# JEROME ZONING ORDINANCE

## AS REVISED FEBRUARY 1997

*AND UPDATED THROUGH OCTOBER 2026*

## UPDATES:

| UPDATE | ORDINANCES INCLUDED | UPDATED BY |
|---|---|---|
| 9/10/2012 | 290 (original re- adopting ordinance); 293, 298, 301,313,324,340,343,374,378, 380<br>*(Typographical error in Section 303.1 E corrected 1/14/2013)* | Candace B. Gallagher, CMC |
| 12/17/2013 | 406, 407, 408<br>In addition, REMOVED provisions of Ordinance 343, which was repealed by voters in 2008, and reversed renumbering of Sections 503-511 that had been renumbered with that ordinance. Numeric references to those sections were corrected as well. | Candace B. Gallagher, CMC |
| 10/2/2014 | 410 | Candace B. Gallagher, CMC |
| 1/30/19 | 442, 445 | Candace B. Gallagher, CMC |
| 2/21/19 | 446 | Candace B. Gallagher, CMC |
| 6/26/19 | 451 | Candace B. Gallagher, CMC |
| 9/17/19 | 453, 454 | Candace B. Gallagher, CMC |
| 11/6/19 | 457 | Candace B. Gallagher, CMC |
| 1/15/20 | 459 | Candace B. Gallagher, CMC |
| 8/31/20 | 460 | Candace B. Gallagher, CMC |
| 6/8/21 | 465, 472 | Candace B. Gallagher, CMC |
| 7/8/21 | 470 | Candace B. Gallagher, CMC |
| 10/20/21 | 474 | Candace B. Gallagher, CMC |
| 2/28/22 | 477 | Candace B. Gallagher, CMC |
| 3/29/22 | 478 | Candace B. Gallagher, CMC |
| 7/10/24 | 490 | Candace B. Gallagher, CMC |
| 10/13/26 | 497 | The Planning Center |

# JEROME ZONING ORDINANCE 1997

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**Northern Arizona Council of Governments**

# ORDINANCE NO. 177

***ADOPTED JUNE 14, 1977***

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, ARIZONA, IMPOSING REGULATIONS, PROHIBITIONS, AND RESTRICTIONS FOR THE PROMOTION OF HEALTH, SAFETY, CONVENIENCE, AND WELFARE; REGULATING AND RESTRICTING HEIGHT, NUMBER OF STORIES, SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRIAL, COMMERCIAL, RESIDENTIAL OR OTHER PURPOSES; ESTABLISHING STANDARDS OF PERFORMANCE AND DESIGN; AND FOR SUCH PURPOSES DIVIDING THE TOWN INTO DISTRICTS OF SUCH NUMBER, SHAPE, AND AREA AS MAY BE DEEMED BEST SUITED FOR THE PURPOSES HEREOF; AND ADOPTING A MAP OF SAID DISTRICTS; CREATING BOARDS AND DEFINING THE POWERS AND DUTIES OF SAID BOARDS; PRESCRIBING PROCEDURES FOR CHANGES OF DISTRICTS, CONDITIONAL USE PERMITS, VARIANCES, AND OTHER PERMITS; PRESCRIBING PENALTIES FOR VIOLATIONS OF SAID ORDINANCE; AND DECLARING AN EMERGENCY.

**WHEREAS**, it has been found necessary for the welfare of the Town of Jerome that a Zoning Ordinance shall be enacted; and

**WHEREAS**, by authority conferred by Title 9, Chapter 4, Article 6, Sections 1 through 6, Arizona Revised Statutes, 1956, and statutes amendatory thereto, the Town of Jerome is authorized and empowered to enact such an ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF JEROME as follows:

# ZONING ORDINANCE
# OF THE TOWN OF JEROME


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# ARTICLE I: ADMINISTRATION

## SECTION 101. SHORT TITLE

This ordinance shall be known as “The Zoning Ordinance of the Town of Jerome.”

## SECTION 102. PURPOSE

The purposes of this ordinance are to secure safety from fire, panic, and other dangers; to provide adequate light and air; to lessen congestion in the streets; to prevent the overcrowding of land; to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to provide for the social, physical, and economic advantages resulting from comprehensive and orderly planned use of land resources; and to otherwise promote the health, safety, convenience and general welfare of the citizens of the Town of Jerome, Arizona.

## SECTION 103. INTERPRETATION AND APPLICATION

In its interpretation and application, the provisions of this ordinance shall be held to be minimum requirements for the promotion of a general plan, and for the promotion of the public health, safety, and general welfare. It is not intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this ordinance, or with restrictions placed upon property by covenant, deed, or other agreement between parties, provided that where this ordinance imposes a greater restriction on land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this ordinance shall control.

### A. DEFINITIONS

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

## SECTION 104. COMPUTATION OF TIME

1. When calculating a period of time prescribed by this Ordinance, the day of the act, event, or decision that starts the time period is not counted.
2. Unless otherwise expressly stated, references to "days" mean calendar days.
3. If the final day of a period falls on a Saturday, Sunday, legal holiday, or other day when Town offices are closed, the period shall extend to the next business day.

## SECTION 105. PLANNING AND ZONING COMMISSION

### B. COMPOSITION; TERMS OF MEMBERS; VACANCIES; COMPENSATION OF MEMBERS

A Planning and Zoning Commission was established upon adoption of the Jerome Zoning Ordinance. At the adoption of this ordinance, the Commission shall consist of five (5) members, each of whom shall be a resident of the Town of Jerome to be appointed by the Town Council. The members of the Commission shall serve for three (3) years, except as provided by this Ordinance. In the event of a death, resignation, or removal from the Commission, the vacancy shall be filled by the Council for the unexpired term. Members of the Commission may, after a public meeting, be removed by the Council for inefficiency, neglect of duty, or unethical conduct in office. A Commission member who is absent four (4) regular meetings of a year, beginning March 1st and ending February 28th, shall be deemed to have vacated their appointment without further action being taken by the Commission or Council. All members shall serve without pay. However, members

of the Commission may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Commission and approval of such expenditures by the Town Council.

[Ord. No. 313; Ord. No. 445]

### C. POWERS AND DUTIES

The Planning & Zoning Commission shall:

1. Prepare and administer any lawful plan duly adopted by the Council for the present and future growth and development of the Town of Jerome pertaining to the use of land and buildings;
2. Conduct ongoing studies of the best present and future use and location for land and buildings within the Town of Jerome and in cooperation with adjacent areas;
3. Recommend to the Council revisions in such plans which, in the opinion of the Commission, are in the best interest of the citizens of the Town of Jerome;
4. Hold public hearings where necessary;
5. Make recommendations to the Council on all matters concerning or relating to the creation of zoning districts, the boundaries thereof, the appropriate regulations to be enforced therein, and amendments of this ordinance;
6. Carry out the specific duties as prescribed by this ordinance, and undertake all activities usually associated with and commonly known as “Planning and Zoning”. The Commission is also authorized to confer and advise with other city, county, regional, or state planning commissions.

### D. SELECTION OF OFFICERS

The Commission shall elect a Chair and Vice Chair from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. No individual may serve consecutively as Chair or as Vice Chair for more than two one-year terms. The Chair shall preside at all meetings and exercise all the usual rights, duties, and prerogatives of the head of any similar organization. The Chair shall have the power to administer oaths and to take evidence. The Vice Chair shall perform the duties of the Chair in the latter’s absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.

[Ord. No. 410]

### E. QUORUM; VOTING

Three (3) members shall constitute a quorum. The affirmative vote of three (3) members shall be required for passage of any matter before the Commission. The minutes of the meeting shall reflect the “ayes” and “nays” cast on a particular measure and shall reflect the vote of each member present. A member may abstain from voting upon a declaration that he has a conflict of interest, in which case such member shall take no part in the deliberation on the matter in question.

[Ord. No. 313]

### F. RULES; REGULATIONS; RECORDS; MEETINGS

The Commission shall make and publish rules and regulations governing its proceedings and meetings, subject to Council approval. All meetings of the Commission shall be open to the public. The minutes and records of all Commission proceedings shall be kept and filed as public record in the office of the Town Clerk.

## SECTION 106. BOARD OF ADJUSTMENT

### A. ESTABLISHMENT; COMPOSITION; TERM OF MEMBERS; VACANCIES; COMPENSATION OF MEMBERS

There is hereby established a Board of Adjustment of the Town of Jerome, to consist of five (5) members, each of whom shall be a resident of the Town of Jerome, to be appointed by the Town Council. The members of the Board shall serve for three (3) years, except as provided in this Ordinance. The members of the first Board appointed hereunder shall serve for the following terms:

two (2) members shall be appointed for a term of one (1) year, two (2) members shall be appointed for a term of two (2) years, and one (1) member shall be appointed for a term of three (3) years. In the event of a death, resignation, or removal from the Board, the vacancy shall be filled by the Council for the unexpired term. Members of the Board may, after a public hearing, be removed by the Council for inefficiency, neglect of duty, or malfeasance in office. For any reason other than absence, the Council shall file a written statement of the reasons for removal. A Board member who is absent four (4) regular meetings of a year, beginning March 1st and ending February 28th, shall be deemed to have vacated their appointment without further action being taken by the Board or Council. All members shall serve without pay. However, members of the Board may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Board and approval of such expenditures by the Town Council.

[Ord. No. 445]

### B. POWER AND DUTIES

1. It shall be the duty of the Board of Adjustment to:

    a. Hear and decide appeals in which it is alleged there is an error in an order, requirement, or decision made by the Zoning Administrator in the enforcement of the zoning ordinance, and to reverse or affirm, wholly or partly, or modify the order, requirement, or decision of the Zoning Administrator appealed from, and make such order, requirement, decision or determination as necessary.

    b. Hear and decide appeals for variances from the terms of the zoning ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to such conditions that will assure that the authorized adjustment shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning in which such property is located.

2. The Board of Adjustment may not:

    a. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning ordinance, provided the restrictions in this paragraph shall not affect the authority to grant variances pursuant to this article.

    b. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

### C. SELECTION OF OFFICERS

The Board shall elect a Chair and Vice Chair from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. The Chair shall preside at all meetings and exercise all the usual rights, duties, and prerogatives of the head of any similar organization. The Chair shall have the power to administer oaths and to take evidence. The Vice Chair shall perform the duties of the Chair in the latter's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.

[Ord. No. 410]

### D. QUORUM; VOTING

Three (3) members shall constitute a quorum. The affirmative vote of three (3) members shall be required for passage of any matter before the Board. In this connection, the minutes of the meeting shall reflect the "ayes" and "nays" cast on a particular measure and shall reflect the vote of each member present. A member may abstain from voting only upon a declaration that he has a conflict of interest, in which case such member shall take no part in the deliberation on the matter in question.

### E. RULES; REGULATIONS; RECORDS; MEETINGS

The Board shall make and publish rules and regulations to govern its proceedings and to provide for its meetings. All meetings of the Board shall be open to the public. The minutes and records of all Board proceedings shall be kept and filed as public record in the office of the Town Clerk.

## SECTION 107. HISTORIC PRESERVATION/DESIGN REVIEW BOARD

### A. PURPOSE

The purpose of the Historic Preservation/Design Review Board is to review the exterior design of new buildings and structures, the alteration of buildings and structures, signs, and proposed demolition of structures, in order to ensure that new development is compatible with the surrounding environment, and to preserve and protect the historic character of the Town of Jerome in accordance with the provisions of Section 304.

[Ord. No. 470]

### B. COMPOSITION; TERMS OF MEMBERS; VACANCIES; COMPENSATION OF MEMBERS

The Historic Preservation/Design Review Board of the Town of Jerome shall be composed of five (5) members. The membership shall consist of five (5) residents of Jerome, who shall be persons qualified by design background, training, or experience, to be appointed by the Town Council. Each member shall serve for a term of three (3) years. Members may, after a public meeting, be removed by the Council for inefficiency, neglect of duty, or unethical conduct in office. A Board member who is absent four (4) regular meetings of a year, beginning March 1st and ending February 28th, shall be deemed to have vacated their appointment without further action being taken by the Board or Council. In the event of death or resignation, or removal from the Board, the vacancy shall be filled by the Council for the unexpired term. All members shall serve without pay. However, members of the Board may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Board and approval of such expenditures by the Town Council.

[Ord. No. 313; Ord. No. 378; Ord. No. 410; Ord. No. 445; Ord. No. 459]

### C. POWERS AND DUTIES

1. The Historic Preservation/Design Review Board shall have the power to approve, conditionally approve, or disapprove all requests for design approval as required by this Ordinance, basing its decision on the criteria as set forth in Section 304.
2. It shall be the responsibility of the applicant to prove that the intent and purpose established in this Section will be accomplished.
3. The Historic Preservation/Design Review Board, upon hearing an application, may impose such reasonable conditions as it may deem necessary in order to fully carry out the provisions and intent of this ordinance. Violation of any such condition shall be a violation of this ordinance, and such violation shall render any building permit null and void.

### D. SELECTION OF OFFICERS

The Board shall elect a Chair and Vice Chair from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. No individual may serve consecutively as Chair, or as Vice Chair, for more than two one-year terms. The Chair shall preside at all meetings and exercise all the usual rights, duties, and prerogatives of the head of any similar organization. The Chair shall have the power to administer oaths and to take evidence. The Vice-Chair shall perform the duties of the Chair in the latter's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.

[Ord. No. 410]

### E. QUORUM; VOTING

Three (3) members shall constitute a quorum. The affirmative vote of three (3) members shall be required for the passage of any matter before the Board. The minutes of the meeting shall reflect the "ayes" and "nays" cast on a particular measure and shall reflect the vote of each member present. A member may abstain from voting upon declaration that he has a conflict of interest, in which case such member shall take no part in the deliberation on the matter in question.

[Ord. No. 313]

### F. RULES; REGULATIONS; RECORDS; MEETINGS

The Board shall make and publish rules and regulations governing and providing for its proceedings and meetings, subject to Council approval. All meetings of the Board shall be open to the public. The minutes and records of all Board proceedings shall be kept and filed as public record in the office of the Town Clerk.

## SECTION 108. ZONING ADMINISTRATOR

### A. CREATION; APPOINTMENT

There is hereby created the office of Zoning Administrator of the Town of Jerome, who shall be appointed from time to time by the Mayor and Council.

### B. POWERS AND DUTIES

The Zoning Administrator shall:

1. Enforce the Zoning Ordinance.
2. Accomplish all administrative actions required by the Ordinance.
3. Undertake preliminary negotiation with, and provide advice to, all applicants for zoning adjustment action, use permits, design review, or other action of the Planning and Zoning Commission or Historic Preservation/Design Review Board.
4. Subject to general and specific policy laid down by the Planning and Zoning Commission and Town Council, interpret the Zoning Ordinance to members of the public, Town departments, and other branches of government.

## SECTION 109. ENFORCEMENT

The Zoning Administrator shall enforce this ordinance, and in no case shall grant permission for the issuance of any permit for the construction, reconstruction, alteration, demolition, movement, or use of any building, structure, lot, or parcel if the proposed construction, reconstruction, alteration, or use would be in violation of any of the provisions of this ordinance. A permit may be issued despite such a violation only if the Board of Adjustment, through an interpretation of this ordinance or the granting of a variance, directs the Zoning Administrator to do so.

## SECTION 110. VIOLATION AND PENALTY

It is hereby declared to be unlawful to construct, erect, install, alter, change, demolish, maintain, or use any house, building, structure, or fence, or to use any lot or premise contrary to or in violation of any provision of this ordinance. Violations of any provision of the Zoning Ordinance of the Town of Jerome are subject to Chapter 18 Enforcement Procedures for Violations of the Town Code and Zoning Ordinance. Every such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day in which such violation is committed, continued, or permitted, and shall be punished as provided in this section.

## SECTION 111. SEVERABILITY

If any part of “The Zoning Ordinance of the Town of Jerome” is found to be invalid or unconstitutional by any Court, such action shall not apply to the ordinance as a whole. It is intended and declared that all parts of said “Zoning Ordinance of the Town of Jerome” shall continue in full force and effect except for those expressly declared to be invalid or unconstitutional.

# ARTICLE II: DEFINITIONS [REMOVED]

[CODIFIER'S NOTE: This Article was rewritten with Ordinance 497 and moved to Appendix A.]

# ARTICLE III: PROCEDURES

## SECTION 301. AMENDMENTS OR ZONE CHANGES

### A. PURPOSE

The Council may, from time to time, adopt changes to the zoning district boundaries or amend, change, repeal, or supplement the regulations of the Zoning Ordinance of the Town of Jerome. Such change or amendment may be initiated by the Council or the Commission on its own motion or by petition of one or more owners of real property within the area proposed to be changed.

### B. PETITIONS FOR AMENDMENTS OR ZONE CHANGES

1. Petitions for change of district boundaries or amendment of regulations shall be filed with the Zoning Administrator by an owner of real property within the area proposed to be changed. Per Section 307, a pre-application meeting with Town Staff is required prior to submittal of an application. In the case of an application requesting a zoning district change that includes property owned by others, not including the petitioner, the petition shall include the signatures of all real property owners of the land in the area proposed to be changed. All petitions shall include:

    a. A map showing the particular property or properties for which the change of zone is requested and adjoining properties, public streets, and rights-of-way within three hundred (300) feet of the exterior boundary of the area proposed to be changed.

    b. A Tentative Development Plan, which shall show the following:

        1) Topography.

        2) Proposed street system.

        3) Proposed block layouts.

        4) Proposed reservation for parks, parkways, playgrounds, recreation areas, and other open spaces.

        5) Off-street parking space.

        6) Types and uses of structures.

        7) Locations of structures, garages, and/or parking spaces.

        8) A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed structures.

        9) Preliminary plans and elevations of the structure types.

    c. Reasons justifying the petition;

    d. A true statement revealing any conditions or restrictions of record which would affect the permitted “uses” of the property if rezoned as requested and the dates of expiration thereof; and

    e. Such photographs, drawings, and other supporting documents as the applicant may desire to present.

    f. Payment of a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the offices of the Town Clerk. No part of the filing fee shall be returnable. Payment of the filing fee shall be waived when the change or amendment is initiated by the Council or the Commission or when the petitioner is the Town, County, State, or Federal government.

2. Within fourteen (14) days of receipt of an application, the Zoning Administrator shall determine the completeness of the application. If the application is incomplete, the Zoning Administrator shall provide the applicant with a comprehensive list of the specific deficiencies in a written notice. A resubmittal of an incomplete application shall be reviewed for completeness within seven (7) days. If the application is determined to be complete, the Zoning Administrator shall forward the application to the Planning and Zoning Commission after conducting a substantive review of the complete application materials.
3. Any plan approved by the Zoning Administrator under the provisions of Section 303 must substantially conform to the Tentative Development Plan submitted as part of the petition for a change of district boundaries.

### C. COMMISSION ACTION

1. Upon receipt of any complete application for, and prior to holding a public hearing on, actions that impose a new land use regulation or modify an existing land use regulation, a Neighborhood Meeting may be required in accordance with Section 306 of this zoning ordinance.
2. After a Neighborhood Meeting has been held, if applicable, in accordance with Section 306, the Zoning Administrator shall then choose a reasonable time for the hearing, and shall give notice to interested parties and to the public by publication of a notice in a newspaper of general circulation in the Town of Jerome, and by posting one notice of the hearing on the area of the property requesting the proposed change, not less than fifteen (15) days prior to the hearing. The notice shall set forth the time and place of the hearing, including a general explanation of the matter to be considered, and a general description of the area affected.
3. The Commission may recommend approval or denial to the Council, or continue the application and hearing to a time and place certain. The Commission shall render its decision in the form of a written recommendation to the Council, which may be via a request for Council action or via the transmission of the Commission meeting minutes to Council.
4. Prior to publishing a petitioned Zoning Map change, the Commission may, on its own motion, delimit or extend the boundaries of such area, so as to constitute a more reasonable zone district boundary.
5. The Commission may, on its own motion, propose any amendments to this ordinance and map. After holding a public hearing as required by this section, the Commission shall either:
    a. Transmit such proposal to the Council, which shall then proceed in accordance with the procedures of this Ordinance for any other amendment; or
    b. Vote to quash the Commission-initiated proposal, in which case no further action need be taken by the Commission or Council.

[Ord. No. 406]

### D. COUNCIL ACTION

1. The Council shall, within forty-five (45) days after the Commission action, hold a public hearing on the request. Notice of the time and place of the hearing shall be provided in accordance with Section 301.C.2 of this Ordinance. In addition, the Town may give notice of the hearing in such other manner as it may deem necessary or desirable.
2. If the owners of twenty (20) percent or more of the property within the zoning area, as defined by A.R.S. § 9-462.04 as the area within one hundred fifty feet, including all rights-of-way, of the affected property subject to the proposed amendment or change and the area of the proposed amendment or change, file a protest in writing against a proposed amendment or zone change, it shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the Council. If any members of the Council are absent or unable to vote on such a question

because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths (3/4) of the remaining membership of the Council, providing that such required number of votes shall in no event be less than a majority of the full membership of the legally established governing body.

3. The Council may approve, deny, or continue the application and hearing to a time and place certain by a vote of a majority of the number of members of the Council who are present and qualified to vote on the matter. The Council may also remand a proposal recommended by the Commission back to the Commission for further consideration.

4. At the time of rezoning, the Council shall establish a schedule for development of the specific use or uses for which rezoning is requested. The staff recommendation for rezoning requests that involve a zoning violation is a one-year period. For rezoning requests that do not involve a zoning violation, a five-year time period is recommended. A five-year time extension may be requested if the initial five-year time period expires. Requesting a time extension initiates a staff review to determine whether the request should be approved or denied, and whether conditions should be revised to reflect new conditions or practice. New conditions may be added during the staff review. The time extension request shall be noticed for a public hearing and heard only by the Council in accordance with the standards of this section. The Town Council may grant a time extension for a period of five years or less from the most recent public hearing on the case. If, at the expiration of this period, the property has not been improved for the use for which it was conditionally approved, the Council may elect to close the rezoning, in which case, it shall revert to its former zoning classification upon legislative action.

[Ord. No. 453]

### E. RECONSIDERATION OF DENIED AMENDMENTS

If a petition for an amendment is denied by the Council or is withdrawn after the Commission hearing, the Commission shall not consider the petition, or any other petition seeking the same amendment for the same property or any part of it, for a period of one (1) year from the date of such denial action. This restriction does not apply if the conditions upon which the original denial was based have changed.

### F. EXCEPTIONS

In the event that a request for amendment concerns only the amendment of general requirements of this Ordinance, no signature of affected property owners or posting of property shall be required; provided, however, that all other provisions of this Section shall be complied with.

### G. TIMEFRAME

The review periods specified in this Ordinance do not include time required for applicant responses, review of additional information, application revisions or corrections, and could vary due to public hearing notification requirements and other Town procedures. Review periods may be extended as reasonably necessary for projects involving complex technical, environmental, legal, or planning considerations.

## SECTION 302. CONDITIONAL USE PERMITS

### A. PURPOSE

It is the intent of this Ordinance to permit Conditional Uses in appropriate zoning districts, but only in locations within such districts that can be designed and developed in a manner that assures maximum compatibility with adjoining uses. It is the purpose of this Section to establish principles and procedures to provide guidance and control of such uses.

### B. GENERAL REGULATIONS

1. Certain buildings, structures and uses of land may be authorized by the Commission as Permitted Conditional Uses in a given district subject to the provisions of this Ordinance. The Planning and Zoning Commission is empowered to make recommendations to the Town Council regarding granting or denying applications for use permits and to impose reasonable conditions upon them. Prior to becoming effective, all actions by the Planning and Zoning Commission concerning a use permit application must be acted upon by the Town Council in accordance with the provisions of subsection 302.E.

2. Any building, structure, or use existing on the effective date of this Ordinance which is reclassified by this Ordinance as a Permitted Conditional Use, within the zoning district in which it is located, shall be deemed to satisfy all conditions that would otherwise be imposed upon such use by this Ordinance. Its continued operation shall not be subject to issuance of a Conditional Use Permit; provided, however, to the extent that the building, structure, or use does not conform to the requirements of this Ordinance, it shall be considered nonconforming as described in Section 501, and its continuance shall be governed by all applicable nonconforming use regulations.

3. Every Conditional Use Permit issued shall be personal to the permittee and applicable only to the specific use and to the specific property for which it is issued. Use Permits may contain specific limitations on the scope, nature, and duration of the use, as well as transferability of the Use Permit, as deemed necessary to secure the objectives of this Ordinance. The conformance to special conditions imposed by the Permit, as well as compliance with other provisions of this Ordinance, shall be the responsibility of the property owner.

### C. CONDITIONAL USE PERMIT APPLICATION

1. The application for a use permit shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator.

2. The Zoning Administrator shall provide guidance to the applicant regarding the preparation of the application to ensure it satisfies the intent of this Section. When required by the Zoning Administrator, the application shall be accompanied by a detailed site plan prepared in accordance with Section 303.1, showing all information necessary to demonstrate that the proposed use will comply with all special conditions as well as other regulations and requirements of this Ordinance. The applicant shall furnish any additional information the Zoning Administrator may consider relevant to the evaluation of the application.

3. The application shall be reviewed in accordance with Section 301.B.2.

### D. COMMISSION ACTION AND FINDINGS

1. Commission Action on Conditional Use Permit Applications is as outlined in Section 301.C, except that:

    a. In its review of the application, the Commission shall consider not only the nature of the use and the special conditions influencing its location in the particular district, but also the proposed location of buildings, parking and other facilities within the site, the amount of traffic likely to be generated and how it will be accommodated, and the influence that such factors are likely to exert on adjoining properties. The Commission may make such suggestions as it considers desirable to satisfy the intent of this Section. The applicant shall

furnish the Commission with any additional information it may consider relevant to the evaluation of the application.

b. In order to recommend approval of any use permit, the Commission must find that the establishment, maintenance, or operation of the use or building applied for will not be detrimental to the public health, safety, and general welfare of the Town and its citizens.

c. The Commission may designate such conditions in connection with the use permit as it deems necessary to secure the intent and purposes of this Ordinance and may require guarantees and evidence that such conditions are being or will be complied with.

d. If the Commission finds that the application and supporting data do not indicate that all applicable conditions and requirements of this Ordinance will be met, it shall recommend denial of the permit.

## E. COUNCIL ACTION

1. The Council shall, within forty-five (45) days after the Commission action on a Conditional Use Permit, act on the recommendation of the Planning and Zoning Commission by either affirming, denying, or modifying the recommendation of the Planning and Zoning Commission. The Town Council may make a decision based on its own findings.
2. The Council may designate such conditions in connection with the permit as it deems necessary to secure the intent and purpose of this Ordinance and may require such guarantees and evidence that such conditions are being, or will be, complied with.
3. The Council's decision shall be final and shall become effective immediately. Notice of the decision shall be mailed to the applicant at the address shown in the application.
4. Failure of the applicant to comply with the conditions and safeguards that are a part of the terms under which a Conditional Use Permit is granted shall be deemed a violation of this Ordinance and punishable under Section 110.

[Ord. No. 470]

## F. TIME LIMITS

1. Use permits become effective immediately upon action by the Town Council.
2. Any use permit issued by the Town Council shall be commenced within six (6) months from the date of Council ratification, and diligently pursued, otherwise it shall become null and void.
3. No person shall reapply for the same or substantially the same use permit on the same or substantially the same plot, lot, or parcel of land within a period of one (1) year from the date of denial or revocation of said use permit.
4. An extension of approval may be granted by the Town Council if the applicant files for the extension prior to the approval becoming void. The Town Council may grant up to two additional extensions provided the approval is in compliance with all ordinances and requirements in effect at the time of the extension request. An application for an extension shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the office of the Town Clerk.

[Ord. No. 470]

## G. REVOCATION

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

The Zoning Administrator shall notify the permittee by both Certified Mail and First-Class Mail of a violation or the termination of a use permit. If no attempt to change the violation is made within

twenty (20) days of the date the Zoning Administrator sends the notification, the permit shall be revoked and considered null and void. Notice shall be deemed served on the date that the notice is deposited in the United States Mail by Certified Mail and First-Class Mail to the permittee's address of record. Failure to accept or claim a mailed notice does not delay the 20-day period granted to address the violation.

Any use permit shall be considered null and void if construction does not conform to the originally approved site plan. Substantial deviations requested from the originally approved site plan shall be processed as a new use permit. In the case of Conditional Use Permits, substantial deviations are any deviation from the originally approved permit that materially alters the intensity, location, design, operation, or impact of the approved use, as determined by the Zoning Administrator

[Ord. No. 470]

### H. FEE

The application for a conditional use permit shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the office of the Town Clerk. No part of the filing fee shall be returnable. Payment of the filing fee shall be waived when the petitioner is the Town, County, State or Federal Government.

### I. TIMEFRAME

See Section 301.G

[Ord. No. 406; Ord. No. 407; Ord. No. 470]

## SECTION 303.1. SITE PLAN REVIEW

### A. PURPOSE

The purpose of the site plan review is to provide for the public health, safety and general welfare, and to protect the environment and the historical character of the Town of Jerome. The plan review will include examination of all proposed site work and excavation and grading regulations, with special regulation of work on sites with extreme slope or unstable soils. Essential to this purpose is the review of possible impacts on surrounding properties.

[Ord. No. 293; Ord. No. 470]

### B. PROJECTS REQUIRING REVIEW BY THE PLANNING AND ZONING COMMISSION AND COUNCIL

1. Additions and alterations to residential, commercial, or industrial structures.
2. Decks.
3. Grading, excavation, clearing, and grubbing in accordance with Section 303.3.
4. Lot splits and lot line adjustments.
5. Modifications to nonconforming structures.
6. New residential, commercial, or industrial structures.
7. Sheds and accessory structures.
8. Projects not specifically listed as exempt (Section 303.1.D) or requiring Zoning Administrator review per Section 303.1.C.

[Ord. No. 470]

### C. PROJECTS REQUIRING REVIEW BY THE ZONING ADMINISTRATOR

1. Parking areas.
2. Patios.
3. Replacement of exterior stairs with metal or other fire-resistant materials, provided there is less than a 10 percent change in the original footprint. Approval by the Fire Inspector is also required.

[Ord. No. 470]

### D. PROJECTS EXEMPT FROM SITE PLAN REVIEW

1. Repair, replacement, and maintenance of existing structures, provided that the same materials are used.

[Ord. No. 470]

### E. PROCEDURE

1. Site plan review may be accomplished by either the Zoning Administrator or the Planning and Zoning Commission and Council, depending on the project as noted in Sections 303.1.B and 303.1.C.
2. Applications for site plan review shall be submitted to the Zoning Administrator for review by the Building Inspector, Fire Inspector, Zoning Administrator, and other applicable reviewing bodies. Once submitted, the Zoning Administrator shall have fourteen (14) calendar days from the date of submission of a site plan application to review said plan for completeness. If the application is incomplete, the Zoning Administrator shall provide the applicant with a comprehensive list of specific deficiencies in a written notice.
3. If the application is determined to be complete, the Zoning Administrator shall determine whether a public hearing is required for the application. If required, the Zoning Administrator

shall forward the application to the Planning & Zoning Commission after conducting a substantive review of the complete application materials, and the application shall be processed in accordance with Section 302 of this Ordinance. If the site plan can be reviewed and approved by the Zoning Administrator, then site posting and a neighborhood meeting are not required, but the Zoning Administrator may request design review recommendations on the site plan from the Historic Preservation/Design Review Board.

4. The Zoning Administrator or the Council shall approve, conditionally approve, or deny a site plan application. Once denied, the original plan shall not be resubmitted.
5. The Historic Preservation/Design Review Board approval of the design elements of the site plan is outlined in Section 304.

### F. SITE PLAN CONTENT REQUIREMENTS

Site Plan Applications shall include the following:

1. Site Plan Application Form
2. Written narrative of the proposed project (include uses, hours of operation, number of employees, etc.)
3. Plot plan or site layout; a directional north arrow; scale used; lot dimensions referenced to a legal description; and street dedications, easements and utilities, both public and private. When the location of a property perimeter is unclear, the Building Inspector may require a boundary survey with ground-staked corners.
4. A vicinity sketch showing the location of the site in relation to the surrounding street system. Adjacent properties and their uses shall be identified.
5. Location, perimeter size, and use of all existing and proposed buildings and structures, as well as the number of stories of all proposed buildings and structures.
6. Size and dimensions of required yards and lot coverage for the zoning district and the space between buildings.
7. Location and height of all existing and proposed walls and fences.
8. Location, number of spaces, dimensions, circulation patterns, and surface materials for all off-street parking and loading areas proposed. All parking shall comply with Section 510 of the Jerome Zoning Ordinance.
9. Existing drainage. Show how proposed drainage will be directed, indicating both adequate disposal and protection of neighboring properties.
10. Natural features, such as rock outcroppings, trees over twelve (12) inches in diameter, washes, and man-made features such as existing roads and structures, walkways, and stairways, with indication as to which are to be retained, removed, or altered.
11. Existing and proposed grades, by spot grades or topographic representation. The Building Inspector may require a topographic survey and additional engineering.
    a. Slopes exceeding thirty-five (35) percent shall require a topographic survey by a licensed engineer or surveyor. In addition, the applicant shall provide a satisfactory assessment by a licensed engineer regarding soil/geological stability, bearing qualities and drainage. If indicated by this assessment, a structural engineer shall design all foundations and retaining structures.
    b. Exceptions. The additional studies required in number 9(a) may be waived, if the dollar amount of the project does not require a licensed contractor according to A.R.S. 32-1121.
12. All proposed excavation and grading shall conform to Section 303.3 of this ordinance.

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

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

[Ord. No. 293; Ord. No. 470]

### G. FEE

The application for Plan Approval shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the offices of the Town Clerk. No part of the filing fee shall be returnable. Payment of the filing fee shall be waived when the petitioner is the Town, County, State, or Federal government.

### H. TIMEFRAME

See Section 301.G

[Ord. No. 293]

## SECTION 303.2. FINAL SITE PLAN REVIEW

### A. FINAL SITE PLAN PROCEDURES

If desired by the applicant or requested by the Planning and Zoning Commission or Town Council, projects may also be submitted for Final Site Plan Review. An application for a Final Site Plan shall be in accordance with Section 303.1 and shall include the following information:

1. Any additional features required as a result of engineering and/or soil studies;
2. Compliance with all applicable standards of this Zoning Ordinance.
3. Compliance with all applicable codes, including the Uniform Building Code.
4. Compliance with any conditions recommended by the Planning and Zoning Commission, Historic Preservation and Design Review Board, Building Inspector, Fire Inspector, and/or the Zoning Administrator from the previous review.

[Ord. No. 470]

### B. REVIEW

1. Review for a Final Site Plan is in accordance with Section 303.1.

### C. POST-APPROVAL PROCEDURE

1. All copies of the approved plan, with any conditions from the approving board, shall be dated and signed by the Zoning Administrator. One (1) copy of said approved plan and conditions, together with a notification of all design review requirements and procedures, shall be distributed to the applicant, and one (1) copy shall be filed with the Building Inspector.

[Ord. No. 293; Ord. No. 470]

### D. TIMEFRAME

See Section 301.G

## SECTION 303.3. GRADING AND EXCAVATION REQUIREMENTS

All excavation and grading shall be performed in accordance with these provisions.

This section shall not affect existing legal uses of property or the right to continuation of such legal use. However, if a nonconforming use of a structure or land is discontinued for six (6) months, any further use shall comply with these requirements.

Where the combined proposed cut and fill exceeds ten (10) cubic yards, the applicant must obtain a separate grading permit from the Building Inspector. An assessment by a civil, structural, or soil engineer may be required to demonstrate site stability and the absence of negative impact.

Six (6) months from the date of approval of a grading permit, the approval becomes void if the grading permit has not been issued.

Exploratory excavation of ten (10) cubic yards or less can proceed with the approval of the Zoning Administrator and Building Inspector. The applicant shall submit plans for approval by the Building Inspector and Zoning Administrator for all excavation in excess of ten (10) cubic yards. The Zoning Administrator may determine that excavation in excess of ten (10) cubic yards requires review and approval by the Planning & Zoning Commission.

[Ord. No. 470]

### A. APPROVAL PROCEDURE

1. Any person wishing to do any grading, filling, excavation, cutting, or other site earthwork shall submit plans, drawings, and supporting data, including the quantity of cut and the quantity of fill, and any other information required by the Zoning Administrator and/or Building Inspector.
2. Grading shall be done in conjunction with a site plan filed with the Zoning Administrator. Grading, excavation, and fill shall not:
    a. adversely affect the lateral support of adjacent property or structures;
    b. increase the stresses in or pressures upon any adjacent or contiguous property;
    c. physically infringe on adjacent property;
    d. include detrimental excavation or stockpiling;
    e. be in a public right-of-way; or
    f. have a negative impact on existing drainage.
3. The effect of the proposal on scenic views will be considered for potential impact.
4. Where the slope exceeds thirty-five (35) percent, engineering reports shall be required under the Site Plan requirements of the Jerome Zoning Ordinance.

    [Ord. No. 470]

### B. POST-APPROVAL PROCEDURE

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

1. All grading and excavation shall be performed with safety precautions and any anti-erosion or drainage devices required by the Building Inspector.
2. Construction equipment parking and storage needs shall be identified, and provisions made not to interrupt normal traffic flow more than absolutely necessary.
3. Dust control measures shall be taken and loads covered to prevent spilling and blowing.
4. Fencing of hazardous sites shall be required.

5. Safety fencing to protect neighboring property may be required.
6. The Building Inspector may require adequate inspection and compaction control by an approved soil testing agency. This may include certification concerning the inspection of cleared areas and benches to receive fill and the compaction of fills.
7. Cuts shall be accomplished to blend scale, form, and visual character into the natural landforms and minimize exposed scars.
8. Cuts shall be adequately fenced.
9. Driveway slope shall not exceed fifteen (15) percent, where possible, within topographic constraints. In every case, driveways shall blend with the surrounding natural colors and shall include adequate measures for runoff and drainage.
10. Fills shall be accomplished to blend scale, form, and visual character into the natural landforms and minimize exposed scars.
11. The Building Inspector may require further supporting data to ensure stability.

[Ord. No. 470]

### C. RESPONSIBILITIES OF THE APPLICANT

1. The applicant, their agent, contractor, or employee shall carry out the proposed work in accordance with the approved plans and specifications and in compliance with all Jerome Zoning Ordinance requirements.
2. During grading operations, the applicant shall be responsible for the prevention of damage to any street or drainage facilities or to any public utilities or services.
3. The applicant is responsible for the prevention of damage to adjacent property, and no person shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley, or other public or private property prior to supporting and protecting such property from settling, cracking, or other damage that might result.
4. No modification of the approved grading, excavating, or fill plans may be made without the approval of the Building Inspector and Zoning Administrator.
5. Neither the issuance of a permit or approval under these requirements, nor the compliance with any provision of or conditions imposed in the issued permit, shall relieve any person from responsibility for damage to other persons or property, nor impose any liability upon the Town of Jerome for damage to other persons or property.
6. An as-built plan including original ground surface elevations, as-built surface elevations, site drainage patterns, and location and elevations of all surface and sub-surface drainage facilities shall be submitted upon completion of work. If required by the Building Inspector, a civil engineer's certification shall be provided for the final plan.

## SECTION 303.4. APPEALS AND EXPIRATION OF APPROVALS

### A. APPEALS

1. Any applicant, person residing within 300 feet of a project subject to the procedures in this Ordinance, or person adversely affected may appeal a decision of the Planning and Zoning Commission to the Town Council by filing a written notice of appeal with the Town Clerk not later than fifteen (15) days from the date of the commission's decision. If the appellant is not the applicant and resides beyond 300 feet of the project, the appellant shall clearly demonstrate how they might be adversely affected by the proposed project. Appeals of decisions by the Zoning Administrator are per Section 305 of this Ordinance.

2. When a written appeal is filed with the Town Clerk, the Town Clerk shall promptly provide notice of such an application to the Zoning Administrator. The appeal shall state the grounds for appeal and demonstrate how the appellant has been aggrieved or affected by the decision. The Zoning Administrator shall review the appeal to validate its completeness within three (3) days of receipt. If the appeal is deemed defective, the Zoning Administrator shall notify the applicant of the type and nature of the defect or defects within one (1) day of making said determination. If an appeal is determined to be complete, the Zoning Administrator shall schedule the appeal for Council consideration no later than 45 days from the determination of an application's completeness. Once scheduled, a legal notice shall be published at least once in a newspaper of general circulation within the Town of Jerome; the site shall be posted at least fifteen (15) days prior to the hearing date; and notice by First-Class mail shall be given to property owners within 300 feet of the site. Notice shall also be given to the Planning and Zoning Commission and the appellant. The Zoning Administrator shall submit a report to the Council with all relevant information and set forth the reasons for action taken by the Planning and Zoning Commission.

3. An appeal may be filed by persons aggrieved or by any officer, department, board, or bureau of the municipality affected by a decision of the Zoning Administrator. Appeals will be forwarded to the Board of Adjustment by filing a written notice of appeal with the Zoning Administrator not later than fifteen (15) days from the date of the Zoning Administrator's decision.

[Ord. No. 470]

### B. BUILDING PERMIT ISSUANCE; EXPIRATION OF APPROVAL

1. Six (6) months from the date of approval, a plan approval becomes void if a building permit has not been issued and/or work has not commenced.

2. A building permit shall not be issued by the Building Inspector until the fifteen (15) day appeal period has expired.

3. An extension of approval may be granted if the applicant files for an extension prior to the approval becoming void and the extension is granted by the approving board. The approving board may grant a second extension, provided the approval complies with all ordinances and requirements in effect at the time of the extension request. Any additional extension requests require review by the Town Council. Application for an extension shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the office of the Town Clerk.

[Ord. No. 470]

### C. VIOLATION AND ENFORCEMENT

1. Prior to the issuance of a building permit, the Building Inspector shall ascertain that the plans presented with the Building Permit application are in conformance with those plans approved by the Town Council or Zoning Administrator and that the time limitations imposed by this ordinance have not elapsed.

2. The Zoning Administrator shall ensure that all matters are undertaken according to the conditions of the approved plan. If, during the course of work, changes in the approved plan are necessitated by conditions found at the site, an appropriately licensed engineer's approval may be required for the modified plans. In the event of a violation, the Zoning Administrator shall notify the permittee, by mail, that he is in violation of the conditions of the approved plan. If there are no plans, approved by the Zoning Administrator, to eliminate the violation within fifteen (15) days after notification, the building permit shall be revoked and considered null and void.
3. If, thirty (30) days after written notification by the Zoning Administrator, the applicant is still in violation of this ordinance, the Zoning Administrator shall take appropriate legal action to abate the violation.

[Ord. No. 293; Ord. No. 470]

## SECTION 304. HISTORIC PRESERVATION/DESIGN REVIEW BOARD

### A. PURPOSE

The purpose of this section is to enable the Historic Preservation/Design Review Board to review the exterior design of proposed new buildings and structures, proposed alterations of buildings and structures, proposed signs, and proposed demolition of structures in order to ensure that new development is compatible with the surrounding environment, and to preserve and protect the historical character of the Town of Jerome. Design review provided by the Historic Preservation/Design Review Board is intended to promote and preserve Jerome's economic and environmental well-being, which depends exclusively upon its distinctive character, natural attractiveness, and overall architectural quality, which contribute substantially to its viability as a recreational and tourist center and which contributed to its designation as a National Historic Landmark. Design review is intended to enrich the lives of all the citizens of Jerome by promoting harmonious, attractive, and compatible development, and is therefore considered to be in furtherance of the general welfare.

[Ord. No. 470]

### B. APPLICATION

The provisions of this Section shall apply to all new construction, exterior alterations, demolitions, and signs.

### C. PROJECTS REQUIRING REVIEW BY THE HISTORIC PRESERVATION/DESIGN REVIEW BOARD

1. Awnings and permanent signs
2. Additions and exterior modifications
3. Decks
4. Demolitions of existing structures
5. Fences and walls
6. New structures
7. Paint, stain, and similar coatings
8. Sheds and accessory structures
9. Projects not specifically listed as exempt or requiring Zoning Administrator review

[Ord. No. 470]

### D. PROJECTS REQUIRING REVIEW BY THE ZONING ADMINISTRATOR

1. Changes in roof material or color, provided the new roof has limited reflectivity.
2. Parking areas.
3. Patios.
4. Replacement of exterior stairs with metal or other fire-resistant materials, provided there is less than a 10 percent change in the original footprint and the change is approved by the Fire Inspector.
5. Window and door replacement, provided the new window or door replicates the same size and style of the window or door being removed.

[Ord. No. 470]

### E. PROJECTS EXEMPT FROM DESIGN REVIEW BY THE HISTORIC PRESERVATION/DESIGN REVIEW BOARD

Landscaping (not including accessory structures such as gazebos, pergolas, shade structures, and sheds), provided any grading and excavation is in compliance with Section 303.3.

Repair, replacement, and maintenance of existing structures, provided that the same materials are used.

Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure; nor shall anything in this article be construed to prevent the construction, reconstruction, alteration, or demolition of any such elements that the authorized municipal officers, i.e., Building Inspector, Town Engineer, etc., shall certify as required by public safety.

[Ord. No. 470]

### F. REVIEW PROCEDURE

1. Applications for design review shall be submitted to the Zoning Administrator for review by the Building Inspector, Fire Inspector, Zoning Administrator, and Historic Preservation/Design Review Board in accordance with the provisions of this section. Review may be accomplished by either the Zoning Administrator or the Historic Preservation/Design Review Board, as stated in Section 304.C and 304.D. The Zoning Administrator shall have fourteen (14) days from the date of submission of a design review application to review said application for completeness. If the application is incomplete, the Zoning Administrator shall provide the applicant with a comprehensive list of the specific deficiencies in a written notice. If the application is determined to be complete, the Zoning Administrator shall forward the application to the Historic Preservation/Design Review Board after conducting a substantive review of the complete application materials.
2. Upon receipt of any complete application for design review, and prior to holding a public hearing, a Neighborhood Meeting may be required in accordance with Section 306 of the Zoning Ordinance of the Town of Jerome.
3. After a Neighborhood Meeting has been held, if applicable, in accordance with Section 306, the Zoning Administrator shall then choose a reasonable time for the hearing of the application, and shall give notice to interested parties and to the public by publication of a notice in a newspaper of general circulation in the Town of Jerome, and by posting one notice of the hearing on the subject property requesting the proposed change, not less than fifteen (15) days prior to the hearing. The notice shall set forth the time and place of the hearing, including a general explanation of the matter to be considered, and a general description of the area affected.
4. If a review is required by the Historic Preservation/Design Review Board, the application shall be submitted for review by the board at the next available meeting. If Site Plan Review is required according to Section 303, the application shall be submitted concurrently. The applicant shall receive approval from the Historic Preservation/Design Review Board prior to being scheduled for Site Plan Review by the Planning and Zoning Commission. The Historic Preservation/Design Review Board or Zoning Administrator shall approve, conditionally approve, or deny the application. Once denied, the original plan shall not be resubmitted.
5. When, in the opinion of the Historic Preservation/Design Review Board, upon hearing and considering all relevant information, a project is not in keeping with either the tenets of this ordinance or the Jerome General Plan, the project shall be denied by specific motion of the Historic Preservation/Design Review Board.
6. When approved, all copies of the approved plan, including any conditions imposed by the reviewing body, shall be dated and signed by the Zoning Administrator. One (1) copy of said approved plan and conditions, together with a notification of all Design Review requirements and procedures, shall be distributed to the applicant, and one (1) copy shall be filed with the Building Inspector.
7. The Historic Preservation/Design Review Board shall utilize the current edition and applicable standards of the Secretary of the Interior's Standards for the Treatment of Historic Properties to evaluate applications for historic properties and structures.

[Ord. No. 470]

### G. APPLICATIONS FOR APPROVAL AND PERMIT

1. A prescribed application form for Design Review approval shall be filed with the Zoning Administrator, which details the information that must be provided by the applicant, along with the plans and other documents that must be submitted.
2. An application for the demolition or removal of an existing building or structure shall be filed with the Zoning Administrator on a form prescribed by the Administrator, which details the information that must be provided by the applicant, along with the plans and other documents that must be submitted.

[Ord. No. 470]

### H. FEE

The application for Design Review shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the offices of the Town Clerk. No part of the filing fee shall be returnable. Payment of the filing fee shall be waived when the petitioner is the Town, County, State, or Federal Government.

[Ord. No. 470]

### I. REVIEW CRITERIA FOR NEW CONSTRUCTION

1. The Historic Preservation/Design Review Board and Zoning Administrator shall use the criteria below to review proposed applications for new construction. The Zoning Administrator, Historic Preservation/Design Review Board, and the applicant shall use photographs, lithographs, and other depictions of the Town of Jerome to support their findings. If photographs, etc., are unavailable, then the determination or finding shall be based on the works of a recognized historic preservation authority, such as, but not limited to, textbooks or an architect/historian. Each of the following criteria must be satisfied before an application can be approved.
    a. PROPORTION – The relationship of the width of a building or structure to its height shall be visually compatible with buildings, structures, and places to which it is visually related
    b. OPENINGS – The relationship of the width of the windows and doors to the height of windows and doors in a building shall be visually compatible with buildings, structures, and places to which the building is visually related.
    c. PATTERN – The relationship of solids to voids in the facade of a building or structure shall be visually compatible with buildings, structures, and places to which it is visually related.
    d. SPACING – The relationship of buildings or structures to the open space between them and adjoining buildings shall be visually compatible with the buildings, structures, and places to which it is visually related.
    e. ENTRANCES, PORCHES, DECKS, AND PROJECTIONS – The height, projection, supports, and relationship to streets and sidewalks of entrances, porches, decks, awnings, canopies, and balconies of a building shall be visually compatible with the buildings, structures, and places to which it is visually related
    f. MATERIALS, TEXTURE, AND COLOR – The materials, texture, and color of the facade of a building or structure shall be visually compatible with the predominant materials, textures, and colors used in the building and structures to which it is visually related.
    g. ROOFS – The roof shape of a building shall be visually compatible with the buildings to which it is visually related.
    h. ARCHITECTURAL DETAILS – Doors, windows, eaves, cornices, and other architectural details of a building or structure shall be visually compatible with buildings and structures to which it is visually related.

i. ACCESSORY BUILDINGS - Garages, carports, and sheds shall be visually compatible with buildings, structures, and places to which they are visually related.

j. ACCESSORY FEATURES – Fences, walkways, decks, stairways, lighting, antennae, and other manmade structures shall be visually compatible with buildings, structures, and places to which they are visually related.

k. LANDSCAPING – Landscaping shall be visually compatible with the landscaping around the buildings, structures, and places to which it is visually related.

l. SCREENING – The proposed addition, alteration, or other changes shall be screened with appropriate materials and in an appropriate design so as to be visually compatible with related properties, when, in the opinion of the Historic Preservation/Design Review Board, all other means of assuring visual compatibility are not reasonably possible.

m. SOLAR INSTALLATIONS – Refer to "Solar Energy System Design Guidelines" approved by the Town Council in June 2015, utilizing best practices for installing solar on historical buildings as recommended by the Department of the Interior. These guidelines are available at Jerome Town Hall, the Jerome Library, and on the Town of Jerome website.

2. The Historic Preservation/Design Review Board and Zoning Administrator shall review a submitted application for *Design Approval of Alterations, Additions, or Renovations to Existing Buildings or Structures*, and shall have the power to approve, conditionally approve, or disapprove all such requests, basing their decision on the following criteria:

   a. ARCHITECTURAL FEATURES AND DETAILS – Original porches, decks, balconies, canopies, doors, windows, walls, fences, stairways, eaves, cornices, and other architectural features and details shall be preserved and retained where feasible. Necessary replacement of these features should be as near as possible to the original feature in design and material.

   b. ROOFS – Original roof shape, design, and material shall be preserved and retained where feasible. Where contemporary roofing material is used, it should be as near as possible to the appearance of the original roofing material.

   c. COLOR – Exterior colors should be as near as possible to the original colors appropriate to the years during which the particular building or structure was built.

   d. MATERIALS AND TEXTURE – The original exterior materials and texture shall be preserved and retained where feasible. Where contemporary materials are used, they should be as near as possible to the original material and texture.

3. The Historic Preservation/Design Review Board shall review a submitted application for *Approval of the Demolition, Partial Demolition, or Removal of Existing Buildings or Structures*, and shall have the power to approve, conditionally approve, or disapprove, all such requests; in accordance with the following procedures and criteria.

   a. In passing on an application for demolition, partial demolition, or removal, the Historic Preservation/Design Review Board shall consider, among other things, the architectural or aesthetic quality or significance of the building or structure to the public interests of the Town.

   b. If the Historic Preservation/Design Review Board finds that the public interest and the preservation and protection of historic places will best be served by postponing the demolition, partial demolition, or removal of a building or structure, it may postpone such action for a designated period, which shall not exceed one hundred eighty (180) days from the receipt of the application, and shall notify the applicant of such postponement. During the period of postponement of such demolition or alteration of any building, the Historic Preservation/Design Review Board shall take steps to ascertain what the Town Council can or may do to preserve such building, including consultation with private civic groups,

interested private citizens, and other public boards or agencies, and consideration of the use of eminent domain when the preservation of a given building is clearly in the interest of the general welfare of the community and of certain historic and architectural significance. The Historic Preservation/Design Review Board shall thereafter make such recommendations to the Town Council.

4. The Historic Preservation and Design Review Board shall review a submitted application for Design Approval of Signs and shall have the power to approve, conditionally approve, or disapprove all such requests, basing its decision on the following criteria:

   a. MATERIALS – Signs made of durable, weather-resistant materials such as acrylic, resin, steel, aluminum, or composite materials are preferred.

   b. LETTERING – Lettering and symbols on signs should be routed, applied, or painted on the surface of the sign material.

   c. COLORS – Colors of a sign shall be visually compatible with the colors of buildings, structures, and signs to which the sign is visually related.

   d. EXCEPTIONS – The Historic Preservation/Design Review Board may waive the requirements of this Section and Section 507 in order to allow the preservation or restoration of signs or commercial graphics which are determined to be of historical significance or of particular interest.

[Ord. No. 374; Ord. No. 406; Ord. No. 451; Ord. No. 470; Ord. No. 472]

## J. APPEALS AND EXPIRATION OF APPROVALS

1. Any applicant, person residing within 300 feet of the project, or person adversely affected, may appeal a decision of the Historic Preservation/Design Review Board to the Town Council by filing a written notice of appeal with the Town Clerk no later than fifteen (15) days from the date ofthe board's decision. If the appellant is not the applicant and resides beyond 300 feet of the project, the appellant shall clearly demonstrate how they might be adversely affected by the proposed project.

2. When a written appeal is filed with the Town Clerk, the Town Clerk shall promptly provide notice of such an application to the Zoning Administrator. The appeal shall state the grounds for appeal and demonstrate how the appellant has been aggrieved or affected by the decision. The Zoning Administrator shall review the appeal to validate its completeness within three (3) days of receipt. If the appeal is deemed defective, the Zoning Administrator shall notify the applicant of the type and nature of the defect or defects within one (1) day of making said determination. If an appeal is determined to be complete, the Zoning Administrator shall schedule the appeal for Council consideration no later than 45 days from the determination of an application's completeness. Once scheduled, a legal notice shall be published at least once in a newspaper of general circulation in the Town of Jerome, the site shall be posted at least fifteen (15) days prior to the hearing date, and notice shall be mailed to property owners within 300 feet of the site. Notice shall also be given to the Historic Preservation/Design Review Board and the appellant. The Zoning Administrator shall submit a report to the Council with all relevant information and set forth the reasons for action taken by the Historic Preservation/Design Review Board.

3. An appeal may be filed by persons aggrieved or by any officer, department, board, or bureau of the municipality affected by a decision of the Zoning Administrator. Appeals will be forwarded to the Board of Adjustment by filing a written notice of appeal with the Zoning Administrator, no later than fifteen (15) days from the date of the Zoning Administrator's decision.

4. Six (6) months from the date of approval, a plan approval becomes void if a building permit has not been issued and/or work has not commenced.

5. A building permit may not be issued by the Building Inspector until the fifteen (15)-day appeal period has expired.

6. An extension of approval may be granted if the applicant files for an extension prior to the approval becoming void and the extension is granted by the approving board. The approving board may grant a second extension, provided the approval complies with all ordinances and requirements in effect at the time of the extension request. Any additional extension requests require review by the Town Council. Application for an extension shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the office of the Town Clerk.

[Ord. No. 470]

## K. VIOLATIONS AND ENFORCEMENT

1. Prior to the issuance of a building permit, the Building Inspector shall ascertain that the plans presented with the Building Permit application are in conformance with those plans approved by the Mayor and Council, Historic Preservation/Design Review Board, or the Zoning Administrator and that the time limitations imposed by this ordinance have not elapsed.

2. The Zoning Administrator shall ensure that all matters are undertaken according to the conditions of the design approval. In the event of a violation, the Zoning Administrator shall notify the permittee, by both Certified and First-Class mail, that he is in violation of the conditions of the design approval. If no attempt is made to change the circumstances of the violation within fifteen (15) days after notification, the building permit shall be revoked and considered null and void.

3. Violations, Enforcements, and Fines. If, fifteen (15) days after written notification by the Zoning Administrator, a citizen is still in violation of this ordinance, the Zoning Administrator shall take appropriate legal action to abate the violation.

[Ord. No. 470]

## SECTION 305. ADMINISTRATIVE APPEALS AND VARIANCES

### A. APPEALS TO THE BOARD OF ADJUSTMENT

1. Appeals to the Board of Adjustment concerning the interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or department of the Town affected by any decision of the Zoning Administrator.
2. Applications for any matter to be considered by the Board shall be filed with the Zoning Administrator, on forms furnished for the purpose, within thirty (30) days of the action being appealed, and shall specify the grounds for the appeal. The Zoning Administrator shall promptly transmit to the Board all papers constituting the record of the action appealed.
3. The appeal stays all proceedings in the matter appealed from, unless the Zoning Administrator certifies to the board that, by reason of the facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the Board, or by a court of record on application and notice to the Zoning Administrator.
4. The Board shall hear the appeal within thirty (30) days and shall give notice of hearing by publication of a notice in a newspaper of general circulation in the Town of Jerome and by posting the property affected not less than fifteen (15) days prior to the hearing. The notice shall set forth the time and place of the hearing and include a general explanation of the matter to be considered.
5. Any party may appear at the hearing in person or by agent or attorney. Parties in interest shall have the right to present their case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination of witnesses as may be required for a full and true disclosure of the facts.

### B. VARIANCES

1. Any aggrieved person may appeal to the Board of Adjustment for a variance from the terms of the Zoning Ordinance only, if because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
2. A variance shall not be granted by the Board unless the alleged hardship caused by literal interpretation of the provisions of this Ordinance results in more than personal inconvenience and/or financial hardship and is not the result of actions by the appellant.
3. In granting a variance, the Board may impose such conditions and safeguards as are appropriate to ensure that the purpose and intent of this Ordinance will be fulfilled. Failure to comply with such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this Ordinance.
4. No nonconforming use or violations of this Ordinance with respect to neighboring lands, structures, or buildings, in the same zoning district, and no permitted use of lands, structures, or buildings in other zoning districts, shall be considered grounds for granting a variance.
5. Every variance granted shall be personal to the appellant and shall be transferable and shall run with the land only after completion of any authorized structure or structures.
6. Nothing herein contained shall be construed to empower the Board to change the terms of this Ordinance, to authorize uses which violate any other Town Ordinance, to effect changes in the Zoning Map, or to add to the uses permitted in any zoning district.

### C. APPEALS FROM THE BOARD

The decision of the Board shall be final; provided, however, that any person aggrieved by a decision of the Board, or a taxpayer, or a municipal officer may, at any time within thirty (30) days after a decision of the Board, petition the court for a writ of certiorari for review of the Board's decision. Allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board, and for good cause shown, grant a restraining order, and on final hearing may reverse or affirm, wholly or partly, or may modify the decision reviewed.

### D. FEES

1. Upon filing an application for appeal, the appellant shall pay a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the offices of the Town Clerk. No part of the filing fee shall be returnable. Payment of the filing fee shall be waived when the petitioner is the Town, County, State, or Federal Government.
2. In the case of an appeal for a variance to more than one provision of this Ordinance, the filing fee shall equal the total amount chargeable for all provisions as prescribed by the fee schedule.

## SECTION 306. NEIGHBORHOOD MEETINGS

### A. PURPOSE

Neighborhood Meetings provide an opportunity for informal communication between an applicant, neighboring residents, and property owners who may be affected by development projects, use permits, rezoning, or ordinances that impose a new land use regulation or modify an existing land use regulation. The purposes of the Neighborhood Meeting are to inform the affected public about the project and encourage communication among the applicant and neighboring residents and property owners.

### B. GENERAL REGULATIONS

1. Prior to any public hearing by the Planning and Zoning Commission on rezoning or ordinances that impose a new land use regulation or modify an existing land use regulation, the applicant or an appointed representative of the applicant shall arrange a meeting with the planning staff to identify development issues as well as to discuss arrangements and scheduling for the Neighborhood Meeting described in Subsection 4 below.
2. When required pursuant to Section 302.D.1 of the Jerome Zoning Ordinance, prior to any public hearing by the Planning and Zoning Commission on a use permit, the applicant or an appointed representative of the applicant shall arrange a meeting with the planning staff to identify development issues as well as to discuss arrangements and scheduling, if required, for the Neighborhood Meeting described in Subsection 4 below.
3. Prior to any public hearing by the Historic Preservation/Design Review Board on a development project, the applicant or an appointed representative of the applicant shall arrange a meeting with the planning staff to identify development issues as well as to discuss arrangements and scheduling, if required, for the Neighborhood Meeting described in Subsection 4 below.
4. A Neighborhood Meeting designed to inform adjoining residents and property owners about the proposed development project, use permit, ordinances that impose a new land use regulation or modify an existing land use regulation, or rezoning will, if required to be held, be arranged by the Zoning Administrator. The meeting should be held at a location generally accessible to neighbors who reside near the subject site.
5. At least 15 days prior to a scheduled Neighborhood Meeting, the Zoning Administrator shall notify all property owners within 300 feet of the subject site by first-class mail, and the actual property shall be posted with the meeting date and time. The mailed notification shall include the date, time, and place for the Neighborhood Meeting, as well as a description of the proposed land uses, project, or conditional use permit.
6. At the Neighborhood Meeting, it is the responsibility of the applicant or their representative to provide an opportunity for a question-and-answer period by the participants and identify a point of contact to the public for follow-up questions and comments.
7. The applicant shall prepare a written summary of the meeting, including a list of attendees, their addresses, and the issues and concerns discussed, and submit a copy of the summary to the Zoning Administrator within 15 days after the neighborhood meeting. The summary shall be made available, upon request, to any meeting attendee. Attendees may, at their discretion, also submit their comments to the Zoning Administrator.
8. If the application is substantially modified from what was presented at the initial Neighborhood Meeting, the Zoning Administrator may require that one or more additional Neighborhood Meetings be held in compliance with this section to present the modified application.
9. For rezonings of property initiated by the Town, the Town shall be deemed the applicant and shall conduct a Neighborhood Meeting as required by Subsections 2 through 5 of this section 306 B. For ordinances that impose a new land use regulation or modify an existing land use

regulation, the Town's obligations under this Section 306 shall be satisfied by complying with the notice and hearing requirements otherwise imposed by this Zoning Ordinance.

[Ord. No. 470 (reference to 304.F.5.deleted)]

### C. FEE

A fee shall be assessed to the applicant in an amount established by Resolution of the Council and paid in the offices of the Town Clerk. No part of the fee shall be returnable. Payment of the fee shall be waived when the petitioner is the Town, County, State, or Federal Government.

[Ord. No. 406]

## SECTION 307. PRE-APPLICATION MEETINGS

### A. PURPOSE

The purpose of this section is to provide applicants with early guidance on zoning requirements, development standards, and review procedures before submitting a formal application. This process helps identify potential issues, improve project design, ensure compliance with applicable regulations, and streamline the overall development review process.

### B. GENERAL REGULATIONS

1. Prior to the submittal of any application for subdivision plats, zone changes, conditional use permits, development packages for new construction, or any other application as determined by the Zoning Administrator, an applicant shall first participate in a pre-application review with Town staff.

### C. PRE-APPLICATION PROCEDURES

An applicant shall file a request for pre-application review with the Zoning Administrator on an application established by the Zoning Administrator that may require additional information, such as a time as, and all applicable portions of Section 304 shall apply to proposed development outside the Historic Overlay District.

# ARTICLE IV: ZONING DISTRICTS

## SECTION 401. ESTABLISHMENT OF ZONING DISTRICTS

In order to carry out the purposes of this ordinance, the Town of Jerome is hereby divided into the following zoning districts:

"AR" Zone - Agricultural Residential.

"R1-10" Zone - Single Family Residential

"R1-5" Zone - Single Family Residential

"R-2" Zone - Multiple Family Residential

"C-1" Zone - General Commercial

"I-1" Zone - Light Industrial

Historic Overlay District

## SECTION 402. LOCATION AND BOUNDARIES OF DISTRICTS

1. The locations and boundaries of the zoning districts are established as they are shown on the map entitled "Zoning Map of the Town of Jerome,[1]" which is hereby incorporated into this ordinance.
2. Where uncertainty exists with respect to the boundaries of any zoning districts as shown on the zoning map, the following rules shall apply:
    a. Where district boundaries are shown by specific dimensions, such specific dimensions shall apply.
    b. Where district boundaries are indicated as approximately following streets, alleys, or right-of-way lines, such streets, alleys, or right-of-way lines shall be deemed to be such boundaries.
    c. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be deemed to be said boundaries.
    d. Where district boundaries are so indicated that they are approximately parallel to the streets, alleys, or right-of-way lines, such district boundaries shall be deemed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the zoning map.
    e. Where the application of the above rules does not clarify the zone boundary location, then the Board of Adjustment shall determine the location.
3. Unzoned territory annexed to the Town subsequent to the effective date of this Ordinance shall, upon the date that said annexation becomes effective, automatically become zoned as AR, agricultural-residential, and shall so remain until such time as the Town Council shall see fit to approve a change of zone request for the annexed area.

[1] Codifier's note: The current Zoning Map is that map dated February 14, 2022, as adopted by Ordinance 477.

## SECTION 403. "AR" ZONE, AGRICULTURAL RESIDENTIAL

### A. PURPOSE

This district is intended to promote and preserve low-density residential development and non-commercial farming and agriculture. Land use is composed chiefly of individual homes, while also accommodating compatible recreational, religious, and educational facilities.

### B. PERMITTED AND CONDITIONAL USES

The permitted and conditional uses of the AR zone are listed in Table 410: Use Matrix of Section 410.

### C. USE/ZONE-SPECIFIC STANDARDS

Standards for the zoning district and specific uses are provided in Table 411: Use/Zone-Specific Standards Matrix and Table 412: Development Standards Matrix

[Ord. No. 380; Ord. No. 474]

[Ord. No. 446]

## SECTION 404. "R1-10" ZONE, SINGLE FAMILY RESIDENTIAL

### A. PURPOSE

This district is intended to promote and preserve low density residential development. Regulations and property development standards are designed to protect the single-family residential character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes, while also accommodating compatible recreational, religious and educational facilities.

### B. PERMITTED AND CONDITIONAL USES

The permitted and conditional uses of the R1-10 zone are listed in Table 410: Use Matrix of Section 410.

### C. USE/ZONE-SPECIFIC STANDARDS

Standards for the zoning district and specific uses are provided in Table 411: Use/Zone-Specific Standards Matrix and Table 412: Development Standards Matrix

[Ord. No. 474]

[Ord. No. 446]

## SECTION 405. "R1-5" ZONE, SINGLE FAMILY RESIDENTIAL

### A. PURPOSE

This district is intended to fulfill the need for medium density single family residential development. Regulations and property development standards are designed to protect the single family residential character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes, while also accommodating compatible recreational, religious, and educational facilities.

### B. PERMITTED AND CONDITIONAL USES

The permitted and conditional uses of the R1-5 zone are listed in Table 410: Use Matrix of Section 410.

[Ord. No. 474]

### C. USE/ZONE-SPECIFIC STANDARDS

Standards for the zoning district and specific uses are provided in Table 411: Use/Zone-Specific Standards Matrix and Table 412: Development Standards Matrix.

[Ord. No. 446]

## SECTION 406. "R-2" ZONE, SINGLE- AND TWO-FAMILY RESIDENTIAL

### A. PURPOSE

This district is intended to fulfill the need for medium density residential development regulations and property development standards are designed to allow maximum flexibility and variety in residential development while prohibiting all incompatible activities. Land use is composed chiefly of single- and two-family homes, while also accommodating compatible recreational, religious, and educational facilities.

### B. PERMITTED AND CONDITIONAL USES

The permitted and conditional uses of the R-2 zone are listed in Table 410: Use Matrix of Section 410.

### C. USE/ZONE-SPECIFIC STANDARDS

Standards for the zoning district and specific uses are provided in Table 411: Use/Zone-Specific Standards Matrix and Table 412: Development Standards Matrix.

[Ord. No. 446; Ord. No. 454]

## SECTION 407. "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 AND CONDITIONAL USES

The permitted and conditional uses of the C-1 zone are listed in Table 410: Use Matrix of Section 410.

[Ord. No. 293; Ord. No. 408; Ord. No. 454; Ord. No. 465]

### C. USE/ZONE-SPECIFIC STANDARDS

Standards for the zoning district and specific uses are provided in Table 411: Use/Zone-Specific Standards Matrix and Table 412: Development Standards Matrix.

[Ord. No. 293; Ord. No. 446]

## SECTION 408. "I-1" ZONE, LIGHT INDUSTRIAL

### A. PURPOSE

This district is intended to provide for commercial, industrial, and manufacturing activities, while ensuring that these activities will in no manner affect in a detrimental way any of the surrounding districts.

### B. PERMITTED AND CONDITIONAL USES

The permitted and conditional uses of the I-1 zone are listed in Table 410: Use Matrix of Section 410.

### C. USE/ZONE-SPECIFIC STANDARDS

Standards for the zoning district and specific uses are provided in Table 411: Use/Zone-Specific Standards Matrix and Table 412: Development Standards Matrix.

## SECTION 409. HISTORIC OVERLAY DISTRICT

### A. PURPOSE

The purpose of the Historic Overlay District is to preserve and protect the historical quality and distinctive architectural character of the Town of Jerome since Jerome's economic and environmental well-being depends exclusively upon its distinctive character, natural attractiveness, and overall architectural quality which contribute substantially to its viability as a recreation and tourist center and which contributed to its designation as a National Historic Landmark.

### B. DISTRICT RESTRICTIONS

The exterior designs of proposed new buildings and structures, proposed alterations of buildings and structures, landscaping plans, proposed signs, and proposed demolition of buildings and structures within the Historic Overlay District shall be reviewed by the Historic Preservation and Design Review Board in accordance with the provisions of Section 304 of this Ordinance to ensure that all new development is compatible with the surrounding environment.

### C. DISTRICT BOUNDARIES

The Historic Overlay District shall include all areas within the corporate limits of the Town of Jerome as of 10/13/2026. Future annexations of land without historic resources shall not be included within the district boundaries.

## SECTION 410. USE MATRIX

Table 410: Use Matrix

P = Permitted Use
C = Conditional Use; some conditionally permitted uses are also subject to the standards of Table 411: Use/Zone-Specific Standards Matrix.
X = Prohibited Use
U = Permitted subject to the standards of Table 411: Use/Zone-Specific Standards Matrix

| Uses | AR | R1-10 | R1-5 | R-2 | C-1 | I-1 |
|---|---|---|---|---|---|---|
| One (1) Single-Family Dwelling | P | P | P | P | C | C |
| One (1) Duplex | X | P | P | P | C | C |
| One (1) Triplex | X | C | C | P | C | C |
| One (1) Quadplex | X | C | C | P | C | C |
| One (1) Modular Home per lot | P | P | P | P | C | C |
| Mobile Homes | X | X | X | X | X | X |
| Multi-family Dwelling | X | X | X | X | C | C |
| Accessory Uses, buildings, and structures incidental to a principally permitted use, except as otherwise provided in this Ordinance | P | P | P | P | P | P |
| Adaptive Residential Reuse, subject to the standards of the Table 411: Use/Zone-Specific Standards Matrix | C | C | C | C | C | C |
| Administrative and Professional Offices | X | X | X | X | P | P |
| Animals, fowl, and other typical farm livestock, except as otherwise prohibited herein. | C | X | X | X | X | X |
| Automobile Repair Services Establishment | X | X | X | X | X | C |
| Automobile Sales | X | X | X | X | C | C |
| Automobile Service Stations | X | X | X | X | C | C |
| Automobile Wrecking Yard | X | X | X | X | X | C |
| Banks, stock brokerage firms, savings and loan associations, loan companies, and credit unions | X | X | X | X | P | P |
| Bed and Breakfast | C | C | C | C | C | C |
| Beekeeping subject to the standards of Table 411: Use/Zone-Specific Standards Matrix | C | C | C | C | C | C |
| Business and trade schools, dancing, art, and music schools and studios | X | X | X | X | P | P |
| Cemeteries | C | X | X | X | X | C |
| Child Care Centers | C | C | C | C | C | C |
| Child Day Care Home | C | C | C | C | C | C |
| Churches or similar places of worship | C | C | C | C | C | C |
| Commercial stables | C | X | X | X | X | X |
| Educational | | | | | | |
| Colleges, universities, and professional schools having a regular curriculum | C | C | C | C | C | C |
| Public, Private, Charter, or Parochial Elementary, Junior High, and High Schools | C | C | C | C | C | C |
| Establishments primarily supplemental in character to other permitted principal uses, such as: pharmacy, apothecary shop, sales of corrective garments, prosthetic devices, optical goods, and medical and dental laboratories | X | X | X | X | P | P |
| Governmental services, public utility offices and exchanges, excluding storage or repair services | X | X | X | X | P | P |
| Headquarters buildings of charitable, philanthropic, and welfare organizations, provided that their primary activities are administrative and clerical rather than residential in nature | X | X | X | X | P | P |
| Heavy Industry, as defined by this Ordinance, including, but not limited to, chemical manufacturing and processing plants, explosives manufacturing, pulp and paper mills, and similar manufacturing activities | X | X | X | X | X | C |
| Live/Work Dwelling subject to the standards of Table 411: Use/Zone-Specific Standards Matrix | P | P | P | P | C | C |
| Hospitals, nursing homes, and convalescent homes | X | X | X | X | C | C |

| | | | | | | |
|---|---|---|---|---|---|---|
| Hotels | X | X | X | X | P | P |
| Indoor commercial recreation establishments, such as bowling alleys, billiard parlors, skating rinks and similar establishments | X | X | X | X | C | C |
| Indoor theaters, assembly halls, ballrooms and similar places of assembly | X | X | X | X | C | C |
| Keeping of cattle and horses owned by members of the family occupying the premises, but not to exceed one (1) head per 20,300 square feet of lot area. All other instances are considered conditional except as provided herein. | P | X | X | X | X | X |
| Libraries | X | C | C | C | C | C |
| Light Industry, as defined by this Ordinance, including, but not limited to, jewelry manufacturing, clothing and apparel manufacturing, furniture manufacturing and assembly, electronics assembly, packaging operations, and similar manufacturing activities that do not constitute Heavy Industry | X | X | X | X | X | C |
| Manufacturing incidental to a permitted use subject to the standards provided in Table 411: Use/Zone-Specific Standards Matrix | X | X | X | X | U | U |
| Medical and dental offices and clinics | X | X | X | X | P | P |
| Membership Organizations | C | X | X | X | P | P |
| Mobile Food Unit | X | X | X | X | P | P |
| Model Homes | C | C | C | C | C | C |
| Noncommercial farming and agriculture, not including the keeping of livestock | P | X | X | X | X | X |
| Outdoor commercial recreation establishments | X | X | X | X | C | C |
| Outdoor sales of nursery stock | X | X | X | X | C | C |
| Pawn shops | X | X | X | X | P | P |
| Personal services such as: barbers, beauty shops, health clubs, laundries and cleaners, mortuaries. | X | X | X | X | P | P |
| Pet shops | X | X | X | X | C | C |
| Printers and print shops | X | X | X | X | P | P |
| Privately owned and operated recreation areas and centers | C | X | X | X | P | P |
| Public buildings | C | C | C | C | C | C |
| Public utility buildings, structures, or appurtenances thereto for public service use | C | C | C | C | C | C |
| Publicly owned and operated parks and recreation areas and centers | P | P | P | P | C | C |
| Radio and TV studios provided that no masts, towers, or antenna used for transmission or broadcasting purposes are erected on the premises | C | X | X | X | P | P |
| Repair services such as, but no more objectionable or intensive in character than, watches, jewelry, shoes, locksmith, minor household appliances | X | X | X | X | P | P |
| Research and Development | X | X | X | X | U | U |
| Restaurant | | | | | | |
| Consumption on premises outside of enclosed building | X | X | X | X | C | C |
| Excluding live entertainment[1] | X | X | X | X | P | P |
| Including live entertainment | X | X | X | X | C | C |
| Retail Sales Establishment | X | X | X | X | P | P |
| Spirituous liquor tasting facilities | X | X | X | X | C | C |
| Taxi stands, bus stops, parking lots and garages | X | X | X | X | C | C |
| Temporary buildings for uses incidental to construction work, which shall be removed upon completion of or abandonment of the construction work. | P | P | P | P | C | C |
| Temporary outdoor sales. Displays and other outdoor activities | X | X | X | X | C | C |
| Viniculture use, subject to the standards of Table 411: Use/Zone-Specific Standards Matrix | C | X | X | X | X | X |
| Warehouses | X | X | X | X | X | C |
| Wholesale establishments | X | X | X | X | X | C |

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| Wireless Communication Facilities, subject to the standards of Table 411: Use/Zone-Specific Standards Matrix | C | C | C | C | C | C |
| Any other such uses as determined by the Zoning Administrator to be similar to those uses permitted in the zoning district and not detrimental to the public health, safety and general welfare in accordance with the provisions of this Ordinance | X | X | X | X | P | P |
| Any other such uses as determined by the Zoning Administrator to be similar to those uses conditionally permitted in the zoning district and not detrimental to the public health, safety and general welfare in accordance with the provisions of this Ordinance | X | X | X | X | C | C |

## SECTION 411. USE/ZONE-SPECIFIC STANDARDS MATRIX

Table 411: Use/Zone-Specific Standards Matrix

| Use | Zone | Standard |
|---|---|---|
| Adaptive Residential Reuse | AR, R1-10, R1-5, R-2, C-1, I-1 | 1. Residential use of a building or portion of a building is permitted when in the opinion of the Zoning Administrator, said use has little or no adverse effect on the public health, safety and general welfare; or<br>2. Residential uses are permitted by right in a building with a documented historic residential use, whether that use is active or not |
| Beekeeping | AR, R1-10, R1-5, R-2, C-1, I-1 | The following standards and requirements apply to the keeping of any hive, colony, or apiary bees within the town limits:<br>1. All persons shall be required to obtain a conditional use permit prior to the keeping of bees. The application form shall include the name, address and telephone number of the person seeking the permit as well as the name, address, and telephone number of the property owner. If the applicant is other than the property owner, then the application shall also include written permission of the owner for the use of the property for keeping a hive, colony, or apiary. The form shall also include a drawing of the property indicating the location for the keeping of the hive, colony or apiary and an acknowledgement that, prior to the placing of the hive, colony or apiary upon the property, an adequate supply of water and other nutrients are available on the property near the hive, colony or apiary.<br>2. Upon receipt of a beekeeping application, and at least 15 days prior to review by the Planning and Zoning Commission, public notification shall be mailed by the Town to properties within 100 feet of the subject property.<br>3. No more than two hives shall be allowed on a parcel.<br>4. Hives shall be located in the area behind the primary structure and in front of the rear lot line and set back from the side and rear property lines a minimum of five (5) feet.<br>5. A flyway barrier consisting of a solid wall, fence, dense vegetation, or combination of these materials at least six (6) feet high shall be provided and extend at least ten (10) feet beyond the hives on each end of an apiary.<br>6. Each beekeeper shall ensure that a constant and easily accessible supply of fresh water and other nutrients of sufficient quantity to meet the needs of all bees being maintained or kept is always available to the bees so that they are discouraged from congregating at pet water bowls, birdbaths, pools, spas or other water sources where they may cause human or domestic pet contact. |

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| | | 7. Initial hives shall contain a queen selected from stock bred for gentleness, and bees who are relatively gentle and non-defensive. If a colony becomes too defensive, then the beekeeper shall be obligated to move that colony to a different location or to replace the queen with a gentler queen.<br>8. The first violation of this Section shall be treated as a petty offense. All subsequent violations within a succeeding two-year period shall be treated as Class I misdemeanors, subject to penalties as set forth in Article 1-8 of the Jerome Town Code.<br>9. The provisions of this Section shall not apply to any property owner upon whose property a swarm of transient bees is attempting to or has established a domicile.<br>10. Any honeybee colony not residing in a structure intended for beekeeping, or any colony residing in a standard or homemade hive that, by virtue of its condition, has obviously been abandoned by the beekeeper, or any hive, colony or apiary which does not contain the water and nutrient requirements of standard 6 of these requirements or any hive, colony or apiary for which no permit has been issued, is unlawful and shall be deemed a public nuisance.<br>11. The Town, upon a complaint, may take any actions necessary to remove the abandoned hive, colony, or apiary from the property.<br>[Ord. 474, 8/10/21 *NOTE: Ord. 474 incorrectly established the "Beekeeping" paragraph as Paragraph O. This was corrected during codification to Paragraph P.] |
| Live/Work Dwelling | AR, R1-10, R1-5, R-2, C-1, I-1 | 1. Home occupations shall be clearly incidental and subordinate to the use of the property and dwelling unit for dwelling purposes, and shall not change the character thereof.<br>2. There shall be no employees other than members of the immediate family residing on the premises.<br>3. No business shall be conducted which requires delivery vehicles or other services not customary to a residence.<br>4. Signs shall be subject to applicable provisions of Section 509.<br>5. All materials and equipment used and maintained in connection with a home occupation must be used and stored inside the dwelling and accessory buildings.<br>6. No public display of items for sale shall be permitted.<br>7. A home occupation shall not create any nuisance or hazard, or other offensive condition such as that resulting from noise, smoke, fumes, dust, odors or other noxious emissions. Electrical or mechanical equipment |

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| | | that causes fluctuation in line voltage, creates any interference in either audio or video reception or causes any perceivable vibration on adjacent properties is not permitted.<br>8. The use shall not generate more pedestrian or vehicular traffic than is typical to the zone in which it is located.<br>[Ord. No. 442] |
| All Permitted or Conditional Uses of the Zoning District | AR | 1. Cattle, horses, sheep, goats, dogs, cats, birds, fowl, and any other living animals, and the pens, stalls, stables, yards, shelters, cages, areas, places, and premises where they are held or kept, shall be so maintained that flies, insects, or vermin, rodent harborage, odors, ponded water, the accumulation of manure, garbage, refuse or other noxious material do not become a public health nuisance and do not disturb the peace, comfort, or health of any person.<br>2. Any person, firm, or corporation is prohibited from keeping or sheltering any animal, bird, or fowl other than a household pet within one hundred (100) feet of a building, other than his own, used for human habitation.<br>3. Pigs shall not be kept within the city limits. |
| Viniculture | AR | 1. The irrigated area in any parcel of viniculture shall not exceed one-half (1/2) acre.<br>2. Adjoining parcels including up to one-half (1/2) acre of irrigated area shall be considered separate parcels for the purposes of this Article.<br>3. A separate water meter shall be required for each parcel of viniculture, and each shall require an application for water service and payment of applicable water hookup fees, in accordance with the provisions of Chapter 13, "Water," of the Jerome Town Code.<br>4. Water usage for each parcel used for viniculture shall be subject to Town water restrictions.<br>5. If water availability decreases for any reason, including but not limited to drought, climate conditions or system failure, restrictions may be placed on water use according to the Town's Demand Reduction Strategies or any emergency measures in place or enacted at any future time.<br>6. The Town of Jerome shall not be held responsible for any loss of revenue or crop failures experienced as a result of water restrictions placed by the Town.<br>7. Flood irrigation will not be permitted.<br>8. A plan for a drip irrigation system must be submitted as provided in Section 16-5-2 below.<br>9. Each parcel used for viniculture activities shall require a Conditional Use Permit |

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| | | 10. Conditional Use Permit applications for viniculture activities shall be required to:<br>a. Provide estimated peak monthly water usage for each parcel of viniculture.<br>b. Demonstrate that fifty percent (50%) of the proposed peak monthly water use can be provided through methods other metered distribution, such as catchment, cistern, hauling, greywater or overflow.<br>c. Provide a plan for drip irrigation in conjunction with the site plan.<br>d. Provide a written release holding the Town of Jerome harmless for any loss of revenue, crop failures, or additional expenses experienced as a result of restrictions and regulations imposed by the Town for purposes of controlling water supply, soil erosion, vista protection slope restrictions, water drainage, planning and zoning, and restoration of natural vegetation upon termination of conditional use permit.<br>e. Provide a fully-executed agreement to waive rights and remedies under Arizona Revised Statutes §12-1134 (Prop 207)<br>11. Viniculture operations are strongly encouraged to utilize organic methods and minimize the use of chemicals. The Town reserves the right to place restrictions in this regard in accordance with regulations or recommendations which may be promulgated by the Town, County, State or Federal government.<br>12. Town water shall not be provided for irrigation, agriculture or viniculture located outside of Town limits, except as provided herein.<br>13. Vineyards located outside of Town limits which are in existence and which purchase water from the Town of Jerome as of the adopted date of this Ordinance will be entitled to continue to purchase Town water at rates established from time to time by the governing body, subject to the standards above.<br>14. Vineyards located outside of Town limits which are in existence and which purchase water from the Town of Jerome as of the adopted date of this Ordinance will be required to submit documentation to the Town regarding the size of the area of their plantings and the number of vines planted. This information will be subject to verification by the Town of Jerome.<br>15. Any expansion of an existing vineyard outside of Town limits shall be considered a new vineyard for the purposes of this Article, and will not be eligible to purchase water from the Town of Jerome.<br>16. Vineyards located outside of Town limits which receive water from the Town of Jerome shall be |

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| | | subject to all of the provisions of Chapter 13, "Water," of the Jerome Town Code. |
| Manufacturing incidental to a permitted use | C-1, I-1 | 1. 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.<br>2. 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, unless in the opinion of the Town Council such activity is not detrimental to public health, safety and general welfare. |
| Research and Product Development | C-1, I-1 | 1. All activities shall be conducted entirely within enclosed buildings |
| All Permitted or Conditional Nonresidential Uses of the Zoning District | C-1 | 1. All activities, except as otherwise addressed herein, shall be conducted entirely within enclosed buildings.<br>2. Outdoor storage or display of goods or materials shall be prohibited.<br>3. Warehousing or indoor storage of goods or materials, exceeding that normally incidental to permitted uses, shall be prohibited. |
| Wireless Communication Facilities | AR, C-1, I-1 | 1. New wireless communication facilities shall be stealth design to minimize or mitigate the adverse visual impact through proper design and aesthetics that ensure the communication tower is compatible with the built environment in which it is located. Because of differing circumstances specific to each site, a communication tower that is considered to be stealth in one location may not be considered to be stealth in a different location. Methods of stealth design include, but are not limited to:<br>a) Design that mimics surrounding existing vegetation not to exceed forty feet in height.<br>b) Mounting antennas on existing structures that blend with the architecture of the structure on which the antennas are located.<br>c) Using color schemes that make the communication tower less noticeable.<br>d) Using church steeples, clock towers, bell towers, roof features or other such vertical architectural elements to conceal antennas and equipment.<br>e) Placing antennas on new or existing street signs, outdoor lighting poles, flag poles, windmills (both functional and faux), chimneys, cupolas, silos, smokestacks and utility poles which are designed to match the context and color of the host structure.<br>2. The applicant shall submit documentation detailing that applicable Federal Communications Commission and Federal Aviation Administration regulations have been reviewed and that the regulations are being complied with or that the communication |

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| | | tower is exempt from regulation prior to the issuance of the building permit.<br>3. The applicant shall submit with the site plan before and after photo simulations showing the tower and surrounding area.<br>4. Applicants for cellular phone antennas must provide evidence in writing that at least one cellular phone provider is committed to located on the tower.<br>5. For new towers the applicant shall submit a narrative explanation describing the community necessity for the new tower and resulting increase in coverage. The narrative shall list, and include a discussion of, the pros and cons of each prospective new tower site and co-location opportunity considered (along with maps showing the locations of each site) and shall state the reasons why each of the alternative sites and co-locations was not considered to be feasible. The narrative report shall be accompanied by before and after propagation maps prepared and signed by a radio frequency engineer evidencing that a gap in coverage exists and demonstrating how the proposed tower will eliminate the existing gap.<br>6. Facilities owned and operated by the Town for its use are not subject to the standards of this table.<br>7. Collocation of small wireless facilities within a right-of-way that are exempt from zoning pursuant to A.R.S. § 9-592 (I) or (J) do not require a conditional use permit or other zoning approval, |
| All Permitted or Conditional Nonresidential Uses of the Zoning District | I-1 | 1. NOISE: At no point on the property line shall the sound pressure level of any individual operation exceed the decibel levels in the designated octave bands of Table 411.a. (Excluding operation of motor vehicles or other transportation facilities.)<br>Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter.<br>Impulsive type noises shall be subject to the performance standards provided that such noises shall be capable of being accurately measured with such equipment. Noise capable of being so measured, for the purpose of this section, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of not more than plus or minus two (2) decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses. |

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| | | 2. SMOKE: No emission of smoke from any source shall be permitted to exceed a greater density than that density described as No. 1 on the Ringleman Chart. However, smoke may be emitted, which is equal to but not darker than No. 2 on the Ringleman Chart, for not more than four (4) minutes in any thirty (30) minute period. For the purpose of grading the density of smoke, the Ringleman Chart, as published by the U.S. Bureau of Mines shall be the standard.<br>3. GLARE OR HEAT: Any activity producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a nuisance or hazard along lot lines.<br>4. VIBRATION: No vibration shall be permitted which is discernible beyond the lot line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour of the day between the hours of 7:00 a.m. to 7:00 p.m., or of thirty (30) seconds or more duration in any one (1) hour during the hours of 7:00 p.m. and 7:00 a.m.<br>5. FLY ASH, DUST, FUMES, VAPORS, GASES AND OTHER FORMS OF AIR POLLUTION: No emission shall be permitted which can cause damage to health, to animals, or vegetation, or other forms of property, or which can cause any excessive soiling.<br>6. LIQUIDS AND SOLID WASTE: No wastes shall be discharged in the public sewage system which endangers the normal operation of the public sewage system.<br>7. ODORS: No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive in such a manner as to create a nuisance or hazard beyond the property lines. |

Table 411.a: Octave Bands

| **Octave band**<br>cycles per second | **Maximum sound pressure**<br>level in decibels<br>.0002 dynes per $CM^2$ |
|---|---|
| 0 - 75 | 72 |
| 75 - 150 | 67 |
| 150 - 300 | 59 |
| 300 - 600 | 52 |
| 600 - 1200 | 46 |
| 1200 - 2400 | 40 |
| 2400 - 4800 | 34 |
| Above 4800 | 32 |

## SECTION 412. DEVELOPMENT STANDARDS MATRIX

Table 412: Development Standards Matrix

| | Zone | | | | | |
|---|---|---|---|---|---|---|
| Development Standard | AR | R1-10 | R1-5 | R-2 | C-1 | I-1 |
| Minimum Lot Area | 10,000 SF | 10,000 SF | 5,000 SF | 5,000 SF | None | None |
| Minimum Lot Width | 100 Feet | 100 Feet | 50 Feet | 50 Feet | None | None |
| Minimum Square Footage of Dwelling/Building | 850 SF of enclosed floor space exclusive of any attached garage | 850 SF of enclosed floor space exclusive of any attached garage | 850 SF of enclosed floor space exclusive of any attached garage | 850 SF of enclosed floor space exclusive of any attached garage | None | None |
| Maximum Lot Coverage | 40%, including main building and all accessory buildings | 40%, including main building and all accessory buildings | 60%, including main building and all accessory buildings | 60%, including main building and all accessory buildings | None | None |
| Setbacks | | | | | | |
| Front[1] | 20 Feet | 20 Feet | 10 Feet | 10 Feet | 10 Feet | 10 Feet |
| Rear | 20 Feet[2] | 20 Feet[2] | 20 Feet[2] | 20 Feet[2] | 20 Feet[3] | 20 Feet[3] |
| Side | 10 Feet[4] | 10 Feet[4] | 5 Feet[4] | 5 Feet[4] | Notes[4, 5] | Notes [4, 5] |
| Maximum Building Height | 25 Feet[6] | 25 Feet[6] | 25 Feet[6] | 25 Feet[6] | 25 Feet[7] | 25 Feet[7] |
| Accessory Buildings[8] | | | | | | |
| Setbacks | Detached accessory buildings shall meet all required setbacks and maintain a space of five (5) feet from the main building or other structures. | Detached accessory buildings shall meet all required setbacks and maintain a space of five (5) feet from the main building or other structures. | Detached accessory buildings shall meet all required setbacks and maintain a space of five (5) feet from the main building or other structures. | Detached accessory buildings shall meet all required setbacks and maintain a space of five (5) feet from the main building or other structures. | Detached accessory buildings shall meet all required setbacks and maintain a space of five (5) feet from the main building or other structures. | Detached accessory buildings shall meet all required setbacks and maintain a space of five (5) feet from the main building or other structures. |
| Maximum Height | Detached accessory buildings shall be constructed to a height not greater than fourteen (14) feet to the peak or highest point of the roof, as defined in "Accessory Building, Height of." | Detached accessory buildings shall be constructed to a height not greater than fourteen (14) feet to the peak or highest point of the roof, as defined in "Accessory Building, Height of." | Detached accessory buildings shall be constructed to a height not greater than fourteen (14) feet to the peak or highest point of the roof, as defined in "Accessory Building, Height of." | Detached accessory buildings shall be constructed to a height not greater than fourteen (14) feet to the peak or highest point of the roof, as defined in "Accessory Building, Height of." | Detached accessory buildings shall be constructed to a height not greater than fourteen (14) feet to the peak or highest point of the roof, as defined in "Accessory Building, Height of." | Detached accessory buildings shall be constructed to a height not greater than fourteen (14) feet to the peak or highest point of the roof, as defined in "Accessory Building, Height of." |
| | | | | | | |

[1]The minimum front yard setback shall be ten (10) feet, except that where adjacent buildings within one hundred (100) feet establish a different front building setback, a new building may align with that established setback. Where a lot is situated between two (2) such buildings, the front yard setback shall be established by a line connecting the nearest front corners of the adjacent buildings. Where a lot has frontage on two (2) streets, the

required front yard shall be provided on both streets unless access is denied to one of the streets, then a rear yard shall be required.

[2] There shall be a rear yard of not less than twenty (20) feet in depth, except where the rear lot line is in common with, or separated by an alley from the side lot line of another lot, there shall be a rear yard of not less than ten (10) feet in depth. Where the rear lot line abuts an alley, the required rear yard shall be measured from the center line of the alley.

[3] There shall be a rear yard of not less than twenty (20) feet in depth, except where the rear lot line is in common with or separated by an alley from the side lot line of a lot in a commercial or industrial zone, there shall be a rear yard of not less than ten (10) feet in depth.

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

[5] Where the side lot line is in common with the side lot line of a property in a commercial or industrial zone, no side yard shall be required on that side. Where the side lot line is in common with the side lot line of a property in a residential zone, the side yard requirements of the residential zone shall apply to that side yard, provided nothing shall require such a side yard to be greater than ten (10) feet in width.

[6] As defined in "Building, Height Of". On slopes over forty-five percent (45%) there will be a one (1) foot reduction in height for each additional five percent (5%) of slope or portion thereof. Notwithstanding these provisions, no face of any building shall exceed thirty-five (35) feet above the low point of original grade as defined in "original grade". (see Appendix for diagrams).

[7] The maximum building height shall not exceed that established by any building within one hundred (100) feet on either or both sides of the lot. Where more than one such building is within one hundred (100) feet of the lot then the maximum building height of the nearest such building shall be the maximum building height of the lot. Except that where the lot is between two (2) such buildings, each within one hundred (100) feet of the lot, then the maximum building height of the center of this lot shall be that established by a line joining the highest point of the other such buildings. Nothing in the above shall require that the maximum building height in this district be less than twenty-five (25) feet. (see Appendix for diagrams). Notwithstanding these provisions no face of any building shall exceed thirty-five (35) feet above the low point of original grade as defined in "original grade."

[8] Accessory buildings shall be considered in determining yard, lot and area requirements. Accessory buildings shall not be used for human habitation.

# ARTICLE V: USE REGULATIONS

## SECTION 501. NONCONFORMING SITUATIONS

### A. DEFINITIONS

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

[Ord. No. 293]

### B. PURPOSE

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

### C. APPLICATION

1. Any nonconforming structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.
2. The lawful use of land, buildings, or structures existing on the effective date of this Ordinance, June 14, 1977, or any amendment thereof, may continue even though such use does not conform to the provisions of this Ordinance. However, if such nonconforming uses are discontinued for a period of six (6) months, any future use of said land or structure shall be in conformity with the provisions of this Ordinance.
3. No nonconforming use shall be extended to replace a conforming use.
4. A nonconforming use of a building or lot shall not be changed to another nonconforming use whatsoever. Changes in use shall be made only to a conforming use.
5. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.
6. A nonconforming building may not be reconstructed or structurally altered during its life to an extent which would increase the discrepancy between conditions existing at the time of the adoption of this Ordinance and the standards prescribed in this Ordinance.
7. No repairs, alterations, or additions shall be made to any building used for a nonconforming use or a nonconforming building which has been damaged by fire, flood, wind, earthquake, explosion or other calamity, act of God, act of the public enemy, or by the owner, to an extent which would increase the discrepancy between conditions at the time of such damage and the standards prescribed in this Ordinance.
8. A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building which existed prior to the enactment of this Ordinance shall not be deemed the extension of such nonconforming use.
9. Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been issued prior to the enactment of this Ordinance, provided the construction shall be diligently prosecuted within sixty (60) days of the date of this Ordinance, and the building is completed and used according to such plans as filed within one (1) year from the date of the Ordinance.
10. A building, or portion thereof, designed or clearly intended for a nonconforming use, but not so used at the time of the effective date of this Ordinance, may be used for such nonconforming

purpose if the use commences within six (6) months of the effective date of this Ordinance and no alteration occurs except as permitted herein. If the use does not commence within six (6) months, the building shall thereafter be used only in conformity with this Ordinance.

11. Notwithstanding any other provisions of this Ordinance, any automobile wreck yard or any other junkyard in existence in any zone at the date of enactment of this Ordinance shall (have), at the expiration of three (3) from such date, become a prohibited and unlawful use and shall be (have been) discontinued.
12. Whenever the boundaries of a zone shall be changed so as to transfer an area from one zone to another zone of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.
13. Nothing in this article shall be interpreted as authorization for approval of the continuance of the use of a building or premises in violation of regulations in effect at the time of the effective date of this Ordinance.
14. Notwithstanding any other provisions of this Ordinance, a building may be constructed on any lot of record before the adoption of this Ordinance in any zone in which such buildings are permitted even though such lot fails to meet the area or width requirements for with the zone, except that such construction shall conform to any lot coverage, yard and parking and loading requirements of the zone.
15. Where two (2) or more vacant contiguous lots of record, having continuous frontage, are owned by the same person at the time of the passage of the controlling ordinance, the land included in the lots shall be considered to be an undivided parcel and no portion of said parcel shall be used as a building site or sold which does not meet the area and width requirements of the zone in which the lot is located.

[Ord. No. 293]

## SECTION 502. GENERAL PROVISIONS

### A. APPLICATION

Except as hereinafter provided, no building, structure, or premise shall be used and no building or structure or part thereof shall be constructed, altered, repaired, improved, moved, removed, erected, demolished, or materially altered except in conformity with the provisions of the zone in which it is located. The provisions of this section are applicable to all zoning districts. Any use that is not specifically permitted is hereby declared to be a prohibited use, except as hereinafter provided.

### B. USE RESTRICTIONS

1. PRINCIPAL USES: Only those uses and groups of uses specifically designated as "Permitted Principal Uses" in zoning district regulations shall be permitted as principal uses; all other uses shall be prohibited as principal uses, except as otherwise provided herein.
2. CONDITIONAL USES: Certain specified uses designated as "Conditional Uses" may be permitted as principal uses subject to special conditions of location, design construction, operation, and maintenance specified in this Ordinance or imposed by the Planning and Zoning Commission.
3. ACCESSORY USES: Uses that are normally accessory and incidental to a permitted principal or conditional uses shall be permitted as specified in this Ordinance.
4. UNSPECIFIED USES: Whenever a use is proposed which is not listed as a permitted or conditional use in any zone district, the Zoning Administrator shall complete a review of the proposed use to determine its basic characteristics and similarity to existing permitted uses and make a determination as to whether the proposed use is permitted within the zone district. The Zoning Administrator's determination can be appealed as specified in this Ordinance.

### C. NONCONFORMING LOTS OF RECORD

1. Notwithstanding any other provisions of this ordinance, a building may be constructed on any lot of record before the adoption of this Ordinance in any zone in which such buildings are permitted, even though such lot fails to meet the area or width requirements for within the zone, except that such construction shall conform to any lot coverage and yard requirements of the zone.
2. Where two (2) or more vacant contiguous lots of record are owned by the same person at the time of the passage of the controlling ordinance, the land included in the lots shall be considered to be an undivided parcel and no portion of said parcel shall be used as a building site or sold which does not meet the area and width requirements of the zone in which the lot is located.

### D. REDIVIDING OF RECORDED LOTS

No lot may be divided to create a lot not in conformance with these regulations, unless. No lot shall be divided or combined in any manner other than through subdivision procedures as specified by the Subdivision Regulations.

### E. STREET AND UTILITY REQUIREMENTS

1. All lots shall abut a public street or legally recorded easement.
2. A building permit shall not be issued for a lot which abuts an undedicated portion of a partly-dedicated public street.
3. A building permit shall not be issued for any lot for which public sewerage or water supply is not available, unless and until the proposed mode of water supply and sewage disposal has been reviewed and approved in writing by the Yavapai County Health Department.

### F. DRIVEWAYS

1. General Requirement

All lots shall obtain vehicular access to a public street, either directly or through an approved shared-access easement, private access easement, or private street. No driveway shall be constructed, relocated, widened, resurfaced, altered, or otherwise modified without first obtaining the necessary permit(s) from the Town.

2. Driveways May Be Denied

   The Town may deny additional driveway connections where:

   a. Reasonable access already exists through an existing driveway or easement;

   b. Multiple driveways would create traffic or safety concerns;

   c. There is not sufficient space for adequately extending a driveway to park a vehicle entirely outside the right-of-way; or

   d. The property does not provide sufficient on-site area to:

      i. Allow vehicles to safely enter and exit the property; or

      ii. Prevent vehicles from routinely backing into the public street when leaving the site.

3. Driveway Surfacing

   Driveway surfacing shall extend from the parking area to the edge of the public roadway pavement and shall continue within the public right-of-way to meet existing roadway surfacing, or to a point designated by the Town Engineer where future roadway surfacing is anticipated.

   Acceptable surfacing materials shall be established by Town standards and may include asphaltic concrete, portland cement concrete, chip seal, permeable pavement, or other approved materials.

4. Residential Development

   Single-family residential driveways may remain unsurfaced unless otherwise required by the Town Engineer. Where surfacing is installed, it shall comply with Section 502.F.4.

5. Multifamily and Nonresidential Development

   All multifamily and nonresidential development shall provide paved driveway access between the public street and all required parking, loading, and circulation areas, unless modified by the Town Engineer to meet site constraints such as, but not limited to, topography, existing nearby access, and recorded easements. Such surfacing shall extend through the right-of-way as required by the Town Engineer.

6. Driveway Alterations

   Any relocation, widening, reconstruction, pavement change, additional curb cut, or modification of an existing driveway shall require a permit approved by the Town.

7. Culverts and Drainage

   Where a culvert is required, culvert ends shall be protected against crushing and erosion and shall conform to Town engineering standards. Alternative treatments may be approved by the Town Engineer.

8. Access Management

   The number, width, spacing, and location of driveways shall be subject to approval by the Town Engineer. The Town may require shared driveways, cross-access easements, reciprocal access agreements, or driveway closures when necessary to promote traffic safety and efficient roadway operations.

## G. SITE UNSUITABILITY

No land shall be used or structure erected where the land is held by the Commission to be unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low percolation rate or bearing strength, erosion susceptibility, or any other features likely to be harmful to the health, safety and general welfare of the community. The commission, in applying the provisions of this section, shall state in writing the particular facts upon which its conditions are based. The applicant shall have the right to present evidence contesting such determination to the Council if he desires, whereupon the Council may affirm, modify, or withdraw the determination of the unsuitability.

### H. DUMPING OR DISPOSAL

1. The use of land for the dumping or disposal of scrap iron, junk, garbage, rubbish, or other refuse, or of ashes, slag, or other industrial wastes or by-products, shall be prohibited in every district except as otherwise provided in this Ordinance.
2. The dumping of dirt, sand, rock or other material excavated from the earth shall be permitted in any district, provided that the surface of such material is graded, leaving the ground surface in a condition suitable for other use permitted in the district, provided that such fill does not so increase the elevation of the site as to prevent its development or use for other purposes and provided that such does not increase the susceptibility of the ground to erosion, landslide, flooding, or result in any other dangerous condition.
3. No person, firm, or corporation shall strip, excavate, or otherwise remove topsoil for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto.
4. No yard or other open space surrounding an existing building in any residential zone, or which is hereinafter provided around any building in any residential zone, shall be used for the storage of junk, debris, or abandoned or inoperable vehicles; except as specifically permitted herein, and as provided and regulated in any other applicable Town Ordinances.

### I. YARD, LOT, AND AREA REQUIREMENTS

1. No building shall be erected; nor shall any existing building be altered, enlarged, moved, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot, area and building location regulations hereinafter designated for the zone in which such building or open space is located, except, as otherwise specifically provided.
2. No yard or other open space provided about any building for the purpose of complying with the provisions of these Restrictions shall be considered as a yard or open space for any other building; and no yard or other open space on one (1) lot shall be considered as a yard or open space for a building on any lot.
3. Awnings, fire-escape stairs, window-type refrigeration units, suspended or roof evaporative coolers, and forced air furnaces may not project more than five (5) feet over any required yard, provided that they shall be no closer than three (3) feet to any lot line.
4. Architectural details such as canopies, cornices, and eaves may project not more than three (3) feet over any required yard, provided that they shall be no closer than three (3) feet to any lot line.
5. Sills, leaders, be1t courses and similar ornamental features may project not more than six (6) inches over or into any required yard.
6. Accessory Buildings (attached) – A private automobile garage, carport or accessory building having any part of a wall in common with a dwelling shall be considered an integral part of the main building in determining yard, lot, and area requirements.

7. Accessory Buildings (detached) – Any detached accessory building or swimming pool in any zone shall not be located in the front yard, shall be at least five (5) feet from the main structure, shall be at least five (5) feet from the rear and interior side lot lines, and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zone.
8. No automobile service station pump shall be located closer than twelve (12) feet to a street property line.
9. Except as provided herein, every part of a required yard shall be open to the sky and unobstructed. Trees, shrubbery, etc., shall not be considered obstructions.
10. No portion of any deck shall be located within five (5) feet of the lot line except in those districts where residential use is not a permitted use. In those districts, decks should conform to the required yard for that zone. Decks shall not encroach into any public easement. Square footage of decks shall be included in lot coverage for each zoning district.

[Ord. No. 374]

## J. BUILDING HEIGHT REQUIREMENTS

1. No building shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located, except as otherwise specifically provided.
2. Height regulations established elsewhere in this Ordinance shall not apply:
    a. In any district, to church spires, belfries, cupolas and domes not for human occupancy, monuments, water towers, flagpoles, non-commercial radio or television antennas, provided that such structures and antennas shall be so located and constructed that if it should collapse, its reclining length would still be contained on the property on which it was constructed.
    b. In industrial districts, to chimneys, smokestacks, derricks, conveyors, grain elevators, or similar structures wherein the industrial process involved customarily requires a height greater than otherwise permitted, provided that such structure shall be so located and constructed that if it should collapse, its reclining length would still be contained on the property on which it was constructed.
3. In any district, the height of a deck may not exceed twenty-seven (27) feet from the natural grade.

[Ord. No. 374]

## K. WALLS AND FENCES

1. No freestanding wall or fence shall be constructed until a permit for such construction has been issued by the Building Inspector. No such permit shall be issued until the application for such permit has been reviewed and approved by the Zoning Administrator and Historic Preservation and Design Review Board in accordance with the provisions of Section 303 and Section 304.
2. In any residential or commercial zone, no wall or fence over three (3) feet high shall be constructed or maintained nearer to the street line than the front and side walls of the building erected, nor be more than six (6) feet in height on any side or rear-lot-line. Provided, however, that open wire fences exceeding the above heights may be built around schools and other public or quasi-public institutions when necessary for the safety or restraint of the occupants thereof.
3. No fence or wall shall contain barbed wire, electrical current or charge of electricity, broken glass, or similar hazardous materials or devices, provided, however, that fences enclosing storage areas in industrial districts may use barbed wire so long as such wire is located not less than six (6) feet above grade.

## L. EXTERIOR LIGHTING

[CODIFIER'S NOTE: This subsection was rewritten with Ordinance 490 and moved to new **Section 502.1.**]

### M. REMOVAL OR DEMOLITION OF BUILDINGS OR STRUCTURES

No building or structure which has been wholly or partially erected on any property located within the Town of Jerome shall be demolished or removed until a permit for such demolition or removal has been issued by the Zoning Administrator. A permit for removal or demolition of any building or structure shall not be issued until the application for such a permit has been reviewed and approved by the Historic Preservation and Design Review Board in accordance with the provisions of Section 304.

### N. HOME OCCUPATIONS

[CODIFIER'S NOTE: This subsection was moved to Table 411: Use/Zone-Specific Standards in Section 411 and the use renamed to Live/Work Dwelling with Ordinance 497.]

### O. ANIMALS AND PETS

Except as otherwise permitted in this Ordinance, the keeping of animals in connection with each dwelling shall not exceed a total of three (3) pets, such as dogs, cats, and similar household pets, exclusive of animals under the age of six (6) months, and exclusive of birds, fish and other pets which at all times are kept within a fully enclosed building or accessory building, and which do not create odor or sound which is detectable on an adjoining lot.

### P. OFF-STREET PARKING REQUIREMENTS

1. Automobile off-street parking must be provided as required in Section 510.
2. Mobile homes, house trailers, commercial trailers, boat trailers, campers, or travel trailers shall not be stored, parked, or located in any zone other than as listed in the zone regulations, except that the storage of one boat trailer and not more than one uninhabited camper or uninhabited travel trailer shall be allowed for each residence. Such vehicles may not be stored in front yard of a residence.
3. A proposed development shall have adequate provisions for such items as convenience of access for public service vehicles, such as garbage collection vehicles, movement of emergency vehicles, and convenience of access to parking sites and other site improvements by site residents or users.
4. Ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas, and pedestrian ways shall be so designed as to promote safety and convenience.

### Q. BEEKEEPING

[CODIFIER'S NOTE: This subsection was rewritten with Ordinance 497 and moved to new Table 411: Use/Zone-Specific Standards in Section 411.]

### R. SWIMMING POOLS

1. Construction
    a. All swimming pools within the Town of Jerome are to be designed and constructed in accordance with the International Swimming Pool and Spa Code, 2018 Edition, published on or after August 31, 2017, by the International Code Council Inc.
2. Enclosures
    a. A swimming pool, or other contained body of water with eighteen inches or more in depth at any point and that is wider than eight feet at any point and is intended for swimming, shall be protected by an enclosure surrounding the pool area, as provided in this section.
    b. A swimming pool or other contained body of water required to be enclosed by subsection A, whether a below-ground or above-ground pool, shall meet the following requirements:

1) Be entirely enclosed by at least a five-foot wall, fence, or other barrier as measured on the exterior side of the wall, fence, or barrier.

2) Have no openings in the wall, fence, or barrier through which a spherical object four inches in diameter can pass. Any horizontal parts of a wall, fence, or barrier must either:

   i. Be spaced at least 45 inches apart vertically, or

   ii. Be located on the pool side of the barrier, in which case the barrier must not have any horizontal openings wider than 1¾ inches.

   iii. Wire mesh or chain link fences shall have a maximum mesh size of one and three-quarter inches measured horizontally.

3) The wall, fence, or barrier shall not contain openings, handholds, or footholds accessible from the exterior side of the enclosure that can be used to climb the wall, fence or barrier.

4) The wall, fence or barrier shall be at least twenty inches from the water's edge.

5) Gates for the enclosure shall:

   i. A pool gate must be self-closing and self-latching. The latch must either be at least 54 inches above the ground, or be located on the pool side of the gate with the release mechanism at least 5 inches below the top and no openings larger than ½ inch within 24 inches of the release. Alternatively, the gate may be secured with a padlock or similar locking mechanism that requires a key, electric opener, or combination, in which case the latch may be at any height.

   ii. Open outward from the pool.

c. If a residence or living area constitutes part of the enclosure required by subsection B for a swimming pool or other contained body of water in lieu of the requirements of subsection B, there shall be one of the following:

1) Between the swimming pool or other contained body of water and the residence or living area, a minimum four-foot wall, fence, or barrier to the pool area which meets all of the requirements of Section502.R.2.b.1-.5.

2) The pool shall be protected by a motorized safety pool cover which requires the operation of a key switch that meets the American Society of Testing and Materials emergency standards 13-89 and which does not require manual operation other than the use of the key switch.

3) All ground-level doors or other doors with direct access to the swimming pool or other contained body of water shall be equipped with a self-latching device that meets the requirements of Section 502.R.2.b.5.i. Emergency escape or rescue windows from sleeping rooms with access to the swimming pool or other contained body of water shall be equipped with a latching device not less than fifty-four inches above the floor. All other openable dwelling unit or guest room windows with similar access shall be equipped with a screwed-in-place wire mesh screen, or a keyed lock that prevents opening the window more than four inches, or a latching device located not less than fifty-four inches above the floor.

4) The swimming pool shall be an aboveground swimming pool that has non-climbable exterior sides that are a minimum height of four feet. Any access ladder or steps shall be removable without tools and secured in an inaccessible position with a latching device not less than fifty-four inches above the ground when the pool is not in use.

d. This section does not apply to:

1) A system of sumps, irrigation canals, irrigation, flood control or drainage works constructed or operated for the purpose of storing, delivering, distributing or conveying water.

2) Stock ponds, storage tanks, livestock operations, livestock watering troughs or other structures used in normal agricultural practices.

3) Public or semi-public swimming pools.

4) A swimming pool or contained body of water or barrier constructed prior to the effective date of this article.

e. A person on entering into an agreement to build a swimming pool or contained body of water or sell, rent or lease a dwelling with a swimming pool or contained body of water shall give the buyer, lessee or renter a notice explaining safety education and responsibilities of pool ownership as approved by the Arizona Department of Health Services.

3. Location

a. The requirements for the location of permanent pools shall be the same as the requirements for the location of accessory buildings and structures within the property's zoning district, except that:

1) Swimming pools shall be located on a lot in compliance with all applicable setback, grading, drainage, and other requirements of this Ordinance. Pools shall be designed, constructed, operated, and maintained so that drainage, overflow, backwash, or water released from the pool does not drain onto adjacent properties or adversely impact adjacent properties or public rights-of-way.

4. Permit Required

b. No swimming pool, except temporary pools, shall be constructed, enlarged, or altered until a permit has been obtained from the Town. Application for a permit shall be accompanied by plans and specifications in sufficient detail to indicate the following:

1) Lot or plot plan showing lot lines, easements, if any, pool area plan, and elevations with dimensions drawn to scale.

2) Pool dimensions, depths and volume in gallons.

3) Type and size of filter system, filtration and backwash capacities.

4) Pool piping layout, with all pipes and valves shown, and the type of materials to be used.

5) Size, type, and rated capacity of the pool pump.

6) Location and type of water supply, and waste disposal system.

7) Location and type of all electrical fixtures.

8) Conformity with provisions of this Section as required.

9) Conformity with provisions of Town Building, Plumbing and Electrical Codes as required.

10) Conformity with The International Swimming Pool and Spa Code

c. Exceptions

1) Any above-ground pool or water feature designed to hold less than 5,000 gallons or that is less than 18 inches deep shall not require a permit.

## SECTION 502.1 GENERAL PROVISIONS – EXTERIOR LIGHTING

[Section 502.1 created with Ord. No. 490]

### A. INCORPORATION BY REFERENCE

A.R.S. Title 49, Chapter 7, Light Pollution is hereby incorporated by reference

### B. PURPOSE

This section is intended to establish procedures and standards that ensure minimal light pollution, reduce glare, increase energy conservation, and afford every citizen and business of Jerome the flexibility to engage in the pursuit of safe, inexpensive lighting for the purpose of commerce and private use without detrimentally impacting the pristine nighttime environment free from light pollution, waste, trespass, or clutter.

### C. APPLICABILITY

1. This chapter shall apply to all outdoor lighting, including but not limited to, search, spot, or floodlights for:
    a. Buildings and Structures;
    b. Recreational Areas;
    c. Parking Lot Lighting;
    d. Landscape Lighting
    e. Other Outdoor Lighting
2. New lighting shall meet the requirements of this Code with regard to shielding and lamp type. The total outdoor light output after the new lighting is installed shall not exceed that on the site before the new lighting was installed, or that is permitted by this Code, whichever is less.
3. If the total cumulative increase in floor area is greater than 50 percent for single family residential or greater than 25 percent for all other uses, or if the total cumulative cost of any exterior modification, alteration or repair is greater than 25 percent of the valuation of the building as determined by the Zoning Administrator, then all exterior lighting fixtures shall comply with this Code. Cumulative modification, replacement, or repair of outdoor lighting constituting 25 percent or more of the permitted lighting output level for the parcel, no matter the actual amount of lighting already on the site, shall require all exterior lighting to comply with this Code.
4. Exemptions
    a. **Emergency Lighting**

        Lighting used only under emergency conditions, as declared by the Governor of the State of Arizona, Town of Jerome Mayor, or authorized County or Town public safety representative, shall not be subject to this Section 502.1

    b. **Seasonal Lighting**

        Temporary seasonal lighting between the months of October and January 15 shall not be subject to this Section 502.1, provided such lighting does not create glare to motorists or result in light trespass onto adjacent properties.

    c. **Lighting Required by FAA or FCC**

        Lighting required by the Federal Aviation Administration, or the Federal Communications Commission shall not be subject to this Section.

    d. **Special Events**

Special events that have been issued a special event permit shall be allowed temporary lighting for the duration of the event, provided such lighting does not create glare to motorists or result in light trespass onto adjacent properties.

e. **Street Lighting**

With the exception of shielding requirements, this Code does not apply to street lighting within Town and state rights-of-way.

5. Nonconforming Lighting

a. Existing historic nonconforming lighting in use prior to the adoption of this ordinance may continue to be used; if historic fixtures are damaged, they may be restored or repaired in efforts to preserve their historic nature.

b. Lighting that does not conform to all provisions of this Code shall be brought into compliance, in accordance with Section 502.1(C)(3). Until this time, no modification or replacement shall be made to a nonconforming fixture unless the fixture thereafter conforms to the provisions of this Code, except that identical lamp replacement is allowed.

c. In the event that an outdoor lighting fixture is abandoned or damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with the provisions of this Code.

## D. DEFINITIONS

As used in this Code, unless the context clearly indicates otherwise, certain words and phrases shall mean the following:

1. *Abandonment* means the discontinuation of use for a period of six months.
2. *Adaptive Controls* means hardware and/or electronics, used in conjunction with outdoor light fixtures, intended to dynamically alter or adjust the operation of those fixtures. Examples of adaptive controls include, but are not limited to, motion/occupancy sensors, dusk-to-dawn ('astronomical') timers, and photocells.
3. *Class 1 Lighting* means all outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities, and other similar applications where color rendition is important.
4. *Class 2 Lighting* means all outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, and parking lots where general illumination of the grounds is the primary concern.
5. *Class 3 Lighting* means any outdoor lighting used for decorative effects, including but not limited to architectural illumination, flag monument lighting, and illumination of trees, bushes, etc.
6. *Correlated Color Temperature (CCT)* means the temperature of a source of blackbody radiation whose spectrum best approximates the spectrum of a particular light source, expressed in units of Kelvins. Lamps with a CCT greater than 4000K are considered "cool" sources.
7. *Direct Illumination* means illumination resulting from light emitted directly from a lamp, luminaire, or reflector, not light diffused through translucent signs, or reflected from other surfaces such as the ground, building faces, or luminaire optics.
8. *Footcandle (abbreviated 'fc')* means a unit of illuminance or illumination, equivalent to the illumination produced by a source with luminous intensity of one candela at a distance of one foot and equal to one lumen incident per square foot (approximately 10.764 lux).

9. *Fully Shielded Fixture* means that fixtures are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.
10. *Initial Lumens* means the lumens rating of a lamp at the time of manufacture, not accounting for losses due to normal lamp aging, or the lumens rating for a brand new light bulb. Initial lumens are measured by manufacturers specifications and usually provided along with product packaging.
11. *Installed* means attached, or fixed in place, whether or not connected to a power source.
12. *Lighting Zone* means an overlay zoning system, establishing legal limits for lighting for particular parcels, areas, or districts in a community.
13. *Light Trespass* is spill light falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.
14. *Lumen* is the unit used to measure the actual amount of visible light, which is produced by a lamp as defined by the manufacturer.
15. *Luminaire* means the complete lighting assembly, less the support assembly.
16. *Lux (abbreviated 'lx')* means a unit of illuminance or illumination equal to one lumen per incident square meter (approximately 0.093 fc).
17. *Multi-class Lighting* means any outdoor lighting used for more than one purpose, when the purpose fall under the definitions for two or more lighting lasses as defined for Class 1, 2 and 3 Lighting above.
18. *Motion Sensing Lighting* means a fixture designed, and properly adjusted, to illuminate an area around a residence or other building by means of switching on a lamp when motion is detected inside an area or perimeter, and switching the lamp off when the detected motion ceases.
19. *Neon Lighting* means lighting using luminous gas filled tubes often formed into text, symbols, or decorative elements. Neon lighting includes tubes with typical diameters of 10 to 20 millimeters filled with neon, argon, xenon, or other gasses and producing various colors of light. Not included are replaceable T-8 (1-inch diameter) and T-12 (1.5-inch diameter) or PL ("compact") fluorescent tubes.
20. *Net Acreage* means the remaining ground area of a parcel after deleting all portions for proposed and existing public right-of-way and undeveloped area.
21. *Opaque* means only that the material must not transmit light from the internal illuminating source: the color of such opaque backgrounds is not restricted.
22. *Outdoor Light Fixtures* means all outdoor illuminating devices, reflective surfaces, lamps, and other devices, either permanently installed or portable, which are used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot, and floodlights for:
    d. Buildings and Structures
    e. Recreational Areas
    f. Parking Lot Lighting
    g. Landscape and Architectural Lighting
    h. Billboards and other Signs (advertising or other)
    i. Street Lighting
    j. Product Display Area Lighting

k. Building Overhangs and Open Canopies

23. *Person* includes a corporation, company, partnership, firm, association, or society, as well as a natural person.
24. *Planning and Zoning Director* means the Director of Planning and Zoning for the Town of Jerome or their designated representative.
25. *Temporary Lighting* means lighting which does not conform to the provisions of this Code and which will not be used for more than one thirty (30) day period within a calendar year. Temporary lighting is intended for uses which by their nature are of limited duration; e.g., holiday decorations, civic events, or construction projects.
26. *Total Outdoor Light Output* means the maximum total amount of light measured in lumens, from all outdoor light fixtures on a property. For lamp types that vary their output as they age (such as high-pressure sodium and metal halide), the initial output, as defined by the manufacturer, is the value to be considered.
27. *Translucent* means light is transmitted from the internal illumination source.
28. *Unshielded* means a fixture that allows light to be emitted above the horizontal directly from the lamp or indirectly from the fixture or a reflector.
29. *Watt* is the unit used to measure the electrical power consumption (not the light output) of a lamp.

## E. GENERAL REQUIREMENTS

All light fixtures and streetlamps where able, shall be aimed or shielded so that the direct illumination shall be confined to the property boundaries of the source. Direct illumination must not fall onto or across any public or private street or road. Motion-sensing lighting fixtures shall be properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases. All new development, qualified enhancements, and requirements as outlined in 502.1 must follow the Total Light Output requirements indicated in Section 502.1.L..

1. **Class 1 Lighting (High Activity Areas)**

   Lighting used for outdoor sales or eating areas, assembly or repair areas, signage, recreational facilities, and other similar applications where accurate color rendition is important to preserve the effectiveness of the activity. Commonly used in Lighting Zones 2 -4. (See Section 502.1.L)

2. **Class 2 Lighting (Security and Public Safety)**

   Lighting used for illumination of walkways, roadways, equipment yards, parking lots, and outdoor security where general illumination for safety or security of the grounds is the primary purpose. Commonly used in Lighting Zones 1-3. (See Section 502.1.L)

3. **Class 3 Lighting (Decorative and Accent)**

   Lighting used for decorative effects such as architectural illumination, flag and monument lighting, and illumination of landscaping elements. All Class 3 lighting shall be selected, designed, installed, and aimed so that there is a minimum amount of spill beyond the area(s) to be lighted. Commonly used in Lighting Zones 0-2. (See Section 502.1.L)

4. **Multi-Class Lighting**

   Lighting used for more than one purpose, such that the use falls within more than one class as defined for Class 1, 2, or 3 lighting. Multi-class lighting must conform to the standards that apply to the most restrictive included class.

5. **Lighting Plan Submittal Required**

   Whenever new exterior lighting is proposed, the applicant shall submit an application, and as part of the application, shall submit sufficient information to enable the Zoning Administrator to

determine whether proposed lighting complies with this Code. All applications may be subject to review and action by the Planning and Zoning Commission at the discretion of the Zoning Administrator. The lighting plan shall include information as determined by the Zoning Administrator.

6. **Plan Approval**

   If the Zoning Administrator determines that any proposed lighting does not comply with this Code, the associated permit shall not be issued, or the application approved, unless an alternative is approved pursuant to Section 502.1(E)(7) below.

7. **Discretionary Approval of Lighting Alternatives**

   The Zoning Administrator may approve alternative lighting designs, materials, or methods of installation or operation not specifically prescribed by this Code, provided the proposed alternative:

   a. Results in approximate equivalence to the applicable specific requirement of this Code; and

   b. Complies with the purpose of this Code as stated in subsection 502.1(B).

8. **Warm Lighting Requirements and Alternatives**

   a. All Class 2 Lighting shall be either low-pressure sodium (LPS) lamps, narrow spectrum amber LEDs, or warm lighting alternatives not to exceed 2,700 Kelvin

   b. For Class 1 Lighting, a development may be eligible for an additional 10 percent increase in the total lighting output level allowed if 50 percent or more of the Class 1 lighting complies with subsection 502.1(E)(8)(a).

9. **Prohibited Lighting Types and Fixtures**

   a. Outdoor floodlighting by floodlight projection above the horizontal plane is prohibited.

   b. Mercury vapor light bulbs and fixtures.

   c. Lamps emitting a Correlated Color Temperature (CCT) in excess of 4,000 Kelvin

   d. Searchlights, laser source lights, strobe or flashing lights, illusion lights or any similar high intensity light shall not be permitted, except in emergencies by police and fire personnel.

   e. Unshielded lights.

   f. Permanent exposed string lighting for mixed-use and nonresidential uses is prohibited, except as allowed in the subsection immediately below

   g. Ambiance lighting for outdoor dining/bar areas, interior courtyards, and/or event venues may be allowed subject to compliance with all other provisions of this Code and with approval by the Zoning Administrator on a case-by-case basis. In reviewing proposals for such lighting, the Zoning Administrator shall consider lighting types, locations, and time of use. Permanent outdoor string lighting shall not flash, blink, fade, or strobe and shall be included in the total partially shielded lumen count for the property. Such lighting, if allowed by the Zoning Administrator, shall be extinguished immediately after outdoor hours of operation.

10. **Shielding and Light Trespass**

    a. All light fixtures are required to be fully shielded, unless approved by the Planning and Zoning Director pursuant to Section 502.1(E)(6-7).

    b. Partially shielded light fixtures approved by the Zoning Administrator as part of a lighting alternative pursuant to 502.1(E)(7) are limited to a maximum of 3,850 initial lumens per net acre and shall not exceed 1,400 initial lumens per lamp.

c. All light fixtures shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source. Lighting shall not be aimed onto adjacent properties, except in cases of shared parking, pursuant to 502.1(E)(7), shared pedestrian pathways, or for coordinated development sites spanning multiple parcels.

11. **Lighting Controls**

d. Motion Sensors

2) May be used where the sensor is triggered by activity within the property lines and not triggered by activity outside the property lines.

3) Motion-sensing fixtures shall be fully shielded and properly adjusted, according to the manufacturer's instructions, to turn off in a reasonable timeframe after the detected motion ceases.

e. Lighting Time Limitations

4) Except for flagpole lighting and landscape lighting, Class 1, and Class 3 lighting shall be extinguished during nonbusiness hours. Lodging businesses are encouraged to reduce lighting during off-peak hours overnight.

5) Landscape lighting shall be extinguished by close of business or 10:00p.m. whichever is later.

6) Multi-class lighting shall conform to the time limitations of the strictest class.

## F. UPLIGHTING, EXTERIOR BUILDING LIGHTING AND SIGN ILLUMINATION

1. Subject to the approval of the Zoning Administrator, uplighting or ground-mounted lighting may be allowed to accent unique features of a building and/or surrounding landscaping such as exceptional architectural features, specimen trees with dense year-round foliage, or large native shrub masses, and shall be designed and installed to minimize glare with special consideration to vehicular and pedestrian traffic.
2. All lighting shall be fully shielded to contain and direct the light onto the feature to be illuminated.
3. All uplighting shall be considered partially shielded for the purposes of calculating lighting output levels.
4. All Class 3 lighting shall be selected, designed, installed, and aimed so that there is a minimum amount of spill beyond the area intended to be lighted.
5. Exterior building lighting may be considered Class 1, 2 or 3 Lighting depending on the size, function, illumination, design, and lighting intent.
6. Soffit-mounted light fixtures should be recessed into the soffit or otherwise fully shielded.
7. Architectural lighting shall only be used to highlight special features. The lighting of expansive wall planes or lighting resulting in hot spots on wall or roof planes shall be prohibited.
8. Lighting above entryways or along building perimeters shall use fully shielded fixtures.
9. Lighting used for all externally illuminated signs shall conform to all restrictions of the Code, shall be fully shielded, and shall be turned off at 10:00p.m. or when the business closes, whichever is later.
10. Outdoor internally illuminated advertising signs shall either be constructed with an opaque background and translucent letters and symbols or with a colored (not white, cream, off-white, yellow, or other light color) translucent background with either translucent or opaque letters and symbols. Opaque means only that the material must not transmit light from the internal illumination source: the color of such opaque backgrounds is not restricted by this section.

Lamps used for internal illumination of such signs shall not be included in the lumens per net acre limit set forth. All internally illuminated signs shall be turned off at 10:00 p.m. or when the business closes, whichever is later.

### G. PARKING AREA AND PEDESTRIAN WALKWAY LIGHTING

Parking area and pedestrian walkway lighting is considered Class 2 lighting.

1. Parking lot lighting shall use fully shielded fixtures.
2. Parking lot poles shall not exceed 12 feet in height.
3. Low-level pedestrian walkway lighting;
    a. Considered Class 2 lighting shall utilize fully shielded fixtures;
    b. Shall use shatterproof lamp coverings;
    c. Shall not cause the site to exceed the lighting output level established in this Code;
    d. Shall not be located to present hazards for pedestrians or vehicles.
4. Post or bollard-type walkway lights shall be painted in darker colors such as black, dark brown, dark gray, or other dark earth tones.

### H. OUTDOOR DISPLAY LOTS

Light for outdoor display lots shall be considered Class 1, and shall conform to the lumens per acre limits established except as follows:

1. All such lighting shall be fully shielded; partially shielded fixtures shall be prohibited.
2. If the proposed lumens exceed the per-acre limits, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America and shall require approval by the Planning and Zoning Director pursuant to 502.1(E)(7).
3. Outdoor display lot illumination design shall be certified by an Arizona registered engineer as conforming to all applicable restrictions of this Code.
4. Outdoor display lot lighting shall conform to the hours of operation as established under Class 1 lighting standards pursuant to Section 502.1(E)(11)(b).

### I. INSTALLATION AND MAINTENANCE

1. For all projects where the total initial output of the proposed lighting equals or exceeds 70,000 fixture lumens, or if the Zoning Administrator determines it is necessary, certification that the lighting, as installed, conforms to the approved plans shall be provided by a certified engineer before a Certificate of Occupancy is issued. Until this certification is submitted, approval for the use of a Certificate of Occupancy shall not be issued for the project.
2. Any proposed change to the type of light source after a permit has been issued shall require submitting a change request to the Zoning Administrator for approval prior to the substitution.

### J. TEMPORARY LIGHTING PERMITS

1. The Zoning Administrator may grant a permit for temporary lighting if he or she finds all of the following:
    a. The purpose of which the lighting is proposed is not intended to extend beyond thirty (30) days;
    b. The proposed lighting is designed in such a manner as to minimize light as much as feasible;
    c. The proposed lighting will comply with the general intent of this Code; and
    d. The permit will be in the public interest.

2. The Zoning Administrator shall rule on the application within five (5) days from the date of submission of the request and notify the applicant in writing of their decision. The Zoning Administrator may grant one (1) renewal of the permit for an additional thirty (30) days if they find that, because of an unanticipated change in circumstances, a renewal would be in the public interest. The Zoning Administrator is not authorized to grant more than one temporary permit and one renewal for the same property within one calendar year.

## K. VARIANCES

Any person desiring to install an outdoor lighting fixture in violation of this Code may apply to the Board of Adjustment for a variance from the regulation in question. Such variances shall be allowed only as provided by Section 106 of Jerome Zoning Ordinance.

## L. TOTAL LIGHTING OUTPUT

1. Lighting Zones
    a. Zone O
        1) Applies to areas in which permanent lighting is not expected or, use is limited to the amount of lighting and period of operation.
        2) Includes undeveloped areas, wilderness parks and preserves, astronomical observatories, or areas where a dark environment is critical.
        3) Special review should be required for any permanent lighting in this zone.
    b. Zone 1
        1) Areas that desire low ambient lighting levels.
        2) Typically single and two family residential communities, rural town centers, business parks and agricultural areas.
        3) May also include developed area in parks or other natural settings.
        4) Can be Class 2 or Class 3 Lighting.
    c. Zone 2
        1) Areas with moderate ambient lighting levels.
        2) Typically multifamily residential use, institutional residential use, schools, churches, hospitals, hotels/motels, recreation facilities, and commercial or business districts with moderate nighttime activities.
        3) Can be used to accommodate outdoor sales or light industry in an area other LZ-1
        4) Can be Class 1, Class 2, or Class 3 Lighting.
    d. Zone 3
        1) Areas with moderately high lighting levels.
        2) Typically include commercial corridors, high intensity suburban commercial areas, town centers, mixed use areas, industrial and shipping and rail yards with high nighttime activity.
        3) Can also include High use recreational facilties and playing fields, regional shopping malls, car dealerships, gas stations, and other nighttime active retail areas.
        4) Can be Class 1, Class 2, or Class 3 Lighting
    e. Zone 4

1) Areas with High Ambient lighting levels
2) Should only be used for special cases and is not appropriate for most cities.
3) May be used for unusual installations such as high-density entertainment, heavy industrial use, or major manufacturing.
4) Typically, only Class 1 lighting is used in this Zone.
5) Currently, there are no known uses for this Class or Zone within the limits of the Town of Jerome.

2. Lighting Applications

**Table 502.1.L.2a Residential/Agricultural Lighting Applications**

| **Residential/Agricultural Application** | **LZ 0** | **LZ 1** | **LZ 2** | **LZ 3** | **LZ 4** |
|---|---|---|---|---|---|
| Allowed Lumens Per SF | 0.5 | 1.25 | 2.5 | 5.0 | 7.5 |
| Allowed Base Lumens Per Site | 0 | 3,500 | 7,000 | 14,000 | 21,000 |
| Residential Max Allowed Luminaire Lumens* for Unshielded Luminaires at one entry | 0 | 420 | 630 | 630 | 630 |
| Residential Max Allowed Luminaire Lumens* for Fully Shielded Luminaire | 630 | 1,260 | 1,260 | 1,260 | 1,260 |
| Residential Max Allowed Luminaire Lumens* for Unshielded Luminaires Excluding Main Entry | 0 | 315 | 315 | 315 | 315 |
| Residential Max Allowed Luminaire Lumens* for each Shielded Directional Flood Lighting | 0 | 0 | 1,260 | 2,100 | 2,100 |
| Residential Max Allowed Luminaire Lumens* for each Low Voltage Landscape Lighting | 0 | 315 | 525 | 525 | 525 |
| Residential Max Allowed Luminaire Lumens* for each Landscape Lighting | 0 | 0 | 1,050 | 2,100 | 2,100 |

*Luminaire Lumens equals initial Lamp Lumens for a lamp, multiplied by the number of lamps in the luminaire

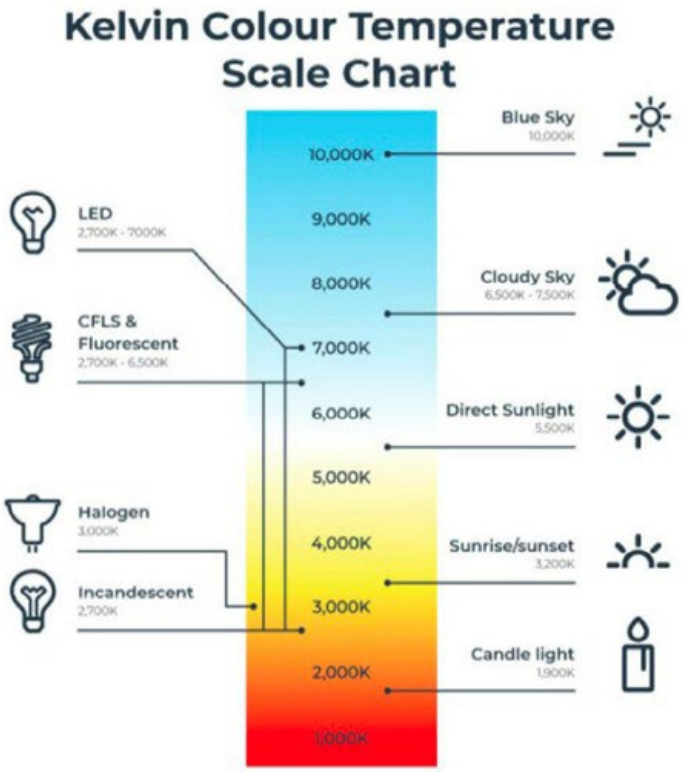
**Table 502.1.L.2b Commercial Lighting Applications**

| Commercial Application | LZ 0 | LZ 1 | LZ 2 | LZ 3 | LZ 4 |
|---|---|---|---|---|---|
| Allowed Lumens Per SF | 0.5 | 1.25 | 2.5 | 5.0 | 7.5 |
| Allowed Base Lumens Per Site | 0 | 3,500 | 7,000 | 14,000 | 21,000 |
| Non-Residential Outdoor Lighting (Hardscape Area Method) Base Allowance | .5/SF of Hardscape | 1.25/SF of Hardscape | 2/SF of Hardscape | 5/SF of Hardscape | 7/SF of Hardscape |
| Commercial Building Entrances/Exits (Allowance is per door. Luminaires must be within 20 feet of the door) | 400 | 1,000 | 2,000 | 4,000 | 6,000 |
| Commercial Building Facades (Allowance is lumens per unit area of building façade that are illuminated. Luminaires must be aimed at the façade and capable of illuminating it without obstruction.) | 0 | 0 | 8/SF | 16/SF | 24/SF |
| Canopies (Allowance is lumens per unit area for total area within drip line of canopy. To use allowance luminaires must be located under the canopy.) | 0 | 3/SF | 6/SF | 12/SF | 18/SF |
| Outdoor Dining (Allowance is lumens per unit area for the total illuminated hardscape of outdoor dining. Luminaires must be within 2 mounting heights of the hardscape | 0 | 1/SF | 5/SF | 10/SF | 15/SF |

**Table 502.1.L.2c Lumens vs Watts Comparison Chart**

| Actual Light Generated | Incandescent Bulbs | Fluorescent Bulbs (CFL) | LED Bulbs (Light Emitting Diode) |
|---|---|---|---|
| Lumens | Watts | Watts | Watts |
| 250 | 25 | 4-9 | 3 |
| 450 | 40 | 9-13 | 4-5 |
| 800 | 60 | 13-15 | 6-8 |
| 1,100 | 75 | 18-25 | 9-13 |
| 1,600 | 100 | 23-30 | 16-20 |
| 2,000 | 125 | 28-40 | 20-25 |
| 2,600 | 150 | 30-55 | 25-28 |

**Chart 502.1.L.2a Kelvin Color Temp Scale Chart**



**SECTION 503. "AR" ZONE, AGRICULTURAL RESIDENTIAL**

[CODIFIER'S NOTE: This subsection was rewritten with Ordinance 497 and moved to new Section 403.]

**SECTION 504. "R1-10" ZONE, SINGLE FAMILY RESIDENTIAL**

[CODIFIER'S NOTE: This subsection was rewritten with Ordinance 497 and moved to new Section 404.]

SECTION 505. "R1-5" ZONE, SINGLE FAMILY RESIDENTIAL
[CODIFIER'S NOTE: This subsection was rewritten with Ordinance 497 and moved to new Section 405.]

**SECTION 506. "R-2" ZONE, SINGLE- AND TWO-FAMILY RESIDENTIAL**

[CODIFIER'S NOTE: This subsection was rewritten with Ordinance 497 and moved to new Section 406.]

**SECTION 507. "C–1" ZONE, GENERAL COMMERCIAL**

[CODIFIER'S NOTE: This subsection was rewritten with Ordinance 497 and moved to new Section 407.]

**SECTION 508. "I-1" ZONE, LIGHT INDUSTRIAL**

[CODIFIER'S NOTE: This subsection was rewritten with Ordinance 497 and moved to new Section 408.]

## 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. APPLICATION

The provisions of this section are applicable to all zone districts of this Ordinance.

### C. DEFINITIONS

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

1. Area – Sign area is calculated as the area within a continuous perimeter that encloses the limits of text and graphics of a sign, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign's message from the background against which it is placed. The area excludes the structure upon which the sign is placed and sign supports.
2. Barber pole – a type of sign used by barbers to signify the place or shop where they perform their craft. The sign includes a staff or pole with a helix of colored stripes (usually red, white, and blue). The pole may be stationary or may rotate, often with the aid of an electric motor.
3. Billboard – Any free-standing sign exceeding fifty (50) square feet in surface area on any one face.
4. Clear vision triangle – 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 the 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.
5. Flying banner – a flexible or rigid pole attached to one side of a flexible fabric, generally in the shape of a feather, 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 that include, but are not limited to, "quill sign," "wing banner," "banana banner," "blade banner," "flutter banner," "flutter flag," "bowflag," "teardrop banner," and others. The definition includes functionally similar display devices.
6. Mannequin/skeleton/statue – a styled and three-dimensional representation of the human form.
7. Mural – See definition for *Sign, Painted*.
8. Organization – An organized body of people with a particular non-profit or for-profit purpose, such as a society, association, civic or charitable group.
9. Sign – An object meant to convey a message through the use of words or symbols. A sign can be painted on one or multiple surfaces, be freestanding, supported by a pole or attached to a building. All exterior signs, whether public or private, are regulated by this ordinance.
10. Sign, A-frame – A temporary, movable, freestanding sign placed on but not permanently anchored in the ground. This definition includes T-frame signs and other similar temporary signs. A-frame signs are typically constructed of wood, cardboard, plastic, or other lightweight and rigid material, and are often referred to as sandwich boards.

11. Sign, Aerial – A balloon or other airborne flotation device which is tethered to the ground or to a building or other structure that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered.
12. Sign, Animated or Moving – Any sign or part of a sign which changes physical position or light intensity by any movement or rotation or that gives the appearance of such movement or rotation.
13. Sign, Awning – A sign that is mounted, painted, or otherwise applied on or attached to an awning or other fabric, plastic, or structural protective cover over a door, entrance, or window of a building. A marquee or a canopy is not an awning.
14. Sign, Back-lit – An indirect source of light which illuminates a sign by shining through a translucent surface of a sign, including plastic signs, lit from an internal light source.
15. Sign, Banner – A sign of lightweight fabric or similar nonridged material that is mounted with no enclosing framework.
16. Sign, Bench – A bench or similar device containing either off-premise or on-premise advertising.
17. Sign, Canopy – A sign that is mounted, painted, or otherwise applied on or attached to a freestanding canopy or structural protective cover over an outdoor service area. An awning or a marquee is not a canopy.
18. Sign, Changeable-Copy – A sign, or portion thereof, with characters, letters, or illustrations that can be changed or rearranged manually without altering the face or surface of the sign. Examples include whiteboards, chalkboards, and menu boards.
19. Sign, Commemorative – A sign, tablet, or plaque commemorating or memorializing a person, event, structure, or site.
20. Sign, Construction -A temporary sign providing information about future development or current construction on a site and the parties involved in the project.
21. Sign, Direct Illumination – A sign whose light source is either located in the interior of the sign so that the rays go through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.
22. Sign, Directional – Signs limited to providing directions necessary or convenient for visitors or clients coming onto a premises including signs marking entrances and exits, parking areas, loading zones, or circulation direction.
23. Sign, Directory – A sign, other than an identification sign, listing the names, uses, or locations of the various businesses or activities conducted within a building or group of buildings, that is centrally located and intended to provide on-site directions.
24. Sign, Electronic Message Board – Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.
25. Sign, Fascia – A single-faced sign attached flush to a building.
26. Sign, Freestanding – A sign not attached to or supported by a building.
27. Sign, Gas-generated – Gas-generated signs or signs illuminated by gas-generated lighting.
28. Sign, Height – The vertical distance from the ground directly under the sign to the highest point of the sign.
29. Sign, Holiday Decoration – Temporary seasonal signs, in the nature of decorations, clearly incidental to and customarily associated with nationally recognized holidays and which contain no advertising message.

30. Sign, Home Occupation – A sign listing only the name or occupation of a permitted home occupation.
31. Sign, Indirect Illumination – Illumination of a sign that is effected by a source of light not contained within the sign itself.
32. Sign, Interior – Signs within a building not visible from outside. Interior signs are not regulated by this ordinance.
33. Sign, Marquee – A roof-like structure of a permanent nature that projects from the wall of a building or its supports and may overhang the public way.
34. Sign, Monument – A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.
35. Sign, Multitenant – An identification sign for a commercial site with multiple tenants, displaying the names of each tenant on the site.
36. Sign, Nameplate - A sign typically used to identify the business or residents of the premises, not exceeding 2 by 12 inches (2" x 12").
37. Sign, Off-premise – A permanent or temporary sign not located on the premises of the business that it advertises.
38. Sign, On-premise – A permanent or temporary sign located on the premises of the business that it advertises, 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.
39. Sign, Open/Closed – An exterior sign that indicates whether a business is open or closed.
40. Sign, Painted – A sign painted directly on the building façade.
41. Sign, Permanent – A sign permanently attached to a structure or affixed to the ground. Includes *Wall Signs, Free standing Signs, Projecting Signs, Painted Signs, and Barber poles*. Permanent signs are intended to advertise or call attention to any item, business, activity, or place; are visible from outside a building; and are intended to be in place for longer than thirty days.
42. Sign, Projecting – A mounted sign that projects from and is supported by a wall of a building.
43. Sign, Real Estate – A temporary sign that relates to the sale, lease, or rental of property or buildings, or to construction activities on a site.
44. 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, and "No Smoking" signs are examples of service signs.
45. Sign, Shingle – A sign suspended from and located entirely under a covered porch, covered walkway, or an awning.
46. Sign, Statuary – Any sign which is a modeled or sculptured likeness of a living creature or inanimate object intended to be used as an advertising device.
47. Sign, Temporary – A sign not permanently attached to a structure or to the ground. Examples of temporary signs include garage sale signs, temporary sale signs, contractor signs, banner signs, A-frame signs, T-frame signs, candidate signs, and real estate signs. Temporary signs shall only be displayed for a limited period. The definition of *temporary sign* does not include flags.
48. 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, and sign events.

49. Sign, Wall - A sign attached flush to the exterior surface of a building, or permanently applied to the exterior of a window of a building. The sign must not project above the roof. Light sources aimed at the wall sign may project further out from the wall.

50. Sign, Window – A sign affixed to the interior or exterior of a window or placed immediately behind a window pane so as to attract the attention of persons outside the building.

[Ord. No. 457; Ord. No. 472; Ord. No. 478]

### D. 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.
6. Bumper stickers on a vehicle.
7. Temporary signs for town-sponsored or co-sponsored events.

[Ord. No. 457; Ord. No. 478]

### E. 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. A-frame signs which are on private property (see additional standards regarding A-frame signs in paragraph G.9 of this Section).
    b. Changeable-Copy Signs.
    c. Directional Signs.
    d. Exterior temporary signs in the residential districts.
    e. Name-plate signs and business door identifiers not exceeding two by twelve inches (2” x 12”).
    f. Repainting or maintenance of signs, provided there is no change in size, shape, wording, composition, or color.
    g. Signs not permanently affixed to a window and located entirely within an enclosed building.
2. An application for a permanent sign permit shall be filed with the Zoning Administrator on a form prescribed by the zoning department and shall be accompanied by the required number of copies. Each copy shall be on one or more sheets of paper measuring no larger than 24 by 36 inches 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 that the Historic Preservation/Design Review Board may require in order to decide on the application, in accordance with Section 304.H.4 of the Zoning Ordinance.

g. Payment of a nonrefundable, 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 resubmit a modified plan without paying an additional fee. Payment of the filing fee shall be waived when the applicant is an agent 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 304. These plans shall be placed on the agenda of the next Historic Preservation/Design Review Board meeting.

4. Design Review

   The Historic Preservation/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 Historic Preservation/Design Review Board, the Zoning Administrator shall be instructed to issue the sign permit.

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

[Ord. No. 457; Ord. No. 472; Ord. No. 478]

### F. REGULATIONS APPLICABLE TO SIGNS IN ALL ZONES

1. The design, color, shape, materials, and style of permanent signs shall be subject to review and approval of the Historic Preservation/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, mannequin, skeleton or statue shall be constructed or placed in the clear vision triangle, 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. No sign or mannequin/skeleton/statue shall be constructed or placed in such a manner as to interfere with pedestrian traffic on public or private walkways, stairs, and/or handrails.

5. Freestanding signs shall not exceed four (4) feet in height.

6. 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.

7. Lighting shall be directed at the sign from an external 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.

8. Any existing nonconforming, permanent sign legally constructed or permitted prior to the adoption of this ordinance 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 Section 509 and Section 501.
9. Signs shall be removed within thirty (30) days of business relocation or closure.
10. 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 they do 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.
11. Painted Signs. Painted signs shall be subject to review by the Historic Preservation/Design Review Board in accordance with Section 304.H.4 of the Zoning Ordinance. The maximum number and area of painted signs shall be subject to the same restrictions and standards as other permanent signs.
12. 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. Examples of flags include, but are not limited to, the insignia of any nation, organization of nations, state, province, county, city; any religious, civic, or fraternal organization, or educational institution. The area of each flag shall not exceed sixteen (16) square feet, and the height of the flag shall be no taller than the building to which it is attached. 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; Ord. No. 472; Ord. No. 478]

### G. REGULATIONS APPLICABLE TO SIGNS IN RESIDENTIAL ZONES

1. One nameplate sign not exceeding 2 by 12 inches indicating the names of the occupants or business, and one set of numbers 4 by 12 inches indicating the street address shall be allowed for each dwelling unit without a permit.
2. One nonilluminated sign not exceeding eight (8) square feet in area shall be allowed on premises only to identify a home business and requires a permit and review by the Historic Preservation/Design Review Board. 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 that 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 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.
    e. Signs shall not be illuminated.

[Ord. No. 457; Ord. No. 472; Ord. No. 478]

### H. REGULATIONS APPLICABLE TO SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES

1. No more than two (2) permanent 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 maximum area of all permanent signs shall not exceed 32 square feet.
3. The area of any single wall, projecting, freestanding or canopy sign shall not exceed 16 square feet.
4. No sign shall extend above the roof of the building to which it is attached.
5. The bottom of any projecting sign shall be no lower than 8 feet above the ground directly below it.
6. No part of any projecting or freestanding sign may project over any roadway.
7. One (1) set of address numbers not exceeding 4 4 by 12 inches in total area shall be allowed in addition to normal sign allowances.
8. Temporary signs, which are promotional in nature and intended to advertise a specific event, activity, or business, are allowed in addition to other signs. Examples of temporary signs include, but are not limited to banner 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 shall not exceed sixteen (16) square feet.
    b. A maximum of one (1) temporary sign may be placed on the property.
    c. No business may display a temporary sign for more than thirty (30) consecutive days twice per calendar year.
    d. 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.
    e. Temporary signs shall maintain a minimum setback from the right of way of three (3) feet, unless there is a primary structure on the lot which is located closer to the right of way than three (3) feet, in which case the sign may be placed at the same setback as the primary structure.
    f. Temporary signs require administrative approval from the zoning administrator. Applications shall be submitted on a form prepared by the zoning administrator and shall demonstrate compliance with the standards of this section.
    g. Application for a temporary sign shall include payment of a nonrefundable, 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. Payment of the filing fee shall be waived when the applicant is an agent of the town, county, state, or federal government.
    h. Temporary signs shall not be illuminated.
9. A-frame signs are allowed without a permit provided they meet the following requirements:
    a. They do not exceed four (4) square feet in size.
    b. They do not exceed four (4) feet in height.
    c. They are located entirely on private property owned by the business that they are advertising.
    d. They are not left outside during non-business hours.

10. Changeable-copy signs are allowed without a permit provided they do not exceed four (4) square feet in size and are attached to the façade of a building. A maximum of one sign per business is allowed.
11. Directional signs are permitted in addition to normal sign allowances. No more than two (2) directional signs are allowed with a maximum total area of eight8 square feet. Directional signs do not require a permit.
12. Service signs offering information on incidental services or recommendations, e.g., VISA, MasterCard, WiFi, etc., are permitted in addition to normal sign allowances provided:
    e. They conform to all provisions contained in this section.
    f. They are inside a window.
    g. There is no more than one (1) sign per incidental service per public entrance to the business.
    h. Each sign does not exceed 16 square inches in area.

[Ord. No. 457; Ord. No. 472; Ord. No. 478]

### I. PROHIBITED SIGNS

1. Abandoned signs
2. Billboards
3. Digital or electronic signs with changeable copy
4. Flying banners
5. Flashing or blinking signs
6. Gas-generated signs
7. Inflatable and balloon signs
8. Mannequins/skeletons/statues displaying, wearing, or holding any advertising content such as flyers, business cards, or other promotional materials.
9. Moving and rotating signs – including rotating barber poles
10. Off-premise signs in the commercial or industrial zoning districts
11. Signs attached to or painted on trees, rocks or other natural features
12. Signs emitting any sound designed to attract attention
13. Signs in the clear vision triangle
14. Signs in the right-of-way
15. Signs blocking pedestrian pathways, stairs, or handrails
16. Signs painted on fences
17. Sign walkers
18. Signs with visible bulbs or luminous paints

[Ord. No. 472; Ord. No. 478]

## SECTION 510. PARKING AND LOADING REQUIREMENTS

### A. PURPOSE

The purpose of this section is to alleviate or prevent congestion of the public streets, and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking of motor vehicles in accordance with the use to which the property is put, It is the further purpose of this section to place upon the property owner the primary responsibility for relieving public streets of the burden of on-street parking.

### B. APPLICATION

The provisions of this section are applicable to all zone districts of this Ordinance.

### C. GENERAL REGULATIONS

1. A parking space shall mean an area of not less than one hundred sixty (160) square feet with a minimum width of eight (8) feet and a minimum depth of twenty (20) feet, which is specifically designated for and used for the parking of automobiles and light trucks.
2. An applicant for a new building permit must submit plans showing the off-street parking required by this subsection. These plans must show location, arrangement, and dimensions of the off-street parking, turning spaces, drives, aisles, and ingress and egress, and must be approved by the Zoning Administrator in accordance with the provisions of Section 303.
3. Whenever a permit has been issued in compliance with the requirements of this section, subsequent use of the structure, or use of land, is conditioned upon the unqualified availability of off-street parking as shown in the plans submitted in support of receiving the permit.
4. A base number of parking spaces shall be established for an existing building's designated use at the time of the passage of this Ordinance. A building's subsequent change of use that would normally decrease the number of off-street parking spaces shall not reduce the established base number of parking spaces. A change of use that would decrease the parking spaces would be able to change back to a higher use without penalty of losing spaces for five (5) years. Any subsequent change of use that requires an increase of off street parking spaces beyond the established base number of parking spaces shall be in accordance with the schedules set forth in Section 510.D.
5. It is unlawful to reduce the amount of existing parking below the minimum required by this section without first supplying other spaces as are required.
6. In the event of mixed uses, the total requirement for off-street parking spaces is the sum of the requirements of the various uses computed separately.
7. All off-street parking shall have access to/from a public street.
8. In calculating the total number of required off-street parking spaces, fractional amounts over fifty (50) percent shall be regarded as the next highest number.
9. A minimum of one (1) space is required for any use.

### D. DESIGN AND LOCATION OF PARKING SPACES

1. Residential Uses:
    a. Required off-street parking shall be located on the same lot or parcel as the use it is intended to serve, unless parking on a property within 500 feet that shares the same zoning designation as the subject property is available to the property owner. Those spaces may count toward the required parking. As part of the application, the property owner shall provide 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 properly graded to prevent impoundment of surface water.

2. Non-residential Uses:

   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 their 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.

   d. A variance from the requirement of Section D.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 Historic Preservation/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.

## E. 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. | Bowling alley | 4 spaces per alley or lane |
| 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 |
| c. | Day care center | 2 spaces plus 1 space per 500 sq. ft. of usable floor area |
| d. | Home occupation | No additional space |
| e. | Hospital or nursing home | 1 space per 2 beds |
| f. | Hotel | 1 space per rental unit |
| g. | Manufacturing, industry | 1 space per 500 sq. ft. of wholesaling usable area |
| h. | Medical, dental office, or clinic | 3 spaces per doctor |
| i. | Offices | 1 space per 300 sq. ft. of usable area |
| 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 |
| k. | Residential (except apartment) | 2 spaces per dwelling unit |
| l. | Residential (apartment) | 1 ½ spaces per dwelling unit |
| 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 |
| n. | Retail and service uses | 1 space per 300 sq. ft. of usable area |
| o. | School (elementary and middle) | 1 space per employee |
| p. | School (other than elementary and middle) | 1 space per 10 seats in main auditorium or 3 spaces per classroom whichever is greater |
| q. | Service station | 2 spaces, plus 1 space per service bay |
| r. | Warehouse | 1 space per 2,000 sq. ft. of usable area |
| s. | Studio | 1 space per 500 sq. ft. of usable area |

| | | |
|---|---|---|
| t. | Spirituous Liquor Tasting Facility | 1 space per 300 sq. ft. of usable area |

2. Requirements for a specific use not listed in this section shall be determined by the Planning and Zoning Commission based on the requirements of the most similar use listed.

[Ord. No. 324; Ord. No. 408; Ord. No. 465]

## F. ALTERNATIVE OFF-STREET PARKING STANDARDS

1. Because of the unique topography and history of development in the Town of Jerome, the ability to meet off-street parking standards can often be challenging. Providing greater flexibility to meet off-street parking requirements through shared parking agreements, existing public parking and shuttle services, and a parking justification analysis that establishes the minimum parking need for a use will create more opportunities for the preservation, rehabilitation, restoration, and reconstruction of properties throughout the Town of Jerome. The following standards are provided as an alternative and may be used in lieu of the standards in Section 510.D.
2. Neighborhood Meeting Required Near Existing Residential Development
    a. Applicants within 300 feet of an existing residence who opt-in to these alternative parking standards shall hold a neighborhood meeting prior to submittal of the application in accordance with Section 306 of this Ordinance.
3. Parking Requirements
    a. At least two off-street spaces shall be provided for residential uses except apartments.
    b. For all other uses, a parking justification analysis shall be provided.
        1) The Parking Justification Analysis shall include the following minimum contents:
            i. An analysis of the parking demand for existing and proposed onsite buildings and uses, including hours of operation and peak use time and demand for each proposed building or use.
            ii. The number and location of proposed onsite parking spaces, including ADA-accessible spaces.
            iii. The data source used to establish the number of proposed onsite parking spaces.
            iv. The existing and future anticipated available parking within and in the vicinity of the proposed development.
            v. If parking demand is proposed to be addressed offsite, reference to or copies of any shared parking agreement or other evidence of a right to park in that location.
            vi. Off-street loading requirements and impacts on surrounding uses and properties.
            vii. A summary of the neighborhood meeting, including topics discussed, concerns raised by neighboring property owners, and the applicant's response.
            viii. Any other information deemed appropriate by the Town Engineer, including, without limitation, a traffic study.
        2) Parking Justification Analysis Procedure
            i. The parking justification analysis shall be submitted to the Zoning Administrator in conjunction with a site plan. The Zoning Administrator shall circulate the parking justification analysis to the Town Engineer for comment. The Zoning Administrator and/or Town Engineer shall review the application and provide comments on specific deficiencies of the application. An applicant may revise the parking justification analysis until it is deemed satisfactory by the Zoning Administrator and Town Engineer.

ii. Within fourteen (14) days of receipt of a parking justification application, the Zoning Administrator shall determine the completeness of the application. If the application is incomplete, the Zoning Administrator shall provide the applicant with a comprehensive list of the specific deficiencies in a written notice. A resubmittal of an incomplete application shall be reviewed for completeness within seven (7) days. If the application is deemed to be complete, the Zoning Administrator shall forward the parking justification analysis to the Planning and Zoning Commission, which shall hear the application for parking justification.

iii. The Zoning Administrator shall then choose a reasonable time for the hearing, and shall give notice to interested parties and to the public by publication of a notice in a newspaper of general circulation in the area, and by posting one notice of the hearing on the property requesting the parking modification, not less than fifteen (15) days prior to the hearing. The notice shall set forth the time and place of the hearing, including a general explanation of the matter to be considered.

iv. The Commission shall act by recommending approval, denial, or continuing the application and hearing to a time and place certain.

v. The Council shall, within forty-five (45) days after the Commission action on a parking justification application, act on the recommendation of the Planning and Zoning Commission by either affirming, denying, or modifying the recommendation of the Planning and Zoning Commission. The Town Council may make a decision based on its own findings.

vi. The Council may designate such conditions in connection with the proposed alternative parking request as it deems necessary to secure the intent and purpose of this Ordinance and may require such guarantees and evidence that such conditions are being, or will be, complied with.

vii. The Council's decision shall be final and shall become effective immediately. Notice of the decision shall be mailed to the applicant at the address shown in the application.

viii. Failure of the applicant to comply with the conditions and safeguards that are a part of the terms under which an alternative parking request is granted shall be deemed a violation of this Ordinance and punishable under Section 110.

3) Standards for Parking Justification Analysis Consideration

i. The application for a parking justification analysis may be denied if it fails to address any adverse impacts on surrounding properties or the public.

ii. Parking demand may be based on standard modeling practices and may consider, as applicable, hours of operation, peak use periods, occupancy or capacity, employee and visitor demand, shared parking opportunities, availability of public parking and the Town shuttle, walkability, seasonality and tourism patterns, and other relevant site-specific or market-based factors.

## SECTION 511. HISTORIC OVERLAY DISTRICT

[CODIFIER'S NOTE: This subsection was rewritten with Ordinance 497 and moved to new Section 409.]

## SECTION 512. LANDSCAPE REQUIREMENTS

Exceptions to the standards of this section may be granted by the Town Council when it is determined that landscaping may interfere with defensible space techniques for wildfires or that the circumstances of a property make it infeasible to comply without significant expense to the property owner. Any individual may apply for a waiver to the standards of this section. Any appeals of decisions made by the Mayor and Council or Zoning Administrator to the standards of this section shall be heard by the Board of Adjustment.

### A. NATIVE PLANT & CULTURAL LANDSCAPE INVENTORY PLANS

This section is intended to protect and celebrate the unique local environment within the Town of Jerome and the greater Verde Valley.

1. Purpose:

   Preserve the Town of Jerome's sense of place by ensuring development reflects the character of the local environment, promotes water conservation through the use and retention of native plant species adapted to local conditions, protects vegetation that provides habitat for native wildlife, and conserves designed landscapes, historically significant plants, and spatial relationships that contribute to the Town's cultural and historic character.

   Development shall incorporate into Landscape Plans protected native plant species and cultural landscape features existing on a project site prior to construction, in quantities not less than those identified within the limits of disturbance. A qualified Plant Professional (defined below in *Section 512.A.6: Professional Expertise*) shall inventory all protected plants, including individual specimens and contributing landscape features such as gardens and plazas, and shall determine and document the minimum number of protected plants to be included in the Landscape Plans. Plant salvage is encouraged but not required; salvaged material and/or nursery stock may be used to meet these requirements. Cultural and designed landscapes that meet the eligibility requirements of the National Register of Historic Places but are not listed shall be included in the inventory.

2. Applicability:

   a. All new development requiring a Site Plan or Preliminary Plat review.

3. Exceptions:

   a. The site is for one single-family dwelling unit or a single duplex, triplex, or quadplex.

   b. The site does not contain any:

      1) Plants listed as Endangered or Threatened under the Federal Endangered Species Act (ESA);

      2) Plants listed on the Protected Native Plant List curated and maintained by the Town of Jerome;

      3) Features or plants that contribute to the cultural landscape of the Town of Jerome; or

      4) Other protected plants or features listed in *Section 512.A.8: Protected Plants and Landscapes*.

   c. Existing constructed landscape does not require inventory unless it has been deemed historic and is listed on a local, State, or Federal registry.

   d. Sites that have been completely disturbed, or the proposed development area of a site has been completely disturbed, and no cultural landscapes exist.

   e. If a Native Plant Exception is approved by the Town Council.

1) The Town Council may approve an exception to the requirements of this section upon recommendation of the Planning and Zoning Commission if the applicant demonstrates that:

i. Strict compliance with this Section is impractical due to site conditions, prior disturbance, public safety concerns, or the limited presence and/or poor condition of protected plants or cultural landscape features on the site;

ii. The requested exception is the minimum necessary to address the circumstances supporting the request; and

iii. The exception will not result in the unnecessary removal of protected plants, cultural landscape features, or historic resources.

iv. If the requested relief may be granted through the variance process established by this Ordinance, the applicant shall pursue a variance. A Native Plant Exception shall not be scheduled for consideration by the Planning and Zoning Commission or Town Council unless the Zoning Administrator determines that the requested relief is not eligible for a variance.

v. A Native Plant Exception shall be processed in accordance with the procedures outlined in Section 303.1.

4. Submittal Requirements:

   a. A Native Plant & Cultural Landscape Inventory Plan is required in conjunction with a project's Landscape Plans and must be approved through the Site Plan or Preliminary Plat review process.

   b. The Native Plant & Cultural Landscape Inventory Plan shall be in 24x36-inch format unless information can be shown clearly on a smaller sheet size.

   c. The Native Plant & Cultural Landscape Inventory Plan shall feature the content requirements as provided by the Zoning Administrator in the Landscape Guide for the Town of Jerome.

5. Plan Approval Prior to Site Modifications:

   a. No grubbing, grading, construction, or plant salvage may take place on the project site until approval of the required Native Plant & Cultural Landscape Inventory Plan. No grading permits shall be issued prior to submittal and approval of the Native Plant & Cultural Landscape Inventory Plan.

6. Professional Expertise

   a. Native plant inventory must be performed by a Plant Professional who can identify plant species in the field. Unless otherwise directed or approved by the Zoning Administrator, plant professionals include:

      1) Arborist (certified by the International Society of Arboriculture)

      2) Landscape Architect

      3) Horticulturist, Biologist, or Botanist with a minimum B.A. or B.S. in an appropriate environmental resource field

7. Plant Inventory Standards

   a. Plant Professional shall conduct a plant survey and tag all protected species within the project's grading limits.

   b. All protected plants shall be tagged with an embossed metal tag, or other approved equivalent, bearing an inventory number that corresponds to the inventory table.

8. Protected Plants and Landscapes

    a. Edible/ornamental trees and plants at the discretion of the Zoning Administrator

    b. Individual plants within Cultural Landscapes that have been deemed historic and are listed on a local, State, or Federal registry.

    c. Endangered or Threatened plants listed under the Federal Endangered Species Act.

    d. Other plants as listed on the Town of Jerome's Protected Native Plant List.

## B. LANDSCAPE PACKAGES

This section is intended to establish minimum standards for the installation and maintenance of plant material appropriate for the region, including irrigation for constructed landscapes.

1. Purpose:

    Reinforce the Town of Jerome's sense of place by ensuring constructed landscapes reflect the character of the local environment and respond to the semi-arid high desert climate, while establishing minimum standards for plant materials and irrigation.

    Constructed landscapes shall incorporate native, near-native, and drought-tolerant plant species to reduce water demand and reflect the surrounding environment. Design shall minimize heat gain through canopy trees, reduce erosion and runoff, and control dust from site disturbance.

    Landscape Packages shall incorporate passive rainwater harvesting and efficient irrigation, including smart technologies, to reduce potable water use. A Registered Landscape Architect, or similar design professional, shall prepare a Landscape Package demonstrating compliance with this section, including a Planting Plan, Irrigation Plan, Rainwater Harvesting Plan, and associated construction details.

2. Applicability:

    a. All new development that is proposed to disturb existing vegetation on a property.

    b. Expansion of existing development that removes existing vegetation on a site

        1) If the expansion removes less than 50% of the existing vegetation on a site, then the standards of this section only apply to the proposed expansion area.

        2) If the expansion area removes more than 50% of the existing vegetation on a site, then the standards of this section apply to the entire site.

3. Exceptions:

    a. Single-Family dwelling units or a single duplex, triplex, or quadplex.

    b. An applicant may apply for a Landscape Exception to waive the standards of this section. The Landscape Exception shall be approved by the Town Council. To approve a Landscape Exception, the Town Council shall determine that the required landscape standard would provide limited community benefit, create security or public safety concerns, adversely affect the historic character of a building or place, or that existing site features provide an equivalent level of buffering or screening. A Landscape Exception shall follow the process outlined in Section 303.1. If the requested relief may be granted through the variance process established by this Ordinance, the applicant shall pursue a variance. A Landscape Exception shall not be scheduled for consideration by the Planning and Zoning Commission or Town Council unless the Zoning Administrator determines that the requested relief is not eligible for a variance.

4. Submittal Requirements

    a. A Landscape Package must be submitted for approval with the Site Plan or Preliminary Plat at the time of the Site Plan or Preliminary Plat review process.

b. The Landscape Package shall be in 24x36-inch format unless information can be shown clearly on a smaller sheet size.

c. The Landscape Package shall feature the content requirements as provided by the Zoning Administrator in the Landscape Guide for the Town of Jerome and within Section 512 of this Ordinance.

5. Plan Approval Prior to Site Modifications:

   a. No grubbing, grading, construction, or plant salvage may take place on the project site until approval of the required Landscape Package. No grading permits shall be issued prior to submittal and approval of the Landscape Package.

6. Professional Expertise

   a. Landscape Packages must be prepared and sealed by a Landscape Architect, registered in the State of Arizona, or other design professional, such as an architect or engineer.

7. Planting Standards

   a. Plant Material: All plant material used for landscaping must be selected from the Arizona Department of Water Resources (ADWR) Verde Valley Low Water Use Drought Tolerant Plant List or other plants as determined by the Town Council through a landscape exception.

      1) Exceptions

         i. Oasis Areas and/or Natural Turf Area may be approved by the Town Council as a landscape exception.

            1. Oasis areas may feature plants not listed in the Arizona Department of Water Resources Low Water Use and Drought Tolerant Plant List.

            2. Oasis areas must be limited in scope and shall only include areas with outdoor seating/furnishings for gathering/assembly. Oasis areas shall not exceed 10% of the total project area.

            3. Oasis areas include: planting areas (beds or planters) for annual flowers, protected courtyards, vegetable gardens, etc.

            4. Natural Turf areas may feature grasses not listed in the ADWR Verde Valley Low Water Use and Drought Tolerant Plant List. Common Bermuda Grass is prohibited. Hybrid Bermuda Grass (sterile hybrid varieties) is permitted.

            5. Natural Turf Area shall be limited to accessible park space for residential projects only. Natural turf shall not be planted for aesthetic purposes. Natural turf area may exceed 3% of the total project area when used for active recreation.

         ii. The Town Council may approve plants not on the Verde Valley Low Water Use Drought Tolerant Plant List if it is determined that the use of an unlisted plant preserves or furthers the historic character of the Town of Jerome.

   b. Perimeter Landscape Borders: Perimeter Landscape Borders are intended to create a natural transition between dissimilar land use intensities to enhance the overall aesthetic of the community and promote compatibility between uses.

      1) Perimeter Landscape Border shall feature:

         i. A minimum width or quantity as determined by the Zoning Administrator;

         ii. One tree every 33 linear feet (minimum) unless site constraints prohibit the placement of trees;

         iii. Understory plants;

iv. Screen (e.g., decorative masonry wall, opaque ornamental fence, or vegetative hedge) at the back of the border.

2) Perimeter Landscape Border shall be located entirely on project property, unless use of right-of-way for landscape improvement is approved by the Town Engineer (or ADOT as necessary).

3) Exceptions:

i. No perimeter landscape border shall be required along boundaries where zero lot line development is proposed.

ii. No perimeter landscape border shall be required along boundaries where the proposed project use intensity matches the existing adjacent use intensity.

iii. No perimeter landscape border shall be required along boundaries where the project has preserved natural open space (10' width minimum).

iv. A Landscape Exception approved by the Town Council.

c. Parking Lot Landscape: Parking lots shall feature canopy trees to shade hardscape surfaces and parked vehicles. Generally, canopy trees should be planted along the edges of a parking lot, but site constraints may make this unfeasible. The Zoning Administrator shall have the authority to designate the location and quantity of parking lot trees.

d. Amenity Landscape: Amenity Landscape includes building foundation plantings, building entry plantings, plazas, courtyards, streetscapes, parks, and recreational open space, in addition to general landscaped common area.

1) Amenity Landscape shall feature:

i. Residential Projects: Minimum of one tree and three understory plants (i.e., shrubs, cacti, succulents, ornamental grasses, vegetative groundcovers) per residential unit or residential lot. Trees may be placed within front yards, within parks, along streetscapes, or within general common area. The Zoning Administrator may waive any portion of this standard for existing residential development being renovated, rehabilitated, or reconstructed.

1. Multifamily – New Construction: Trees shall be placed around buildings, along walkways, within plazas/courtyards, or within recreational areas.

2. Multifamily – Existing/Expansions: Per the direction of the Zoning Administrator and to the greatest extent possible, trees should be placed around buildings, along walkways, within plazas/courtyards, or within recreational areas.

ii. Streetscapes: The design of streetscapes has been influenced by the topography of the area and helps contribute to the unique character that defines the Town of Jerome. The following streetscape standards are meant to apply only to new streets and extensions of existing streets into previously undeveloped areas.

1. Proposed streetscapes shall feature a minimum of one tree and five understory plants (i.e., shrubs, cacti, succulents, ornamental grasses, vegetative groundcovers) for every 50 linear feet, on both sides of the road within 20' of the edge of pavement.

a. Exceptions:

i. Local residential roads that provide access to the front of residential lots. Front yard landscape may count toward streetscape requirements when trees and understory are located within 20' of the edge of pavement.

ii. Roadways adjacent to natural open space (set aside in perpetuity), or agricultural uses.

iii. A Landscape Exception approved by the Town Council.

iii. Minimum Parks and Recreational Open Space (e.g., ball fields, sports courts, playgrounds, dog parks, fitness spaces, trails, pools, picnic spaces, etc.) Requirements

1. Residential Subdivision: 200 SF per lot, if subdivision is more than four (4) lots.

2. Multifamily: 200 SF per unit, if multifamily development is more than 25 units. Indoor recreation or fitness centers may count toward the total Parks and Recreational Open Space.

3. Parks and Recreational Open Space shall be designed in a contiguous manner to the extent feasible, in order to provide a maximum recreational value (e.g., a single large park is preferable to four small parks within a large subdivision).

4. An in-lieu fee may be paid to reduce the required Parks and Recreational Open Space square footage by 50% with the approval of the Zoning Administrator. Standard in-lieu fee = $1,500 per unit or lot.

e. Plant Sizes at Installation:

1) Trees: 15 Gallon minimum

2) Shrubs/Cacti: 5 Gallon minimum

3) Ornamental Grasses: 1 Gallon minimum

4) Vegetative Groundcovers: 1 Gallon minimum

5) Site Salvaged Plant Material: any size

f. Revegetation Standards

1) All areas of a project site that are disturbed during the construction process but not improved with structures, parking areas, or landscape shall be revegetated with native plants or native seed mixes.

i. Native Plant species shall be selected by the Landscape Architect and identified in the planting plans, along with Pure Live Seed (PLS) seeding rate lb. per acre.

ii. Native Seed Mixes shall be applied as a hydroseed slurry with tackifier, fertilizer, and mulch as necessary (according to soil conditions) to ensure plant establishment.

iii. Revegetation shall be designed and installed to achieve successful establishment consistent with site soils, slope, and climatic conditions.

2) Exceptions:

i. Revegetation shall not be required when the lack of vegetation is a defining element contributing to the character of a historic cultural landscape.

g. Irrigation Standards

1) All landscaped common area (unless noted as xeric – without the need for irrigation) shall feature a water-conserving irrigation system for all new plantings.

2) System Specifications

i. Meter: Water meter shall be a dedicated irrigation meter.

ii. Reduced Pressure Backflow Preventer (RPBP): A reduced-pressure backflow preventer shall be installed to prevent contaminated water from mixing with clean municipal water supplies.

iii. All landscape areas shall feature permanent point-source drip irrigation systems. Drip systems shall irrigate with low-flow emitters. Spray irrigation systems may only be used for turf applications unless otherwise approved by the Zoning Administrator. Temporary spray systems may be used to establish hydroseeded areas.

iv. Permanent irrigation systems shall be fitted with irrigation controllers/timers (hardwired, battery-operated, or solar) to operate zone valves that respond to plant water needs throughout each season of the year.

v. Irrigation controllers shall accommodate contemporary smart technologies. All systems shall include a minimum of: one (1) flow sensor and one (1) weather-based sensor/application (i.e., rain sensors, tensionmeters, soil moisture gauges, weather stations, automatic seasonal adjustment applications, internet-connected weather data applications, etc.).

vi. Pipes carrying water under constant pressure must be buried to a depth of 24 inches. Those that are under intermittent pressure must be buried to a minimum depth of 18 inches, as necessary to prevent freezing.

vii. All non-pressure irrigation piping shall be buried a minimum of 12 inches, with greater depth required where necessary to prevent freezing or damage.

viii. Pipes under paved surfaces must be contained within pipe sleeves.

ix. All irrigation equipment shall be protected (boxes, cages, cabinets, etc.) to ensure that irrigation equipment is not exposed to adverse weather conditions (freezing, solar degradation, etc.) or vandalism.

3) System Design

i. Irrigation zones shall consider plant irrigation needs throughout seasons, plant establishment periods, and maturity.

1. It is recommended that trees and understory be kept on separate irrigation zones.

2. It is recommended that amenity area landscape and landscape borders be kept on separate irrigation zones.

ii. Irrigation zones that feature native plants (or drought-tolerant plants with similar irrigation demands) may be turned off after plant establishment periods, as long as plant growth and health do not decline.

4) Maintenance

i. Irrigation systems must be maintained and replaced as necessary to continue to conserve water. Detection and repair of leaky or broken pipes, valves, and fittings, as well as malfunctioning and/or misaligned heads and emitters must be a part of a regular maintenance program for the site.

h. Rainwater Harvesting Standards

1) All landscaped areas shall be depressed between 4” and 9” to collect rainwater.

i. Exceptions

1. Areas identified by the project engineer or Town Engineer that cannot accommodate rainwater harvesting (for purposes of safety or functionality),

2. Areas with a cross slope greater than 4%,

3. Within 10’ of a building foundation,

4. Within 10’ of a utility,

5. Within a utility or access easement.

6. Landscape areas that feature plants with limited water tolerance (e.g., Opuntia spp., Cylindropuntia spp., Yucca baccata, Agave parryi) shall be designed to minimize supplemental irrigation. Basins may be terraced to accommodate plants with varying water needs. Plants with high water needs shall be located at basin bottoms. Plants with moderate water needs shall be located at basin terraces/side slopes. Plants with limited water needs shall be located at the top of basins.

2) Rainwater Basin Design

i. Basin slopes shall not exceed 3:1.

ii. Basin depths shall not exceed 9".

iii. Basin floor soils shall be loosened to a depth of at least 12".

iv. Basin sides and bottoms shall be covered in 1"+ screened rock or bark mulch (no "minus" material is permitted) to a depth of 2". Alternatively, basins may be seeded with native seed mix.

v. Scuppers, curb cuts, and rooftop downspouts shall correspond to the location of rainwater harvesting basins

vi. Basins shall receive water from adjacent hardscape surfaces to the greatest extent feasible. Some basins, however, may only collect rainwater where it falls.

vii. Berms, gabions, check dams, weirs, and other drainage structures are all recommended to direct, disperse, and slow the movement of rainwater in landscape areas. Rainwater harvesting structures shall be depicted in both the Landscape Plans and Drainage Plans.

viii. Maximum reveal at the edge of public sidewalks and pedestrian circulation paths should be two inches or less to minimize the risk of injury to pedestrians. A minimum 12" wide shoulder with a maximum 2% cross slope away from public sidewalks or pedestrian paths is required.

# ARTICLE VI: EMERGENCY CLAUSE

**WHEREAS**, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, safety and welfare, and to carry out the expressed intent and purposes of said Ordinance, an EMERGENCY is hereby declared to exist, and this Ordinance shall be in full force and effect from and after the date of its passage by the Council.

PASSED AND ADOPTED by the Council of the Town of Jerome this ____ day of _____, 19__.

# ARTICLE VII: SUBDIVISION REGULATIONS

## SECTION 701. TITLE, PURPOSE, AND ADMINISTRATION

### A. PREAMBLE

The purpose of these regulations is to provide for the health, safety, general welfare, and harmonious development of the Town of Jerome and environs, in accordance with the principles, goals, and objectives of the adopted General Plan and to ensure that: all new development will strengthen the Town's economic base and valuation, future development will preserve and enhance the Town's natural scenic attributes, and all new development will maintain and encourage a pleasing environment and be in harmony with the special character and historical quality of Jerome. The purpose of these regulations is also to secure adequate provisions for streets and traffic circulation, water supply and distribution, sanitary sewerage, drainage and flood control, and in the development of lots and properties having optimum utility and livability. These regulations shall also facilitate the provision of lands for recreation and other public uses; promote the conveyance of land by accurate legal description; and establish procedures that will provide a basis of mutual understanding and equitable relationships between public and private interests.

### B. AUTHORITY

The Jerome Subdivision Regulations are authorized by Title Nine, Chapter 4, Article 6, section 9-471 to 9-479 and Chapter 6, Article 1, Section 9-601 of the Arizona Revised Statutes, as amended, and are hereby declared to be in accordance with all provisions of these Statutes.

### C. APPLICATION OF REGULATION

1. Final Plat Approval: No final plat shall be recorded or offered for record, nor shall any land be offered for sale with reference to such plat, until said plat has been recommended for approval to the Town Council by the Planning and Zoning Commission and approved by the Town Council. The Planning and Zoning Commission shall ascertain, before recommending to the Council, that said plat has satisfied all requirements of these regulations.

2. Plans, Plats and Replats: All plans of streets, highways, alleys, or other portions of the same intended to be dedicated to a public use or to the use of purchasers or owners of lots fronting thereon or adjacent thereto, and all plans, plats, and replats of land laid out in a subdivision or building lots, shall be submitted to the Planning and Zoning Commission for approval. The Planning and Zoning Commission shall ascertain, before approving it, that said plan, plat, plot, or replat has satisfied all of the requirements of these regulations.

### D. JURISDICTION

These regulations shall govern the subdivision of all land that lies within the corporate limits of the Town of Jerome.

### E. ADMINISTRATION

The Jerome Planning and Zoning Commission is hereby authorized to receive, process, and otherwise act upon preliminary and final subdivision plats in accordance with these regulations. The Town Zoning Administrator, the Town Engineer, and the County Health Department are hereby designated as Planning and Zoning Advisories to the Commission and the Town Council and charged with the duty of investigating and reporting upon matters referred to them in accordance with these regulations.

No Final plat of a subdivision shall be approved by the Planning and Zoning Commission and accepted by the Town Council unless it conforms to the provisions of these regulations and to the provisions of the Zoning Ordinance for Jerome, Arizona.

### F. FILING FEE SCHEDULE

The submission of a tentative or final plat, abandonment, amended plat, recording fee deed restrictions, exceptions, improvement drawing, etc., shall include payment submitted to the Town

Zoning Administrator of a filing fee for the County Recorder. Fees shall be set by Resolution of the Town Council.

[Ord. 473, 8/10/2021]

NOTICE: The Final plat fees shall not be applied to subdivisions outside the Town of Jerome corporate limits.

The Town of Jerome may negotiate with the subdivider to acquire land for present or future municipal purposes in accordance with the laws of the State of Arizona.

## SECTION 702. GENERAL REQUIREMENTS AND PROCEDURES FOR SUBMISSION OF PLATS

### A. APPROVAL OF SUBDIVISION REQUIRED

1. No person proposing a subdivision or owning unapproved lots or parcels within Jerome shall subdivide or file a record of survey, map or plat for record, or sell any part of said subdivision, or unapproved lots or parcels, or proceed with any grading, construction, or other work on said lot until a preliminary and final plat of a subdivision have been approved in accordance with this Section.
2. Duties of Subdivider: While a subdivision is in the preliminary planning stage, the subdivider shall consult the Zoning Administrator to determine conformity with the General Plan, and compliance with the provisions of *Article VII Subdivision Regulations*, any other applicable sections of the Zoning Ordinance of the Town of Jerome, and requirements for the design and installation of public improvements as required by the Town of Jerome.
3. The following factors should be considered in the preliminary stage of planning a subdivision:
    a. Need for additional residential sites in the area.
    b. Type and quality of homes to be built.
    c. Lot sizes most adaptable to the use proposed.
    d. Areas to be reserved for business or industrial use.
    e. Special scenic locations or areas of historical importance which need to be reserved.
    f. School and/or park sites that will be required.
    g. Access features which may be desirable along arterial and collector streets.
    h. Areas subject to flooding.
    i. Suitability of land for urban development.
    j. Water, sanitary sewer, solid waste disposal, storm sewer, electric, and gas utility services to be provided.
    k. Fire and police protection
    l. Integration of the subdivision with existing and proposed development.
    m. Whether the site is appropriate for the proposed use.
    n. Legal or tax problems likely to be encountered.
4. Preliminary Plat and Engineering Drawings. The subdivider shall prepare a preliminary plat of the proposed subdivision and other exhibits as specified in Section 703.B.
5. Final Plat and Recording. The subdivider shall prepare a final plat as specified in Section 703.D, which shall conform substantially to the preliminary plat as approved, and if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which is proposed to be recorded and developed at the time, provided, however, that such portions conform to all requirements of these regulations. The approved and executed copy will be recorded in the Yavapai County Recorder's office after full compliance with the regulations, and one copy will be filed in the Planning and Zoning Commission's office, and one with the Town Engineer.
6. Building Permits and Certificates of Occupancy:
    a. Building Permits. No Building shall be erected, or shall a building permit be issued for a building, unless the street giving access to the lot upon which such a building is proposed to be placed shall have been properly improved as required in Section 710.A.3.

b. Certificates of Occupancy. No certificate of occupancy shall be issued for any building unless all requirements of these regulations and any and all requirements of any other regulatory code, ordinance, or regulation have been met.

## B. SKETCH PLAN AND MASTER PLAN REQUIREMENTS

1. It is strongly recommended that the subdivider review the initial proposal for the subdivision with the Zoning Administrator prior to preparing the required tentative plat, while plans for the proposed subdivision are still in preliminary form and other elements of the proposed development remain flexible. The purpose at this stage is to make available general advice on the purpose and effect of these regulations, the General Plan, zoning, and other Town planning, engineering, drainage, sewage, water systems, and similar standards, requirements, and plans. All applications requiring a pre-application meeting per Section 307 of this Ordinance shall provide a sketch plan with the form requesting a pre-application meeting. The sketch plan shall include:
    a. Property dimensions on all sides of proposed or existing lots
    b. North arrow and scale
    c. Proposed driveways and easements
    d. Adjacent street names
    e. Proposed disturbance area and grading limits
    f. Location and setbacks of all existing/proposed structures
    g. Square footage of existing/proposed structures
    h. Building height of existing/proposed structures
    i. Location of existing/proposed septic
    j. Adjacent properties zoning/use
2. The Zoning Administrator may require that the developer prepare and submit a Master Development Plan (MDP) where:
    a. The tract is sufficiently large to comprise an entire neighborhood;
    b. The tract proposed for platting is only a portion of a larger land holding of the developer;
    c. The tract is a part of a larger land area of which the development is complicated by unusual topography and land use.
3. The MDP shall be prepared to scale and accuracy commensurate with its purpose, and, in addition to the required elements of the sketch plan, shall include:
    a. General Street pattern of major arterial and collector streets.
    b. Indication of single-family and multi-family residential areas and indication of general lot size and number of lots per acre anticipated.
    c. General location and size of school sites, parks, or other public areas.
    d. Location of shopping centers and other non-residential proposed land uses, and indicating their proposed use.
    e. Methods proposed for sewage disposal, water supply, and storm drainage.
    f. An indication of the areas to be developed in accordance with a planned development schedule.
4. Approval: Upon acceptance of the general design approach by the Zoning Administrator, the MDP shall be submitted to the Planning and Zoning Commission for its consideration. If general

approval and notice to proceed with the platting process is given, notice to that effect shall be recorded in the minutes of the Planning and Zoning Commission meeting and a copy of said minutes transmitted to the subdivider and their engineer. If a development is to take place in several parts, the MDP should be submitted as supporting data for each part.

## SECTION 703. SPECIFICATIONS FOR PLANS AND PLATS

### A. PRELIMINARY PLAT AND ENGINEERING DRAWINGS:

1. Preliminary Plat to be Submitted: After the pre-application conference and general approval of the Sketch Plan and/or Master Development Plan, if required, the subdivider shall prepare a preliminary plat of the proposed subdivision and other exhibits as specified by this Ordinance. Copies of the preliminary plat and all required supplementary material, the number to be determined by the Zoning Administrator, shall be submitted to the Zoning Administrator, who shall determine the completeness of the application within fourteen (14) days of submission. An application that is deemed complete shall be circulated for departmental review. If the application is incomplete, the Zoning Administrator shall provide the applicant with written notice of the specific deficiencies in the application.
2. Departmental Review of Preliminary Plat: The Zoning Administrator shall refer copies of the preliminary plat to the following reviewing offices, who shall make known their recommendations in writing addressed to the Zoning Administrator.
    a. Town Engineer,
    b. County Highway Department (when plat abuts a county highway)
    c. County Health Department,
    d. Arizona Department of Transportation (ADOT) (when plat abuts a state highway)
    e. Fire Chief, and
    f. All interested utilities and agencies.

    These entities shall review the plat for matters within their jurisdiction and promptly report their recommendations to the Zoning Administrator, who shall check the plat for conformity to these regulations, add their own written comments and recommendations, and provide these comments to the applicant to be addressed in a resubmittal of the application until the Zoning Administrator determines that the substantive review of the application is complete.

    The subdivider's engineer may act as agent.
3. Planning and Zoning Commission Findings: After substantive review of the preliminary plat application has been completed, and the Zoning Administrator has forwarded the application to the Planning and Zoning Commission, the Commission shall hold a public hearing and express its approval, any conditions of approval, or its disapproval, and its reasons therefor.
4. The action of the Planning and Zoning Commission, including any conditions, shall be noted on two (2) copies of the preliminary plat. One (1) copy shall be returned to the subdivider, and the other shall be retained in the Planning and Zoning Commission's records.
5. Approval or conditional approval of the preliminary plat shall not constitute approval of the final plat. Rather it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat. The final plat shall be submitted for approval by the Planning and Zoning Commission and the Town Council upon fulfillment of the requirements of these regulations and the conditions of the conditional preliminary plat approval, if any.
6. Preliminary Plat Requirements: Preliminary plat shall be submitted on one or more sheets not larger than thirty-six inches by forty-two inches (36" x 42") at a scale not greater than one inch equal to one hundred feet (100').

    All preliminary plats shall contain the following information:

a. Proposed name of subdivision and its location by section, township, and range; small-scale vicinity map showing relative location of the plat; reference by dimension and bearing to section corners; and subdivision boundaries clearly identified.

b. Name, address, and phone number of landowner (and subdivider, if not the same).

c. Name, address, and phone number of engineer, surveyor, landscape architect, or land planner preparing the plat, including registration number if registered.

d. Scale, north point, and date of preparation, including dates of any subsequent revisions.

e. Topography by contours relating to USGS survey datum or other datum approved in writing by the County Engineer, to be shown on the same map as the proposed subdivision layout. Location and elevation of the benchmark used should also be shown on the plat. Acceptable contour interval: grades up to five percent (5%), two feet (2'); five percent (5%) to 10 percent (10%) grades, five feet (5'); grades over ten percent (10%), ten feet (10').

f. Location by survey of streams, washes, canals, irrigation laterals, private ditches, culverts, lakes, or other water features, including direction of flow and water level elevations, and location and extent of areas subject to inundation and whether such inundation is frequent, periodic, or occasional.

g. Location, widths, and names of all existing streets, pathways and improvements therein; railroads; utility easements or rights-of-way, including any existing facilities therein; public areas, all existing structures, with an indication of whether or not they are to remain; and municipal corporation lines within or adjacent to the tract, and to be accompanied with a Preliminary Title Report.

h. Name, book, and page number of any recorded subdivisions within or having a common boundary with the tract, or notation "unsubdivided" where appropriate.

i. Location, width, and names of proposed streets, alleys, drainage ways, crosswalks, and easements, including all connections to adjoining platted or unplatted tracts.

j. Lot Layout, including minimum building setback lines related to all streets; typical lot dimensions (scaled); dimensions of all corner lots and lots on curvilinear sections of street; each lot numbered individually

k. Designation of all land to be dedicated or reserved for public or semi-public use, with use indicated.

l. Reference by note to the source of proposed electricity, gas, and telephone service, and whether such service will be underground.

m. If Plat includes land for which multi-family, commercial, or industrial use is proposed, such areas shall be clearly designated together with existing zoning classification, present district boundary lines and status of any pending zoning change.

n. Preliminary draft of proposed deed restrictions, including provisions for use and maintenance of commonly-owned facilities, if any.

o. Sewage disposal: It shall be the responsibility of the subdivider to furnish the County Health Department such evidence as that Department may require for its satisfaction as to the design and operation of sanitary sewage facilities proposed. A statement as to the type of facilities proposed shall appear on the preliminary plat.

p. Subdivisions Utilizing Septic Tanks: Where the proposed sewage disposal system will be by individual lot septic tanks, percolation tests and test boring logs in accordance with the requirements of the County Health Department shall be taken on the proposed subdivision and submitted with the preliminary plat.

q. Water Supply: It shall be the responsibility of the subdivider to furnish the County Health Department such evidence as that Department may require for its satisfaction as to the facilities for supplying domestic water. A statement as to the type of facilities proposed shall appear on the preliminary plat.

r. Storm Water Disposal: Preliminary layout of proposed system, location and invert elevation of outlet, and statement as to extent of improvements proposed, if any.

### B. FINAL PLAT, ENGINEERING DRAWINGS, AND RECORDING

The final plat stage includes submittal, review, and approval of the final plat by the Town Council and recording of the plat with the County Recorder. Application for approval of the final plat is made to the Zoning Administrator.

1. Final Plat to be Submitted: A final plat shall be submitted to the Zoning Administrator within one (1) year of preliminary plat approval. The Zoning Administrator shall determine the completeness of the application within fourteen (14) days of submission. An application that is deemed complete shall be circulated for departmental review. If the application is incomplete, the Zoning Administrator shall provide the applicant with written notice of the specific deficiencies in the application.

   The final plat shall conform to the approved preliminary plat and any stipulation attached thereto by the Zoning Administrator or Planning and Zoning Commission. Copies of such final plat, the number to be determined by the Zoning Administrator, shall be filed with the Department, including one (1) electronic and one (1) hard-copy original, which shall bear the original signatures of the owner or owners and be duly acknowledged. The final plat shall be submitted, along with an application form and the final plat filing fee, to the Zoning Administrator.

2. Departmental Review of Final Plat: Departmental Review of Final Plats shall be in accordance with Section 703.A.2, except that:

   If additional information or changes are recommended by any of the reviewing departments, a revised final plat must be submitted to the Zoning Administrator until all reviewing departments and agencies are satisfied. Resubmittals of a final plat shall not require a separate filing fee. Referral and scheduling of a revised final plat shall be the same as that required for the original final plat.

   If the final plat is complete but the time limit has expired or it is not in conformance with the preliminary plat or stipulations attached thereto, it will either be returned to the subdivider for compliance or be referred to the Planning and Zoning Commission for review and recommendation before being forwarded to the Town Council.

   If a subdivision is predicated upon a change of zoning, the final plat will not be approved until the necessary zoning has been adopted by the Town Council.

3. Planning and Zoning Commission Findings: Once a final plat has been accepted by the reviewing departments and the Zoning Administrator, it shall be referred to the Planning and Zoning Commission, which shall hold a public hearing and recommend approval, recommend approval with conditions, or recommend denial and the reasons therefor. The Commission shall render its decision in the form of a written recommendation to the Council, which may be via a request for Council action or via the transmission of the Commission meeting minutes to Council.

4. Town Council Approval: The Town Council shall hold a public hearing for all final plats proposed within the Town of Jerome, and shall either approve, approve with conditions, or deny an application for a final plat.

   When the final plat has been approved by the Town Council, the Mayor shall be authorized to sign the plat for recording at the time that all Subdivision Improvement Requirements of Section

710 of this Ordinance have been met. After the Town Council's approval, the plat shall be assigned to the Zoning Administrator who shall transfer the recording fee and approved final plat to the County Recorder's Office for recording after the improvement requirements and stipulations have been met. The subdivider will be notified of the date book and page number of the official recording.

If the Town Council disapproves the final plat, it shall express the reasons therefor within the minutes of the meeting of which one copy shall be attached to the plat and returned to the subdivider.

The subdivider or their agent, engineer or land surveyor shall be present at the meeting set for the date of approval.

5. Legal Survey: The final plat shall be based on a survey of the subdivision and shall conform to the approved preliminary plat and any stipulations attached thereto by the Planning and Zoning Commission. The plat shall show the title or name under which the subdivision is to be recorded, with the name of the engineer or surveyor platting the tract.

   The engineer or surveyor shall in every case have a Certificate from the Arizona State Board of Registration for Engineers and Land Surveyors. The name or title of the subdivision shall not duplicate the name of any existing subdivision.

6. Final Plat Requirements: The record plat shall be drawn on plastic or other non-shrinking material on a sheet not exceeding thirty-six inches by forty-two inches (36" x 42") in size. Copies of the record plat shall be reproduced in the form of blueline, or blackline prints on a white background. The plat shall be drawn to an accurate scale of not more than two hundred feet (200') to an inch and preferably one hundred feet (100') to an inch.

   The final plat shall contain the following information:

   a. A Title, which includes the name of the subdivision and its location by section, township, range and county.

   b. Name, registration number and seal of the registered professional engineer or land surveyor responsible for preparing the plat.

   c. Scale (written and graphic), north point and date of plat preparation.

   d. Location and description of cardinal points to which all dimensions, angles, bearing and similar data on the plat shall be referenced.

   e. Any excepted parcel(s) within the plat boundary, accurately described by bearings and distances. Proper street and alley dedications adjacent to any proposed tracts or excepted parcels shall be provided by the subdivider by inclusion within the plat or by separate dedication noted on the plat.

   f. Boundaries of the tract to be subdivided fully balanced and closed, showing all bearing and distances determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof to the hundredth. No plat showing plus or minus distances will be approved. Corners of the plat should be noted and monuments found or set should be indicated; each of the two (2) corners of the subdivision traverse shall be tied by course and distance to separate section corners or quarter-section corners or other survey monuments as may be acceptable to the Town Engineer. The Planning and Zoning Commission may make such office and field checks as may be necessary to assure the correctness of the plat and may require the owner of the subdivision to pay for such checking.

   g. Names, centerlines, right-of-way lines, courses, lengths and widths of all public streets, pathways, alleys, crosswalks and utility easements; radii, points of tangency and central angles of all curvilinear streets and alleys, and radii of all rounded street line intersections.

h. All drainage-ways shall be shown on the plat. The rights-of-way of all major drainage-ways, as designated by the Town Engineer, shall be dedicated to the public.

i. The location, width and use of all public or private utility easements shall be noted. All private utility easements shall be marked private easements.

j. Location and dimensions of all lots shall be shown. All minimum setback lines shall also be located and dimensioned.

k. All lots shall be numbered consecutively throughout the plat. Other Parcels, “tracts” and private parks shall be so designated, lettered or names and clearly dimensioned.

l. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.

m. Name, book and page number of adjacent recorded subdivision, with location of existing adjacent lots, easements and rights-of-way, shown, or notation “unsubdivided” where appropriate. All proposed conditions should be graphically differentiated from existing conditions on adjacent properties and on excepted parcels within the plat.

n. The original and one copy of any private deed restrictions to be imposed upon the plat or any part or parts thereof shall be submitted with the final plat. Said deed restrictions must be in proper form to be recorded as a separate instrument. Space for cross-referencing to the deed restrictions shall be provided on the plat, to be completed by the County Recorder, e.g. “See Restrictions Recorded in Docket _____, Page _____, Yavapai County Recorder’s Office.”

o. Dedications: Statement of dedication of all roads, streets, alleys, crosswalks, drainage ways, and other easements for public uses, as shown on the plat, by the person holding title by deed to the lands, by persons holding any other title of record, by persons holding title as vendees under land contract, and by wives of said parties. If lands dedicated are mortgages, the mortgagee shall also sign the plat. Dedication shall include a written description of the tract. Signatures must be witnessed. If the plat contains private streets, the public shall be reserved the right to install and maintain utilities in the street and the right to maintain and control drainage and flood diversion channel.

p. Acknowledgement of Dedication: Execution of dedication, acknowledged and certified by a notary public.

q. Space for approval by the Town Council under the signature of the Mayor and attested by the Town Clerk.

## SECTION 704. HILLSIDE SUBDIVISIONS

### A. PURPOSE

Planning, platting and development of hillside subdivisions involve special problems and require special handling by the subdivider and their engineer, and by the Planning and Zoning Commission, staff, and reviewing officials. Hillside problems include the preservation of scenic beauty for the benefit of the general public, safe construction of public improvements commensurate with lower density and lesser public use, and safe construction of private improvements related to sewage disposal, water supply, storm drainage, and foundation bearing.

### B. LOT WIDTH AND AREA

Lot width and area shall be closely related to the terrain, drainage, percolation factors, or construction of sanitary sewers, with emphasis placed on the selection of homesites.

1. Existing topography shown by suitable contour interval with location of major and minor washes. A separate sheet showing proposed contours may also be required if extensive regrading is proposed.
2. Road profiles and cross-sections may be required at the discretion of the Town Engineer.
3. Percolation tests and test boring logs in accordance with the requirements of the County Health Department should be taken at the proposed subdivision prior to the submittal of the preliminary plat.

### C. PLAT PROCESSING TIME

Due to problems requiring special field and office review by the County Health Department, the Town Engineer, and the Staff, subdividers should expect processing time for hillside plats to exceed that otherwise required for normal plats.

### D. HILLSIDE SUBDIVISION DESIGN

Special problems of hillside subdivision design are discussed under Section 709 Design Standards.

## SECTION 705. REVISIONS OF PLATS OR REPLATS

A. Any Division of a lot in a recorded subdivision into five (5) or more parcels, or any changes in lot lines involving five (5) or more adjoining lots in a recorded subdivision, but creating no new street, may be processed in accordance with Final Plat Procedures on these Subdivision Regulations, after a Pre-Application Conference with the Zoning Administrator.

B. Any replat involving dedication or abandonment of land for a public street shall comply with all procedures set forth in these requirements, Sections 706 and 707.

C. If abandonment of a street, pathway, alley or public utility easement in a previously recorded subdivision is necessary, the replat of that area shall not be forwarded to the Town Council for final action until abandonment proceedings are completed and recording data noted on the final plat.

## SECTION 706. ABANDONMENT OF A RECORDED SUBDIVISION OR REVERSION TO ACREAGE

A. If no lots in the subdivision, for which a final map has been approved and recorded, have been sold within three (3) years from the date of recordation, or if none of the improvements have been made within two (2) years from the date of approval, the Town Council may on its own motion hold a public hearing after notice, to determine whether the approval of such final map should be revoked. Such revocation shall be effective upon recordation of a certified copy of such resolution; and thereupon, all streets, rights of way, and easements dedicated or offered for dedication by such map shall be of no further force or effect.

B. Pursuant to provisions of Title 18, Chapter 2, Article 1, Section 18-201, and Chapter 5, Article 1, Sections 18-501-508, ARS, the abandonment of all or part of a recorded subdivision may be initiated by written petition to the Town Council, said petition to be signed by ten (10) or more owners of real property in Jerome, requesting abandonment of all streets, alleys and easements within said subdivision and giving the legal description and recording information thereof.

C. Applications or petitions for abandonment are filed with the Clerk of the Town Council and referred for recommendation to the Zoning Administrator, Town Engineer, and utility companies concerned.

D. Such abandonment may necessitate consideration for rezoning.

E. Any action considered by the Council relating to revocation of all or part of a subdivision whether plots or lots and rights-of-way shall be referred to the Planning and Zoning Commission for evaluation for the following:

    1. Conformance with the Town's General Plan.
    2. Correlations with proposed development in adjacent areas.
    3. Recommendation as to whether or not zoning changes should accompany such action.
    4. Effect of such action on existing development in areas affected by proposed reversion or abandonment.

F. Any other actions applicable to the above process and permitted by State Laws are permissible.

G. Requisite actions under Article 1, Chapter 520, Title 18, Arizona Revised Statutes to abandon the streets and easements should be carried on separately and simultaneously with any procedure to abandon a subdivision or revert it to acreage.

## SECTION 707. AMENDED SUBDIVISION MAPS

A. Any map of a subdivision that has been filed for record may be amended to correct an error in any course or distance or other necessary item that was omitted therefrom, or to correct a drafting, graphic, technical or similar type error; by the filing for record of an amended map of said subdivision. The County Recorder shall examine such amended map and if such examination discloses that the only changes on the amended map are changes above authorized, he shall certify this to be a fact over his signature on the amended map. Thereafter, the amended map shall be entitled to be recorded in the office of the Recorder in which the original subdivision map was recorded. Such map shall be marked "AMENDED MAP OF _____". Subsequently, if more than one amended map is necessary, the successive maps shall be titles "SECOND AMENDED MAP OF _____" and follow in numerical sequence order. The use of the terminology of "Amended Map" shall not be used to change or vary or add any lot lines, streets, or easements or statements that were not contained on the approved preliminary map, since such actions necessitate re-processing of the plat.

## SECTION 708. SUBDIVISIONS WITHIN THREE (3) MILES OF TOWN

In accordance with Arizona Revised Statutes, Section 9-474 as amended:

A. When the owner of land, the whole or part of which is an unincorporated area within three (3) miles from the corporate limits of the Town of Jerome, desires to subdivide the land into lots for the purpose of selling it by reference to a map or plat they shall first given written notice to the Town of their intention to subdivide the land, naming and describing the land so that it may be identified upon the ground, and shall submit to the Town a tentative plat of the land showing the manner in which he desires to subdivide the land.

B. If the Town desires that the streets or alleys of the tract conform with the projected streets or alleys f the Town of Jerome, or of an adopted plan of the Town of Jerome, then the Town may, at its cost, project the lines of its streets and alleys to the nearest outer boundary lines of the subdivision and thereon mark the same, and shall supply the owner with the courses of the lines.

C. The Town of Jerome may also submit to the owner a written report recommending changes in the submitted plat of the location or dimension of streets, pathways, alleys, parks, easement for rights-of-way or property intended to be devoted to the use of the public. One copy of the report shall be delivered to the Board of Supervisors of the County.

D. If the report is given to the owner, or the lines are so marked and the courses given the owner within thirty (30) days from the date of service of notice of intention to the Town, then the owner shall cause the land to be subdivided into blocks, lots, streets, alleys, parks and parkways, so as reasonably to conform to the report and the projected lines and courses thereof, and shall prepare in duplicate an accurate map or plat thereof on cloth, drawn and attested by a registered civil engineer or registered land surveyor from their survey of the ground. The engineer or registered land surveyor shall, in making the surveys, leave sufficient permanent monuments so that another surveyor or engineer may retrace their work. The nature and location of the monuments shall be plainly shown on the plat.

E. The plat shall particularly set forth and describe:

    1. Parcels of ground within the tract or subdivision to be used for public purposes or offered for dedication for public uses, and their dimensions, boundaries and courses.

    2. Either by number or letter, lots intended for sale, or reserved for private use, and their dimensions, boundaries and courses.

    3. The location of the subdivision into lots with reference to adjacent subdivisions, the maps or plats of which have been previously recorded, or if none, then with reference to corners of a United States survey, or if on land unsurveyed by the United States, then to some prominent artificial monument established for such purpose.

## SECTION 709. DESIGN STANDARDS

### A. GENERAL

1. The Planning and Zoning Commission shall insure that appropriate provisions are made for the harmonious development of the Town by requiring (1) the coordination of streets within subdivisions with existing or planned streets or with other features of the General Plan, (2) a regulation of population density and traffic volume which will create conditions favorable to public health, safety and convenience, and by (3) recommending adequate spaces for public use (such as for parks, schools, recreational areas, etc.).
2. Adequate access shall be provided from an existing public road to land being subdivided. Approval of such access shall be a condition of approval of the plat by the Commission and Council.
3. In all subdivisions, it is urged that due regard be shown for all natural features such as trees, water courses, historical and archaeological sites, and similar community assets which, if preserved, will add attractiveness and value to the property and community.
4. Portions of property within the ownership of the subdivider, contiguous to the subdivided property shall not be excluded from within the boundaries of a subdivision when needed or required for any traffic, drainage or flood control facility pertinent to said subdivision.
5. Portions of property within the ownership of the subdivider, contiguous to the subdivided property but not included within the boundaries of the subdivision, shall be of such size or shape that they could be used for some purpose compatible to surrounding development and meet the specifications of other Town regulations.
6. Separate parcels omitted from a preliminary plat, that form lots or building sites of less than five (5) acres each, or that could be part of this development by extending proposed roads shall be included in the proposed plat.
7. The design of those elements of a subdivision involving structural matters, location and design and building of roads, pathways, drainage provisions, water supply and sewage disposal shall be made by an engineer registered in the State of Arizona and qualified to specify the standards for such design or by an assistant under their direction and supervision.
8. A supplementary set of standards may be adopted by the Commission and approved by the Council on each item as described. These standards shall be separate from this Ordinance and shall be developed by the Town Engineer. They may be revised whenever environmental circumstances or technological improvements necessitate or justify such changes.
9. It is the responsibility of the developer to comply with these regulations. At any time in the processing of a subdivision tract that non-compliance is detected notification by certified or registered mail of said non-compliance shall be transmitted to the developer. If compliance is made by the developer processing shall proceed from date of compliance as if the non-compliance had not existed. If compliance is not made within thirty (30) days of the mailing of the certified letter, processing shall be terminated. Once processing is terminated, a tract must be resubmitted.

### B. SUITABILITY OF THE LAND

1. The Planning and Zoning Commission shall not approve the division of land as submitted if, from adequate investigations, it has determined that said land is not suitable for the kind of development proposed due to such factors as flooding, bad drainage, steep slopes, rock formations, soils or design features likely to be harmful to the safety, welfare and general health of the future residents, unless reasonable corrections acceptable to the Commission are submitted by the developer.

### C. WATER COURSES

1. In the event that the subdivision is traversed by or is contingent to lakes, streams, or other bodies of water, the subdivider shall provide a right-of-way for storm drainage conforming substantially with the line of such natural water course, channel, stream, or creek, or provide an acceptable realignment of said water course.

### D. STREETS, GENERAL

2. The arrangement, character, extent, grade, width, and location of all streets shall conform to the General Plan or the preliminary plans of said Commission.
3. Where such is not shown on the General Plan or preliminary plans, the arrangement of streets shall provide continuation or appropriate projection of existing major streets in surrounding areas. All center lines shall be contiguous territory. In cases where straight continuations are not physically possible, such center lines may be continued by curves.
4. The minimum width of right-of-way, measured from lot line to lot line, shall be as prescribed by the Town Engineer, the General Plan, and these regulations. Proposed streets shall extend or project existing streets at their same or greater width, but never at a width less than that prescribed by established standards.
5. All streets and highways shall be graded, surfaced, and improved to cross sections and grades approved by the Town Engineer and as established by these regulations. The subdivider shall improve the extension of all subdivision streets and other public ways to the intercepting shoulder line of any County road, Town street, or State highway.

   Grades given are the maximum allowed for certain short-range distances and do not imply permission for an extensive distance at maximum grade.
6. Structures or culverts shall be installed as deemed necessary by the Town Engineer for drainage, access, and public safety. Such structures and culverts are to be placed to grades and shall be of a design and size approved by the Town Engineer. Adequate drainage of the subdivision public ways shall be provided by means of said structures or culverts and by other approved means, in accordance with the engineering standards adopted by the Town Engineer.
7. All roads developed or improved in conjunction with subdividing shall either be:
   a. Built to Town standards, dedicated by the map and accepted by the Council.
   b. Built to Town Council standards, dedicated by the map and approved by the Council in conjunction with providing a Performance Bond of Assurance of Completion Bond.
   c. Built and offered for dedication by the subdivider, refused by the Council, but approved as private roads with adequate assurances of upkeep.
8. Adequate provisions shall be made in the design of subdivisions for access to each lot or parcel, and for access to adjacent properties.
9. Half roads or partial width rights-of-way should only be approved as partial major roads along a section line where no alternative design exists, or where said partial rights-of-way would require the dedication of additional contiguous rights-of-way to make it full width, provided that that developer or their representative shall include evidence that the additional right-of-way is available or is permanently reserved for future road purposes. Half roads should also be accepted where they are a portion of the road system approved in the General Plan.
10. When a tract fronts on an arterial road, the Commission may require such lots to have reverse frontage.
11. Provisions shall be made for railroad and other public or private utility crossing necessary to provide access to or circulation within the proposed subdivision, including the obtaining of all necessary permits from the public or private utilities involved, and any regulatory agencies having jurisdiction. The cost of such crossings shall not be assumed by the Town.

12. Minor Residential Streets: minor residential streets shall be designed to provide proper circulation of local traffic.

13. Dead-End Streets or Cul-de-Sacs:

    a. Minor terminal streets designed to have one end permanently closed shall not be more than six (6) times the minimum lot width nor one thousand three hundred twenty feet (1,320') long unless necessitated by topography. They shall be provided at the closed end with a circular turn-around or a cul-de-sac having a right-of-way radius, or at least forty-five feet (45').

    b. Where, in the opinion of the Commission, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundary of such property. Such dead-end streets shall be provided with a temporary turnaround having a roadway radius of at least forty-five feet (45').

14. Intersections:

    a. Street intersections shall be as nearly at right angles as possible, and no intersection shall be less than sixty (60) degrees.

    b. Property line radii at street intersections shall not be less than twenty-five feet (25'); the Town Engineer may require a greater curb radius.

    c. Whenever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such a corner shall be rounded or otherwise set back sufficiently to permit such construction.

15. Jogs in Minor Streets: Street jogs with centerline offset of less than one hundred thirty-five feet (135') shall not be approved.

16. Street Names: Proposed streets which are obviously in alignment with other existing names or numbered streets in that vicinity, as determined by the Zoning Administrator, shall be given the designation of said existing street. In no case shall the name for proposed streets duplicate those of existing streets within the same planning area, except as aforementioned, irrespective of the use of such varying suffixes as street, avenue, road, boulevard, drive, place, court, or other designation. Through its index of street names and numbers, the Commission can assist the subdivider in avoiding such duplications.

17. Street Standards and Improvements: Unless specifically requested by the subdivider and/or designated by the Planning and Zoning Commission or Town Council and agreed to by both parties, the following general street standards shall apply:

(see following page for general street standards)

| Classification | Min. R/W | Street Section | Paved Section | General Thickness | Type Curbs | Maximum Grade | Minimum Curve Radius |
|---|---|---|---|---|---|---|---|
| | | | | | | | |
| Large Lot Residential (1-acre lots or larger) | 50’ | 28’ | 24’ | As Req’d by Town Engineer | W/O Curb With Wedge Curb | 12% | 100’ |
| | | | | | | | |
| Residential | 50’ | 36’ | 32’ | As Req’d by Town Engineer | *Rolled or Vertical | 12% | 100’ |
| | | | | | | | |
| Residential Collector | 60’ | 42’ | 40’ | As Req’d by Town Engineer | Vertical | 8% | 200’ |
| | | | | | | | |
| Major Urban Collector | 80’ | 58’ | 48’ | As Req’d by Town Engineer | Vertical | 6% | 300’ |
| | | | | | | | |
| Major Arterial (Rural Areas) | 110’ | 28’ | 24’ | As Req’d by Town Engineer | W/O Curb With Wedge Curb | 6% | 500’ |
| | | | | | | | |
| Major Arterial (Urban Areas) | 110’ | 2-40’ Divided | 60’ | As Req’d by Town Engineer | Vertical | 6% | 500’ |
| | | | | | | | |
| Cul-de-sacs | 45’ Radius | 38’ Radius to back of curb | | Roll | Rolled or Vertical | | |

*Except that for subdivisions wherein all lots are 18,000 sq. ft. or larger and have a minimum 100-foot frontage, redwood headers are permitted to protect paving at shoulders in lieu of concrete curbs; lots fronting on a cul-de-sac within such a subdivision may be excepted from the 100-foot frontage requirement.

Other types to be approved by the Zoning Administrator & Town Engineer.

All improvements to be installed in accordance with Town Engineering Standards.

18. Alleys: Alleys shall be provided to the rear of all lots used for business purposes, as deemed necessary, but will not be required for residential areas. Alleys may be permitted where a subdivider can produce evidence satisfactory to the Commission of the desirability of such provisions.

19. Sidewalks: Concrete sidewalks shall be constructed along at least one side of every street shown on the plat in accordance with applicable standard specifications of the Town. Minimum width shall be four feet (4'); except sidewalks shall not be required in subdivisions with all lots containing over eighteen thousand (18,000) square feet each.

20. Pathways may be constructed at locations other than adjacent to streets and may eliminate the need for sidewalks when approved by the Planning and Zoning Commission.

21. Block Design: The length, width, and shape of blocks shall be determined with due regard to provisions for adequate building sites, the zoning requirements as to lot area and dimensions, limitations and opportunities of topography, and needs for convenient access, circulation, control, and safety to streets and pedestrian traffic.

    a. Length: Block shall not be more than one thousand three hundred twenty feet (1,320) in length except as the Commission considers necessary to secure efficient use of land or as a desired feature of street design.

       Any block having a length of six hundred feet (600') or greater may be required by the Planning and Zoning Commission to have provisions made for a pedestrian walk-through having a twelve-foot (12') right-of-way, when deemed essential for pedestrian circulation, access to schools, playgrounds, etc.

    b. Width: Blocks shall be wide enough to allow two (2) tiers of lots.

## E. LOTS

1. Arrangement: The lot area, width, depth, shape, orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision, for the type of development and use contemplated, and shall conform to the zoning requirements and these regulations.
2. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front upon a public street or road or approved access.
3. Accessibility: Each lot shall be accessible to the street on which it fronts. Where necessary, lots shall be graded as a condition of approval of a final map to ensure access to and adequate use of the property.
4. Minimum Size: The size, shape, and orientation of lots shall be such as the Commission deems appropriate. Each lot shall be suitable for the purpose for which it is intended and shall contain a usable building site. The area of a lot shall be deemed the area shown, exclusive of any area designed for road purposes or any easement for access or road purposes shown on the map.
5. Where lots are designed with minimum areas, corner lots shall be wider than minimum to provide adequate usable area, if necessary.
6. Large Tracts or Parcels: When the land is subdivided into larger than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical re-subdivision.
7. Lot Numbering:
    a. Each lot shall be designated by an Arabic numeral.
    b. If block designations are not used, numbering shall be in consecutive sequence within the block beginning with the number “1” or wherever lots have common side boundaries within a subdivision or within a block along each street and consecutive numbering shall follow from one block to another.
    c. When block designations are used, numbering shall be in consecutive sequence within each block area commencing with the number “1” for each block.
    d. Parcels and/or tracts shall be designated by capital letters and be designated in alphabetical sequence starting with the letter “A”.
8. Lot line adjustments, lot ties, and lot combinations may be administratively approved by Town staff without a public hearing, subject to application and review procedures established by the Zoning Administrator.

## F. REFUSE, SANITARY SEWAGE, AND WATER SYSTEMS

1. Where a public sanitary sewer system is reasonable accessible, the subdivider shall connect with such sewer and provide a connection to each lot.
2. A sewer collection and treatment system shall be provided as a condition of approval for any subdivision containing lots or parcels less than one acre in area.
3. When connection to a sanitary sewer system is not available for lots or parcels of one acre or more, septic tanks or other disposal methods may be permitted provided that a statement is submitted to the Planning and Zoning Commission by the County Health Officer or their authorized representative certifying that field investigation has shown that ground slopes and soil conditions will allow for satisfactory disposal by this method with the lot arrangement and size as shown on the subdivision map and that necessary drainage fields are either contained within the property or permitted by adjoining land owners.

4. In areas where public sanitary sewers are not reasonable accessible, but where the future owning agency agrees to effect temporary disposal of sewage, the subdivider shall plan and construct sewers within and for the subdivision for connection with a future public system.
5. Water mains connecting with the existing Town system shall be installed to serve each lot. All connections shall be subject to the approval of the Town Engineer.
6. Water mains and fire hydrants shall be installed to grades, location, design, and sizes on plans submitted by a registered engineer in the State of Arizona and approved by the Town Engineer and the Town Fire Department.
7. When connection to a Town water system is not available, the subdivider may provide service by establishment of a mutual water system in which case water mains and fire hydrants shall be installed to grades, location, design and sizes as submitted by a registered engineer in the State of Arizona and approve by the Town Engineer, and the source of supply developed and improved to the satisfaction of the County Health Officer or their representative so that the subdivision may be adequately supplied with water.
8. A Water system shall be provided as a condition of approval for any subdivision containing lots or parcels less than two (2) acres in area.
9. In the case of a subdivision with lots over two (2) acres in area, water supply may be from other than a community system. In this case sufficient evidence shall be submitted showing that potable water is available and can be obtained for all lots in the subdivision.
10. Minimum lot size may be affected by requirements of the County Health Department pertinent to water and sanitary sewage systems.
11. Public Sanitary Sewage and Water Systems: The requirements for development of public water supplies and sewage disposal systems shall not be less than those outlined by the Arizona State Health Department regulations and engineering criteria for such installations.
12. Refuse Disposal: The subdivider shall indicate the method of refuse collection and disposal.

### G. EASEMENTS AND UTILITIES

1. Except where alleys are provided for that purpose, easements at least eight feet (8') in total width shall be provided along rear lot lines for poles, wires, conduits, sanitary sewers, gas mains, water mains, or for other utilities. Where necessary, additional easements shall be located along the side lot lines. Half or partial easements may only be approved where written commitment of dedication of necessary additional easements are on record. All easements shall be in accordance with those approved by the utility companies concerned.

### H. MONUMENTS

1. Survey monuments acceptable by the Town Engineer shall be set for all points of reference on the outside boundary, at each lot corner and/or at all points of curvature or tangency of the subdivision.

   Whenever streets are improved to the extent that paving is included, survey monuments will be required at all street intersections and at the points of curvature and point of tangency of all curves. Monuments shall be set as approved by the Town Engineer.

### I. PUBLIC REQUIREMENTS

1. During the design and layout of the subdivision, consideration shall be given to the requirements for public land and open spaces as specified in the General Plan. The Planning and Zoning Commission may require certain lands to be reserved for public purposes in conformance with the General plan as specified in these regulations.

### J. AESTHETIC CONSIDERATIONS

1. The subdivider shall give consideration to preserving natural features in the design and layout of a subdivision. Lots and buildings should be oriented to make advantageous use of any views or natural features.

   All utility installations shall be located underground, except as exempted below, to assure that they do not detract from the design and amenity of the subdivision.

   Exemptions:

   a. Electric transmission lines over 600 Volts, and electric distribution feeder lines, as defined elsewhere herein, together with switchyards, substations and equipment.

   b. Temporary service facilities, such as facilities to furnish emergency service during an outage, facilities to provide service to construction sites, or other service of limited duration.

   c. Above ground appurtenance of underground utility systems with a total height not to exceed seven feet (7').

### K. SPECIAL DEVELOPMENT SUBDIVISION

1. Modified standards and requirements of these regulations may be accepted by the Planning and Zoning Commission in the case of a plan and program for a neighbor unit, which in the judgement of the Planning and Zoning Commission provide adequate public recreation, light, air and service needs for the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to an achievement of the General Plan or zoning regulation.
2. When such a preliminary development is submitted for appraisal, it shall be accompanied by a petition for variance, as outlined in these regulations, setting out all deviations from standards as herein required, and explaining the reasons therefor.
3. Special development variations may include (1) Streets of less width than standard requirements, but with adequate provisions for off-street parking; (2) up to four (4) lots served by a common driveway where topographic conditions would justify such treatment; (3) up to four (4) buildings per site in a cluster of less than minimum lot area of a corresponding contiguous area plus the building site areas brings the total combination of building sites and common area to minimum area standards; and provisions are made that each lot owner has an equal undivided interest in the contiguous parcel and it is restricted to be used only for recreational purpose or to remain "open land"; (4) special common sanitation facilities.
4. Special development subdivisions shall be regulated as outlined in the zoning regulations.

### L. SPECIAL DESIGN STANDARDS FOR HILLSIDE SUBDIVISIONS

1. Street grades shall not exceed twelve percent (12%)
2. Street grades of twelve percent (12%) shall have a maximum length of six hundred feet (600').
3. Minimum dedicated street right-of-way; to be justified by extreme cross-slope cut and fill areas or similar conditions.
4. "T" or "Y" type turning and backing areas may be substituted for circular turn-arounds.
5. "Panhandle", double frontage, and other unorthodox lots may be permitted so long as it can be adequately demonstrated that no such lot will adversely affect any other lot.
6. Private streets or drives serving not more than three (3) lots shall be permitted to a maximum length of three hundred feet (300').

## SECTION 710. IMPROVEMENTS

### A. GENERAL

The subdivider shall cause to be installed and constructed all street and road improvements, public utilities, survey monuments and markers and lot grading. All such improvements shall conform to the requirements of these regulations and all other applicable Town, County and State standards, specifications, codes and regulations. These standards may be obtained, among others, from the Town Clerk, Town Council, Zoning Administrator, County Health Department, County Highway Department.

1. The Subdivider shall be responsible for the cost of the following:
    a. Setting of survey monuments and markers.
    b. Street and road construction for all street improvements including base, grading, curbs, gutters, sidewalks, pavement, street trees, street name signs, culverts and bridges.
    c. Water and sewer line installations including fire hydrants and manholes.
    d. Required storm water system and/or other drainage improvements.
    e. All field density and related testing of base, subbase and other compacted backfill, gradation tests, concrete cylinder tests, asphalt tests and/or other related tests required to insure minimum standard requirements.
2. The subdivider shall be responsible for assuring the installation of the following, by negotiating with private companies, or by providing the cash for their installation when considered necessary by the Planning and Zoning Commission and the Town Council.
    a. Electric Lines.
    b. Streetlights.
    c. Gas Lines.
    d. Street Naming Signs.
    e. Telephone Lines.
3. Building permits will not be issued for new construction until all required street and utility improvements adjacent the property to be improved are installed, or assurance provided that they will be constructed by the subdivider.

### B. ENGINEERING DRAWINGS

1. Within one hundred and twenty (120) days from final plat approval, the subdivider or developer shall submit to the Planning and Zoning Commission and the Board of Supervisors engineering drawings and construction plans for approval prior to the commencement of any work by the subdivider.

    At the time of submitting improvement plans and engineering drawings, the subdivider shall submit an estimate of the costs of constructing the required improvements to determine the amount of performance or surety guarantee to be required. The estimate shall specify the sources used as a basis to determine unit and project costs. The Planning and Zoning Commission and/or Board of Supervisors shall make any checks and revisions in the estimates as they deem necessary prior to approval.

    All required supplementary engineering studies or tests as required by the Planning and Zoning Commission and/or Board of Supervisors shall be approved prior to any construction activities by or for the subdivider.
2. All required engineering studies and exhibits shall be prepared by qualified and legally registered or certified engineers or engineering firms.
3. Contractors engaged by the subdivider to install required improvements shall be licensed and registered as required by State or local law.

4. A time construction schedule of installation of public improvements shall be submitted to and approved by the Planning and Zoning Commission and the Town Council prior to the commencement of any and all construction activities. The approved schedule shall be flexible enough to allow delays due to inclement weather or other unavoidable circumstances. In the event that construction at some time can no longer adhere to the approved schedule; the subdivider shall submit a revised schedule to the Planning and Zoning Commission and the Town Council for approval.
5. It may be desirable, during construction of improvements, for the subdivider to modify some standards and specifications of the approved engineering drawings. In this event, the subdivider shall, prior to making such modifications, submit a schedule of such modifications with reasons of necessity to the Planning and Zoning Commission and the Town Council for approval.
6. At the completion of all new construction relating to street or utility improvements the subdivider shall submit "as built drawings" to the Town Engineer prior to approval of the work by the Engineer.
7. The subdivider shall submit an estimate for the costs of constructing the required improvements to determine the amount of performance guarantee to be required. The estimate shall specify the sources used as a basis to determine unit and project costs. The Planning and Zoning Commission and/or Town Council shall make any checks and revisions in the estimates as they deem necessary prior to approval. The Town Engineer shall advise the Commission and Council of the adequacy of the estimate submitted.

### C. REQUIRED IMPROVEMENTS

1. The subdivider shall cause to be set permanent survey monuments at locations approved by the Planning and Zoning Commission or Town Engineer, provided that ordinarily such monuments shall not be more than one thousand three hundred fee (1,320') nor less than six hundred sixty fee (660') apart; and, in addition, monuments of iron pipe, steel bars, or concrete, shall be set at all street intersections, at all tangent points as may be required by the Planning and Zoning Commission to make the retracing of the lines shown on the Town Official maps reasonable convenient.
2. The subdivider shall cause to be installed public water facilities including fire hydrants, public sanitary sewer systems, and a storm sewer system and/or other drainage improvements designed and constructed according to specifications approved by the Planning and Zoning Commission and the Town Council where required.
3. The subdivider shall cause to be installed and constructed according to specifications approved by the Planning and Zoning Commission and the Town Council, all street improvements including grading, surfacing, curb and gutter, sidewalks, street name signs, streetlights and telephone lines where required.

### D. GUARANTEES OF PERFORMANCE

1. Before recording of a plat by the Town Council, the subdivider shall have dedicated all streets, pathways and alleys in the proposed subdivision together with sidewalks, curbs and gutters, in accordance with the requirements that the Planning and Zoning Commission may impose and specify as to grading, paving, width, location, drainage, courts, culverts, bridges, and other necessary requirement. The subdivider shall enter into a written agreement with the Town Council wherein the subdivider shall have deposited a performance bond in an amount established by the Town Council or have deposited with the Town of Jerome sufficient funds to cover the cost of such improvements. The amount of the performance bond or the funds in escrow shall be determined from the cost estimates as specified in 710.B.7 and/or 710.B.1 above, or letter of assurance from an acceptable financial institution that sufficient funds have been set aside for pledged to complete such improvements.

### E. MINIMUM STANDARDS FOR SUBDIVISION STREET PAVING

1. Streets; Improvement Security: All streets covered by these regulations shall be paved, with curbs and gutters installed when required prior to the public sale of any land appurtenant to said streets. In lieu of the installation of paved streets, curbs and gutters by the subdivider, and in order to insure the proper installation of said paved streets, curbs and gutters, the subdivider may provide security as follows: (1) post bond, (2) establish a trust, or (3) provide for other appropriate security; provided however, that the following requirements are met:

    a. The subdivider shall declare their intention of proceeding under this Section in their letter of intent, and further, they shall designate whether a bond, trust, or some other appropriate security shall be provided. The letter shall be notarized.

    b. That said bond, trust, or other appropriate security be submitted to the Town Council for acceptance prior to recording the final plat by said Council.

    c. That the amount of said bond, trust, or other appropriate security be based on a cost estimate prepared by a registered professional engineer in an amount to cover the complete installation of the improvements and be approved by the Town Engineer prior to submission of said estimate to the Town Council.

    d. That the completion date for the installation of said paved streets, curbs and gutters be declared and notice given to the Town Council and approval given by the council prior to the final plat approval by said Council.

    e. The security as herein before required shall provide for its forfeiture to the Town unless good and sufficient reasons can be provided that said improvements have not been installed in accordance with these regulations or are not accepted by the Town by the declared completion date due to the default of the subdivider; the amount of forfeiture shall be the cost to the Town to complete the installation of said improvements in accordance with these regulations.

    f. All matters contained in this Section may be referred to the Planning and Zoning Commission by the Town Council for preliminary study and recommendation.

    g. The Town Council considering recommendations from the Planning and Zoning Commission may require improvement security, as delineated for streets in this ordinance, for private streets, road, or driveways in an approved planned area development prior to recording a final subdivision plat.

2. Waiver of Street Improvements in Certain Subdivisions: Paving widths, curbs, gutters and sidewalks may be waived by the Town Council considering recommendations of the Planning and Zoning Commission, subject to topographic terrain or aesthetic conditions.

3. Acceptance of Streets: Subdivision streets will be accepted for maintenance by the Town only when they meet requirements of the minimum standards as set forth by the Town Engineer and all other applicable Section of these regulations.

### F. PARTIAL DEVELOPMENT; DECLARATION OF IMMEDIATE IMPROVEMENT

1. The subdivider may provide plans for the partial development of subdivisions, whereby Town Council in accepting the final plat for recording, shall require that the bond, trust or other appropriate security be sufficient to cover that portion of the subdivision premises which the subdivider has elected to immediately improve, as that portion is described in a “declaration of immediate improvement” which the subdivider shall submit to the Town Council, provided that no improvement or sale of lots shall be commenced in any other area of the subdivision not covered by a “declaration of immediate improvement” on the new area, and provided further that the proper security is approved as specified herein, and provided further that a completion date for the improvements for each area be declared in each “declaration of immediate improvement”.

## SECTION 711. VARIANCE AND APPEALS

### A. HARDSHIP

The Planning and Zoning Commission and the Town Council may authorize variances from the terms of these regulations, where, by reason of exceptional or extraordinary situation or condition of a tract of land, the strict application of any regulation enacted herein would result in peculiar and exceptional practical difficulties to, or undue hardship upon, the subdivider. Such variance may be given provided such relief may be granted without detriment to the public good and without impairing the intent and purposes of these regulations.

### B. APPEALS

Any aggrieved person whose preliminary plat has been rejected or disapproved by the Planning and Zoning Commission may appeal to the Town Council for a hearing within thirty (30) days after such rejection. The Council's decision for both preliminary and final plats shall be final and shall become effective immediately. Notice of the decision shall be mailed to the applicant at the address shown in the application.

## SECTION 712. LEGAL PROCEDURE, VIOLATION, PENALTIES AND REMEDIES

### A. LEGAL PROCEDURES

Any use of development of property contrary to the provisions of the Subdivision Regulations shall be and the same is hereby declared to be unlawful, against the public safety and welfare, and a public nuisance and the Town Attorney shall, upon order of the Town Council, or in their own initiative, immediately commence all necessary actions or proceedings for the abatement, enjoinment and removal thereof in the manner provided by law, shall take such other lawful steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate, enjoin and restrain any person, firm, or corporation from setting, developing, erecting, building, moving, or maintaining any such building or using any property contrary to these provisions of these Subdivision Regulations, or otherwise violating these Subdivision Regulations.

### B. VIOLATIONS AND PENALTIES

Any violations of this Ordinance shall be subject to the enforcement provisions and penalties set forth in Chapter 18 of the Jerome Town Code.

### C. REMEDIES

All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility to correct said prohibited conditions. In addition to the other remedies provided in the Section, any adjacent or neighboring property owner who shall be especially damaged by the violations of any provisions of these Subdivision Regulations may institute, in addition to the other remedies provided by law, injunction, mandamus, abatement or any other appropriate action, proceeding or proceedings to prevent or abate or remove such unlawful erection, constructions, reconstruction, alteration, maintenance or use.

## SECTION 713. AMENDMENTS

### A. AMENDMENTS

The Planning and Zoning Commission and the Town Council may amend these regulations after giving public notice of any such proposed amendment and after holding a hearing thereon.

### B. SUBDIVISION REVISIONS

No changes, erasures, modifications or revisions shall be made in the final plat after approval of the plat has been given by the Town Council.

## SECTION 714. ENFORCEMENT AND EFFECTUATION

### A. ACCEPTANCE

No final plat of a subdivision shall be approved by the Planning and Zoning Commission and accepted by the Town Council unless it conforms to all of the provisions of these regulations.

### B. INTERPRETATION

1. In the interpretation and application of the provisions of these regulations, the regulations shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare.
2. These regulations shall not abrogate or annul any permits issued before the effective date of these regulations, nor shall they abrogate or annul any easement, covenant, or any other private agreement.

### C. SEPARABILITY

1. If any article, section, subsection, sentence, clause, or phrase of these regulations is for any reason held to be unconstitutional or invalid by a decision of any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions. The Planning and Zoning Commission hereby declares that it would have adopted these regulations and each article, section, subsection, sentence, clause and phrase thereof separately and irrespective of the fact that if any one or more of the articles, sections, subsections, sentences, clauses, or phrases be deemed unconstitutional or invalid.
2. If the application of any provisions of these regulations to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the intent that the effect of such decision shall be limited to that tract of land immediately involved. Such a decision shall not affect, impair or nullify these regulations as a whole or in any part in its application to any other tract of land.

### D. REPEALS

All regulations or codes of the Town of Jerome inconsistent herewith, to the extent of such inconsistency, and no further, are hereby repealed. The repeal of any of the above-mentioned regulations, or codes, does not revive any other regulation or code. Such repeals shall not affect nor prevent the prosecution or punishment of any person for the violation of any regulation or code repealed hereby, for an offense committed prior to the repeal.

# APPENDICES

## APPENDIX A DEFINITIONS

**Abutting** - the condition of two adjoining properties having a common property line or boundary, including cases where to or more lots adjoin only a corner or corners.

**Access, Direct** – The provision for immediate ingress and egress of vehicles from an abutting property to an adjacent street.

**Access, Indirect** – The provision for ingress and egress of vehicles from an abutting property to an adjacent street, is shared by two or more properties or is channeled by some means indirectly to the adjacent street

**Access Point** – A driveway or other opening for vehicles to enter from or exit to a street.

**Access, Private** – A private access is an access not in public ownership or control by means of deed, dedication, or easement.

**Access, Public** – A means of physical approach available to the general public.

**Accessory Building or Structure** - A building or structure that is subordinate in size and purpose to the principal structure of the same lot or parcel and serving a purpose customarily incidental to the use of the principal structure or use of land.

**Accessory 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.)

**Accessory feature** - any manmade structure erected upon or appurtenant to real property

**Accessory use** - a use incidental, related, appropriate, and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or parcel.

**Acre** - an area of land containing 43,560 square feet.

**Adjacent** - nearby, but not necessarily touching.

**Administrative and Professional Office** - any building, structure, or portion thereof used or intended to be used as an office for a lawyer, architect, engineer, surveyor, planner, optometrist, accountant, doctor, dentist, or other similar professions.

**Agriculture** - the tilling of the soil, raising of crops, horticulture, viticulture, silviculture, small livestock farming, dairying and/or pasture and range livestock production, including all uses customarily incidental thereto but not including slaughter houses, fertilizer yards, or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes. Agriculture does not include the concentrated single-use operation of feed lots, hog, turkey, chicken, fur-bearing animals or other similar farms, unless these operations are operated in conjunction with or are a part of the crop production of the same or adjoining parcel under common ownership.

**Alley** - An unnamed public or private right-of-way less that is primarily designed to serve as secondary access to the rear or side of those properties whose principal frontage is on some other street.

**Amendment** - a change in the wording, context, or substance of this ordinance, or an addition or deletion or a change in the zone district boundaries or classifications of the zoning map.

**Animal Hospital** - Any building or portion of a building designed or used for the care, boarding, observation, and treatment of animals, including a veterinary clinic.

**Antenna** - Any structure designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication, or other signals from other antennas, satellites, or other services.

**Antique** - a product that is sold or exchanged because of value derived or because of oldness as respects the present age, and not simply because same is not a new product.

**Apartment** - A part of a building consisting of a room or rooms intended, designed, or used as a residence by an individual or a single family.

**Appeal** - an action which permits anyone to arrange for a hearing from other than the individual or group from whose decision the appellant seeks redress.

**ARS** - Arizona Revised Statutes (Arizona State Law).

**Artist** - One who practices the fine arts in which imagination and taste presides over the execution, including painting, drawing, sculpture, poetry, music, dancing, and dramatic art. This is not deemed to include the business of teaching the mechanics of the art.

**Attached building** - (see Building, Attached).

**Automobile Sales** – Storage and display for sale of more than two motor vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales.

**Automobile Service Station –** Any building, structure, or land used primarily for the dispersal, sale, or offering for sale of automotive fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories, but not including major repair work such as motor replacement or rebuilding, body and fender repair or painting.

**Automobile Repair Services Establishment** – Any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles, including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire service and sales, or installation of radios, car alarms, or stereo equipment. Does not include private garages used for the storage or maintenance of the owner or occupants' automobile.

**Automobile Wrecking Yard** – The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts.

**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, smoke alarms are installed and parking has no negative effect on the neighborhood.

**Beekeeping and Associated Definitions**

**Apiary –** A place where bee colonies are kept.

**Beekeeper** – a person who owns and/or breeds bees, especially for their honey.

**Beekeeping (or apiculture)** – the maintenance of bee colonies, commonly in man-made hives by humans. May include the manufacture of honey, beeswax, and other byproducts of the beekeeping process.

**Colony** – the inhabitants of the hive, including the queen, drones, worker bees and brood.

**Flyway barrier** – a solid wall, fence, dense vegetation, or combination of these materials at least six (6) feet high that extends at least ten (10) feet beyond the hives on each end of a bee colony.

**Block** - An area of land within a subdivision that is entirely bounded on all sides by streets and/or exterior boundary or boundaries of a subdivision.

**Board of Adjustment** - (see Section 106)

**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, Principal** - 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, exclusive of decks, uncovered porches, terraces, and steps.

**Building Permit** – An official document or certification that is issued by the building official and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure.

**Building Inspector** – A governmental employee charged with enforcement of the building code, and such other ordinances as may be assigned to their department.

**Building Scale** – The perceived relative height and bulk of a building to that of neighboring buildings.

**Building Setback** - the minimum distance as prescribed by this ordinance between any property line and the closest point of the foundation or any supporting post or pillar of any building or structure related thereto.

**Building Site –** Land occupied or intended to be occupied by a building or interrelated buildings, together with all open space required by this ordinance, which is located on a lot that has been lawfully created and meets all criteria of this ordinance for the intended use. Does not include any streets, alleys, access easements or other rights-of-way necessary for access to the property, or as a means of access through one property to another parcel of land.

**Business Day –** Any day that Town Hall is open for the conduct of regular business, excluding Saturdays, Sundays, holidays, and other days on which Town offices are officially closed. Holidays are those recognized by the Town of Jerome.

**Business or Commerce** - The purchase, sale or other transaction involving the handling or disposition (other than defined in the term “industry”) of any article, substance or commodity for livelihood or profit, including in addition, operation, or provision of any service or service establishment, office building, outdoor advertising sign or structure, recreational or amusement enterprise conducted for livelihood or profit.

**Calendar Day –** Every day shown on a calendar, including Saturdays, Sundays, and holidays

**Campground** - any lot, parcel, or tract of land used, designed, maintained, and intended for rent of plots or sites to accommodate temporary camping by the travelling public with or without sanitary facilities and water, whether or not a charge is made for the use of the park and its facilities.

**Caretaker, Property** – Any person who resides on the property and who performs maintenance or repair services on a regular basis.

**Caretaker’s Residence** – A single-family dwelling unit accessory to an agricultural, professional, commercial, or industrial use for occupancy by the property caretaker.

**Cargo Container** – A standardized, reusable vessel that is or appears to be: (1) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods, or commodities, or (2) designed for or capable of being mounted or moved on a rail car, or (3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

**Carport** - an accessory structure or portion of a main structure open on one (1) or more sides designed for the storage of motor vehicles, without full enclosure.

**Cemetery** - land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbariums, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such premises.

**Child Care Center –** A facility other than a private residence that provides care, supervision, education, instruction, developmental activities, or a combination thereof for minor children for periods of less than 24 hours per day. The facility is generally described as child care center, day care center, day nursery, nursery school, parent cooperative pre-school, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious organization where children are cared for during short periods of time while persons responsible for such services are attending religious activities.

**Child Day Care Home –** A private residence in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children for whom the provider is a parent, stepparent, guardian, custodian, or other relative.

**Church** – A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain a public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

**Circulation Plan** - That portion of the General Plan adopted by the Planning and Zoning Commission and Town Council designating and defining the physical street system for Jerome, Arizona.

**Clinic** – A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis, including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors.

**Club** – Buildings and facilities, owned or operated by a corporation, association, person or persons, for a social, educational, or recreational purpose, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business.

**Clubhouse** – A building to house a club or social organization not conducted for private profit, as documented by state or federal records, and which not an adjunct to or operated by or in connection with a public tavern, café, or other public place.

**Commission** - Town of Jerome Planning and Zoning Commission. (See Section 105.)

**Common Area** – Land in a development held in common or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner.

**Conditional Approval** – An affirmative action by a commission or council indicating that approval will be contingent upon satisfaction of certain specified stipulations.

**Contiguous** – In contact, adjoining, or touching another object or item, as distinguished from being adjacent.

**Convalescent Home** - (same as Nursing Home).

**Cooking Facility** – An area containing facilities for the storage, cooking, or preparation of food, that is accessory to a principal use. A cooking facility may be located in an enclosed or unenclosed area. Specifically includes a sink, refrigerator, stove, and oven, but not microwaves, hotplates, or other similar appliances.

**Cornice** – Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

**Council** - Jerome Town Council.

**Court** – An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, which is bounded on two or more sides by such building or buildings.

**County** - Yavapai County, State of Arizona.

**Covenant, Protective** – A contract entered into between private parties which constitutes a restriction on the use of a particular parcel of property.

**Cultural Resources** – Those resources that possess qualities of significance in national, state, or local history, architecture, archaeology, and culture and which are present in districts, sites, structures, and objects that possess integrity of location, design, setting, materials, workmanship, and association.

**Cupola** – A small dome and the shaft that supports it; sits on top of a building.

**Dancehall** – A place of assembly, open to the public and operated for profit, where dances, parties, receptions, and other gatherings are held. Dance halls may provide live entertainment, may serve alcoholic beverages, and may serve catered meals provided the owner or operator holds the appropriate licenses and permits.

**Day Care** - (see Child Care Center).

**Dead-End Street** - A street or road having a traffic outlet on one end only. A dead-end street may or may not have temporary provisions for the turning around of vehicular traffic.

**Deck** – A roofless outdoor space built as a platform structure at least twelve (12) inches above ground, projecting from the wall of a building, and connected by structural supports at grade or by the building structure.

**Dormer** – A window vertical in a roof or the roofed structure containing such a window.

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

**Drive-Through Establishment -** A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure. (For restaurants, see Restaurant, Fast Food.)

**Driveway –** A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

**Dump** – (See Landfill)

**Dwelling** - A building or portion thereof designed or used primarily as living quarters for one or more families, but not including fraternity and sorority houses, nursing homes, hotels, motor lodges, or other accommodations for the transient public.

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

**Dwelling, Duplex** – A building designed as a single structure, containing two separate living units, each of which is designed to be occupied as a separate permanent residence for one family.

**Dwelling, Triplex** – A building designed as a single structure, containing three separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family.

**Dwelling, Quadplex** - A building designed as a single structure, containing four separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family.

**Dwelling, Live/Work -** a dwelling unit combining residential use types with limited nonresidential-use types.

**Dwelling (Home), Manufactured** – A factory-built, single-family structure that is manufactured under the authority of the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

**Dwelling, Modular** - 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.

**Dwelling, Multi-Family** - a building designed exclusively for occupancy by or occupied by five (5) or more families living independently of each other (i.e., five plex or apartment).

**Dwelling Unit** – A portion of a building designated as the residence of a one family or individual with suitable approved provisions for eating, sleeping, cooking, and sanitation.

**Easement** – Shall mean any recorded interest in land owned by another for a specific (limited) use (i.e., access)

**Eave** – The projecting lower edges of a roof overhanging the wall of a building.

**Electric Transmission Line** - An electric line used for the bulk transmission of electricity between generating or receiving points and major substations or delivery points and having a rating of over twelve thousand (12,000) volts.

**Eminent Domain** – The authority of a government to take, or to authorize the taking of, private property for public use.

**Erect –** The acts of building, constructing, altering, reconstructing, moving a structure upon, or any physical operations on the premises which are for construction. Excavation, fill, drainage, material storage, hauling, and the like shall be considered a part of erection.

**Essential Services -**Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings used or intended to be used for human habitation.

**Façade –** The exterior side of a building which faces, and is most nearly parallel to, a public or private street. The façade shall include the entire building walls, including wall faces, parapets, fascia, windows, doors, canopies, and visible roof structures of one complete elevation.

**Factory-Built Building** – A residential or nonresidential building, including a dwelling unit or habitable room thereof, which is either wholly or in substantial part manufactured at an off-site location to be assembled on-site, except that it does not include a manufactured home, recreational vehicle, or mobile home.

**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.

**Farm** – Any land or buildings or structures on or in which agriculture and farming operations are carried on and shall include the residence or residences of owners, occupants, or employees located on such land.

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

**Fence** – An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

**Final Plat** - the final drawing of a property being subdivided as prepared by a land surveyor or engineer for recording and approval by the Planning and Zoning Commission and the Town Council.

**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.

**Floor Area Ratio (FAR)** – The ratio of gross building floor area to the net lot area of the building site.

**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 Service Establishment).

**General Plan** - a plan developed and adopted by the planning and zoning commission and town council as a guide for future growth and development within the Town of Jerome, including any other plan adopted as a part or any amendments to such plan or parts thereof.

**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.

**Greenhouse, Industrial** – Wholesale business whose principal activity is the growing and selling of plants within an enclosed building.

**Guest House –** (See Accessory Dwelling Unit)

**Guest Room** – One or more rooms intended as one occupancy overnight (or longer) by other than a member of the family. If such contains cooking facilities, it is deemed a dwelling unit. Does not include dormitories for sleeping purposes.

**Half Street** - A street having on a portion, usually one half (1/2), of its required right-of-way width dedicated for public use.

**Hardship** – A restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights. Hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.

**Hedge** – A row of closely planted shrubs, bushes, or any kind of plant forming a boundary or fence.

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

**Hives** – the domicile of bees, including any receptacles or containers inhabited by bees.

**Hillside** – Land that has an average percent of slope equal to or exceeding 15 percent.

**Historic District** – A district or zone designated by a local authority or state or federal government within which buildings, structures, appurtenances, and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including color, proportion, form, and architectural detail; or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved or developed according to a fixed plan based on cultural, historical, or architectural motives or purposes.

**Historic Preservation** – The preservation of historically significant structures and neighborhoods until such time as, and in order to facilitate, restoration and rehabilitation of the building(s) to a former condition.

**Historic Preservation/Design Review Board** – (see Sections 107 and 304)

**Historic Resource, Contributing** – A resource in a registered historic district or historic complex supporting the district's or complex's historical significance through location, design, setting, materials, workmanship, feeling, and association.

**Historic Resource, Noncontributing** – A building, site, structure, or object that does not add to the historic architectural qualities, historic association, or cultural values of the area because it was not present during the period of significance or does not relate to the documented significance of the property due to alterations, disturbances, additions, or other changes, or because it no longer possesses historic integrity nor is capable of yielding important information about the period.

**Historic Resources Survey** – A comprehensive survey involving the identification, research, and documentation of buildings, sites, and structures of any historical, cultural, archaeological, or architectural importance.

**Historic Structure** – Any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the

historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on the Arizona Register of Historic Places; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by the Arizona State Historic Preservation Office (SHPO).

**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.

**Horticulture** – The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod.

**Hospital** – An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities. The term shall include sanitariums, preventoriums, and maternity homes.

**Hotel –** An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars, and recreational facilities.

**Impervious surface –** Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation areas.

**Industry, Heavy –** Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

**Industry, Light** – Manufacturing or other enterprise which assembles, improves, treats, compounds, or packages goods or materials in a manner which does not create a noticeable amount of noise, dust, odor, smoke, glare or vibration outside of the building in which the activity takes place, which does not require extensive outside storage of goods or materials, and which does not generate objectionable amounts of truck traffic.

**Infill Development** - Development or redevelopment of land that has been bypassed, remained vacant, and/or is underused as a result of the continuing urban development process. Generally, the areas and/or sites are not particularly of prime quality; however, they are usually served by or are readily accessible to existing infrastructure (services and facilities). Use of such lands for new housing and/or other urban development is considered a more desirable alternative than to continue to extend the outer development pattern laterally and horizontally, thus necessitating a higher expenditure for capital improvements than would be required for infill development.

**Ingress** – Access or entry point or entrance.

**Intensification of Use** – To alter the character of a use to the extent that the use generates new or different impacts on the health, safety, or welfare of the surrounding neighborhood, including but not limited to the level or amount of traffic, noise, light, smoke, odor, vibration, outside storage, or other similar conditions associated with the use.

**Intensity** – A relative measure of development impact as defined by characteristics such as the number of dwelling units per acre, the amount of traffic generated, and the amount of site coverage.

**Irrigated** – Watered by an artificial or controlled means, including but not limited to sprinklers, furrows, ditches, or spreader dikes.

**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 containing facilities which are used or intended to be used for storage, cooking, and preparation of food, specifically a sink, refrigerator, stove, and oven.

**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

**Land split** - A division of land whose area is two and one-half acres or less into two or three tracts or parcels of land or lots for the purpose of sale or lease.

**Land Surveyor** – A person registered in the state in the field of land surveying.

**Land Trust** – A private, nonprofit conservation organization formed to protect natural resources such as productive farm and forest land, natural areas, historic structures, and recreational areas. Land trusts purchase and accept donations of conservation easements. They educate the public about the need to conserve land, and some provide land-use and estate planning services to local governments and individual citizens.

**Landscape Plan** – A plan associated with a subdivision or development plan that indicates the placement of landscape materials, including specifications, species, quantities, and method of installation.

**Light Pollution** – Any adverse effect of man-made light.

**Light Trespass** – Light spill falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

**Live Entertainment** – Any musical act (not including karaoke), theatrical act (including stand-up comedy), play, revue, scene, dance act, or song and dance act, or any combination thereof, performed by one or more persons, whether or not they are compensated for the performance, in a privately owned premises that is open to the public, whether or not admission is charged. Activities, such as but not limited to, billiards tables, dart boards, shuffleboards, tabletop games, card games, arcade-style games, and similar patron amenities, are not considered live entertainment provided they are not conducted as organized tournaments or other activities intended to attract patrons primarily for entertainment purposes. The presence of such incidental recreational amenities shall not, by itself, constitute entertainment requiring a Conditional Use Permit.

**Live/Work Space –** Areas within buildings that are jointly used for commercial/industrial and residential purposes where the residential use of the space is clearly secondary or accessory to the primary use as a place of work.

**Loading, Off-Street** – An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials, and merchandise.

**Lot –** A parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one main building, together with any accessory buildings, open spaces, and parking spaces required by this chapter and having its principal frontage upon a street, officially approved place, or legally recorded easement.

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

**Lot, Corner** – A lot located at the intersection of two or more streets.

**Lot Coverage** – A measure of intensity of land use that represents the portion of a site that is impervious, This portion includes but is not limited to all areas covered by buildings, parked structures, driveways, roads, sidewalks, and any area of concrete asphalt.

**Lot Depth** – The horizontal distance from the midpoint of the front-lot line to the midpoint of the rear-lot line, or to the rear most point of the lot where there is no rear-lot line.

**Lot, Double Frontage –** A lot having frontage on two parallel or approximately parallel streets. For the purposes of this definition, a lot which has been denied access to one of the parallel or approximately parallel streets shall not be deemed a double frontage lot.

**Lot Line –** A line dividing one lot from another or from a street or any public place.

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

**Lot Line, Side** – Any lot line not considered a front or rear lot line.

**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.

**Lot Split** – The division or redivision of a tract or parcel of land into two lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development.

**Manufacturing** – The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins, etc. Includes light or heavy industry.

**Marijuana Dispensary** – A marijuana dispensary refers to the following: (a) "Nonprofit Medical Marijuana Dispensary" as set forth in The Arizona Medical Marijuana Act, A.R.S. § 36-2801.12; (b) "Dual Licensee" as set forth in The Arizona Smart and Safe Act, A.R.S. § 36-2850.9; (c) "Marijuana Establishment," as set forth in the Arizona Smart and Safe Act, A.R.S. § 36—2850.21(a).

**Membership Organization** – A group that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues-paying members and their guests. There are no sleeping facilities.

**Mine** – An area of land upon which operations to extract valuable mineral deposits or other materials have been conducted, are being conducted, or are planned to be conducted.

**Minor Street Plan** - A part of the street and traffic circulation plan that is complementary to and interrelated with the General Plan.

**Mixed-Use Development** – A tract of land or building or structure developed for two or more different uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment.

**Mixed-Use, Horizontal** – A development pattern in which two or more different land uses, such as residential, commercial, office, civic, or recreational, are located on the same site or within the same development area but are arranged side-by-side on separate lots or in separate buildings, rather than vertically within a single structure. The uses function as a cohesive development through shared access, interconnected circulation, coordinated site design, or complementary amenities.

**Mixed-Use, Vertical** – A development pattern in which two or more different land uses, such as residential, commercial, office, civic, or recreational, are located within a single building.

**Mobile Food Unit** - A temporary food service establishment that is a vehicle-mounted food service establishment designed to be readily movable.

**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 Appendix. The removal of the wheels and running gear shall ***not*** change the meaning of this term. Mobile homes are only those units produced prior to June 15, 1976. Units produced after June 15, 1976, are considered manufactured homes as defined in this Appendix.

**National Register of Historic Places** – A list maintained by the Secretary of the Interior composed of buildings, sites. Structures, objects, and districts of national, state, or local significance in American history, architecture, archaeology, engineering, and culture.

**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.

**Natural Resource –** Existing natural elements relation to land, water, air, plant, and animal life, including but not limited to soils, geology, topography, surface and subsurface waters. Wetlands, vegetation, and animal habitats.

**Newspaper of general circulation** – A newspaper that is published or circulated within the Town that is regularly issued for the dissemination of news of a general and public character at stated short intervals of time.

**Nonconforming building** - (see Section 501).

**Nonconforming use** - (see Section 501).

**Non-Residential Subdivision** - The division of a tract of land into parcels for occupancy by non-residential uses and/or structures whether for sale or for building development for leasing and/or renting.

**Nuisance** – Any thing, condition, or conduct that endangers health and safety, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

**Nursery** – An establishment for the growth, storage, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building.

**Nursing Home** – A use providing bed care and inpatient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease.

**Office** – A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

**Off-Street Loading Facilities** - a site or a portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, and access drives. (see Section 510).

**Off-Street Parking Facilities** - a site or a portion of a site devoted to the off-street parking of motor vehicles including parking spaces, aisles, and access drives. (see Section 510).

**Open Area** - any area used or intended to be used for parking, recreation, open space, agriculture, landing fields and other similar uses.

**Open Space –** An area or portion of land, either landscaped or essentially unimproved and which is used to meet human recreational or spatial needs, or to protect water, air, or plant areas.

**Open Space, Natural –** An area or portion of land maintained in its native condition, often characterized by intact natural landscapes, native vegetation, wildlife habitat, and natural landforms. Allowable activities are limited to passive or low-impact uses such as natural earth walking trails, scientific research, and environmental education.

**Original Grade** - the condition of the surface of the property at the time of submittal of preliminary site plan with no grading changes made.

**Overlay Zoning District** – A zoning district to be mapped as an overlay to a use district and which modifies or supplements the regulations of the general district in recognition of distinguishing circumstances such as historic preservation, wellhead protection, floodplain or unit development while maintaining the character and purposes of the general use district area over which it is superimposed.

**Parapet** – That part of any wall entirely above the roof line.

**Park –** A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

**Parking Area** – Any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

**Parking District** - a public parking district maintained by the federal, state, county or town government, to special district

**Path, Multi-Use** – A pathway, which may be paved or unpaved, and is physically separated from motorized vehicular traffic by an open space or barrier and is either within the highway right-of-way or within an independent tract, or easement. Multi-use path activities may include walking, hiking, jogging, horseback riding, bicycling, and roller skating.

**Patio -** an area, usually paved, that is used for outdoor lounging, dining, and/or recreating that is less than 12 inches above the ground surface. When a structure has a roof or wall enclosure that keeps out the elements, it is not a patio and shall be deemed part of the primary structure for purposes of this Ordinance.

**Performance Standard –** Zoning regulations that permit uses based on a particular set of standards of operation rather than on particular type of use. Performance standards provide specific criteria limiting noise, air pollution, emissions, odors, vibration, dust, dirt, glare, heat, fire hazards, wastes, traffic impacts, and visual impact of a use.

**Permit** - A document issued by Jerome, Arizona, granting permission to perform an act or service which is regulated by the Town.

**Person –** A corporation, company, association, firm, partnership, as well as any individual, state, or political subdivision of a state or agency thereof.

**Planning and Zoning Commission** - The Planning and Zoning Commission and the Planning Commission of Jerome, Arizona are synonymous.

**Plat** – A document, prepared by a registered surveyor or engineer, that delineates property lines and shows monuments and other landmarks for the purpose of identifying property.

**Playground** – A land use designed principally to offer recreation, passive or active, to the public. Also may include a "tot-lot".

**Property Lines** - Those lines outlining the boundaries of properties on lots for the purpose of description in sale, lease, building development, or other separate use of property.

**Public Building** - facilities for conducting public business constructed for various public agencies, including federal, state, county, and town offices and buildings.

**Public Hearing** - hearings held as required by law.

**Public Utility** - private or public facilities for distribution of various services, such as water, power, gas, communication, etc., to the public.

**Preservation** – Means the act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

**Quorum –** A majority of the authorized members of a board or commission.

**Radial** - A line forming right angles with the tangent of any given arc.

**Reconstruction** - means the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

**Record of Survey** – A map prepared by a professional land surveyor that re-establishes survey controls, boundaries, locations of improvements, or the alignment of right-of-ways for recording.

**Recreation, Active** – Those recreational pursuits which require physical alteration to the area in which they are performed. Such areas are intensively used and include, but are not limited to, playgrounds, ball courts, golf courses, and swimming pools.

**Recreational Facilities** - include buildings, structures or areas built or developed for purposes of entertaining, exercising or observing various activities participated in either actively or passively by individuals or organized groups.

**Recreational Facility, Commercial** – Recreational facilities operated as a business and open to the general public for a fee.

**Recreational Facility, Private** – Clubs or recreation facilities for which a membership charge may be made and which are open only to bona fide members and their guests, such as a gaming, shooting, golf, or tennis club, or other similar activities. A private recreational facility may not be open or available to members of the general public.

**Recreation, Passive** – Those recreational pursuits which can be carried out with little alteration or disruption to the area in which they are performed. Such uses include but are not limited to hiking and picnicking.

**Recreational Vehicle** - a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle.

**Recreational vehicle park** - facilities for the temporary storage, parking and maneuvering of recreational vehicles (motor homes, travel trailers, campers etc.) with adequate roads and stall sites, including sanitary and water facilities. Site locations are provided on a day to day basis. Does not constitute a mobile home or trailer park.

**Rehabilitation** - means the act or process of making possible an efficient compatible use for a property through repair, alterations and additions while preserving those portions or features that convey its historical, cultural or architectural values.

**Replat** – The act of platting the lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

**Restoration** - means the act or process of accurately depicting the form, features and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

**Residence** - a structure containing a dwelling unit designed for occupancy or occupied by one (1) family living as a single non-profit family housekeeping unit.

**Restaurant** – Any establishment, however designated, at which food and/or beverage is sold for consumption on the premises to patrons seated within an enclosed building, or elsewhere on the premises.

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

**Restaurant, Fast Food** – An establishment engaged primarily in the business of preparing food and purveying it on a self-serve or semi-self-serve basis. Customer orders and/or service may be by means of walk-up counter or window designed to accommodate automobile traffic. Consumption may be either on or off the premises.

**Retail Sales Establishment** – A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

**Right-of-Way** – A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, trail, water line, sanitary sewer, and/or other public utilities or facilities.

**Roof, Gabled** – A roof which slopes from both sides of a ridge.

**Roof, Gambrel** – A gabled roof with two slopes on each side, the lower steeper than the upper.

**Roof, Hipped** – A roof with slopes on all four sides, continuous from peak to eaves.

**Roof, Mansard** – A roof with two slopes on each of four sides, the lower steeper than the upper.

**School, Charter** – A public school established by a contract with the state board of education, the state board for charter schools, a university under the jurisdiction of the Arizona board of regents, a community college district or a group of community college districts, pursuant to Title 15, Chapter 1, Article 8 of the Arizona Revised Statutes, to provide learning that will improve pupil achievement.

**School**, **Elementary, Junior High, High** - public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary and secondary levels and offering general academic instruction equivalent to the standards prescribed by the state board of education.

**School, Nursery** - (See Child Care Center)

**School, Trade** - schools offering preponderant instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technicians schools and similar commercial establishments operated by a non-governmental organization.

**Screen** – A structure providing enclosure and a visual barrier between the area enclosed and the adjacent property. A screen may also be nonstructured, consisting of shrubs or other growing materials.

**School, Private or Parochial** - an institution conducting regular academic instruction at kindergarten, elementary, and secondary levels operated by a non-governmental organization.

**Service Establishment** – Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

**Setbacks** - (see Yard).

**Sewage System, Private –** A sewage disposal system that collects, treats, and disposes of sewage independent of any public sewage facilities.

**Sewage System, Public** – An off-site system for the treatment and disposal of sewage in which sewage is conveyed by interceptor to a publicly operated treatment plant and disposed of through means approved by the State of Arizona.

**Shed –** A relatively small structure often purchased pre-built or as a kit in pre-fabricated sections. It is not designed to be served by heat, electricity, or plumbing, and does not need to be placed on a permanent foundation. The structure is intended to be used as a storage space or a workshop.

**Short-Term Rental** – Any individually or collectively owned single-family or one-to-four-family house or dwelling unit or any unit or group of units in a condominium or cooperative that is also a transient public lodging establishment or owner-occupied residential home offered for transient use if the accommodations are not classified for property taxation under A.R.S § 42-12001. Does not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center or another similar use.

**Sidewalk** - That paved portion of the right-of-way between the curb lines or lateral lines of the roadbed and the boundary line of said right-of-way designed and intended for the movement of and use of pedestrian traffic

**Sign** - (see Section 509).

**Site** - a parcel of land, subdivided or unsubdivided, occupied or to be occupied by a use or structure.

**Site Plan –** A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations. May include, but is not limited to, lot lines, streets, building sites, reserved open space, buildings, and major landscape features, both natural and manmade.

**Spirituous Liquor Tasting Facility -** An establishment promoting the retail sales of vinous, spirituous or malt liquor to consumers, and allowing tasting of those vinous, spirituous or malt liquors on the premises of the tasting facility. A vinous, spirituous or malt liquor tasting facility may include snacks, not meals, to consume with vinous, spirituous or malt liquor as a complement to but not as the primary function of the tasting facility. Vinous, spirituous or malt liquor tasting facilities may not include dining room seating. Vinous, spirituous or malt liquor tasting facilities may have an “Other Food” License for ware washing and appetizer preparation only, not for meal preparation. A

Spirituous Liquor Tasting Facility shall not include establishments with a Series 12 restaurant liquor license.

**Stable** - a detached accessory structure including, but not limited to, a corral or paddock for the keeping of one or more horses owned by the occupants of the premises and which are not kept for remuneration, hire or sale.

**Stable, Commercial** - a structure including, but not limited to, a corral or paddock for the keeping of horses for remuneration, hire or sale.

**Storm Sewer** - A constructed conduit necessary, useful, or convenient for the collection and carrying of surface waters to a drainage course.

**Story** - that portion of a building included between the surface of any floor and the finished ceiling next above it or the finished under surface of the roof directly over that particular floor.

**Street** - Any existing or proposed street, avenue, boulevard, road, lane, parkway, place, bridge, viaduct or easement for public or private vehicular access or a street in a plat duly filed and recorded in the County Recorder's office. A street includes all land within the street right-of-way, whether improved or unimproved, and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, parking spaces, bridges and viaducts.

**Street, Arterial -** A street or road with the principal function to serve as a part of a major network for the through traffic flow, separate from local traffic, to and from areas of principal tragic generation, of adequate design, capacity and construction to provide for the safe and rapid distribution and collection of through traffic and to provide limited ingress and egress to and from collector and local streets.

**Street, Collector** - A street or road that serves local traffic movement within an area, and traffic between major arterials and local streets and provides a means of ingress and egress to local streets and abutting property; also serves to connect adjacent neighborhoods and includes the principal entrance streets into residential neighborhoods. There may also be provisions for parking and loading or unloading on collector streets.

**Street, Cul-de-sac** - A local street of relatively short length with one end open to traffic and the other end permanently terminating in a vehicular turnaround.

**Street, Minor** - A street or road used primarily for direct access and egress to residential, commercial, and industrial areas and having major service functions of loading, unloading, and direct access and egress to abutting property, and being controlled in such fashion as to discourage through traffic and maintain relatively slow speed. There may also be provisions for parking on minor streets.

**Street, Frontage Road** - A minor street, parallel to and adjacent to an arterial street, whose primary purpose is providing access to abutting properties.

**Street, Stub** - A short dead-end street or road, no more than one lot deep in length, formed at the boundaries of a subdivision to provide access to abutting property.

**Street Line** - the boundary line between street right-of-way and abutting property.

**Structure** - anything constructed or erected which requires a fixed location on the ground, including a building but not including a fence or wall, unless the wall is part of the building.

**Structure, Main** - a structure housing the principal use of a site or functioning as the principle use.

**Structure Alteration** - any change in the supporting members of a building, such as foundations, bearing walls, columns, beams, floor or roof joints, or any change in the exterior dimensions of a building, excepting those changes which may result from providing minor repairs and building maintenance.

**Subdivision of Land** - (see Arizona Revised Statutes, Section 9-463).

**Subdivider** - Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under the regulations of Article VII Subdivision Standards, to effect a subdivision of land hereunder for himself or for another.

**Subdivision** - Improved or unimproved land or lands divided for the purpose of financing sale or lease, whether immediate or future, into four (4) or more lots, tracts, or parcels of land, or, if a new street is involved, any such property which is divided into two (2) or more lots, tracts, or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two (2) parts. This definition includes land splits. Also includes any condominium, cooperative, community apartment, townhouse or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.

**Swarming** – Swarming is a natural process in the life of a honeybee colony. Swarming occurs when a large group of honeybees leaves an established colony and flies off to establish a new colony. Swarming is a natural method of propagation that occurs in response to crowding within the colony.

**Swimming Pool** - any above or below-ground structure containing or intended to contain water for recreational uses, including wading pools.

**Tentative Plat or Preliminary Plat** - That portion of a preliminary plan or any separate drawing of a parcel of land that conforms with the requirements of the subdivision regulations intended for subdivision and approval of the Planning and Zoning Commission.

**Town** - the Town of Jerome, Yavapai County, Arizona.

**Travel Trailer** - a vehicle without motive power, portable structure with wheels built on a chassis, designed as a temporary dwelling for travel recreation and vacation purposes, having a body width not exceeding eight (8) feet and its body length does not exceed thirty-two (32) feet.

**Trailer Park or Court** - facilities for the storage, parking, and maneuvering of mobile homes or trailers with adequate road and stall sites, and providing adequate sanitation and water facilities required to meet the needs of the residents. Site location is provided on a rent or lease basis. Includes mobile home parks.

**Tree, Heritage** – A designated tree that is unique and important to the cultural landscape of Jerome because of its species, age, size, location, and/or historical significance.

**Unapproved Lot or Parcel** - A lot or parcel of land that may be legally described on a deed, appear on a recorded or unrecorded map or been assigned a parcel number by the County Recorder but has never been officially approved by any past or present Jerome Town Council.

**Use** – Any purpose for which a lot, building, or other structure or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

**Use, Conditional** – A use of property that may be permitted only by conditional use permit and which use must comply with all terms and conditions of the permit.

**Use, Permitted** – A use permitted in a district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this ordinance.

**Variance** - (see Arizona Revised Statutes, Section 9-462, and Section 305 of this Ordinance).

**Vineyard** - is an area of land planted with cultivated grapevines.

**Viniculture** - is the science, cultivation and study of grapes which deals with the series of events that occur in a vineyard, which vineyard produces grapes specifically for winemaking, whether for commercial, non-commercial or domestic use. The term “viniculture” shall not apply to plantings of one hundred (100) vines or less.

**Wall** - any structure or device forming a physical barrier which is so constructed that fifty (50) percent or more of the vertical surface is closed preventing the passage of light, air and vision through said surface.

**Warehouse** - a building or buildings used for the commercial storage of goods, where no retail or wholesale operations are conducted at the site.

**Wholesale** - the sale of goods or materials for the purposes of resale.

**Water System, Community** - a water supply system publicly or privately owned having an authorized permit, which serves the needs of the residents.

**Yard –** An open space at grade between a building and the adjoining lot line, unoccupied or unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this ordinance.

**Yard, Front** - a yard, the depth of which is the minimum required horizontal distance between the front line and a line parallel thereto on the lot, which yard extends across the full width of the lot.

**Yard, Rear** - a yard, the depth of which is the minimum required horizontal distance between the rear lot line and a line parallel thereto on the lot, which yard extends across the full width of the lot.

**Yard, Side** - a yard, the width of which is the minimum required horizontal distance between the side lot line and a line parallel thereto on the lot, not including any portion of required front yard or required rear yard.

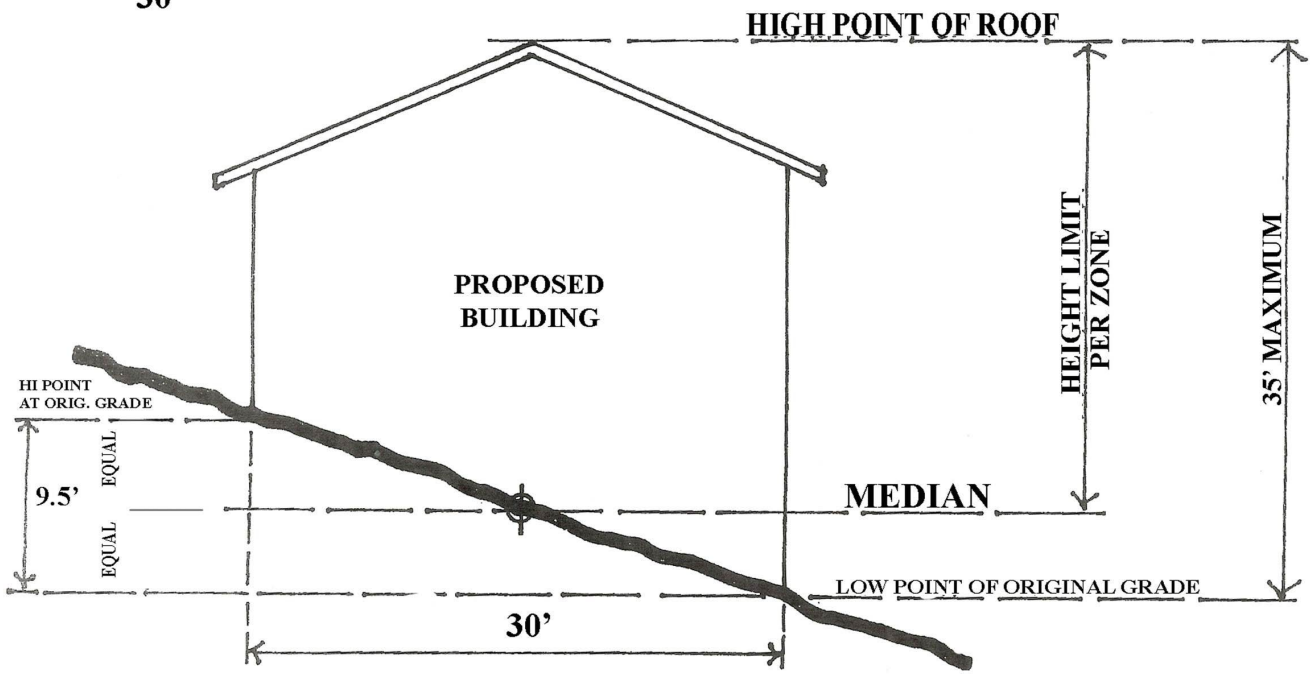
**Zone** - a district classification established by this ordinance which limits or permits various and specific uses.

**Zone District** - a zone area in which the same zoning regulations apply throughout the district.

**Zoning Area** – The area within one hundred fifty feet, including all rights-of-way, of the affected property subject to the proposed amendment or change and the area of the proposed amendment or change.

[Ord. No. 374; Ord. No. 408; Ord. No. 442; Ord. No. 446; Ord. No. 454; Ord. No. 465; Ord. No. 470; Ord. No. 474]

**Slope = $\frac{9.5'}{30'}$ =31.6% Slope**

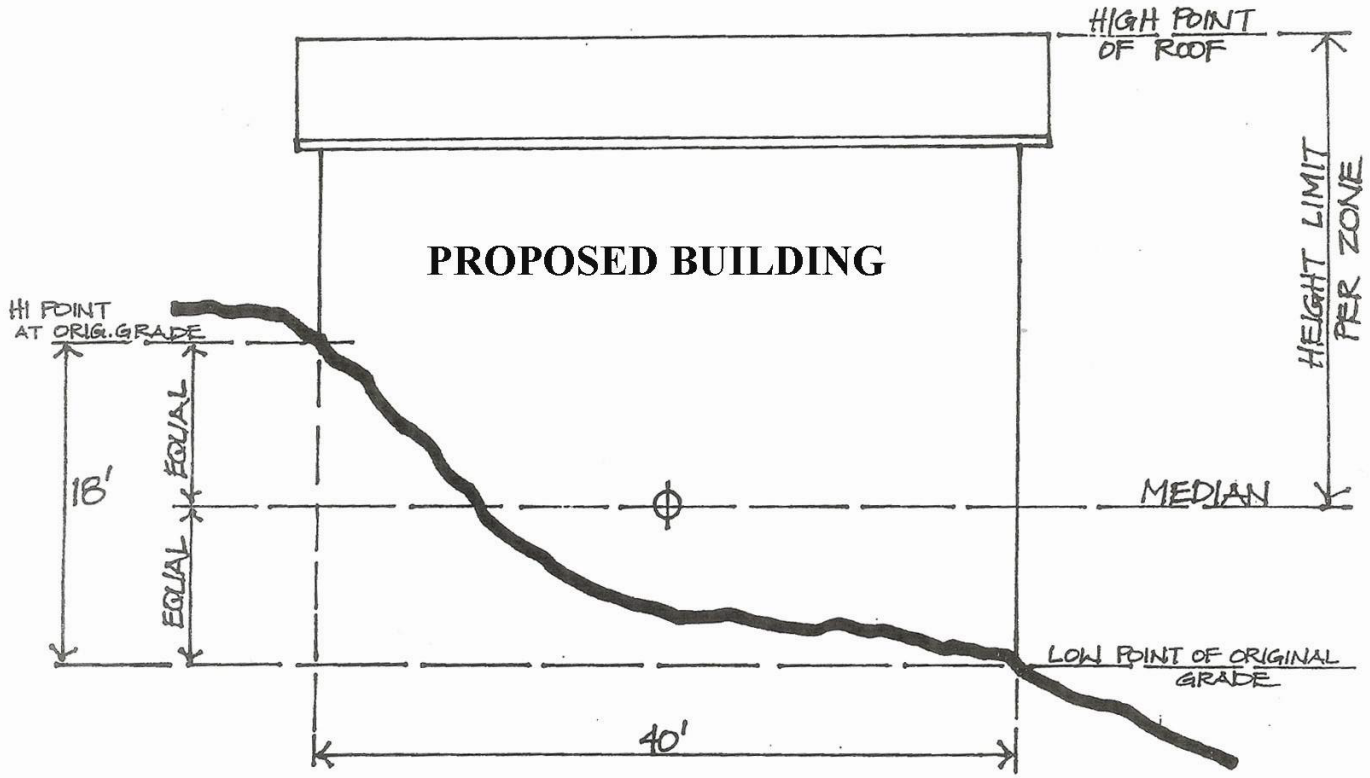



**(SITE SECTION)**

# DIAGRAM 1

**BB 1.98**

**SLOPE = $\frac{18'}{40'}$ =45% AVERAGE SLOPE**




**(SITE SECTION)**

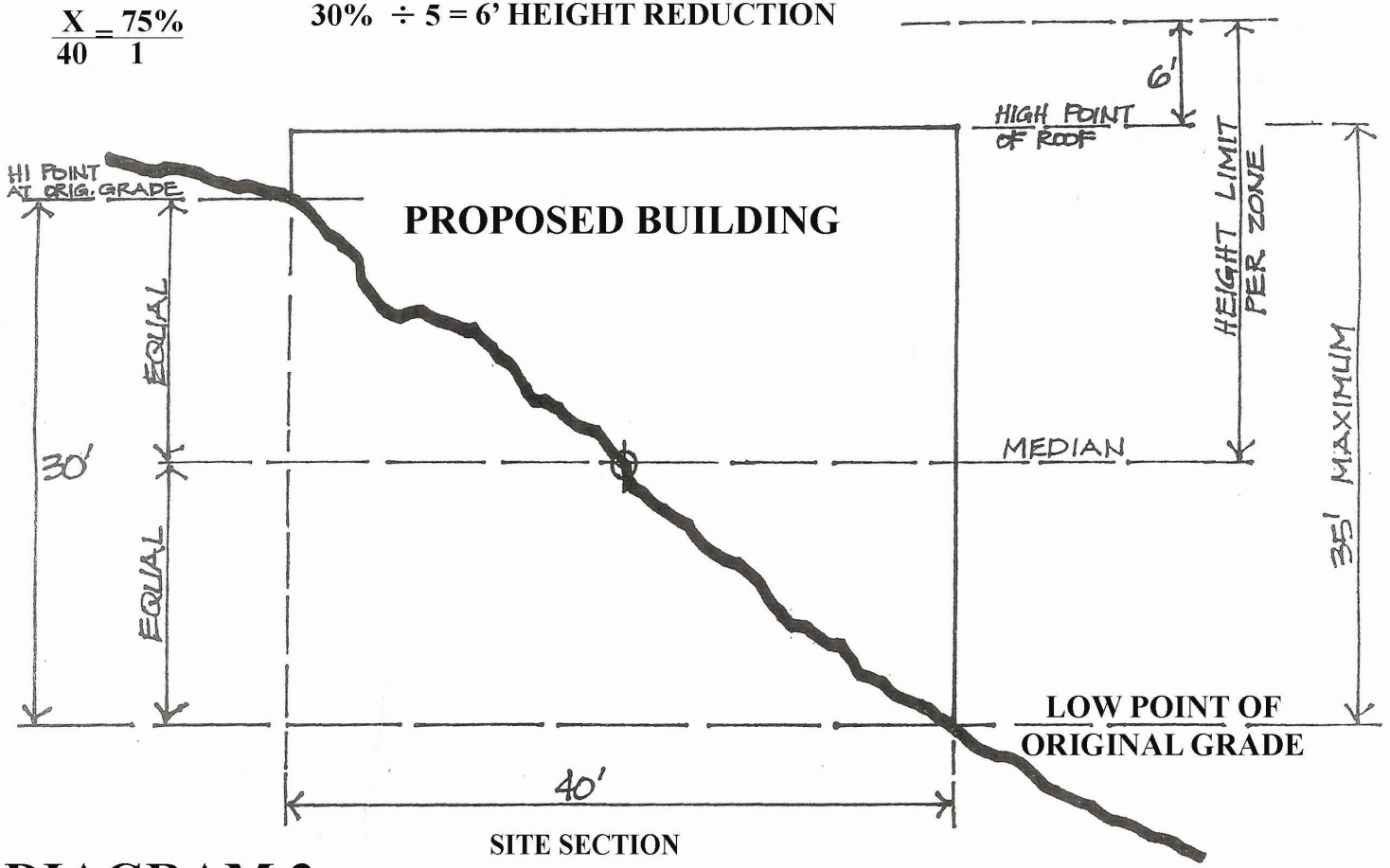
# DIAGRAM 2

**BB 1-98**

SLOPE = $\frac{30'}{40'}$ = 75%

$\frac{X}{40} = \frac{75\%}{1}$

75%
– 45%
30% ÷ 5 = 6' HEIGHT REDUCTION

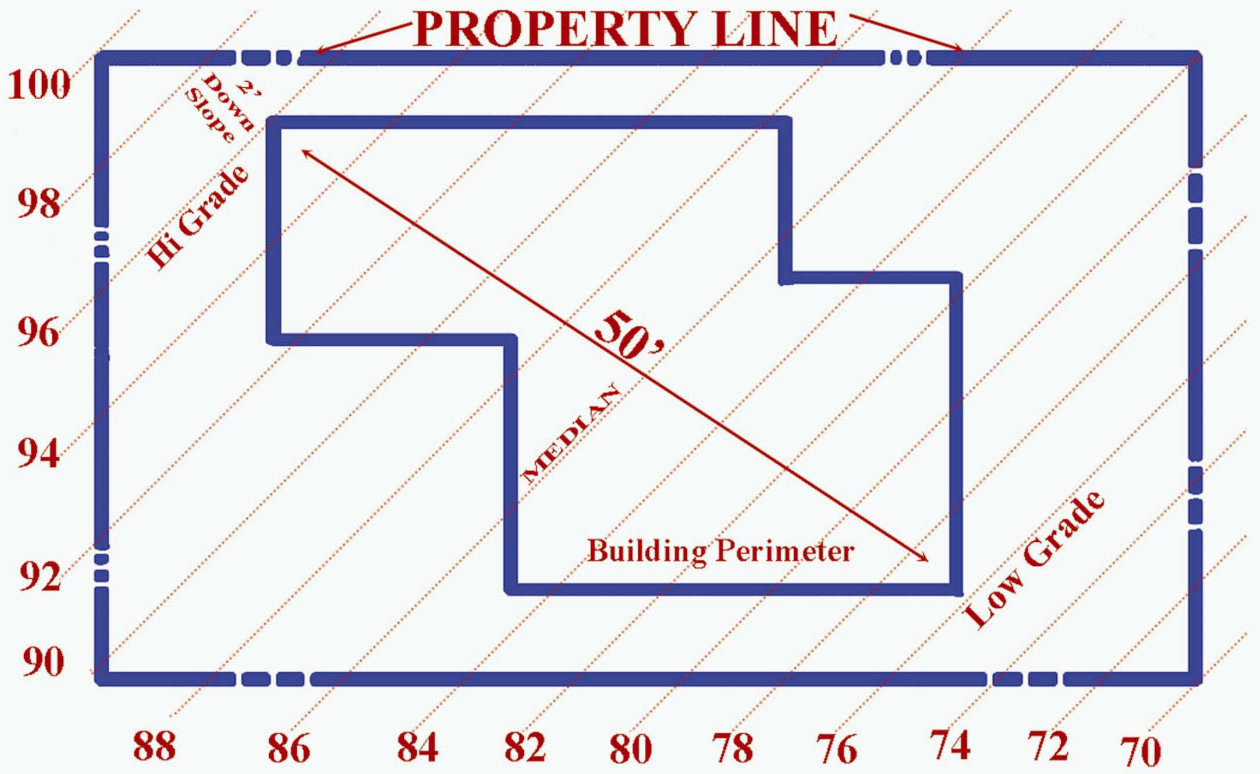



SITE SECTION

# DIAGRAM 3

BB 1-98

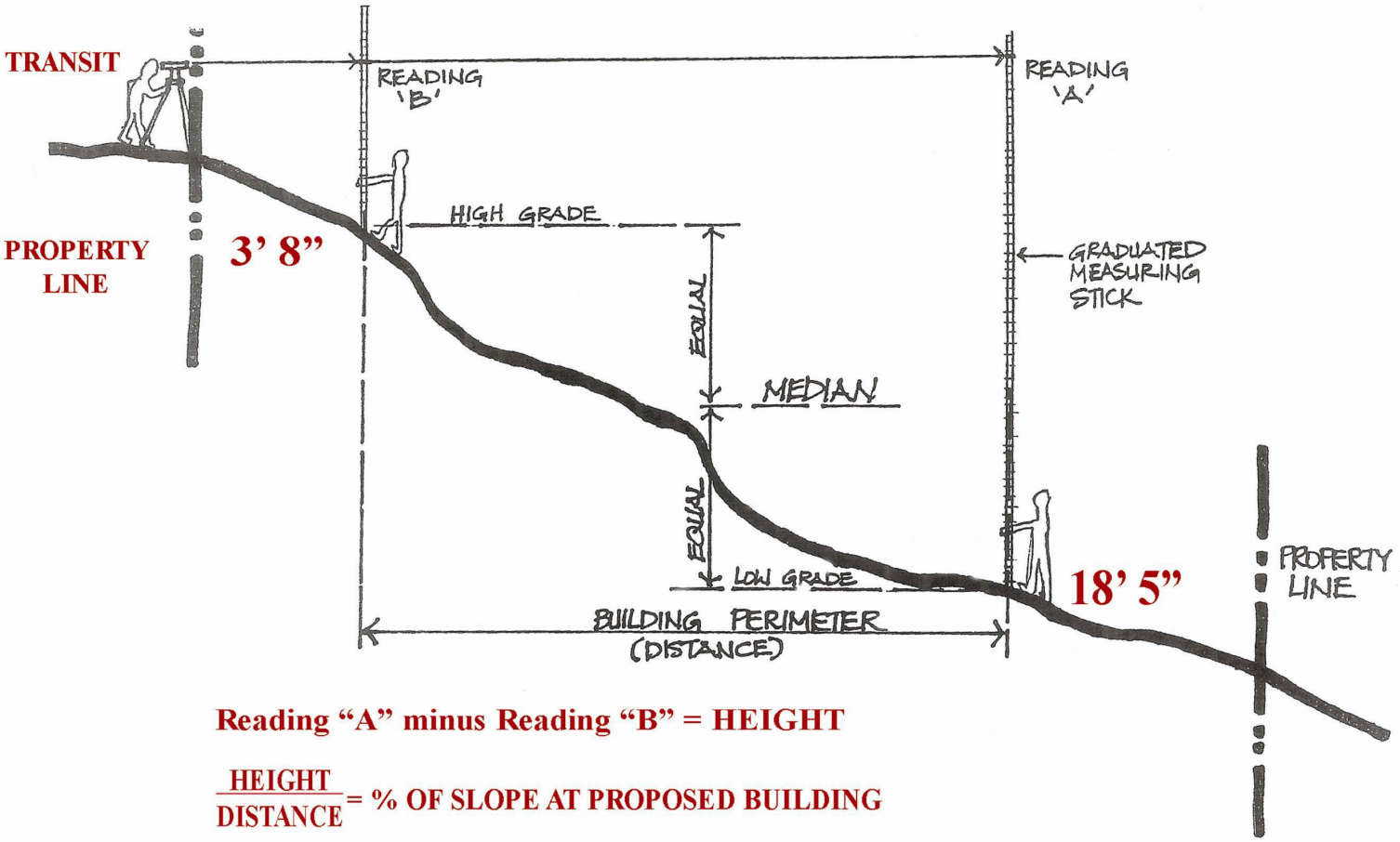
**Median Grade Elevation Throughout Construction**




TOPO-LINE AT HIGH SIDE = 96 - 76 = $\frac{20'}{50'}$ = 40% SLOPE  MEDIAN = TOPO-LINE 86

# DIAGRAM 4
BB 1-98

(SITE PLAN w/ TOPOGRAPHY)

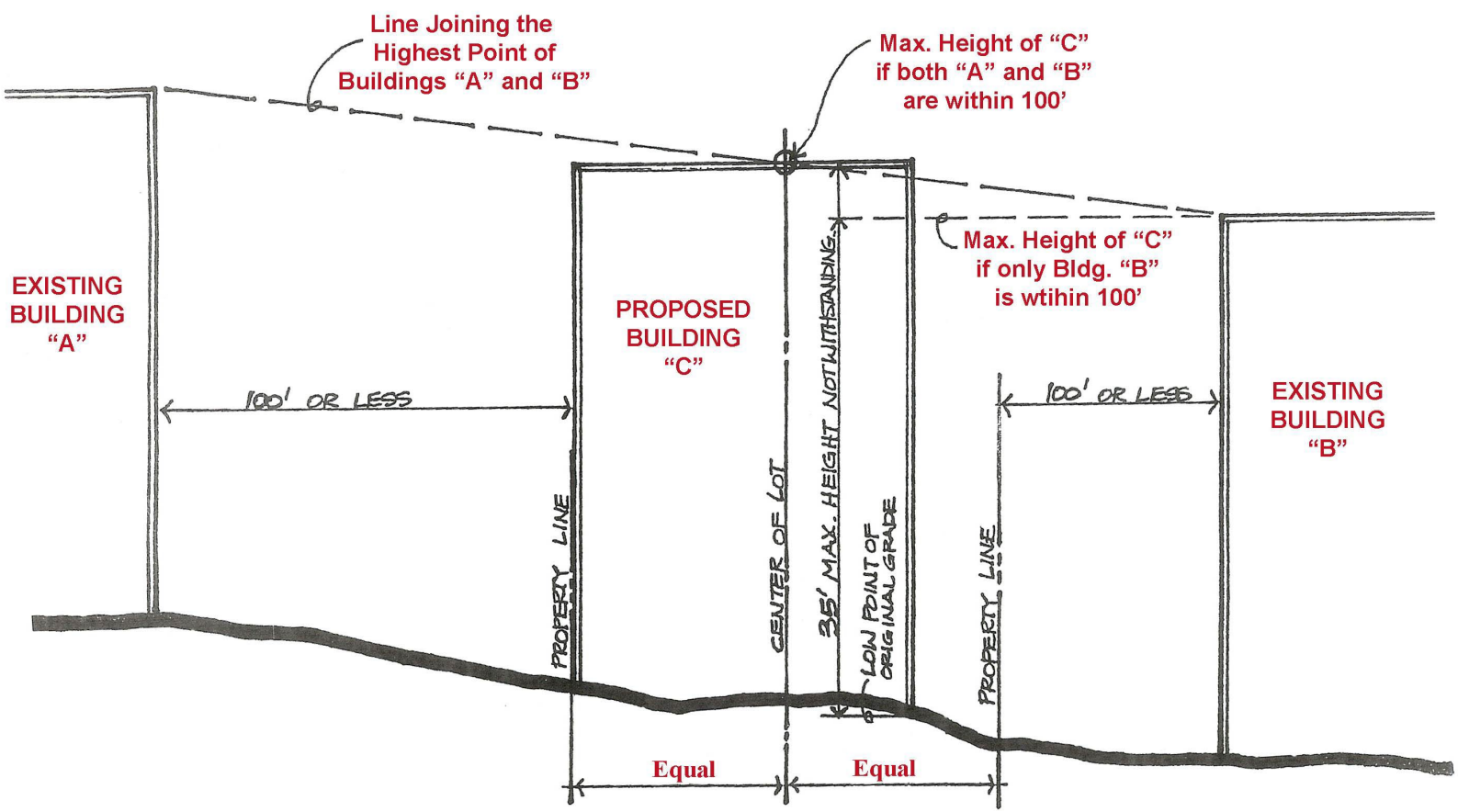



**Reading "A" minus Reading "B" = HEIGHT**

$$\frac{\text{HEIGHT}}{\text{DISTANCE}} = \%\ \text{OF SLOPE AT PROPOSED BUILDING}$$

# DIAGRAM 5 (SITE SECTION)

**BB 1-98**




# DIAGRAM AT C-1 ZONE ONLY

**Elevation View**

BB '98