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TOWN OF JEROME, ARIZONA

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(520) 634-7943 FAX (520) 634-0715

ORDINANCE NO. 293

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, ARIZONA, AMENDING ORDINANCE NO. 177, COMMONLY KNOWN AS THE JEROME ZONING ORDINANCE.

WHEREAS, by authority conferred by Title 9-462.01 of the Arizona Revised Statutes Annotated, the Town of Jerome is authorized and empowered to enact a Zoning regulation; and

WHEREAS, under Section 201 of the Jerome Zoning Ordinance, the Planning and Zoning Commission held a public hearing on September 23, 1997; and

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

WHEREAS, there has been no objection, request for public hearing, or other protest;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF JEROME, THE FOLLOWING AMENDMENT TO THE JEROME ZONING ORDINANCE;

REVISION OF:

- A. SECTION 303 - PLAN REVIEW
- B. SECTION 507. B. C. AND D. - C-1 ZONE
- C. SECTION 501. NONCONFORMING USES AND STRUCTURES

Passed and adopted by the Mayor and Common Council of the Town of Jerome, Arizona, this 14 day of October, 1997.

John Scarcella, Mayor

APPROVED AS TO FORM:

Corbin Vandemoer, Town Attorney

Attest:

Al Palmieri, Town Clerk

ORDINANCE NO. 293

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WHEREAS, under Section 201 of the Jerome Zoning Ordinance, the Planning and Zoning Commission held a public hearing on April 1, 1997; and

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

WHEREAS, there has been no objection, request for public hearing, or other protest;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF JEROME, THE FOLLOWING AMENDMENT TO THE JEROME ZONING ORDINANCE;

DELETION OF:
SECTION 501. NONCONFORMING USES AND STRUCTURES
C. APPLICATION:

11 and 17. Delete entirely. Deleted wording is shown with strikeouts below:

~~11. For the purposes of this section, the fact that a dwelling unit is not occupied shall not be considered a discontinuance of that use.~~

~~17. All nonconforming uses shall be discontinued as soon as is reasonably possible, but in no event, shall the nonconforming use exist for a period in excess of five years.~~

Passed and adopted by the Mayor and Common Council of the Town of Jerome, Arizona, this _____ day of _____, 1997.

John Scarcella
John Scarcella, Mayor

APPROVED AS TO FORM:
Corbin Vandemoer
Corbin Vandemoer, Town Attorney

Attest:

Lucy Abbot, Town Clerk

*Orig. to Cori
to sign
May 15, 1997*

ORDINANCE NO. 293

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Passed and adopted by the Mayor and Common Council of the Town of Jerome, Arizona, this _____ day of _____, 1997.

John Scarcella

John Scarcella, Mayor

APPROVED AS TO FORM:

Attest:

Corbin Vandemoer, Town Attorney

Lucy Abbot, Town Clerk

SECTION 303 I. PRELIMINARY SITE PLAN REVIEW

A. PURPOSE

The purpose of the preliminary site plan review is to enable the Zoning Administrator to make a finding that the proposed developments in conformity with the intent and provisions of this Ordinance and all other Town ordinance. The provisions of this section shall apply to all permitted and conditional uses in all zones; 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.

B. APPLICATION FOR PLAN APPROVAL

A request for plan approval shall be filed with the Zoning Administrator on a form prescribed by the Administrator. The request for approval shall be accompanied by four (4) identical copies of the plan. Each copy shall be on one or more sheets of paper measuring not more than twenty four (24) by thirty six (36) inches, drawn to a scale not smaller than forty (40) feet to the inch, which show the following:

1. Lot dimensions;
2. Location, size, height use and exterior materials of all buildings and structures;
3. Size and dimensions of yards and space between buildings;
4. Location and height of walls and fences;
5. Location, number of spaces, dimensions, circulation patterns, and surface materials for all off-street parking and loading areas, driveways, access ways and pedestrian walkways;
6. The location, dimensions, area, materials and lighting of signs;
7. Location and general nature of lighting;
8. Street dedications and improvements;
9. Existing and proposed grades and drainage systems;
10. The size and location of all existing and proposed public and private utilities. All easements must be shown;
11. Natural features such as mesas, rock outcroppings or streams and man-made features such as existing roads and structures, with indications as to which are to be retained and which removed or altered.

~~12. A vicinity sketch showing the location of the site in relation to the surrounding street system. Adjacent properties and their uses shall be identified.~~

~~13. A legal description of the land included in the site plan and of the lot; the name, address and telephone number of the owner, developer and designer.~~

~~14. Any other information which the Zoning Administrator may find necessary to establish compliance with this and other ordinances.~~

~~15. Application for Sign Permits shall be filed in accordance with the provisions of Section 509.~~

B. PROJECTS REQUIRING REVIEW

Projects requiring Preliminary Site Plan Review shall include but not be limited to: lot splits, lot line adjustments, new construction, alterations, grading and excavation and clearing and grubbing.

C. 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.~~

C. PROCEDURE

A preliminary site plan shall be submitted to the Zoning Administrator for review by the Building 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 weeks prior to preliminary site plan review and remain until after final approval. 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 (24) by thirty six (36) inches, drawn to a scale not smaller than forty (40) feet to the inch, which show the following:

1. A North arrow; scale used; lot dimensions referenced to a legal description; street dedications, easements and utilities, both public and private. In cases where the location of a property perimeter is unclear, the Building Inspector may require a boundary survey with corners identified on the ground.

2. A vicinity sketch showing the location of the site in relation to the surrounding street system. Adjacent properties and their uses shall be identified.

3. Location, perimeter size, and use of all existing and proposed buildings and structures: number of stories of all proposed buildings and structures.
4. Size and dimensions of required yards and lot coverage for the zoning district, and the space between buildings.
5. Location and height of all existing and proposed walls and fences.
6. Location, number of spaces, dimensions, circulation patterns, and surface materials for all off-street parking and loading areas proposed. All parking shall comply with Section 510 of the Jerome Zoning Ordinance.
7. Existing drainage. Show how proposed drainage will be directed indicating both adequate disposal and protection of neighboring properties.
8. Natural features, such as rock outcroppings, trees over twelve inches (12 ") 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 35% 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 ARS 32-1121.
10. All proposed excavation and grading:
 - a. Shall conform to Section 303.III of this ordinance.
 - b. Where the combined proposed cut and fill exceeds 50 cubic yards, the applicant must obtain a separate grading permit from the Building Inspector. An assessment by a civil, structural or soils engineer may be required to show site stability and lack of negative impact.
 - c. Six (6) months from the date of approval of a grading permit, approval becomes void if the grading permit has not been issued.

d. Exploratory excavation of 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 10 cubic yards.

11. Any other information which the Zoning Administrator may find necessary to establish compliance with this and any other ordinances.

12. Application for sign permits shall be filed in accordance with the provisions of Section 509.

~~D. REVIEW PROCEDURES~~

~~1. The Zoning Administrator shall have ten (10) working days from the date of submission of a plan application to review said plan and approve, conditionally approve or reject said plan and, based on its compliance with all provisions of this Ordinance, all other ordinances and master plans of the Town of Jerome, to notify the applicant of his decision in writing. If, however, the Zoning Administrator wishes to obtain the opinion of the Planning and Zoning Commission, he may, at his discretion, forward the plan to the Commission for action at their next regular meeting. In such case, the Zoning Administrator must render his decision within five (5) days after Commission action. The decision shall set forth in detail the reasons for denial, or in the event of conditional approval, the changes or additions which are necessary to make the plan acceptable.~~

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

D. 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.

~~E. APPEALS~~

~~Any applicant for plan approval who is dissatisfied or aggrieved by the decision of the Zoning Administrator may appeal such decision to the Board of Adjustment by filing a written notice of appeal with the Town Clerk, not later than fifteen (15) days from the date of the Zoning Administrator's decision.~~

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 re-submitted. The Planning and Zoning Commission may, if the preliminary drawings and other data are sufficiently clear and explicit, waive the requirements of Section 303 II and/or grant Final Approval at the Preliminary Review session, provided all other requirements of this section are conformed with.

F. ~~EXPIRATION OF PLAN APPROVAL~~

1. ~~Six (6) months from the date of approval, a plan 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 approving body.~~

G. ~~VIOLATION AND ENFORCEMENT~~

1. ~~Prior to the issuance of a Building Permit the Building Inspector shall ascertain that the Zoning Administrator has approved plans which are in conformance to those presented with the Building Permit application and that the time limitations imposed by this Ordinance have not elapsed.~~

2. ~~The Zoning Administrator shall insure that all matters are undertaken according to the conditions of the approved plan. 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 no attempt to change the circumstances of the violation is made within ten (10) days after notification, the building permit shall be revoked and considered null and void.~~

H. ~~EXCEPTION~~

~~Under certain circumstances, where the nature of the permitted or conditional use is such that it would be unnecessary or economically unfeasible for the applicant to prepare a plan in accordance with this section, the Zoning Administrator may waive certain of the requirements of subsection B of this section, but in all cases the applicant will be required to prepare and submit some type of site plan drawn to scale.~~

SECTION 303 II. FINAL SITE PLAN REVIEW

*Item #
line 3*

A. FINAL PLAN PROCEDURES

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. Two weeks prior to final review the site shall be additionally posted with height markers or story poles to show the eventual height of buildings. 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 (24) by thirty-six (36) inches, 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:

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. 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. Compliance with any conditions recommended by the Design Review Board from the Preliminary Site Plan Review.

B. REVIEW

1. The Final Plan shall be checked for completeness by the Zoning Administrator. 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 re-submitted.

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

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

SECTION 303 III. 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 months, any further use shall comply with these requirements.

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

A. Approval Procedure

1. Any person wishing to do any grading, filling, excavation, cutting or other site earthwork shall submit plans, drawings and supporting data including the quantity of cut and the quantity of fill and any other information required by the Zoning Administrator and/or Building Inspector. The Planning and Zoning Commission will look for compliance with these requirements in making its decision.

2. Grading shall be done in conjunction with a site plan filed with the Zoning Administrator. Such plan will be presented to the Planning and Zoning Commission at its next regularly scheduled meeting. Grading, excavation and fill shall not:

- a. adversely affect the lateral support of adjacent property or structures;
- b. increase the stresses in or pressures upon any adjacent or contiguous property;
- c. physically infringe on adjacent property;
- d. include detrimental excavation or stockpiling;
- e. be in a public right-of-way;
- 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 35%, engineering reports shall be required under the Site Plan requirements of the Jerome Zoning Ordinance.

B. Post - Approval Procedure

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

1. All grading and excavation shall be performed with safety precautions and any anti-erosion or drainage devices required by the Building Inspector.

2. Construction equipment, parking and storage needs shall be identified and provisions made not to interrupt, more than absolutely necessary, normal traffic flow.

3. Dust control measures shall be taken and loads covered to prevent spilling and blowing.

4. Fencing of hazardous sites shall be required.

5. Safety fencing to protect neighboring property may be required.

6. Hours of work for grading and excavation shall be 7 A.M. to 6 P.M., Monday through Friday. No work shall occur on Saturdays or Sundays.

7. 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.

8. Cuts shall be accomplished to blend scale, form and visual character into the natural land forms and minimize exposed scars.

9. Cuts shall be adequately fenced.

10. Driveway slope shall not exceed 15%, 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.

11. Fills shall be accomplished to blend scale, form and visual character into the natural land forms and minimize exposed scars.

12. 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.

D. APPEALS

1. Any applicant or person or persons directly 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 (30) days from the date of the Commission's decision.

2. Any applicant or person or persons directly affected, may appeal a decision of the Zoning Administrator to the Board of Adjustment by filing a written notice of appeal with the Zoning Administrator, not later than thirty (30) days from the date of the Zoning Administrator's decision.

E. 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.

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 approving body.

F. VIOLATION AND ENFORCEMENT

1. Prior to the issuance of a Building Permit the Building Inspector shall ascertain that the Planning and Zoning Commission has approved Preliminary and Final plans which are in conformance to those presented with the Building Permit application and that the time limitations imposed by this Ordinance have not elapsed.

2. The Zoning Administrator shall ensure that all matters are undertaken according to the conditions of the approved plan. If during the course of work, changes in the approved plan are necessitated by conditions found at the site, an appropriately licensed engineer's approval may be required for the modified plans. In the event of a violation, the Zoning Administrator shall notify the permittee, by mail, that he is in violation of the conditions of the approved plan. If there are no plans, approved by the Zoning Administrator, to eliminate the violation within ten (10) 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, a citizen is still in violation of this Ordinance, the Zoning Administrator shall take appropriate legal action to abate the violation.

DELETIONS ARE STRUCKOUT. CHANGES ARE **BOLDFACE**.

SECTION 507. "C - 1 ZONE, GENERAL COMMERCIAL

A. PURPOSE

This district is intended to provide for and encourage orderly development in existing and future commercial areas within the Town.

B. PERMITTED USES

1. Retail sales of apparel and accessories, dry goods, foods, drugs, flowers and plants, garden supplies, hardware, gifts and novelties, pet and hobby supplies, art and art supplies, jewelry, liquor, tobacco, newspapers and magazines, music and records, household supplies, stationary, books, paint, wallpaper and glass, sporting goods, toys, variety store goods, appliances, auto parts and supplies, furniture, office supplies, leather and leather products, carpet, antiques, fabrics, photo supplies, **second hand and used goods** and similar convenience goods.

2. Repair services such as, but no more objectionable or intensive in character than, watches, jewelry, shoes, locksmith, minor household appliances.

3. Personal services such as: barbers, beauty shops, health clubs, laundries and cleaners, mortuaries.

~~4. Establishments serving food or beverages inside a building such as: restaurants, cafes, coffee shops, bars, taverns, cocktail lounges, excluding entertainment, dancing, or drive-in facilities in connection therewith.~~

4. Hotels and motels.

~~5. Manufacturing incidental to a permitted use is permitted, but subject to the following limitations:~~

~~a. All products incidental to a permitted use which are manufactured or processed on the premises shall be sold at retail only and on the premises only.~~

~~b. Such manufacturing activity shall be restricted to not over fifty (50) percent of the ground floor area of the building allocated to the permitted use.~~

5. Establishments serving food or beverages inside a building such as: restaurants, cafes, coffee shops, bars, taverns, cocktail lounges, excluding entertainment and dancing in connection therewith.

~~6. Second hand stores, pawn shops, used furniture stores.~~

6. Manufacturing incidental to a permitted use is permitted, but subject to the following limitations:

a. All products incidental to a permitted use which are manufactured or processed on the premises shall be sold at retail only and on the premises only.

b. Such manufacturing activity shall be restricted to not over fifty (50) percent of the ground floor area of the building allocated to the permitted use.

~~7. Printers and print shops.~~

7. Pawn shops.

~~8. Radio and TV studios, provided that no masts, towers or antenna used for transmission or broadcasting purposes are erected on the premises.~~

8. Printers and print shops.

~~9. Banks, stock brokerages firms, savings and loan associations, loan companies and credit unions.~~

9. Radio and TV studios, provided that no masts, towers or antenna used for transmission or broadcasting purposes are erected on the premises.

~~10. Governmental services, public utility offices and exchanges, excluding storage or repair services.~~

10. Banks, stock brokerage firms, savings and loan associations, loan companies and credit unions.

~~11. Offices related to any of the following occupations: executive, administrative, professional, accounting, banking, writing, clerical, stenographic, graphic art, real estate and sales.~~

11. Governmental services, public utility offices and exchanges, excluding storage or repair services.

~~12. Medical and dental offices and clinics.~~

12. Offices related to any of the following occupations: executive, administrative, professional, accounting, banking, writing, clerical, stenographic, graphic art, real estate and sales.

~~13. Establishments primarily supplemental in character to other permitted principal uses, such as: pharmacy, apothecary shop, sales of corrective garments, prosthetic devices and optical goods, medical and dental laboratories.~~

13. Medical and dental offices and clinics.

~~14. Establishments whose principal function is basic research, design, and pilot or experimental product development, when conducted within a completely enclosed building.~~

14. Establishments primarily supplemental in character to other permitted principal uses, such as: pharmacy, apothecary shop, sales of corrective garments, prosthetic devices and optical goods, medical and dental laboratories.

~~15. Business and trade schools, dancing, art and music schools.~~

15. Establishments whose principal function is basic research, design, and pilot or experimental product development, when conducted within an completely enclosed building.

~~16. Headquarters buildings of charitable, philanthropic and welfare organizations provided that their primary activities are administrative and clerical rather than residential in nature.~~

16. Business and trade schools, dancing, art and music schools and studios.

~~17. Accessory buildings, structures and uses customarily incidental to a permitted use except as otherwise provided in this ordinance.~~

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17. Headquarters buildings of charitable, philanthropic, and welfare organizations provided that their primary activities are administrative and clerical rather than residential in nature.

~~18. Any such other uses as determine by the Planning and Zoning Commission and approved by the City Council to be similar to those uses listed above and not detrimental to the public health, safety and general welfare in accordance with the provisions of this Ordinance.~~

18. Accessory buildings, structures and other uses customarily incidental to a permitted use except as otherwise provided in this Ordinance.

19. Any other such uses as determined by the Planning and Zoning Commission and approved by the Town Council to be similar to those uses listed above and not detrimental to the public health, safety and general welfare in accordance with the provisions of this Ordinance.

C. CONDITIONAL USES

1. Any "Permitted" or "Conditional" Uses in the "R1-10", R1-5" or "R-2" Zones.

2. Establishments serving food or beverages for consumption on the premises, but outside of an enclosed building.
3. Establishments serving food or beverages which include entertainment or dancing.

~~4. Drive-in facilities incidental to a permitted use.~~

4. Temporary outdoor sales, displays and other outdoor activities.

5. Indoor commercial recreation establishments, such as bowling alleys, billiard parlors, skating rinks and similar establishments.

6. Outdoor commercial recreation establishments

7. Indoor theaters, assembly halls, ballrooms and similar places of assembly.

8. Taxi stand, bus stop, public parking lots and garages.

9. Gas service stations.

10. Outdoor sales of nursery stock.

11. Pet shops.

12. 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 health, safety and general welfare in accordance with the provisions of this Ordinance.

~~13. Strictly residential use or use of a building, when, in the opinion of the Planning and Zoning Commission, said use has little or no adverse affect on the economic well-being of the community. Hotels, motels and other residential use with historic precedence in the subject buildings are exempt from the economic well-being criteria but remain subject to nonconforming use clauses.~~

13. Residential use of a building, including boarding houses, rooming houses, lodging houses, apartments and Bed and Breakfasts, when in the opinion of the Planning and Zoning Commission, said use has little or no adverse affect on the public health, safety and general welfare. Residential use with historic precedence in the subject buildings are exempt from the economic well-being criteria but remain subject to non-conforming use clauses.

D. ZONE RESTRICTIONS

1. All activities, except as otherwise permitted **addressed** herein, shall be conducted entirely **within** enclosed buildings.

2. Outdoor storage or display of goods or materials shall be prohibited.

~~3. Temporary outdoor sales, displays and similar activities shall be allowed under Conditional Use Permit procedures.~~

3. Warehousing or indoor storage of goods or materials, exceeding that normally incidental to permitted uses, shall be prohibited.

~~4. Warehousing or indoor storage of goods or materials, exceeding that normally incidental to permitted uses, shall be prohibited.~~

SECTION 501. ~~NONCONFORMING USES AND STRUCTURES SITUATIONS~~

A. DEFINITIONS

~~1. A nonconforming use is a use of a structure or land which was lawfully established and maintained prior to the adoption of this Ordinance but which, under this Ordinance, does not conform to the use regulations for the district in which it is located.~~

1. A nonconforming situation is a condition that occurs when, on the effective date of this Ordinance or a previous Ordinance or on the effective date of an Ordinance text amendment or rezoning, an existing lot, structure, building, sign, development or use of an existing lot or structure does not conform to one or more of the regulations currently applicable to the district in which the lot, structure, building, sign, development or use is located.

~~2. A nonconforming structure is a structure which was lawfully erected prior to adoption or lawfully erected prior to any subsequent amendment of this Ordinance, but which, under this Ordinance, does not conform with the standards of coverage, yard spaces, height of structures, or distance between structures prescribed in the regulations for the district in which the structure is located.~~

B. PURPOSE

While permitting the use and maintenance of nonconforming structures, this section is intended to limit the number and extent of nonconforming uses and structures by prohibiting their being moved, altered, enlarged or restored after destruction in a manner which would increase the discrepancy between conditions existing at the time of adoption of the Ordinance and the standards prescribed in this Ordinance, except as provided for by ARS 9-462.02.

C. APPLICATION

1. Any nonconforming structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.

2. The lawful use of land, buildings or structures existing at the time of the passage of this Ordinance, or amendment thereof, although such does not conform to the provisions hereof for said land, may be continued, but if such nonconforming uses is discontinued for a period of six (6) months, any future use of said land or structure shall be in conformity with the provision of this Ordinance.

3. No nonconforming use shall be extended to replace a conforming use.

4. A nonconforming use of a building or lot shall not be changed to another nonconforming use whatsoever. Changes in use shall be made only to a conforming use.

5. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.

6. A nonconforming building may not be reconstructed or structurally altered during its life to an extent which would increase the discrepancy between conditions existing at the time of the adoption of this Ordinance and the standards prescribed in this Ordinance.

7. No repairs, alterations or additions shall be made to any building used for a nonconforming use or a nonconforming building which has been damaged by fire, flood, wind, earthquake, explosion or other calamity, act of God, or act of the public enemy or which has been dismantled or demolished by the owner, to an extent which would increase the discrepancy between conditions at the time of such damage and the standards prescribed in this Ordinance.

8. A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building which existed prior to the enactment of this Ordinance shall not be deemed the extension of such nonconforming use.

9. Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been issued prior to the enactment of this Ordinance, provided the construction shall be diligently prosecuted within sixty (60) days of the date of this Ordinance, and the building is completed and used according to such plans as filed within one (1) year from the date of the Ordinance.

10. A nonconforming building or portion thereof which was specifically designed, or beyond a reasonable doubt, intended by the nature of its arrangement and construction to be used in any way which would be nonconforming under this Ordinance, but was not so used at the time this Ordinance became effective, may, if not altered or repaired as prohibited elsewhere in this Ordinance be occupied or used for the purpose for which it was designed, arranged or intended provided such building is so used within six (6) months after the effective date of this Ordinance. Otherwise the use of such building shall conform to the provisions of this Ordinance.

11. Notwithstanding any other provisions of this Ordinance, any automobile wrecking yard or any other junkyard in existence in any zone at the date of enactment of this Ordinance shall (have), at the expiration of three (3) from such date, become a prohibited and unlawful use and shall be (have been) discontinued.

12. Whenever the boundaries of a zone shall be changed so as to transfer an area from one zone to another zone of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.

13. Nothing in this article shall be interpreted as authorization for approval of the continuance of the use of a building or premises in violation of regulations in effect at the time of the effective date of this Ordinance.

14. 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, yard and parking and loading requirements of the zone.

15. Where two or more vacant contiguous lots of record, having continuous frontage, 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.

Questions for P&Z to consider prior to the public hearing on Ordinance 293 - changes to Zoning Ordinance.

1. If a dwelling unit in C-1 (established prior to the 1976) is considered a grandfathered Conditional Use (per Section 302.B.2. pg.27), but lacks parking, does this put it in the non-conforming use category. If so, would this use be considered abandoned after six months vacancy?

Ex: Telephone building downstairs apartment, Haskins Apt. units, Boyd Hotel possible future apartment use, UV Apartments still not completed.

2. If a single family dwelling in a Residential zone is a non-conforming use, is it considered abandoned after a six month period of vacancy. If that dwelling is non-conforming for parking or some other requirement, is the use non-conforming? If vacant, would that use be abandoned?

Ex: Houses on Company Hill, any house with no parking, insufficiency of yard or area requirement.

3. If a duplex in the Residential zone has a vacant apartment, because of remodeling, for six months, is that duplex use gone?

DOES THIS AMENDMENT AFFECT YOU?

DO YOU OWN A NON-CONFORMING DWELLING UNIT - DUPLEX IN A RESIDENTIAL ZONE - APARTMENT WITHOUT PARKING IN A COMMERCIAL ZONE - HOUSE WITHOUT PARKING? MIGHT YOUR USE BE AFFECTED BY A CHANGE IN THE ZONING ORDINANCE?

DO YOU FAVOR HAVING DUPLEXES IN RESIDENTIAL ZONES EVENTUALLY DISAPPEAR?

THERE IS A PUBLIC HEARING BY COUNCIL ON A PROPOSED AMENDMENT TO THE ZONING ORDINANCE MAY 13, AT THE REGULAR COUNCIL MEETING.

PUBLIC NOTICE
TOWN OF JEROME

The Jerome Town Council will hold public hearing on May 13, 1997 in Town Hall, Main Street, Jerome, to consider Ordinance 293, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, ARIZONA, AMENDING ORDINANCE NO. 177, COMMONLY KNOWN AS THE JEROME ZONING ORDINANCE. WHEREAS, by authority conferred by Title 9-462.01 of the Arizona Revised Statutes Annotated, the Town of Jerome is authorized and empowered to enact an Zoning regulation; and WHEREAS, under Section 201 of the Jerome Zoning Ordinance, the Planning and Zoning Commission held a public hearing on April 1, 1997; and WHEREAS, the Planning and Zoning Commission has recommended an amendment to the Jerome Zoning Ordinance to the Council of the Town of Jerome; and WHEREAS, there has been no objection, request for public hearing, or other protest; NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF JEROME, THE FOLLOWING AMENDMENT TO THE JEROME ZONING ORDINANCE; DELETION OF: SECTION 501. NONCONFORMING USES AND STRUCTURES C. APPLICATION: 11 and 17. Delete entirely. Deleted wording is shown with strikeouts below: 11. ~~For the purposes of this section, the fact that a dwelling unit is not occupied shall not be considered a discontinuance of that use.~~ 17. ~~All nonconforming uses shall be discontinued as soon as is reasonably possible, but in no event, shall the nonconforming use exist for a period in excess of five years.~~ Passed and adopted by the Mayor and Common Council of the Town of Jerome, Arizona, this 10th day of June, 1997. John Scarcella, Mayor. Copies of this notice are posted in the three Town posting places and are available at Town Hall (634-7943) Monday - Friday, 9am-5pm.

Notary Public Terry A. Boan
Description All that portion of the
of section 29, township 14 north,
and Salt River base and meridiana

Notice Of Trustee's Sale
Our File No. 5101604-01
The following legally described trust property will
be sold pursuant to the power of sale under that cer-

Permit. The Hearing Board may sustain, modify, or
reverse the final decision of the Permit.
If you would like to receive copies of future
Public Notices of Air Pollution Control Permits,
please provide a type or print your name, address,

The address of the registered office is:
1875 Mabey Ranch Road
Cottonwood, Arizona, 86326

Public Notice

Corporation, any or all of the
ation held by them, and if a copy
ent shall be filed with the
f (b) the Incorporators or the
ed to vote shall adopt any bylaw
ng, limiting or restricting the
any Shareholders, then and in
nts, all certificates of shares of
uch abridgments, limitation or
ave a reference thereto endorsed
cer of the Corporation and such
hereafter be transferred on the
ation except in accordance with
visions of such agreement or
may be.

ARTICLE XIII PREEMPTIVE RIGHTS

and treasury stock of this
e issued at such time, upon such
s, and for such considerations as
ors shall determine.
ers shall have preemptive rights
shares of this Corporation in the
t to the limitations prescribed by
ot otherwise. Before the Board of
e any unissued shares of this cor-
ed in these Articles or by late
ll notify each Shareholder of the
and of the terms and conditions
ares are proposed to be issued.
irty days after the giving of such
older shall have the right, on the
nditions as is stated in the notice,
tion of the shares proposed to be
s held by such Shareholder bears
ssued and outstanding at the time
en, such right to be exercised by
ch election to the Corporation at
ce. If any Shareholder does not
election to acquire such shares
-day period, the shares may be
ut only on terms and conditions
than the terms and conditions
to the Shareholders. Except as
, no other preemptive rights shall
older.

ARTICLE XIV UNASSASSIBILITY

Corporation shall not be subject to
payment of the debts of the

ARTICLE XV RIGHT TO AMEND

may be amended as provided
ation reserves the right to amend,
repeal any provision of these
ner now or hereafter prescribed
ese Articles; and all rights and
herein on Shareholders and
t to this reserved power.
day of Jan., 1997.

ARTICLE XVI NOTARIZATION

AVAPAI
a Notary Public, hereby certify
Jan., 1997, personally appeared
iller, who being by me first duly
clared that they are the persons
e foregoing document as
that the statements therein con-

HEREOF, I have hereunto set
my 13th day of Feb., 1997.

Whipple St. #102
301
expires: Nov. 9, 1998
arch 7, 12, 14, 1997.
OF INCORPORATION

Public Notice

Equipment Management, Inc.
ARTICLE II

The incorporator of the Corporation and his
address is as follows:
Tommy L. Hearwole
1630 Ca-Tim Drive
Prescott, AZ 86301

ARTICLE III

The known place of business of the Corporation
shall initially be as follows: 1630 CaTim Drive,
Prescott, AZ 86301.

Said place of business shall be subject to change
hereafter in accordance with applicable

ARTICLE IV

The objects and purposes of this Corporation
and the general nature of the business it initially
proposes to transact are set forth below.

(a) The object and purpose of this Corporation
are to conduct any or all manner and kind of lawful
business for which corporations may be incorporat-
ed under the laws of the State of Arizona, and this
Corporation shall be deemed for all purposes to
have the authority and power to transact all or any
such manner and kind of business; the
Corporation's powers, objects and purposes as
aforesaid shall include, but not be limited to, the
several powers, objects and purposes set forth in
Arizona Revised Statutes §10-301 through 10-303,
as in effect on the date hereof, which are hereby
incorporated herein by this reference.

(b) The character of the business which this
Corporation initially (and thereafter) intends to con-
duct within the State of Arizona (and elsewhere) is
as follows: namely, act as General Partner of a
Limited Partnership. The description as aforesaid
of the business initially intended to be conducted by
this Corporation shall not in any way limit (i)
the character of business hereafter to be conducted by
this Corporation, or (ii) the generality of Paragraph
(a) of this Article IV.

ARTICLE V

The authorized capital stock of this Corporation
shall be one hundred thousand (100,000) shares,
having the par value (if any) hereinafter set forth,
all as set forth in this Article V. The shares of capi-
tal stock of this Corporation shall be issuable for
such consideration as is specified by the Board of
Directors in its sole discretion (provided the same is
not inconsistent with applicable law or the
express provisions of these Articles), and upon
receipt by this Corporation of the consideration so
specified, the shares so issued shall be deemed to be
fully paid and non-assessable for all purposes.
Neither the shares so issued nor their holders shall
have any preferential or preemptive rights with
respect to other shares of this Corporation's capital
stock except as hereinafter expressly provided or
contemplated. Each share of stock shall have the
voting rights (if any) hereinafter provided, and
except as hereinafter contemplated or as otherwise
expressly required by applicable law at the time,
there shall be no class voting as to any matter sub-
mitted to this Corporation's shareholders.

1. **Common Stock.** Of the shares of capital stock
herebefore authorized, one hundred thousand
(100,000) shares with par value of \$0.001 per share
shall be Common Stock. Except as may otherwise
be provided in or contemplated by Section 2 of this
Article V or as may be expressly required by applic-
able law at the time, the exclusive voting power of
the shareholders of this Corporation shall for all
purposes be vested in the holders of its Common
Stock, and each share thereof shall entitle its holder
to one vote (or, with respect to elections of direc-
tors, so many votes as shall be required to comply
with cumulative voting procedures for so long as,
but no longer than, said procedures are mandatory
for corporations organized under Arizona law).

2. **No Preemptive Rights; Stock Options and
Rights.** No stockholder of this Corporation shall

Public Notice

my hand and official seal.
§ Linda Clark
Notary Public

My Commission Expires: 11-25-00
Acceptance by Statutory Agent

Favour, Moore & Wilhelmson, having been des-
ignated to act as statutory agent, hereby consents to
act in that capacity until it is removed, or submits its
resignation, in accordance with applicable law.
Dated: February 14, 1997.

Favour, Moore & Wilhelmson
by
its President
3TVIPublish: March 12, 14 and 19, 1997

PUBLIC NOTICE TOWN OF JEROME

The Jerome Planning and Zoning commission
will hold a public hearing on April 1, 1997, at 7:00
p.m. at Town Hall, 301 Main St., Jerome, AZ to
consider a revision to the Jerome Zoning
Ordinance. This proposed revision is to Section
501. Nonconforming Uses and Structures an
deletes Section 501.C.11 and Section 501.C.17.
Copies of the proposed revision are available at
Town Hall, Monday-Friday 9:00 a.m. - 5:00 p.m. A
copy of the proposed revision is posted in the three
town posting places. This public hearing replaces
the one previously advertised for March 25, 1997,
for the same revision. That hearing has been can-
celed.
2TVIPublish: March 12 and 14, 1997

ARTICLES OF ORGANIZATION HAVE BEEN FILED IN THE OFFICE OF THE ARIZONA CORPORATION COMMISSION FOR

Name: Ainsworth Medical Center L.L.C.

The address of the registered office is: 2 South
Murphy Way, Prescott, AZ 86301

The name and address of the Statutory Agent is:
William H. Dickey
112 Whipple St., Prescott, AZ 86301

Management of the limited liability company is
vested in a manager or managers. The names and
addresses of each person who is a manager AND
each member who owns a twenty percent or greater
interest in the capital or profits of the limited liabil-
ity company are:
Robert Gibb
2 South Murphy Way
Prescott, AZ 86301
Deer Creek Development LLC
1560 Cougar Trail
Prescott, AZ 86302
ABCM Corporation
1320 4th Street NE
Hampton, IA 50441
3TVIPublish: March 12, 14 and 19, 1997

ARTICLES OF ORGANIZATION HAVE BEEN FILED IN THE OFFICE OF THE ARIZONA CORPORATION COMMISSION FOR

Name: H.P. GOURMET ENTERPRISES AND
DISTRIBUTING, L.L.C.

The address of the registered office is:
205 Sunset Drive, #95, Sedona, Arizona 86336
The name and address of the Statutory Agent is:
Howard Pierceall, 205 Sunset Drive, #95, Sedona,
Arizona 86336

Management of the limited liability company is
reserved to the members. The names and addresses
of each person who is a member are:
Howard Pierceall
205 Sunset Drive, #95
Sedona, Arizona 86336
Ada Pierceall

Public Notice

than sixty days. Par value common stock may be
issued for such consideration expressed in dollars,
not less than the par value thereof as shall be fixed
from time to time by the Board of Directors of the
corporation. All shares shall be nonassessable after
full consideration has been paid to the corporation.

4.2 **Voting Rights.** Each holder of record of the
common stock of the corporation shall be entitled to
one (1) vote for each share of common stock held
by him at each meeting of the shareholders and in
respect to any matter on which the shareholders
have a right to vote. The right to vote shall be sub-
ject to the bylaws of the corporation in effect from
time to time with respect to closing the transfer
books and fixing the record date for the determina-
tion of shareholders entitled to vote. Cumulative
voting for directors is not permitted.

4.3 **Preemptive Rights.** The shareholders of the
corporation shall have the preemptive right of sub-
scription to any share of common stock of the cor-
poration to be allotted or sold, or hereafter autho-
rized, or any obligations or securities exchangeable
for or convertible into stock of the corporation of
any class, including capital stock of the corporation
which has not yet been authorized.

4.4 **Stock Rights and Options.** The Board of
Directors shall have the power to create and issue
rights, warrants of options entitling the holders
thereof to purchase from the corporation any shares
of its capital stock of any class or series, upon such
terms and conditions and at such time and prices as
the Board of Directors may provide, which terms
and conditions shall be incorporated in an instru-
ment or instruments evidencing such rights.

4.5 **Board of Directors' Powers.** The common
stock may be allotted as and when the Board of
Directors shall determine, and, subject to the limita-
tions established from time to time by the laws of
Arizona, the Board of Directors shall have the
power to divide any authorized class of stock into
series and to fix and determine the relative rights
and preferences of the shares of any series so estab-
lished.

4.6 **Restrictions on Transfer of Shares.** No stock-
holders or heirs, assigns, executors, administrators
or personnel representatives of a stockholders shall
pledge, sell, assign, transfer or dispose of the stock
of this corporation, including to another stockhold-
er, except as hereafter provided:

He shall first notify the Board of Directors of
this desire to sell or transfer stock, which notice
shall contain the price at which the stock is to be
sold or transferred and offer the shares of the stock
to the Board of Directors at this price. This offer
shall remain open for fifteen days and the price
must be based on a bona fide offer. If the corpora-
tion fails to accept the offer in writing within that
period, a second offer, also in writing shall be made
to each shareholder and sent to such shareholder's
last known address by registered mail. The second
offer shall be made to sell the shares on the same
terms as the bona fide offer to the other sharehold-
ers holding stock, on a pro rata basis. This offer
shall remain open for fifteen days. If the offer is not
accepted by either the corporation or the sharehold-
ers, in writing, with the time prescribed, the shares
shall thereafter be freely transferable.

Upon the death of a stockholder, the corporation
shall have one year from the date of the death of
such stockholder within which to purchase his capi-
tal stock. The value of such stock upon such sale
and purchase shall be provided for in the By-Laws
of this corporation.

ARTICLE 5 INITIAL STATUTORY AGENT

The name and address of the corporation's initial
statutory agent is Kent Ellsworth, 550 S.
Montezuma, suite A, Prescott, AZ 86303

ARTICLE 6 DIRECTORS

The number of directors constituting the initial