JEROME ZONING ORDINANCE

AS REVISED FEBRUARY 1997

AND UPDATED THROUGH OCTOBER 2014

UPDATES:

UPDATE	ORDINANCES INCLUDED	UPDATED BY
9/10/2012	290 (original re- adopting ordinance); 293, 298, 301,313,324,340,343,374,378, 380 *(Typographical error in Section 303.1 E corrected 1/14/2013)*	Candace B. Gallagher, CMC
12/17/2013	406, 407, 408 In addition, REMOVED provisions of Ordinance 343, which was repealed by voters in 2008, and reversed renumbering of Sections 503-511 that had been renumbered with that ordinance.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

JEROME ZONING ORDINANCE 1997

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Northern Arizona Council of Governments

ORDINANCE NO. 177

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 comprehensive 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.

SECTION 104. PLANNING AND ZONING COMMISSION

A. 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 hereinafter provided. 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. Three (3) absences without prior notification during a year from any regular or special meeting shall be grounds for termination at the will and pleasure of the appointing authority and such action shall be final. 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]

B. POWERS AND DUTIES

It shall be the duty of the Commission to formulate 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 for any purpose, to make or cause to be

made a continuous study of the best present and future use to which land and buildings shall be put within the Town of Jerome and in cooperation with adjacent areas, and to recommend to the Council revisions in such plans which, in the opinion of the Commission, are for the best interest of the citizens of the Town of Jerome; to hold public hearings where necessary; to 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; to carry out the specific duties as prescribed by this ordinance, and to undertake all activities usually associated therewith 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.

C. 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 consecutively 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]

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 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]

E. RULES; REGULATIONS; RECORDS; MEETINGS

The Commission shall make and publish rules and regulations, to govern its proceedings and to provide for its 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 105. 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 hereinafter provided. 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. The Council shall file a written statement of the reasons for removal. Three (3) unexcused absences during a term from any regular or special meeting shall be grounds for termination at the will and pleasure of the appointing authority without the necessity of a hearing or notice, and such action shall be final. 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.

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 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 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 106. DESIGN REVIEW BOARD

A. PURPOSE

The purpose of the Design Review Board is to review the exterior design of new buildings and structures, the alteration of buildings and structures, landscaping plans, signs, and proposed demolition of structures, within the Historic Overlay District, 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.

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

The Design Review Board of the Town of Jerome shall be composed of five (5) members. The membership shall consist of a Town Planning and Zoning Commission member and four (4) residents of Jerome, who shall be persons qualified by design background, training or experience, to be appointed by the Town Council. The member of the Planning and Zoning Commission shall be designated annually by the Commission, and may not serve as Chair of the Design Review Board concurrently with serving as Chair of the Planning and Zoning Commission. In the event of a vacancy in the seat held by the member of the Planning and Zoning Commission, the Commission shall appoint another member to serve on the Design Review Board for the remainder of that year. The four (4) public members 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. Three (3) absences, without prior notification during a year from any regular or special meeting shall be grounds for termination at the will and pleasure of the appointing authority and such action shall be final. 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]

C. POWERS AND DUTIES

1. The 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 down 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 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 consecutively 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 to govern its proceedings and to provide for its 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 107. 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 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 108. ENFORCEMENT

This ordinance shall be enforced by the Zoning Administrator who shall in no case 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 building or

structure as proposed to be constructed, reconstructed, altered, used or moved or the lot or parcel as proposed to be used would be in violation of any of the provisions of this ordinance, unless directed to issue such permit by the Board of Adjustment after interpretation of the ordinance or the granting of a variance or by the Town Council after lawful amendment of this ordinance.

SECTION 109. 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. Any person, firm, or corporation, violating any of the provisions of the Zoning Ordinance of the Town of Jerome shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than three hundred dollars ($300.00) or by imprisonment in the Town jail for not more than ninety (90) days, or by both such fine and imprisonment. 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 therefore as herein before provided in this section.

SECTION 110. 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 and it is intended and declared that all parts of said "Zoning Ordinance of the Town of Jerome" not expressly declared to be invalid or unconstitutional shall continue in full force and effect not withstanding so much thereof as may be declared to be invalid or unconstitutional.

ARTICLE II
DEFINITIONS

SECTION 201. GENERAL

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

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 - denotes the right vested in the owner of land which adjoins a road or other highway to go and return from his own land to the highway without obstruction. Access to property does not necessarily carry with it possession

Accessory building - a building or structure which is subordinate to and the use of which is customarily incidental to that of the main building, structure or use on the same lot or parcel

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, adjoining - nearby, but not necessarily, touching.

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 - a public passageway, affording a secondary means of access to abutting property and is not intended for general traffic circulation.

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 - facilities for the care, treatment, and boarding of animals including the term "veterinary clinic."

Antenna - accessory feature used for electronic signal reception or transmission.

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

Apartment - a room or suite of two (2) or more rooms in a multiple dwelling, occupied or suitable for occupancy as a residence for one (1) family.

Apartment House - A building containing apartments with two (2) or more families living independently of each other.

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.

Area, open - (see Open Area).

ARS - Arizona Revised Statutes (Arizona State Law).

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

Attached building - (see Building, Attached).

Automobile Service Station - (see Service Station).

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

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

Board of Adjustment - (see Section 105)

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

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

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

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

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

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

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

Building Area - the total areas, taken on a horizontal plane at the mean grade level, of the principal buildings and all accessory buildings (including decks), exclusive of uncovered porches, terraces and steps.

Building Permit - a permit required for the erection, construction, modification, addition to or moving of any building, structure or use in the incorporated area of the Town of Jerome.

Building Setback Line - 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 - the ground area of a building or buildings together with all open spaces adjacent thereto, as required by this ordinance, 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 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 profit or livelihood.

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.

Carport - an accessory structure or portion of a main structure open on two (2) 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.

Church - a permanently located building commonly used for religious worship fully enclosed with walls, but including windows and doors, and having a structurally solid and sound roof.

Clinic - a place for the provision of group medical services, not involving overnight housing of patients.

Club - an association of persons for some common non-profit purposes, but not including groups organized primarily to render a service which is customarily carried on as a business.

Clubhouse - a structure and related facilities for conducting or continuing the social purposes for which the club was organized.

Commission - Town of Jerome Planning and Zoning Commission. (See Section 194.)

Comprehensive Plan (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.

Contiguous - in actual contact.

Convalescent Home - (same as Nursing Home).

Council - Jerome Town Council.

Court - any space other than a yard on the same lot with a building or group of buildings and which is unobstructed and open to the sky from above the floor level of any room having a window or door opening on such court. The width of a court shall be its least horizontal dimension.

County - Yavapai County, State of Arizona.

Day Care - (see School, Nursery).

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

Design Review Board - (see Section 106).

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

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

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

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

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

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

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

Dwelling, Multi-Family - a building designed exclusively for occupancy by or occupied by four (4) or more families living independently of each other (i.e., four plex or apartment).

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

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

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

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

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

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

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

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

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

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

Garage, Repair - (see Automobile Repair Garage).

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

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

Guest House - living or sleeping quarters within an accessory building for the sole use of occupants of the premises, guests of such occupants or persons employed on the premises. Such quarters shall not be rented, and/or otherwise used for income purposes.

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

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

Home Occupation - any occupation or profession which is incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character thereof, and in connection with which there are no employees other than a member of the immediate family residing in the dwelling unit.

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

Hotel - a building in which there are nine (9) or more rooms where lodging with or without meals is provided for compensation, usually on a transient basis, "hotel" shall not be construed to include motel, trailer court, sanitarium, hospital, or other institutional building or jail or other building where persons are housed under restraint. No provision is made for cooking in the individual rooms or suites.

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

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

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

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

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

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

Lodge - an order or society of persons organized for some common non-profit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

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

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

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

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

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

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

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

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

Manufacturing - (see Industry, Light).

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

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

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

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

Newspaper of general circulation - *The Verde Independent*.

Nonconforming building - (see Section 501).

Nonconforming use - (see Section 501).

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

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

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

Office - a room or rooms and accessory facilities for the managing or conducting of a business.

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 - any area used or intended to be used for recreation and/or conservation purposes for an unspecified period of time. This term implies that the environment will remain in its natural state and not be physically disturbed in any way.

Original Grade - the condition of the surface of the property at the time of submittal of preliminary site plan with no grading changes made.

Park - a public or private parcel of land developed and used for passive or active recreation.

Parking Area - an area designed and constructed and used exclusively for the parking, storage and maneuvering of vehicles.

Parking District - a public parking district maintained by the federal, state, county or town government, to special district

Person - included are: individual association, company, firm, corporation, Partnership, co-partnership, joint venture, city, county, special district, trust or any other legal group acting as an entity.

Playground - an area used by children for recreation purposes. Also may include a “tot-lot”.

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.

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.

Right-of-Way - includes any public or private right-of-way and includes any area required for public use pursuant to any general or official plan.

Recreation Facilities - includes 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 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.

Retail store - a commercial business for selling goods, services, ware or merchandise directly to the customer.

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 - an establishment which serves food or beverages only to persons seated within the building. This includes cafes and tea rooms.

School, **elementary, junior high, high school** - public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary and secondary levels. Such institutions shall offer general academic instructions equivalent to the standards prescribed by the state board of education.

School, Nursery - a school or the use of a site or a portion of a site for an organized program devoted to the education or day care of five (5) or more children of elementary school age or younger, than those residents on the site. Includes day 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.

School, Private or Parochial - an institution conducting regular academic instruction at kindergarten, elementary and secondary levels operated by a non-governmental organization.

Service Station - an occupancy engaged in the retail sales of gasoline, oil, tires, batteries, and new accessories and which provides for the servicing of motor vehicles and operations incidental thereto, including: automobile washing, waxing and polishing, tire changing and repairing, but not including recapping. May also include battery service, radiator cleaning, flushing and repair, installation of minor accessories, lubrication of motor vehicles, rental of utility trailers, testing, adjustment and replacement of motor parts and accessories.

Setbacks - (see Yard).

Sewage Disposal, Community - a sewage system publicly or privately owned having approval to collect and dispose of domestic and/or industrial waste materials.

Sign - (see Section 509).

Site - a parcel of land, subdivided or unsubdivided, occupied or to be occupied by a use or structure.

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 vinous, spirituous or malt liquor tasting facility shall not have 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.

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 - a public or private way permanently dedicated or reserved as a primary means of 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 used as a fence.

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).

Swimming Pool - any permanent structure containing or intended to contain water for recreational uses, including wading pools.

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.

Town - the Town of Jerome, Yavapai County, Arizona.

Use - the purpose for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered or enlarged or for which either a site or structure is or may be occupied and maintained.

Use, Conditional - a use which is listed as a conditional use in any given district in this ordinance. Conditional uses may be required to meet certain requirements as a condition precedent to the granting of a use permit which will allow the establishing of a conditional use in any given district.

Use, Permitted - a use which is listed as a permitted use in any given district in this ordinance. Permitted uses may not meet special requirements as a condition precedent to be allowed to establish in a given district, except as may be required by the provisions 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 - open and unoccupied space on a lot or parcel.

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.

[Ord. No. 374; Ord. No. 408]

ARTICLE III
PROCEDURES

SECTION 301. AMENDMENTS OR ZONE CHANGES

A. PURPOSE

The Council may, from time to time as the public necessity, convenience, general welfare, or good zoning practice requires, change the district boundaries or amend, change, repeal or supplement the regulations herein established. 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

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. In the case of a petition requesting a zoning district change which includes other property in addition to that owned by the petitioner, the petition shall include the signatures of the real property owners representing at least seventy-five (75) percent of the land in the area proposed to be changed. Such petition shall be filed on a form provided for the purpose and shall include:

    a. A map showing the particular property or properties for which the change of zone is requested and substantially the adjoining properties and the public streets and ways within a radius of three hundred (300) feet of the exterior boundaries thereof.

    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 (if any) which would affect the permitted “uses” of the property if rezoned as requested and the data or dates (if any) of expiration thereof; and

    e. Such photographs, drawings, and other supporting documents (if any) 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 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. Upon receipt of a complete application for amendment, the Zoning Administrator shall forward the application to the Planning and Zoning Commission.

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, rezoning or ordinances that impose a new land use regulation or modify an existing land use regulation, a Neighborhood Meeting shall be required in accordance with Section 306 of this zoning ordinance. The Commission shall then fix a reasonable time for the hearing of the proposed zone change, amendment, or addition and shall give notice thereof to interested parties and to the public by publication of a notice in the official newspaper of the Town, and by posting the area included in 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 including a general description of the area affected. The Commission may for any reason, when it deems such action necessary or desirable, continue such hearing to a time and place certain. Within thirty (30) days after the close of the hearing, the Commission shall render its decision in the form of a written recommendation to the Council. The recommendation shall include the reasons for the recommendation.

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

3. 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 thereupon proceed as set forth herein 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. Once the Commission has held a public hearing, the Council may adopt the recommendations of the Commission without holding a public hearing if there is no objection, request for public hearing, or other protest. The Council shall hold a public hearing if requested by the party aggrieved or any member of the public or of the governing body. Notice of the time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the Commission as specified in Subsection C. 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 either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side thereof extending one hundred fifty (150) feet therefrom, or of those directly opposite thereto extending one hundred fifty (150) feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, 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 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. If the Council's recommendation is to overrule the recommendation of the Commission, such decision shall require the vote of three-fourths (3/4) of all members of the Council voting on the question.
4. The Council shall not make any changes in any proposal recommended by the Commission until the proposed changes have been referred back to the Commission for a report, Failure of the Commission to file a report back to the Council within thirty (30) days from date of receipt of the recommended changes shall be deemed to be approval of the proposed change(s) as recommended by the Council.
5. At the time of rezoning, the Council shall establish a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, it shall revert to its former zoning classification without legislative action.

E. RECONSIDERATION OF DENIED AMENDMENTS

In the event that 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 for the same amendment of this Ordinance as it applies to the same property described in the original petition, or any part thereof, within a period of one (1) year from the date of such denial action, unless 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.

SECTION 302. CONDITIONAL USE PERMITS

A. PURPOSE

Every zoning district contains certain buildings, structures and uses of land which are normal and complementary to Permitted Principal Uses in the district, but which, by reason of their typical physical or operational characteristics, influence on the traffic function of adjoining streets, or similar conditions, are often incompatible with adjacent activities and uses. It is the intent of this Ordinance to permit Conditional Uses in appropriate zoning districts, but only in specific locations within such districts that can be designed and developed in a manner which assures maximum compatibility with adjoining uses. It is the purpose of this Section to establish principles and procedures essential to proper guidance and control of such uses.

B. GENERAL REGULATIONS

1. Zoning district regulations established elsewhere in this Ordinance specify that 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 Section and to requirements set forth in district regulations. 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 as a Permitted Conditional Use by this Ordinance for the district in which it is located shall be considered as meeting the conditions which would otherwise be imposed upon such use by this Ordinance, and its continuance shall not be subject to issuance of a Conditional Use Permit; provided, however, to the extent that such fails to 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 nonconforming use regulations applicable thereto.
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 maintenance of 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

Application for a use permit shall be filed with the Zoning Administrator on a form prescribed by the Commission. The application shall be forwarded to the Planning and Zoning Commission by the Zoning Administrator, and when required by the Commission, shall be accompanied by a detailed site plan prepared in accordance with Section 303 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 the Commission any additional information it may consider relevant to investigation of the case.

D. COMMISSION ACTION AND FINDINGS

1. It is the express intent of this Ordinance that any use for which a Conditional Use Permit is required shall be permitted as a Principal Use in the particular zoning district, provided that all special conditions and requirements of this Ordinance are met. Therefore, the action of the Commission shall be one of approval or denial based upon its judgment as to whether the specified conditions have been or will be met. 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 and shall provide all possible guidance to the applicant in his preparation of application, plans, and data in such manner as to satisfy the intent of this Section.
2. The Commission shall consider the application at their next regular meeting if the application was filed at least fifteen (15) days prior to such meeting. Otherwise it shall be carried over until the next regularly scheduled meeting. The Commission may reach a decision, continue the matter to a specified date (but not later than the next regularly scheduled meeting), or may set the matter for public hearing. Prior to holding a public hearing, a Neighborhood Meeting may be required in accordance with Section 306 of this Zoning Ordinance. If the Commission does set the matter for public hearing, notice thereof shall be given to the public by publication of a notice in the official newspaper of the Town and by posting the property included in the application 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 and a general description of the area affected.
3. In order to grant any use permit, the findings of the Commission must be that the establishment, maintenance, or operation of the use or building applied for will not be detrimental to the public health, safety, peace, convenience, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the Town.
4. 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.
5. 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 deny the permit. Notice of denial, including reasons therefore, shall be mailed to the applicant at the address shown in the application, and the Commission shall report its actions to the Council at its next regular meeting.
6. If the Commission approves the application it shall direct the Zoning Administrator to draft a Conditional Use Permit setting forth all conditions and requirements governing such use, shall make the approved site plan a part of the record of the case, and shall submit the permit to the Town Council for action at Council's next regular meeting.
7. Failure of the applicant to comply with the conditions and safeguards which 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 109.

E. COUNCIL ACTION AND APPEALS

1. Upon receipt from the Zoning Administrator of a Planning and Zoning Commission recommended action on a Conditional Use Permit application, the Town Clerk shall place the permit on the regular Council meeting agenda first following the 15th day after approval of the permit by the Planning Commission.
2. Any person may file an appeal with the Jerome Town Council over any decision of the Planning and Zoning Commission regarding the granting, or denying, of use permits. Such appeal must be filed with the Council within fifteen (15) days after Commission action.
3. When written appeal is filed with the Town Clerk, the Council shall evaluate the appeal at their regular meeting where the use permit is agendized for Council's action. Where an appeal has been filed, the Council may elect to set the matter for a public hearing, and if such action is taken, a legal notice shall be published at least once in the official newspaper of the Town and the property included in the application shall be posted at least fifteen (15) days prior to the hearing date. Notice shall be given to the Planning Commission of such appeal and the Commission shall submit a report to the Council setting forth the reasons for its action taken. The Commission shall be represented at the hearings by the Commission Chairman or his designee.
4. The Council shall within fifteen (15) days after their regular meeting or public hearing act on the recommendation of the Planning and Zoning Commission by either affirming, reversing or modifying the action of the Planning and Zoning Commission. The Town Council may make a decision based on its own findings.
5. 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 evidences that such conditions are being, or will be, complied with.
6. 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.

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.

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 therewith.

The Zoning Administrator shall notify the permittee, by regular First Class mail, of a violation or termination of a use permit. If no attempt to change the violation is made within ten (10) days after notification, the permit shall be revoked and considered null and void.

Any use permit shall be considered null and void if construction does not conform to the originally approved site plan. Any deviations requested from the originally approved site plan shall be processed as a new use permit.

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.

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

SECTION 303.1. PRELIMINARY SITE PLAN REVIEW

A. PURPOSE

The purpose of the preliminary 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]

B. PROJECTS REQUIRING REVIEW

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

[Ord. No. 293]

C. PROCEDURE

A preliminary site plan shall be submitted to the Zoning Administrator for review by the Building Inspector, Zoning Administrator and Planning and Zoning Commission. The site shall be posted according to a procedure outlined by the Zoning Administrator. Such posting will include, but not be limited to, proposed improvements and usage of said properly and will commence two (2) weeks prior to preliminary site plan review and remain until after final approval. The request for approval shall be accompanied by eight (8) identical copies of the plan. Each copy shall be on one (1) or more sheets of paper measuring not more than twenty four by thirty six inches (24" x 36"), drawn to a scale not smaller than forty (40) feet to the inch which show the following:

1. A North arrow; scale used; lot dimensions referenced to a legal description; street dedications, easements and utilities, both public and private. In cases where the location of a property perimeter is unclear, the Building Inspector may require a boundary survey with corners identified on the ground.
2. A vicinity sketch showing the location of the site in relation to the surrounding street system. Adjacent properties and their uses shall be identified.
3. Location, perimeter size, and use of all existing and proposed buildings and structures: number of stories of all proposed buildings and structures.
4. Size and dimensions of required yards and lot coverage for the zoning district and the space between buildings.
5. Location and height of all existing and proposed walls and fences.
6. Location, number of spaces, dimensions, circulation patterns, and surface materials for all off-street parking and loading areas proposed. All parking shall comply with Section 510 of the Jerome Zoning Ordinance.
7. Existing drainage. Show how proposed drainage will be directed indicating both adequate disposal and protection of neighboring properties.
8. Natural features, such as rock outcroppings, trees over twelve (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 and which removed or altered.

9. Existing and proposed grades, by spot grades or topographic representation. The Building Inspector may require a topographic survey and additional engineering.
    a. Slopes exceeding 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.
10. All proposed excavation and grading:
    a. Shall conform to Section 303.3 of this ordinance.
    b. Where the combined proposed cut and fill exceeds fifty (50) cubic yards, the applicant must obtain a separate grading permit from the Building Inspector. An assessment by a civil, structural or soils engineer may be required to show site stability and lack of negative impact.
    c. Six (6) months from the date of approval of a grading permit approval becomes void if the grading permit has not been issued.
    d. Exploratory excavation of 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 Planning and Zoning Commission for all excavation in excess of ten (10) cubic yards.
11. Any other information which the Zoning Administrator may find necessary to establish compliance with this and any other ordinances.
12. Application for sign permits shall be filed in accordance with the provisions of Section 509.

[Ord. No. 293]

D. FEE

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

[Ord. No. 293]

E. REVIEW PROCEDURES

The Zoning Administrator shall have ten (10) working days from the date of submission of a preliminary site plan application to review said plan for completeness. A completed preliminary site plan shall be submitted to the Planning and Zoning Commission at the earliest meeting time available. The Zoning Administrator may request Design Review recommendation on the Preliminary Site Plan. The Planning and Zoning Commission shall approve, conditionally approve or deny said plan. Once denied, the original plan shall not be resubmitted. The Planning and Zoning Commission may, if the preliminary drawings and other data are sufficiently clear and explicit waive the requirements of Section 303.2 and/or Grant Final Approval at the Preliminary Review session, provided all other requirements of this section are conformed with.

[Ord. No. 293]

SECTION 303.2. FINAL SITE PLAN REVIEW

A. FINAL PLAN PROCEDURES

A final site plan shall be submitted to the Zoning Administrator for review by the Building Inspector, Zoning Administrator and Planning and Zoning Commission with a permit application. The request for approval shall be accompanied by eight (8) identical copies of the plan. Each copy shall be on one or more sheets of paper measuring not more than twenty-four by thirty-six inches (24" x 36"), drawn to a scale not smaller than forty (40) feet to the inch which show all of the features required in the Preliminary Plan and:

1. Any additional features required as a result of engineering and/or soils studies;
2. Compliance with the appropriate sections of the Zoning Ordinance for the Zoning District including:
   a. lot area
   b. lot width
   c. maximum lot coverage
   d. yard requirements
   e. off-street parking and loading
   f. building height
   g. any other property development standards specific to the zone.
3. Compliance with all applicable codes, including the Uniform Building Code.
4. Compliance with any conditions recommended by the Planning and Zoning Commission, the Building Inspector or the Zoning Administrator from the Preliminary Site Plan Review.
5. Compliance with any conditions recommended by the Design Review Board from the Preliminary Site Plan Review.

B. REVIEW

1. The Final Plan shall be checked for completeness by the Zoning Administrator. A completed final plan shall be presented to the Planning and Zoning Commission and the Design Review Board, when necessary, at the earliest possible meetings.

   The Planning and Zoning Commission may approve, approve with conditions or deny. Once denied, the original plan shall not be resubmitted.

   The Design Review Board approval of the Design elements of the Final Plan is outlined in Section 304.
2. All copies of the approved plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the Zoning Administrator. One (1) copy of said approved plan and conditions together with a notification of all Design Review requirements and procedures shall be mailed to the applicant and one (1) copy shall be filed with the Building Inspector.

[Ord. No. 293]

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.

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

A. APPROVAL PROCEDURE

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

B. POST-APPROVAL PROCEDURE

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

1. All grading and excavation shall be performed with safety precautions and any anti-erosion or drainage devices required by the Building Inspector.
2. Construction equipment parking and storage needs shall be identified and provisions made not to interrupt, more than absolutely necessary, normal traffic flow.
3. Dust control measures shall be taken and loads covered to prevent spilling and blowing.
4. Fencing of hazardous sites shall be required.
5. Safety fencing to protect neighboring property may be required.
6. The Building Inspector may require adequate inspection and compaction control by an approved soils testing agency. This may include certification concerning the inspection of cleared areas and benches to receive fill and the compaction of fills.

7. Cuts shall be accomplished to blend scale, form and visual character into the natural land forms 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 in with the surrounding natural colors, and shall have adequate measures taken for runoff and drainage.
10. Fills shall be accomplished to blend scale, form and visual character into the natural land forms and minimize exposed scars.
11. The Building Inspector may require further supporting data to ensure stability.

C. RESPONSIBILITIES OF THE APPLICANT

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

D. APPEALS

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

E. EXPIRATION OF APPROVAL

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

2. An extension of approval may be granted if the applicant files for an extension prior to the approval becoming void and the extension is granted by the approving body.

F. VIOLATION AND ENFORCEMENT

1. Prior to the issuance of a Building Permit, the Building Inspector shall ascertain that the Planning and Zoning Commission has approved Preliminary and Final plans which are in conformance to those presented with the Building Permit application and that the time limitations imposed by this Ordinance have not elapsed.
2. The Zoning Administrator shall ensure that all matters are undertaken according to the conditions of the approved plan. If, during the course of work, changes in the approved plan are necessitated by conditions found at the site, an appropriately licensed engineer's approval may be required for the modified plans. In the event of a violation, the Zoning Administrator shall notify the permittee, by mail, that he is in violation of the conditions of the approved plan. If there are no plans, approved by the Zoning Administrator, to eliminate the violation within ten (10) days after notification, the building permit shall be revoked and considered null and void.
3. If, thirty (30) days after written notification by the Zoning Administrator, a Citizen is still in violation of this Ordinance, the Zoning Administrator shall take appropriate legal action to abate the violation.

[Ord. No. 293]

SECTION 304. DESIGN REVIEW

A. PURPOSE

The purpose of Design Review is to enable the Design Review Board to review the exterior design of proposed new buildings and structures, proposed alterations of buildings and structures, landscaping plans, proposed signs, and proposed demolition of structures, within the Historic Overlay District, 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 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. The provisions of this Section shall apply to all new construction, exterior alterations, demolitions, and signs, in the Historic Overlay District.

B. PRELIMINARY REVIEW

1. Prior to the preparation of final design and working drawings and specifications or calling for bids from contractors, prospective property developers, owners or agents shall prepare preliminary scale drawings, photographs, specifications color samples, and material samples, and shall present these items to the Design Review Board for informal review and discussion. The purpose of this Review shall be to acquaint the developer, owner or agent with standards of design that are required of his proposed development.
2. A prospective developer, owner, or agent shall notify the Zoning Administrator of his application for preliminary review. The Zoning Administrator shall notify the chairman of the Design Review Board. The item shall be discussed at a regular or special meeting of the Design Review Board within thirty (30) days.
3. The Design Review Board may, if the preliminary drawings and other data are sufficiently clear and explicit, waive the requirements of Subsection D of this Section and/or grant final Approval at the Preliminary Review Session, provided all other requirements of this Section are conformed with.

C. FINAL REVIEW

When required by the Design Review Board to submit an Application for Final Approval, the applicant shall do so in accordance with the requirements of Subsection D of this Section.

D. APPLICATION FOR FINAL APPROVAL AND PERMIT

1. An application for Design Review approval shall be filed with the zoning Administrator on a form prescribed by the Administrator. All applications, at a minimum, must be accompanied by the following:
   a. the name and address of the property owner;
   b. the signature of the property owner or an authorized agent;
   c. eight (8) copies of the plot plan or site layout, drawn to scale, including all improvements affecting the appearances such as walls, walks, terraces, landscaping, accessory buildings, lights and other elements;
   d. one (1) set of legible photographs showing all sides of existing structures on the site;

e. one (1) set of legible photographs showing the adjoining properties, buildings and structures;

f. eight (8) copies of exterior elevations, drawn to scale, on one (1) or more sheets of paper measuring not more than twenty four by thirty six inches (24" x 36"), with sufficient detail to show, as far as they relate to exterior appearances, the design, proposed materials, textures and colors, and

g. any other information which the Design Review Board may find necessary to establish compliance with this Section.

2. An application for *Approval of the Demolition, Partial Demolition or Removal of an Existing Building or Structure* shall be filed with the Zoning Administrator on a form prescribed by the Administrator. The application shall be accompanied by the following:

   a. Legible photographs showing all sides of the building or structure for which the application is made. (1 copy)

   b. Legible photographs showing the adjoining properties. (1 copy)

   c. Any other information the Design Review Board may find necessary to establish compliance with this Section.

3. An application for Design Review Board approval of a proposed new Sign shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall be accompanied by: eight (8) identical copies of the sign plans. Each copy shall be on one (1) or more sheets of paper measuring not more than twenty-four by thirty-six inches (24" x 36") drawn to scale, which shall show the following:

   a. signature of the applicant.

   b. the name and address of the sign owner and sign erector.

   c. drawings showing the design, dimensions, color, material and structure of the sign.

   d. a drawing or photograph of the building facade indicating the proposed location of the sign, and all other existing signs maintained on the premises and regulated by this ordinance.

   e. proposed method of lighting the sign.

   f. any additional information which the Design Review Board may require in order to decide on the application.

   g. payment of a non-refundable, one-time filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the offices of the Town Clerk. Applicant may resubmit modified plan without paying an additional fee. Payment of the filing fee shall be waived when the applicant is an agency of the Town, County, State or Federal Government.

4. Upon receipt of a complete application for Final Approval, the Zoning Administrator shall forward it to the chairman of the Design Review Board. The application shall be reviewed by the Design Review Board within the time limits established in Subsection F of this Section. The Zoning Administrator shall notify the applicant of the time and place of the meeting.

E. 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.

F. REVIEW PROCEDURES AND CRITERIA

1. The Design Review Board shall review a submitted application for design approval for all new construction and/or installation of Accessory Features. In doing so, both the Design Review Board and the applicant shall use photographs, lithographs and the like 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, text books or architect/historian. Each of the following criteria must be satisfied before an application can be approved.

    a. PROPORTION – The relationship of the width of building or structure to its height shall be visually compatible to buildings, structures and places to which it is visually related

    b. OPENINGS – The relationship of the width of the windows and doors, to 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 structure to the open space between it and adjoining buildings shall be visually compatible to 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 to 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 color 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 FEATURES – Garages, carports, sheds, fences, walkways, decks, stairways, lighting, antenna and other manmade structures shall be visually compatible with buildings, structures, and places to which they are visually related.

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

    k. 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 Design Review Board, all other means of assuring visual compatibility are not reasonably possible

2. The Design Review: Board 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 its 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 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 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 Design Review Board finds that the preservation and protection of historic places and the public interest 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. Within the period of postponement such demolition or alteration of any building, the 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 including investigation of the potential use of the power 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 Design Review Board shall then make such recommendations thereabout to the Town Council as the Board may determine to submit.

4. The 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 wood are preferred.

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

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

d. EXCEPTIONS – The 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.

5. The Design Review Board shall have thirty (30) days from the date of submission of a complete application to review the request and approve, conditionally approve, or reject,

said request, and notify the applicant of his decision in writing. If, however, the Design Review Board wishes to hold a public hearing on the request, the Board shall fix a reasonable time for such hearing, but not more than forty-five (45) days from the date of submission of a complete application. Prior to holding a public hearing, a Neighborhood Meeting may be required in accordance with Section 306 of this Zoning Ordinance. The Design Review Board shall give notice of the hearing at which the application will be considered by publication of notice in the official newspaper of. the Town 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. In such case, the Design Review Board shall render its decision within fifteen (15) days after the public hearing.

6. If the decision is to deny the request for Design Approval, the applicant shall be so notified in writing, and the decision shall set forth in detail the reasons for denial.
7. If the decision is to approve or conditionally approve the request for Design Approval, all copies of the approved plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the chairman of the Design Review Board. One (1) copy of said approved plan and conditions shall be mailed to the applicant, one (1) copy shall be filed with the Building Inspector, and one (1) with the Zoning Administrator.

[Ord. No. 374; Ord. No. 406]

G. APPEALS

When, in the opinion of the 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 Comprehensive Plan, the project shall be denied by specific motion of the Board. Any applicant who is aggrieved by such a decision may petition the Mayor or Council for a review within thirty (30) days of the decision. Questions of esthetics or design standards are not appealable to the Mayor and Council, but may be presented to a Court of Record within thirty (30) days of the decision. Additionally, if in the opinion of the Zoning Administrator a decision is not in conformance with the Zoning Code or Comprehensive plan, the Zoning Administrator may request a review by the Mayor and Council within thirty (30) days. By specific motion during an official meeting, the Mayor and Council may refuse to consider a request for review brought by the Zoning Administrator. Finally, the Mayor and Council shall maintain the right to review any and all decisions of the Design Review Board.

H. EXPIRATION OF DESIGN REVIEW APPROVAL

1. Six (6) months from the date of approval, a Design Approval becomes void if a building permit has not been issued.
2. An extension of approval may be granted if the applicant files for an extension prior to the approval becoming void and the extension is granted by the Design Review Board.
3. The Zoning Administrator shall notify the permittee by mail of an expiration of Design Approval.

I. VIOLATIONS AND ENFORCEMENT

1. Prior to the issuance of a building permit, the Building Inspector shall ascertain that the Design Review Board has approved plans which are in conformance to those presented with the Building Permit application and that the time limitations imposed by this ordinance have not elapsed.

2. The Zoning Administrator shall insure that all matters are undertaken according to the conditions of the Design Approval. 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 Design Approval. If no attempt to change the circumstances of the violation is made within ten (10) days after notification, the building permit shall be revoked and considered null and void.
3. Violations, Enforcements and Fines. If, thirty (30) days after written notification by the Zoning Administrator, a citizen is still in violation of this ordinance, the Zoning Administrator shall take appropriate legal action to abate the violation.

J. EXCLUSIONS

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 which the authorized municipal officers shall certify as required by public safety.

SECTION 305. APPEALS AND VARIANCES

A. APPEALS TO THE BOARD OF ADJUSTMENT

1. Appeals to the Board of Adjustment concerning 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 after the action appealed from, and shall specify the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.
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 his 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 the official newspaper of the Town 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.
6. 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.
7. 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.
8. In granting Variance, the Board may impose such conditions and safeguards as are appropriate to insure 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.
9. No nonconforming use or violations of this Ordinance with respect to neighboring lands, structures, or buildings, in the sane zoning district, and no permitted use of lands, structures or buildings in other zoning districts, shall be considered grounds for granting a variance.
10. Every Variance granted shall be personal to the appellant therefore and shall be transferrable and shall run with the land only after completion of any authorized structure or structures.

11. 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.

B. 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 the filing of the decision in the office 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.

C. 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 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. When required pursuant to section 304.F.5 of the Jerome Zoning Ordinance, prior to any public hearing by the 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 in a place that is generally accessible to neighbors that 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.

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]

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 "The 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.

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[1] Codifier's note: The current Zoning Map is that map dated November 14, 2006, as adopted by Ordinance 340.

ARTICLE V
USE REGULATIONS

SECTION 501. NONCONFORMING SITUATIONS

A. DEFINITIONS

A nonconforming situation is a condition that occurs when, on the effective date of this Ordinance or a previous Ordinance or on the effective date of an Ordinance text amendment or rezoning an existing lot, structure, building, sign, development or use of an existing lot or structure does not conform to one or more or 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 at the time of the passage of this Ordinance, or amendment thereof, although such does not conform to the provisions hereof for said land, may be continued, but if such nonconforming uses is discontinued for a period of six (6) months, any future use of said land or structure shall be in conformity with the provision of this Ordnance.
3. No nonconforming use shall be extended to replace a conforming use.
4. A nonconforming use of a building or lot shall not be changed to another nonconforming use whatsoever. Changes in use shall be made only to a conforming use.
5. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.
6. A nonconforming building may not be reconstructed or structurally altered during its life to an extent which would increase the discrepancy between conditions existing at the time of the adoption of this Ordinance and the standards prescribed in this Ordinance.
7. No repairs, alterations or additions shall be made to any building used for a nonconforming use or a nonconforming building which has been damaged by fire, flood, wind, earthquake, explosion or other calamity, act of God or act of the public enemy or which has been dismantled or demolished by the owner, to an extent which would increase the discrepancy between conditions at the time of such damage and the standards prescribed in this Ordinance.

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

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

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

11. Notwithstanding any other provisions of this Ordinance, any automobile 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. 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 hereinafter specified in this Ordinance or imposed by the Planning and Zoning Commission.
3. ACCESSORY USES: Use normally accessory and incidental to permitted principal or conditional uses shall be permitted as hereinafter specified.
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 submit this report to the Planning and Zoning Commission. The Commission shall review the Administrator's report and recommendation and determine in which zone district the proposed use should be placed and forward a recommendation to the Town Council. The Town Council, after reviewing the Administrator's report, Commission's Recommendation and other testimony, shall determine the similarity to the listed permitted uses and shall determine by minute order the proper zone district for the location of the proposed use. A copy of the minute order shall be added to the permitted use section of the appropriate zone district.

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. 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. 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.

G. 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 top soil 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.

H. 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]

I. 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]

J. 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 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.

K. EXTERIOR LIGHTING

All lighting for off-street parking or loading areas or for the external illumination of buildings or signs shall be directed away from and shielded from any adjacent residential district and shall not detract from driver visibility on adjacent streets.

L. 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 Design Review Board in accordance with the provisions of Section 304.

M.HOME OCCUPATIONS

Home occupations shall be permitted in any residential zone, subject to the following requirements:

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.
2. There shall be no employees other than members of the immediate family residing on the premises.
3. No business shall be conducted which requires delivery vehicles or other services not customary to a residence.
4. Signs shall be subject to applicable provisions of Section 509.

N. 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.

O. 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 resident 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.

SECTION 503. "AR" ZONE, AGRICULTURAL RESIDENTIAL

A. PURPOSE

This district is intended to promote and preserve low density residential development and noncommercial farming and agriculture. Land use is composed chiefly of individual homes, together with required recreational, religious, and educational facilities.

B. PERMITTED USES

1. One (1) single-family dwelling or one (1) modular home per lot. Mobile homes are prohibited.
2. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
3. Temporary buildings far uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
4. Publicly owned and operated parks and recreation areas and centers.
5. Home occupations.
6. Noncommercial farming and agriculture, not including the keeping of livestock.
7. 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.

C. CONDITIONAL USES

1. Animals, fowl, and other typical farm livestock, except as otherwise prohibited herein.
2. Commercial stables
3. Churches or similar places of worship
4. Schools: Public or private elementary and high.
5. Colleges, universities, and professional schools having a regular curriculum.
6. Nursery Schools and Day Care Centers.
7. Privately owned and operated recreation areas and centers.
8. Public buildings other than hospitals.
9. Public utility buildings, structures, or appurtenances thereto for public service use.
10. Model Homes
11. Bed and Breakfast
12. RESERVED *pending approval or rejection by voters in August 2014 of Ordinance 405.*
13. Viniculture use, pursuant to Chapter 16, "Vineyards," of the Jerome Town Code.

[Ord. No. 380]

D. ZONE RESTRICTIONS

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.

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.
3. Pigs shall not be kept within the city limits.

E. PROPERTY DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA: Ten thousand (10,000) square feet.
2. MINIMUM LOT WIDTH: One hundred (100) feet
3. MINIMUM SQUARE FOOTAGE OF DWELLING: Eight hundred and fifty (850) square feet of enclosed floor space exclusive of any attached garage.
4. MAXIMUM LOT COVERAGE: Not more than forty (40) percent of the net area of the lot may be covered by the main building and all accessory buildings.
5. YARDS:
   a. Front Yard
      1) There shall be a front yard not less than twenty (20) feet in depth.
      2) Where lots have a double frontage on two (2) streets, the required front yard of twenty (20) feet shall be provided on both streets.
   b. Side Yard
      1) There shall be a side yard along interior lot lines of not less than ten (10) feet in width.
      2) Where a side lot line abuts a street, there shall be a side yard of not less than twenty (20) feet in width.
   c. Rear Yard
      1) There shall be a rear yard of not less than twenty (20) feet in depth, except where the rear lot line is in common with or separated by an alley from the side lot line of another lot, there shall be a rear yard of not less than ten (10) feet in depth.
      2) Where the rear lot line abuts an alley, the required rear yard shall be measured from the center line of the alley.
6. MAXIMUM BUILDING HEIGHT: No building shall exceed the height of twenty five (25) feet as defined in "building, height of". On slopes over forty-five 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).

F. GENERAL PROVISIONS

The provisions of Section 502 shall apply.

G. SIGNS

The provisions of Section 509 shall apply.

H. PARKING AND LOADING

The provisions of Section 510 shall apply.

I. PLAN REVIEW

The provisions of Section 303 shall apply.

J. DESIGN REVIEW

The provisions of Section 304 shall apply to all property, buildings and structures within the Historic Overlay District.

SECTION 504. "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, together with required recreational, religious and educational facilities.

B. PERMITTED USES

1. One (1) single-family dwelling or one (1) modular home per lot. Mobile homes are prohibited.
2. Customary accessory uses and buildings provided such uses are incidental to the principal use.
3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
4. Publicly owned and operated parks and recreation areas and centers.
5. Home Occupations.

C. CONDITIONAL USES

1. Churches or similar places of worship.
2. Schools: Public or private elementary and high.
3. Colleges, universities, and professional schools having a regular curriculum.
4. Nursery Schools and Day Care Centers.
5. Public buildings other than hospitals.
6. Public utility buildings, structures, or appurtenances thereto for public service use.
7. Libraries.
8. Model Homes.
9. Bed and Breakfast
10. RESERVED *pending approval or rejection by voters in August 2014 of Ordinance 405.*

D. PROPERTY DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA: Ten thousand (10,000) square feet
2. MINIMUM LOT WIDTH: One hundred (100) feet
3. MINIMUM SQUARE FOOTAGE OF DWELLING: Eight hundred and fifty (850) square feet of enclosed floor space exclusive of any attached garage.
4. MAXIMUM LOT COVERAGE: Not more than forty (40) percent of the net area of the lot may be covered by the main building and all accessory buildings.
5. YARDS:
    a. Front Yard:
        1) There shall be a front yard of not less than twenty (20) feet in depth.

2) Where lots have a double frontage on two (2) streets, the required front yard of twenty (20) feet shall be provided on both streets.

b. Side Yard:

1) There shall be a side yard along interior lot lines of not less than ten (10) feet in width.

2) Where a side lot line abuts a street, there shall be a side yard of not less than twenty (20) feet in width

c. Rear Yard:

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

2) Where the rear lot line abuts an alley, the required rear yard shall be measured from the center line of the alley.

6. MAXIMUM BUILDING HEIGHT: No building shall exceed the height of twenty five (25) feet as defined in "building, height of." On slopes over forty-five (45) percent there will be a one (1) foot reduction in height for each additional five (5) percent of slope or portion thereof. Notwithstanding these provisions, no face of any building shall exceed thirty-five (35) feet above the low point of original grade as defined in "original grade." (see Appendix for diagrams).

E. GENERAL PROVISIONS

The provisions of Section 502 shall apply.

F. SIGNS

The provisions of Section 509 shall apply.

G. PARKING AND LOADING

The provisions of Section 510 shall apply.

H. PLAN REVIEW

The provisions of Section 303 shall apply.

I. DESIGN REVIEW

The provisions of Section 304 shall apply to all property, buildings and structures within the Historic Overlay District.

SECTION 505. "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, together with required recreational, religious, and educational facilities.

B. PERMITTED USES

1. One (1) single-family dwelling or one (1) modular home per lot. Mobile homes are prohibited.
2. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
4. Publicly owned and operated parks and recreation areas and centers.
5. Home occupations.

C. CONDITIONAL USES

1. Churches or similar places of worship.
2. Schools: Public or private elementary and high.
3. Colleges, universities, and professional schools having a regular curriculum.
4. Nursery Schools and Day Care Centers.
5. Public buildings.
6. Public utility buildings, structures, or appurtenances thereto for public service use.
7. Libraries.
8. Model homes
9. Bed and Breakfast
10. RESERVED *pending approval or rejection by voters in August 2014 of Ordinance 405.*

D. PROPERTY DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA: Five thousand (5,000) square feet.
2. MINIMUM LOT WIDTH: Fifty (50) feet.
3. MINIMUM SQUARE FOOTAGE OF DWELLING: Eight hundred and fifty (850) square feet of enclosed floor space exclusive of any attached garage.
4. MAXIMUM LOT COVERAGE: Not more than sixty (60) percent of the net area of the lot may be covered by the main building and all accessory buildings.
5. YARDS:
    a. Front Yard:

1) There shall be a front yard of not less than ten (10) feet in depth except when the following conditions prevail:

   A front yard is required equal to that established by any building within one hundred (100) feet on either or both sides of the lot. Where more than one (1) such building is within one hundred (100) feet of the lot then the front yard of the nearest such building shall be the required front yard of the lot, except that where the lot is between two such buildings, each within one hundred (100) feet of a lot, then the front yard of this lot shall be that established by a line joining the nearest front corner of the other such building. Nothing in the above shall require that a front yard in this district exceed twenty (20) feet.

2) Where lots have a double frontage on two (2) streets, the required front yard shall be provided on both streets.

b. Side Yard:

1) There shall be a side yard along interior lot lines of not less than five (5) feet in width.

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

c. Rear Yard:

1) There shall be a rear yard of not less than twenty (20) feet in depth. Except where the rear lot line is in common with or separated by an alley from the side lot line of another lot, there shall be a rear yard of not less than ten (10) feet in depth.

2) Where the rear lot line abuts an alley, the required rear yard shall be measured from the center line of the alley.

6. MAXIMUM BUILDING HEIGHT: No building shall exceed the height of twenty five (25) feet as defined in "building, height of." On slopes over forty-five (45) percent there will be a one (1) foot reduction in height for each additional five (5) percent of slope or portion thereof. Notwithstanding these provisions, no face of any building shall exceed thirty-five (35) feet above the low point of original grade as defined in "original grade". (see Appendix for diagrams).

E. GENERAL PROVISIONS

The provisions of Section 502 shall apply.

F. SIGNS

The provisions of Section 509 shall apply.

G. PARKING AND LOADING

The provisions of Section 510 shall apply.

H. PLAN REVIEW

The provisions of Section 303 shall apply.

I. DESIGN REVIEW

The provisions of Section 304 shall apply to all property, buildings and structures within the Historic Overlay District.

SECTION 506. "R-2" ZONE, MULTIPLE 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 individual and multiple family homes, together with required recreational, religious, and educational facilities.

B. PERMITTED USES

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

C. CONDITIONAL USES

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

D. PROPERTY DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA: Five thousand (5,000) square feet.
2. MINIMUM LOT WIDTH: Fifty (50) feet.
3. MINIMUM SQUARE FOOTAGE OF DWELLING: Eight hundred and fifty (850) square feet of enclosed floor space exclusive of any attached garage.

4. MAXIMUM LOT COVERAGE: Not more than sixty (60) percent of the net area of the lot may be covered by the main building and all accessory buildings.
5. YARDS:
   a. Front Yard:
      1) There shall be a front yard of not less than ten (10) feet in depth except when the following conditions prevail:

         A front yard is required equal to that established by any building within one hundred (100) feet on either or both sides of the lot. Where more than one such building is within one hundred (100) feet of the lot then the front yard of the nearest such building shall be the required front yard of the lot, except that where the lot is between two such buildings, each within one hundred (100) feet of a lot, then the front yard of this lot shall be that established by a line joining the nearest front corner of the other such building. Nothing in the above shall require that a front yard in this district exceed twenty (20) feet.
      2) Where lots have a double frontage on two (2) streets, the required front yard shall be provided on both streets.
   b. Side Yard:
      1) There shall be a side yard along interior lot lines of not less than five (5) feet in width.
      2) Where a side lot line abuts a street, the side yard shall be considered a front yard for the purpose of determining width.
   c. Rear Yard:
      1) There shall be a rear yard of not less than twenty (20) feet in depth. Except where the rear lot line is in common with or separated by an alley from the side lot line of another lot, there shall be a rear yard of not less than ten (10) feet in depth.
      2) Where the rear lot line abuts an alley, the required rear yard shall be measured from the center line of the alley.
6. MAXIMUM BUILDING HEIGHT: No building shall exceed the height of twenty five (25) feet as defined in "building, height of." On slopes over forty-five (45) percent there will be a one (1) foot reduction in height for each additional five (5) percent of slope or portion thereof. Notwithstanding these provisions, no face of any building shall exceed thirty-five (35) feet above the low point of original grade as defined in "original grade". (see Appendix for diagrams).

E. GENERAL PROVISIONS

The provisions of Section 502 shall apply.

F. SIGNS

The provisions of Section 509 shall apply.

G. PARKING AND LOADING

The provisions of Section 510 shall apply.

H. PLAN REVIEW

The provisions of Section 303 shall apply.

I. DESIGN REVIEW

The provisions of Section 304 shall apply to all property, buildings and structures within the Historic Overlay District.

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

A. PURPOSE

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

B. PERMITTED USES

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

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

[Ord. No. 293]

C. CONDITIONAL USES

1. Any "Permitted" or "Conditional" Uses in the "R1-10", "R1-5"or "R-2" Zones.
2. Establishments serving food or beverages for consumption on the premises, but outside of an enclosed building.
3. Establishments serving food or beverages which include entertainment or dancing.
4. Temporary outdoor sales, displays and other outdoor activities
5. Indoor commercial recreation establishments, such as bowling alleys, billiard parlors, skating rinks and similar establishments.
6. Outdoor commercial recreation establishments
7. Indoor theaters, assembly halls, ballrooms and similar places of assembly.
8. Taxi stand, bus stop, parking lots and garages
9. Gas service stations.
10. Outdoor sales of nursery stock.
11. Pet shops.
12. Any such other uses as determined by the Planning and Zoning Commission and approved by the Town Council to be similar to those uses listed above and not detrimental to the public health, safety and general welfare in accordance with the provisions of this Ordinance.
13. Residential use of a building, including boarding houses, rooming houses, lodging houses, apartments and Bed and Breakfasts, when in the opinion of the Planning and Zoning Commission, said use has little or no adverse affect on the public health, safety and general welfare. Residential use with historic precedence in the subject buildings are exempt from the well-being criteria but remain subject to nonconforming use clauses.
14. RESERVED *(pending approval or rejection by voters in August 2014 of Ordinance 405)*
15. Spirituous Liquor Tasting Facility.

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

D. ZONE RESTRICTIONS

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

[Ord. No. 293]

E. PROPERTY DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA: None, provided all other provisions of the ordinance are met.
2. MINIMUM LOT WIDTH: None, provided all other provisions of the ordinance are met.
3. MINIMUM SQUARE FOOTAGE OF MAIN BUILDING: None, provided all other provisions of the Ordinance are met.
4. MAXIMUM LOT COVERAGE: None provided all other provisions of the ordinance are met.
5. YARDS:
   a. Front Yard:
      1) There shall be a front yard of not less than ten (10) feet in depth except when the following conditions prevail:

         The front yard is required equal to that established by any commercial building within one hundred (100) feet on either or both sides of the lot. Where more than one such building is within one hundred (100) feet of the lot then the front yard of the nearest such building shall be the required front yard of the lot, except that where the lot is between two (2) such buildings, each within one hundred (100) feet of a lot, then the front yard of this lot shall be that established by a line joining the nearest front corner of the other such building. Nothing in the above shall require that a front yard in this district exceed twenty (20) feet.

      2) Where lots have a double frontage on two (2) streets, the required front yard shall be provided on both streets.
   b. Side Yard:
      1) Where the side lot line is in common with the side lot line of a property in a commercial or industrial zone, no side yard shall be required on that side.
      2) Where a side lot line abuts a street, the side yard shall be considered a front yard for the purpose of determining width.
      3) Where the side lot line is in common with the side lot line of a property in a residential zone, the side yard requirements of the residential zone shall apply to that side yard, provided nothing shall require such a side yard to be greater than ten (10) feet in width.
   c. Rear Yard:
      1) There shall be a rear yard of not less than twenty (20) feet in depth, except where the rear lot line is in common with or separated by an alley from the side

lot line of a lot in a commercial or industrial zone, there shall be a rear yard of not less than ten (10) feet in depth.

2) Where the rear lot line abuts an alley, the required rear yard shall be measured from the centerline of the alley.

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

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

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

F. GENERAL PROVISIONS

The provisions of Section 502 shall apply.

G. SIGNS

The provisions of Section 509 shall apply.

H. PARKING AND LOADING

The provisions of Section 510 shall apply.

I. PLAN REVIEW

The provisions of Section 303 shall apply.

J. DESIGN REVIEW

The provisions of Section 304 shall apply to all property, buildings and structures within the Historic Overlay District.

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

A. PURPOSE

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

B. PERMITTED USES

Any permitted use in the C-1 Zone.

C. CONDITIONAL USES

1. Any conditional use in the C-1 Zone.
2. Light industries such as, but no more objectionable or intensive in character than: jewelry, clothing, and furniture manufacturers.
3. Warehouses.
4. Wholesale establishments.
5. Automobile repair garages.
6. Accessory buildings, structures, and uses customarily incidental to a permitted use except as otherwise provided in this ordinance.
7. Any such other uses as determined by the Planning and Zoning Commission and approved by the City Council to be similar to those uses listed above and not detrimental to the public health, safety, and general welfare in accordance with the provisions of this Ordinance.

D. ZONE RESTRICTIONS

Same as C-1 Zone.

E. PROPERTY DEVELOPMENT STANDARDS

Same as C-1 Zone.

F. PERFORMANCE STANDARDS

Any permitted or conditional use in the I-1 zone must conform to the following performance standards. In conjunction with the plan review process, the developer-applicant shall provide to both the Zoning Administrator and the Planning and Zoning Commission data which are sufficient to show that the proposed use and the manner of its conduct will meet these performance standards.

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 shown below. (Excluding operation of motor vehicles or other transportation facilities.)

Octave band cycles per second	**Maximum sound pressure** level in decibels .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

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.

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.

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.
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.
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.
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.
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.
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.

G. GENERAL PROVISIONS

The provisions of Section 502 shall apply.

H. SIGNS

The provisions of Section 509 shall apply.

I. PARKING AND LOADING

The provisions of Section 510 shall apply.

J. PLAN REVIEW:

The provisions of Section 303 shall apply.

K. DESIGN REVIEW

The provisions of Section 304 shall apply to all property, buildings, and structures within the Historic Overlay District.

SECTION 509. SIGNS

A. PURPOSE

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

B. DEFINITIONS

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

1. Sign - An object meant to convey a message through the use of words or symbols. A sign can be painted on one surface, or both surfaces, be free-standing or be signs supported by a pole or be attached to a building. All exterior whether public or private, are regulated by this ordinance.
2. Area - A rectangular area calculated by drawing horizontal and vertical lines from all sign extremities excluding those which are essentially sign supports.
3. Sign, Campaign - A sign whose sole purpose is to advertise a political candidate or issue.
4. Sign, District - A sign which advertises one or more than one business in a single building or area. A district sign operates as a directory with a heading stating the district and uniform nameplate signs for those businesses within the district.
5. Sign, Canopy - A sign mounted on or painted on a canopy or awning.
6. Sign, Free-Standing - A sign not attached to or supported by a building.
7. Sign, Height - The vertical distance from the ground directly under the to the sign highest point of the sign.
8. Sign, Interior - Signs within a building not accessible from outside. Interior signs are not regulated by this ordinance, except if stating a business name and placed within twenty-four (24) inches of a window. Such signs will fall under the sixteen (16) square foot rule and require Design Review Board approval.
9. Sign, Gas Generated - Gas generated signs or signs illuminated by gas generated lighting, other than those existing on June 14, 1977, are prohibited.
10. Sign, Off-premise - A sign not located on the premises of the business which it advertises. A district sign is not an off-premises sign.
11. Sign, On-premise - A sign, the content of which relates to the premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, services, or activities of or on those premises, or the sale or lease of those premises.
12. Sign, Nameplate - A sign which is limited to the name and/or business of the residents of the premises, not exceeding two inches by twelve inches (2” x 12”).
13. Sign, Business Door Identification - A nameplate sign of a business name on an entry door, not exceeding two inches by twelve inches (2” x 12”).

14. Sign, Projecting - A building mounted sign which projects from and is supported by a wall of a building.
15. Sign, Wall - A sign attached flush to the exterior surface of a building, or permanently applied to a window of a building. The sign must not project above the roof. Light sources aimed at the wall sign may project further.
16. Sign, Historical/Historical Period - A sign in use in Jerome during the period between 1876 and 1953.
17. Sign, Service - An interior sign whose purpose is not to advertise the business displaying the sign, but to inform or provide for the safety of the public. Signs such as credit card placards, directional signs, "No Smoking" signs, and menu boards are examples of service signs.
18. Sign, Open/Closed - A sign indicating that a place of business is open or closed.
19. Sign, Temporary - A sign displayed for not more than forty-five (45) consecutive days or a total of ninety (90) days in a calendar year.

C. APPLICABILITY

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

1. Non-illuminated names of buildings, dates or 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. Signs upon a vehicle, provided that any such vehicle is used for bona fide delivery or other business purposes.
5. Temporary holiday decorations.

D. PERMITS

1. A sign permit shall be required before a sign may be placed, constructed, re-constructed, or altered within the Town of Jerome with the exception of the following:
   a. Name-plate signs - and business door identifiers two inches by twelve inches (2" x 12").
   b. Repainting or maintenance of signs, provided there is no change in size, shape, wording, composition, or color.
   c. Political signs and other temporary signs.
2. An application for a sign permit shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall be accompanied by eight identical copies of the sign plans. Each copy shall be on one or more sheets of paper measuring not more than twenty-four inches by thirty-six inches (24"x 36") drawn to scale, which shall show the following:
   a. Signature of the applicant.
   b. The name and address of the sign owner and sign erector.

c. Drawings showing the design, dimensions, color, material, and structure of the sign.

d. A drawing or photograph of the building facade indicating the proposed location of the sign, and all other existing signs maintained on the premises and regulated by this ordinance.

e. Proposed method of lighting the sign.

f. Any additional information which the Design Review Board may require in order to decide on the application.

g. Payment of a non-refundable, one-time filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the offices of the Town Clerk. Applicant may re-submit modified plan without paying an additional fee. Payment of the filing fee shall be waived when the applicant is an agency of the Town, County, State or Federal Government.

3. Plan Review

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

4. Design Review

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

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

E. REGULATIONS APPLICABLE TO SIGNS IN ALL ZONES

1. The design, color, shape, materials and style of signs shall be subject to review and approval of the Design Review Board.
2. All signs shall be constructed, designed, or attached to structures in conformance with the building code adopted by the Town of Jerome.
3. No sign shall be constructed, erected or lit in such a manner as to interfere in any way with, the flow of traffic on the public right of way, or present a traffic hazard.
4. Free-standing signs shall not exceed four (4) feet in height.
5. There shall be no off-premise signs.
6. Organizations may apply for a Temporary Sign Permit from the Design Review Board or for temporary special event banners or signs.
7. Lighting shall be directed at the sign from an external incandescent light source, and shall be installed so as to avoid any glare or reflection into any adjacent property, or onto a street or alley so as to create a traffic hazard. Internally lighted signs shall be prohibited. No sign that flashes or blinks shall be permitted. No visible bulbs, neon tubing, or luminous paints, shall be permitted as part of any sign.
8. No sign or part of a sign shall have mechanically moving parts or audible devices.
9. Political signs shall be permitted up to a total area of six (6) square feet in area for each premise, but shall not be placed in the public right-of-way or upon power or telephone

poles. Political signs may be erected no earlier than sixty (60) days prior to any primary or general election; they shall be removed within ten (10) days after the election.

10. One (1) real estate sign located on the property it refers to will be permitted upon the application and payment in accordance with Section 509.2.
    a. The sign shall be a maximum size of eighteen inches by twenty-four inches (18" x 24"). Additionally, one (1) rider denoting the name of the agent not exceeding six inches by 24 inches (6" x 24") may be attached to the real estate sign. Upon opening of an escrow, an additional rider not exceeding six inches by twenty-four inches (6" x 24") and containing the word "sold" or "pending" may be attached. Any other types of descriptive riders are specifically prohibited.
    b. A duly licensed real estate brokerage company may apply for a blanket permit which will allow placement of a real estate sign on each property which they have listed for sale or lease. The blanket permit fee will be an amount established by a schedule adopted by resolution of the Town Council and filed in the office of the Town Clerk.
    c. All real estate signs must be removed within three (3) days of any transfer of ownership (recordation) of the property.
11. Contractor identification signs or Contractor and/or Architect identification signs may be erected for the duration of construction. Such construction signs are to be removed seven days after certificate of occupancy is issued. The signs shall not exceed four (4) square feet in area. Also, signs warning of construction debris or denoting project sponsored by a funding source may be erected.
12. Any existing nonconforming sign may be continued in use; if such a sign is damaged, it may be restored or repaired. If a new sign is constructed, it must conform to the provisions of this chapter.
13. Once a year it shall be the duty of the Zoning Administrator to review all district signs and make appropriate recommendations to the Design Review Board.
14. Signs shall be removed upon thirty (30) days of business relocation or closure.
15. If any sign becomes a danger to the public or becomes deteriorated or is abandoned, the property owner, or owner of the sign shall be notified to remove or repair the sign. If he/she does not comply within ten (10) days, the Zoning Administrator shall have the sign removed and the cost assessed to the owner of the property on which such sign is located.

F. REGULATIONS APPLICABLE TO SIGNS IN RESIDENTIAL ZONES

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

G. REGULATIONS APPLICABLE TO SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES

1. No more than two (2) signs are permitted for any one business except that a business having frontage on and physical access from two (2) or more streets will be allowed a total of three (3) signs.
2. The area of any single wall, projecting, free-standing or canopy sign shall not exceed sixteen (16) square feet.
3. No sign shall extend above the roof of the building to which it is attached.
4. The bottom of any projecting sign shall be no lower than eight (8) feet above the ground directly below it.
5. No part of any projecting or free-standing sign may project over any roadway.
6. One (1) set of address numbers not exceeding four inches by twelve inches (4" x 12") in total area shall be allowed in addition to normal sign allowances.
7. District signs, in addition to other allowed signs, will be considered on a case by case basis by the Design Review Board.
8. Temporary signs, such as "sale" signs are allowed in addition to other signs. Temporary signs must meet all restrictions for signs in this section in addition to the following:
    a. No temporary sign may exceed eight (8) square feet.
    b. No business may display a temporary sign more than ninety (90) days per calendar year, or forty-five (45) consecutive days.
    c. No permit is required for temporary signs.
9. Exterior signs indicating open and closed are permitted in addition to normal sign allowances. These signs should be no more than four (4) square feet in area. Such an exterior open/closed sign requires a permit and approval from the Design Review Board.
10. Standard copyright signs offering information on incidental services or recommendations, e.g., AAA or Bank Americard, are permitted in addition to normal sign allowances, provided:
    a. They conform to all provisions contained in this section.
    b. They are inside a window.
    c. There is no more than one (1) sign per incidental service per public entrance to the business.
    d. No sign's area shall exceed sixteen (16) square inches.

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. 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 prerequisite to 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 the 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.

C. 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.
    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 his application satisfactory assurance that the separate lot or parcel is permanently committed to parking use by deed restriction or recorded easement.

b. Off-street parking spaces, driveways, and access ways shall be fully improved with an all-weather, dust-free surface, and properly drained to prevent impoundment of surface water.

c. Off-street parking spaces shall be situated in a manner which will not result in automobiles backing onto a public street.

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

D. SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES

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

	USE	SPACE REQUIRED
a.	Boarding House	1 space per unit
b.	Bowling alley	4 spaces per alley or lane
c.	Church or other place of worship	1 space per 6 seats (each 30 inches of bench space is considered 1 seat), plus 1 space per 50 sq. ft. of usable area not used for seating
d.	Day care center	2 spaces plus 1 space per 500 sq. ft. of usable floor area
e.	Home occupation	No additional space
f.	Hospital or nursing home	1 space per 2 beds
g.	Hotel or motel	1 space per rental unit
h.	Manufacturing, industry	1 space per 500 sq. ft. of wholesaling usable area
i.	Medical, dental office, or clinic	3 spaces per doctor
j.	Offices	1 space per 300 sq. ft. of usable area
k.	Public assembly place such as auditorium meeting hall or theater	1 space per 6 seats (each 30 inches of bench space is considered 1 seat), plus. 1 space per 100 sq. ft. of usable area
l.	Residential (except apartment)	2 spaces per dwelling unit
m.	Residential (apartment)	1 ½ spaces per dwelling unit
n.	Restaurant or bar	1 space per 6 seats (each 30 inches of bench space is considered 1 seat) plus 1 space per 100 sq. it. of usable area
o.	Retail and service uses	1 space per 300 sq. ft. of usable area
p.	School (elementary and middle)	1 space per employee
q.	School (other than elementary and middle)	1 space per 10 seats in main auditorium or 3 spaces per classroom whichever is greater

r.	Service station	2 spaces, plus 1 space per service bay
s.	Warehouse	1 space per 2,000 sq. ft. of usable area
t.	Studio	1 space per 500 sq. ft. of usable area
u.	RESERVED	*Pending approval or rejection by voters in August 2014 of Ordinance 405*
v.	RESERVED	*Pending approval or rejection by voters in August 2014 of Ordinance 405*
w.	RESERVED	*Pending approval or rejection by voters in August 2014 of Ordinance 405*
x.	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]

SECTION 511. 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 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.

SECTION 512. RESERVED *pending approval or rejection by voters in August 2014 of Ordinance 405.*

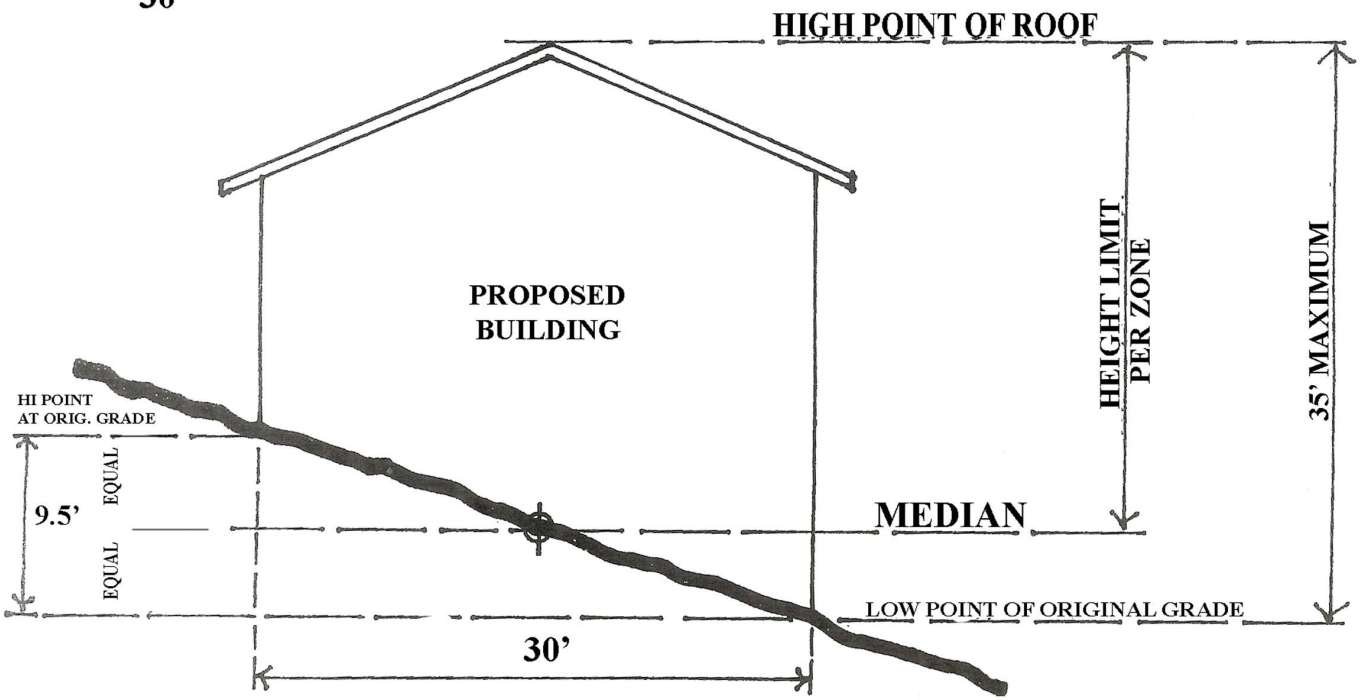
ARTICLE VI
EMERGENCY CLAUSE

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__.

APPENDIX

$$\text{Slope} = \frac{9.5'}{30'} = 31.6\% \text{ Slope}$$

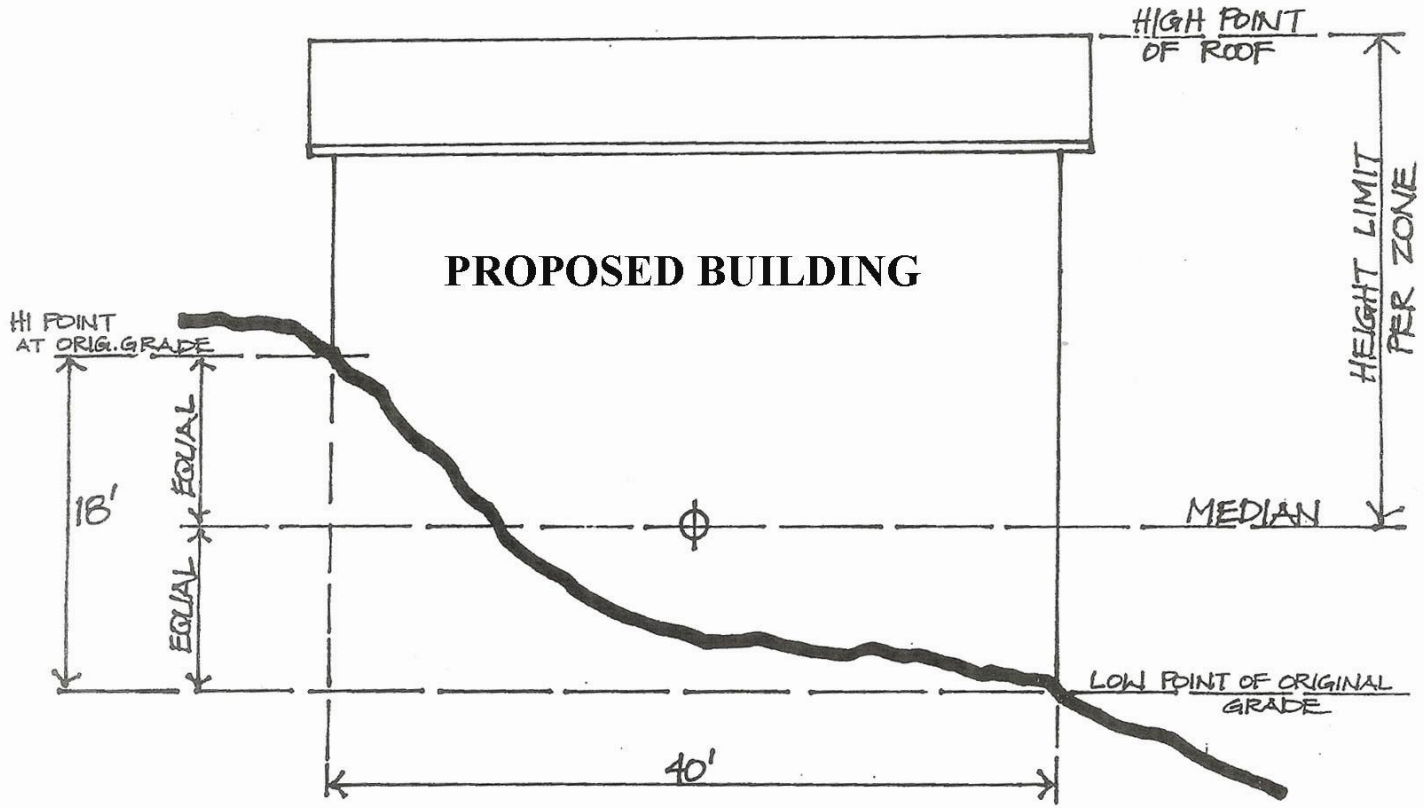


(SITE SECTION)

DIAGRAM 1

BB 1.98

SLOPE = $\frac{18'}{40'}$ =45% AVERAGE SLOPE



(SITE SECTION)

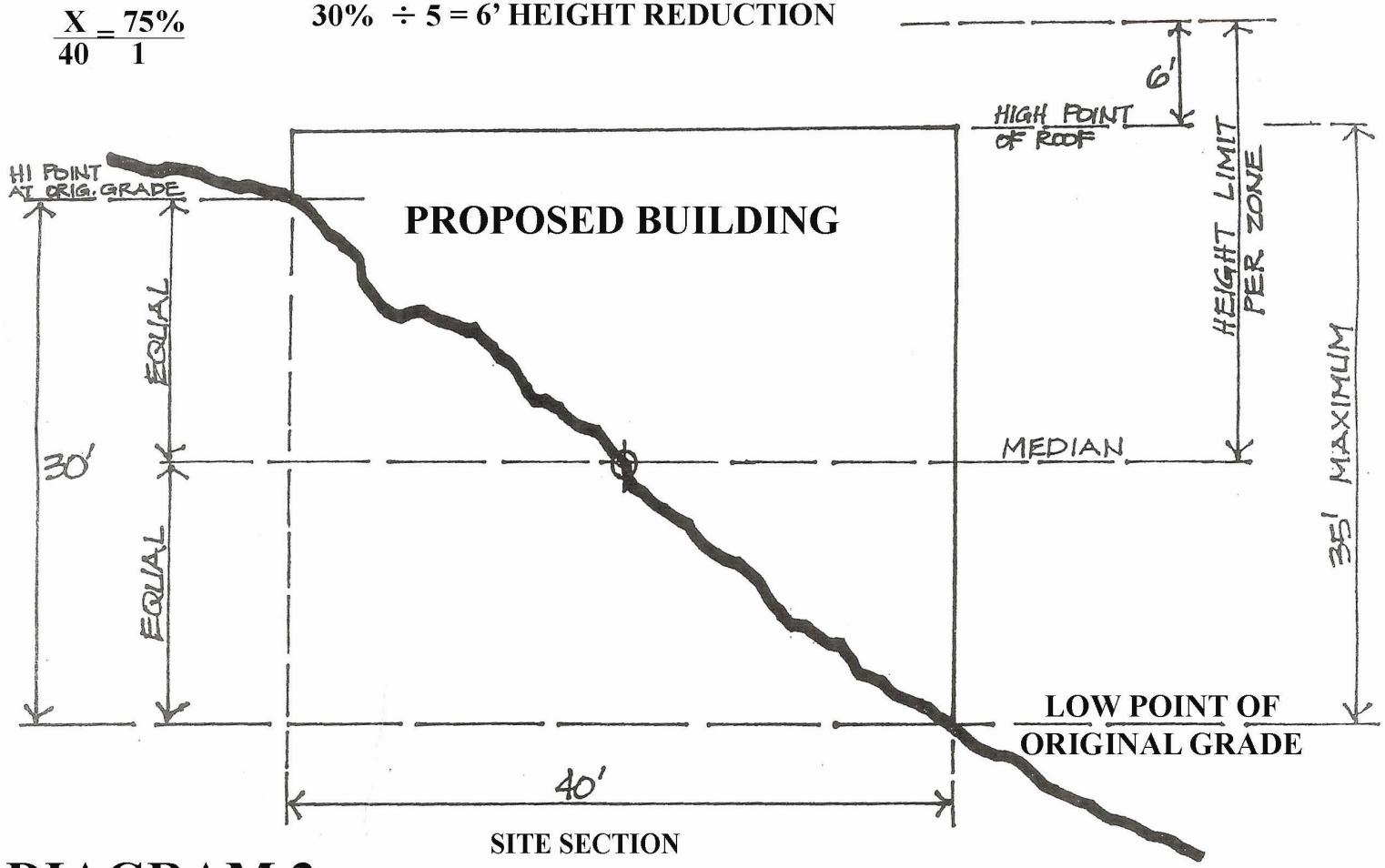
DIAGRAM 2

BB 1-98

$$\text{SLOPE} = \frac{30'}{40'}$$

$$\frac{X}{40} = \frac{75\%}{1}$$

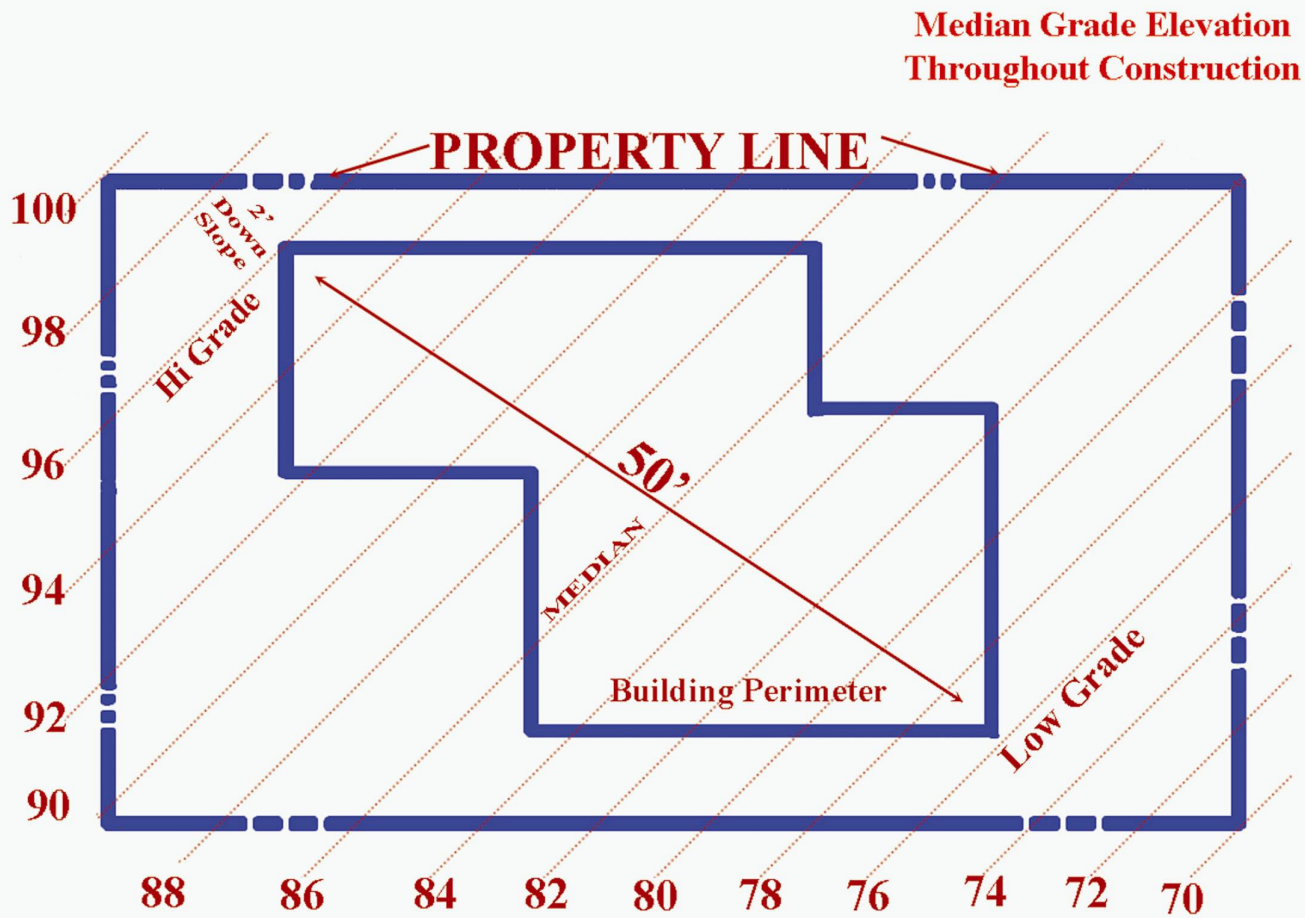
75%
− 45%
30% ÷ 5 = 6' HEIGHT REDUCTION



SITE SECTION

DIAGRAM 3

BB 1-98

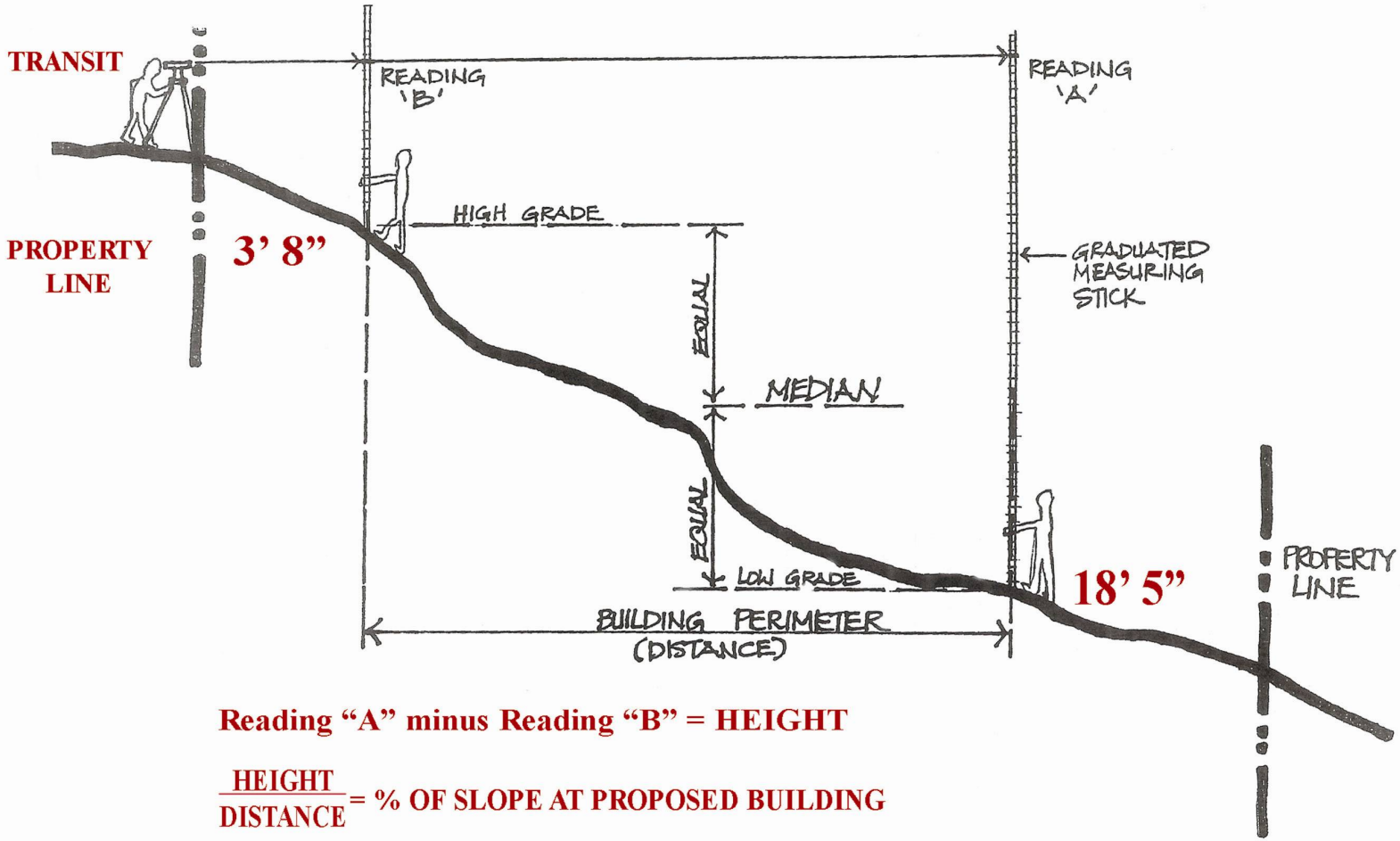


TOPO-LINE AT HIGH SIDE = 96 - 76 = $\frac{20'}{50'}$ = 40% SLOPE MEDIAN = TOPO-LINE 86

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

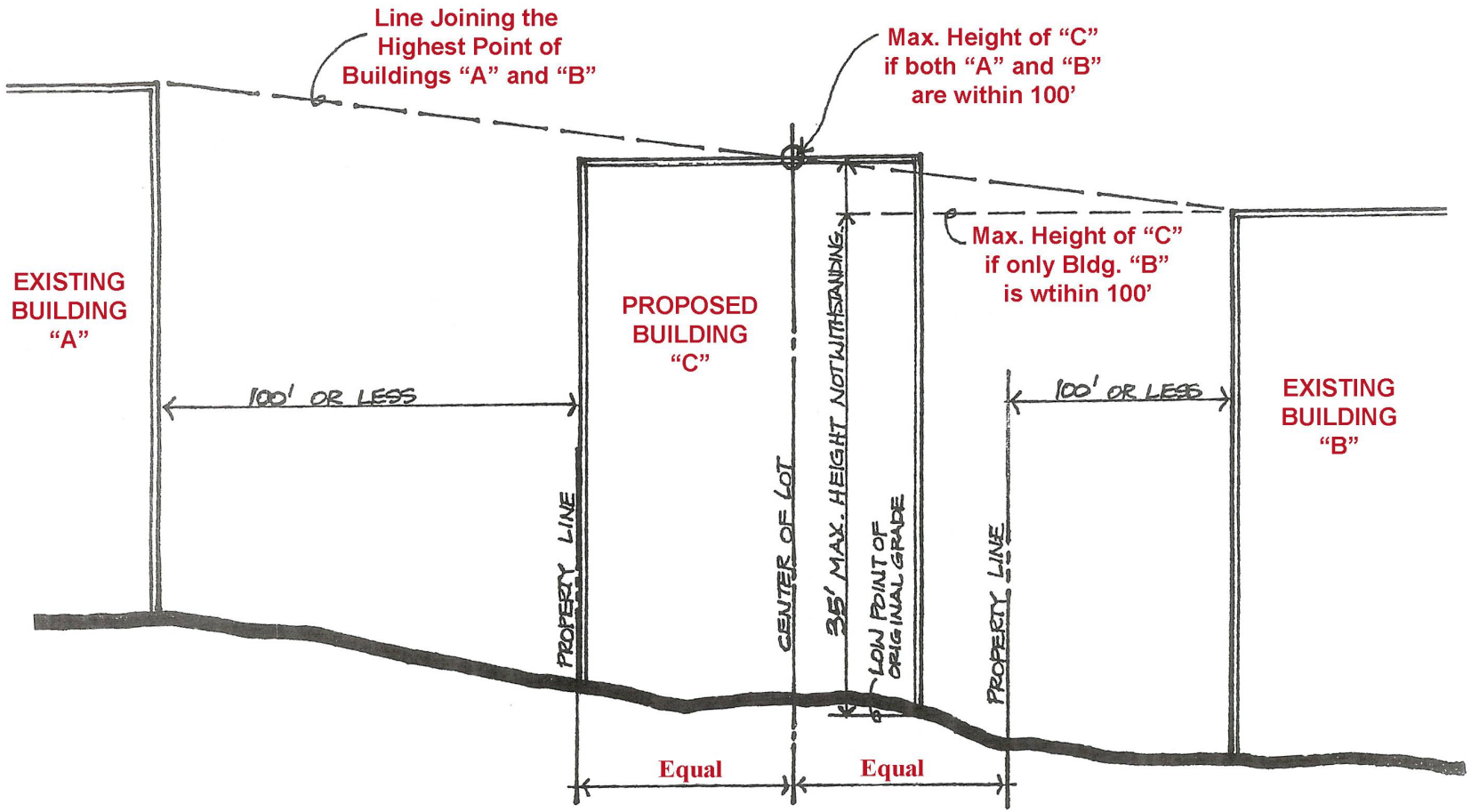


DIAGRAM AT C-1 ZONE ONLY

Elevation View

BB '98

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