



Founded 1876  
Incorporated 1899

## TOWN OF JEROME, ARIZONA

POST OFFICE BOX 335, JEROME, ARIZONA 86331  
(928) 634-7943 FAX (928) 634-0715

### ORDINANCE #407

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF  
THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA,  
AMENDING SECTION 302, "CONDITIONAL USE PERMITS," OF THE  
JEROME ZONING ORDINANCE**

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

WHEREAS, the Commission has conducted a public hearing on the proposed amendment in accordance with the requirements of A.R.S. 9-462.04; and

WHEREAS, the Commission has determined that the proposed amendment is in conformance with the Town's Comprehensive Plan; and

WHEREAS, the Mayor and Council concur with the recommendation of the Commission, have made additional clarifications to the ordinance, and find that this amendment will enhance the welfare of the Town of Jerome;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, ARIZONA AS FOLLOWS:


Section 1. Section 302, "Conditional Use Permits," is hereby amended as set forth on Exhibit "A," attached hereto and made a part hereof (additions underlined, deletions in ~~strikeout text~~).

Section 2. All ordinances or parts of ordinances that are in conflict with the provisions of this Ordinance are hereby repealed to the extent of their inconsistency herewith.

Section 3. Should any section or provision of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Jerome Zoning Ordinance as a whole or any part thereof other than the part so declared invalid.

Section 4. This Ordinance shall take effect 30 days after final adoption, as provided by law.

FINALLY APPROVED this 15 day of October, 2013.

 For TTY Access, Call the Arizona Relay Service at 1-800-367-8939 and Ask for Town of Jerome at 634-7943 


**Jerome Town Hall Located at 600 Clark Street, Jerome Civic Center**

  
Nikki Check, Mayor

ATTEST:

APPROVED AS TO FORM:

  
Candace Gallagher, Town Manager/Clerk

  
William J. Sims, Esq.  
Town Attorney

Date of First Reading: 9/10/13		Date of Adoption: 10/15/13			
Dates Published:		Ayes	Nays	Absent	Abstain
Date Posted:		4	1		

# ORDINANCE 407 – EXHIBIT “A”

## SECTION 302. CONDITIONAL USE PERMITS

### A. PURPOSE

Every zoning district contains certain buildings, structures and uses of land which are normal and complementary to Permitted Principal Uses in the district, but which, by reason of their typical physical or operational characteristics, influence on the traffic function of adjoining streets, or similar conditions, ~~and are~~ often incompatible with adjacent activities and uses. It is the intent of this Ordinance to permit Conditional ~~Use~~Uses in appropriate zoning districts, but only in specific locations within such districts that can be designed and developed in a manner which assures maximum compatibility with adjoining uses. It is the purpose of this Section to establish principles and procedures essential to proper guidance and control of such uses.

### B. GENERAL REGULATIONS

1. Zoning district regulations established elsewhere in this Ordinance specify that certain buildings, structures and uses of land may be ~~allowed~~authorized by the Commission as Permitted Conditional Uses in a given district subject to the provisions of this Section and to requirements set forth in district regulations. The Planning and Zoning Commission is empowered to ~~grant and make recommendations to deny~~the Town Council regarding granting or denying applications for use permits and to impose reasonable conditions upon them. Prior to becoming effective, all actions by the Planning and Zoning Commission concerning a use permit application must be acted upon by the Town Council in accordance with the provisions of subsection 302 E.
2. Any building, structure or use existing on the effective date of this Ordinance which is reclassified as a Permitted Conditional Use by this Ordinance for the district in which it is located shall be considered as meeting the conditions which would otherwise be imposed upon such use by this Ordinance, and its continuance shall not be subject to issuance of a Conditional Use Permit; provided, however, to the extent that such fails to conform to the requirements of this Ordinance, it shall be considered nonconforming as described in Section 501, and its continuance shall be governed by all nonconforming use regulations applicable thereto.
3. Every Conditional Use Permit issued shall be personal to the ~~permitted~~permittee and applicable only to the specific use and to the specific property for which it is issued. ~~However, once all zoning~~Use Permits may contain specific limitations on the scope, nature and site-development requirements imposed in connection with the permit have been satisfied, duration of the Conditional use, as well as transferability of the Use Permit shall thereafter be transferrable and shall run with the land, whereupon the, as deemed necessary to secure the objectives of this Ordinance. The maintenance

of special conditions imposed by the Permit, as well as compliance with other provisions of this Ordinance, shall be the responsibility of the property owner.

### **C. CONDITIONAL USE PERMIT APPLICATION**

Application for a use permit shall be filed with the Zoning Administrator on a form prescribed by the Commission. The application shall be forwarded to the Planning and Zoning Commission by the Zoning Administrator, and when required by the Commission, shall be accompanied by a detailed site plan prepared in accordance with Section 303 showing all information necessary to demonstrate that the proposed use will comply with all special conditions as well as other regulations and requirements of this Ordinance. The applicant shall furnish the Commission any additional information it may consider relevant to investigation of the case.

### **D. COMMISSION ACTION AND FINDINGS**

1. It is the express intent of this Ordinance that any use for which a Conditional Use Permit is required shall be permitted as a Principal Use in the particular zoning district, provided that all special conditions and requirements of this Ordinance are met. Therefore, the action of the Commission shall be one of approval or denial based upon its judgment as to whether the specified conditions have been or will be met. The Commission shall consider not only the nature of the use and the special conditions influencing its location in the particular district, but also the proposed location of buildings, parking and other facilities within the site, the amount of traffic likely to be generated and how it will be accommodated, and the influence that such factors are likely to exert on adjoining properties. The Commission may make such suggestions as it considers desirable and shall provide all possible guidance to the applicant in his preparation of application, plans, and data in such manner as to satisfy the intent of this Section.
2. The Commission shall consider the application at their next regular meeting if the application was filed at least fifteen (15) days prior to such meeting. Otherwise it shall be carried over until the next regularly scheduled meeting. The Commission may reach a decision, continue the matter to a specified date (but not later than the next regularly scheduled meeting), or may set the matter for public hearing. If the Commission does set the matter for public hearing, notice thereof shall be given to the public by publication of a notice in the official newspaper of the Town and by posting the property included in the application 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 and a general description of the area affected.
3. In order to grant any use permit, the findings of the Commission must be that the establishment, maintenance, or operation of the use or building applied for will not be detrimental to the public health, safety, peace, convenience, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the Town.
4. The Commission may designate such conditions in connection with the use permit as it deems necessary to secure the intent and purposes of this

ordinance and may require such guarantees and evidence that such conditions are being or will be complied with.

5. If the Commission finds that the application and supporting data ~~does~~ do not indicate that all applicable conditions and requirements of this Ordinance will be met, it shall deny the permit. Notice of denial, including reasons therefore, shall be mailed to the applicant at the address shown in the application, and the Commission shall report its actions to the Council at its next regular meeting.
6. If the Commission approves the application it shall direct the Zoning Administrator to ~~issue~~ draft a Conditional Use Permit setting forth all conditions and requirements governing such use, shall make the approved site plan a part of the record of the case, and shall ~~report its actions~~ submit the permit to the Town Council for action at the Council's next regular meeting.
7. Failure of the applicant to comply with the conditions and safeguards which are a part of the terms under which a Conditional Use Permit is granted shall be deemed a violation of this Ordinance and punishable under Section 109.

#### **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. ~~If no~~ Such appeal ~~is~~ must be filed with the Council within fifteen (15) days after Commission actions, ~~the action of the Commission shall be considered final.~~
3. When written appeal is filed with the Town Clerk, the Council shall evaluate the ~~request~~ appeal at their regular meeting ~~and may approve or deny it.~~ Where the use permit is agendized for Council's action. Where an appeal has been filed, the Council may elect to set the matter for a public hearing, and if such action is taken, a legal notice shall be published at least once in the official newspaper of the Town and the property included in the application shall be posted at least fifteen (15) days prior to the hearing date. Notice shall be given to the Planning Commission of such appeal and the Commission shall submit a report to the Council setting forth the reasons for its action taken. The Commission shall be represented at the hearings by the Commission Chairman or his designee.
4. ~~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 uphold affirming, reversing or modifying the action of the Planning and Zoning Commission, reverse that action, or. The Town Council may make a decision ebased on its own findings.~~
5. ~~If the~~ The Council makes a decision which upholds granting of a permit the Council may designate such conditions in connection with the permit as it deems necessary to secure the intent and purpose of this Ordinance and may

require such guarantees and evidences that such conditions are being, or will be, complied with.

65. 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 ~~fifteen (15) days after approval by the Planning Commission~~, but in the event an appeal is filed, said permit shall not become effective until a decision is arrived at immediately upon action by the Town Council.
2. Any use permit issued by the ~~Planning and Zoning Commission~~Town Council shall be commenced within six (6) months from the date of ~~approval~~Council ratification, and diligently pursued, otherwise it shall become null and void. ~~The Commission shall establish a time limitation for all use permits and at the termination of this time limit, the Commission shall reconsider said use permit to determine if the permit should be reissued for an additional time period or be terminated.~~
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.

#### G. REVOCATION

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

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

~~Any use permit issued by the Planning and Zoning Commission~~ 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.