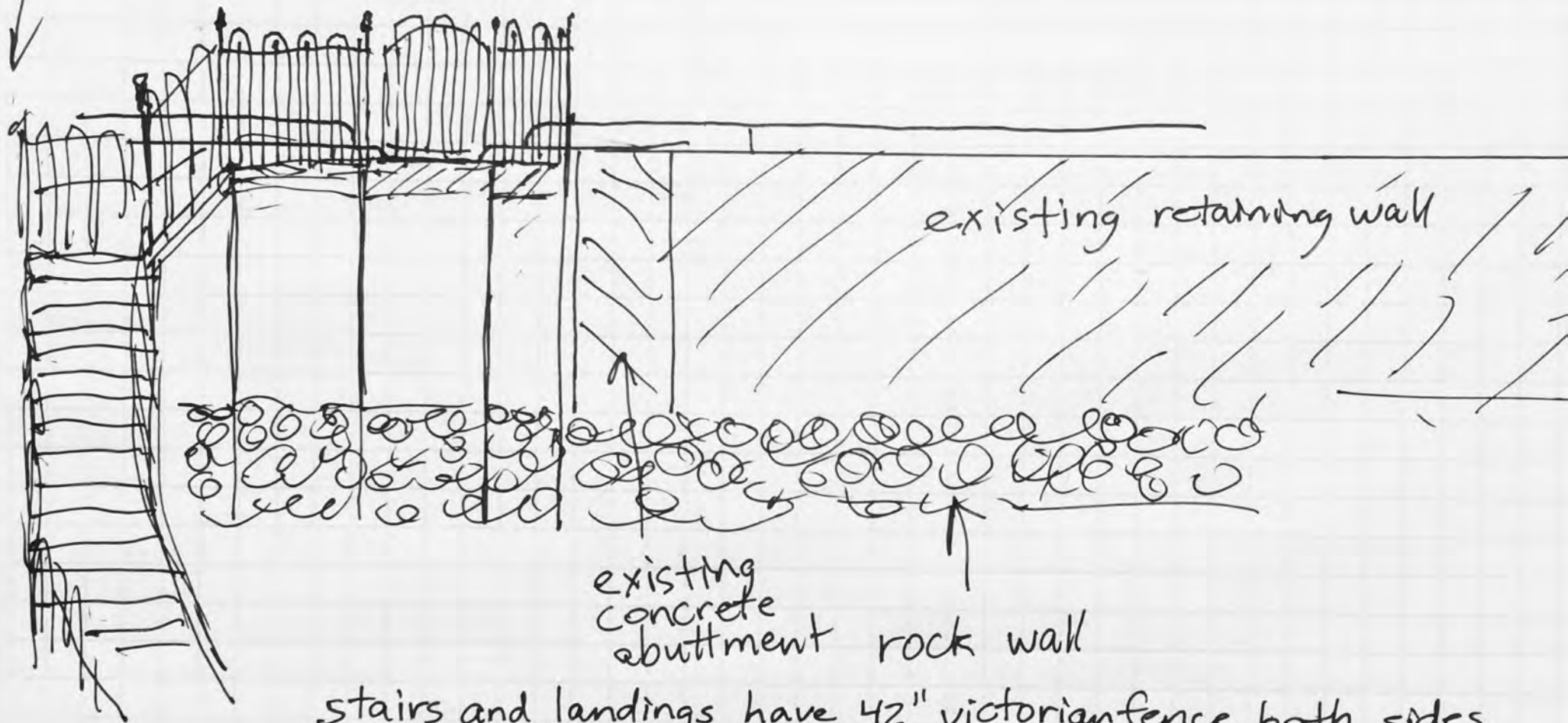
Arnie Warren's drawing of proposed improvements. He will fabricate new step unit as designed below.



Scope of Project: As outlined in the "General Land Use Application," the intention/scope of the project is to replace the steep, dangerous access steps from School St. to our backyard and home with a safe design in keep with Jerome "style." This design will include a landing level with the curb on School St. to prevent tripping over that curb, while also accommodating a garbage container. All treads, even on the slight curve at the bottom of the steps (see drawing above), will be 10" treads.

Additionally, the drainage trough that runs between 538 School St./539 Main St. and The Ghost City Inn will be cleaned of the large rocks and a 21' cement trough poured at the based of the two steps accessing the trough which will swale away from **both** the footings/foundation of our property AND The Ghost City Inn. This trough will run from the steps at the top of the trough (next to the retaining wall on Ghost City Inn property) to the drop-off midway to Main Street (as the water historically has run/dropped off).

Property
Line



existing
concrete
abutment rock wall

stairs and landings have 42" victorian fence both sides
gate at street level
hand rail along side 36" high

Photographs following show all sides of existing structure at 538 School Street a.k.a. 539 Main Street AND adjoining properties.

FRONT: 538 School Street, also known as 539 Main Street from 89A. Ghost City Inn and Vina Zona yard/patio flank the property.



Note: Ghost City Inn on the left side of photo, Vina Zona on right-hand side.



Back of home from behind – photo taken from School Street. Note Ghost City Inn red roof on the right side of photo.



Under porch roof – back of house. Note Vino Zona through foliage.

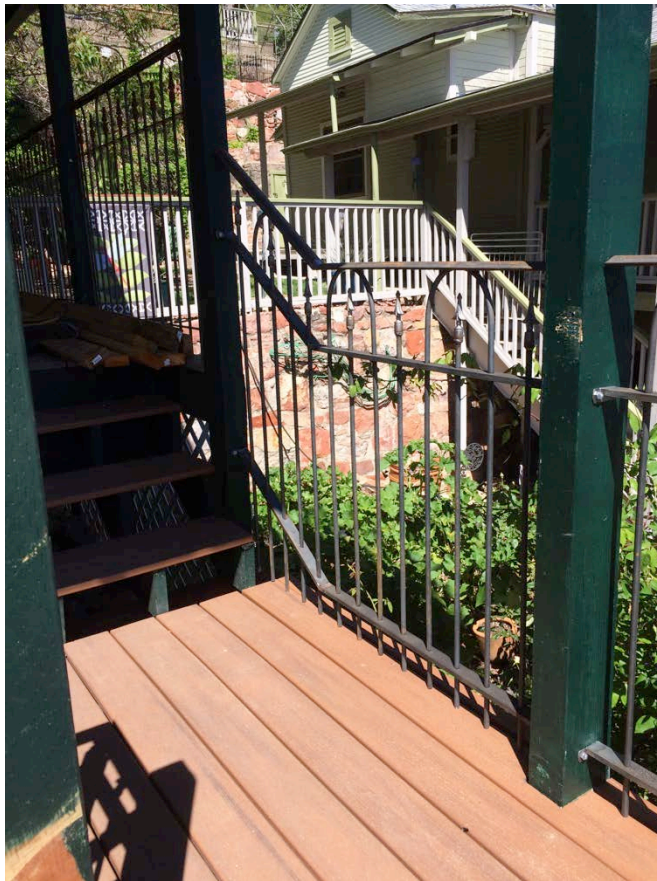


View from under porch roof looking toward dangerous steps, backyard and up to School Street.



Vina Zona side of house. Walkway at 538 School St./539 Main St. from back deck to front steps. Vino Zona yard on right side behind screening fence we installed.





View taken from behind Vino Zona on School St. Note Ghost City inn (red roof) on opposite side of property.



View prior to removal of encroaching vegetation from Vino Zona/Ghost City Inn.



View currently from School St. across Vino Zona's backyard with privacy fence we installed.



Additional photographs showing views of adjoining properties, buildings, structures:

Ghost City Inn



MATERIALS/Color samples for project



Railings on new step unit in back will have railings identical to the ones on the front steps and around the house. These will be allowed to rust for that TRUE Jerome feel.



Treads will be fabricated out of this grate material allowing rain/snow melt to pass through for safety when it snows/freezes.

Utility locations and connections:

Electrical service comes to house from the wire in the upper left of the picture.



Water service next to School St. retaining wall in backyard closest to Vino Zona. Pipe will be put underground.





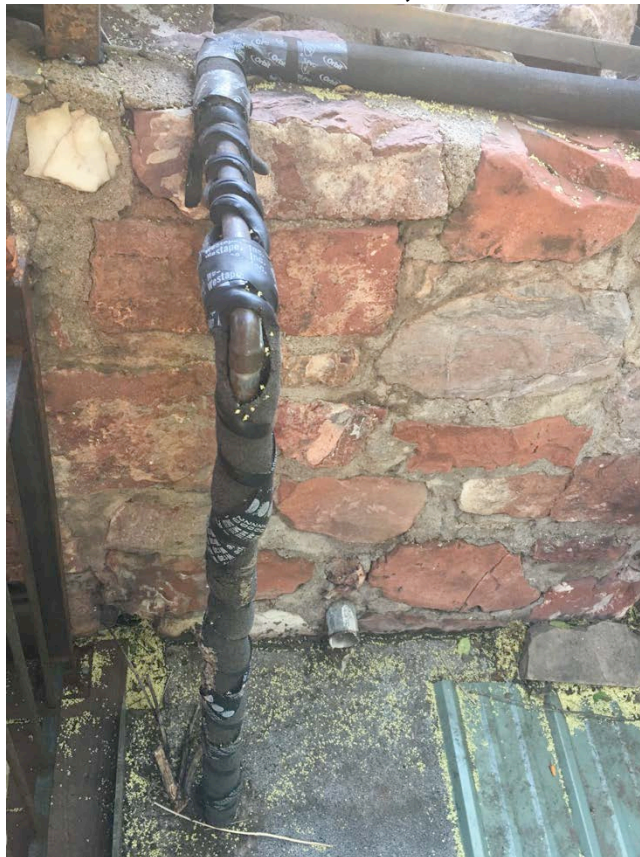
Pipe runs near fence line to corner of house.



Water pipe runs to corner of deck roof.



And comes to rock wall on deck, then into the house.



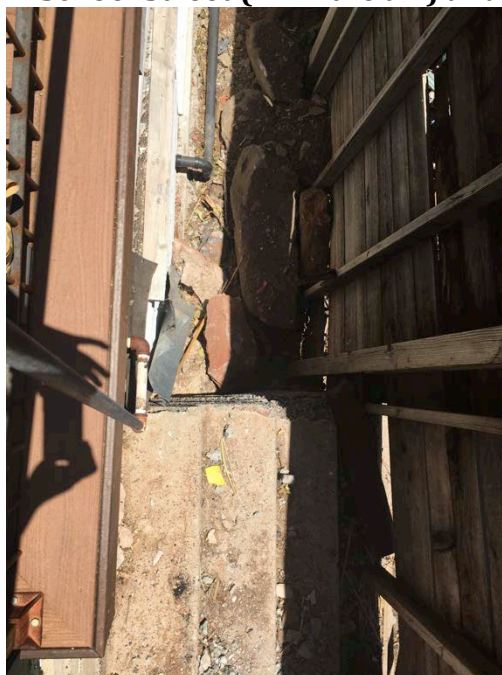
In the picture below, you can see the water coming on to the property in the right hand side of image.



Gas meter is to the left of the current stair system as you face School St.



Gas line/pipe runs from School Street (4' in the air) and enters the house here:



Method of disposal for storm drainage:

A concrete trough similar to this, but narrower, will be created by Arnie Warren which will run between 538 School St. and The Ghost City Inn to direct rain/runoff.



Drainage trough from School St. to Main St.

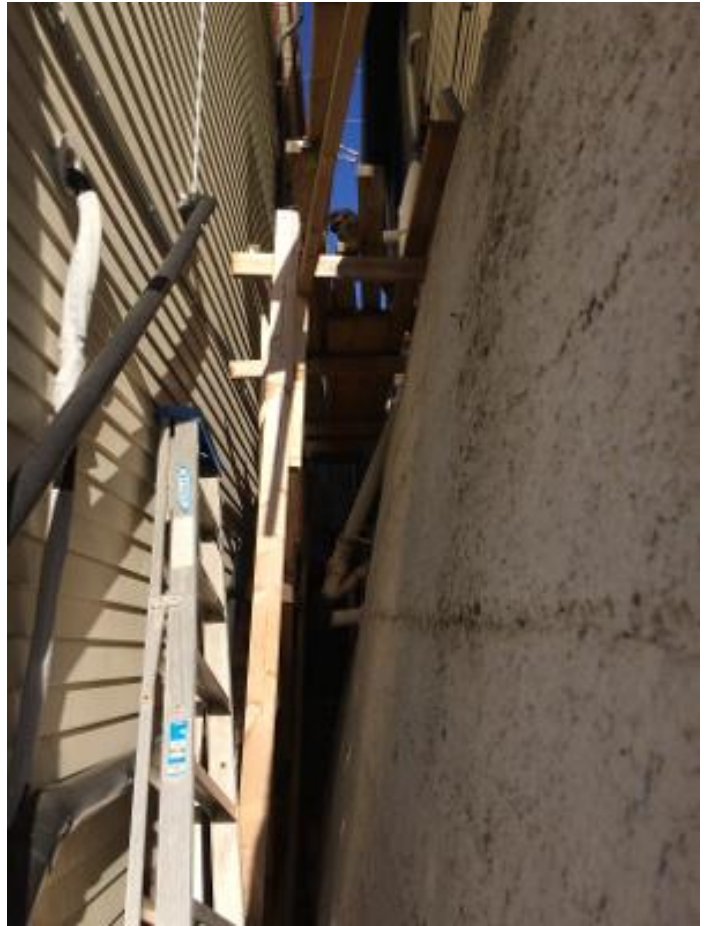




View from back of 538 School St., looking down trough toward Main St./89A



Close-up view from back of 538 School St., looking down trough toward Main St./89A



View from Main St./89A up trough toward School St. Wood is from scaffolding used during construction. Will be removed.

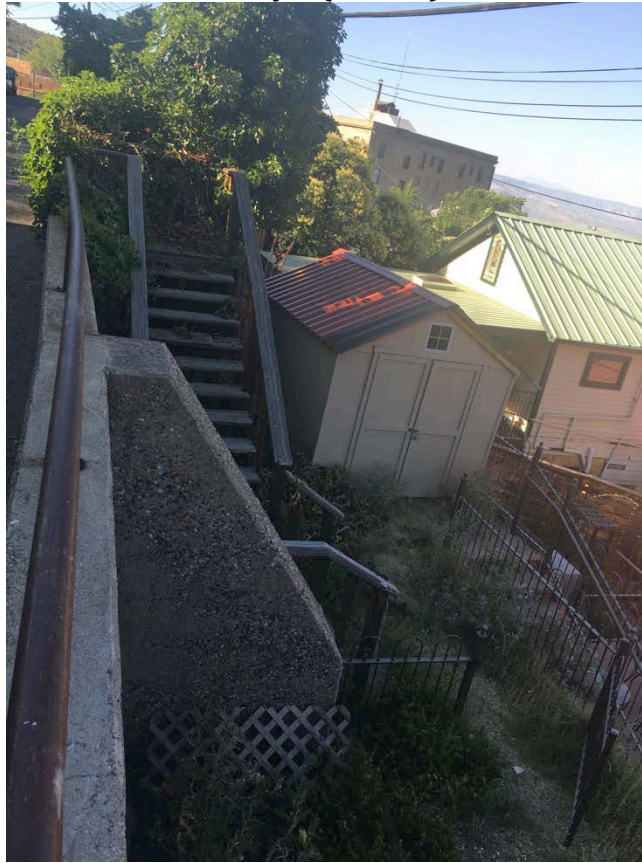
View of Ghost City retaining wall (part of which collapsed a few years ago – see the new buttress in back of photo).

Is anyone nervous that the rest of the wall might collapse? Some serious cracks . . .



Views of other homes' stair systems along School Street . . .

Molly's (I think):



Vino Zona:

