

ORDINANCE NO 09-60

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING § 153.021 OF THE TOWN CODE REGARDING ADMINISTRATIVE VARIANCES; PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF ANY ORDINANCE OR PART OF ORDINANCES OR CODE PROVISIONS IN CONFLICT THEREWITH.

Whereas, existing utility companies and existing non-profit community-service organizations provide service of a quasigovernmental nature;

Whereas, governmental services provide different impacts on adjacent properties than typical or nongovernmental services; and

Whereas, this Ordinance is adopted for the purpose of promoting the health, safety and general welfare of the residents of the Town by: implementing the Town's General Plan; facilitating beneficial or necessary public services to the community; and setting forth standards and procedures for granting minor variances in such cases.

Now, Therefore, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona:

1. Amendment. Town Code § 153.021(F)(1) is hereby amended by the addition of the following new subsection (k):

(k) The Zoning Administrator may take requests from existing utility companies or by existing non-profit community-service organizations for Minor Adjustments to the terms and requirements of this ordinance for flexibility of setbacks, lot sizes, areas, heights and similar minor variances, when additions or new facilities are needed to better protect and serve the residents and businesses of the Town. "Existing" refers to those utilities and non-profit community-service organizations that are in existence within the Town's jurisdiction as of January 15, 2010. The Zoning Administrator may only consider requests for Minor Adjustments as follows:

(i) A request may be considered from an existing utility company or district that serves existing properties within the Town, and such request is based on the need to provide for improved service and/or safety to residents and businesses in the Town;

(ii) A request may be considered from an existing non-profit community-service organization that provides the community with services typical of those that local government may provide, such as community/activity center, recreational facilities, library, etc;

(iii) A request may be considered for the on-site placement of additional equipment, fences/walls, lighting or identification sign, or for small expansions of buildings or facilities;

(iv) A request for a major building or facility expansion, or for a new building or facility on undeveloped property, may not be considered for a Minor Adjustment; such request

shall be filed for Variance through the Board of Adjustment procedures as specified in this Section;

(v) An approval of a Minor Adjustment is conditional approval granted for the applicant and the community service or utility it provides; if such community service or utility ceases, such conditional approval shall be terminated.

(vi) In addition to the requirements for an Application for Adjustment in Sec. (F)(2) an applicant shall provide the Zoning Administrator with a list of names and addresses of adjacent property owners, and with two sets of stamped envelopes so addressed for notification prior to and subsequent to the findings and decision of the Zoning Administrator on the applicant's request. The Zoning Administrator shall also transmit notification to the Town Council prior to and subsequent to the findings and decision. The Zoning Administrator shall include information regarding Appeals (Sec. (F)(6)) of said decision with the notice sent to adjoining property owners, and posted on the applicant's property, subsequent to the decision.

(vii) Additional development plans such as elevations of structures, landscaping and screening, and evidence of applicant ability and intention to proceed with actual construction (i.e., construction commencement and completion schedule, bonding for completion of work including additional paving or dust control, screening) and other amenities as deemed necessary by the Zoning Administrator from the concerns of adjacent property owners may be required.

(viii) Compliance with all other provisions of the Town Code (e.g., Dark Sky Ordinance and building codes) is required.

2. Effective Date. That this Ordinance shall be effective at the soonest date after its passage and approval, according to law.

3. Savings Clause. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

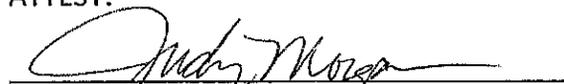
4. Repeal. All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 15th day of December 2009.



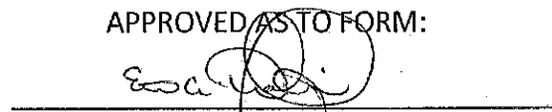
Len Marinaccio, Mayor

ATTEST:



Judy Morgan, Town Clerk

APPROVED AS TO FORM:



Ethan Wolfinger, Town Attorney