

**THE PLANNING & ZONING ADVISORY COMMISSION
FOR THE TOWN OF DEWEY-HUMBOLDT
REGULAR MEETING NOTICE
Thursday, February 4, 2016 6:00 P.M.**

**P&Z MEETING
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL
DEWEY-HUMBOLDT, ARIZONA**

AGENDA

The issues that come before the Planning & Zoning Advisory Commission are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Commission believes that the meeting be a safe place for people to speak. With this in mind, the Commission asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Agenda items may be taken out of order. Please turn off all cell phones. The Commission meeting may be broadcast via live streaming video on the internet in both audio and visual formats. A quorum of Council may be present. One or more members of the Commission may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

1. Call To Order.

2. Opening Ceremonies.

2.1. Pledge of Allegiance.

2.2. Possible swearing in of new Commissioner, Patrick McGill, to the Planning and Zoning Commission. (Pending Council Appointment scheduled for the February 2, 2016 Regular Council Meeting)

3. Roll Call. Commissioners Jeff Siereveld, Victor Hambrick, Joe Garcia, Patrick McGill (if appointed), Rich Schauwecker, and Chair Barry Smylie.

3.1 Announcement of resignation of Vice Chair Dee Parker.

4. Informational Reports. Individual members of the Commission and public may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the Commission and public of such events, actions or activities. The Commission will take no discussion, consideration, or action on any such item except that an individual member of the Commission may request an item be placed on a future agenda.

5. Planner's Update on current events and activities. No discussion, deliberation or legal action can occur.

6. Consent Agenda. All matters listed under the Consent Agenda are considered to be routine by the Commission and will be enacted by one motion. Any item may be removed from the Consent Agenda for separate consideration at a Commissioner's request. If a citizen desires separate consideration of an item, he or she should approach a Commissioner prior to the meeting and ask that the Commissioner request that the item be removed.

Page 6.1. Minutes. Minutes from the January 7, 2016 Planning & Zoning Regular Meeting.

3 **7. Discussion Agenda –New Business.** Discussion and Possible Action on matters not previously presented to the Commission.

8. **Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

Page 7 **8.1. Kennels – Continued discussion of Section 153 of the Town Code, and recommendation on possible definition of Kennels, in the Town of Dewey-Humboldt.**

Page 11 **8.2. Reasonable Accommodation – Update and continuing discussion on the provision of a procedure for granting of reasonable accommodations to handicapped persons pursuant to federal and state Fair Housing and Disabilities laws.** (Direction given by Commission at January 7, 2016 meeting)

9. **Public Hearing Agenda.**

THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.

10. **Comments from the Public.** The Commission wishes to hear from Citizens at each meeting. Those wishing to address the Commission need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Commission. Individuals may address the Commission on any issue within its jurisdiction. At the conclusion of Comments from the Public, Commissioners may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Commissioners are forbidden by law from discussing or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for discussion and legal action. The total time for Comments from the Public is **20** minutes. A 3-minute time limit may be imposed on individuals within this total. The audience is asked to please be courteous and silent while others are speaking.

11. **Adjourn.**

For Your Information:

Next Town Council Work Session: Tuesday, February 9, 2016 at 2:00 p.m.

Next Town Council Meeting: Tuesday February 16, 2016 at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, March 3, 2016 at 6:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at AgendaList@dhaz.gov and type Subscribe in the subject line, or call 928-632-7362 and speak with Judy Morgan, Town Clerk.

Certification of Posting

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the ____ day of _____, 2016, at ____ p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.

By: _____, Town Clerk's Office.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.

**TOWN OF DEWEY-HUMBOLDT
PLANNING AND ZONING ADVISORY COMMISSION
REGULAR MEETING MINUTES
JANUARY 7, 2016**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, JANUARY 7, 2016 AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA, CHAIR BARRY SMYLIE PRESIDED.

1. **To Order.** Meeting was called to order at 6:05 p.m. Chair Barry Smylie presiding
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Done
 - 2.2. **Swearing in newly appointed commissioner, Rich Schauwecker to the Planning and Zoning Commission.** Town Clerk Judy Morgan performed the swearing in of newly appointed commissioner, Rich Schauwecker.
3. **Roll Call.** Commissioners, Victor Hambrick, Joe Garcia, Rich Schauwecker, and Chair Barry Smylie were present. Commissioner Jeff Siereveld and Vice Chair Dee Parker were absent. Commissioner Siereveld later arrived at 6:21 p.m.
4. **Informational Reports.** None
5. **Planner's Update on current events and activities.** Community Development Coordinator, Steven Brown welcomed Commissioner Schauwecker.
6. **Consent Agenda.**
 - 6.1. **Minutes.** Chair Smylie made the motion to approved the meeting minutes from the November 5, 2015 Planning & Zoning Regular Meeting as presented. Motion was seconded by Commissioner Hambrick. Minutes approved.
7. **Discussion Agenda -New Business.**
 - 7.1. **Kennels** - Discussion of Section 153 of the Town Code, and recommendation on possible definition and code language providing for the management of Kennels in the Town of Dewey-Humboldt.

Community Development Coordinator, Steven Brown reviewed the summary from the staff report. Town Council meeting of November 10, 2015 discussed proposed amendments to Section 153 Zoning Ordinance. There was considerable discussion about the definition of Kennels. At the meeting there were comments from the public and resistance on how the town would determine household pets vs. animals used for breeding purpose or training when using one's home as kennels. The Council requested the Planning and Zoning Commission to review the definition and to consider options presented by staff for revision of the definition of Kennel and to make a recommendation to the Council. The staff has compiled research from Prescott Valley and Chino Valley's ordinances as well as ARS regarding their definitions of Kennels, and has provided the commission with three possible alternatives for the revised definition of Kennel for consideration. The staff's recommendation is option 1 as it is least imposing and would exempt household pets from regulation and does not include any restriction on the districts in which Kennels would be permitted.

Chair Smylie opened the discussion for members of the commission. Commission members

discussed the options presented by staff for consideration. Commissioners spoke of; limitation of the number of pets; kennel licensing requirements for a commercial enterprise; enforcement measures; current kennels in operation in DH or complaints of kennels in operation; policies for law enforcement involvement; definition presented from Prescott Valley and adding language to identify non-profit status into the definition of option 1; exclusion of “household pets” from the definition of Kennels; purpose for recommendation to Council is intended to add to the current definition and not change the current code; original intended purpose for limitations on the number of animals allowed per property size and household. During this discussion, Commissioner Siereveld arrived at 6:21 p.m.

Steven Brown responded to comments made by commissioners and spoke about the three options presented for recommendation by staff. Option 1 is recommended by staff and considered to be less restrictive for animal owners and excludes “household pets” from definition of Kennel and does not include any restriction on the districts in which Kennels would be permitted as it does now.

Chair Smylie asked for public comment.

Jerry Brady spoke about the enforcement of animal codes and pre-existing uses cannot be regulated.

Victoria Wendt spoke about dictionary definitions of commercial and kennel. Town should not classify pets. Not aware of any animal owner in DH who breeds to the scale to be considered commercial. Violating constitutional rights to have household pets. The town does not want or need to have a definition of kennel.

Ulysis Brooks spoke about being a goat farmer in DH for the past 30 years. Have complied with county requirements in the past and are now grandfathered in. Worried that if an ordinance was passed it could put me out of business. Others raising animals for profit can be effected if there are changes made in the ordinance. Need to consider that decisions made can put people out of business.

Chair Smylie spoke about the intent of the proposed change in the ordinance. Not intended to change or impact people’s life or to change the general plan of the town. At some point we have to tighten up language to function as a public body. As a commission we have to make decisions and have to take action. Chair Smylie requested to consider comments from the commission and the public and review ideas and considerations at a work session at the regular meeting in February. Chair Smylie made a motion to table item 7.1 until the February meeting and to include a work session on the agenda. Motion was seconded by Jeff Siereveld. Motion passed unanimously.

Discussion Agenda – Unfinished Business. Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting. None

8. Public Hearing Agenda.

9.1 Public Hearing on Ordinance Number 15-118 which adds a new § 153.024 REASONABLE ACCOMMODATIONS providing a procedure for granting reasonable

accommodations to handicapped persons pursuant to federal and state Fair Housing and Disabilities laws.

Community Development Coordinator Steven Brown reviewed the Reasonable Accommodations Ordinance Number 15-118 and its purpose in regards to zoning requirements. The Town needs to provide a process to be in compliance with Arizona Disability Act to accommodate individuals with disabilities. Along with the ordinance, the staff is proposing an application form to be used for individuals seeking a reasonable accommodation request. Mr. Brown asked the commission to make a recommendation from the commission for the council to consider this ordinance.

Chair Smylie opened the Public Hearing at 7:11 pm.

Jerry Brady spoke about the Federal and State Statutes and general assembly standards act. Mr. Brady spoke about mandated laws on the Federal level for persons receiving a doctor prescription for medical purpose; i.e. marijuana. Mr. Brady spoke about the limitations of the Town's legal authority to enforce state codes.

Dr. Heather Eckles spoke about recommendations to change some of the wording in the ordinance and Federal mandates involving Americans with Disabilities and having a medical doctor on staff to review application requests. Dr. Eckles spoke about the annual review process and who makes the recommendations and evaluation of the disability of the individual requesting reasonable accommodations.

The commission held discussion about the ordinance and spoke about the following: requirements; State and Federal regulations; internal policies; language within in the ordinance to identify the Federal Americans with Disabilities Act; simplifying the language within the ordinance; policies on how staff will handle requests internally; policy for a denial; process for annual review; disagreement with annual review process.

Jerry Brady spoke about the Federal manual of Americans with Disability Act.

Public Hearing closed at 7:31 p.m.

Chair Smylie thanked the public for their comments. Mr. Smylie spoke about the intent of the proposed Ordinance; to relieve the building official of the responsibility of enforcing code restrictions for persons who are requesting a variance in the code to meet their needs. The burden of proof is on the administration. The ordinance will afford anyone with a disability the same privileges as anyone else.

Commissioner Hambrick spoke about the understanding of the Ordinance is for making accommodations in the zoning restrictions and not in town code. The ordinance would provide authority to the staff to make adjustment in the zoning restrictions to provide needs of people with disabilities.

Steven Brown spoke about the current variance request process for allowing an adjustment within the zoning code. Much more difficult and time consuming. The ordinance will simplify the process and make approval process much easier for the requestor. The Arizona's with Disability Act is a direct outflow from of the Federal Disability Act. Brown asked for the commission to consider recommending the ordinance for the Council adoption, and make recommendation for amendments to the application form if the commission desired to do so.

Chair Smylie asked commissioners if they were prepared to make a recommendation to the council to adopt the ordinance as presented. Commissioners agreed unanimously to not make a recommendation at this time.

Chair Smylie made a motion to take the recommendations made tonight and consider making modifications to the language within the ordinance to include Federal American's with Disability Act, and table the recommendation until the next regular meeting. The motion was seconded by Commissioner Hambrick. Motion passed unanimously.

- 9. Comments from the Public.** Jerry Brady spoke about his prior experience with US Department of Justice, Law Enforcement Academy. Duties included dealing with ADA. Already a legal appeals process defined in the basic federal law. Appeals must be challenged through the Food and Drug Administration. Mr. Brady spoke about past reasonable accommodations cases and review board process.

Timothy Eckles spoke about the kennel definition changes. Mr. Eckles spoke about service animals being raised in Dewey-Humboldt and the current kennel definition appears to be less restrictive for raising dogs for service animals and would recommend not changing the definition for the benefit for this cause.

- 10. Adjourn.** Chair Smylie adjourned the meeting at 8:17 p.m.

Chairman Barry Smylie

ATTEST:

Penney Bell, Administrative Assistant



TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-7362 ▪ Fax 928-632-7365

MEETING OF THE TOWN PLANNING & ZONING ADVISORY COMMISSION
January 7, 2016 6:00 p.m. Town Council Meeting Chambers

To: Planning & Zoning Advisory Commission

From: Steven Brown, Community Planner/Code Officer

Date Submitted: December 28, 2015

Agenda Item:

7.1 Kennels - Discussion of Section 153 of the Town Code, and recommendation on possible definition and code language providing for the management of Kennels in the Town of Dewey-Humboldt.

SUMMARY:

The Town Council, at its November 10, 2015 meeting, took up a set of proposed amendments to Section 153 Zoning Ordinance. There was considerable discussion regarding how to define Kennels. At that meeting there were comments made that indicate a level of confusion and resistance to classifying animal breeding or training when using one's home as kennels.

The Council would like the Planning and Zoning Advisory Commission to review the options for how to define kennels and to make a recommendation back to the Council.

Staff has researched Prescott Valley and Chino Valley's ordinances and ARS regarding Kennels.

Prescott Valley definition:

"Kennel" means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five (5) or more dogs on a temporary basis, not to exceed thirty (30) days, and not more than eight (8) dogs over 6 months of age on a permanent basis under controlled conditions. This applies to commercial or non-profit business establishments at which dogs and cats are bred or raised for sale, boarded, trained and/or cared for exclusive of dental, medical or surgical care or for quarantine purposes. "Kennel" does not include the keeping of animals on residential lots as household pets."

PV permits "kennels" in C2 and C3 zoning districts in conjunction with Animal Hospital or Clinic, and then on a short-term basis only and in sound proof enclosures.

Chino Valley definition:

"KENNEL INDOOR. *A facility for the **commercial** boarding, breeding and training of dogs and/or cats in which all animals are confined indoors.*

KENNEL INDOOR/OUTDOOR. *A facility for the **commercial** boarding, breeding, and training of dogs and/or cats in which all animals are confined indoors with the exception of the **use** of daytime exercise runs.*

KENNEL OUTDOOR. *A facility for the **commercial** boarding, breeding and training of dogs and/or cats in which the animals may be worked or housed in outdoor runs.*

Chino Valley permits "kennels" in Agricultural Residential, Commercial Heavy and Industrial zoning districts.

Arizona Revised Statutes 11-1001 Definitions:

8. "Kennel" means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.

All said, I would like to share the following possible alternatives that could be considered.

Alternative 1

Add the following definitions to Section 153.005

KENNEL. **A facility for the commercial boarding, breeding, and/or training of dogs and/or cats. "Kennel" does not include the keeping of animals on residential lots as household pets.**

Town code already permits kennel in C1 (commercial) and M 1 (industrial) zoning districts as a matter of right. The proposed code amendments do not change this.

PETS (HOUSEHOLD). Dogs, cats, rabbits, birds, pot-belly pigs, fish and the like. "PETS" also includes other small animals not otherwise classified as EXOTIC, (under 100 pounds), for family use only. THIS IS AN EXISTING DEFINITION.

This alternative definition responds to most of the public comments in the work session. The issue was raised that there are individuals in the community to raise dogs, but not necessarily on a commercial basis, at least in the view of some community members. This definition of Kennel exempts household pets from regulation. This definition does not include any restriction on the districts in which Kennels would be permitted (C1 and M1). This definition would be effective the date of its adoption.

Alternative 2

Add the following definition to Section 153.005

KENNEL. Any structure, land or combination thereof, used, designed, or arranged for the boarding, breeding of animals for a fee, or other commercial purpose.

This alternative definition does not exempt the keeping and breeding of household pets. Under this alternative, all existing or future animal breeding or boarding activities on residential properties would be illegal and subject to code enforcement actions.

Alternative 3

Add the following definitions to Section 153.005

KENNEL. Any structure, land or combination thereof, used, designed, or arranged for the boarding, breeding of animals for a fee, or other commercial purpose.

Accompanied by the addition of a permitted use in 153.042 C1 and M1 Districts and further restricted as below

Kennels that were in existence prior to _____. A person who claims that their kennel was in existence prior to _____ shall present to the enforcement officer, reasonable evidence that the use was in existence prior to _____. The enforcement officer shall maintain a copy of such evidence. Except for kennels in existence prior to _____, kennels are not permitted in the R1L district except on lots of no less than _____ square feet

This alternative definition is the same as Alternative 2, but includes a restriction of kennels to the C1 and the M1 zoning districts. This alternative also includes a provision for the establishment of an effective date other than the adoption date. This presents an administrative responsibility to conduct a public outreach process to bring existing kennel operators into the Town to register their kennels, and imposes a monitoring process on the Town.

**9.1 Public Hearing on Ordinance Number ___ which adds a new § 153.024
REASONABLE ACCOMMODATIONS providing a procedure for granting
reasonable accommodations to handicapped persons pursuant to federal
and state Fair Housing and Disabilities laws.**

SUMMARY:

The Town of Dewey-Humboldt is considering Ordinance No. __, which includes proposed amendments to and Zoning Regulations Chapter 153.005 Definitions, and Chapter 153.024 adding provisions for the allowance of Reasonable Accommodations in conformance with the Arizonans with Disabilities Act.

RECOMMENDATION:

Staff recommends that the Commission approve a recommendation to the Town Council of one of the three alternatives presented to address the definition of “Kennels”. This definition is a part of a larger set of amendments (see attached DRAFT). The Ordinance containing the entirety of the proposed amendments will be coming back to the Commission for a public hearing.

ORDINANCE No. 15-118

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, DELCARING THE DOCUMENT ENTITLED "ARIZONANS WITH DISABILITIES ACT" AS A PUBLIC RECORD; ADOPTING THE "ARIZONA WITH DISABILITIES ACT" BY REFERENCE; AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE XV LAND USAGE, CHAPTER 150 BUILDING CODES, SUBCHAPTER CODES ADOPTED, § 150.011 EFFECTIVE DATE RELATED TO ADOPTING "THE ARIZONANS WITH DISABILITIES ACT"; AND CHAPTER 153 ZONING REGULATIONS, SUBCHAPTER GENERAL PROVISIONS, BY AMENDING § 153.005 DEFINITIONS TO ADD DEFINITIONS OF "HANDICAPPED PERSON" AND "REASONABLE ACCOMMODATION"; AND AMENDING SUBCHAPTER ADMINISTRATION, ENFORCEMENT BY ADDING NEW § 153.024 REASONABLE ACCOMMODATIONS RELATED TO PROVIDING A PROCEDURE FOR GRANTING REASONABLE ACCOMMODATIONS TO HANDICAPPED PERSONS PURSUANT TO FEDERAL AND STATE FAIR HOUSING AND DISABILITIES LAWS; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES

Whereas, that certain document entitled "Arizonans with Disabilities Act", three copies of which are on file in the office of the Town Clerk, is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk; and

Whereas, pursuant to federal and state fair housing laws and the Americans with Disabilities Act, the Town may not make zoning and land use decisions or implement land use policies that exclude or otherwise discriminate against individuals with disabilities; and

Whereas, the Town is required to provide reasonable accommodations to persons with handicaps to enable them to enjoy the same opportunities for housing as other non-affected individuals; and

Whereas, the Town of Dewey-Humboldt Town Council desires to establish a procedure to facilitate responses to requests by persons in need of reasonable accommodations;

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

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 150 Building Codes, Subchapter Codes Adopted, Section 150.011 Effective Date is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

150.11 ~~Effective Date~~ADOPTION OF ARIZONANS WITH DISABILITIES ACT AND IMPLEMENTING RULES.

~~The effective date for this subchapter is July 1, 2007.~~ THAT CERTAIN DOCUMENT, THREE COPIES EACH OF WHICH ARE ON FILE IN THE OFFICE OF THE TOWN CLERK BEING MARKED AND DESIGNATED AS THE “ARIZONANS WITH DISABILITIES ACT” (ARIZONA REVISED STATUTES, TITLE 41, CHAPTER 9, ARTICLE 8), AND THE “ARIZONANS WITH DISABILITIES ACT IMPLEMENTING RULES” (ARIZONA ADMINISTRATIVE CODE, TITLE 10, CHAPTER 3, ARTICLE 4), WHICH INCORPORATES THE FEDERAL “2010 ADA STANDARDS FOR ACCESSIBLE DESIGN”, IS HEREBY REFERRED TO, ADOPTED AND MADE A PART HEREOF AS THOUGH FULLY SET FORTH IN THIS SECTION, AS THE ARIZONANS WITH DISABILILTIES ACT OF THE TOWN, AND SHALL APPLY TO NEW CONSTRUCTION AND ALTERATIONS AND ARE NOT REQUIRED IN BUILDINGS OR PORTIONS OF EXISTING BUILDINGS THAT DO NOT MEET THE STNDARDS AND SPECIFICATIONS.

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 153 Zoning Regulations, Subchapter General Provisions, Section 153.005 Definitions is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 153.005 Definitions

* * *

HANDICAPPED PERSON. A HANDICAPPED PERSON IS A “PERSON WITH A DISABILITY”, AS THAT TERM IS DEFINED IN THE AMERICANS WITH DISABILITIES ACT AND INCLUDES (1) INDIVIDUALS WITH A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES; (2) INDIVIDUALS WHO ARE REGARDED AS HAVING SUCH AN IMPAIRMENT; AND (3) INDIVIDUALS WITH A RECORD OF SUCH AN IMPAIRMENT.

* * *

REASONABLE ACCOMMODATION. A REASONABLE ACCOMMODATION IS A CHANGE, EXCEPTION, OR ADJUSTMENT TO A RULE, POLICY, PRACTICE, OR SERVICE THAT MAY BE NECESSARY FOR A HANDICAPPED PERSON TO HAVE AN EQUAL OPPORTUNITY TO USE AND ENJOY A DWELLING, INCLUDING PUBLIC AND COMMON USE SPACES.

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 153 Zoning Regulations, Subchapter Administration, Enforcement, is hereby amended to add new Section 153.024 Reasonable Accommodations to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 153.024 REASONABLE ACCOMMODATIONS.

(A) *APPLICATION.* IF A HANDICAPPED PERSON BELIEVES A REQUIREMENT OF THE ZONING CODE PREVENTS HIM FROM ENJOYING THE SAME OPPORTUNITIES FOR HOUSING AS OTHER PERSONS WHO ARE NOT HANDICAPPED, THE OWNER SHALL SUBMIT TO THE ZONING ADMINISTRATOR A WRITTEN REQUEST FOR ACCOMMODATION AND THE REASONS WHY THE ACCOMMODATION IS REQUIRED. THE WRITTEN REQUEST SHALL CONTAIN SUFFICIENT FACTS TO ALLOW THE ZONING ADMINISTRATOR TO MAKE AN INDIVIDUALIZED DETERMINATION OF THE PERSON'S NEEDS, TO ADDRESS THE TOWN'S SAFETY AND WELFARE CONCERNS, AND TO ASSURE COMPLIANCE WITH THIS SECTION.

(B) *ZONING ADMINISTRATOR DETERMINATION.* THE ZONING ADMINISTRATOR SHALL REVIEW THE WRITTEN REQUEST AND DETERMINE:

(1) WHETHER AN ACCOMMODATION SHOULD BE MADE PURSUANT TO THE REQUIREMENTS OF THE FEDERAL AND STATE FAIR HOUSING LAWS; AND

(2) IF SO, THE NATURE OF THE ACCOMMODATION.

(C) *FACTORS TO BE CONSIDERED.* IN MAKING A DECISION, THE ZONING ADMINISTRATOR SHALL CONSIDER THE REQUIREMENTS OF THE FEDERAL AND STATE FAIR HOUSING LAWS, THE AMERICANS WITH DISABILITIES ACT, PUBLIC SAFETY AND WELFARE CONCERNS, AND THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD. TO SHOW THAT A REQUESTED ACCOMMODATION MAY BE NECESSARY, THERE MUST BE AN IDENTIFIABLE RELATIONSHIP, OR NEXUS, BETWEEN THE REQUESTED ACCOMMODATION AND THE INDIVIDUAL'S DISABILITY.

(D) *EXTENT OF ACCOMMODATION.* THE ACCOMMODATION SHALL BE MADE ONLY TO THE EXTENT NECESSARY TO COMPLY WITH THE FEDERAL AND STATE FAIR HOUSING LAWS AND THE AMERICANS WITH DISABILITIES ACT.

Section II. 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.

Section III. Repeal of Conflicting Ordinance

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 ___ day of _____, 2015, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ___ day of _____, 2015.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Town Attorneys
By Susan D. Goodwin

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 15-118 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE ___ DAY OF _____, 2015, WAS POSTED IN THREE PLACES ON THE ___ DAY OF _____, 2015.

Judy Morgan, Town Clerk



TOWN OF DEWEY-HUMBOLDT

"Arizona's Country Town"

Reasonable Accommodation Request Form
Community Development
P.O. Box 69
Humboldt, AZ 86329

www.dhaz.gov

Phone: 928-632-7362, Fax: 928-632-7365

The Town Zoning Code and Federal & State laws define a person with a disability/handicap as:

"Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment."

The Town of Dewey-Humboldt, in an effort to provide handicapped persons as defined above the same opportunities for housing and land use as other persons who are not handicapped, has developed this process for requesting reasonable accommodations to the requirements of the Zoning Code.

Applicants shall submit to the Zoning Administrator a completed written request for accommodation. The request shall contain sufficient facts to allow Zoning Administrator to make an individualized determination of the person's needs, to address the Town's safety and welfare concerns, and to assure compliance with the Town's Zoning Code except to the extent of an approved accommodation. **Accommodations granted will be reviewed on an annual basis, and in order to be continued, must be reapplied for annually. Annual application provides the Town the ability to track and monitor approved accommodations, and to assess annually the need for their continuance.**

- **Description of the reasons an accommodation is requested. Include a sufficient description of your impairment and limitations on your ability to comply with the Zoning Code to enable the Zoning Administrator to make a determination regarding accommodation. List the specific Zoning Code requirement that you are requesting be adjusted to accommodate your handicap.**

- **Description of the accommodation being requested.**

- **Period for which accommodation is being requested:**

Start Date: _____ End Date: _____

Is this a Renewal? Yes No

The Zoning Administrator may request additional information, either from you or your health provider in order to determine what accommodation is reasonable.

Approved: _____ Denied: _____ Alternative Accommodation Approved: _____

Zoning Administrator Date