

**THE PLANNING & ZONING ADVISORY COMMISSION
FOR THE TOWN OF DEWEY-HUMBOLDT
REGULAR MEETING NOTICE
Thursday, February 5, 2015 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. Swearing in of 2 newly appointed commissioners, Joe Garcia and Ruth Szanto, to the Planning and Zoning Commission. Council appointed Mr. Garcia at the January 5, 2015 Council meeting and Ms. Szanto at the January 20, 2015 Council meeting.

3. Roll Call. Commissioners Joe Garcia, Victor Hambrick, Dee Parker, Jeff Siereveld, Barry Smylie, Ruth Szanto and Chair Tammy DeWitt.

4. Disclosure of Ex Parte Contacts.

5. 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.

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

7. 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 3 **7.1. Minutes.** Minutes from the January 8, 2015 Joint Session Meeting.

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

9. Discussion Agenda – Unfinished Business. Discussion and Possible Action on any issue which was

not concluded, was postponed, or was tabled during a prior meeting.

9.1. Continued discussion on Animal related Code of Ordinances review task; specifically the summary of the community outreach meetings. Discussion and possible recommendation of next steps to Town Council (directed at the January 8, 2015 Joint Session).

9.2. Discussion on the revised Ordinance 15-110 regarding Accessory Dwelling Units (ADU). Discussion and possible recommendation of sending the revised ordinance to Council (directions made at the January 8, 2015 Joint Session direction).

10. Public Hearing Agenda.

THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.

11. 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.

12. Adjourn.

For Your Information:

Next Town Council Work Session: Tuesday, February 10, 2015 at 2:00 p.m.

Next Town Council Meeting: Tuesday February 17, 2015 at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, March 5, 2015 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 _____, 2014, 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 & ZONING ADVISORY COMMISSION
SPECIAL JOINT MEETING WITH COUNCIL - MINUTES
JANUARY 8, 2015, 6:00PM**

A SPECIAL JOINT MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION AND TOWN COUNCIL WAS HELD ON THURSDAY, JANUARY 8, 2015, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. CHAIR DEWITT PRESIDED.

1. **Call To Order.** The meeting was called to order at 6:00 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Done.
3. **Roll Call.** Commissioners Dee Parker, Jeff Siereveld, Barry Smylie, Victor Hambrick and Chair Tammy DeWitt were present.
4. **Disclosure of Ex Parte Contacts.** Done.
5. **Informational Reports.** No informational reports were given by commissioners or by public.
6. **Planner's Update on current events and activities.** No information of updates on current events and activities were given.
7. **Consent Agenda.**
 - 7.1. **Minutes.** Commissioner Dee Parker made a motion to approve the meeting minutes from the December 4, 2014 Planning and Zoning regular meeting as presented, seconded by Commissioner Smylie. The motion passed unanimously.
8. **Joint Session Roll Call of Council.** Councilmembers Arlene Alen, Doug Treadway, Nancy Wright and Vice Mayor Jack Hamilton were present. Mayor Terry Nolan, Councilmembers Dennis Repan and Mark McBrady were absent.
9. **Joint Session – Discussion Agenda - Unfinished Business.**
 - 9.1. **Council and Planning & Zoning Commission Joint Session to discuss and offer direction on the three tasks given to the Planning and Zoning Commission last year.**
 - 9.1.1. **Review of town code sections regarding animals.** Chair DeWitt read the overview of the agenda items and the purpose for scheduling the joint meeting with Council.

Vice Mayor Hamilton spoke on why they are meeting and asked each council member to present their views and requested commissioners to ask questions if they have any. He spoke about regulations being for animal owners not animals; animal regulations break down to two components, farm animals and pets; suggested limiting to enclosure size rather than lot size; he felt the largest problem with animals is enforcement; he agrees with the barking dog laws and that the judge should give her opinion on this subject; supports having an odor ordinance;. Yavapai County Sheriff covers enforcement for barking dog violations, but the town has no say in the enforcement procedures; develop a way to get a case before the judge which is not through the County Sheriff's office. He gave an option of another barking dog procedure: complainant keep a log for three or four weeks and have them present it to the local prosecutor and then have the prosecutor present this to the judge.

Chair DeWitt spoke on those issues that are not covered under zoning and the commission does not address those issues which are not related to zoning.

Councilmember Alen made a correction to the summary explaining she brought this forward through a CAARF she presented. CM Alen spoke of her original intent to look at all the animal codes and clean up those few loose ends. She gave her history involving animals and thoughts on the animal codes not being conducive to the rural lifestyle. The initial intent was to clarify and clean up the codes but feedback from the public is they want something quite different.

Councilmember Treadway spoke on his experience and history with animals and explained his opinion that the majority of the time the problems which arise are related to people rather than animals. He stated he does not agree with limiting the number of pets in the home, however, there should be a limit to the number of farm animals based on the size of the lot; enforcement is important and getting the magistrates opinion would be good; nuisance code needs strengthening, especially excessive barking and strong odors, and animals at large. He suggested people go to the offending neighbor and talk to them if there is a problem.

Chair DeWitt spoke about clarification of the task for the Commission whether they were tasked with farm animals as well as household pets.

Town Manager Kimball explained farm animals have not been discussed yet. The review of the codes relating to animals is what they were originally tasked with. The feedback from the community is mainly on household pets and not so much about farm animals. Page 15 listed all those chapters pertaining to animals.

CM Alen explained the original directive to staff was to address all the animal code references not just the household pets.

CM Wright spoke about the farm animal sections of code, which the town adopted from the County codes. She stated she wouldn't change that code. Her research on these issues has shown the best information found is from the National Animal Interest Alliance. If you have unlimited pets then you need to have a strict nuisance ordinance. Noise, soiling of public or private property and odors. Enforcement is the problem now.

Commissioner Siereveld spoke on his understanding that the Commission was to look at the codes and make recommendations for adding or deleting things from the code. The rules were in place prior to incorporation. There have been chronic problems that have come in to the neighborhood since he has lived here. Came here for the peace, serenity and rural nature. Appears that common sense can take care of most of these problems. Respect for your neighbors and the lifestyle would resolve most of the issues. What we should concentrate on is what should be enforced and what should be deleted.

Chair DeWitt spoke on there being no relief for nuisance.

Commissioner Smylie questioned how to coordinate, enforce, etc. of these ordinances.

Vice Mayor Hamilton explained he was told that P&Z only has jurisdiction over zoning and not the nuisance issue.

CM Alen spoke on the Council's directive to review the current code and correct the errors and omissions within that code, not to extend past things that are in your prevue.

If finding areas that need changing then the council wants to hear about it.

Commissioner Parker spoke about her concern about it being only a complaint-based system.

TM Kimball spoke on the enforcement codes. They come in two sections; Section 90 Animals which is enforced by Yavapai County based on the IGA established between the Town and YCSO. Staff attended a meeting recently with animal control and they have been limited being short of staff and covering a large area. If the Town had their own Animal Control Officer you could direct them specifically, but the Town Manager does not supervise the Sheriff's Office. Land use section 153 is the zoning section that is enforced by town code enforcement staff. This chapter is land use related.

Commissioner Parker suggested putting sections of the code in the newsletter regarding animals as a reminder and to educate.

CM Wright said the problem is the town can't get from the county how they enforce the dog ordinance. ARS says that the county can contract with the town and follow the town's codes.

Ms. Kimball stated Chapter 90 of the code of ordinance is the section that YCSO enforces. We are a young town and going through growing pains and a lot of citizens just don't understand what the codes are.

Chair DeWitt requested clarification that Title 9 is not part of the planning and zoning ordinance and there is no authority for P&Z to address those sections of code. This section must be dealt with between the Sheriff's office and the Council. Chapter 153 is within the purview of the Commission and what the P&Z is tasked to advise on. Issues primarily deal with household pets and not farm animals.

Commissioner Smylie spoke about animals being very personal to people; this is the same concern people have about keeping their personal freedoms; no intent to restrict that but to have cohesive law that everyone can live with; table the farm animals, table some of the other issues and find something that citizens can agree to then discuss active enforcement.

VM Hamilton clarified that the enforcement is a matter that must be dealt with by the Council.

Commissioner Hambrick spoke about having the task defined for what the P&Z will work on, he doesn't believe there are enough complaints to demand a change to the code; we are all here to represent the people, not impose on their personal liberties; cannot legislate personal behaviors; need to implement common courtesy to neighbors.

VM Hamilton commented about growth as a town. A lot of new citizens have never been around farm animals and will have different values; need to look at the future and have something for those few who are not reasonable and don't want what is right; need to look at what is right for the animal not just the animal owner; most are responsible, but there are some who are not.

Commissioner Hambrick spoke about not punishing the 95% for that 5%, enforcement written in a manner that keeps in mind that it is the few, and cost prohibitive.

Chair DeWitt said the biggest problem seems to be the dogs, not other animals;

Council needs to deal with the sheriff in regards to the enforcement side of the issue; a maintenance code might work well and remove the household pet numbers from the code.

CM Alen requested to clarify the role of P&Z and deal only with that part which pertains to the P&Z's purview. They do need to address farm animals as it relates to P&Z.

Chair DeWitt stated that Council will deal with the nuisance part and they (the Commission) will deal with the zoning issues.

Commissioner Smylie requested to clean up the agenda to make it clear what they are dealing with. This way the public will have a clear understanding of matters which pertain to animals so that they are not spending unnecessary wasted time.

Chair DeWitt stated that the next meeting staff will bring back a new recommendation for the Commission to review in regards to the three options; all, some or no revisions and they may also recommend looking at partial revisions.

VM Hamilton suggested looking closer on the agenda before approving it.

Commissioner Parker spoke on the P&Z looking at the barking nuisance.

Chair DeWitt explained that the barking ordinance is not in the P&Z commission's purview. This is for the Council to deal with in conjunction with the Sheriff's department. Responsibilities deal with definitions, number of animals per acre and criteria for them.

CM Alen spoke on looking at staff's recommendations and ask for feedback from the community meetings.

Chair DeWitt spoke on the commission only looking at the animal code, section 153 and staff to put together the issues that come out of the community meetings.

Yvonne Kimball spoke on the community feedback coming back on all sections of the code including those sections that are not part of the P&Z purview. Connie Christian can focus on those three meetings and enforcement will be included.

Chair DeWitt spoke on having a clear understanding of the responsibilities of the Commission and the Council in regards to the codes and this will be helpful to P&Z and dealing with the task assigned to them.

9.1.2. Review of Accessory Dwelling Unit (proposed ordinance 2014-104).

Chair DeWitt gave an overview of the agenda item 9.1.2. Accessory Dwelling Units.

VM Hamilton spoke on the main concern of a secondary dwelling being used as a rental property.

Yvonne Kimball explained this is an enforcement issue and it becomes very difficult to control and enforce.

CM Wright spoke on the purpose of the Secondary Medical Dwelling Unit; needing a doctor's notice for use permit; issues came about due to the lack of water and use of existing sewage system.

Chair DeWitt responded that those issues would have been addressed in the initial permitting process.

Commissioner Parker spoke on the tax issue.

CM Allen spoke about confusion relating to kitchens. Mandatory or not mandatory. Roomer/boarder was another area of confusion. We need to make sure that persons needing shared living expenses is also included. The zoning clarification needs to evaluate the issue of having kitchens.

Chair DeWitt spoke on the issue of Accessory Dwelling Units verses living on the property in an R.V. Sharing rent and expenses is not necessarily related. In the single family residential district the code states a person cannot live in an R.V.

TM Kimball stated she did not have enough knowledge of the code restrictions regarding RV's and will need to do more research to make comments.

Commissioner Parker spoke on tax issue if it is being rented. Homeowner should be paying taxes on the rental.

Chair DeWitt spoke about the definition of dwelling. The code requires it to have a kitchen. If you take out that part of the building code it can be a problem. New fad is the tiny house. Take out "required" but make it "permitted". This might be a good compromise. Questioned if the rest of the code looked good to the Council except for those few things.

VM Hamilton asked about putting something in there about wording that speaks on it not being allowed for non-family rental. Enforcement side, may be hard to do.

Chair DeWitt stated on page 32, code referenced non-paying or non-reimbursing guests is in the code.

Yvonne Kimball spoke about the next meeting with P&Z should address those town items; kitchen "permitted and roomers boarders drafted in a revised ordinance and present the draft to the Commission. No public hearing is needed as it has already gone through that process, but council may want to have another round of public hearings.

VM Hamilton requested for staff to show the cleaned up version ordinance to look at before they agree to recommend to Council.

CM Alen spoke on her desire to have the revised ordinance go to a public hearing again so the public can fully understand what is in the ordinance. This would help to complete an education process.

CM Wright requested to have the changes presented to Council and then Council would make recommendations for a public hearing.

TM Kimball stated staff will address the two points talked about and will bring the finished ordinance to P&Z for discussion and P&Z can recommend it go to council for discussion. At that time, council could request another round of public hearings, one at the P&Z and one at Council. Process could take up to four meetings minimum.

9.1.3. Review of existing District Zoning Setbacks.

Chair DeWitt read the report on District Zoning Setbacks.

VM Hamilton presented this item and questioned if the Town needs to look at the setbacks to see if they are applicable to the lot sizes or if they need to be changed.

Chair DeWitt spoke on the purpose for the setbacks and the character of Dewey-Humboldt is rural and not urban and residence do not want to be on top of each other.

Setbacks are for safety (fire, etc.), needed to maintain open space, and buffer between residences. Setbacks for farm animal housing area so they do not impact your neighbors negatively. Decreasing the setbacks could decrease the rating which would increase insurance rates. Stricter regulations for ratings are coming up. The bonding for the Town could decrease. There is a process to amend it if there is a need. If it is changed or reduced, you cannot take it back.

CM Treadway agreed with Chair DeWitt's statements. There is a process if needing a variance on your property.

CM Wright spoke on agreeing with the issue of changing it and potentially increasing density.

CM Alen stated a decrease in setbacks would also decrease property values and result in low density rural lifestyle available now.

Consensus was reached to not reduce setbacks.

10. Joint Session - Discussion Agenda – New Business. None.

11. Public Hearing Agenda. None

12. Adjourn. Meeting was adjourned at 7:37 p.m.

Tammy DeWitt, Chairperson

ATTEST:

Penney Bell, Administrative Assistant



TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-8562 ▪ Fax 928-632-7365

MEETING OF THE PLANNING & ZONING ADVISORY COMMISSION

February 5, 2015, 6:00 p.m. Town Council Chambers

Agenda Item: 9.1 Town Code of Ordinances “Animal Code” Summary.

To: Planning & Zoning Commission

From: Connie Christian, Community Development Officer

Date Submitted: January 12, 2015

Summary: On January 8, 2015 a joint session was held with the Town Council and Planning & Zoning Commission. At that time a request was made for staff to complete a summary report of the community outreach that was conducted on this topic since July 2014. Three (3) meetings were held; July 31, and October 8 November 12 in 2014. The following is a summary of those meetings.

Community Outreach Meeting #1:

On July 31, 2014, Staff held an informal meeting at the library along with community members to discuss the item. The following is a list of issues/concerns brought up by the attendees of the community meeting with possible recommendations. The table below was first presented in the summary with a moving forward plan at the Town Councils Work Session on August 12, 2014 and to the Planning & Zoning Commission on September 4, 2014. At staff’s recommendation, Council directed staff to proceed with the recommended next steps, which included additional community outreach meetings and communication with other agencies.

Issue/Concern	Group Recommendation
Current code limiting the number of animals, farm and/or domestic	No limit on domestic pet and farm animals. A “maintenance” section in the code could give authority for reduction if applicable.
“At large” and/or stray dogs	Work closely with Animal Control to assist with problem areas as they arise; apply stricter penalties.
Preservation of rural lifestyle - Influx of individuals moving to rural area who want the rural lifestyle but complain about neighboring animals	Review/Update General Plan to include areas that are further defined as rural areas.
Nuisance is a subjective term – what is a nuisance to one individual may not be to another	Broaden/Redefine definition of nuisance.
Rural should be “pet/animal friendly”	Review “pet friendly” ordinance presented by NAIA or other rural Towns/Municipalities.

During the first meeting it came to light that a couple of the residents have and/or are currently experiencing dogs that bark excessively and/or have a problem with dogs “at large”. These particular issues are animal control related and can be found in Title IX General Regulations / Chapter 90 of the Town Code of Ordinances.

They fall under the jurisdiction of the Yavapai County Sheriff's Animal Control Unit (YCSO). The Planning & Zoning Commission does not have jurisdiction over this matter as it does not relate to land use, however for the comprehensiveness of this report it is included.

Staff met with YCSO on September 4, 2014 to discuss the findings from the first meeting. For educational and clarification purposes on this matter, Staff requested YCSO to attend the next community meeting to present the process of filing a complaint and the process by which YCSO responds to dog barking and "at large" complaints.

Community outreach meeting #2:

On October 8, 2014, the meeting was held at Town Council Chambers with approximately 50 residents in attendance. YCSO presented. Discussion ensued regarding the process by which YCSO responds to animal, namely barking and "at large" dog complaints. YCSO, Sgt. Deb Dean along with Sgt. Joshua Brazell explained the process by which a complaint can be filed and that complaints cannot be made anonymously. Questions mainly revolved around and understanding the complaint process such as: what constitutes excessive barking; how it should be logged i.e. via video and/or keeping a bark log; how many minutes a dog is allowed to bark at one time; how witnesses are needed for collaboration of the violation. The leash law was also discussed whereby residents learned that if a property owner's gate is open and the dog is running loose in the yard that by state law the dog is considered at large. YCSO further explained that cats are not picked up as there is currently not a place to take them. The community thanked them for attending and appreciated the presentation.

Staff went on to discuss code enforcement pertaining to Title IX / Chapter 90 Animals and Title XV Land Use/ Chapter 153 Zoning Regulation. It was stated that Town staff handled complaints regarding the number of animals i.e. household pet and farm animals. There was discussion about growth of the Dewey-Humboldt area and how that could potentially impact the rural nature. Staff stated build-out potential.

Many fear that their property and animal rights will be infringed upon with more growth and governmental interference and they have resided and/or relocated here for the rural nature and lifestyle. It was also brought up on more than one occasion by the community members for property owners to try to settle differences in a neighborly fashion versus filing complaints. A few residents stated that they had tried that approach, however there has been some difficulty with neighbors with respecting the current laws relating to dog barking and control of one's animals; therefore they resort to the Town's Code Enforcement for intervention. There was some bantering back and forth between neighbors on more than one occasion. After a few times of this staff asked them to desist.

The ability to file anonymous complaints also came up on multiple occasions and staff explained that it is currently the process.

Community Meeting #3:

On November 12, 2014 a community meeting was held at Cherry Creek Ranch with over 50 residents in attendance. At this meeting staff laid some ground rules for questions and answers so anyone that wanted to speak could have the floor without interruption.

Staff did a synopsis of the first two meetings to bring those up to speed on the matters at hand. Staff further explained that for the most part the current Town Code was adopted from Yavapai County which prior to the Town's incorporation was the same as it is today.

Animal limits came up on multiple occasions. Residents believe that they can police themselves in regard to animal numbers because the main argument is that it is the animal owner's responsibilities to maintain their property, not let their animals run "at large" and/or bark excessively, and to have respect for their neighbors. Residents feel that the number of animals that one can have is not the issue, it is the aforementioned. A question on "grandfathering" also came up in respect to animal limits.

On more than one occasion for property owners stated that neighbors should try to settle their differences in a neighborly fashion versus filing complaints. The Code Enforcement process regarding anonymous complaints was again brought up and the fact that the process needs to be re-evaluated.

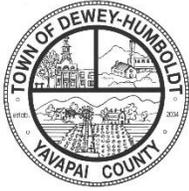
Other concerns were that the Council is out of touch with its constituents and are bringing forth their own agendas versus the public's concerns/issues. On more than one occasion residents have stated that there are more important items such as outside storage and blight conditions that should be the Town's focus as it lowers everyone's property values, as opposed to the animal issues.

Conclusion:

Three outreach meetings were held to allow residents to voice their opinions on the town codes relating to "animals". The meetings were well attended by residents with new faces at each meeting. Approximately 50 residents attended the last two meetings. Some individuals attended each meeting to follow through the progress.

Although there were new attendees at each meeting, it appears that similar concerns outlined from the first meeting continue to be the dominating theme of the second and third meeting. The table on Page 1 is a good representation of the concerns. It appears that there is a lack of understanding among residents of the town's operation (code enforcement, animal control, planning /zoning, town code of ordinances). Staff was able to clarify misunderstandings during interactions with the community. Community residents would like to continue to be involved with the process as it moves forward.

For your convenience attached is the Animal Code Project Summary Report.



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

JOINT MEETING OF THE PLANNING & ZONING ADVISORY COMMISSION AND TOWN COUNCIL

January 8, 2015 6:00 P.M. Town Council Meeting Chambers

Agenda Item: 9.1.1 Animal Code Project Summary and Report

To: Planning & Zoning Advisory Commission and Town Council

From: Connie Dedrick, Community Development Officer

Date: November 7, 2014

Summary: On May 13, 2014 the Town Council directed the Planning & Zoning Commission to review the current animal code in particular to missing links, missing definitions, exotic animals and kennels. A moving forward plan was developed and approved by the Town Council in August, which included staff research, meeting with Yavapai County Sheriff's Office (who handles the town's animal control services through IGA), discussions with other jurisdictions as well as a community involvement element which was introduced early on to inform on the town code and receive feedback from town residents. Staff has conducted hours of research, held three community outreach meetings since July 2014 and has received feedback from the Commission and Town Council on the issue.

The Animal Code is a very complex and often emotional issue on its own. Moreover, the reality of the Town being a relatively new municipality and encompassing a large area with a variety of different life styles coexisting, adds challenge to finding an easy one-size-fits-all solution. Therefore, addressing animal code issues requires careful considerations.

Community Element:

The following components listed below are primary concerns from feedback from the community, Commission and Town Council, as a result of community meetings, meetings with other agencies, Staff's research and recommendations.

- Preserve the "Rural" lifestyle; rural should be "animal friendly";
- No limits on domestic pet and farm animals;
- Add an animal maintenance and nuisance section into Town Code;
- Exotic Animals;
- Enforce existing animal control laws (Title 90); and
- Complaint Process

The sentiments of those attending the meetings is that residents who have lived here for many years or who have recently moved here because of the rural, small town feel and ability to have open space, and animals. And while neighborly, a more private lifestyle with less governmental regulation versus a more urban area with more governmental regulation. Attendees would like to see a maintenance and nuisance section added to the code and removal of animal limits.

Town meetings (Planning & Zoning Commission/Town Council) have been held on the issue. Similar issues such as barking dogs, dogs “at large”, enforcement of current code, disjointed definitions and research/defining kennels were discussed.

One reoccurring theme of community and town meetings has been animal control with the main issues being barking dogs and dogs “at large”. The Yavapai County Sheriff’s Office Animal Control Unit (YCSO) did present at the second meeting to discuss their role in enforcement of these issues as well as the procedure by which a complaint is received and processed.

While the town’s Code Enforcement process was brought up at meetings and briefly discussed, that item is not part of this summary as the summary deals exclusively with the Animal Code Review task.

Research:

In speaking with other jurisdictions in Central/Northern Arizona four jurisdictions have no household pet limits (Clarkdale, Chino Valley, Prescott, Yavapai County) and four jurisdictions have pet limits regarding dogs and/or cats (Camp Verde, Coconino County, Flagstaff, Prescott Valley).

In researching pet limits state wide, many jurisdictions limit the number of dogs through their town code which is enforced by Animal Control. In the majority of cases, the number is limited in their definition of a kennel. The numbers of dogs vary by jurisdiction and there are multiple definitions of what constitutes a kennel i.e. residential kennel, commercial kennel, non-commercial kennel etc.

Currently the state regulates exotic animals. A summary of Arizona Law is included in the packet.

In terms of issues regarding dogs barking and running at large; YCSO tracks the number of complaints i.e. barking dogs, dogs “at large”, viscous dogs and the like. YCSO is complaint driven versus proactive enforcement and covers the entire County. Town staff was recently told that the Animal Control division has been experiencing a staff shortage.

Using the first and second quarter statistics regarding barking dogs (animal noise) and animals “at large”, statistics show that per capita of population versus the number of complaints received by YCSO this is a not a significant issue, however individuals who are continually subjected to barking dogs or animals “at large” feel this a violation of their safety and welfare. A potential solution to persistent dog barking/running at large problems would be to request YCSO take a more proactive enforcement approach which could lead to a higher IGA cost.

YCSO Animal Control Data		
Issue	1st Quarter	2nd Quarter
Animal Noise	8	15
Animals at Large	18	28
Animal Bite	4	5
Animal Neglect	2	3
Viscous Animal	2	4
Animal Pickup	7	8
Total Incidents	41	63
Total Citations	1	6

The number of complaints received by the town regarding the number of animals to date is 4 (2 received for too many horses; 2 received for too many dogs). This information further reveals that per capita of population versus the number of complaints this is a not a significant issue.

Staff's Recommendation:

The common elements that have triggered review of the Town's Animal Code are: barking dogs, "at large" complaints, what constitutes a kennel, missing links and missing definitions. YCSO responds to barking and "at large" complaints (Town Code - Title 90) through an Inter-governmental agreement. Town staff enforces zoning and land use codes in relation to animal numbers through the Town's code via the complaint process. The State currently defines and regulates exotic animals and it is staff's recommendation to leave this regulation with the State.

Using a statistical approach, staff's findings do not support a re-write of the code sections relating to Animals, which are: Title IX Chapter 90 General Regulations, Chapter 90 Animals and sections in Title XV Land Use, Zoning Regulations Chapter 153 (see the attached). However, based on the feedback from the community and the need to address future growth, staff does believe that certain sections of the current Town Code could be revised to address potential weaknesses that may impact the overall public safety and welfare of the community.

Staff has outlined three options for consideration based on the information provided. The options are as follows:

Option 1 – Full Revision of Animal Code

We could consider to include/revise definitions and regulations to include the following:

Agriculture, Agritourism, Animals: Farm/Livestock Animals, Domestic/Household Pets, Exotic Animals, Farm, Farmland, Farm Structure, Kennel, Kennel (residential), Kennel (commercial), Maintenance, Nuisance, Private Ranch, Stable (commercial), Stable (residential). Incorporate a designated Animal Section into the Town Code and criteria relating to care, maintenance/ nuisance and performance standards, project animals (4H), and increase animal structure setbacks into the Animal Section for code enforcement purposes. If applicable, determine where allowed uses would be as a matter of right (density district) i.e. kennels, stables, i.e. on larger parcel sizes.

Removal of animal limits all together or removal of household pet numbers with the addition of a well defined maintenance / nuisance section.

Option 2 – Partial Revision of Animal Code

Consider revising the following definitions and regulations:

Farm/Livestock, Domestic/Household Pets, Exotic Animals, Kennel, Kennel (residential), Kennel (commercial), Maintenance and Nuisance, criteria relating to care, maintenance/nuisance and performance standards. If applicable, determine where allowed uses would be as a matter of right (density district) i.e. kennels on larger parcel sizes.

Removal of household pet numbers with the addition of a well-defined maintenance/nuisance section.

Option 2 derives from the items included in Option 1. Option 2 items represent what staff believes would make the most sense considering minimum code changes.

Option 3 – No Revision

No revision of the Town Code. This option appears to be supported by the statistical data regarding animal related complaints.

In moving forward, the Town Council will be meeting on December 9, 2014 to discuss the direction to be taken regarding the Animal Code. A joint session with the Planning & Zoning Commission and Town Council is tentatively scheduled on Thursday, January 8, 2014 at 6:00 p.m. Town staff also wants to confer with our legal counsel for some items relating to animal regulations.

In conclusion, code revision warrants careful considerations. When addressing this and future code revisions, some agencies use a check list to evaluate the needs and feasibility. Based on our research, staff developed a check list to help us to better understand the needs and anticipate what is expected of the operation and the budget. For your convenience, the check list is included as part of summary.

Ordinance Revision Evaluation Sheet

- 1) Is there an existing issue that has prompted the rewrite? What are they? How severe are they? Are they severe enough to infringe the overall public safety and welfare?
- 2) Is the revised code going to be enforceable?
- 3) Are additional resources required i.e. Staff, equipment, money? Can our budget afford the additional resources? If this regulation is enacted, how much will it cost on an annual basis, both public and private? If this regulation is not enacted, what will be the public and private cost?
- 4) Can the identified public interest be protected by other means than legislation (i.e. better enforcement, education, administrative code in lieu of ordinance, etc.)?
- 5) Even though there is an interest to be protected, is it really worth another regulation?
- 6) Is this reactive to a problem? What are the unintended consequences, if any?
- 7) Is the regulation narrowly drafted to avoid imposing a burden on persons or activities that are not affecting the public interest?
- 8) Does the regulation impose a burden on a few property owners for the benefit of the public as a whole? If so, does it provide compensation?
- 9) Does the regulation impact private property rights?
- 10) Has the approach been tried in other jurisdictions? If so, what was the result?

TITLE IX: GENERAL REGULATIONS, CHAPTER 90 – ANIMALS

- 90.01 Definitions
- 90.02 General provisions
- 90.03 Enforcement
- 90.04 Exemptions
- 90.05 Biting animals
- 90.06 Release of impounded dog

Vicious Animals

- 90.15 Definitions
- 90.16 Determination of Town Magistrate
- 90.17 Control of dangerous animals
- 90.18 Killing of dangerous animals

Livestock

- 90.30 Definitions
- 90.31 Livestock roaming at large
- 90.32 Investigation and enforcement
- 90.33 Payment of citation in lieu of penalties
- 90.99 Penalty

*******ANIMAL CONTROL*******

§ 90.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AT LARGE. Being neither confined by an enclosure nor an electronic fence capable of restraining the animal, nor physically restrained on a leash.

DOG. A member of the *canis lupis familiaris* and domesticated wolves and offspring of dogs cross-bred with wild animals or domesticated wolves.

ENFORCEMENT OFFICER. Any person responsible for the enforcement of this subchapter and the regulations promulgated hereunder.

OWNER. Any person owning, possessing, harboring or maintaining a dog, or any persons acting for, or in the place of, the owner, or having charge of, or having taken charge of, a dog. (Ord. 05-17, passed 10-18-2005)

§ 90.02 GENERAL PROVISIONS.

(A) No dog shall be at large except as provided herein. Dogs shall be confined within a suitable enclosure capable of restraining the animal or otherwise physically restrained to prevent entry of dogs on public or private property other than the owner's, or a leash not to exceed six feet in length and of sufficient strength to control the dog.

(B) Any dog over the age of four months shall wear a collar or harness to which is attached a valid rabies tag. Dogs shall not be required to wear a collar or harness with a valid rabies tag attached while being used for control of livestock, while being used or trained for hunting, while being exhibited or trained at a kennel club event, while engaged in races approved by the Arizona Racing Commission or while being transported to and from such events, provided that they are properly vaccinated and controlled.

(C) It shall be unlawful for an owner or any other person or designated responsible person to maintain a dog having a propensity to excessively bark, howl or otherwise disturb the peace and quiet of any town resident.

(Ord. 05-17, passed 10-18-2005) Penalty, see § 90.99

§ 90.03 ENFORCEMENT.

(A) Any dog, which is running at large, may be apprehended and impounded by the town enforcement officer. The town enforcement officer shall have the right to enter upon private property in order to apprehend any dog that has been running at large, provided the enforcement officer is in reasonable pursuit of the dog.

(B) Town enforcement officers may issue citations to the owner, any other person acting for the owner, or any person exercising control over a dog when a dog is at large. The procedure for the issuance of a notice to appear shall be as provided for peace officers in A.R.S. § 13-3903, except that the enforcement officer shall not make an arrest before issuing the notice. The issuance of citations pursuant to this subchapter shall be subject to the provisions of A.R.S. § 13-3899.

(C) Consistent with A.R.S. § 11-1015 and statutes applying to towns, it is unlawful for any person to interfere with the enforcement officer in the performance of his or her duties pursuant to this subchapter.

(Ord. 05-17, passed 10-18-2005) Penalty, see § 90.99

§ 90.04 EXEMPTIONS.

(A) A dog may run at large while participating in field trials, obedience classes, kennel club events, organized school or park-sponsored shows, while assisting its owner or being trained in legal hunting or in herding livestock, while assisting a police officer engaged in law enforcement duties, or while assisting its blind or deaf master, so long as sufficient control is exercised and the control would permit immediate leashing of the dog upon any person's reasonable request.

(B) A dog is allowed to occupy vehicles, including truck beds, without restraint, but upon leaving a vehicle or truck bed, it is considered to be at large.

(Ord. 05-17, passed 10-18-2005)

§ 90.05 BITING ANIMALS.

(A) The procedures set forth in Arizona Revised Statutes shall be followed for biting animals.

(B) Domesticated wolves and offspring of domestic animals bred with wild animals or domesticated wolves shall be considered wild animals consistent with the provisions of A.R.S. § 11-1014c.

(Ord. 05-17, passed 10-18-2005)

§ 90.06 RELEASE OF IMPOUNDED DOG.

(A) Any person requesting the release of an impounded dog shall provide proof of anti-rabies vaccinations, or shall obtain any applicable vaccination and shall pay for the costs of impoundment. Proof of ownership of the dog may be required prior to release.

(B) Any impounded dog which is not claimed within 72 hours shall be deemed abandoned. Enforcement officers may take possession of abandoned dogs and may place the dog for sale or may dispose of the dog in a humane manner. Any person purchasing an abandoned dog shall obtain applicable anti-rabies vaccinations and pay the applicable and impoundment fees.

(Ord. 05-17, passed 10-18-2005)

*****VICIOUS ANIMALS*****

§ 90.15 DEFINITIONS.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

DANGEROUS or **VICIOUS ANIMAL**. Any animal that bites without provocation, is known to have a propensity, tendency or disposition to bite, or kills or causes injury, including injury to domesticated animals.

(Ord. 05-20, passed 11-15-2005)

§ 90.16 DETERMINATION OF TOWN MAGISTRATE.

Following a hearing, the Town Magistrate may declare an animal to be dangerous or vicious if the animal is found to have exhibited a pattern of aggressive behavior which threatens the safety or well-being of persons or domesticated animals, or has caused injury, reasonable apprehension of such injury, or intimidation to any person.

(Ord. 05-20, passed 11-15-2005)

§ 90.17 CONTROL OF DANGEROUS ANIMALS.

No person having charge, care, custody or control of an animal determined to be a vicious or dangerous animal shall permit the animal off his or her premises unless the animal is securely restrained.

(Ord. 05-20, passed 11-15-2005) Penalty, see § 90.99

§ 90.18 KILLING OF DANGEROUS ANIMALS.

Any law enforcement officer is hereby authorized to destroy any animal determined to be a dangerous or vicious animal when immediately necessary to protect any person or property.

(Ord. 05-20, passed 11-15-2005)

*****LIVESTOCK*****

§ 90.30 DEFINITIONS.

For the purpose of this subchapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

LIVESTOCK. Cattle, horses, pigs, sheep, goats, or other similar animals, other than dogs or domestic house cats.

(Ord. 10-74, passed 8-17-2010)

§ 90.31 LIVESTOCK ROAMING AT LARGE.

It shall be unlawful for the owner of livestock, a person acting for the owner of livestock or a person exercising control over livestock to permit such livestock to roam at large within the corporate limits of the town. Livestock roaming at large within the corporate limits of the town shall be retrieved by the owner, the person acting for the owner or the person exercising control over such livestock within a reasonable period of time after notification.

(Ord. 10-74, passed 8-17-2010; Am. Ord. 10-78, passed 12-7-2010) Penalty, see § 90.99

§ 90.32 INVESTIGATION AND ENFORCEMENT.

Enforcement will only occur upon signed complaint and a preliminary investigation to verify that a violation has in fact occurred. Enforcement of § 90.31 shall be the same as contained in § 90.03 of this chapter. Costs of enforcement shall be borne by the owner of such livestock. Any

livestock roaming at large may be impounded by the Enforcement Officer so designated by the town.

(Ord. 10-74, passed 8-17-2010; Am. Ord. 10-78, passed 12-7-2010)

§ 90.33 PAYMENT OF CITATION IN LIEU OF PENALTIES.

(A) *Fines.* The fines for violating the provisions of § 90.31 shall be adopted from time to time by resolution of the Council. Unless the Council determines otherwise, the fines shall be those applicable under § 90.99 of this chapter. Any citation must be paid as stated therein.

(B) *Appearance if fine not paid.* Any person charged with a violation of this § 90.31 shall appear in the Magistrate's Court at a date and time set by the Court for disposition in accordance with § 90.99, unless all fines imposed have been paid at least 24 hours in advance of the scheduled court appearance.

(Ord. 10-74, passed 8-17-2010; Am. Ord. 10-78, passed 12-7-2010)

§ 90.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) A person who is convicted of a violation of §§ 90.01 through 90.06 is guilty of a Class 2 misdemeanor. As a minimum penalty, a person convicted hereunder shall pay a fine of not less than \$50, which shall not be suspended unless, at the discretion of the court, that person is ordered to perform and complete a minimum of eight hours of community service.

(C) Any person violating the conditions of §§ 90.15 through 90.18 or is in charge of a dangerous animal as defined herein, may be fined in the amount \$250 and be liable for reimbursement of any costs incurred by law enforcement officials in the exercising of their duties.

(D) A person convicted of violating § 90.31 shall be found responsible for a civil code infraction and shall be subject to the civil sanctions on the first offense as set forth in § 10.99 of this code. Thereafter, a violation of § 90.31 shall be a misdemeanor subject to the penalty provisions set forth in § 10.99 of this code. The court may order any person who violates § 90.31 to pay all expenses related to the impounding of the livestock, including shelter, food, handling, transport and veterinarian care. The court may also order any person who violated this chapter to pay all related court fees or costs or penalties.

(Ord. 05-17, passed 10-18-2005; Ord. 05-20, passed 11-15-2005; Am. Ord. 10-78, passed 12-7-2010)

TITLE XV: LAND USAGE, ZONING REGULATIONS – CHAPTER 153

153.005 DEFINITIONS

FARM ANIMALS. *Animals* other than household pets that shall, where permitted, be permitted to be kept and maintained for commercial production and sale and/or family food production, education or recreation. **FARM ANIMALS** are identified as being, e.g., horses, cattle, sheep, goats, rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks, pigeons, llamas and alpacas. See also § 153.066(D) and (F).

PETS (HOUSEHOLD). Dogs, cats, rabbits, birds, pot-belly pigs and the like (and other small animals under 100 pounds), for family use only (noncommercial) with cages, pens and the like. An owner may keep up to six pets (household, domesticated animals); anything greater than this shall be considered a kennel for purposes of establishing permitted use within a zoning district.

KENNEL. Any place where seven or more dogs are owned, kept, boarded, bred and/or offered for sale.

§ 153.036 R1L DISTRICT (RESIDENTIAL; SINGLE FAMILY LIMITED)

Permitted uses for the R1L District (Residential; Single Family Limited to site built structures only) are as follows in this section.

(B) (1) Dwelling unit (site built) for one family on any one lot;

(7) Accessory uses and structures (concurrent with and located on the same lot with the principal uses and structures, and including the following):

(a) Farm animals (except swine) on lots of no less than 70,000 square feet for the convenience and pleasure of the lot owner or occupant, not to exceed the number allowed as per the Allowed Animal Chart in § 153.066. Stables, barns or structures for sheltering or feeding animals must observe the same setbacks or yards as the dwelling unit.

§ 153.046 M1 DISTRICT (INDUSTRIAL; GENERAL LIMITED).

Permitted uses for the M1 District (Industrial; General Limited) are as follows in this section.

(A) (1) Intended to provide the type of industrial facilities which, while not necessarily attractive in operational appearances, are installed and operated in a manner so as not to cause inconvenience to other uses in the zoning district (or to adjacent zoning districts).

(2) Where uncertainty exists as to compliance with the intent of this district, in differentiating between the light and heavy character of the proposed use, the Board of Adjustment shall determine.

(B) (1) All principal and accessory uses permitted in any more restrictive zoning district, except dwelling units, mobile home courts, hotels, motels, rooming and boarding houses and similar, and provided further that, unless specifically provided to the contrary, the following are waived:

(a) Requirements for use permits, except for lots contiguous to residential districts;

- (b) Area limitations for uses and buildings;
- (c) Limitations on hours of operations;
- (d) Confining uses to closed (or partially closed) buildings; and
- (e) Prohibitions against livestock and other animals.

(2) Dispensing of gasoline and similar petroleum products from exposed storage tanks (subject to requirements of Underwriters Laboratories Inc. or similar), provided no such tank shall be located closer than 25 feet to the lot boundaries.

(3) Manufacturing, machining, tooling, assembly, fabrication, welding, milling, molding, equipping, decorating, glazing, repairing, servicing, cleaning, winding, printing, publishing, pickling, brewing, distilling, salvage (but not wrecking), equipment, material and dead storage yards, plating and polishing, meat packing (no slaughtering except rabbits and poultry), ~~animal treating, boarding, breeding and sales~~, warehousing (including elevators), freight yards, circuses and carnivals, race tracks and stadiums; and

(4) Signs: see §§ 153.125 through 153.138.

(C) (1) Yards required: same as for commercial districts;

(2) Building heights: use permit required to exceed 30 feet or two stories; and

(3) Building density: no requirements.

(Ord. § 431, passed 9-4-2008)

§ 153.066 ACCESSORY USES AND STRUCTURES.

(A) Accessory uses (including facilities and equipment) are permitted in conjunction with any principal use, provided same is compatible and common to the district in which it is located therewith and does not alter the character of the premises; any reference to a permitted use shall be deemed to include such accessory use.

~~(B) Accessory buildings may be attached to or detached from the principal building, except that no accessory building housing fowl or animals (other than domestic pets) may be attached to any dwelling unit.~~

(C) Amateur radio towers and antennas are permitted in all residential districts, with a use permit, provided:

(1) The structures shall not be located in the required front yard, or required street side yard, or in front of the front line of the dwelling or principal building;

(2) The structure shall in no case be located nearer than five feet to any side or rear property line;

(3) The structure does not exceed a height of 15 feet within a required side or rear yard;

(4) The structure does not exceed the maximum building height of the zoning district in which the structure is located;

(5) Not more than two such structures shall be erected per lot or parcel; and

(6) The tower and antenna shall be retractable.

(D) Accessory uses or structures are allowed prior to installation of the principal structure only when a construction permit is issued for the principal structure and construction of same is commenced within six months.

(E) Animal husbandry activities or projects, i.e., Future Farmers of America, 4-H, or any agricultural or large livestock activity/project conducted primarily for educational purposes or school credits, are permitted in any zoning district. The following criteria shall be met:

(1) Active membership must be maintained and verification of such may be required upon request.

(2) The keeping of all animals shall be subject to the regulations of the Yavapai County Environmental Unit and the Health Department.

(3) (a) A sign designating a 4-H member in residence must be posted on the property at all times any such project or activity is in progress.

(b) Under the 4-H exemption, the setback requirements and number of animals allowed per acre do not apply for animals utilized in 4-H projects, with the exception of equine and breeding projects.

(F) Allowed animal chart.

<i>Allowed Animal Chart</i>	
Type	Animals Allowed
Category A - Dairy cow, bison, steer/heifer, horse or other similar size/weight	2 per acre*
Category B - Ostrich, miniature horse, llama, alpaca, sheep, goat, emu or other of similar size/weight	5 per acre*
Category C - Turkeys, peacocks, geese, pheasants, ducks, pigeons, chinchillas, rabbits, chickens or other similar size/weight toward the total. After one year of age, animal off-spring count as adult animals	8 per acre*
*And proportionately greater for larger properties	

(Ord. § 501, passed 9-4-2008)

Arizona Summary of Law Regarding Exotic Pets

Persons possessing restricted wildlife must obtain a wildlife holding permit to lawfully possess the animal. The Department issues wildlife holding permits to: (1) individuals who legally possess restricted live wildlife and are moving into the state, (2) for educational display, (3) or advancement of science, and (4) to foster an animal unable to return to the wild. Persons already residing in Arizona are not permitted to possess restricted live wildlife as "pets" unless they qualify for a permit. Restricted live wildlife includes, but is not limited to the following species: all species of Carnivores (canines, felines, excluding domestic); orangutans, chimpanzees, gorillas, alligators, crocodiles, cobras, vipers, etc. However, you can possess all other non-infant primates as "pets" if the animal is free from any zoonotic diseases.

Citation: ARIZ. COMP. ADMIN R. & REGS. [R12-4-406](#); [R12-4-409](#); [R12-4-417](#); [R12-4-425](#); [R12-4-426](#)

[Page intentionally left blank]



TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-8562 ▪ Fax 928-632-7365

MEETING OF THE PLANNING & ZONING ADVISORY COMMISSION

February 5, 2015, 6:00 p.m. Town Council Chambers

Agenda Item: 9.2 Ordinance 15-110 ADU (revised as directed at the January 8 joint meeting).

To: Planning & Zoning Commission

From: Yvonne Kimball, Town Manager

Date Submitted: January 30, 2015

Recommendation: review the proposed Ordinance 15-110 and recommend for council adoption at a future council meeting

Summary:

At the January 8, 2015 joint session, the Council and P&Z directed to make two changes to the proposed Ordinance 14-104. The two changes are: to delete the prohibition of roomers and boarders in accessory units; to delete the proposed requirement of a kitchen in accessory units. With these changes, the ordinance essentially will not make any amendments to the current town code sections pertaining to "roomer and borders" and "kitchen in accessory dwelling units".

Originally the proposed ADU ordinance is numbered as 14-105; because of the revisions and time elapsed, the new proposed ordinance is numbered as 15-110. Enclosed please find the revised ordinance in # 15-110 and its exhibit which outline the changes to the current code of ordinances.

ORDINANCE No. ____

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, DECLARING THE DOCUMENT ENTITLED “DEWEY-HUMBOLDT MUNICIPAL CODE AMENDMENTS RE: ACCESSORY DWELLING UNITS, DATED FEBRUARY ____, 2015” AS A PUBLIC RECORD; ADOPTING THE “DEWEY-HUMBOLDT MUNICIPAL CODE AMENDMENTS RE: ACCESSORY DWELLING UNITS, DATED FEBRUARY __, 2015” BY REFERENCE; AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE XV LAND USAGE CHAPTER 153 ZONING REGULATIONS, GENERAL PROVISIONS, § 153.005 DEFINITIONS; USE DISTRICTS, §§ 153.036 R1L DISTRICT (RESIDENTIAL; SINGLE FAMILY LIMITED), 153.037 RMM DISTRICT (RESIDENTIAL; MULTI-SECTIONAL MANUFACTURED HOMES), § 153.038 R1 DISTRICT (RESIDENTIAL; SINGLE FAMILY), § 153.041 RS DISTRICT (RESIDENTIAL; AND SERVICES), § 153.042 C1 DISTRICT (COMMERCIAL; NEIGHBORHOOD SALES AND SERVICES), §153.043 C2 DISTRICT (COMMERCIAL; GENERAL SALES AND SERVICES), § 153.048 PAD DISTRICT (PLANNED AREA DEVELOPMENT), § 153.049 RCD DISTRICT (RESIDENTIAL CAMPING DISTRICT); AND GENERAL REGULATIONS, § 153.066 ACCESSORY USES AND STRUCTURES, AND § 153.072 GUEST HOME RELATED TO PERMITTING ACCESSORY DWELLING UNITS IN THE R1L, RMM AND R1 ZONING DISTRICTS, SUBJECT TO CERTAIN REGULATIONS, AND PROHIBITING ACCESSORY DWELLING UNITS WITHIN THE C1, C2, PAD AND RCD ZONING DISTRICTS; AND PROVIDING DEFINITIONS AND REGULATIONS FOR ACCESSORY DWELLING UNITS RELATED TO LOT SIZE, SETBACKS, UTILITY HOOKUPS, DRIVEWAYS, STRUCTURE SIZE, KITCHENS, AND RESTRICTING USE TO NON-PAYING GUESTS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING PENALTIES

WHEREAS, that certain document entitled “Dewey-Humboldt Municipal Code Amendments Re: Accessory Dwelling Units, dated February __, 2014”, 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, the Town Council has determined that the proposed amendments will clarify and regulate the construction and use of accessory dwelling units in the Town of Dewey-Humboldt, and it is in the best interest of the public health, safety and general welfare of the Town to adopt the proposed amendments;

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, is hereby amended by amending Title XV Land Usage, Chapter 153 Zoning Regulations, General Provisions, Section 153.005 Definitions; Use Districts Sections 153.036 R1L District (Residential; Single Family Limited), 153.037 RMM District (Residential; Multi-Sectional Manufactured Homes), 153.038 R1 District (Residential, Single Family), 153.041 RS District (Residential; and Services), 153.042 C1 District (Commercial; Neighborhood Sales and Services), 153.043 C2 District (Commercial; General Sales and Services), 153.048 PAD District (Planned Area Development), and 153.049 RCD District (Residential Camping District); and General Regulations, Sections 153.066 Accessory Uses and Structures and 153.072 Guest Home, all as set forth in that document entitled "Dewey-Humboldt Municipal Code Amendments Re: Accessory Dwelling Units, dated February __, 2014, which document is hereby adopted and incorporated by reference.

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.

Section IV. Penalties

Any person found responsible for violating any provision of this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Section 10.99 of the Dewey-Humboldt Code of Ordinances

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this ____ day of _____, 20__, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 20__.

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. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE ____ DAY OF _____, 201_, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 201_.

Judy Morgan, Town Clerk

Dewey-Humboldt Municipal Code Amendments
Re: Accessory Dwelling Units
February 2015 ~~February 18, 2014~~

Commented [YK1]: The original public hearing date was February 18, 2014.

The following Sections of Title V Land Usage, Chapter 153 Zoning Regulations, General Provisions of the Town of Dewey-Humboldt Town Code are amended to read as follows (additions in ALL CAPS, deletions in ~~strikeout~~):

§ 153.005 Definitions:

* * *

Dwelling Unit, Accessory (ADU). A ~~second~~ separate DETACHED DWELLING unit ON THE SAME SINGLE FAMILY LOT AS THE PRIMARY DWELLING UNIT that is ~~attached or detached to the primary dwelling that may be used for~~ AS a separate additional living unit, ~~for property managers, property caretakers or property security guards, and may~~ **SHALL** ~~include separate kitchen, sleeping, and bathroom facilities., on a single family lot. ADUs are subordinate in size, location, and appearance to the primary unit.~~

Formatted: Not Strikethrough

* * *

~~***GUEST HOME.*** A secondary structure meeting the applicable zoning district requirements as to construction type not exceeding 750 square feet or 25% of the total square footage of building area under roof whichever is larger of the primary residential structure and meeting primary structure setbacks of the pertinent zoning district. Used to house a nonpaying or nonreimbursing relative or guest on an intermittent basis, with stay not to exceed a total of 120 days over a continuous 12-month period by the same guest or person(s).~~

* * *

RESIDENT CAMP SLEEPING UNITS. A BUILDING OR GROUP OF BUILDINGS CONTAINING GUESTROOMS OR DWELLING UNITS. FOR DENSITY FORMULA PURPOSES, TWO SUCH GUESTROOMS, RVS OR TENTS MAY BE COUNTED AS ONE DWELLING UNIT. EACH FOUR BEDS SHALL BE COUNTED AS ONE GUESTROOM.

RESIDENT CAMPING. A SUSTAINED EXPERIENCE WHICH PROVIDES A CREATIVE, RECREATIONAL, EDUCATIONAL OR RELIGIOUS OPPORTUNITY IN GROUP LIVING IN THE OUT-OF-DOORS IN WHICH CAMPERS LIVE AT A SITE FOR ONE OR MORE CONSECUTIVE NIGHTS, NOT TO EXCEED 90 DAYS.

* * *

The following Sections of Title V Land Usage, Chapter 153 Zoning Regulations, Use Districts of the Town of Dewey-Humboldt Town Code are amended to read as follows (additions in ALL CAPS, deletions in ~~strikeout~~):

File: 1908-003-0000-0000; Desc: Accessory Dwelling Units - Exhibit to Ordinance 1-30-14; Doc#: 178323v6

§ 153.036 R1L District (Residential; Single Family Limited)

Permitted uses for the R1L District (Residential; Single Family Limited to site built structures) are as follows in this Section:

* * *

(B) (1) Dwelling unit (site built) for one family on any one lot;

* * *

(7) Accessory uses and structures (concurrent with and located on the same lot with the principal uses and structures, and including the following):

* * *

(j) Educational institutions as defined in § 153.005 but privately funded, allowed as an accessory use to a religious institution. ~~and~~

~~(k) Accessory dwelling unit.~~

* * *

(10) ~~Detached guest homes~~ ACCESSORY DWELLING UNITS as defined ~~under~~ IN § 153.005, subject to the performance standards set out in § 153.072, with a minimum parcel size of 70,000 square feet.

§ 153.037 RMM District (Residential; Multi-Sectional Manufactured Homes).

Permitted uses for RMM (Residential; Single Family; site-built, factory built and Multi-Sectional Manufactured Homes, no single-wide manufactured homes or mobile homes) are as follows in this section.

* * *

(B) (1) All principal and accessory uses and structures permitted in the R1L Zoning District;

* * *

(4) Accessory Dwelling Unit, (ADU) AS DEFINED UNDER § [153.005](#), SUBJECT TO THE PERFORMANCE STANDARDS SET OUT IN § [153.072](#), WITH A MINIMUM PARCEL SIZE OF 70,000 SQUARE FEET.

* * *

§ 153.038 R1 District (Residential; Single Family).

Permitted uses for the R1 District (Residential; Single Family; site built, multi-sectional and manufactured) are as follows in this section.

* * *

| File: 1908-003-0000-0000; Desc: Accessory Dwelling Units - Exhibit to Ordinance 1-30-14; Doc#: 178323v6

(B) (1) All principal and accessory uses and structures permitted in the R1L and RMM Districts, Manufactured Housing and Mobile Homes as set forth under § 153.082;

* * *

~~(3) Additional accessory uses and structures (concurrent with and located on the same lot with the principal uses and structures and including the following):~~

~~(a) Roomers or boarders, not to exceed two for any one dwelling unit;~~

~~(b) Farm animals (except swine) on lots of no less than 35,000 square feet for the convenience and pleasure of the lot occupants, not to exceed the number allowed as per the Allowed Animal Chart in § 153.066. Stables, barns or structures for sheltering or feeding animals must observe the same setbacks or yards as the dwelling unit; and~~

Formatted: Not Strikethrough

Formatted: Not Strikethrough

Commented [YK2]: This was underlined before; Council and P&Z directed to keep the original wording about allowing roomers and boarders. I took off the underline.

Commented [PS3]: Since there are no amendments to this subsection, it does not need to be here at all.

(4) Accessory dwelling unit (ADU) AS DEFINED UNDER § 153.005, SUBJECT TO THE PERFORMANCE STANDARDS SET OUT IN § 153.072, WITH A MINIMUM PARCEL SIZE OF 35,000 SQUARE FEET.

* * *

§ 153.041 RS District (Residential; and Services).

Permitted uses for the RS District (Residential and Services) are as follows in this section.

* * *

(B) (1) All principal and accessory uses and structures permitted in any more restrictive zoning district, EXCEPT ACCESSORY DWELLING UNITS. Where the lot is contiguous to a less restrictive zoning district, requirement for securing an administrative review is waived (unless otherwise provided for);

* * *

§ 153.042 C1 District (Commercial; Neighborhood Sales and Services).

Permitted uses for the C1 District (Commercial; Neighborhood Sales and Services) are as follows in this section.

* * *

(B) (1) All principal and accessory uses permitted in any more restrictive zoning district EXCEPT ACCESSORY DWELLING UNITS; and providing further that, unless specifically provided to the contrary, the requirements for an administrative review (except for lots contiguous to residential districts) are waived;

* * *

§ 153.043 C2 District (Commercial; General Sales and Services).

Permitted uses for the C2 District (Commercial; General Sales and Services) are as follows in this section.

File: 1908-003-0000-0000; Desc: Accessory Dwelling Units - Exhibit to Ordinance 1-30-14; Doc#: 178323v6

* * *

(B) (1) All principal and accessory uses permitted in any more restrictive zoning district EXCEPT ACCESSORY DWELLING UNITS; and providing further that, unless specifically provided to the contrary, the following are waived:

* * *

§ 153.048 PAD District (Planned Area Development).

* * *

(D) *Uses permitted.*

(1) Single-family dwellings, two-family, multi-family; detached, semi-detached, and attached and accessory uses EXCEPT ACCESSORY DWELLING UNITS.

* * *

(7) Accessory uses and structures, WHERE PERMITTED; such uses and structures may be located in the front one-half of a lot, provided they are not nearer the front lot line than the main building or buildings.

* * *

§ 153.049 RCD District (Residential Camping District).

Permitted uses in the RCD District (Residential Camping District) are as follows in this section.

(A) *Purpose.* This district is intended to cover the operation of resident camps that are either private, public, religious, organizational or agency camps. Resident camps are not restricted from operating trip camps, schools, travel, outpost, overnight or day camping programs.

~~(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~**RESIDENT CAMP SLEEPING UNITS.** A building or group of buildings containing guestrooms or dwelling units. For density formula purposes, two such guestrooms, RVs or tents may be counted as one dwelling unit. Each four beds shall be counted as one guestroom.~~

~~**RESIDENT CAMPING.** A sustained experience which provides a creative, recreational, educational or religious opportunity in group living in the out of doors in which campers live at a site for one or more consecutive nights, not to exceed 90 days.~~

~~(B) *Uses.*~~

(1) All principal and accessory uses and structures permitted in R1L EXCEPT ACCESSORY DWELLING UNITS;

* * *

The following Sections of Title V Land Usage, Chapter 153 Zoning Regulations, General Regulations of the Town of Dewey-Humboldt Town Code are amended to read as follows (additions in ALL CAPS, deletions in ~~strikeout~~):

§ 153.066 Accessory Uses and Structures

* * *

(B) Accessory buildings may be attached to or detached from the principal building, except that no accessory building housing fowl or animals (other than domestic pets) may be attached to any dwelling unit, EXCEPT THAT AN ACCESSORY DWELLING UNIT (ADU) SHALL BE DETACHED, SUBJECT TO THE PERFORMANCE STANDARDS SET FORTH IN § 153.072.

* * *

§153.072 ~~Guest Home~~ ACCESSORY DWELLING UNIT (ADU).

ACCESSORY DWELLING UNITS ~~Guest homes, as defined under § 153.005,~~ are subject to the following requirements:

(A) AN ACCESSORY DWELLING UNIT ~~guest home~~ is PERMITTED only ~~allowed~~ on a minimum ~~parcel~~ LOT size of 70,000 square feet ~~in size in the R1L AND RMM Zoning Districts~~ and a minimum ~~parcel~~ LOT size of 35,000 square feet in the R1 Zoning District, AND ON ALL LOTS IN THE RCU DISTRICT WHERE THE MINIMUM LOT SIZE IS 87,120 SQUARE FEET.

(B) The ~~parcel or lot must meet or exceed the noted required area in size and the primary structure~~ DWELLING AND ACCESSORY DWELLING UNIT SHALL BOTH COMPLY WITH THE setbacks REGULATIONS set ~~out under~~ FORTH IN § 153.069 ~~the Density DistrictS OF THIS CODE are met.~~

(C) The ~~guest home~~ ACCESSORY DWELLING UNIT ~~must~~ SHALL be serviced and metered by the primary structure electric utility hookups. Individual ~~guest home~~ ACCESSORY DWELLING UNIT septic systems may be approved where necessary in order to reduce sewer line extensions as authorized by the County Environmental Unit.

(D) ~~A common driveway or entrance must be shared by~~ The primary and ~~guest home~~ ACCESSORY A COMMON DRIVEWAY OR ENTRANCE.

File: 1908-003-0000-0000; Desc: Accessory Dwelling Units - Exhibit to Ordinance 1-30-14; Doc#: 178323v6

(E) ~~The guest home must not exceed~~AN ACCESSORY DWELLING UNIT STRUCTURE SHALL NOT EXCEED 750 square feet IN SIZE or 25% of the total square footage of the primary structure living area under roof, whichever is greater.

(F) ~~The guest home~~ACCESSORY DWELLING UNIT ~~must be placed in order to meet~~SHALL COMPLY WITH THE separation requirements SET FORTH IN~~of the current adopted~~ THE TOWN Building, ~~and Fire AND MUNICIPAL CodeS~~as well as the Planning and Zoning Ordinance.

(G) A kitchen facility is permitted~~REQUIRED permitted~~ in the ~~guest home~~ACCESSORY DWELLING UNIT structure.

(H) ~~Guest home shall conform to construction requirements and density, primary structure setbacks of the applicable Zoning District.~~AN ACCESSORY DWELLING UNIT SHALL BE USED TO HOUSE A NON-PAYING OR NON-REIMBURSING RELATIVE OR GUEST.

Formatted: Not Strikethrough

Dewey-Humboldt Municipal Code Amendments
Re: Accessory Dwelling Units
February 2015

The following Sections of Title V Land Usage, Chapter 153 Zoning Regulations, General Provisions of the Town of Dewey-Humboldt Town Code are amended to read as follows (additions in ALL CAPS, deletions in ~~strikeout~~):

§ 153.005 Definitions:

* * *

Dwelling Unit, Accessory (ADU). A ~~second~~ separate DETACHED DWELLING unit ON THE SAME SINGLE FAMILY LOT AS THE PRIMARY DWELLING UNIT that is ~~attached or detached to the primary dwelling that~~ may be used ~~for~~AS a separate additional living unit, ~~for property managers, property caretakers or property security guards,~~ and may include separate kitchen, sleeping, and bathroom facilities, ~~on a single family lot. ADUs are subordinate in size, location, and appearance to the primary unit.~~

* * *

~~***GUEST HOME.*** A secondary structure meeting the applicable zoning district requirements as to construction type not exceeding 750 square feet or 25% of the total square footage of building area under roof whichever is larger of the primary residential structure and meeting primary structure setbacks of the pertinent zoning district. Used to house a nonpaying or nonreimbursing relative or guest on an intermittent basis, with stay not to exceed a total of 120 days over a continuous 12 month period by the same guest or person(s).~~

* * *

RESIDENT CAMP SLEEPING UNITS. A BUILDING OR GROUP OF BUILDINGS CONTAINING GUESTROOMS OR DWELLING UNITS. FOR DENSITY FORMULA PURPOSES, TWO SUCH GUESTROOMS, RVS OR TENTS MAY BE COUNTED AS ONE DWELLING UNIT. EACH FOUR BEDS SHALL BE COUNTED AS ONE GUESTROOM.

RESIDENT CAMPING. A SUSTAINED EXPERIENCE WHICH PROVIDES A CREATIVE, RECREATIONAL, EDUCATIONAL OR RELIGIOUS OPPORTUNITY IN GROUP LIVING IN THE OUT-OF-DOORS IN WHICH CAMPERS LIVE AT A SITE FOR ONE OR MORE CONSECUTIVE NIGHTS, NOT TO EXCEED 90 DAYS.

* * *

The following Sections of Title V Land Usage, Chapter 153 Zoning Regulations, Use Districts of the Town of Dewey-Humboldt Town Code are amended to read as follows (additions in ALL CAPS, deletions in ~~strikeout~~):

§ 153.036 R1L District (Residential; Single Family Limited)

Permitted uses for the R1L District (Residential; Single Family Limited to site built structures) are as follows in this Section:

* * *

(B) (1) Dwelling unit (site built) for one family on any one lot;

* * *

(7) Accessory uses and structures (concurrent with and located on the same lot with the principal uses and structures, and including the following):

* * *

(j) Educational institutions as defined in § 153.005 but privately funded, allowed as an accessory use to a religious institution. ~~and~~

~~(k) Accessory dwelling unit.~~

* * *

(10) ~~Detached guest homes~~ ACCESSORY DWELLING UNITS as defined under IN § 153.005, subject to the performance standards set out in § 153.072, with a minimum parcel size of 70,000 square feet.

§ 153.037 RMM District (Residential; Multi-Sectional Manufactured Homes).

Permitted uses for RMM (Residential; Single Family; site-built, factory built and Multi-Sectional Manufactured Homes, no single-wide manufactured homes or mobile homes) are as follows in this section.

* * *

(B) (1) All principal and accessory uses and structures permitted in the R1L Zoning District;

* * *

(4) Accessory Dwelling Unit, (ADU) AS DEFINED UNDER § [153.005](#), SUBJECT TO THE PERFORMANCE STANDARDS SET OUT IN § [153.072](#), WITH A MINIMUM PARCEL SIZE OF 70,000 SQUARE FEET.

* * *

§ 153.038 R1 District (Residential; Single Family).

Permitted uses for the R1 District (Residential; Single Family; site built, multi-sectional and manufactured) are as follows in this section.

* * *

(B) (1) All principal and accessory uses and structures permitted in the R1L and RMM Districts, Manufactured Housing and Mobile Homes as set forth under § 153.082;

* * *

(4) Accessory dwelling unit (ADU) AS DEFINED UNDER § 153.005, SUBJECT TO THE PERFORMANCE STANDARDS SET OUT IN § 153.072, WITH A MINIMUM PARCEL SIZE OF 35,000 SQUARE FEET.

* * *

§ 153.041 RS District (Residential; and Services).

Permitted uses for the RS District (Residential and Services) are as follows in this section.

* * *

(B) (1) All principal and accessory uses and structures permitted in any more restrictive zoning district, EXCEPT ACCESSORY DWELLING UNITS. Where the lot is contiguous to a less restrictive zoning district, requirement for securing an administrative review is waived (unless otherwise provided for);

* * *

§ 153.042 C1 District (Commercial; Neighborhood Sales and Services).

Permitted uses for the C1 District (Commercial; Neighborhood Sales and Services) are as follows in this section.

* * *

(B) (1) All principal and accessory uses permitted in any more restrictive zoning district EXCEPT ACCESSORY DWELLING UNITS; and providing further that, unless specifically provided to the contrary, the requirements for an administrative review (except for lots contiguous to residential districts) are waived;

* * *

§ 153.043 C2 District (Commercial; General Sales and Services).

Permitted uses for the C2 District (Commercial; General Sales and Services) are as follows in this section.

* * *

(B) (1) All principal and accessory uses permitted in any more restrictive zoning district EXCEPT ACCESSORY DWELLING UNITS; and providing further that, unless specifically provided to the contrary, the following are waived:

* * *

§ 153.048 PAD District (Planned Area Development).

* * *

(D) *Uses permitted.*

(1) Single-family dwellings, two-family, multi-family; detached, semi-detached, and attached and accessory uses EXCEPT ACCESSORY DWELLING UNITS.

* * *

(7) Accessory uses and structures, WHERE PERMITTED; such uses and structures may be located in the front one-half of a lot, provided they are not nearer the front lot line than the main building or buildings.

* * *

§ 153.049 RCD District (Residential Camping District).

Permitted uses in the RCD District (Residential Camping District) are as follows in this section.

(A) *Purpose.* This district is intended to cover the operation of resident camps that are either private, public, religious, organizational or agency camps. Resident camps are not restricted from operating trip camps, schools, travel, outpost, overnight or day camping programs.

~~(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~———— **RESIDENT CAMP SLEEPING UNITS.** A building or group of buildings containing guestrooms or dwelling units. For density formula purposes, two such guestrooms, RVs or tents may be counted as one dwelling unit. Each four beds shall be counted as one guestroom.~~

~~———— **RESIDENT CAMPING.** A sustained experience which provides a creative, recreational, educational or religious opportunity in group living in the out-of-doors in which campers live at a site for one or more consecutive nights, not to exceed 90 days.~~

(~~B~~) *Uses.*

(1) All principal and accessory uses and structures permitted in R1L EXCEPT ACCESSORY DWELLING UNITS;

* * *

The following Sections of Title V Land Usage, Chapter 153 Zoning Regulations, General Regulations of the Town of Dewey-Humboldt Town Code are amended to read as follows (additions in ALL CAPS, deletions in ~~strikeout~~):

§ 153.066 Accessory Uses and Structures

* * *

(B) Accessory buildings may be attached to or detached from the principal building, except that no accessory building housing fowl or animals (other than domestic pets) may be attached to any dwelling unit, EXCEPT THAT AN ACCESSORY DWELLING UNIT (ADU) SHALL BE DETACHED, SUBJECT TO THE PERFORMANCE STANDARDS SET FORTH IN § 153.072.

* * *

§153. 072 ~~Guest Home~~. ACCESSORY DWELLING UNIT (ADU).

ACCESSORY DWELLING UNITS ~~Guest homes, as defined under § 153.005~~, are subject to the following requirements:

(A) AN ACCESSORY DWELLING UNIT ~~guest home~~ is PERMITTED ~~only allowed~~ on a minimum ~~parcel~~LOT size of 70,000 square feet ~~in size in~~ the R1L AND RMM Zoning Districts and a minimum ~~parcel~~LOT size of 35,000 square feet in the R1 Zoning District, AND ON ALL LOTS IN THE RCU DISTRICT WHERE THE MINIMUM LOT SIZE IS 87,120 SQUARE FEET.

(B) ~~The parcel or lot must meet or exceed the noted required area in size and the primary structure~~DWELLING AND ACCESSORY DWELLING UNIT SHALL BOTH COMPLY WITH THE setbacks REGULATIONS ~~set out under~~FORTH IN § 153.069 ~~the Density DistrictS OF THIS CODE are met.~~

(C) ~~The guest home~~ACCESSORY DWELLING UNIT ~~must~~SHALL be serviced and metered by the primary structure electric utility hookups. Individual ~~guest home~~ACCESSORY DWELLING UNIT septic systems may be approved where necessary in order to reduce sewer line extensions as authorized by the County Environmental Unit.

(D) ~~A common driveway or entrance must be shared by~~The primary and ~~guest home~~ACCESSORY DWELLING UNIT structures SHALL SHARE A COMMON DRIVEWAY OR ENTRANCE.

(E) ~~The guest home must not exceed~~AN ACCESSORY DWELLING UNIT STRUCTURE SHALL NOT EXCEED 750 square feet IN SIZE or 25% of the total square footage of the primary structure living area under roof, whichever is greater.

(F) ~~The guest home~~ACCESSORY DWELLING UNIT ~~must be placed in order to meet~~SHALL COMPLY WITH THE separation requirements SET FORTH IN~~of the current~~

~~adopted THE TOWN Building, and Fire AND MUNICIPAL CodeS as well as the Planning and Zoning Ordinance.~~

(G) A kitchen facility is permitted in the ~~guest home~~ ACCESSORY DWELLING UNIT structure.

(H) ~~Guest home shall conform to construction requirements and density, primary structure setbacks of the applicable Zoning District.~~ AN ACCESSORY DWELLING UNIT SHALL BE USED TO HOUSE A NON-PAYING OR NON-REIMBURSING RELATIVE OR GUEST.