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## TOWN OF JEROME, ARIZONA

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

### ORDINANCE #374

#### AN ORDINANCE AMENDING SECTIONS 201, 304 AND 502 OF THE JEROME ZONING ORDINANCE TO ADD REGULATIONS AND PROVISIONS REGARDING DECKS

WHEREAS, the Planning and Zoning Commission has recommended that the Jerome Zoning Ordinance be amended to include certain regulations and provisions regarding decks; 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, 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 201, "General," of Article II, "Definitions" is hereby amended as follows:

- A. The definition for "Building Area" is hereby amended as follows (additions underlined, deletions in strikeout text):

BUILDING AREA – The total areas, taken on a horizontal plane at the mean grade level, of the principal buildings and all accessory buildings (including decks), exclusive of ~~uncovered porches~~, terraces and steps.

- B. A new definition for "Deck" is hereby inserted between the definitions for "Day Care" and "Design Review Board," to read as follows:

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

Section 2. Subsection F, “Review Procedures and Criteria,” of Section 304, “Design Review,” of Article III, “Procedures,” is hereby amended as follows:

- A. Paragraph 1(e) is hereby amended as follows (additions underlined, deletions in ~~strikeout text~~):  
ENTRANCES, PORCHES, DECKS, AND PROJECTIONS – The height, projection, supports, and relationship to streets and sidewalks, of entrances, porches, decks, awnings, canopies, and balconies of a building shall be visually compatible to the buildings, structures, and places to which it is visually related.
- B. Paragraph 1(i) is hereby amended as follows (additions underlined, deletions in ~~strikeout text~~):  
ACCESSORY FEATURES – garages, carports, sheds, fences, walkways, decks, stairways, lighting, antenna and other manmade structures shall be visually compatible with buildings, structures, and places to which they are visually related.
- C. Paragraph 2(a) is hereby amended as follows (additions underlined, deletions in ~~strikeout text~~):  
ARCHITECTURAL FEATURES AND DETAILS – Original porches, decks, balconies, canopies, doors, windows, walls, fences, stairways, eaves, cornices, and other architectural features and details shall be preserved and retained where feasible. Necessary replacement of these features should be as near as possible to the original feature in design and material.

Section 3. Subsection H, “Yard, Lot and Area Requirements,” of Section 502, “General Provisions,” of Article V, “Use Regulations,” is hereby amended as follows:

- A. Paragraph 3 is hereby amended as follows (additions underlined, deletions in ~~strikeout text~~):  
Awnings, ~~open fire balconies~~, fire-escape stairs, window-type ~~refrigerator~~ refrigeration units, suspended or roof evaporative coolers, and forced air furnaces, ~~any projection 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.
- B. There is hereby added NEW Paragraph 10, to read as follows:  
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.

Section 4. Subsection I, “Building Height Requirements,” of Section 502, “General Provisions,” of Article V, “Use Regulations,” is hereby amended by the addition of NEW Paragraph 3, to read as follows:


In any district, the height of a deck may not exceed twenty-seven (27) feet from the natural grade.

Section 5. 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 6.** 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.

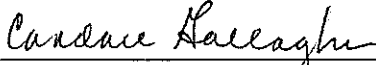
**Section 7.** This Ordinance shall take effect 30 days after final adoption, as provided by law.

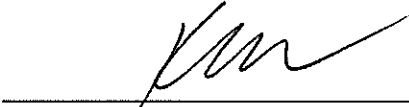
FINALLY APPROVED this 10<sup>th</sup> day of August, 2010.

  
Jay Kinsella, Mayor

ATTEST:

APPROVED AS TO FORM:

  
Candace Gallagher, Town Manager/Clerk

  
Kathleen G. Williamson, Williamson & Young, PC  
Town Attorney

<b>Date of First Reading:</b>		7/15/2010		<b>Date of Adoption:</b>		8/10/10	
<i>Ayes</i>	<i>Nays</i>	<i>Absent</i>	<i>Abstain</i>	<i>Ayes</i>	<i>Nays</i>	<i>Absent</i>	<i>Abstain</i>
5	0	0	0	5	0	0	0
<b>Dates Published:</b> 8/15/10							

**CERTIFICATION OF POSTING**

I, the duly appointed Deputy Clerk of the Town of Jerome, Arizona, or my representative, hereby certify that Ordinance No. 374 was posted in accordance with A.R.S. § 9-813 on the following dates and times, and at the following places:

	DATE	TIME	PLACE
1	8-11-2010	6:00 pm	301 Main Street, second floor, exterior posting case
2	8-11-2010	6:00 pm	970 Gulch Road, side of Gulch Fire Station, exterior posting case
3	8-11-2010	6:00 pm	600 Clark Street, Jerome Town Hall, exterior posting case
4	8-11-2010	6:00 pm	120 Main Street, Jerome Post Office, interior posting case

  
R.A. Shemaitis, Deputy Clerk