



TOWN OF JEROME

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

Regular Meeting of the **Planning and Zoning Commission** Wednesday, January 20, 2021, 6:00 pm **AGENDA**

Members of the public are welcome to participate in the meeting via the following options:

1. Zoom Conference
 - a. Computer: <https://us02web.zoom.us/j/9286347943>
 - b. Telephone: 1-669-900-6833 Meeting ID: 9286347943
2. Submitting questions and comments:
 - a. If attending by Zoom video conference, click the chat button at the bottom of the screen, or raise your hand.
 - b. Email j.knight@jerome.az.gov (**Please submit comments at least one hour prior to the meeting.**)

NOTE: FOR THOSE WITHOUT HOME INTERNET: A drive-up internet hotspot is now available in the parking lot in front of the Jerome Public Library. Bring your device and access the internet while sitting in your car. The network is **Sparklight Yavapai Free WIFI** and no password is required.

Item 1: Call to order

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

Possible Direction to Staff

Item 3: Approval of Minutes – Regular meeting of October 21, 2020 and Joint Meeting with Council of December 1, 2020

Public Hearings:

Item 4: Proposed text amendments related to residential lodging may include, but not be limited to, Sections 201, 507, and 510 of the Jerome Zoning Ordinance

Applicant: Town of Jerome

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

Discussion/Possible Action (recommendation to Council) – P&Z Reso. 2021-01

Old (continued) Business:

Item 5: Work session on code amendments related to temporary signs

Applicant: Town of Jerome

Updates to the Jerome Zoning Ordinance related to temporary signs. Amendments may include but are not limited to the following: real estate signs, contractor signs, political signs, temporary banners, and A-frame signs. Amendments may also include modifications to the permitting process for each type of sign.

Discussion/Table to next P&Z Meeting

Item 6: Work session on code amendments related to administrative approval of small projects

Applicant: Town of Jerome

Possible ordinance amendments to allow small projects to be processed administratively by staff instead of through the Planning and Zoning Commission and Design Review Board/s.

Discussion/Table to next P&Z Meeting

Item 7: Joint Meeting follow-up

Discussion and follow-up on items discussed at the joint meeting with Council.

Discussion/Possible direction to staff

New Business: none

Informational Items (Current Event Summaries):

Item 8: Updates of recent and upcoming meetings – John Knight, Zoning Administrator

- a. **November 2, 2020 DRB Meeting** – 136 Main Street cornice (Nellie Bly); 200 Hill Street pipe fence (Grand Hotel); 420 Hull Avenue sign for Mimi (formerly Lola); 123 Beale Street paint (Gallagher residence); discussion about changes in the field
- b. **November 10, 2020 Council Meeting** – Ordinance to prohibit recreational marijuana (first reading); six-month blanket extension of permits; district signs; draft of beekeeping ordinance, COVID restrictions and timeline for reopening town hall; P&Z appointment (Harvey)
- c. **December 1, 2020 Joint P&Z and Council meeting** – discussion of various ordinance amendments
- d. **December 7, 2020 DRB Meeting** – 146 Juarez Street deck; 538 School Street windows; 403 Clark Street sign (tour business in B-7); 639 Center Avenue color and siding change
- e. **December 8, 2020 Council Meeting** – beekeeping discussion and business license for Jerome Ghost Tours
- f. **January 4, 2021 DRB Meeting** – cancelled
- g. **January 12, 2021 Council Meeting** – district signs, presentation on bees, porta-johns, soda machine for Paul and Jerry's

**Item 9: Potential items for Wednesday, February 17, 2021: Various code amendments
Discussion/Possible Direction to Staff**

Item 10: Adjourn

The undersigned hereby certifies that this notice and agenda was posted at the following locations on or before 6 p.m. on _____
970 Gulch Road, side of Gulch fire station, exterior posting case
600 Clark Street, Jerome Town Hall, exterior posting case
120 Main Street, Jerome Post Office, interior posting case

Rosa Cays, Deputy Clerk, Attest

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



TOWN OF JEROME

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

Regular Meeting of the **Planning and Zoning Commission** Wednesday, October 21, 2020, 6:00 pm **MINUTES**

DRAFT MINUTES NOT APPROVED BY P&Z COMMISSION AND SUBJECT TO REVISION.

6:02 (0:13) Item 1: Call to order

Chair Jessamyn Ludwig called the meeting to order at 6:02 p.m.

Roll call was taken by Rosa Cays, Deputy Clerk. Commissioners present were Henry Vincent, Chuck Romberger, and Lance Schall. Also present were John Knight, Zoning Administrator, and Rusty Blair, Fire Chief.

6:02 (0:46) Item 2: Petitions from the public – There were no petitions from the public.

6:02 (0:53) Item 3: Approval of Minutes – Minutes of the meeting of September 16, 2020

Motion to Approve the Minutes of September 16, 2020

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

6:03 (2:14) Item 4: Election of Vice Chair – Elect new Vice Chair to complete term of former Vice Chair Joe Testone **Discussion/Possible Action**

Mr. Knight introduced the item. The new vice chair would finish out Joe Testone's term, which ends February 2021.

Mr. Vincent moved for Mr. Romberger to be vice chair; Chair Ludwig second the motion.

Mr. Romberger said he was going to nominate Mr. Vincent, who declined the opportunity. Mr. Romberger said he was willing to be vice chair.

Motion to Elect Chuck Romberger as P&Z Vice Chair

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

Old (continued) Business:

6:07 (5:13) Item 5: Initiate code amendments to allow mixed use in C-1 and possibly the Industrial Zone

Applicant: Town of Jerome

Initiate updates to the Jerome Zoning Ordinance related to mixed use in the C-1 Zone and possibly the Industrial Zone. This could include but is not limited to horizontal and vertical mixed use and live-work units.

Discussion/Possible Action – P&Z Reso. 2020-16

Mr. Knight said initial discussions were had and questioned if mixed use in the C-1 zone justified a code amendment or not, which was up to the commission. Mr. Knight said he had a resolution ready in case they decided to go forward, and that the commission would need to consider how to permit mixed use in residential versus commercial districts. Mr. Knight said it would be important to also determine how to treat mixed use in the industrial zone, and preferably separate from the C-1 zone. He said parking would also need to be discussed, although not necessarily at this meeting, as the item was simply about initiating the discussion.

(7:30) Chief Blair said he believed a conditional use permit (CUP) is needed for mixed use, because if it is just a permitted use, fire safety would likely be circumvented. He went into sprinkler requirements, separation needed, and other fire safety concerns.

Mr. Knight said once something is considered a permitted use, it is difficult to reverse the determination to a conditional use (he referred to the Prop 207 challenge about property rights). He said the first question would be to make it permitted or not in the C-1 zone.

Chief Blair said that any mixed use in an existing structure would require sprinklers, no matter if it's a permitted use or not.

Mr. Schall said he would like to encourage mixed use and said Chief Blair had good input and agreed with the need of a CUP.

Mr. Knight said the resolution was in the agenda packet to initiate the process.

Chief Blair said mixed use already exists in the commercial and industrial zones, so it is not new.

Ms. Cays asked Mr. Knight if the point of this was to address mixed use as a conditional use in the zoning ordinance.

Mr. Knight said the details are not addressed and that residential occupancy is already conditionally permitted in the C-1 and industrial zones, just not specified as to what level (ground, upper, etc.). He shared examples of issues that would need to be addressed, e.g., limited number of residences at the street level, parking, etc. Mr. Knight advocated mixed use be a conditional use in the industrial and in most situations in the commercial zones.

Mr. Schall asked about the resolution, which Mr. Knight clarified would simply begin the process of amending the code.

Mr. Romberger, owner of House of Joy and Lola's, mixed-use buildings in the commercial district, mentioned sprinklers were to be installed in House of Joy. He then asked if the buildings were grandfathered in since they were mixed use before he purchased them, or if he needed to apply for a CUP.

Mr. Knight said that in general, if a location is continually operating as mixed use, then Mr. Romberger would need to comply with the code at the time. He said some vacant places in C-1 can potentially be made mixed use, so they would have to comply with the latest ordinance, and that if there is interruption in the type of use of a building for more than six months, the owner/tenant cannot go back to the previous type of use.

(15:33) Chief Blair read from the JFD sprinkler ordinance. He said he had emailed it to Mr. Knight, and asked Mr. Knight if he had shared it with the commission because he did not see it in the agenda packet.

Mr. Knight said he had received it, but that Chief Blair had not requested that he forward it to the commissioners.

Chief Blair asked Mr. Knight to forward the information to the commissioners before the next meeting, which Mr. Knight said he would do.

Motion to Approve Resolution 2020-16

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

New Business:

6:20 (18:20) Item 6: Study Session on possible ordinance amendments including, but not limited to, amendments regarding setbacks, yard requirements, and appeals to Council

Applicant: Town of Jerome

Discussion/Direction to staff

Chair Ludwig commented that it was a lot to discuss.

Mr. Knight acknowledged there was a lot involved and that it would likely take several meetings to pick through some of the issues. He reminded the commission about the Worth property on Center Avenue, which brought up setbacks for stairs, yards, and the appeals process—the latter noted as “clear as mud” and inconsistent in the zoning ordinance. He said stairs setbacks are not identified in the code (so they cannot be required), nor is the determination of types of yards. He said the other issue that came up at the last Council meeting was the Planning and Zoning Commission’s role in reviewing site plans. CUPs currently go to Council for approval, whereas site plan reviews are approved by P&Z unless appealed. Mr. Knight said he determined the types of projects that may not need to go to Council, then referred to documents in the agenda packet addressing the various issues.

Mr. Knight started the discussion with stairs and the setbacks required. He referred to photos in the agenda packet. Mr. Knight also mentioned that he had met with Chief Blair and building inspector Barry Wolstencroft and talked about fire-resistant materials, which brought up the question, if nonconforming stairs are being renovated, do they need to be upgraded to code? He said this was an important question from a fire access standpoint.

Chief Blair said he had gone through his code and setback requirements (i.e., dimensions). He said he was an advocate of exterior stairwells because they make it easier to access a building, but there are requirements, which he read from his code. Chief Blair said it is easier to deal with new construction and that the trouble is with nonconforming situations. He said he agreed with Mr. Knight that stairs need to meet the street level. In nonconforming situations, fire separation is the challenge and not blocking access on the side lot line where setbacks are nonexistent in many places. And with Jerome’s topography, the chief said many areas have stairs that follow the grade up to the next level, like East Avenue and Clark St., but that he was unsure of how to deal with additional stairs in nonconforming situations.

Mr. Knight said to him, stairs are like decks, and in the town ordinance, the deck setback is five feet from the property line. He reminded the commission that a three-foot setback was previously discussed, but that a five-foot setback is appropriate, and that provisions in the ordinance would need to make it clear that in no way can a projection in a setback (e.g., A/C unit, chimney) block or hinder fire safety access.

Chief Blair said that in cases where the setback is narrow, construction materials are going to be a factor to minimize the fuel rate. He mentioned old properties that could be built out again but would need to meet new setback requirements.

Mr. Schall said he could understand requiring five-foot setbacks with new builds, but with some old structures, this may not be possible and could leave the property owner with no choice and discourage them from rehabilitating their home. He said it would be more reasonable to let current setbacks exist if fire-resistant materials are used.

Chief Blair said there is a provision in the code that addresses this; he read from 1101.2 in the fire code.

Mr. Knight pointed out that one section in the code deals with nonconforming uses but also buildings, and that, generally, if nonconformity is not worsened, it's allowed. He said these situations will need to be addressed on a case-by-case basis. He said the way the code is written, if old stairs are to be replaced like for like, no approval is needed, but if different materials are being used, the project must go before DRB.

Chair Ludwig said the stairs by Rickeldoris came to mind and said they would have no other options to conform to the zoning ordinance.

Mr. Knight said the stairs are in the ADOT ROW and commented on the stairs recently rehabilitated on School and Main Streets. He said he hoped that over time, more residents will replace old wooden stairs with metal ones for the sake of safety and fire protection.

Chief Blair commented on the stairs by Rickeldoris. He then brought up the yard determinations and said that the fire department sets the addressing for existing structures and that new construction would need to meet setback requirements. He said to change the yard determinations in lieu of meeting setback requirements would be a mistake. Anything that would be allowed in a nonconforming situation already breaking setback requirements to further breach those requirements should not be allowed. Chief Blair said it was important to stay within the allotted coverage and meet setback requirements, what he needs to fight fire at the very minimum.

Mr. Knight said it's easy to look at a traditional subdivision and define the yards, but the lots in Jerome vary greatly. He referred to the exhibit in the agenda packet and pointed out the different shaped lots and those with two addresses and said it was important to look at the exhibit to see the various yard scenarios. One example he used was the Bustrin residence: if you have a double-frontage lot, do you have a rear yard at all? Mr. Knight said the point of the discussion was to get input from the commission. He reminded everyone about a previous discussion on unclear lot situations and letting the applicant determine the yards, who would then have to stick with their definition.

Chief Blair said he has no problem with new construction, but he does with existing, nonconforming situations where the yards are being manipulated to meet a setback that has been determined. He said some buildings with two addresses are in the C-1 zone, which have different setback requirements. He asked the commission to be cautious with nonconforming situations.

Mr. Schall said he would like to see applicants able to propose yards for new construction and let the commissioners and fire chief have a say, too.

Chief Blair said the biggest issues are lots up against existing structures that don't have a setback. He said the idea behind the five-foot setback was to give firefighters at least 10 feet between structures to reach a fire.

Mr. Knight asked the commissioners how often the issue of determining yards came up to P&Z, and if it only comes up on occasion, perhaps there was no need to address it in the zoning ordinance.

Mr. Schall said it comes up about every three years but agrees that the commission can handle nonconforming situations case by case and not amend the ordinance. Discussion ensued about a general policy that states a project must be approved by the fire chief.

Mr. Schall said this was not just to appease Chief Blair but to also keep the community safe, which everyone should care about.

Mr. Vincent said the commission was dealing with two issues: existing structures and new projects. He said given Jerome's topography, odd lots, and land use in the community, discussing the definition of yards was much ado about nothing; that the commission will respect Chief Blair's input on setbacks, materials, and fire suppression, so let's move on.

Chief Blair said he appreciated the support and that we should all be aware of Jerome's unusual location and what is going on with fires in other communities.

Mr. Knight moved on to the appeals process, which the Council weighed in on and requested that the commission give their input. He spoke first about the appeals distance, which is typically 300 feet, but in Jerome, things are different, like the line of sight and how sound carries. Mr. Knight shared examples of what other jurisdictions do and said Council had suggested 300 feet. He then reported that most jurisdictions mandate that an appeal must happen within 15 days of an approval, and that others give 30 days, which is what the Council agreed on. Mr. Knight said he was concerned that 30 days was too much time and gave examples why. He said 15 days makes more sense for the applicant and 30 days for the appellant. He said some places won't give a building permit until the appeal period has passed, which protects the applicant and the town.

Chair Ludwig agreed that 15 days was plenty of time, especially if the applicant would have to wait for the appeal period to end to proceed with their project. She also thought a small fee should be set up.

Mr. Vincent agreed with both concepts.

Mr. Schall agreed the appellant must live within 300 feet or be someone adversely affected by the project; that 15 days for the appeal period was enough, and he agreed with a nominal fee for the appeals process.

Chair Ludwig agreed with Mr. Schall on who can appeal. Examples were shared on how one could be adversely affected.

Mr. Knight said a minor appeal fee is appropriate, and that it will prevent frivolous appeals. He also said those who are adversely affected know right away; they don't need 30 days.

Mr. Vincent said notices are posted for new projects, so neighbors are informed.

Mr. Knight moved on to the topic of how to address small projects, which mostly go through DRB—but P&Z has a role in amending the ordinance. He said the Jerome design guidelines will deal with these issues eventually. Mr. Knight feels there should be consideration for small projects that staff can handle, like the change in paint color on a handrailing or fencing, and would like input on how to categorize small, medium, and large projects. He named the levels of approvals on types of projects that go through P&Z, DRB, and sometimes to Council.

Chair Ludwig said it seemed illogical (and not her experience back in New Hampshire) that the Council would want final say on even small projects, albeit Mr. Sims's memo stated it was common. She said small projects should be handled by staff.

Mr. Knight said it has not been his experience either to have Council review/approve even small projects and shared what projects were typically handled by whom. Because Jerome is a national historical landmark, it is appropriate to have the Council review certain projects; but for painting handrails?

Mr. Vincent said the commission has been going around for three years about "painting handrails" and asked that the topic be finalized once and for all. As for final approval from Council on projects, Mr. Vincent felt the result would be the degradation of the importance of P&Z, for which community members volunteer and embrace the responsibility—and sign an oath. If one was to take a look at the code amendments that have been approved in the last three years, most of them erode the authority of P&Z. Mr. Vincent said that if the intent of the Council is to exert power and insist on final approval of all projects, they may as well fold the planning and zoning commission and "let them have the job." He said this was inconsistent with other municipalities in the state, and that the current Council is consistently attempting to erode the authority of the P&Z. He said it was degrading. Chair Ludwig agreed.

Mr. Schall said he would echo the same comment. He said the Council can be in on the appeals decisions for sure, but if they want to handle the day-to-day projects, the commissioners can go home. Mr. Schall said he has always thought that trivial projects like paint color, a door change, or a repainted handrail should be handled by staff.

Mr. Knight said that there were plenty of projects on the list that could have saved time and money for the applicants and for the board/commission if staff were allowed to approve smaller projects. He said the new design guidelines will help with this approval process.

Chair Ludwig asked what prompted Council to want final say on large projects.

Mr. Knight said there was interest from the Council in having more involvement in final decisions of site plan reviews. He said that rezones, larger-scale projects, ordinance amendments, and some larger projects, yes, should go through Council, although Jerome rarely sees large complicated projects, although plenty of small complicated projects.

Chair Ludwig asked if this has happened with past councils wanting final say on large projects.

Mr. Schall said past councils have basically "rubberstamped" what P&Z decided, and that he could not think of any examples of councils refusing a project.

Mr. Vincent said the Council does have approval of rezones, appropriately so, but that over the last three years, it has felt like the Council has been chipping away at the authority of P&Z and invalidating their hard work. He said reading Ms. Gallagher's memo in the agenda packet, it seemed more like a courtesy for the Council to ask for P&Z's input but a waste of their time if Council was going to have final say anyway. He said an example that comes to mind of the Council wielding authority was when they eliminated the P&Z/DRB liaison—despite the 5-0 DRB vote to keep the liaison. He said they may as well eliminate P&Z and let the public vote on code amendments. Mr. Vincent said then they wonder why it's hard to get volunteers with all the micromanaging.

Mr. Knight said he had heard Camp Verde had gotten rid of their planning and zoning commission because of similar issues. Chair Ludwig said she would like to avoid this in Jerome. [After further research, some of the Camp Verde P&Z commissioners resigned after their last council election, but the Camp Verde P&Z Commission will remain.]

Mr. Knight said P&Z does great work and deals with lots of gray issues.

Vice Chair Romberger said at Council meetings, he keeps hearing they want local control; that they want to make decisions themselves from state level on down. He said he sees no problem with local control, but over and under reaching are both problems. He said P&Z decisions should be separate from Council decisions.

Mr. Knight said the Council already can appeal any decision. He said he will set a hearing at a future meeting.

Informational Items (Current Event Summaries):

7:18 (1:16:24) Item 7: Updates of recent and upcoming meetings – John Knight, Zoning Administrator

- a. September 21, 2020 Council Meeting** – Amendments to the ordinance regarding stair setbacks, yard requirements and appeals process.
- b. October 5, 2020 DRB Meeting** – Design Review for Kelt stairs (665 Main Street) and Feher garage (11 Rich Street)
- c. October 8, 2020 Council Meeting** – Zoning Administrator work priorities (recreational marijuana ordinance, code amendments/code enforcement, telecom ordinance, design guidelines, and small projects)
- d. October 13, 2020 Council Meeting** – beekeeping ordinance, COVID-19 reopening, and recreational marijuana ordinance
- e. October 14, 2020 Council Meeting** – Recreational marijuana ordinance

Mr. Knight first asked if anyone was interested in the webinar on being a P&Z board sponsored by the National League of Arizona Cities and Town later in the month.

Mr. Knight then shared highlights from recent DRB and Council meetings. He mentioned that the Council almost sent the recreational marijuana ordinance (Prop 207) to P&Z, but that Council decided to treat it as a nuisance rather than a zoning issue.

Mr. Vincent asked why the Council decided this.

Mr. Knight said they didn't want to allow it in the C-1 zone; that the quickest path was through a nuisance ordinance process. He continued with the updates.

**7:22 (1:20:14) Item 8: Potential items for Wednesday, November 18, 2020: Various code amendments
Discussion/Possible Direction to Staff**

Mr. Knight said the code amendments discussed at this meeting would be brought back for consideration.

Mr. Romberger said on the cannabis issue, he understood that the Council wanted to restrict manufacturing, extraction, etc., but wasn't clear on where they stood on retail.

Mr. Knight said one thing that helped with the Council's decision is that it is likely that dispensaries would set up in larger jurisdictions, with a maximum number of marijuana businesses per county. He said he was nervous about rushing an ordinance through without seeing what other jurisdictions do with the proposition. If Prop 207 passes, it will basically decriminalize marijuana. In Jerome, residents will be able to grow and use marijuana at home if they follow certain regulations.

Mr. Vincent commended Mr. Knight for not wanting to rush the ordinance.

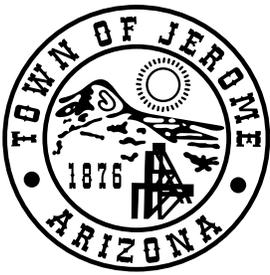
Item 9: Adjourn

Motion to Adjourn at 7:26 p.m.

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

Approved: _____ Date: _____
Jessamyn Ludwig, Planning & Zoning Commission Chair

Attest: _____ Date: _____
Rosa Cays, Deputy Clerk



TOWN OF JEROME

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 (928) 634-7943 www.jerome.az.gov

MINUTES

SPECIAL JOINT MEETING OF THE JEROME TOWN COUNCIL AND THE JEROME PLANNING & ZONING COMMISSION

VIA ZOOM

TUESDAY, DECEMBER 1, 2020 AT 6:00 PM

<p>ITEM #1: 6:01 (1:57)</p>	<p>CALL TO ORDER/ROLL CALL</p> <p>Mayor/Chairperson to call meeting to order. <i>Mayor Jack Dillenberg called the meeting to order at 6:01 p.m.</i></p> <p>Town Clerk to call and record the roll for Town Council. <i>Town Manager/Clerk Candace Gallagher called the roll. Present were Mayor Dillenberg, Vice Mayor Mandy Worth, and councilmembers Alex Barber, Sage Harvey, and Jane Moore. Also present were Zoning Administrator John Knight and Deputy Town Clerk Rosa Cays.</i></p> <p>Deputy Clerk to call and record the roll for Planning & Zoning Commission. <i>Zoning Administrator John Knight called the roll [Ms. Cays was having audio problems]. Present were Chair Jessamyn Ludwig, Commissioners Lance Schall and Henry Vincent, Vice Chair Chuck Romberger, and Commissioner Mike Harvey.</i></p>
<p>ITEM #2: 6:03 (4:38)</p>	<p>(P&Z ONLY): PRELIMINARY/FINAL SITE PLAN REVIEW FOR A DECK AND ACCESS STAIRS AT 146 JUAREZ STREET</p> <p>Planning and Zoning Commission will review proposed exterior improvements to extend an existing deck and add exterior stairs to a residential structure at 146 Juarez Street (APN 401-06-133C).</p> <p><i>Chair Ludwig read the zoning ordinance definition of deck aloud: "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 ..." She then pointed out that the residence was in the AR zone, therefore the structure (not deck) needed a 20-foot setback.</i></p> <p><i>Mr. Knight said he had missed the definition of deck in the ordinance, but that he did talk with the applicant about this and that he has two choices: he can adjust the covered deck portion or remove the roof. He said the commission could add a condition to approve the project, table it, or deny it for noncompliance.</i></p> <p><i>Commissioner Mike Harvey said he had gone to the site and that it looked like the applicant was only adding six (6) to eight (8) square feet for an overhang. He asked if this was considered restructuring the entire thing.</i></p> <p><i>Mr. Knight replied that it was considered an expansion of the structure—but also of a nonconforming situation: the AR zone requires a 20-foot front or street setback. He has asked the applicant to meet with a surveyor to determine the front property line. If it were just a deck, the setback requirement is five (5) feet.</i></p> <p><i>Mr. Knight shared that he had been notified that construction was in progress without permits in place and stopped the work, and the applicant has since agreed to go through the mandatory process.</i></p> <p><i>(9:20) Contractor Elias Wetzel apologized for being noncompliant. He understands a surveyor is needed to determine the precise property line and that if the structure meets the 20-foot setback, he will add the roof to the 12-square-foot addition to the deck.</i></p> <p><i>Chair Ludwig said the commission could conditionally approve the project or wait for the survey.</i></p> <p><i>Commissioner Lance Schall said rather than table and wait for another meeting, he was inclined to conditionally approve the resolution.</i></p> <p><i>(12:27) Mr. Craig Hudson, son-in-law of the Prochaskas (owners of the property), said he was the one who hired Mr. Wetzel. He asked if it is determined that the setback is less than 20 feet, if it would be possible to contest the decision or get a variance.</i></p> <p><i>Mr. Knight said he would have an option to appeal to the Council or pursue a variance and take it to the Board of Adjustment.</i></p> <p><i>Mr. Hudson asked about the likelihood of getting a variance.</i></p> <p><i>Mr. Knight replied that without clear evidence that criteria was being met, it would not likely be approved.</i></p>

Mr. Hudson pointed out that the deck itself has been there and is not being extended into the setback any more than it currently is. Mr. Knight explained that it would be increasing a nonconforming situation. Chair Ludwig said she agreed with Mr. Schall and that a conditional approval would be a suitable option. Mr. Schall clarified that the approval would be a choice between two conditions for the applicant: meet the 20-foot setback criteria and build the overhang with the deck extension, or just extend the deck. If the applicant wanted to try a third condition, he would have to come back before the commission.

Motion to approve the site plan (Resolution 2020-17) on the condition it meets the required setback for the roof over the deck extension

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

**ITEM #3:
6:16 (17:07)**

RESPECTIVE ROLES AND RESPONSIBILITIES OF P&Z AND COUNCIL

Council and the Commission will discuss their respective roles and responsibilities, and any concerns in that regard.

Mayor Dillenberg expressed appreciation on the Council's behalf for the P&Z Commission and the work they do. He said because of recent discussions about the role of P&Z, that it was inferred that the Council wanted to take over the commission's responsibilities, which he clarified is not the case. He said he wanted to get a clear understanding of each group's respective roles and to do it in the spirit of good faith, goodwill, collaboration, and appreciation.

Chair Ludwig said she felt the same about the Council and her fellow commissioners; that she wanted cooperation and clarity between the two and suggested they all move forward and see how it goes.

[At this point, the meeting inadvertently moved to the next item.]

Councilmember Harvey asked if they had skipped item #3; that it was not clear that Mayor Dillenberg had opened it up for discussion. Ms. Harvey referred to the zoning ordinance and asked the P&Z commissioners if they had read Article 1 – Administration, the sections on Purpose and Powers and Duties. She pointed out that it was clear in the ordinance that P&Z is an advisory committee, and that the reason they have authority to approve final site plans is because Council passed an ordinance stating so, which they also have the right to change. She reiterated that Council is not trying to take away control and referred to the state statute Title 9, chapter 4, article 6, that also states that P&Z is an advisory committee to council.

Mayor Dillenberg said he appreciated Ms. Harvey's attention to detail and believes everyone wants to do the best they can for Jerome.

Councilmember Moore said that the previous item on the agenda was a good example of the necessity to catch things in the P&Z applications to make sure they meet zoning requirements; she commended Chair Ludwig. She listed some of the challenges, like the pressure to get things done quickly; sticky, nonconforming structures, and conflicts in the zoning ordinance itself. She acknowledged that it's a hard job and appreciated the commissioners' willingness to do the work. Ms. Moore wants the two boards to work together to catch these anomalies.

Councilmember Barber thanked everyone and clarified that Council would like to look at final site plan approvals, not take them away from P&Z, especially if they are controversial.

Vice Mayor Worth also shared her appreciation for the commissioners. With the mayor and Chair Ludwig's approval, she asked if a brief synopsis of the two groups' roles in relation to each other could be expressed. Ms. Gallagher said Council is the appointing body of P&Z and has oversight in that respect and added that Council has given power to P&Z for site plan reviews and took back final approval for conditional use permits a few years ago.

Mr. Knight restated that the Council is the final authority and said that it's good to have an appeals process in place should an applicant be unsatisfied with the decision of a lower body. If the Council is interested in being the final authority, it can diminish the applicant's appeal process and suggested that they be thoughtful of what projects they want final authority on.

Ms. Barber clarified that Council is mostly interested in final approval for new construction and for controversial projects. Ms. Harvey agreed.

Fire Chief Rusty Blair explained how nonconforming situations could be handled by the zoning administrator and that new construction should be able to meet all building requirements. He said the main concern is with expanding nonconforming situations.

Ms. Moore agreed with Chief Blair and said that Council wants to make sure nonconforming situations are not exacerbated or causing issues with fire safety and encroachment on other people's property.

It was agreed that no motion or action was needed, and that this was basically a dialogue between Council and the Planning and Zoning Commission.

6:35 (37:00)

ITEM #4A – SETBACKS, APPEALS AND REVIEW PROCESS

Council and Planning and Zoning Commission will discuss possible ordinance amendments related to setbacks, yard requirements, and appeals to Council.

Mr. Knight clarified that three topics would be covered under this item: setbacks for stairs; front, back and side yards; and the appeals process.

Chief Blair said P&Z has done a good job on stairs setbacks and access, and that they are consistent with setbacks for decks. He did say that the deck ordinance should also be addressed and likely revised to require fire-resistant materials be used for second-story decks.

Mayor Dillenberg moved the discussion forward to yards.

Chief Blair said that front and back yards are important in consideration of fire safety. He mentioned the minimal setbacks needed for side yards to allow room to move firefighting apparatus and that many nonconforming structures exist without this. Chief Blair said redefining yards is not ideal and that unusually shaped yards need to go through appeals to make a case. He said if a building with no setbacks is up against a retaining wall with a road above it, firefighters can approach it from the top. He said because of Jerome's uniqueness, each situation needs to be treated as such.

Mayor Dillenberg said the town needs to be sensitive to fire risk. He then asked Chair Ludwig if she wanted to add anything to the discussion. She stated that the commission had made all their recommendations at the P&Z meeting, unless any of the commissioners wanted to add anything.

Ms. Barber suggested adding "with the fire department's approval" to the section on determining yards for unusually shaped yards.

Vice Mayor Worth asked what the P&Z Commission had decided on determining yards, because she could not discern a clear recommendation. She also said it made sense to include JFD on some of these determinations, especially for unusually shaped lots.

Mr. Knight said that in the past, unusually shaped lots were handled on a case-by-case basis, often with the applicant's preference as the determination, according to Commissioner Schall. Mr. Knight said that the language can easily be expanded to include "with review by the Jerome Fire Department."

Chair Ludwig confirmed this was discussed and agreed that having JFD approval is a good idea.

Ms. Harvey also liked the idea of including the fire department to determine a yard for safety reasons.

Vice Mayor Worth referred to the section on setbacks/access stairs in Ms. Gallagher's memo, and asked if the Council as well as the P&Z Commission agreed on the recommended five-foot setback and the requirement of a variance if new stairs would be added. She also asked, if someone needed to repair existing stairs within the setback, would they be allowed to repair and retain those access stairs?

Chief Blair said it would be ideal if steps could be upgraded to meet current fire safety standards and added that the fire department cannot stop someone from fixing their steps.

Mr. Knight said that a five-foot setback for stairs in side yards is reasonable, but that stairs in front yards, like many in Jerome, need to have a zero setback. He said a landing could make it safer. He said he would discuss the details with Chief Blair.

Chief Blair referred to Mr. Knight's analysis (pg. 17 of the agenda packet) and his reference to landings. He also said that if stairs are to be built within ten feet of the lot line, fire-resistant materials must be used and that someone cannot be forced to use fire-resistant materials to repair existing wooden stairs.

Vice Mayor Worth pointed out that "site plan review" was also listed as a topic of discussion for this item.

Ms. Harvey said that regarding the appeals process, she believes a town resident living outside the 300 feet (discussed as the required distance for an appeal) could be adversely affected by a project, especially due to the slope of the town, and suggested the distance be expanded to 500 ft. She also said 15 days to appeal was adequate.

Mr. Knight said that 300 feet—or even 5,000 feet—is not always an appropriate measure, and that adding to the ordinance that an applicant outside the distance for an appeal would need to demonstrate how they were adversely affected by a project would allow for such situations.

Vice Mayor Worth agreed with Mr. Knight and Ms. Harvey on this. She said drainage is also something to consider in these matters.

Ms. Moore reminded everyone that town attorney Bill Sims had made good suggestions on the language about appeals qualifications at the September 21 Council meeting, which is in the minutes.

Chair Ludwig said the commission had discussed that a fee of \$50 for an appeal would be appropriate.

Ms. Harvey asked if staffing costs have been calculated for an appeals process.

Mr. Knight responded that based on the last appeal in Jerome, the process immediately engages attorney's fees and that appeals will vary dramatically. He described the two kinds of appeals: an applicant who is appealing a decision and an appellant who is adversely affected by an applicant's project.

Ms. Harvey said this may need to be considered in setting a fee, and that if it is set too low, it may allow for frivolous appeals.

Ms. Barber asked what other Verde Valley communities charge for the appeals process. She also thought a \$50 fee would not be adequate.

Mayor Dillenberg said the Council may need to set criteria with a variety of fees.

Vice Mayor Worth asked if other jurisdictions use a graduated fee scale.

Mr. Knight said he found dramatic differences in appeals fees; that most are around \$200 and that one town charged in the \$1000s. Another jurisdiction required a deposit by the applicant and fees were assessed against the deposit. Mr. Knight said he would come back with more information via email.

Chief Blair said that regarding the fire code, someone can appeal whether the code was interpreted properly.

Mr. Knight said that appeals of administrative decisions go to the Board of Adjustment; there is no fee, but that the provision is in the ordinance.

Ms. Worth reminded everyone that they still needed to discuss the appeals period and building permit issuance.

Mr. Knight said that an appeals period is typically 15 days and that Cottonwood, Sedona, and Clarkdale all have a 15-day appeals period and that Flagstaff has it set at 10 days. Mr. Knight would suggest 15 days and asked if the town would want to allow work to proceed during the established period. As an example, he said Sedona stops work on a project until after the appeals period has passed.

Mayor Dillenberg agreed that 15 days seemed like a good mark and was in support of holding a building permit until the appeals period ends.

Mr. Knight moved on to P&Z's role in site plan reviews, which currently stop at Planning & Zoning unless a site plan review is appealed. He asked for clear direction on what projects Council wants involvement in and suggested a meeting with two councilmembers and two commissioners to compile a list. He said many jurisdictions use a hearings officer, usually the zoning administrator, to approve some projects, with the caveat that if a project is controversial or other issues are present, then it would involve the boards.

Mayor Dillenberg said he liked the idea of a collaborative meeting with representatives of P&Z and Council and asked Chair Ludwig what she thought. She agreed that it was a great idea and said it does need to be determined what types of site plan reviews Council would want to see.

Ms. Moore referred to the memo from Mr. Sims who wrote that a planning and zoning commission doesn't typically have final approval on site plan reviews and instead, makes recommendations to council for their consideration and action. She said that because of the unusual nature of building in Jerome, she would like Council to review site plans for new construction, nonconforming, and other unusual situations.

Mr. Knight said Mr. Sims's comments were true for ordinance amendments, subdivisions, and larger projects, but site plan reviews are handled by administrative staff or the planning and zoning commission in most local jurisdictions.

Ms. Moore said that because of Jerome's small lots, fire safety, parking, and other anomalies, she wants major construction, even a house on an unusual lot, and nonconforming structures (not small additions or projects) to go before Council. Until the ordinance issues are ironed out, she said having P&Z make recommendations for these types of projects is a good thing.

Ms. Harvey pointed out an issue with the zoning ordinance referred to in Mr. Sims's memo regarding grading and excavating, which Mr. Knight said has been noticed.

Ms. Barber said that with "more eyes on the prize," less things would fall through the cracks, and agreed with Ms. Moore that P&Z and the Council should work together as a team on the "tricky situations."

Mr. Knight encouraged members from both boards to reach out to him if they were interested in meeting the following week to work on a list of projects.

7:10 (1:11:31)

ITEM #4B – ADMINISTRATIVE APPROVAL OF SMALL PROJECTS

Council and Planning and Zoning Commission will discuss possible ordinance amendments to allow small projects to be processed administratively by staff instead of through the Planning and Zoning Commission and Design Review Board/s.

Mr. Knight introduced the item and said it has been discussed long before he started working for the town. He asked for clear direction on what level of projects could be approved by administration and listed examples of projects from the last two years. He said if the process were simpler, it is likely more residents would comply with it.

Chief Blair said he didn't see problems with most of the projects on the list, then began listing projects he would like to see, and asked questions about locations, accessory buildings, setbacks, etc.

Mr. Knight clarified that the projects Chief Blair referred to are not exempt and still need to meet the standards. He said projects would need to be specifically identified in the ordinance that could be approved administratively and could include those that would need to be approved by the fire chief. Mr. Knight said they would all still need to meet P&Z and DRB standards, etc. He said he would get back to Chief Blair about setbacks for accessory buildings.

Ms. Barber pointed out that it wouldn't just be Mr. Knight approving projects, that the building inspector and fire chief would also be involved with some of the applications. Mr. Knight confirmed this.

	<p>Ms. Harvey said her concern was #13 (Modifications/improvements to existing residential structures that add no additional square footage) on Mr. Knight's list in his analysis and thought DRB would be involved to preserve the historical value of some homes. She was also concerned about additions of 120 square feet or less and thinks they need to be reviewed by P&Z and DRB. As for walls less than 48 inches tall, Ms. Harvey said many times these are built as retaining walls and need to be engineered and done correctly on Jerome's topography.</p> <p>Vice Mayor Worth said she agreed that paint stain should not have to go before DRB, but that projects requiring a building permit may need to also go before DRB. And if not, it needs to be made clear in the ordinance that certain projects still need permits and inspections, that materials need to be approved, etc. Ms. Worth continued through the list and shared her thoughts on each example.</p> <p>Mr. Knight said to keep in mind that the design guidelines soon to be written will address many of these items, like fences, modifications, and additions.</p> <p>Ms. Moore said she was fine with numbers 1 through 8 on Mr. Knight's list. She said the zoning ordinance addresses rock or retaining walls up to four feet high, so perhaps that section needs to be looked at first; as for sheds, modifications, and additions, Ms. Moore suggested waiting for the design guidelines but would also like DRB to see those projects.</p> <p>Mr. Blair also shared his comments about projects on the list. He said he would like to be involved with sheds, additions, and modifications to be sure the fire code requirements are being met. He gave examples of how sheds could be converted for other uses.</p> <p>Ms. Harvey said demolition is also history and is addressed in the code.</p> <p>Ms. Barber asked Mr. Knight to explain the appeals process for administrative decisions. He said they currently go to the Board of Adjustment unless the Council would like to change this. He also gave scenarios where decisions could go to one of the boards or directly to Council. He suggested keeping this appeals process in place but wanted Council to be aware of it.</p>
<p>7:26 (1:27:49)</p>	<p>ITEM #4C – RESIDENTIAL LODGING</p> <p>Council and Planning Commission will discuss possible ordinance amendments related to the definitions and permit process for various types of Residential Lodging. This may include, but is not limited to bed and breakfast, boarding house/rooming house, hotel and motel uses.</p> <p>Mr. Knight introduced the item, which he said first came up when the former Cuban Queen project was in process. He went over what definitions can be removed from the ordinance (some are dated) and how to treat certain definitions in a residential vs. commercial zone. He said this was done mostly for clarification.</p> <p>Mayor Dillenberg asked about parking. Mr. Knight said any new development would require parking, but unfortunately parking cannot be required for short-term rentals in residential areas.</p> <p>Ms. Harvey asked why the number of rooms is being changed from three to four for B&Bs. Mr. Knight explained that this may be a moot point but that it was because an existing B&B had four rooms (but is now being defined as a small hotel).</p> <p>Ms. Moore said she didn't understand why the parking requirement isn't in effect for vacation rentals and B&Bs in residential areas, even though residential use has parking requirements. She also brought up the impact on neighborhoods and that she wants to keep the number of rooms for B&B to three.</p> <p>Ms. Barber said she would like to keep B&Bs at three rooms.</p> <p>Chair Ludwig clarified that to be defined as a B&B, the owner or caretaker must live on premises.</p> <p>Mayor Dillenberg was surprised that there were no parking requirements for short-term rentals in residential areas and said he wanted to talk to Mr. Sims about it.</p> <p>Chief Blair asked for clarification on when a short-term rental becomes a hotel, noting that hotels require sprinklers.</p>
<p>7:33 (1:34:39)</p>	<p>ITEM #4D – SIGNS</p> <p>Council and Planning Commission will discuss possible ordinance amendments related to various types of temporary signs.</p> <p>Mr. Knight retold the story about the Supreme Court decision in Gilbert, Arizona, where they determined size but not content could be restricted, including campaign/election signs. He said P&Z is recommending that signs in residential areas be limited to six square feet and in the commercial zone to eight square feet.</p> <p>Ms. Harvey said political signs are addressed in the Arizona Revised Statutes (A.R.S.). She asked if the time limit was being eliminated from the zoning ordinance.</p> <p>Mr. Knight clarified that the A.R.S. refers to political signs in the right of way (ROW), and that Jerome has the authority to regulate signs on private property. He said he has discussed this with Bill Sims; that a time limit cannot be placed on residential signs, political or not, since they need to be treated as temporary signs. [CG1]</p> <p>Ms. Harvey asked for clarification on the time limit for temporary signs, which she understood to be 45 consecutive days or no more than 90 days in a calendar year.</p> <p>Mr. Knight said this was true for the commercial/industrial zone. He told Ms. Harvey he would get further clarification on the A.R.S. and mentioned that a list of prohibited signs was also added to the ordinance.</p>

7:38 (1:39:31)

ITEM #4E – MIXED USE

Council and Planning Commission will discuss possible ordinance amendments related to mixed use in the C-1 and I-1 Zones.

Mr. Knight explained the definition of mixed use as a building with residential and commercial space, for example, House of Joy, Mimi, and Retro Roadrunner Resale. He said he talked with the attorney for Verde Ex, who would like to allow mixed use at the old high school (i.e., in the industrial zone). Sprinklers would be a key component, and reduction in parking requirements may want to be considered. Mr. Knight mentioned that mixed use has already been allowed with a conditional use permit (CUP).

Ms. Harvey said this is already allowed with a CUP and questioned why it was being discussed; that Council did not initiate this. Mr. Knight replied that P&Z initiated this.

Vice Mayor Worth asked if the Hotel Jerome would be considered mixed use, which he confirmed. She said she knew of several mixed use/CUP setups in the commercial zone and assumed at least one building in the industrial zone had a CUP for mixed use. Ms. Worth said mixed use needs to be more clearly defined in the ordinance.

Ms. Moore agreed that a residential CUP is already in place for commercial and industrial zones and didn't see the need to define mixed use in the ordinance.

Vice Mayor Worth asked Mr. Knight if a residential CUP covered a specific space or a whole building in the commercial zone, and if mixed use would apply to the entire building.

Mr. Knight said this has probably varied over the years and could be clarified in the ordinance by the Council, if interested, with details and standards about parking and other impacts.

Chief Blair said sprinklers and other safety features will be needed for mixed use, depending on the size of structure and number of units.

Ms. Barber also brought up fire safety and said the direction seems to be to continue allowing mixed use via a CUP and perhaps add details about parking, fire safety, etc., to the ordinance without adding mixed use as a definition.

Mayor Dillenberg said it is good to acknowledge the importance and recognition of fire safety in all this.

(1:49:36) Jerome resident and property owner Nancy Weisel said one reason this has come up is because of a building she and Tracy Weisel own where they recently had a problem with renting out space—her potential tenants were given confusing information about living and working in the same space, which is why she wants clarification on this. She said her tenants have never needed a CUP and that she has always had residential and commercial spaces in the building.

Chief Blair said that anytime there is a change of use, the building requires a fire inspection and the possibility of having to install a sprinkler system.

Ms. Weisel asked for further clarification as she has never had to get a CUP and the use has changed over the years. Discussion ensued. Chief Blair said he would prefer having buildings sprinkled.

Ms. Harvey said her understanding is that the use has always been the same and told Ms. Weisel she didn't need to change anything.

7:54 (1:55:44)

ITEM #4F – TELECOM ORDINANCE

Council and Planning Commission will discuss possible ordinance amendments related to providing a permit process and standards for new telecom facilities.

Mr. Knight said the FCC has adopted a new set of draconian rules, and that the state has also adopted rules essentially giving telecom companies free reign to submit and process permits unless local jurisdictions have ordinances in place. He said Ms. Barber and he went to a seminar months ago about the federal and state telecom ordinances and what they learned is if Jerome has an ordinance in place, the town can have some control. Mr. Knight requested clarification from Council whether to pursue this or not.

Ms. Barber asked Ms. Gallagher to post a photo showing a mock-up of a cell site by the Jerome Steps on Main Street. She said that on November 14, 2017, Verizon came before Council with "small" cell sites to install in town. Ms. Barber said, "we don't want 20th-century telecom in the state's most Western town," that the town has aesthetic standards and doesn't want new poles. She then talked about scientific studies regarding 5G and how they have been dismissed by the telecom companies. Ms. Barber emphasized that she is into stealth standards and wants proof of environmental and health safety before allowing anything to be installed in Jerome. She also said the town should not allow installations on town property.

Mayor Dillenberg said he is not a fan of 5G and is not interested in adding it to Jerome. "The juice ain't worth the squeeze," he said.

Ms. Barber said that in 1996, the FCC came out with radiation standards on cellphones and other devices and that most other countries are not rolling out 5G until health effects are reported. She said 4G is working fine and maybe better than 5G; that this is all to keep cellphones from becoming obsolete. She referred to the mocked-up photo.

Ms. Harvey agreed with Mayor Dillenberg and Ms. Barber.

Chief Blair said he doesn't need more obstructions in town to stop him from doing his job.

Mr. Knight said to keep in mind that the federal and state laws rule—like with the short-term rentals—that all Jerome can do is set restrictions. Hence, the town needs an ordinance.

Mayor Dillenberg said he wanted to talk to Mr. Sims about wording the ordinance so the town can keep some control in place.

Ms. Barber offered to help Mr. Knight and Ms. Gallagher work on an ordinance and wondered if they should meet before the FCC hearing on January 25, 2021. She also reported that the FCC has threatened towns that don't cooperate, saying they can lose their sales tax. She also wondered if the new tower on Sunshine Hill is Verizon's new 5G since it was installed after Jerome said no in 2017. She asked Ms. Gallagher to distribute the notes and photo from that Council meeting to the current councilmembers.

Ms. Harvey said all appeals to this law have been denied by the FCC. Discussion continued.

Mayor Dillenberg thanked Chair Ludwig and the commission for the work they do and said he wants to collaborate at every opportunity.

Mr. Knight reminded everyone that code enforcement will be discussed at a special meeting soon.

ITEM #5	ADJOURNMENT					
	<i>Motion to adjourn at 8:11 p.m.</i>					
	COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT
	BARBER		X	X		
	DILLENBERG			X		
	HARVEY	X		X		
	MOORE			X		
WORTH			X			

APPROVE:

ATTEST:

Dr. Jack Dillenberg, Mayor

Candace B. Gallagher, CMC, Town Manager/Clerk

Jessamyn Ludwig, P&Z Chair

Date: _____



TOWN OF JEROME

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

Zoning Administrator Analysis Planning and Zoning Commission Wednesday, January 20, 2021

ITEM 4: Proposed text amendments related to residential lodging. These may include, but are not limited to, Sections 201, 507, and 510 of the Jerome Zoning Ordinance

Applicant/Owner: Town of Jerome
Recommendation: Discussion/Possible Action
Prepared by: John Knight, Zoning Administrator
Resolution: **P&Z Reso. 2021-01**

Background and Summary: On May 12, 2020, the Council directed staff to update the definitions for *boarding house* and *rooming house*. This item was also reviewed at the September 20, 2020 Planning and Zoning Commission meeting and at the joint meeting with the Council on December 1, 2020. The Council is the final decision-making authority on text amendments to the zoning code. The commission's decision will be a recommendation to the Council for adoption of an ordinance.

Based on comments at the previous meetings, staff has provided a redline version of the ordinance for the Commission and Council's consideration.

Summary of Proposed Changes:

Section 201 - Definitions

1. **Bed and Breakfast** – Modified. Added language that an owner or caretaker lives on the premises. Removed requirement that only one family can be lodged per day. Note that the maximum number of rooms stays at three (3).
2. **Boarding or Rooming House** – Deleted. This definition is outdated, and this type of use is no longer common. If someone proposed a boarding or rooming house in the future, it would now be considered under the Hotel/Motel definition.
3. **Dwelling** – Modified. The definition of *hotel* has been modified to encompass all types of transient lodging. Note that if a boarding or rooming house were proposed in the future, it would fall under the definition of Hotel. A bed and breakfast in the C-1 would also be treated as a hotel.
4. **Hotel** – Modified. The definition has been simplified to: "*a building in which lodging is provided and offered to the public for compensation and which is open to transient guest. Does not include bed and breakfast.*"
5. **Motel** – Deleted. This definition is now covered under the *hotel* definition.

Section 507.B. and C. Permitted and Conditionally Permitted Uses in the C-1

6. **Hotel** – Modified. Removed motel (since it is now part of hotel use). This will continue as a permitted use.
7. **Residential use of a building** – Modified. Removed boarding houses, rooming houses, and bed and breakfast from the list of residential uses requiring a CUP. Other residential uses in the C-1 are still listed as conditional uses.

Section 510.D. Parking and Loading Requirements

8. **Boarding House** – Deleted. Boarding house has been deleted as a use that requires parking. If a boarding house were proposed in the future, it would have the same parking requirement as a hotel.
9. **Hotel** – Modified. Removed reference to motel since it would be treated the same as a hotel.

Recommendation: Discussion and possible recommendation to Council by approving **P&Z Reso. 2021-01.**

Attachments:

- P&Z Reso. 2021-01
- Redline excerpt of the proposed changes to the zoning ordinance



TOWN OF JEROME

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

P&Z Resolution No. 2021-01 Code amendments related to residential lodging

WHEREAS, the Town of Jerome is interested in amending Sections 201, 507, and 510 of the Jerome Zoning Ordinance; and

WHEREAS, the proposed amendments include, but are not limited to, the definitions for *boarding house, rooming house, bed and breakfast, hotel, motel and dwelling*; and

WHEREAS, the proposed amendments also include modifications to the permitting process for each type of residential lodging; and

WHEREAS, the Jerome Planning and Zoning Commission initiated the ordinance amendment on May 20, 2020; and

WHEREAS, the Jerome Planning and Zoning Commission held a hearing and provided public notice in accordance with Section 301.C. of the Jerome Zoning Ordinance; and

WHEREAS, a notice was published in the *Verde Valley Independent* newspaper on January 3, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the Town of Jerome, Arizona, that the Town Council of the Town of Jerome adopt amendments to Sections 201, 507, and 510 of the Jerome Zoning Ordinance regarding residential lodging as shown in the attachment.

ADOPTED AND APPROVED by a majority vote of the Planning and Zoning Commission on the January 20, 2021.

ATTEST:

APPROVED:

Rosa Cays, Deputy Town Clerk

Jessamyn Ludwig, Chair

Attachment – redline version of proposed text amendments

Section 201 - General (Definitions)

or group from whose decision the appellant seeks redress.

Area, open - (see Open Area).

ARS - Arizona Revised Statutes (Arizona State Law).

Artist - one who practices an art in which imagination and taste presides over the execution. This is not deemed to include the business of teaching the mechanics of the art.

Attached building - (see Building, Attached).

Automobile Service Station - (see Service Station).

Automobile Repair Garage - a structure or part thereof, other than a private garage, where motor vehicles are repaired or painted.

Bed and breakfast - a building or buildings containing central kitchen facilities and not more than three (3) rooms used to provide lodging for compensation; provided that the owner or caretaker lives on the premises, -1) No more than one (1) family is lodged per day, 2) no meals are provided other than breakfast, 3) the host family lives on the premises, 4) smoke alarms are installed and parking has no negative effect on the neighborhood.

Board of Adjustment - (see Section 105)

~~**Boarding or Rooming House**—a building or buildings containing central kitchen facilities and not more than eight (8) rooms where lodging is provided for compensation with or without meals, but not to include rest homes.~~

Boundary, Zone - the limit and extent of each zone district classification as shown on the official zoning map.

Building - a structure having a roof supported by columns or walls (see Structure).

Building, Attached - a building which has at least part of a wall in common with another building, or which is connected to another building by a roof.

Building, Detached - a building which is separated from another building or buildings on the same lot.

Building, Height of - the vertical measurement down from the highest point on the structure to an intersection with the horizontal projection of a plane established as the median between the highest and lowest points of original grade beneath the enclosed portion of the structure. (See Appendix for diagrams.)

Building, Main - a building, or buildings, in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the main building of the lot on which the same is situated.

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.

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.

Design Review Board - (see Section 106).

Drive-In Restaurant - any establishment where food or beverages are dispensed and may be consumed on the premises, but not within a closed building.

Drive-In Theater - an open air theater where the performance is viewed by all, or part, of the audience from motor vehicles.

Dump - a place used for the disposal, abandonment or discarding by burial, incineration or by any other means of any garbage, sewage, trash, refuse, rubble, waste material, offal, or dead animals. Such use shall not include any industrial or commercial processes, and/or material.

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 four (4) or more families living independently of each other (i.e., four plex or apartment).

Dwelling Unit - a room or group of rooms within a dwelling containing one (1) cooking accommodation, occupied exclusively by one (1) or more persons living as a single non-profit family housekeeping unit.

Easement - a space on a lot or parcel of land reserved or used for location and/or access to utilities, drainage or other physical access purposes. No structure or other physical obstruction may be located within an easement.

Erect - the word "erect" includes built, built upon, added to, altered, constructed, reconstructed, moved upon, or any physical operations on the land, required for a building.

Family - an individual, or two (2) or more persons related by blood or marriage, or a group of persons not related by blood or marriage, living together as a single housekeeping group in a dwelling unit.

Farming - land used or cultivated which is intended only as a supplementary source of income or livelihood.

Fence - a structure built to separate two (2) parcels of land or separate a parcel of land into different use areas.

Floodplain - the areas adjoining the channel of a watercourse, or areas where drainage is or may be restricted by man-made structures which have been or may be covered partially or wholly by floodwater, but shall compose an area not less than that area confined by the fifty-year flood and shall not exceed that area confined by the one hundred-year flood.

Frontage - the linear distance of property along a public right of way.

Garage, private - an accessory building or a main building or portion thereof, used for the shelter or storage of self-propelled vehicles, owned or operated by the occupants of a main building wherein there is no service or storage for compensation.

Garage, Public - any building, except one herein defined as a private or storage garage used for the storage, care or repair or self-propelled vehicles or where any such vehicles are equipped for operation or kept for hire.

Garage, Repair - (see Automobile Repair Garage).

Governmental Agency - includes any agency of the federal, state, county or municipal governments.

Greenhouse - a building or structure constructed chiefly of glass, glass like translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Guest Room - a room having no cooking facilities intended for occupancy by one or more persons not members of the family. Does not include dormitories for sleeping purposes.

Height, Building or Structure - (see Building, Height of, and Accessory Building, Height of).

Home Occupation - an occupation, profession, activity or use that is clearly a customary, incidental and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Hospital - a place for the treatment or care of human ailments, and unless otherwise specified, the term shall include sanitarium, preventorium, clinic and maternity home.

Hotel – ~~a building in which lodging is provided and offered to the public for compensation and which is open to transient guests. Does not include Bed and Breakfast. a building in which there are nine (9) or more rooms where lodging with or without meals is provided for compensation, usually on a transient basis, “hotel” shall not be construed to include motel, trailer court, sanitarium, hospital, or other institutional building or jail or other building where persons are housed under restraint. No provision is made for cooking in the individual rooms or suites.~~

Industry, Light - those industrial uses which do not result in extensive open yard area, storage of extensive raw materials, nor otherwise result in noise, odors, dust, lights, vibration, waste products or adversely affect the surrounding properties.

Junk Yard - the use of two hundred (200) or more square feet of any lot or parcel of land for outside storage of any used or secondhand materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture. The outside storage of used or secondhand materials in an area less than two hundred (200) square feet is permitted only on the rear half of a lot or parcel.

Kitchen - any room in a building or dwelling unit which is used or intended to be used for cooking or the preparation of food.

Kindergarten - same as nursery school, except when operated in conjunction with a school of general instruction and having accredited instruction.

Laundry, Self Help - a building in which domestic type washing machines and/or dryers are provided on a rental basis for use by individuals doing their laundry.

Land - any lot or parcel, developed or undeveloped, and capable of being located, surveyed, staked and described by a legal description

Lodge - an order or society of persons organized for some common non-profit purpose, but not

Lot - land occupied or to be occupied by a building and its accessory structures, together with such surrounding open spaces as are required under the provisions of this ordinance, achieving not less than the minimum area required by this ordinance for a lot in the district in which such lot is situated and having frontage on a dedicated street or legally recorded easement.

Lot Area - the total horizontal area within the lot lines of a lot.

Lot Coverage - that portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools.

Lot depth - the depth of a lot shall be the horizontal length of a straight line connecting the bisecting points of the front and rear lot lines.

Lot, double frontage - a lot having frontage on and with access on more than one street.

Lot Line, Rear - a lot line which is opposite and most distant from the front lot line.

Lot Line, Side - those property lines connecting the front and rear property lines.

Lot of Record - a lot which is part of a subdivision, the map of which has been recorded in the Yavapai county recorder's office; or parcel of land, the deed of which is recorded in the office of the county recorder.

Manufacturing - (see Industry, Light).

Mobile Home or Mobile Housing - a movable or portable dwelling over thirty-two (32) feet in length or over eight (8) feet wide, constructed to be towed on its own chassis and designed so as to be installed with or without a permanent foundation for human occupancy as a residence which may include one (1) or more components that can be retracted for towing purposed and subsequently expanded for additional capacity, or two (2) or more units separately towable but dwelling composed of a single unit. Does not include recreational vehicle as defined in this article. The removal of the wheels and running gear shall **not** change the meaning of this term.

Modular Home - a dwelling unit or habitable room thereof which is either wholly or insubstantial part manufactured at an off-site location to be assembled on site, except that it does not include a mobile home as defined in this article.

~~**Motel** - a building or group of buildings containing guest rooms or apartments each of which maintains a separate outside entrance, used primarily for the accommodation of motorists, and providing automobile parking space on the premises.~~

Natural - the condition of the land, vegetation, rocks, and other surface features which have not been physically disturbed, changed or added to by any action of man or machine.

Newspaper of general circulation - *The Verde Independent*.

Nonconforming building - (see Section 501).

Nonconforming use - (see Section 501).

Nuisance - anything, condition or use of property which endangers life or health, gives offense to the senses, and/or obstructs the reasonable and comfortable use of other property.

Nurseries - a commercial operation for the growth and sale of plants, storage of equipment for landscaping and the wholesale-retail sale of commercial gardening supplies.

Nursing Home - a structure operated as a lodging house in which nursing, dietary and other personal services are rendered to convalescents, not including persons suffering from contagious diseases and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home shall be deemed a nursing home.

Section 507. "C-1" Zone, General Commercial

SECTION 507. "C-1" ZONE, GENERAL COMMERCIAL

A. PURPOSE

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

B. PERMITTED USES

1. Retail sales of apparel and accessories, dry goods, foods, drugs, flowers and plants, garden supplies, hardware, gifts and novelties, pet and hobby supplies, art and art supplies, jewelry, liquor, tobacco, newspapers and magazines, music and records, household supplies, stationary, books, paint, wallpaper and glass, sporting goods, toys, variety store goods, appliances, auto parts and supplies, furniture, office supplies, leather and leather products, carpet, antiques, fabrics, photo supplies, second hand and used goods and similar convenience goods.
2. Repair services such as, but no more objectionable or intensive in character than, watches, jewelry, shoes, locksmith, minor household appliances.
3. Personal services such as: barbers, beauty shops, health clubs, laundries and cleaners, mortuaries.
4. Hotels, ~~and motels.~~
5. Establishments serving food or beverages inside a building such as: restaurants, cafes, coffee shops, bars, taverns, cocktail lounges, excluding entertainment and dancing in connection therewith.
6. Manufacturing incidental to a permitted use is permitted, but subject to the following limitations:
 - a. All products incidental to a permitted use which are manufactured or processed on the premises shall be sold at retail only and on the premises only.
 - b. Such manufacturing activity shall be restricted to not over fifty (50) percent of the ground floor area of the building allocated to the permitted use.
7. Pawn shops.
8. Printers and print shops.
9. Radio and TV studios provided that no masts, towers or antenna used for transmission or broadcasting purposes are erected on the premises.
10. Banks, stock brokerage firms, savings and loan associations, loan companies and credit unions.
11. Governmental services, public utility offices and exchanges, excluding storage or repair services.
12. Offices related to any of the following occupations: executive, administrative, professional, accounting, banking, writing, clerical, stenographic, graphic art, real estate and sales.
13. Medical and dental offices and clinics.
14. Establishments primarily supplemental in character to other permitted principal uses, such as: pharmacy, apothecary shop, sales of corrective garments, prosthetic devices and optical goods, medical and dental laboratories.

15. Establishments whose principal function is basic research, design, and pilot or experimental product development, when conducted within an completely enclosed building.
16. Business and trade schools, dancing, art and music schools and studios.
17. Headquarters buildings of charitable, philanthropic, and welfare organizations provided that their primary activities are administrative and clerical rather than residential in nature.
18. Accessory buildings, structures and other uses customarily incidental to a permitted use except as otherwise provided in this Ordinance.
19. Any other such uses as determined by the Planning and Zoning Commission and approved by the Town Council to be similar to those uses listed above and not detrimental to the public health, safety and general welfare in accordance with the provisions of this Ordinance.

[Ord. No. 293]

C. CONDITIONAL USES

1. Any "Permitted" or "Conditional" Uses in the "R1-10", "R1-5" or "R-2" Zones.
2. Establishments serving food or beverages for consumption on the premises, but outside of an enclosed building.
3. Establishments serving food or beverages which include entertainment or dancing.
4. 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 stands, bus stops, 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 ~~three family dwellings, multi family dwellings, boarding houses, rooming houses, lodging houses,~~ apartment houses, and ~~Bed and Breakfasts,~~ when in the opinion of the Planning and Zoning Commission, said use has little or no adverse effect 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. Hospitals, nursing homes and convalescent homes.
15. Spirituous Liquor Tasting Facilities.

[Ord. No. 293; Ord. No. 408; Ord. No. 454]

Section 510. Parking and Loading Requirements

- a. Required off-street parking shall be located within the C.1. Zone. Whenever the use of a separate lot or parcel is proposed for fulfillment of minimum parking requirements the owner shall submit as part of his application satisfactory assurance that the separate lot or parcel is permanently committed to parking use by deed restriction or recorded easement.
- b. Off-street parking spaces, driveways, and access ways shall be fully improved with an all-weather, dust-free surface, and properly drained to prevent impoundment of surface water.
- c. Off-street parking spaces shall be situated in a manner which will not result in automobiles backing onto a public street.

A variance from the requirement of Section C.2.c. may be granted by the Board of Adjustment if compliance with this section is geographically impossible. If such a variance is granted, it shall be required as a condition of the variance that traffic signs shall be placed by the Town, after approval by the Design Review Board, and paid for by the applicant, alerting crossing traffic of automobiles backing onto public streets in all areas except those abutting the State highway.

D. SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES

1. Off-street parking spaces shall be provided for each specified use in accordance with the following schedule. "Usable area" as used herein shall mean the area capable of being devoted to the specified use (does not include such spaces as kitchens, restrooms, hallways, etc.). If the use of any structure is changed, off-street parking shall be required and provided under the new use.

USE	SPACE REQUIRED
a. Boarding House	1 space per unit
b.a. Bowling alley	4 spaces per alley or lane
e.b. Church or other place of worship	1 space per 6 seats (each 30 inches of bench space is considered 1 seat), plus 1 space per 50 sq. ft. of usable area not used for seating
d.c. Day care center	2 spaces plus 1 space per 500 sq. ft. of usable floor area
e.d. Home occupation	No additional space
f.e. Hospital or nursing home	1 space per 2 beds
g.f. Hotel or motel	1 space per rental unit
h.g. Manufacturing, industry	1 space per 500 sq. ft. of wholesaling usable area
i.h. Medical, dental office, or clinic	3 spaces per doctor
j.i. Offices	1 space per 300 sq. ft. of usable area
k.j. Public assembly place such as auditorium meeting hall or theater	1 space per 6 seats (each 30 inches of bench space is considered 1 seat), plus. 1 space per 100 sq. ft. of usable area
l.k. Residential (except apartment)	2 spaces per dwelling unit
m.l. Residential (apartment)	1 1/2 spaces per dwelling unit
n.m. Restaurant or bar	1 space per 6 seats (each 30 inches of bench space is considered 1 seat) plus 1 space per 100 sq. ft. of usable area
o. Retail and service uses	1 space per 300 sq. ft. of usable area
p. School (elementary and middle)	and middle)
q. School (other than elementary	



TOWN OF JEROME

Post Office Box 335, Jerome, Arizona 86331

(928) 634-7943

Zoning Administrator Analysis Planning and Zoning Commission Wednesday, January 20, 2021

ITEM 5: **Work session on code amendments related to temporary signage**
Applicant/Owner: Town of Jerome
Recommendation: Discuss and provide direction to staff
Prepared by: John Knight, Zoning Administrator

Background and Summary: On May 12, 2020, the Council initiated the amendment to Section 509 of the Jerome Zoning Ordinance related to temporary signs. On June 3, 2020, the Planning and Zoning Commission held a work session on temporary signs. This discussion was continued to the September 16, 2020 meeting. This was also discussed at the joint meeting with the Council on December 1, 2020. The purpose of updating the ordinance is to bring it into compliance with recent case law that prohibits restricting content of various types of temporary signs.

Updates are needed to eliminate the size differences of various types of temporary signs in the same zoning district. Temporary signs can be restricted by size within each zoning district, but different types of temporary signs cannot have different size restrictions within the same zoning district.

The zoning ordinance addresses a variety of types of temporary signs. These include A-frame signs (sometimes referred to as “free speech signs”), real estate signs, banners, and candidate/political signs. Note that flags are addressed separately.

Summary of Suggested Changes to Section 509:

Section 509.B. - Definitions: Amendments to the definitions include:

1. **Clear Vision Triangle** – adding a definition of the area in which a sign cannot be placed at the intersection of two roads. This is defined as a triangle that is thirty feet for each leg adjacent to a road.
2. **Flying Banner, Balloon Sign, and Sign Walker** – definitions added for flying banners, balloon signs, and sign walkers. Note that these types of signs are prohibited.
3. **Campaign Sign** - the definition of *campaign sign* has been removed since it is a type of temporary sign.
4. **Temporary Sign** – the definition has been modified to identify that these types of signs are not permanently affixed to a structure or the ground. The restriction on the period it can be displayed has been removed since it is addressed later in the ordinance under Section 509.G.

Section 509.D. – Permits: Amendments to the permit section include deleting the language related to political signs.

Section 509.E. – Regulations applicable to signs in all zones: Amendments to this section include:

1. **Off-premise signs** - the provision regarding off-premise signs has been deleted. Off-premise signs are prohibited in the commercial/industrial zones but allowed in the residential zones. This allows for temporary garage sale signs to be placed off the premises. Note that a separate section has been added to address flags.
2. **Political signs, real estate signs, contractor signs** – these have been deleted as separate categories since all temporary signs are treated the same.
3. **Flags** – a new section has been added to allow up to two (2) flags per flagpole and a maximum size of sixteen (16) square feet per flag. Note that the zoning ordinance already has a provision under Section 502.I.2.a. that addresses flagpoles, antennas, and spires.

Section 509.F. – Regulations applicable to signs in residential zones: New language has been added to allow temporary signs in residential zones up to a maximum area of five (5) square feet. This would include all types of temporary signs: garage sale, candidate/campaign signs, real estate, contractor signs, and signs exhibiting messages of free speech. As noted above, flags are addressed separately. There are additional restrictions regarding height (no greater than five (5) square feet), setbacks (no closer than ten (10) feet to the right of way unless the primary structure is closer than that), and a maximum height of four (4) feet.

Section 509.G. – Regulations applicable to signs in commercial and industrial zones: New language has been added to allow temporary signs in the commercial and industrial zones up to a maximum area of eight (8) square feet for all temporary signs. Note that this section also restricts the maximum number of consecutive days to 45 that a temporary sign can be posted.

Section 509.H. – Prohibited Signs: A list of prohibited signs has been added. The following types of signs are prohibited.

1. Abandoned signs
2. Animated signs
3. Balloon signs
4. Billboards
5. Blinking signs
6. Flashing signs
7. Flying banners
8. Gas generated signs
9. Inflatable signs
10. Intermittent signs
11. Moving signs
12. Off-premise commercial signs
13. Rotating signs
14. Signs emitting any sound designed to attract attention
15. Signs in the clear vision triangle
16. Signs in the right of way
17. Signs attached or painted on trees, rocks, or other natural features
18. Signs painted on fences
19. Sign walkers
20. Inflatable signs
21. Internally lit signs that are constructed of acrylic or plastic
22. Sign that flash, blink, or move
23. Signs with visible bulbs, neon tubing, or luminous paints
24. Digital or electronic signs with changeable copy

Recommendation: Provide direction to staff on any additional changes.

Attachment: Redline of suggested changes to the Jerome Zoning Ordinance

SECTION 509. SIGNS

A. PURPOSE

This section provides a set of standards for the design and construction of signs within the Town of Jerome. The purpose of this section is to encourage the preservation of historic buildings and artifacts, to protect the general public from damage and injury, to protect property values, to preserve the beauty and unique character of Jerome, to aid in the free-flow of traffic within the town, and to promote the tourist industry which is important to the economy of Jerome, and the Historic Overlay District.

B. DEFINITIONS

Within and for the purposes of this section, the following definitions, and only these definitions, apply.

1. Clear Vision Triangle - means a triangle shaped zone formed by the existing or proposed curb lines of two or more intersecting streets, roads, or alleys and a third line connecting said curb lines at a distance of thirty (30) feet in each direction from the point of curb line intersection, in order to provide vehicular traffic an unobstructed view of cross traffic at intersections. In locations without curbs, the edge of the drivable surface of the street or road shall be treated the same as a curb.
2. Flying Banner – a flexible or rigid pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which is used for the primary purpose of advertising or attention-getting by the public display of visually communicative images. Such banners are also known and sold under names which include, but are not limited to, “quill sign,” “wing banner”, “banana banner,” “blade banner,” “flutter banner,” “flutter flag,” “bowflag,” “teardrop banners,” and others. The definition includes functionally similar display devices.
3. Sign - An object meant to convey a message through the use of words or symbols. A sign can be painted on one surface, or both surfaces, be free-standing or be signs supported by a pole or be attached to a building. All exterior whether public or private, are regulated by this ordinance.
- ~~4. Sign, Balloon - Balloon sign shall mean any sign painted onto or otherwise attached to or suspended from a balloon, whether such balloon is anchored or affixed to a building or any other portion of the premises or tethered to and floating above any portion of the premises.~~
- ~~5. Area - A rectangular area calculated by drawing horizontal and vertical lines from all sign extremities excluding those which are essentially sign supports.~~
- ~~3. Sign, Campaign—A sign whose sole purpose is to advertise a political candidate or issue.~~
- ~~3. Sign, District - A sign which advertises one or more than one business in a single building or area. A district sign operates as a directory with a heading stating the district and uniform nameplate signs for those businesses within the district.~~
- ~~4. Sign, Canopy - A sign mounted on or painted on a canopy or awning.~~
- ~~5. Sign, Free-Standing - A sign not attached to or supported by a building.~~
- ~~6. Sign, Height - The vertical distance from the ground directly under the sign to the lowest point of the sign.~~
- ~~7. Sign, Interior - Signs within a building not accessible from outside. Interior signs are~~

not regulated by this ordinance.

- ~~8.~~ ~~Sign, Gas Generated – Gas generated signs or signs illuminated by gas generated lighting, other than those existing on June 14, 1977, are prohibited.~~
- ~~9.~~11. Sign, Off-premise – A permanent or temporary sign not located on the premises of the business which it advertises. A district sign is not an off-premises sign.
- ~~10.~~12. Sign, On-premise - A sign, the content of which relates to the premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, services, or activities of or on those premises, or the sale or lease of those premises.
- ~~11.~~13. Sign, Nameplate - A sign which is limited to the name and/or business of the residents of the premises, not exceeding two inches by twelve inches (2” x 12”).
- ~~12.~~14. Sign, Business Door Identification - A nameplate sign of a business name on an entry door, not exceeding two inches by twelve inches (2” x 12”).
- ~~13.~~15. Sign, Projecting - A building mounted sign which projects from and is supported by a wall of a building.
- ~~14.~~16. Sign, Wall - A sign attached flush to the exterior surface of a building, or permanently applied to a window of a building. The sign must not project above the roof. Light sources aimed at the wall sign may project further.
- ~~15.~~17. Sign, Historical/Historical Period - A sign in use in Jerome during the period between
i. 1876 and 1953.
- ~~16.~~18. Sign, Service - An interior sign whose purpose is not to advertise the business displaying the sign, but to inform or provide for the safety of the public. Signs such as credit card placards, directional signs, “No Smoking” signs, and menu boards are examples of service signs.
- ~~17.~~19. Sign, Open/Closed - A sign indicating that a place of business is open or closed.
20. Sign, Temporary - A sign not permanently attached to a structure or to the ground. displayed for not more than forty five (45) consecutive days or a total of ninety (90) days in a calendar year. Examples of temporary signs include garage sale signs, temporary sale signs, contractor signs, banner signs, candidate signs, and real estate signs. The definition of temporary sign does not include flags.
- ~~18.~~21. Sign Walker - A person (or persons) waving "sales theme signs" with arrows at entrances to major highways or at corners of high traffic intersections directing customers to a sale. Also called sign twirlers, sign holders, human billboards, sign events.
- ~~19.~~22. Organization – An organized body of people with a particular purpose, such as a society, association, civic or charitable group, or similar, whether non-profit or for-profit.

[Ord. No. 457]

C. APPLICABILITY

The provisions of this section shall apply to all signs placed or maintained within the Town of Jerome with the exception of the following:

1. Non-illuminated names of buildings, dates of erection, monument citations, commemorative tablets and the like when carved into stone, concrete, metal or any other permanent type construction and made an integral part of a permitted structure or made flush to the ground.
2. Signs required by law or signs of a duly constituted governmental body, such as traffic

- signs, warning signs, or no trespassing signs.
3. Signs placed by a public utility for the safety, welfare, or convenience of the public, such as signs identifying high voltage, public telephone, or underground cables.
 4. Notices regarding parking, directions or trespassing on private property.
 5. Signs upon a vehicle, provided that any such vehicle is actively used for bona fide delivery or other business purposes.

[Ord. No. 457]

D. PERMITS

1. A sign permit shall be required before a permanent sign may be placed, constructed, reconstructed, or altered within the Town of Jerome with the exception of the following:
 - a. Name-plate signs and business door identifiers not exceeding two inches by twelve inches (2" x 12").
 - b. Repainting or maintenance of signs, provided there is no change in size, shape, wording, composition, or color.
 - ~~e. Political signs.~~
 - d. On-site menu boards, either in a wall-mounted case or window display.
 - e. Exterior temporary signs.
2. An application for a permanent sign permit shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall be accompanied by eight identical copies of the sign plans. Each copy shall be on one or more sheets of paper measuring not more than twenty-four inches by thirty-six inches (24" x 36") drawn to scale, which shall show the following:
 - a. Signature of the applicant.
 - b. The name and address of the sign owner and sign erector.
 - c. Drawings showing the design, dimensions, color, material, and structure of the sign.
 - d. A drawing or photograph of the building facade indicating the proposed location of the sign, and all other existing signs maintained on the premises and regulated by this ordinance.
 - e. Proposed method of lighting the sign.
 - f. Any additional information which the Design Review Board may require in order to decide on the application.
 - g. Payment of a non-refundable, one-time filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the offices of the Town Clerk. Applicant may re-submit a modified plan without paying an additional fee. Payment of the filing fee shall be waived when the applicant is an agency of the Town, County, State or Federal Government.
3. Plan Review

The Zoning Administrator shall review and accept completed plans in accordance with the provisions of Section 303. These plans shall be placed on the agenda of the next Design Review Board meeting.
4. Design Review

The Design Review Board shall, in accordance with the provisions of Section 304, deny, approve, or conditionally approve any application for a sign permit. Upon approval of an

application by the Design Review Board, the Zoning Administrator shall be instructed to issue the sign permit.

5. The Design Review Board may waive the requirements of this section in order to allow the preservation or restoration of signs or commercial graphics which are determined to be of historical significance.

[Ord. No. 457]

E. REGULATIONS APPLICABLE TO SIGNS IN ALL ZONES

1. The design, color, shape, materials and style of signs shall be subject to review and approval of the Design Review Board.
2. All signs shall be constructed, designed, or attached to structures in conformance with the building code adopted by the Town of Jerome.
3. No sign shall be constructed, erected or lit in such a manner as to interfere in any way with the flow of traffic on the public right of way, or present a traffic hazard.
4. Free-standing signs shall not exceed four (4) feet in height.
- ~~5. There shall be no off-premise signs.~~
5. Organizations as defined herein are allowed Temporary Signs without a permit or review for temporary special event banners or signs. Banners for special events must be removed within three (3) days of the close of any event and may not be hung on Town property without permission of the Town of Jerome. The Town Manager may approve special event banners to be hung on Town property for recurring events. Banners to be hung on Town property for first time events shall be approved by the Town Council.
6. Lighting shall be directed at the sign from an external incandescent light source and shall be installed so as to avoid any glare or reflection into any adjacent property, or onto a street or alley so as to create a traffic hazard. These restrictions shall apply to internally lighted signs, which may be allowed if constructed of metal or wood. No internally lit signs that are constructed of acrylic or plastic are allowed. No sign that flashes or blinks shall be permitted outside. No visible bulbs, neon tubing, or luminous paints, shall be permitted as part of any sign.
 - ~~7. No sign or part of a sign shall have mechanically moving parts or audible devices.~~
 - ~~a. 9. Political signs shall be permitted up to a total area of six (6) square feet in area for each premise, but shall not be placed in the public right of way or upon power or telephone poles. Political signs may be erected no earlier than sixty (60) days prior to any primary or general election; they shall be removed within ten (10) days after the election.~~
- ~~10. One (1) real estate sign located on the property it refers to will be permitted.
 - ~~a. The sign shall be a maximum size of eighteen inches by twenty four inches (18" x 24"). Additionally, one (1) rider denoting the name of the agent not exceeding six inches by 24 inches (6" x 24") may be attached to the real estate sign. Upon opening of an escrow, an additional rider not exceeding six inches by twenty four inches (6" x 24") and containing the word "sold" or "pending" may be attached. Any other types of descriptive riders are specifically prohibited.~~
 - ~~b. All real estate signs must be removed within three (3) days of any transfer of ownership (recordation) of the property.~~~~
- ~~11. Contractor identification signs or Contractor and/or Architect identification signs may be erected for the duration of construction. Such construction signs are to be removed seven days after a certificate of occupancy is issued. The signs shall not exceed four (4) square feet in~~

~~area. Also, signs warning of construction debris or denoting project sponsored by a funding source may be erected.~~

~~8.7. 12.~~ Any existing nonconforming sign may be continued in use; if such a sign is damaged, it may be restored or repaired. If a new sign is constructed, it must conform to the provisions of this chapter.

~~9.8.~~

~~10.9. 13.~~ Once a year it shall be the duty of the Zoning Administrator to review all district signs and make appropriate recommendations to the Design Review Board.

~~11.10.~~

~~12. 14.~~ Signs shall be removed upon thirty (30) days of business relocation or closure.

~~13.11.~~

~~12. 15.~~ If any sign becomes a danger to the public or becomes deteriorated or is abandoned, the property owner, or owner of the sign shall be notified to remove or repair the sign. If he/she does not comply within ten (10) days, the Zoning Administrator shall have the sign removed and the cost assessed to the owner of the property on which such sign is located.

13. 16. Flags. Unless otherwise required by state law or specified in this Article, no more than two (2) flags may be displayed on a flagpole, from a flag bracket or on a flag stanchion. The area of each flag shall not exceed sixteen (16) square feet and the height of the flag shall be no taller than any building located on the same property. For the purpose of determining the area of a flag, only one side of the flag shall be counted. Flags may be externally illuminated. A sign permit is not required for a flag.

[Ord. No. 457]

F. REGULATIONS APPLICABLE TO SIGNS IN RESIDENTIAL ZONES

1. One nameplate sign not exceeding two inches by twelve inches (2"x 12") indicating the names of the occupants or business, and one set of numbers four inches by twelve inches (4"x 12") indicating the street address shall be allowed for each dwelling unit without a permit.
2. One non-illuminated sign not exceeding eight (8) square feet in area shall be allowed on premises only to identify a home business and requires a permit. A two-sided sign is one sign.
3. No sign shall extend above the eaves line of a building or extend higher than ten (10) feet above the ground directly below it.

4. Temporary signs shall be permitted in the residential zones without a permit, subject to the following provisions.

a. The sum area of all temporary signs does not exceed five (5) square feet in size.

b. If the temporary sign pertained to an event (such as an open house or garage sale), the sign shall be removed within three (3) days of the completion of the event or activity which is being advertised.

c. Signs shall maintain a minimum setback from the right of way of ten (10) feet, unless there is a primary structure on the lot which is located closer to the right of way than ten (10) feet. In which case, the sign may be placed at the same setback as the primary structure.

d. The maximum height of a temporary sign is four (4) feet.

G. REGULATIONS APPLICABLE TO SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES

1. No more than two (2) signs are permitted for any one business except that a business having frontage on and physical access from two (2) or more streets will be allowed a total of three (3) signs.
2. The area of any single wall, projecting, free-standing or canopy sign shall not exceed sixteen (16) square feet.
3. No sign shall extend above the roof of the building to which it is attached.
4. The bottom of any projecting sign shall be no lower than eight (8) feet above the ground directly below it.
5. No part of any projecting or free-standing sign may project over any roadway.
6. One (1) set of address numbers not exceeding four inches by twelve inches (4" x 12") in total area shall be allowed in addition to normal sign allowances.
7. District signs, in addition to other allowed signs, will be considered on a case by case basis by the Design Review Board.
8. Temporary signs, such as "sale" signs are allowed in addition to other signs. Temporary signs must meet all restrictions for signs in this section in addition to the following:
 - a. ~~The sum area of all temporary signs~~ ~~No temporary sign may~~ shall not exceed eight (8) square feet.
 - b. No business may display a temporary sign more than ninety (90) days per calendar year, or forty-five (45) consecutive days.
 - c. No permit is required for temporary signs.

Examples of ~~unrestricted~~ temporary signs: ~~one (1) day sign or special sign allowed (one per business):~~

 - Chalkboards or signs that change daily for menu specials
 - Signs for special events that have limited use, such as Art Walk announcements
 - Sandwich boards / A-Frame signs (allowed in vestibules and on private property, but not on public sidewalks)

Examples of ~~restricted~~ temporary signs (maximum 90 days per year and no more than 45 consecutive days):

 - Banners
 - "Sale" and other exterior product advertising
9. Exterior signs indicating open and closed are permitted in addition to normal sign allowances. These signs should be no more than four (4) square feet in area. Such an exterior open/closed sign requires a permit and approval from the Design Review Board.
10. Standard copyright signs offering information on incidental services or recommendations, e.g., VISA, MasterCard, WiFi, etc., are permitted in addition to normal sign allowances, provided:
 - a. They conform to all provisions contained in this section.
 - b. They are inside a window.

- c. There is no more than one (1) sign per incidental service per public entrance to the business.
- d. No sign's area shall exceed sixteen (16) square inches.

H. PROHIBITED SIGNS

1. Abandoned signs
2. Animated signs
3. Balloon signs
4. Billboards
5. Blinking signs
6. Flashing signs
7. Flying banners.
8. Gas generated signs.
9. Inflatable signs
10. Intermittent signs
11. Moving signs
12. Off-premise commercial signs
13. Rotating signs
14. Signs emitting any sound designed to attract attention
15. Signs in the clear vision triangle
16. Signs in the right of way
17. Signs attached or painted on trees, rocks, or other natural features
18. Signs painted on fences
19. Sign walkers.
20. Inflatable signs.
21. Internally lit signs that are constructed of acrylic or plastic.
22. Sign that flash, blink, or move.
23. Signs with visible bulbs, neon tubing, or luminous paints.
24. Digital or electronic signs with changeable copy.

[Ord. No. 457]



TOWN OF JEROME

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

Zoning Administrator Analysis Planning and Zoning Commission Wednesday, January 20, 2021

ITEM 6: Administrative approval of small projects
Applicant/Owner: Town of Jerome
Recommendation: Discussion/Direction to staff
Prepared by: John Knight, Zoning Administrator

Background and Summary: Various efforts have been made over the years to allow certain types of projects to be approved administratively instead of going to the Planning and Zoning Commission or Design Review Board. These projects would still be reviewed for compliance with code standards regarding height, setbacks, coverage, etc. They would also be reviewed to ensure that the visual compatibility standards and other requirements related to design review criteria would still be met.

This was discussed at the joint meeting with the Council on December 1, 2020. After that meeting, an informal group composed of two P&Z members and two councilmembers met to further discuss the matter.

Discussion: A variety of small projects are currently reviewed by the Design Review Board and occasionally the Planning and Zoning Commission. Many of these projects are not controversial and could easily be reviewed and approved by staff. Examples include signs/awnings, landscaping, concrete/paving, painting, ground-level decks, and roof replacement.

Category 1 – Exemptions: These projects would not require review by P&Z and may not require a building permit.

1. Repair/replacement/maintenance provided comparable materials are used
2. Landscaping (not including landscape structures such as gazebos, shade structures, and sheds)

Category 2 – Administrative Approval: The following items would be approved by the zoning administrator with review by the building inspector and fire chief, if necessary.

3. Paint/Stain (this could also be listed as exempt from review especially if it is like for like)
4. Concrete work/flatwork (this could also be listed as exempt from review)
5. Window and door replacement
6. Stair replacement with no change in footprint
7. Awnings
8. Signs
9. Ground-level decks and patios
10. Fences
11. Walls less than 48 inches tall
12. Changes in roof material or color

Note that the above items would not be exempt from building permits or requirements for design compatibility. They would simply be exempt from having to be processed through the DRB or

P&Z. Additional language could be added that provides discretion for the zoning administrator to “bump up” any project that might be considered controversial or have a large visual impact. These projects would then be reviewed by the P&Z and/or DRB.

Category 3: Future consideration: Projects considered for administrative approval but should still require review by P&Z and/or DRB:

13. Sheds under 120 square feet
14. Residential additions less than 120 square feet
15. Modifications/improvements to existing residential structures that add no additional square footage

There was discussion that these could be changed to administrative approval later once the new design guidelines are in place.

Category 4: Projects requiring P&Z and/or DRB review: Projects that should not be subject to administrative approval would include the following:

16. New residential buildings or additions over 120 square feet
17. New commercial or industrial buildings
18. Modifications, improvements, or additions to commercial buildings that are not specifically listed above
19. Demolitions
20. Projects that could be controversial in nature
21. Any project that requires a Conditional Use Permit (CUP)
22. All other projects not specifically addressed in the above categories

Appeals: Note that appeals of administrative decisions currently go to the Board of Adjustment for review. This process should be retained. However, there may be merit in considering a different appeals process that allows applicants to appeal to DRB, P&Z, or go straight to Council.

Recommendation: Provide direction to staff on what projects should be subject to administrative review.