



TOWN OF JEROME

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

SPECIAL MEETING OF THE TOWN OF JEROME

PLANNING AND ZONING COMMISSION

DATE: MONDAY, February 25, 2019 TIME: 5:00 pm

PLACE: JEROME CIVIC CENTER

600 Clark St., JEROME, ARIZONA 86331

AGENDA

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the Planning & Zoning Commission and to the general public that the Planning & Zoning Commission will hold the above meeting in Council Chambers at Jerome Town Hall. Members of the Planning & Zoning Commission will attend either in person or by telephone, video or internet conferencing. 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 step to the podium, 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: EXECUTIVE SESSION:

Commission may convene in executive session, pursuant to A.R.S. 38-431.03(A)(3) and (A)(4), to review questions with the Town Attorney in regard to the Zoning Ordinance USE REGULATIONS SECTION 301 NONCONFORMING SITUATIONS, relative to a project that was completed in 1990. The Town Attorney may participate telephonically, regarding same. Discussion/Possible Direction to Staff

ITEM 4: EXECUTIVE SESSION:

Commission may convene in executive session, pursuant to A.R.S. 38-431.03(A)(3) and (A)(4), to review questions with the Town Attorney regarding the intent of the "Initial R-2 Residential Zone" in the AGREEMENT TO LIMIT USE AND WAIVE CLAIMS. The Town Attorney may participate telephonically, regarding same. Discussion/Possible Direction to Staff

ITEM 5: R-2 REZONING: ADDITIONAL REQUEST FOR INCLUSION IN PROPOSED ZONE CHANGE FROM ADJACENT PROPERTY OWNERS.

The Commission shall review and discuss additional requests for inclusion in Proposed Zone Change, for possible recommendation to Council. Discussion/Possible Action/Possible Direction to Staff

ITEM 6: R-2 REZONING: DRAFT AGREEMENT, LIMIT USE & WAIVE CLAIMS, PROPOSED ZONE CHANGE.

The Commission shall review and discuss the agreement drafted for the proposed zone change from R1-5 to R-2. Discussion/Possible Action/Possible Direction to Staff

ITEM 7: R-2 ZONE REVIEW ZONING ORDINANCE CHANGE, ARTICLE V, R-2 ZONE AND POSSIBLE CREATION OF ADDITIONAL ZONES

Commission may discuss how to modify the Zoning Ordinance to represent future residential zones that may change existing and/or introduce new residential zones. Draft text amendments are in the packet.

Discussion/Possible Action/Possible Direction to Staff

TOWN OF JEROME

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(928) 634-7943 FAX (928) 634-0715

ITEM 8: FUTURE AGENDA ITEMS

Discussion/Possible Direction to Staff

ITEM 9: ADJOURN

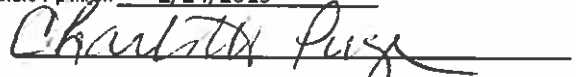
Discussion/Possible Action

The undersigned hereby certifies that this notice and agenda was posted at the following locations on or before 7 p.m. on 2/24/2019

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



Charlotte Page, Zoning Administrator, Attest

Persons with a disability may request a reasonable accommodation such as a sign language interpreter by contacting the Deputy Town Clerk Joni Savage 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 Jerome Town Hall at (928) 634-7943 and ask to speak with Charlotte Page, Zoning Administrator.



TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331

OFFICE (928) 634-7943 FAX (928) 634-0715

ZONING ADMINISTRATOR ANALYSIS PLANNING & ZONING COMMISSION February 25, 2019

**ITEM 3: EXECUTIVE SESSION: REVIEW ZONING ORDINANCE USE REGULATIONS
SECTION 301 NONCONFORMING SITUATIONS, relative to a project that was completed
in 1990.**

Historic documents are in the packet.

**ITEM 4: EXECUTIVE SESSION: DISCUSS THE INTENT OF THE "INITIAL R-2 RESIDENTIAL
ZONE" in the AGREEMENT TO LIMIT USE AND WAIVE CLAIMS.**

The proposed agreement is in the packet.

2019 - CURRENT PLZ SUBMISSION

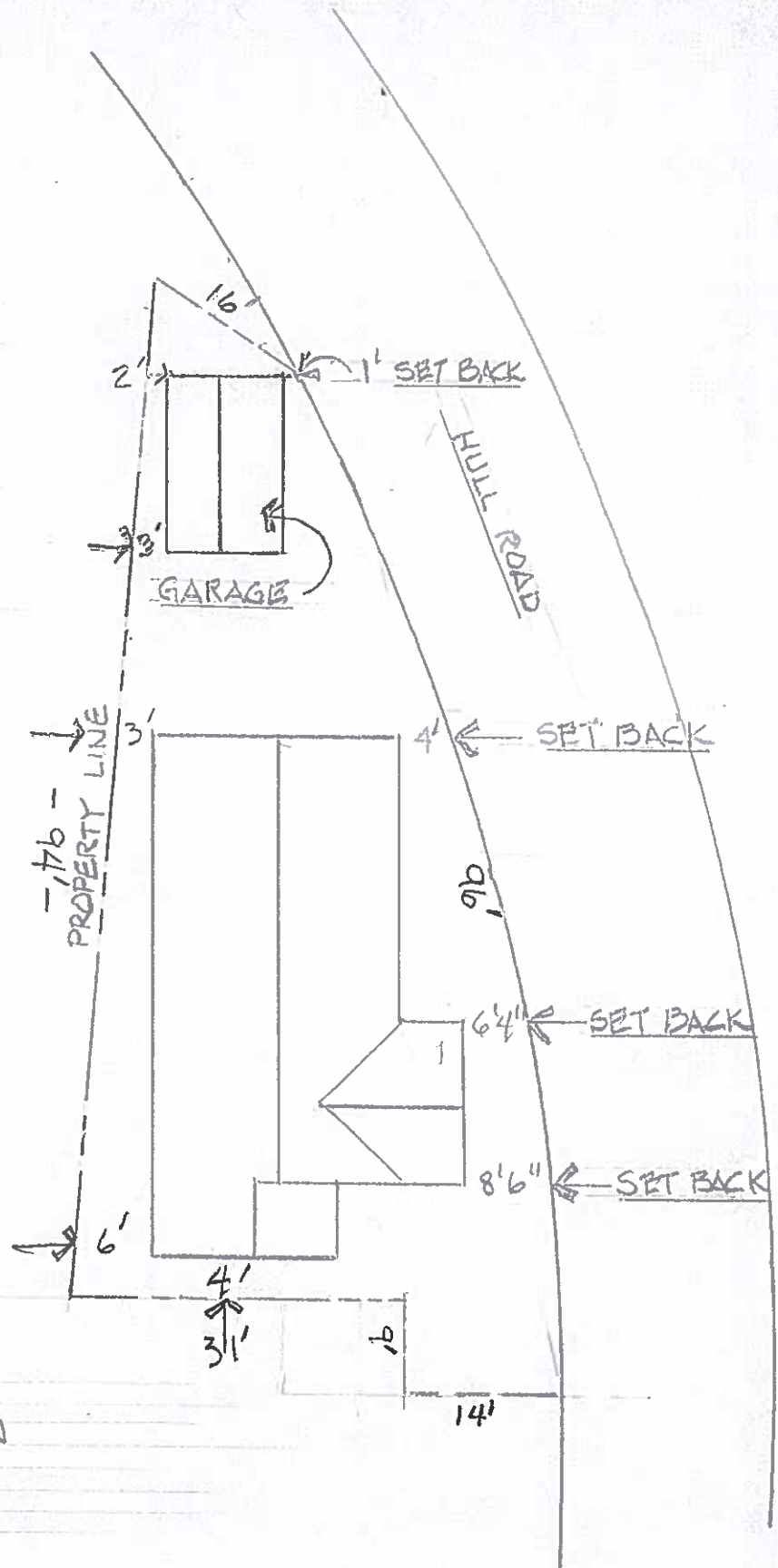
SITE PLAN

701 HULL ROAD
JEROME, AZ 86331

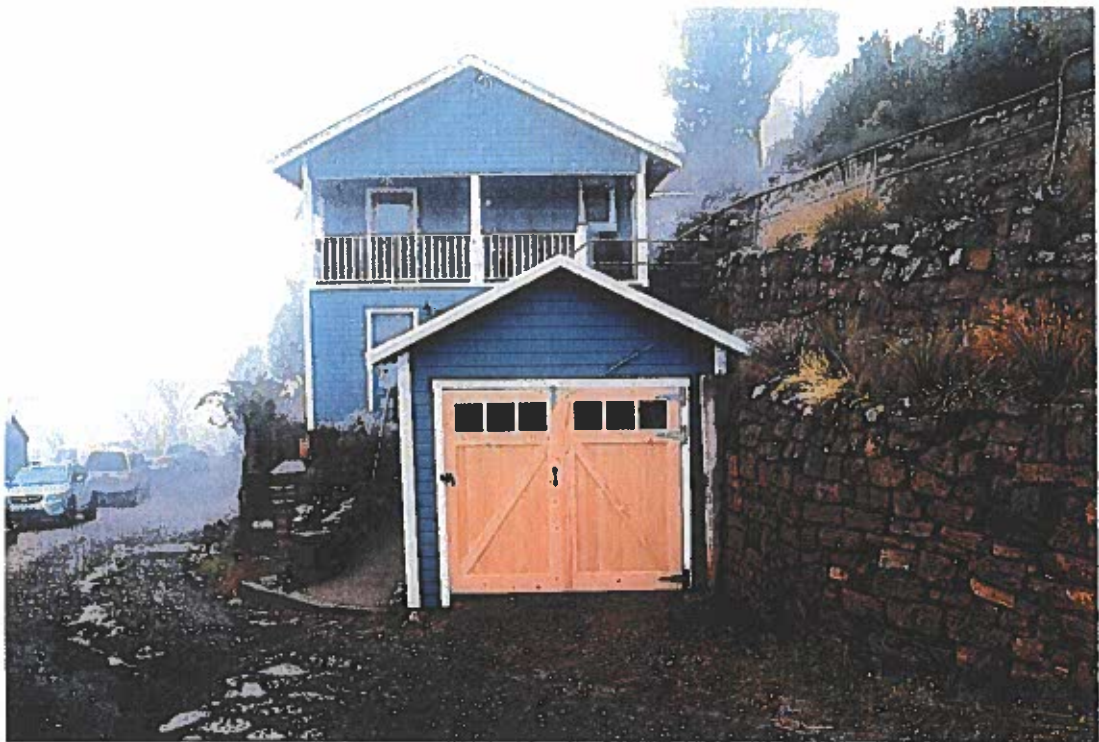
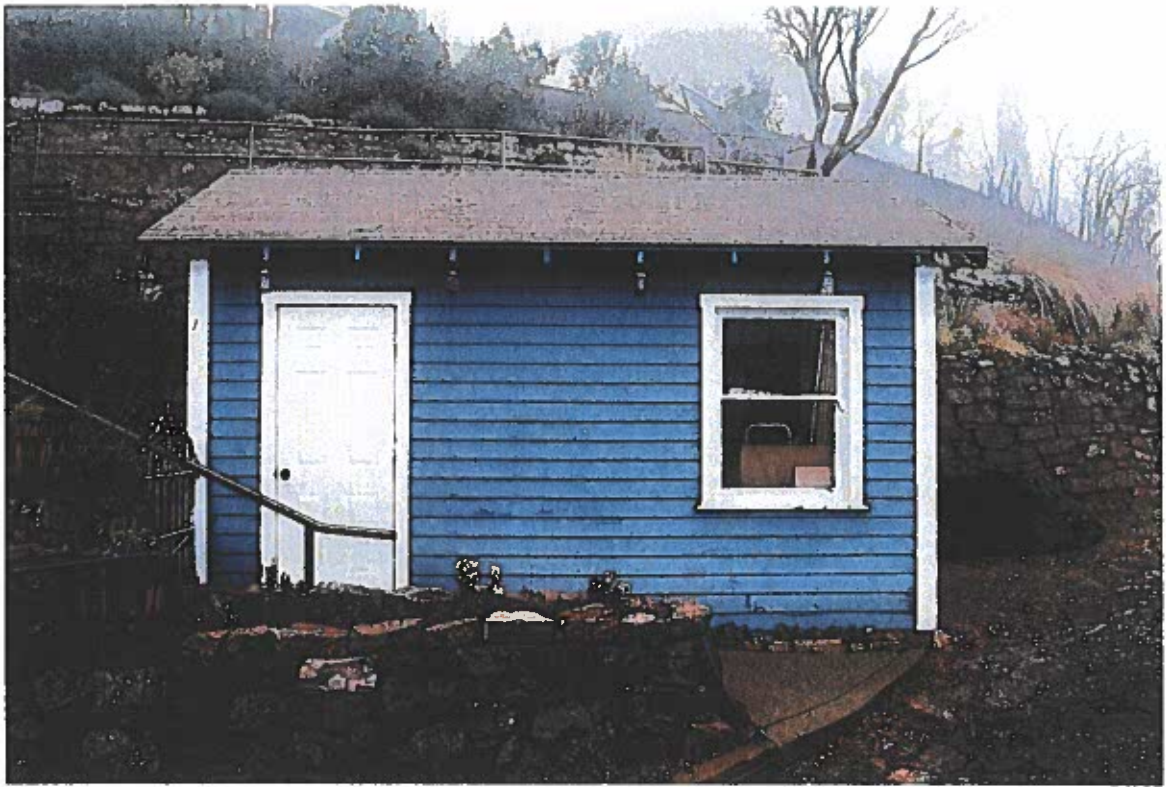
SCALE: 1" = 16'

DATE: 01-28-2019

DON FEHER



FOR:
SECOND FLOOR ADDITION
ABOVE GARAGE





TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331

OFFICE (928) 634-7943 FAX (928) 634-0715

ZONING ADMINISTRATOR ANALYSIS Planning & Zoning Commission February 25, 2019

ITEM 5: R-2 REZONING: ADDITIONAL REQUEST FOR INCLUSION IN PROPOSED ZONE CHANGE FROM ADJACENT PROPERTY OWNERS.

The Commission shall review and discuss additional requests for inclusion in Proposed Zone Change, for possible recommendation to Council.

There are four owners requesting consideration for inclusion in this proposed zone change. There has been discussion and possible informal decision was put forward by Commission at past meetings.

The Zoning Ordinance suggests a decision to change or limit the boundary of a proposed zone change should be documented by motion of the Commission. ZA recommends any decision should be supported by motion and reasons for decision should be formally recorded to be submitted as a component to report of recommendations on this matter to Council.

Zoning Ordinance reference:

C. COMMISSION ACTION

2. Prior to publishing a petitioned Zoning Map change, the Commission may, on its own motion, delimit or extend the boundaries of such area, so as to constitute a more reasonable zone district boundary.

Charlotte Page, Zoning Administrator

Properties requesting inclusion

The map displays the Town of Jerome with various property lots and streets. Key features include:

- Streets:** H. Cemetery Rd, Main St, and a street labeled '401-11-019F'.
- Lot Numbers and Acreage:** Numerous lots are labeled with numbers and acreage, such as 401-11-001, 401-11-002A, 401-11-002B, 401-11-002C, 401-11-003, 401-11-004, 401-11-005A, 401-11-005B, 401-11-006, 401-11-007A, 401-11-007B, 401-11-008, 401-11-008A, 401-11-008B, 401-11-008C, 401-11-008D, 401-11-008E, 401-11-008F, 401-11-008G, 401-11-008H, 401-11-008I, 401-11-008J, 401-11-008K, 401-11-008L, 401-11-008M, 401-11-008N, 401-11-008O, 401-11-008P, 401-11-008Q, 401-11-008R, 401-11-008S, 401-11-008T, 401-11-008U, 401-11-008V, 401-11-008W, 401-11-008X, 401-11-008Y, 401-11-008Z, 401-11-009, 401-11-009A, 401-11-009B, 401-11-009C, 401-11-009D, 401-11-009E, 401-11-009F, 401-11-009G, 401-11-009H, 401-11-009I, 401-11-009J, 401-11-009K, 401-11-009L, 401-11-009M, 401-11-009N, 401-11-009O, 401-11-009P, 401-11-009Q, 401-11-009R, 401-11-009S, 401-11-009T, 401-11-009U, 401-11-009V, 401-11-009W, 401-11-009X, 401-11-009Y, 401-11-009Z, 401-11-010, 401-11-010A, 401-11-010B, 401-11-010C, 401-11-010D, 401-11-010E, 401-11-010F, 401-11-010G, 401-11-010H, 401-11-010I, 401-11-010J, 401-11-010K, 401-11-010L, 401-11-010M, 401-11-010N, 401-11-010O, 401-11-010P, 401-11-010Q, 401-11-010R, 401-11-010S, 401-11-010T, 401-11-010U, 401-11-010V, 401-11-010W, 401-11-010X, 401-11-010Y, 401-11-010Z, 401-11-011, 401-11-011A, 401-11-011B, 401-11-011C, 401-11-011D, 401-11-011E, 401-11-011F, 401-11-011G, 401-11-011H, 401-11-011I, 401-11-011J, 401-11-011K, 401-11-011L, 401-11-011M, 401-11-011N, 401-11-011O, 401-11-011P, 401-11-011Q, 401-11-011R, 401-11-011S, 401-11-011T, 401-11-011U, 401-11-011V, 401-11-011W, 401-11-011X, 401-11-011Y, 401-11-011Z, 401-11-012, 401-11-012A, 401-11-012B, 401-11-012C, 401-11-012D, 401-11-012E, 401-11-012F, 401-11-012G, 401-11-012H, 401-11-012I, 401-11-012J, 401-11-012K, 401-11-012L, 401-11-012M, 401-11-012N, 401-11-012O, 401-11-012P, 401-11-012Q, 401-11-012R, 401-11-012S, 401-11-012T, 401-11-012U, 401-11-012V, 401-11-012W, 401-11-012X, 401-11-012Y, 401-11-012Z, 401-11-013, 401-11-013A, 401-11-013B, 401-11-013C, 401-11-013D, 401-11-013E, 401-11-013F, 401-11-013G, 401-11-013H, 401-11-013I, 401-11-013J, 401-11-013K, 401-11-013L, 401-11-013M, 401-11-013N, 401-11-013O, 401-11-013P, 401-11-013Q, 401-11-013R, 401-11-013S, 401-11-013T, 401-11-013U, 401-11-013V, 401-11-013W, 401-11-013X, 401-11-013Y, 401-11-013Z, 401-11-014, 401-11-014A, 401-11-014B, 401-11-014C, 401-11-014D, 401-11-014E, 401-11-014F, 401-11-014G, 401-11-014H, 401-11-014I, 401-11-014J, 401-11-014K, 401-11-014L, 401-11-014M, 401-11-014N, 401-11-014O, 401-11-014P, 401-11-014Q, 401-11-014R, 401-11-014S, 401-11-014T, 401-11-014U, 401-11-014V, 401-11-014W, 401-11-014X, 401-11-014Y, 401-11-014Z, 401-11-015, 401-11-015A, 401-11-015B, 401-11-015C, 401-11-015D, 401-11-015E, 401-11-015F, 401-11-015G, 401-11-015H, 401-11-015I, 401-11-015J, 401-11-015K, 401-11-015L, 401-11-015M, 401-11-015N, 401-11-015O, 401-11-015P, 401-11-015Q, 401-11-015R, 401-11-015S, 401-11-015T, 401-11-015U, 401-11-015V, 401-11-015W, 401-11-015X, 401-11-015Y, 401-11-015Z, 401-11-016, 401-11-016A, 401-11-016B, 401-11-016C, 401-11-016D, 401-11-016E, 401-11-016F, 401-11-016G, 401-11-016H, 401-11-016I, 401-11-016J, 401-11-016K, 401-11-016L, 401-11-016M, 401-11-016N, 401-11-016O, 401-11-016P, 401-11-016Q, 401-11-016R, 401-11-016S, 401-11-016T, 401-11-016U, 401-11-016V, 401-11-016W, 401-11-016X, 401-11-016Y, 401-11-016Z, 401-11-017, 401-11-017A, 401-11-017B, 401-11-017C, 401-11-017D, 401-11-017E, 401-11-017F, 401-11-017G, 401-11-017H, 401-11-017I, 401-11-017J, 401-11-017K, 401-11-017L, 401-11-017M, 401-11-017N, 401-11-017O, 401-11-017P, 401-11-017Q, 401-11-017R, 401-11-017S, 401-11-017T, 401-11-017U, 401-11-017V, 401-11-017W, 401-11-017X, 401-11-017Y, 401-11-017Z, 401-11-018, 401-11-018A, 401-11-018B, 401-11-018C, 401-11-018D, 401-11-018E, 401-11-018F, 401-11-018G, 401-11-018H, 401-11-018I, 401-11-018J, 401-11-018K, 401-11-018L, 401-11-018M, 401-11-018N, 401-11-018O, 401-11-018P, 401-11-018Q, 401-11-018R, 401-11-018S, 401-11-018T, 401-11-018U, 401-11-018V, 401-11-

141, 150 & 156 North Dr. and 100 & 110 Dundee

Sybil Malinowski Melody
PO Box 1179
1412 First North Street
Clarkdale, AZ 86324
928-639-0158

Sent via email (to Charlotte Page)

The Commissioners of the Planning & Zoning Commission
Of the Town of Jerome, Arizona

November 19, 2018

Re: R-2 Rezoning proposal

Dear Commissioners:

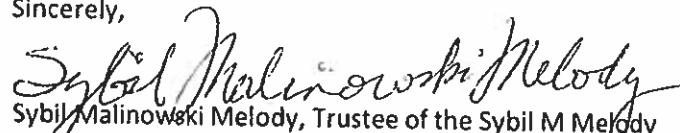
I am the owner of the property located at 150 North Drive in Jerome, AZ, which is adjacent to the properties on North Drive that have joined in the request of Robert & Heather Doss to have their properties rezoned from R-1-5 to R-2.

If the R-2 zoning change is approved by the Planning & Zoning Commission, I would like to have my property which is tax parcel 401-11-031A (Lots 1 through 4 of Block 3 in Dundee Place Subdivision, Jerome, AZ) included in this zoning change.

I have no plans to change the current use of, or the improvements on, my property; the reason for making this request to change the zoning to R-2 is simply to increase the value of my property should I decide to sell it or refinance it at some future date.

I have attached a site plan of my property and a Google Map of the area with my address noted.

Sincerely,


Sybil Malinowski Melody, Trustee of the Sybil M Melody
Living Trust dated April 12, 2002

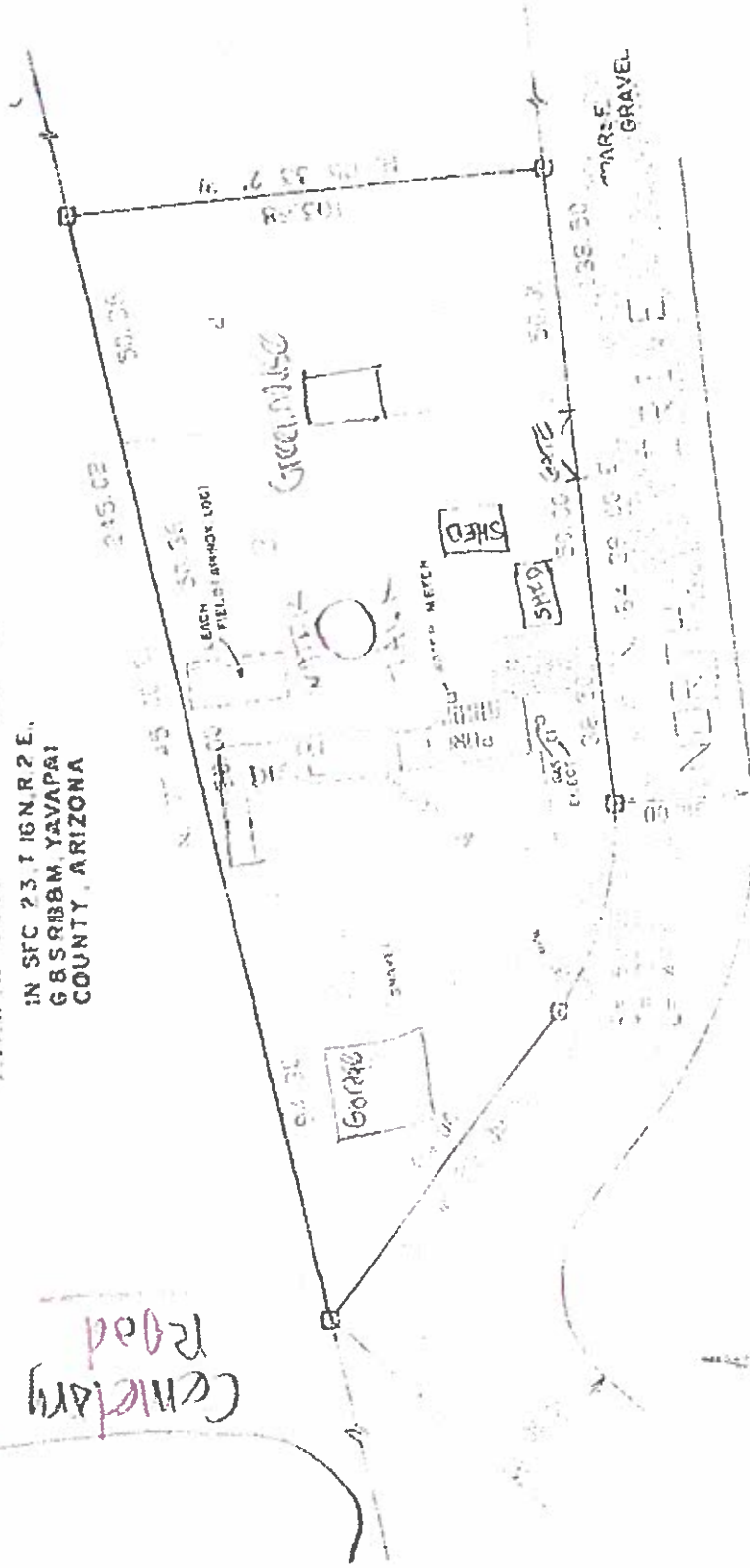
Attachments

LOTS 1, 2, 3 & 4 BLOCK 3 OF DUNDIE PLACE
RESULTS OF SURVEY

AS RECORDED IN BOOK 3 OF MAPS & PLATS PAGE 10

YAVAPAI COUNTY RECORDER OFFICE

IN SEC 23, T 16N, R 2E,
G 8S R 138M, YAVAPAI
COUNTY, ARIZONA



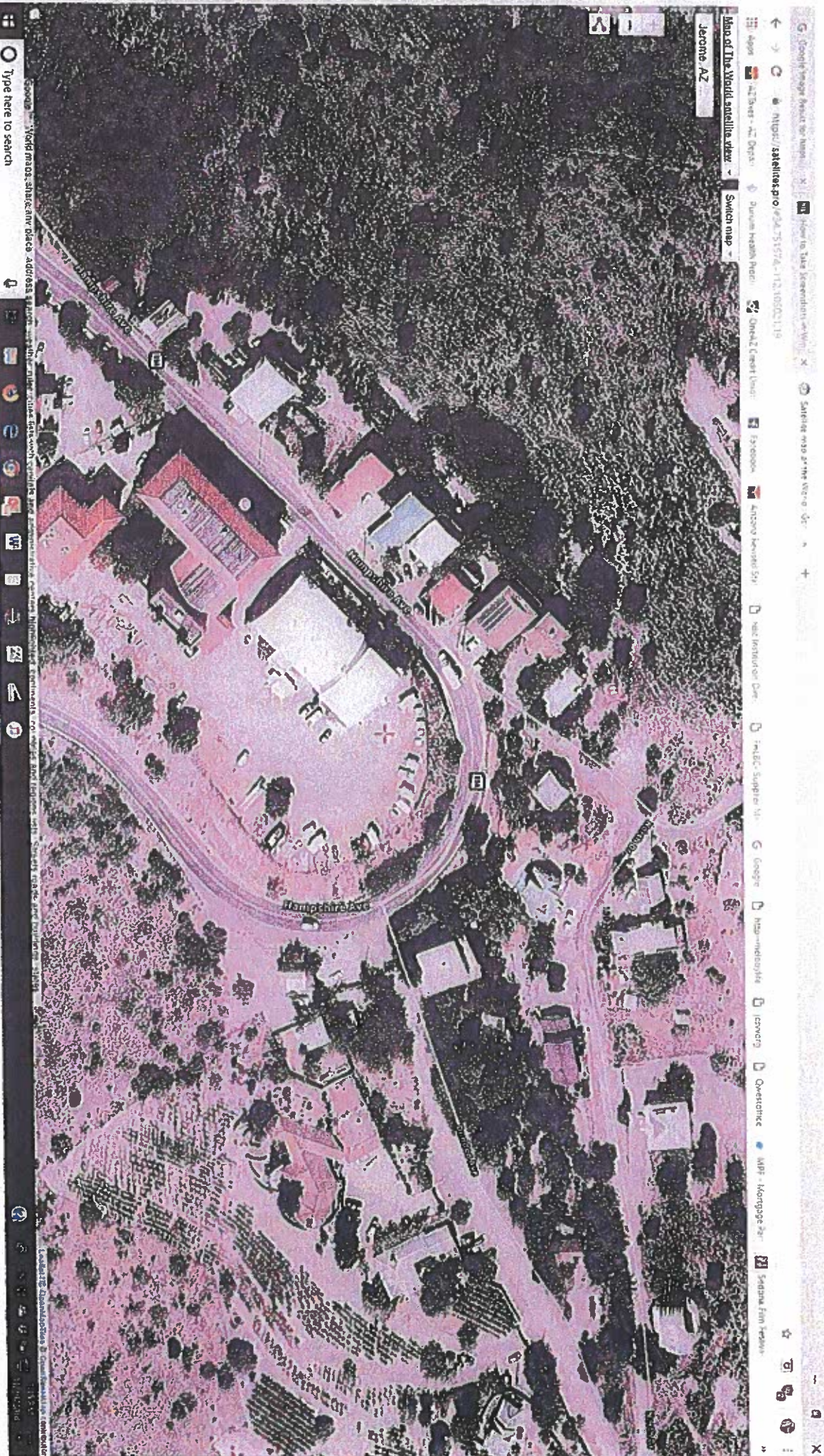
SCALE 1/1" = 20'



Q



P **PLANNING & DESIGN ASSOCIATES**
P.O. BOX 1863 CAMP VERDE, AZ. 86023
VAN McDONALD (502) 587-9111
RESULTS OF SURVEY
LOTS 1, 2, 3 & 4 BLOCK C



November 18, 2018

Jerome Planning & Zoning Committee,

Please consider adding my property on 156 North Drive to the group of properties being changed to 2 zoning designation. The parcel number is 401-11-012E. This will be contiguous with the other rezoned properties from Hampton down North Drive to my property.

Thank You,

Nelle Moffett

Nelle Moffett
PO Box 1406
Astoria Oregon 97103

Dec 27, 2018

From; David Soule, 110 Dundee Ave, POB 897 Jerome, Az.

To; Zoning Department, Town of Jerome, Az.

Dear Zoning Department,

I wish to apply for a change of zoning on 2 parcels on Dundee Ave from R-15 to R2.

The parcel numbers are 401-11-010C and 401-11-010B.

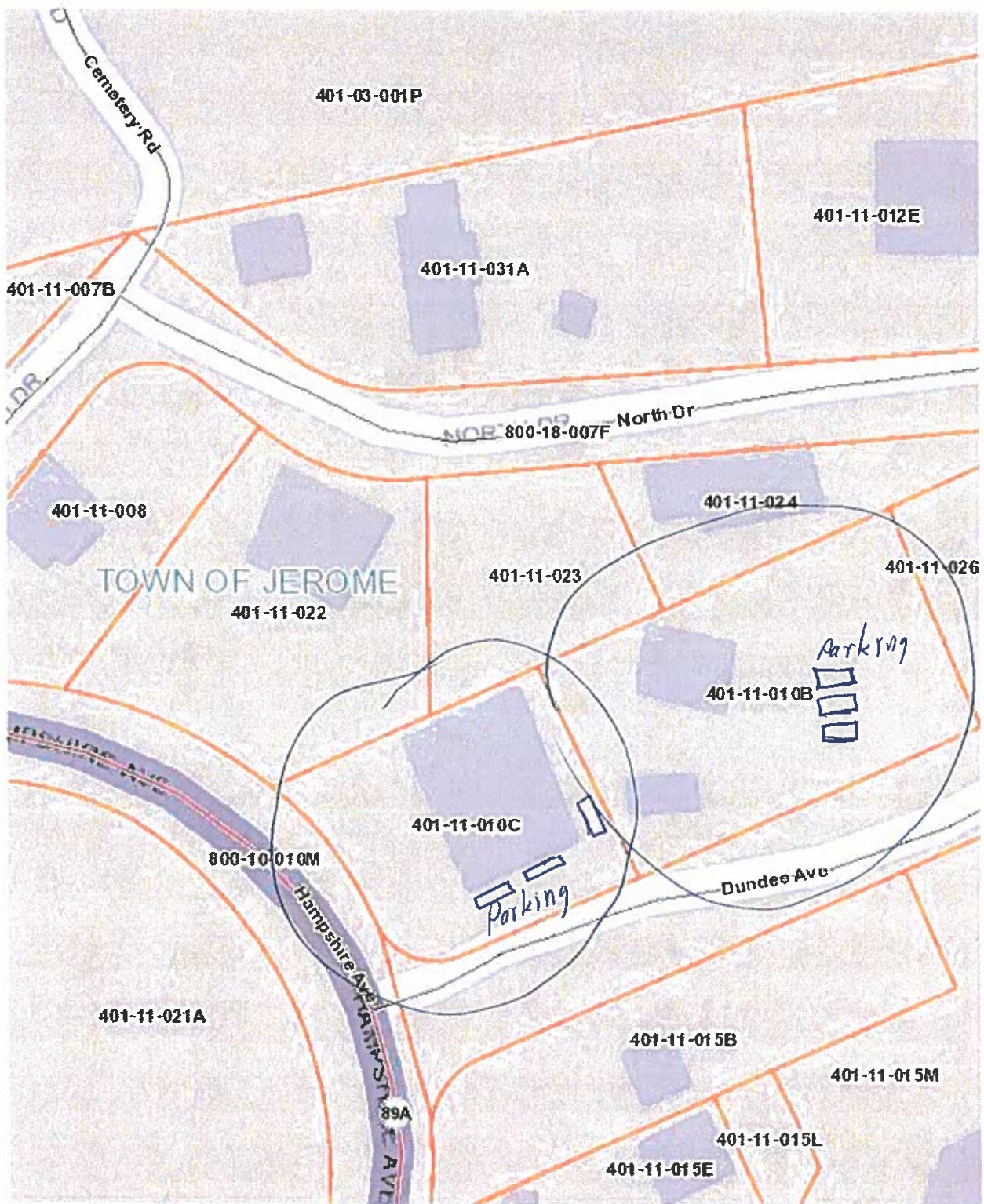
Enclosed is a map of the parcels showing their locations and offstreet parking.

I have no plans at this time to develop the parcels to take advantage of the R-2 change.

Sincerely,



David Soule



Disclaimer: Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against Yavapai County that may arise from the use of this data.

Map printed on: 12.27.2018

From: Brett and Erica Jurisin

141 North Drive / PO Box 787

Jerome, AZ 86331

To: Town of Jerome Zoning Department

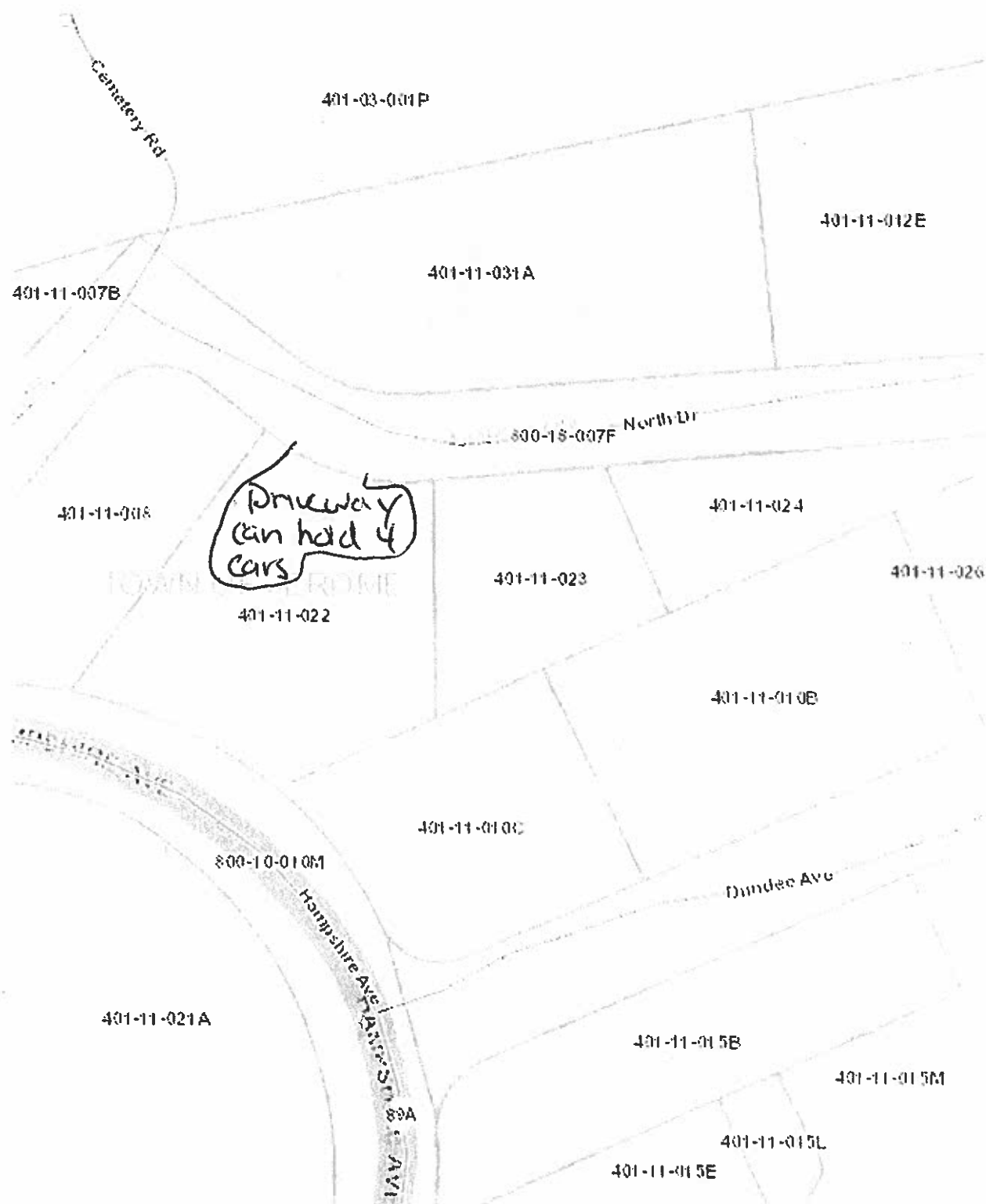
I Wish to apply for a change of zoning on 1 Parcel on North Drive from R1-5 to R-2.

Enclosed is a map of the parcel containing info for off street parking.

I have no plans to at this time to develop the property and take advantage or the R-2 Change.

Brett Jurisin

12/29/2018



Disclaimer: Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against Ypsilanti County that may arise from the use of this data.

VOLUME 20 NUMBER 4



TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331

OFFICE (928) 634-7943 FAX (928) 634-0715

ZONING ADMINISTRATOR ANALYSIS Planning & Zoning Commission February 6, 2019

ITEM 18: R-2 REZONING: ADDITIONAL REQUEST FOR INCLUSION IN PROPOSED ZONE CHANGE FROM ADJACENT PROPERTY OWNERS.

The Commission shall review and discuss additional requests for inclusion in Proposed Zone Change, for possible recommendation to Council.

There are four owners requesting consideration for inclusion in this proposed zone change. There has been discussion and possible informal decision was put forward by Commission at past meetings.

The Zoning Ordinance suggests a decision to change or limit the boundary of a proposed zone change should be documented by motion of the Commission. ZA recommends any decision should be supported by motion and reasons for decision should be formally recorded to be submitted as a component to report of recommendations on this matter to Council.

Zoning Ordinance reference:

*Tabled
2/16/19*

C. COMMISSION ACTION

2. Prior to publishing a petitioned Zoning Map change, the Commission may, on its own motion, delimit or extend the boundaries of such area, so as to constitute a more reasonable zone district boundary.

Charlotte Page, Zoning Administrator

*Special Mtg?
5:00 OK*



TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331

OFFICE (928) 634-7943 FAX (928) 634-0715

ZONING ADMINISTRATOR ANALYSIS **Planning & Zoning Commission** **February 25, 2019**

ITEM 6: R-2 REZONING: DRAFT AGREEMENT, LIMIT USE & WAIVE CLAIMS, PROPOSED ZONE CHANGE.

The Commission shall review and discuss the agreement drafted for the proposed zone change from R1-5 to R-2.

Input from owners in the proposed zone is provided.

Charlotte Page, Zoning Administrator

When Recorded Return To:

Town of Jerome
P.O. Box 335
Jerome, Arizona 86331

AGREEMENT TO LIMIT USE AND WAIVE ANY CLAIMS
AGAINST THE TOWN OF JEROME FOR ZONING AMENDMENT

This Agreement to Limit Use and Waive Any Claims Against the Town of Jerome for Zoning Amendment ("**Agreement**") is entered into between _____, as the owner of the property described herein ("**Owner**") and the Town of Jerome ("**Town**") to limit the use of the Property (defined below) and waive any and all claims for diminution of value that may be based upon action by the Town in response to a request from the Owner and is dated as of _____, 2019. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

WHEREAS, the Owner is one of many property owners in the Town (the "**Petitioning Owners**") who have requested the Town to rezone property located in the R1-5;

WHEREAS, the Town's current residential zoning designations are AR, R1-5 and R1-10;

WHEREAS, the Town's Zoning Code authorizes multiple family dwellings in an R-2 zoning district, but the Town has never authorized an R-2 zoning district;

WHEREAS, before rezoning property to allow multiple family dwellings in the Town's residential district, the Town desires to determine what the impact of such dwellings would have on the Town, and to determine that impact could take the Town considerable time;

WHEREAS, the Petitioning Owners desire to occupy multiple family dwellings now;

WHEREAS, in order to allow the Petitioning Owners to occupy multiple family dwellings now, and to allow the Town the necessary time to evaluate the impact of allowing multiple family dwellings in the Town; the Town will agree to initiate the process to rezone a limited portion of the current R1-5 District to R-2 Multiple Family Residential (the "**Initial R-2 Residential Zone**") provided the Petitioning Owners voluntarily limit the proposed use of dwellings in the Initial R-2 Residential Zone to one family, two family and three family dwellings; and

WHEREAS, following the establishment of the Initial R-2 Residential Zone, to address public health and safety issues, Town staff will collect data involving the use of such R-2

district so that Town staff can propose a text amendment to the Town Zoning Code to allow separate residential districts where two-family, three family and four or more family dwelling units will be authorized.

NOW, THEREFORE, for and in consideration of the mutual covenants and promises contained herein (and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged), the parties hereto agree as follows:

Section 1. This Agreement applies to the property located at _____, Jerome, Arizona, (the "**Property**"), and the Owner, or the authorized agent of the Owner has submitted an application to the Town requesting that the Town rezone the Property.

Section 2. By signing this Agreement, the Owner agrees:

- (a) to limit the use of the Property to any of: (i) a Dwelling, One-Family, (ii) a Dwelling, Two-Family or (iii) a Dwelling, Three-Family; and
- (b) waive any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of authorizing the Initial R-2 Residential Zone and entering into this Agreement.

Section 3. This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the Town Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Section 4. Upon execution, this Agreement shall be recorded in the Office of the Yavapai County Recorder.

Section 5. The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the Town of Jerome, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the Town's action in rezoning requested by the Owner.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their authorized representatives the day and year first-above written.

Owner: _____

(Name of Individual, Corporation,
Partnership, or
LLC, as applicable)

Owner: _____

(Name of Individual, Corporation,
Partnership, or
LLC, as applicable)

By: _____

(Signature of Owner or Authorized
Representative, if
applicable)

By: _____

(Signature of Owner or Authorized
Representative, if
applicable)

Its: _____

(Title of Individual Signing in
Representative Capacity)

Its: _____

(Title of Individual Signing in
Representative Capacity)

State of Arizona)
County of _____)

On this _____ day of _____, 20____, before me personally appeared _____ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

Notary Public

My Commission expires: _____

By:

Planning & Zoning Department

APPROVED AS TO FORM

William J. Sims, Town Attorney

1/21A-Change

When Recorded Return To:

Town of Jerome

P.O. Box 335

Jerome, Arizona 86331

AGREEMENT TO LIMIT USE AND WAIVE ANY CLAIMS
AGAINST THE TOWN OF JEROME FOR ZONING AMENDMENT

This Agreement to Limit Use and Waive Any Claims Against the Town of Jerome for Zoning Amendment ("**Agreement**") is entered into between _____, as the owner of the property described herein ("**Owner**") and the Town of Jerome ("**Town**") to limit the use of the Property (defined below) and waive any and all claims for diminution of value that may be based upon action by the Town in response to a request from the Owner and is dated as of _____, 2019. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

WHEREAS, the Owner is one of many property owners in the Town (the "**Petitioning Owners**") who have requested the Town to rezone property located in the R1-5;

WHEREAS, the Town's current residential zoning designations are AR, R1-5 and R1-10;

WHEREAS, the Town's Zoning Code authorizes multiple family dwellings in an R-2 zoning district, but the Town has never authorized an R-2 zoning district;

WHEREAS, before rezoning property to allow multiple family dwellings in the Town's residential district, the Town desires to determine what the impact of such dwellings would have on the Town, and to determine that impact could take the Town considerable time;

WHEREAS, the Petitioning Owners desire to occupy multiple family dwellings now;

WHEREAS, in order to allow the Petitioning Owners to occupy multiple family dwellings now, and to allow the Town the necessary time to evaluate the impact of allowing multiple family dwellings in the Town; the Town will agree to initiate the process to rezone a limited portion of the current R1-5 District to R-2 Multiple Family Residential (the "**Initial R-2 Residential Zone**") provided the Petitioning Owners voluntarily limit the proposed use of dwellings in the Initial R-2 Residential Zone to one family, two family and three family dwellings; and

WHEREAS, following the establishment of the Initial R-2 Residential Zone, to address public health and safety issues, Town staff will collect data involving the use of such R-2

district so that Town staff can propose a text amendment to the Town Zoning Code to allow separate residential districts where two-family, three family and four or more family dwelling units will be authorized.

NOW, THEREFORE, for and in consideration of the mutual covenants and promises contained herein (and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged), the parties hereto agree as follows:

Section 1. This Agreement applies to the property located at _____, Jerome, Arizona, (the "**Property**"), and the Owner, or the authorized agent of the Owner has submitted an application to the Town requesting that the Town rezone the Property.

Section 2. By signing this Agreement, the Owner agrees:

- (a) to limit the use of the Property to any of: (i) a Dwelling, One-Family, (ii) a Dwelling, Two-Family or (iii) a Dwelling, Three-Family; and
- (b) waive any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of authorizing the Initial R-2 Residential Zone and entering into this Agreement.

Section 3. This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the Town Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Section 4. Upon execution, this Agreement shall be recorded in the Office of the Yavapai County Recorder.

Section 5. The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the Town of Jerome, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the Town's action in rezoning requested by the Owner.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their authorized representatives the day and year first-above written.

Owner: _____
(Name of Individual, Corporation,
Partnership, or
LLC, as applicable)

Owner: _____
(Name of Individual, Corporation,
Partnership, or
LLC, as applicable)

By: _____
(Signature of Owner or Authorized
Representative, if
applicable)

By: _____
(Signature of Owner or Authorized
Representative, if
applicable)

Its: _____
(Title of Individual Signing in
Representative Capacity)

Its: _____
(Title of Individual Signing in
Representative Capacity)

State of Arizona)
County of _____)

On this _____ day of _____, 20____, before me personally appeared _____ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

Notary Public

My Commission expires: _____

By: _____
Planning & Zoning Department

APPROVED AS TO FORM

William J. Sims, Town Attorney

Voluntary downzoning - Rezone 896 Hampshire and nearby properties

Summary: Property owners were contacted in the Proposed R-2 Zone. Specifics about the current allowed uses of the R-2 Zone were discussed. Owners were asked to support a voluntary down size to 'Duplex only', for this proposed development of a new R-2 Zone allowing multi-family occupation as duplex only. The proposed R-2 Zone will encompass 10, 18 & 21 North Drive, and 858 Hampshire, 860 Hampshire, 867 Hampshire, 874 Hampshire, 884 Hampshire, 886 Hampshire, 888 Hampshire, 894 Hampshire, 896 Hampshire, 898 Hampshire and a vacant lot identified as 401-11-002A.

Date	Printed Name	Address	DUPLEX Y/N	Comments
12/19/18	Robert McWhirter	21 North Ave	Y	WOULD BE OK WITH DUPLEX LIMIT, WANTS TO REDEVELOP AS A DUPLEX
12/19/18	Richard Flag	884 & 886 Hampshire + vacant lot 401-11-002A	?	THINKING ABOUT IT
12/19/18	Jane Doss & Wayne Koller	888 Hampshire	N	WANTS POSSIBLE THREE LEVEL APART SOMEDAY
12/19-m	Heather & Robert Doss	896 Hampshire	N	WANTS DUPLEX NOW AND POSSIBLE TRI-PLEX BUT NO CURRENT PLAN FOR TRI-PLEX
12/19	Francis & Monique Marcil, represented by Steve Hanna	894 Hampshire	?	WANTS TO THINK IT OVER, DUPLEX LIMIT MIGHT BE OK
12/19- m, 12/24	Stephanie Canto	898 Hampshire	?	WANTS TO INVESTIGATE TAX IMPLICATIONS
12/19/18	Richard Martin	10 North Drive	Y	DUPLEX ONLY OK, EVEN PREFERRED
12/19/18	Andrew Farber	18 North Drive	Y	DUPLEX ONLY OK, INTENDS TO BUILD SFR

Voluntary downzoning - Rezone 896 Hampshire and nearby properties

Summary: Property owners were contacted near the Proposed R-2 Zone. These are owners expressing interest in joining the rezoning.

Date	Printed Name	Address	Y/N	Comments
12/24/18	Sybil Melody	150 North Dr.	N	PREFERENCE IS FOR DUPLEX & TRIPLEX ALLOWED, HAS NO PLANS TO CHANGE HER CURRENT USE
12/19 EMAIL 12/24	Nelle Moffit	156 North Dr.	N	EMAIL BACK SAYS SHE HOPES TO COME TO PUBLIC HEARING, SHE WOULD AGREE TO A LIMIT OF TRI-PLEX

12-1134. Diminution in value: just compensation

(Caution: 1998 Prop. 105 applies)

A. If the existing rights to use, divide, sell or possess private real property are reduced by the enactment or applicability of any land use law enacted after the date the property is transferred to the owner and such action reduces the fair market value of the property the owner is entitled to just compensation from this state or the political subdivision of this state that enacted the land use law.

B. This section does not apply to land use laws that:

1. Limit or prohibit a use or division of real property for the protection of the public's health and safety, including rules and regulations relating to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, and pollution control;

2. Limit or prohibit the use or division of real property commonly and historically recognized as a public nuisance under common law;

3. Are required by federal law;

4. Limit or prohibit the use or division of a property for the purpose of housing sex offenders, selling illegal drugs, liquor control, or pornography, obscenity, nude or topless dancing, and other adult oriented businesses if the land use laws are consistent with the constitutions of this state and the United States;

5. Establish locations for utility facilities;

6. Do not directly regulate an owner's land; or

7. Were enacted before the effective date of this section.

C. This state or the political subdivision of this state that enacted the land use law has the burden of demonstrating that the land use law is exempt pursuant to subsection B.

D. The owner shall not be required to first submit a land use application to remove, modify, vary or otherwise alter the application of the land use law to the owner's property as a prerequisite to demanding or receiving just compensation pursuant to this section.

E. If a land use law continues to apply to private real property more than ninety days after the owner of the property makes a written demand in a specific amount for just compensation to this state or the political subdivision of this state that enacted the land use law, the owner has a cause of action for just compensation in a court in the county in which the property is located, unless this state or political subdivision of this state and the owner reach an agreement on the amount of just compensation to be paid, or unless this state or political subdivision of this state amends, repeals, or issues to the landowner a binding waiver of enforcement of the land use law on the owner's specific parcel.

F. Any demand for landowner relief or any waiver that is granted in lieu of compensation runs with the land.

G. An action for just compensation based on diminution in value must be made or forever barred within three years of the effective date of the land use law, or of the first date the reduction of the existing rights to use, divide, sell or possess property applies to the owner's parcel, whichever is later.

H. The remedy created by this section is in addition to any other remedy that is provided by the laws and constitution of this state or the United States and is not intended to modify or replace any other remedy.

I. Nothing in this section prohibits this state or any political subdivision of this state from reaching an agreement with a private property owner to waive a claim for diminution in value regarding any proposed action by this state or a political subdivision of this state or action requested by the property owner.



Updated March 5, 2007

Recommendations Regarding Proposition 207 Waiver Form

Introduction

Since the League's initial guidelines regarding the Proposition 207 Waiver Form were issued on December 19, 2006, there has been much discussion about *their use*. This update is intended to respond to questions about the recommended use of the waivers as we continue to learn about the new law and its impacts.

Waiver of right of claim for diminished value under Prop 207

A municipality may request a waiver of a property owner's Prop 207 claim if the owner applies for a re-zoning or other legislative land use actions within a municipality's jurisdiction. The waiver is specific to the property owner and to the action requested. Note: Not all cities have the same land use actions identified as administrative or legislative. In some jurisdictions use permits, for example, are administrative actions but in others they are legislative.

A Prop 207 waiver will allow municipalities to proceed with a land owner's land use application without fear of Prop 207 liability from the land owner at some future time. By signing the waiver, the property owner acknowledges that a Prop 207 claim may exist but that the property owner voluntarily relinquishes that claim and agrees to the municipality's conditions regarding the subject property in exchange for the requested land use.

The language of the Proposition itself opens the door to the use of a waiver of Prop 207 rights when a property owner requests a zoning change: A.R.S. § 12-1134 (I): "Nothing in this section prohibits this state or any political subdivision of this state from reaching an agreement with a private property

owner to waive a claim for diminution of value regarding any proposed action by this state or a political subdivision of this state or action requested by the property owner." [emphasis added]

If a property owner requests a land use change that requires legislative action by the city or town Council, you may consider asking the applicant to waive the ability to file a claim for diminished value under Proposition 207. The city cannot require the applicant to sign the waiver, but the Council may consider the application incomplete without the waiver or condition approval upon the receipt of a signed Prop 207 waiver.

Some cities have inserted language in their ordinance that keeps the rezoning ordinance from becoming operative and does not start the 30-day referendum clock (for actions subject to referendum) until the waiver has been recorded. Failure to execute the waiver for recording results in the ordinance being treated as not having been "adopted" – as if it had not been passed in the first place. The waiver must be recorded within a 15-day window after the action's passage or the passage becomes null and void.

Other cities ask property owners (after the Planning Commission recommendation is known) to consent to all conditions attached to the approval of the application. That applies to conditions subsequently imposed by the city council. If there is an objection to doing that prior to council action, signing of the waiver is deferred until the council acts (but before the rezoning ordinance is adopted). The council's motion would indicate that approval is conditioned upon receiving a signed waiver.

Failure to change a land use designation that was in place as of the effective date of the bill (December 4, 2006), does not by itself trigger a Proposition 207 claim.

General principles regarding a waiver of Proposition 207 claims

- It is not recommended that a waiver be required to initiate a land use application process which is administrative in nature.
- The waiver applies only to the property owner, not a renter, leaseholder, or a neighboring property owner.
- The waiver acknowledges that the property owner consents to the conditions being imposed under the approval of the land use change requested and applies only to that specific action, not future land use actions affecting that property.

- The waiver may be conditional until amended to include any additional stipulations that may have been imposed by the Council and to which the property owner agrees, or may have a delayed effective date conditioned upon the recording of a Prop 207 waiver.
- Prop 207 is intended to apply only to the property owner subject to a regulation, not to neighboring property owners. The language refers to regulation, not impact. If a change in land use negatively impacts a neighboring property owner, the owner may choose to sue the neighbor and/or the city for the harm to the property, but the owner does not have a claim under Proposition 207.
- A city may consider the use of a development agreement that includes a declaration by the property owner that a specific change in land use regulation does not lessen the property's value.

Please remember these suggestions and related League forms are guidelines only. Each municipality should always seek the advice and input of your city or town attorney for specific recommendations.



TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331

OFFICE (928) 634-7943 FAX (928) 634-0715

ZONING ADMINISTRATOR ANALYSIS **Planning & Zoning Commission** **February 6, 2019**

ITEM 19: R-2 REZONING: DRAFT AGREEMENT, LIMIT USE & WAIVE CLAIMS, PROPOSED ZONE CHANGE.

The Commission shall review and discuss the agreement drafted for the proposed zone change from R1-5 to R-2.

Input from owners in the proposed zone is provided.

Charlotte Page, Zoning Administrator

*Tabled
2/6/19*



TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331

OFFICE (928) 634-7943 FAX (928) 634-0715

ZONING ADMINISTRATOR ANALYSIS Planning & Zoning Commission February 25, 2019

ITEM 7: R-2 ZONE REVIEW ZONING ORDINANCE CHANGE, ARTICLE V, R-2 ZONE AND POSSIBLE CREATION OF ADDITIONAL ZONES

Commission may discuss how to modify the Zoning Ordinance to represent future residential zones that may change existing R-2 and/or introduce new residential zones. Draft text amendments are in the packet.

Definitions – changes to Dwelling Definitions

Text Amendment for R-2, no changes in Property Development Standards

Allows single family home 'SHF', duplex and triplex

A possible version of additional residential zones is presented for R-3, allowing SFH and multi units up to four-plex.

New R-3 Zone, changes in Property Development Standards, minimal to be developed.

A possible version of CR-4 mix use zone is presented allowing commercial/residential mixed use and apartment buildings.

Examples of this type of existing development within Jerome are presented,

References from Jerome's General Plan are presented,

The text for this CR-4 Zone is modified from the existing text for C-1 Zone, limiting commercial activities more than the existing C-1 Zone.

Information from Clarkdale, Cottonwood and Yavapai County regulations is presented.

Charlotte Page

Zoning Administrator

ADDITIONS: ALL CAPS UNDERLINED TEXT BLUE

DELETIONS: ~~Regular text strikethrough text red~~

ARTICLE II

DEFINITIONS

SECTION 201. GENERAL

For the purpose of this ordinance, certain words and terms used herein are defined as follows: all words used in the present tense include the future tense; all words in the plural number include the singular number, all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "lot" includes the word "plot"; the word "building" includes the word "structure"; and the word "shall" is mandatory and not discretionary. Other words and phrases used in this ordinance shall have the following meaning:

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

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

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

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

Dwelling, Multi-Family - a building designed exclusively for occupancy by or occupied by TWO (2), THREE (3), four (4) or more families living independently of each other

~~(i.e., DUPLEX, TRIPLEX, four plex or apartment).~~

ADDITIONS: ALL CAPS UNDERLINED TEXT BLUE

DELETIONS: ~~Regular text strikethrough text red~~

ARTICLE V USE REGULATIONS

SECTION 506. "R-2" ZONE, ~~MULTIPLE~~ MULTI-FAMILY RESIDENTIAL

B. PERMITTED USES

1. One (1) single-family dwelling or one (1) modular home per lot. Mobile homes are prohibited.
2. ~~Multiple~~ MULTI-family dwellings AS TWO OR THREE FAMILIES (OR DUPLEX/TRIPLEX) ONLY, and apartment houses.
3. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
4. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
5. Publicly owned and operated parks and recreation areas and centers.
6. Home occupations.

C. CONDITIONAL USES

1. Churches or similar places of worship.
2. Schools: Public or private elementary and high.
3. Colleges, universities, and professional schools having a regular curriculum.
4. Nursery Schools and Day Care Centers.
5. Public buildings.
6. Public utility buildings, structures, or appurtenances thereto for public service use.
7. Libraries.
8. Model homes.
- ~~9. Hospitals, clinics, medical and dental offices.~~
- ~~10. Nursing Homes and Convalescent Homes.~~
- ~~11. Boarding or Rooming House.~~
- ~~12~~9. Bed and Breakfast.
- ~~13~~10. RESERVED pending approval or rejection by voters in August 2014 of Ordinance 405.

CREATE ONE OR MORE NEW ZONE(S) TO ALLOW LARGER MULTI-FAMILY RESIDENTIAL OCCUPATION AND APARTMENT HOUSES IN JEROME TO COVER ITEMS REMOVED FROM THE R-2 ZONE ABOVE (2019)

THESE MIGHT STILL BE CONSIDERED MEDIUM DENSITY DEVELOPMENT IN THE GENERAL PLAN AS THE CURRENT R-2 HAS BEEN. ANY NEW ZONES NEED TO BE REFERENCED IN C-1 ZONE UNDER CONDITIONAL USE.

ARTICLE V USE REGULATIONS

SECTION 507. "R-3" ZONE, MULTI-FAMILY RESIDENTIAL

B. PERMITTED USES

1. One (1) single-family dwelling or one (1) modular home per lot. Mobile homes are prohibited.
2. Multi-family dwellings; LIMITED TO TWO, THREE OR FOUR FAMILIES (DUPLEX, TRIPLEX OR FOUR-PLEX) ~~duplex, triplex, fourplex or apartment houses.~~
3. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
4. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
5. Publicly owned and operated parks and recreation areas and centers.
6. Home occupations.

C. CONDITIONAL USES

1. Churches or similar places of worship.
2. Schools: Public or private elementary and high.
3. Colleges, universities, and professional schools having a regular curriculum.
4. Nursery Schools and Day Care Centers.
5. Public buildings.
6. Public utility buildings, structures, or appurtenances thereto for public service use.
7. Libraries.
8. Model homes.
- ~~9. Hospitals, clinics, medical and dental offices.~~
- ~~10. Nursing Homes and Convalescent Homes.~~
- ~~11. Boarding or Rooming House.~~
12. Bed and Breakfast.
13. RESERVED *pending approval or rejection by voters in August 2014 of Ordinance 405.*

D. PROPERTY DEVELOPMENT STANDARDS

Note: Property development standards in the current R-2 zone have been exactly the same as R1-5 and reference to the current R-2 zone in the General Plan is as medium density. This is the same as R1-5 density.

Minimal Changes were made to the Property Development Standards BELOW are presented WITH BOLD TYPE, ALL CAPS & UNDERLINED.

D. PROPERTY DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA: Five thousand (5,000) square feet.
2. MINIMUM LOT WIDTH: Fifty (50) feet.
3. MINIMUM SQUARE FOOTAGE OF **PER** DWELLING: Eight hundred and fifty (850) square feet of enclosed floor space exclusive of any attached garage.
4. MAXIMUM LOT COVERAGE: Not more than sixty (60) percent of the net area of the lot may be covered by the main building and all accessory buildings.
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 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.
6. MAXIMUM BUILDING HEIGHT: No building shall exceed the height of twenty five (25) feet as defined in "building, height of." On slopes over forty-five (45) percent there will be a one (1) foot reduction in height for each additional five (5) percent of slope or portion thereof. Notwithstanding these provisions, no face of any building shall exceed thirty-five (35) feet above the low point of original grade as defined in "original grade". (see Appendix for diagrams).

SECTION 508. "CR-4" ZONE, COMMERCIAL AND/OR MULTI-FAMILY RESIDENTIAL

EXAMPLES OF SIMILAR TYPES OF CURRENT USE EXISTING TODAY IN JEROME HILL ST.

- **CURRENT RESIDENTIAL USE IN C-1, WITH B&B USE MIX**
- **CURRENT RETAIL USE IN C-1, MIXED WITH RESIDENTIAL USE**
- **CURRENT HOTEL/RESTAURANT IN C-1**
- **RESIDENTIAL USE BEYOND GRAND HOTEL IN R1-5 ZONE**

RICH ST.

- **CURRENT RESIDENTIAL USE IN C-1**
- **CURRENT TWO (2) DUPLEX PROPERTIES IN C-1**
- **CURRENT FOUR PLEX USE IN C-1**

FIRST AVE & QUEEN ST

- **CURRENT MIX USE RESIDENTIAL/GALLERY IN C-1**
- **CURRENT TRIPLEX USE IN C-1 (RESIDENTIAL AND SHORT TERM RENTAL)**
- **CURRENT RETAIL/MANUFACTURING USE IN C-1 (GLASS BLOWING)**

MAIN ST., FROM ALTI LEATHER to MILLION DOLLAR VIEW

- **CURRENT THREE (3) MIX USE RESIDENTIAL/RETAIL**
- **HOTEL**
- **CURRENT MIX RESIDENTIAL & SHORT TERM RENTAL**
- **CURRENT MIX USE RETAIL & SHORT TERM RENTAL**

NOTES FROM JEROME'S GENERAL PLAN:

GOAL 2: Provide orderly and compatible land use development patterns throughout the Town of Jerome.

A. Create and maintain the proper balance of separate areas primarily devoted to residential, commercial, industrial, agricultural and public land uses.

Strategy:

- **Actively solicit citizen input and participation in the land use planning and decision making process.**

B. Promote a policy which coordinates private and public development with the expansion of public services and facilities.

Strategy:

- **Prioritize infrastructure upgrades and maintenance to encourage redevelopment and infill and meet land use goals.**

GOAL 3: Maintain a distinctive physical image for the Town of Jerome which reflects the historical and architectural character, culture, lifestyle, and natural environment of the area.

C. Promote the downtown sector as a mixed-use area. Strive for the widest variety of activities downtown to create a healthy mix of housing, services, working, shopping, cultural and civic uses.

D. Encourage historic preservation in all future developments.

Strategy:

- **Continue to develop and apply design standards which emphasize historic preservation.**
- **Conduct workshops and provide training for members of the Design Review Board and Planning and Zoning Commission.**

E. Encourage visual compatibility in all new development by supporting development which is complimentary to Jerome's community character, environmental setting and urban form.

Strategy:

- **Develop design standards for new construction and building modification.**

F. Encourage in-fill within existing commercial districts, rather than creating new commercial districts.

GOAL 6: Manage growth; discourage use which reduces the number of residents.

A. Discourage the extension of commercial activity into residential neighborhoods.

SECTION 508. "C-R-4" ZONE, MIXED COMMERCIAL & RESIDENTIAL

A. PURPOSE

This district is intended to provide for and encourage orderly development OF existing and future MIXED RESIDENTIAL/commercial areas within the Town, THAT MAY PROVIDE FOR LIGHT COMMERCIAL ACTIVITIES MIXED WITH RESIDENTIAL USE IN A VARIETY OF DENSITIES.

B. PERMITTED USES (mostly based on current permitted uses in current C-1 Zone)

1. ONE (1) SINGLE-FAMILY DWELLING ALLOWING MIXED COMMERCIAL USE. UP TO X% OF HABITABLE SPACE MAY BE DEVOTED TO ARTIST STUDIO, ART GALLERY OR RETAIL SPACE.

2. MULTI-FAMILY DWELLINGS: TWO FAMILY, THREE, FOUR OR MORE FAMILIES (DUPLEX, TRIPLEX, FOUR-PLEX OR APARTMENT HOUSES.)

3. MULTI-FAMILY DWELLINGS ALLOWING SPACE FOR USE BY ARTIST'S STUDIOS, ART GALLERIES OR RETAIL SPACE.

4. 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.~~

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

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

7. Hotels and motels.

8. 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.

9. 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.

10. Pawn shops.

11. Printers and print shops.

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

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

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

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

16. Medical and dental offices and clinics.

17. NURSING HOMES AND CONVALESCENT HOMES.

18. BOARDING OR ROOMING HOUSE.

19 HOSPITALS

20. 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.

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

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

23. Headquarters buildings of charitable, philanthropic, and welfare organizations provided that their primary activities are administrative and clerical. ~~rather than residential in nature.~~
24. Accessory buildings, structures and other uses customarily incidental to a permitted use except as otherwise provided in this Ordinance.
25. 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.
- [Ord. No. 293]

C. CONDITIONAL USES (based on conditional uses from current C-1 Zone)

- ~~1. Any "Permitted" or "Conditional" Uses in the "R-10", "R-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. 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, 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 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. 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 well-being criteria but remain subject to nonconforming use clauses.~~
14. RESERVED *(pending approval or rejection by voters in August 2014 of Ordinance 405)*
- ~~15. Spirituous Liquor Tasting Facility.~~

D. ZONE RESTRICTIONS

1. All activities, except as otherwise addressed herein, shall be conducted entirely within enclosed buildings.
2. Outdoor storage or display of goods or materials shall be prohibited.
3. Warehousing or indoor storage of goods or materials, exceeding that normally incidental to permitted uses, shall be prohibited.

[Ord. No. 293]

E. PROPERTY DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA: None, provided all other provisions of the ordinance are met.
2. MINIMUM LOT WIDTH: None, provided all other provisions of the ordinance are met.
3. MINIMUM SQUARE FOOTAGE OF MAIN BUILDING: None, provided all other provisions of the Ordinance are met.
4. MAXIMUM LOT COVERAGE: None provided all other provisions of the ordinance are met.
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: The front yard is required equal to that established by any commercial building within one hundred (100) feet on either or both sides of the lot. Where more than one 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 (2)

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) Where the side lot line is in common with the side lot line of a property in a commercial or industrial zone, no side yard shall be required on that side.

2) Where a side lot line abuts a street, the side yard shall be considered a front yard for the purpose of determining width.

3) Where the side lot line is in common with the side lot line of a property in a residential zone, the side yard requirements of the residential zone shall apply to that side yard, provided nothing shall require such a side yard to be greater than ten (10) feet in 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 a lot in a commercial or industrial zone, 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 centerline of the alley.

6. MAXIMUM BUILDING HEIGHT: The maximum building height shall not exceed the height of twenty-five (25) feet except when the following conditions prevail:

a. The maximum building height shall not exceed that established by any building within one hundred (100) feet on either or both sides of the lot. Where more than one such building is within one hundred (100) feet of the lot then the maximum building height of the nearest such building shall be the maximum building height of the lot. Except that where the lot is between two (2) such buildings, each within one hundred (100) feet of the lot, then the maximum building height of the center of this lot shall be that established by a line joining the highest point of the other such buildings. Nothing in the above shall require that the maximum building height in this district be less than twenty-five (25) feet. (see Appendix for diagrams).

b. Notwithstanding these provisions no face of any building shall exceed thirty-five (35) feet above the low point of original grade as defined in "original grade."

SECTION 509/NUMBER SEQUENTIALLY DEPENDING ON CHANGES. ~~507~~ “C-1” ZONE, GENERAL COMMERCIAL

C. CONDITIONAL USES

1. Any “Permitted” or “Conditional” Uses in the “R1-10”, “R1-5” ~~or~~ “R-2”, R-3 OR “CR-4” Zones.

SECTION 510/NUMBER SEQUENTIALLY DEPENDING ON CHANGES. ~~508~~ “I-1” ZONE, LIGHT INDUSTRIAL

C. CONDITIONAL USES

1. Any conditional use in the C-1 Zone.

SECTION 511 PARKING AND LOADING REQUIREMENTS

SECTION 512 HISTORIC OVERLAY DISTRICT

SECTION 414. "R-2" ZONE, SINGLE FAMILY/MULTIPLE FAMILY RESIDENTIAL.

A. PURPOSE.

duplex - triplex - or more

This district is intended to promote and preserve medium density single-family and multiple-family residential development. Regulations and property development standards are designed to protect the single-family residential character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes and multiple-family dwellings together with required recreational, religious and educational facilities.

B. PERMITTED USES.

1. One (1) single-family dwelling. Mobile homes are prohibited.
2. Multiple-family dwellings.
3. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
4. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
5. Publicly owned and operated parks and recreation areas and centers.
6. Home occupations.
7. Churches or similar places of worship.
8. Schools: Public and private elementary and high having no room regularly used for housing or sleeping.
9. Colleges, universities and professional schools having a regular curriculum and having no room regularly used for housing or sleeping.
10. Nursery Schools and Day Care Centers.
11. ~~The keeping of fowl, subject to the standards set out under Section 404.0.~~

C.

CONDITIONAL USES.

1. ~~Public utility buildings, structures or appurtenances thereto for public service use.~~ Extension of public service lines in public or private right-of-way is exempt from this requirement.
2. ~~Temporary home and land sales offices and model homes, provided they are located within the same subdivision as that land or homes which are offered for sale.~~
3. Hospitals, clinics, medical and dental offices.

4. Any such other uses as determined by the Zoning Administrator to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

5. One manufactured home (as defined by the State Office of Manufactured Housing) per lot provided that the unit is installed at grade and anchored to an approved foundation.

D. PROPERTY DEVELOPMENT STANDARDS.

1. Minimum Lot Area: ~~7,500~~ Sq. Ft. 5000 ϕ

2. Minimum Lot Area per Dwelling Unit: 3,750 Sq. Ft.

3. Minimum Average Lot Width: ~~60~~ Ft. 50

4. Minimum Lot Frontage: 30 Ft.

5. Maximum Lot Coverage: 40% 60%

6. Minimum Front Yard: 20 Ft. 10'

7. Minimum Side Yard: a. 5 Ft. 5' considered
b. Where a side lot line abuts a street, there shall be a front yard side yard of not less than 15 Ft. (10')

8. Minimum Rear Yard: a. 20 Ft. 20'
b. Where the rear lot line abuts an alley, the required rear yard shall be measured from the center line of the alley.

9. Minimum Dwelling Size:

TYPE OF DWELLING UNIT	MINIMUM FLOOR AREA	850 ϕ
Efficiency or Studio	300 Sq. Ft.	
One Bedroom	300 Sq. Ft.	
Two Bedroom	650 Sq. Ft.	
Over Two Bedroom	750 Sq. Ft. plus 150 Sq. Ft. per additional bedroom over two	850 ϕ

10. Maximum Building Height: 2 ½ stories, but not to exceed 35 Ft., except under Conditional Use Permit.

E. GENERAL PROVISIONS.

The provisions of Section 404 shall apply.

F. SIGNS.

The provisions of Section 405 shall apply.

G. PARKING AND LOADING.

The provisions of Section 406 shall apply.

H. PLAN REVIEW.

The provisions of Section 303 shall apply to all single-family residences.

I. DEVELOPMENT REVIEW.

The provisions of Section 304 shall apply to all uses other than single-family residences.

J. CODE REVIEW.

The provisions of Section 305 shall apply to all uses other than single-family residences.

K. LANDSCAPING REQUIREMENTS.

The provisions of Section 407 shall apply to all uses other than single-family residences.

Mingus Ave / High Density
Smaller Setback/Rear 15 instead of Residential
20'

SECTION 415. "R-3" ZONE, MULTIPLE FAMILY RESIDENTIAL.

A. PURPOSE.

This district is intended to fulfill the need for high density multiple-family residential development. Regulations and property development standards are designed to allow maximum flexibility and variety in residential development while prohibiting all incompatible activities. Land use is composed chiefly of individual homes and multiple-family dwellings together with required recreational, religious and educational facilities.

B. PERMITTED USES.

1. One (1) single-family dwelling. Mobile home(s) and manufactured home(s) are prohibited.
2. Multiple-family dwellings.
3. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
4. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
5. Publicly owned and operated parks and recreation areas and centers.
6. Home occupations.
7. Churches or similar places of worship.
8. Schools: Public and private elementary and high.
9. Colleges, universities and professional schools having a regular curriculum.
10. Nursery Schools and Day Care Centers.
11. Boarding or Rooming House.
12. Nursing Homes and Convalescent Homes.

C.

CONDITIONAL USES.

1. Hospitals, clinics, medical and dental offices.
2. ~~Temporary home and land sales offices and model homes, provided they are located within the same subdivision as that land or homes which are offered for sale.~~

3. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.
4. Cemeteries.
5. Any such other uses as determined by the Zoning Administrator to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

D. PROPERTY DEVELOPMENT STANDARDS.

1. Minimum Lot Area: ~~7,500~~ Sq. Ft. ⁵⁰⁰⁰

2. Minimum Lot Area per Dwelling Unit:

AREA OF LOT	MINIMUM LOT AREA PER DWELLING UNIT
Up to 10,000 Sq. Ft.	3,000 Sq. Ft.
10,001 Sq. Ft. to 14,000 Sq. Ft.	2,500 Sq. Ft.
14,001 Sq. Ft. to 24,000 Sq. Ft.	2,000 Sq. Ft.
24,001 Sq. Ft. and over	1,500 Sq. Ft.

3. Usable Open Space:

For all uses other than single-family residences and mobile homes, 30% of the total lot area shall be provided as "Usable Open Space" as defined in this Ordinance. No less than 30% of the "Usable Open Space" shall be located between the front of the structure and the front lot line.

4. Minimum Average Lot Width: 60 Ft.
5. Minimum Lot Frontage: 30 Ft.
6. Maximum Lot Coverage: 40%
7. Minimum Front Yard: 10 Ft., including covered entry, porch or deck.
8. Minimum Side Yard:
 - a. 5 Ft.
 - b. Where a side lot line abuts a street, there shall be a side yard of not less than 10 Ft.
9. Minimum Rear Yard:
 - a. 15 Ft.
 - b. Where the rear lot line abuts an alley, the required rear yard shall be measured from the center line of the alley.

10. Minimum Dwelling Size:

TYPE OF DWELLING UNIT	MINIMUM FLOOR AREA
Efficiency or Studio	300 Sq. Ft.
One Bedroom	500 Sq. Ft.
Two Bedroom	650 Sq. Ft.
Over Two Bedroom	750 Sq. Ft. plus 150 Sq. Ft. per additional bedroom over two

11. Maximum Building Height: 2 ½ stories, but not to exceed 35 Ft., except under Conditional Use Permit.

E. GENERAL PROVISIONS.

The provisions of Section 404 shall apply.

F. SIGNS.

The provisions of Section 405 shall apply.

G. PARKING AND LOADING.

The provisions of Section 406 shall apply.

H. PLAN REVIEW.

The provisions of Section 303 shall apply to all single-family residences.

I. DEVELOPMENT REVIEW.

The provisions of Section 304 shall apply to all uses other than single-family residences.

J. CODE REVIEW.

The provisions of Section 305 shall apply to all uses other than single family residences.

K. LANDSCAPING REQUIREMENTS.

The provisions of Section 407 shall apply to all uses other than single family residences.

SECTION 420. "CR" ZONE, COMMERCIAL RESIDENTIAL DISTRICT

A. PURPOSE.

This district is intended to provide for an orderly and compatible mix of single-family residential and light commercial uses in a manner that preserves and protects the established neighborhood character of the area. The land use is composed chiefly of single-family residential uses, light retail, office uses, art galleries and personal service businesses, together with necessary accessory uses and certain more intensive uses subject to Conditional Use Permit approval. The CR zoning district provides a zoning classification for an area generally identified along North Main Street from North 8th Street to North Willard Street, including portions of intersecting streets.

B. PERMITTED USES.

1. Single-family residential uses, subject to the R-1 Zone property development standards.
2. Professional offices, including executive, administrative and business offices for accounting, clerical, graphic art, real estate, attorneys, architects, engineers and similar professional uses.
3. Medical and dental offices and clinics, including physical therapy, massage therapy, chiropractic, and similar medical and health related services.
4. Offices for charitable, philanthropic and social welfare organizations provided that their primary activities are administrative and clerical rather than residential in nature.
5. Personal and household services, such as barber and hair styling shops, beauty salons, dry cleaners, clothing alteration, shoe repair, small appliance and electronic equipment repair, and self-service copying and printing shops, and excluding drive-through or drive-up facilities for all such uses.
6. Retail sales, provided:
 - a. No outdoor display or outdoor storage of any kind, including products or materials.
 - b. No individual store shall exceed an area of 1,500 square feet of gross floor area.
 - c. No drive-through or drive-up facilities are included.
7. Art galleries and studios for the practice of fine arts.
8. Home occupation uses, as permitted in Section 404.N. of this Ordinance.
9. One (1) guest house, as defined in Section 201 of this ordinance, for properties with no more than one (1) existing single-family dwelling.
10. Accessory buildings, structures and uses customarily incidental to a permitted use.

C. CONDITIONAL USES

1. Multiple-family residential uses subject to the R-2 Zone property development standards.
2. Establishments serving food or beverages such as: restaurants, bakeries, cafes and coffee shops, excluding bars, taverns and lounges, and excluding drive-through or drive-up facilities.
3. Light manufacturing incidental to a permitted or conditional use, subject to the following limitations:
 - a. All such manufacturing activity shall be conducted entirely within an enclosed building with no outdoor storage or display of equipment, materials, supplies or products.
 - b. All such manufacturing activity shall be restricted to no more than twenty-five (25) percent of the ground floor area of the building or buildings allocated to the permitted use.
4. Public and private schools, including general instruction, business and trade schools, dancing, art and music schools, martial arts schools and similar uses.
5. Cultural institutions, art centers and performance halls.
6. Churches and similar places of worship.
7. Any such other uses as determined by the Zoning Administrator to be substantially similar to those uses listed above and not detrimental to the public health, safety and general welfare.

D. PROPERTY DEVELOPMENT STANDARDS.

1. Minimum Lot Area: 5,000 Sq. Ft.
2. Minimum Average Lot Width: 50 Ft.
3. Minimum Front Yard:
 - a. 20 Ft. from garage/carport to the back of sidewalk.
 - b. 15 Ft. from main structure, including covered entry, porch or deck.
4. Minimum Side Yard:
 - a. 5 Ft.
 - b. Where a lot adjoins a lot in a residential district along its side lot line, there shall be a 15 Ft minimum side yard for non-residential or mixed use development and 10 Ft. for single-family residential development.

- c. Where a lot line abuts a street there shall be a 10 Ft. side yard.

- 5. Minimum Rear Yard: 5 Ft.
- 6. Maximum Building Height: 2 ½ stories, but not to exceed 35 Ft., unless otherwise permitted under a Conditional Use Permit.
- 7. Screening: Where the lot adjoins a residential district, a commercial use shall be screened from the residential property by a solid masonry wall or solid material fence six (6) Ft. in height or higher if required by the Development Review Board or Zoning Administrator, subject also to the fence height and material regulations established in Section 404 of this Ordinance. Required screening shall not include chain link fence with or without slats.

Refer to Article V, Section 501, for specific screening requirements regarding wall height greater than six (6) Ft.

- 8. Mixed Uses: Residential and non-residential uses may occupy the same development site subject to meeting the property development standards for each use. In the event of conflicting standards, the more restrictive standards shall take precedence.

E. GENERAL PROVISIONS.

The provisions of Section 404 shall apply.

F. SIGNS.

The provisions of Section 405 shall apply.

G. PARKING AND LOADING.

The provisions of Section 406 shall apply.

H. PLAN REVIEW.

The provisions of Section 303 shall apply to all single-family residences and individual manufactured homes.

I. DEVELOPMENT REVIEW.

The provisions of Section 304 shall apply to all uses other than single-family residences and individual manufactured homes.

J. CODE REVIEW.

The provisions of Section 305 shall apply to all uses other than single family residences.

K. LANDSCAPING REQUIREMENTS.

The provisions of Section 407 shall apply to all uses other than single family residences.

Zoning Districts

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Section 3-010 Single Family Residential (R1)**A. Principal Use Permitted:** (Not requiring a use permit).

1. Single family dwellings, excluding mobile or manufactured homes.
2. Publicly owned or operated park, playground or community building.
3. Installation for sewer, water, gas, electric and telephone main lines and incidental appurtenances, excluding electrical substations and treatment plants.
4. Family Day Care Homes located on a public street.
5. Bed and Breakfast establishments in conformance with Section 4-15.

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory uses, building or structures customarily incident to any use permitted by this section such as servant or guest quarters, private garages, private workshops, and home occupations governed by the provisions of Section 4-11.

C. Conditional Uses Permitted: (Requires a use permit).

1. Home Occupations which do not adhere to the provisions of Section 4-11.
2. Group Day Care Homes located on a public street.
3. Churches, Synagogues, or other places of worship on lots of at least 10,000 sq. ft.
4. Cemeteries
5. Medical Marijuana Caregiver Facility. (Created Ordinance #331 - Effective 04/08/11)
 - (a) Applicant is required to obtain a Home Occupation License.

D. Building Height Limitation: 2 ½ stories, not to exceed 35 feet. E.

Maximum Lot Coverage Ratio: 0.3

F. Minimum Lot Size: 10,000 square feet per single family dwelling unit.**G. Minimum Lot Frontage:** 60 feet.**H. Minimum Average Lot Width:** 80 feet.**I. Minimum Yard Area Standards:**
Front - 20 feet
Side- 10 feet
Rear- 20 feet**J. Signs:** Sign standards for this district are stated in Section 7.

Section 3-020 Single Family Residential (R1A)

- A. Principal Use Permitted: (Not requiring a use permit).
1. Single family dwellings, excluding mobile or manufactured homes.
 2. Publicly owned or operated park, playground or community building.
 3. Installation for sewer, water, gas electric and telephone main lines and incidental appurtenances, excluding electrical substations and treatment plants.
 4. Family Day Care Home.
 5. Bed and Breakfast establishments in conformance with Section 4-15.
- B. Accessory Uses Permitted: (Not requiring a use permit).
1. Accessory uses, buildings or structures customarily incident to any use permitted by this section such as servant or guest quarters, private garages, private workshops, and home occupations governed by the provisions of Section 4-11.
- C. Conditional Uses Permitted: (Requires a use permit).
1. Home Occupations which do not adhere to the provisions of Section 4-11.
 2. Group Day Care Homes
 3. Churches, Synagogues, or other places of worship on lots of at least 10,000 sq. ft.
 4. Medical Marijuana Caregiver Facility. (Created Ordinance #331 - Effective 0 4/08/11)
 - (a) Applicant is required to obtain a Home Occupation License.
- D. Building Height Limitation: 2 stories, not to exceed 35 feet.
- E. Maximum Lot Coverage Ratio: 0.4
- F. Minimum Lot Size: 5,000 sq. ft. per single family dwelling unit.
- G. Minimum Lot Frontage: 50 feet.
- H. Minimum Average Lot Width: 50 feet.
- I. Minimum Yard Area Standards:
- | |
|-----------------|
| Front - 15 feet |
| Side - 5 feet |
| Rear - 15 feet |
- J. Signs: Signs standards for this district are stated in Section 7.

Section 3-030 Single Family Residential Limited (R1L)

- A. **Principal Use Permitted:** (Not requiring a use permit).
1. Single family dwellings, excluding mobile or manufactured homes.
 2. Publicly owned or operated park, playground or community building.
 3. Installation for sewer, water, gas, electric and telephone main lines and incidental appurtenances, excluding electrical substations and treatment plants.
 4. Family Day Care Homes located on a public street.
 5. Bed and Breakfast establishments in conformance with Section 4-15.
- B. **Accessory Uses Permitted:** (Not requiring a use permit).
1. Accessory uses, buildings or structures customarily incident to any use permitted by this section **such as servant or guest quarters**, private garages, private workshops, and home occupations governed by the provisions of Section 4-11.
- C. **Conditional Uses Permitted:** (Required a use permit).
1. Home Occupations which do not adhere to the provisions of Section 4-11.
 2. Group Day Care Homes located on a public street.
 3. Churches, Synagogues, or other places of worship on lots of at least 43,560 sq. ft. (1 acre) and located on a public street.
 4. Golf Courses, Country Clubs including social and dining activities.
 5. Cemeteries.
 6. Medical Marijuana Caregiver Facility. (Created Ordinance #331 - Effective 04/08/11)
- (a) Applicant is required to obtain a Home Occupation License.
- D. **Building Height Limitation:** 2 ½ stories, not to exceed 35 feet.
- E. **Maximum Lot Coverage Ratio:** 0.2
- F. **Minimum Lot Size:** 43,560 sq. ft. (1 acre) per single family dwelling unit.
- G. **Minimum Lot Frontage:** 100 feet.
- H. **Minimum Average Lot Width:** 140 feet.
- I. **Minimum Yard Area Standards:**
- | | |
|-------|-----------|
| Front | - 30 feet |
| Side | - 10 feet |
| Rear | - 30 feet |

J. Signs: Sign standards for this district are stated in Section 7.

Section 3-040 Single Family and Limited Multiple Family Residential (R2)

A. Principal Uses Permitted: (Not requiring a use permit).

1. Single family dwellings, excluding mobile or manufactured homes.
2. Two (2), three (3) and four (4) family dwelling units, excluding mobile homes.
3. Publicly owned or operated park, playground or community building.
4. Installation for sewer, water, gas, electric and telephone main lines and incidental appurtenances, excluding electrical substations and treatment plants.
5. Family Day Care Homes and Group Day Care Homes.
6. Bed and Breakfast establishments in conformance with Section 4-15.

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory uses, buildings or structures customarily incident to any use permitted by this section such as servant or guest quarters, private garages, private workshops, and home occupations governed by the provisions of Section 4-11 of this Zoning Code.

C. Conditional Uses Permitted: (Requires a use permit).

1. Home Occupations which do not adhere to the provisions of Section 4-11.
2. Apartment buildings exceeding four (4) units per building.
3. Churches, Synagogues or other places of worship on lots of at least 10,000 sq. feet.
4. Hospitals, public schools or private schools located on collector or arterial streets.
5. Day Care Centers.
6. Cemeteries.
7. Medical Marijuana Caregiver Facility. (Created Ordinance #331 - Effective 04/08/11)

(a) Applicant is required to obtain a Home Occupation License.

D. Building Height Limitations: 2 ½ stories, not to exceed 35 feet.

E. Maximum Lot Coverage Ratio: 0.4

F. Minimum Lot Size:

1. 8,000 square feet per single family dwelling unit.

2. 4,000 square feet per dwelling unit for structures exceeding detached single family homes.

G. Minimum Lot Frontage:

1. 60 feet for a single family dwelling unit.
2. 90 feet for two (2), three (3) or four (4) unit structures.
3. 120 feet for apartment complexes.

H. Minimum Average Lot Width: 60 feet.

I. Minimum Yard Area Standards:

Front- 20 feet

Rear- 20 feet

Side- 8 feet for single family dwelling unit and single story multi-unit structures, 10 feet for multi-unit structures exceeding one story.

J. Signs: Sign standards for this district are stated in Section 7.

Section 3-050 Multiple Family Residential (R3)

A. Principal Uses Permitted: (Not requiring a use permit).

1. Any use permitted by right in the R2 zone district.
2. Multiple family dwelling structures.
3. Churches, hospitals, schools and cemeteries.
4. Convalescent homes and retirement centers.
5. Bed and breakfast establishments, boarding and rooming houses.

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory uses, buildings or structures customarily incident to any use permitted by this section such as private garages, private workshops, and home occupations governed by the provisions of Section 4-11. For non-residential uses one illuminated, non-flashing identification on premise sign not exceeding sixty-four (64) square feet and indicating only the name or address of the use thereof in conformance with Section 7.

C. Conditional Uses Permitted: (Requires a use permit).

1. Home occupations which do not adhere to the provisions of Section 4-11.
2. Day Care Centers.

3. Golf Courses and Country Clubs including social and dining activities.
 4. Private clubs, fraternities, sororities and lodges, excepting those whose chief activity is a service customarily carried on as a business.
 5. Medical Marijuana Caregiver Facility. (Created Ordinance #331 - Effective 04/08/11)
 - (a) Applicant is required to obtain a Home Occupation License.
- D. Maximum Building Height: 3 stories, not to exceed 45 feet.
- E. Minimum Lot Size:
1. 8,000 square feet for single family use.
 2. 4,000 square feet per unit for two (2), three (3) or four (4) family structures.
 3. 3,000 square feet per unit for apartment structures, with a minimum of 18,000 square feet.
 4. 20,000 square feet for non-residential uses.
- F. Maximum Lot Coverage Ratio: 0.4
- G. Minimum Lot Frontage:
1. 60 feet for a single family dwelling unit.
 2. 90 feet for two (2), three (3) or four (4) unit structures.
 3. 120 feet for apartment complexes and non-residential uses.
- H. Minimum Average Lot Width: 60 feet.
- I. Minimum Yard Area Standards:
- | | |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Front- | 20 feet for residential uses,
25 feet for non-residential uses |
| Rear- | 20 feet for residential uses,
25 feet for non-residential uses |
| Side- | 8 feet for single family dwelling unit and single story multi-unit structures,
10 feet for multi-unit structures exceeding one story,
25 feet for non-residential uses |
- J. Signs: Sign standards for this district are stated in Section 7.



standards in Section 602 (Parking).

4. One (1) sign for identification purposes, not exceeding six (6) square feet in size may be attached to the primary structure or placed in the front yard no higher than three feet (3') above grade.

SECTION 512 COMMUNITY GARDEN

COMMUNITY GARDEN as defined under Section 301 (Definitions), subject to the following performance criteria:

- A. On-site sale of produce not permitted. Produce may be transported and sold off-site.
- B. No farm animals
- C. Dust control must be maintained.
- D. Electrical for well water is allowed.
- E. Any fencing which meets Section 540 (Height Limits) B. (Fences and Free Standing Walls) requirements is allowed.
- F. One (1) storage building less than two hundred (200) square feet in size which cannot be used as habitable space is allowed.
- G. Non-chemical pest control, such as the use of beneficial predators, parasitoids and biochemical methods, is strongly encouraged. Use of chemical pesticides and herbicides must be contained to the property under cultivation.
- H. Fertilizer, soil amendments and runoff of irrigation must be retained on-site.
- I. A rainwater harvesting system component and/or up to a three thousand (3000) gallon enclosed water storage tank are allowed.
- J. If the use discontinues for a period of twelve (12) months, the property shall be returned to vacant land.

SECTION 516 DENSITY DISTRICTS

- A. The following Density Districts and regulations are intended to be combined with the appropriate Use Districts. The density provisions in the accompanying chart, together with applicable General Provisions (Section 500) shall regulate building heights, yards, lot sizes, lot area per dwelling unit, lot coverage and distance between buildings as though the same had been fully described in this Section.

YAVAPAI COUNTY PLANNING AND ZONING ORDINANCE

B. Requirements of the Density Regulations.

Density Regulations:

A=Acres

Dist.	Min Lot Size in Sq. Ft.	Min Area per dwelling	Min Lot Width and Depth	Min (1) Yard Setbacks Front	Min (1,2) Yard Setbacks Rear	Min (1,2) Yard Setbacks Interior	Min (1) Yard Setbacks Exterior	Max Building Height Stories	Max Building Height Feet	Max Lot Coverage Percent	Min Building Spacing Feet
1	7,500	1,000	75	20	25	7	10	2	50	50	3
2	7,500	2,000	75	20	25	7	10	2	40	50	3
3	7,500	3,000	75	20	25	7	10	2	30	50	3
4	7,500	4,000	75	20	25	7	10	2	30	50	3
5	7,500	5,000	75	20	25	7	10	2	30	50	3
7.5	7,500	7,000	75	20	25	7	10	2	30	50	3
10	10,000	10,000	80	20	25	7	10	2	30	40	3
12	12,000	12,000	90	20	25	7	10	2	30	40	3
18	18,000	18,000	100	30	30	10	15	2	30	25	3
25	25,000	25,000	130	30	30	10	15	2	30	20	3
35	35,000	35,000	145	40	40	20	20	2	30	15	3
70	70,000	70,000	200	50	50	25	30	2	30	15	3
2A	87,120	87,120	225	50	50	25	30	2	30	10	3
175	175,000	175,000	300	50	50	30	50	2	30	10	3
5A	217,800	217,800	325	50	50	40	50	2	30	10	3
10A	435,600	435,600	500	50	50	50	50	2	30	5	3
36A	1,568,160	1,568,160	500	50	50	50	50	2	30	5	3

(1) See Section 588 (Yards and Courts) for exceptions, deviations, and encroachments from minimum yard (setback) requirements.

(2) For C1, C2, C3, M1, and M2 Districts: Minimum interior side and rear yard requirements are waived if the yard is contiguous to C1, C2, C3, M1 or M2 zoned property. A setback of twenty feet (20') shall be required whenever a lot zoned commercial or industrial abuts a lot zoned for residential purposes. Front and exterior side yard requirements shall be observed in all cases.

PLEASE NOTE: DETACHED ACCESSORY STRUCTURES, OTHER THAN STRUCTURES HOUSING ANIMALS, MAY BE PLACED WITHIN FIVE FEET (5') TO REAR LOT LINE. ALL OTHER SETBACKS AND BUILDING SPACING SEPARATIONS MUST BE ACHIEVED.

PLEASE NOTE: THE ABOVE IS GENERAL INFORMATION PERTINENT TO THE ZONING REQUIREMENTS IN THE CREATION OF A BUILDABLE PARCEL. IT DOES NOT DEAL WITH SPECIFIC QUESTIONS, SUCH AS BUILDING SAFETY, FLOOD CONTROL DISTRICT, ENVIRONMENTAL UNIT OR ENGINEERING. THESE DEPARTMENTS SHOULD BE CONTACTED BEFORE ANY ACTUAL SPLITTING IS PURSUED.

SECTION 519 DENSITY FORMULAS

DENSITY FORMULAS are hereby established for each Density District for the purpose of determining (where applicable) the amount of lot area required for each dwelling unit, hotel or motel unit, or mobile home court space.

- In applying Density Formulas to determine the number of units allowed on a lot, credit shall be allowed for the area of any contiguous dedicated half street or half alley (or similar dedicated easements).
- Where dwelling units are combined with non-residential uses or structures on a conforming lot, then each eight hundred (800) square feet (or fraction thereof) of area occupied by such shall be deducted from the total Density Formula area in determining the number of units allowed.
- The Density may be reduced twenty percent (20%) for any units consisting of a combined bed-