

**THE PLANNING & ZONING ADVISORY COMMISSION
FOR THE TOWN OF DEWEY-HUMBOLDT
REGULAR MEETING NOTICE
Thursday, April 9, 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.**
3. **Roll Call.** Commissioners Joe Garcia, Victor Hambrick, Dee Parker, Jeff Siereveld, Ruth Szanto, and Vice Chair Barry Smylie.
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.
 - 7.1. **Minutes.** Minutes from the February 5, 2015, Planning & Zoning Regular Meeting.
8. **Discussion Agenda –New Business.** Discussion and Possible Action on matters not previously presented to the Commission.
 - 8.1. **Appoint Chairperson and Vice Chairperson of Commission for 1-year term.** Discussion and possible action.
 - 8.2. **Report of recent projects that may be of interest to P&Z.**

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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 Update of “Animal related Code of Ordinance review” project.

9.2 Update of proposed Ordinance 15-110 Accessory Dwelling Units.

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, April 14, 2015 at 2:00 p.m.

Next Town Council Meeting: Tuesday April 21, 2015 at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, May 7, 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 _____, 2015, 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
REGULAR MEETING MINUTES
FEBRUARY 5, 2015, 6:00 PM**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, FEBRUARY 5, 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 6:04 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Done
 - 2.2. **Swearing in of 2 newly appointed commissioners, Joe Garcia and Ruth Szanto, to the Planning and Zoning Commission.** New Commissioners Joe Garcia and Ruth Szanto were sworn in by Town Clerk, Judy Morgan.
3. **Roll Call.** Commissioners Joe Garcia, Victor Hambrick, Dee Parker, Ruth Szanto and Chair Tammy DeWitt were present. Commissioners Jeff Siereveld and Barry Smylie were absent.
4. **Disclosure of Ex Parte Contacts.** None given.
5. **Informational Reports.** There were no informational reports given.
6. **Planner's Update on current events and activities.** There were no updates given.
7. **Consent Agenda.**
 - 7.1. **Minutes.** Commissioner Dee Parker made a motion to approve the meeting minutes from the January 8, 2015 Planning and Zoning regular meeting as presented, seconded by commissioner Victor Hambrick. It was approved unanimously.
8. **Discussion Agenda –New Business.**

No new business was presented. Chair DeWitt acknowledged Development Coordinator, Connie Christian's participation in the meeting via conference call.
9. **Discussion Agenda – Unfinished Business.**
 - 9.1. **Continued discussion on Animal related Code of Ordinances review task; specifically the summary of the community outreach meetings.**

Chair DeWitt gave an overview of the joint session meeting held on January 3, 2015 with the Council. Commission and Council; discussed the responsibilities of the tasks they were assigned and spoke of their jurisdiction limitations. Chair DeWitt reviewed the Commission was tasked with three options to advise Council on the animal code issue: Option 1-full revision of the animal codes; Option 2-partial revision (clean up the codes) and add some nuisance items; Option 3-no revisions recommended. No additional comments were given by Commission or by staff. Chair DeWitt opened the discussion to the public.

Vicki Wendt spoke on the 6 animal limit no longer being valid; establishing good nuisance ordinances to deal with animal issues; attempting to communicate with Council members about ordinances which have been successful in other counties and states; recommended having an animal advisory board, having animal people deal with animal problems and provide guidelines. She spoke on an example from Paulden dealing with hybrid wolves.

Karen Brooks urged the Council to not ignore the three public meetings; supports forming

Planning and Zoning Commission Regular Meeting Minutes, February 5, 2015
an advisory committee; establishing a good foundation to work with; future growth of the town and establishing rules/laws all can live with and that will help make the town stronger.

Commissioner Garcia spoke about the previous joint meeting and liking the idea of communicating and working together; clarifying the Commission's jurisdictional boundaries for understanding and so no one is wasting their time. He asked staff to provide the direction from the council if something falls within their jurisdiction.

Chair DeWitt spoke about clarification of the codes and the jurisdiction of the Commission relating to animals: Farm animals only; Domestic animals (dog limits) have been taken out because it was found to not be properly codified. She spoke on the community discussions about what kind of things need to be resolved and what can be incorporated in the Planning and Zoning ordinance to give staff some teeth for code enforcement; otherwise it is handled with the sheriff's department and the town.

Commissioner Garcia spoke about reviewing the ordinances and becoming familiar with them and if the domestic animals issues need to be modified, starting there.

Community Development Coordinator (CDC), Connie Christian spoke about Town Code Title IX General Regulations, Chapter 90-Animals being regulated by the Sheriff's department. P&Z can address Title XV Land Use and suggested putting something in to Section 153-Zoning Regulations to deal with nuisance and maintenance, which would allow enforcement for these issues.

Chair DeWitt again spoke on the three options for consideration based on the information provided. Option 1 – Full Revision of Animal Code, Option 2 which represent what staff believes would make the most sense considering minimum code changes. Option 3 – No revision of the Town Code. CDC, Connie Christian spoke about the original intent of the CAARF which was to clean up the definition of kennels and domestic animals codes.

Commissioner Szanto recommended option 2.

Commissioner Hambrick asked whether staff had recommendations for options 1 and 2: full revision versus partial revisions, with consideration that the domestic animal issue has been removed. CDC, Christian spoke on option 1 taking a lot of time to put together and may not be cost effective. Option 2 would make the most sense as it would take care of the original intent, at this time. P&Z could look at it again in the future if the Town's growth should warrant it. Again, the P&Z commission makes their recommendation(s) to the Council.

Commissioner Hambrick asked if a nuisance section would be part of the vote if the commission voted on option 2 today. Ms. Christian explained if they make a recommendation today, it will go to the Council for their review, discussion, and final direction. Council will direct staff and then most likely it will come back to P&Z and then back for public comment.

Commissioner Hambrick asked about the major differences between option 1 and 2; if option 1 has more definitions, more things to define. Ms. Christian stated this is correct, but it also effects other areas of the code. It would be more work for staff and ultimately town review time, etc. There are some sections of the code that should be cleaned up right away.

Commissioner Hambrick made a motion to recommend Option 2-Partial Revision of Animal Code, seconded by Commissioner Parker. It was approved unanimously.

9.2. Discussion on the revised Ordinance 15-110 regarding Accessory Dwelling Units

(ADU).

Chair DeWitt gave an overview of the outcome of the Joint Session meeting of Council and P&Z on January 8, 2015. Two items Council wants to revise is to add back in “roomers and boarders” and to revise the ADU requirement for kitchens and make them optional and not mandatory. P&Z is to make a recommendation to Council and they will initiate the hearing, then the matter will come back to the Commission for a recommendation.

Commissioner Hambrick made the motion to recommend approval of the changes which were proposed at the Joint Session Council Meeting (delete the prohibition of roomers and boarders in accessory units; to delete the requirement of a kitchen in accessory units), seconded by Commissioner Szanto. It was approved unanimously.

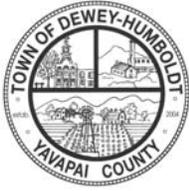
10. Comments from the Public. None

11. Adjourn. Meeting was adjourned at 6:32 p.m.

Barry Smylie, Vice Chairman

ATTEST:

Penney Bell, Administrative Assistant



TOWN OF DEWEY-HUMBOLDT
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PLANNING AND ZONING COMMISSION REGULAR SESSION

April 9, 2015, 6:00 p.m., Town Council Meeting Chambers

Agenda Item: #8.2. Report of recent projects that may be of interest to P&Z.

To: Mayor and Town Council Members

From: Joe Janusz, Building Official and Yvonne Kimball, Town Manager

Date submitted: March 31, 2015

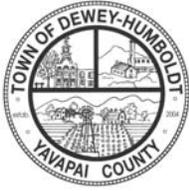
Purpose: informational only (no action recommended)

Summary:

In addition to the ADU and the Animal Code Review projects that P&Z has been working on, staff has been handling some cases that may need P&Z's attention at some point.

1. Staff received a request about having a working ranch for US Vets with mental health and substance abuse problems in an R1L zoned (residential, single family, limited to site built only) property located in the area west of State Route 69. Given the considerations of the Americans with Disability Act and other potential concerns, this request is being reviewed by the Town attorney.
2. Recently it was brought to Staff's attention that Town Code Section 152 Subdivision, specifically regarding "Large Land Division", may have some conflicts with state law. This has been reviewed by the Town Attorney and it appears that Town Code 152 needs to be amended. Staff recommends P&Z review the suggested amendments when they are available.

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PLANNING AND ZONING COMMISSION REGULAR SESSION

April 9, 2015, 6:00 p.m., Town Council Meeting Chambers

Agenda Item: #9.1. Update of “Animal related Code of Ordinance review” project.

To: Mayor and Town Council Members

From: Yvonne Kimball, Town Manager

Date submitted: March 31, 2015

Summary:

The Planning and Zoning Commission has been working on reviewing the Town Code of Ordinances regarding animals since last summer. At the January 8, 2015, Joint meeting, the Council and the P&Z discussed this task. Staff received direction and presented analysis and options at the February 5, 2015 P&Z meeting. The Commission recommended Option 2 “Partial Revision of Animal Code” to Council, as stated in the Staff report dated November 7, 2014:

“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.”

At the March 3rd Council meeting, Council agreed with this recommendation. As you know, the household pet number issue has been resolved (see attached memo dated January 6, 2015).

Attorney Goodwin and I met to discuss Council’s direction of the Animal Code Revision task. We went over the current code sections regarding animals, discussed Council’s desire to add “performance maintenance” standards and some definitions, and spoke about the specific regulations such as kennel and exotic animal. We also brainstormed about what to do with existing conditions. Susan and I both felt that we had a productive discussion and Staff is going to draft the changes for Council, P&Z, and the community review and comment in coming weeks and months.

Attachments: Town Code of Ordinances regarding “Animals”; January 8, 2015 meeting memo; Town Manager’s January 6th memorandum regarding code discrepancy.

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(L) and (P).

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)



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?

Subject: Invalid codification, specifically in codified Town Code Section 153.005

To: Mayor and Town Council Members

Cc: Planning and Zoning Commission members;

Judy Morgan, Town Clerk;

Connie Christian, Community Development Officer

From: Yvonne Kimball, Town Manager

Date submitted: January 6, 2015

It was brought to staff's attention recently that the current codified version of the Town Code of Ordinances reflects language that was not adopted by the Council.

Specifically, in the codified Code of Ordinances, Section 153.005 Zoning Regulation / Definition; it reads that "**PET (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.*" According to the foot note of the codified Section 153.005, this section was codified in accordance with Ordinances 08-44 which was passed on 10-21-2008 and 09-50 which was passed on 4-21-2009. Ordinance 09-50 deals only with the definitions of LAND DISPOSAL (of Solid Waste) SOLID WASTE and SOLID WASTE LANDFILL and has been codified correctly.

Ordinance 08-44, section 301 Definition, states that "**PET (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.*"

It appears that the adopted Ordinance 08-44 was not correctly codified; consequently, the codified Town Code Section 153 does not reflect what was adopted by Town Council. In addition to the contradictory definition of **PET (HOUSEHOLD)**, staff also detected the discrepancy of the "Kennel" definition. In Ordinance 08-44, there is **no** definition of Kennel whereas the codified Town Code Section 153.005 has the following definition; "**KENNEL**. *Any place where seven or more dogs are owned, kept, boarded, bred and/or offered for sale.*" No other mistakes have been found as of the release of this memo.

Staff internally investigated the problem and received assistance from some past and present council members who had firsthand knowledge about the passage of Ordinance 08-44. We believe that these discrepancies were the results of Town sending a wrong version of the Ordinance 08-44 to the codifying company, American Legal, in 2008 after its passage. It appears that the mistakes are isolated to the (codified) Town Code of Ordinances Section 153 Zoning Regulation and Ordinance 08-44 (and maybe Ordinance 08-44's amendments thereafter).

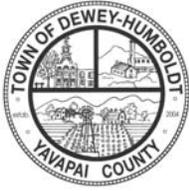
Now that the problem has been identified - what has been codified is not what was adopted, a solution is in order. To correct the codification mistake, the Town needs to re-codify what has been codified erroneously. I have directed staff to contact "American Legal", the Town's contractor and also a qualified company conducting codification. The clean-up work should not take more than a month. The cost estimate is \$700 based upon our understanding of the problem. The updates will be published immediately upon completion of work.

I believe the solution of American Legal cleaning up the mistakes is the best way to go. Though it was suggested that in house staff can perhaps go through the codified code and compare it against what has been adopted, I do not believe it would be desirable. This is a job requiring professional skills and an environment that allows for long periods of concentration that Town Hall office rarely affords. I understand that during the prolonged absence period of a town manager, Town's in house staff was tasked to pick through the codes. Although they were able to clean up certain sections, apparently not all discrepancies were detected.

The Town Attorney and I do not see a need of legal action by the Council since the Council adopted Ordinance 08-44 in 2008 without mistakes; in another words, Council is not directly responsible for the mistakes. However, if any of you desire to discuss this further at a Council meeting, as a Council member, please submit a Council Action Request Form (CARF) so that staff can agendize the discussion.

It is true that the mistakes occurred three years prior to my tenure as the Town Manager. However, my staff and I felt just as disturbed and humiliated by the mistakes as if they were made under my watch. Fortunately the impact of the mistakes has been limited and I believe we have come to a good solution. I apologize for the inconvenience. Instead of focusing on why or how this happened and making an unnecessary case over it, I believe the Community needs to come together to focus on repairing the problems and ensuring accuracy in moving forward. You can be assured that under my administration, the ordinances that Council adopt will not be codified incorrectly.

In light of the "animal" related code review task, I have copied P&Z members onto this memo (without attachments).



TOWN OF DEWEY-HUMBOLDT
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PLANNING AND ZONING COMMISSION REGULAR SESSION

April 9, 2015, 6:00 p.m., Town Council Meeting Chambers

Agenda Item: #9.2. Update of proposed Ordinance 15-110 Accessory Dwelling Units.

To: Mayor and Town Council Members

From: Yvonne Kimball, Town Manager

Date submitted: March 31, 2015

Summary:

As you recall, the P&Z Commission has been working on the Accessory Dwelling Units matters since 2012. After some work, Ordinance 14-104 was proposed in February 2014. When the proposed Ordinance 14-104 was rejected by the Council, the direction was to gather input from the community and address concerns accordingly. I conducted an analysis and made recommendations.

At the January 8, 2015 Council and P&Z Joint meeting, Ordinance 15-110 came into being; it addresses the two concerns from the original Ordinance 14-104. The two concerns were: restore the language allowing roomers and boarders in R1 District (section 153.038); and revise the language of mandating a separate kitchen facility in an ADU, making it an option (section 153.072 (G)).

The P&Z Commission reviewed the proposed Ordinance 15-110 in February and recommended Council adoption. At the March 5, 2015, meeting Council directed staff to hold a public hearing before final adoption. The public hearing was advertised accordingly and will take place at the April 7 Council meeting when the Council will decide to adopt or reject the ordinance.

It is the P&Z Commission's and staff's recommendation that Council adopt Ordinance 15-110 upon the conclusion of the April 7th Public Hearing. If Council rejects the Ordinance, staff anticipates that P&Z will be tasked to continue working on the subject. Staff will advise the P&Z Commission of Council's decision at this April 9, 2015, meeting.

Attachments: Ordinance 15-110 Accessory Dwelling Unit, and associated Exhibit; Public Hearing Notice.

ORDINANCE No. 15-110

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 APRIL 7, 2015” AS A PUBLIC RECORD; ADOPTING THE “DEWEY-HUMBOLDT MUNICIPAL CODE AMENDMENTS RE: ACCESSORY DWELLING UNITS, DATED APRIL 7, 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; and §§ 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 April 7, 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 April 7, 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 _____, 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. _____ 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

Dewey-Humboldt Municipal Code Amendments
Re: Accessory Dwelling Units
April 7, 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. 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, AS DEFINED IN § [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 AS DEFINED IN § 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 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) AN ~~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 AN ~~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.