

**THE PLANNING & ZONING ADVISORY COMMISSION
FOR THE TOWN OF DEWEY-HUMBOLDT
REGULAR MEETING NOTICE
Thursday, August 8, 2013 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 Tammy DeWitt, Dee Parker, Jeff Siereveld, Barry Smylie and Chair Claire Clark.

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. 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.

6.1. Minutes. Minutes from the July 11, 2013 Planning & Zoning Regular Meeting.

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

7.1. P&Z Priority List from Town Council. Discussion and Possible Action on existing P&Z priority list.

7.2. Accessory Dwelling Units. Discussion and Possible Action on accessory dwelling units, secondary medical dwelling units and guest homes.

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

THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.

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

11. Adjourn.

For Your Information:

Next Town Council Work Session: Tuesday, August 13, 2013 at 2:00 p.m.

Next Town Council Meeting: Tuesday, August 20, 2013 at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, September 5, 2013.

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 _____, 2013, 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
JULY 11, 2013, 6:00PM**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, JULY 11, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. CHAIR CLAIRE CLARK PRESIDED.

1. **Call To Order.** The meeting was called to order at 6:00PM.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Made.
3. **Roll Call.** Commissioners Tammy DeWitt, Dee Parker, Jeff Siereveld, Barry Smylie and Chair Claire Clark were present.
4. **Disclosure of Ex Parte Contacts.** None.
5. **Informational Reports.** Warren Colvin, Community Development Coordinator, spoke on the Town Council's approval of Planning & Zoning's recommendation on illegal lot splits; and the volunteer work party going to Yarnell to help clean up for the uninsured homeowners on Saturday, July 13, 2013.
6. **Consent Agenda.**
 - 6.1. **Minutes.** Minutes from the June 6, 2013 Planning & Zoning Regular Meeting.

Commissioner Siereveld made a motion to approve the June 6, 2013 Planning & Zoning Regular meeting minutes as presented, seconded by Commissioner DeWitt. The motion passed unanimously.
7. **Discussion Agenda – Unfinished Business.**
 - 7.1. **Accessory Dwelling Units.** Mr. Colvin gave a summary of the previous P&Z discussions about ADU's and an overview of the changes suggested by the Town Attorney. He spoke on the Attorney suggesting a few clerical changes; Attorney noting the P&Z Commission especially concerned about ARS 12-1134 and how it would impact the Town; he spoke on the Attorney's explanation that the changes recommended by P&Z Commission primarily related to changing definitions and cleaning up language of the regulation; only material change was to no longer permit attached ADU's; he explained the Town Attorney recommended moving forward with the code amendment as it clarifies the current regulations.

Chair Clark asked whether the Attorney was agreeable to using the term Accessory Dwelling Unit over Guest Home; Mr. Colvin responded yes. He noted that the language was supposed to be cleaned up in the past, taking out secondary medical unit and other language in the code. This change will take care of those issues.

Mr. Colvin distributed the Town Attorney's document so the Commissioners could review further.

Commissioner DeWitt spoke on changes in language regarding kitchen facilities required, not permitted; non-paying/non-reimbursing guest language in the code and the concern it could turn into multi-family housing and/or rental. There was further discussion about the concern for ADU's as rentals; adding clarification in the definition resolving the rental issue; kitchen facilities; electrical run through main dwelling.

Commissioner DeWitt made a motion to have Mr. Colvin make the proposed changes to the definition in regards to adding language about non-paying/non-reimbursing relative or guest, in letter G kitchen facility required, the changes recommended by the Attorney, remove letter H and bring back to Planning & Zoning Commission next month, seconded by Commissioner Parker. The motion passed unanimously.

8. Discussion Agenda – New Business. None.

9. Public Hearing Agenda.

9.1. Use Permit for Off-Premise Sign. Mr. Colvin gave an overview of the use permit package, noting there was a waiver reducing the requirement of off-premise signs setback from 200 feet reduced to 85 feet and a waiver to add the number of supports from the limit three to four; he noted there were no responses received from the neighboring parcels.

Commissioner Smylie asked about long-term implications. Mr. Colvin responded that a use permit is approved with a 1 – 5 year maximum, at the end of the use permit the applicant could re-apply to extend the use permit. Commissioner Smylie asked whether there was a provision for maintaining it as far as graffiti or damage. Mr. Colvin responded there is a public nuisance section in the Town Code that would likely apply. Mr. Colvin added that staff feels that by allowing the additional support, it will help mimic what it used to look like and will not pose any threats to traffic or site issues.

Mr. Colvin spoke on two stipulations, 1). The sign and its structural components along with any accessory items shall be constructed as shown on the submitted rendering to P&Z Commission and Town Council and 2). Next step, assuming P&Z Commission and Council both approve the application, is to apply for a sign permit as required by Town Code section 153.138. He noted that the applicant has already picked up the sign permit application.

Chair Clark opened the public hearing at 6:36PM.

Kevin Leonard spoke on his dream for historic Dewey-Humboldt; the museum is running now; working with NAU staff who are interested in this area; has website up and running for tours; people call the phone number to schedule a tour and they pick up at the guest's hotel or from the museum parking lot; working with the VA to hire drivers; he spoke on his desire to make the tour available so everybody can enjoy; he feels this project will help Dewey-Humboldt and put people to work.

Mark McBrady spoke on donating the property for this project; he noted Mr. Leonard has given these tours for quite a while, well-attended and people enjoy it; he spoke on the rich history of this area.

Jerry Brady spoke on two maps (provided to staff) that show the extent of mining activity in this area; the amount of interest Humboldt generates in Europe; NAU working on a regional economic development plan for history-based tourism; possibility of national scenic recreation trail going through Dewey-Humboldt up through Green Gulch.

Chair Clark closed the public hearing at 6:50PM.

Commissioner DeWitt made a motion to accept the recommendation of staff to send the use permit to Council with stipulations as provided by staff with the addition of a five year maximum on the use permit, seconded by Commissioner Parker. The motion passed unanimously.

10. **Comments from the Public**. None.

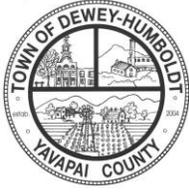
11. **Adjourn**. The meeting was adjourned at 6:50PM.

Claire Clark, Chairperson

ATTEST:

Mandi Garfield, Administrative Assistant

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TOWN OF DEWEY-HUMBOLDT
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HUMBOLDT, AZ 86329
Phone 928-632-8562 ▪ Fax 928-632-7365

MEETING OF THE TOWN PLANNING & ZONING ADVISORY COMMISSION

August 8, 2013 6:00 p.m. Town Council Meeting Chambers

Agenda Item: P&Z Priority List from Town Council

To: Planning & Zoning Advisory Commission

From: Warren Colvin, Community Development Coordinator

Date Submitted: July 31, 2013

Recommendation: Discussion and Possible Action on existing P&Z priority list.

Summary: At the July 2, 2013 Town Council meeting, staff presented the existing P&Z priority list to the new Council, requesting direction as to how to proceed with the remaining items on the list and if there were additional items Council would like P&Z to address. A Council workshop has been scheduled for August 13, 2013 to review and make any revisions/additions/etc. to the priority list. Staff is asking P&Z to review the existing list (below) and also add any additional items they feel are important.

P&Z Priority List (As discussed with Town Council on 4/5/12)

- 1). Illegal Lot Divisions (done; P&Z recommendations to Council 7/2/13 meeting)
- 2). Accessory Dwelling Units (almost done; P&Z changes to final text at Aug 8th P&Z meeting)
- 3). Historic Buildings (P&Z and staff believe that this subject is a complex issue that requires the Town Council's initiation and direction. It is premature for P&Z to research anything at this point.)
- 4). Outside Storage (done; P&Z and staff reviewed the current Town Code 153.086 and believe that the current code is clearly written and enforceable. Therefore, we recommend this being removed from the list.)
- 5). Enforce parking requirements on Main St. (P&Z and staff feel that it is another premature subject for P&Z to research; if the Council feels the need for its research, please provide specific direction on any perceived issues).
- 6). Commercial Buildings (P&Z and staff would like to seek the Council's clarification on this subject, i.e. what is the issue the community has?)
- 7). Home Based Business (done; P&Z and staff reviewed the code on home based business and found the definition and enforceable regulations for it - Town Code 153.005 Definition, "Home Occupation" and 153.077 Home Occupation; we recommend no change and the subject being removed from the list.)
- 8). Transient Merchants (P&Z and staff would like to seek the Council's clarification on this subject, i.e. what is the objective? P&Z also felt that it should not be a priority item as staff has not run into questions about "transient merchants".)
- 9). Annexation of Northern 200-foot strip (unless the Town Council can provide specifics for P&Z to focus on, P&Z felt that it is a political and legislative issue that is outside of P&Z's normal realm of authority.)

Staff and P&Z possible items added to list

10). P&Z review of Town Code 152.09 Street Design and Subdivision Standards. We have run into driveway, easement and private road issues when we deal with addressing. The issue can be related to illegal lot division activities that occurred during the booming years. Staff believes it would be beneficial for us to spend some time to review and be familiar with the subdivision regulations especially road/driveway standards.

11). A few months ago, a staff member, the Community Development Coordinator, and two citizens reviewed Town Code Chapter 153 Zoning Regulations. The group discovered some text inconsistencies. Staff would like to review those text changes with P&Z.

12). Ground water supply issues. Commissioner Barry Smiley is very interested in water issues. He is concerned about ground water supply shortage and would like P&Z to spend some time researching the water depletion issue so as to disseminate information in order to educate the public about the town's long term sustainability. P&Z Chair wishes to support this effort and requests this to be endorsed by the Council.

similar explosion- or fire-producing materials shall comply with Underwriters Laboratories, Inc. standards or better.

(Ord. 08-44 § 558, passed 10-21-2008)

§ 153.085 OUTSIDE DISPLAY, COMMERCIAL.

(A) A site plan acceptable to the Zoning Administrator shall be submitted prior to the creation or expansion of outside display.

(B) Where an area of outside display is contiguous to a parcel or parcels zoned or used for residential purposes:

(1) A solid screen six feet or more in height shall be installed, the screening to be reduced to four feet in height within the front yard area of the abutting parcels (or elsewhere for purposes of safe sight distance for ingress/egress), and the screening to consist of one or more of the following: decorative wall, decorative fence, earth landscaping, dense live plant material, or depressed (lower than surrounding grade) display area in keeping with natural terrain; or

(2) A setback of the display area of at least 20 feet shall be maintained from the abutting parcels.

(C) Where an area of outside display abuts a street on the side or rear which is contiguous to a parcel or parcels zoned or used for residential purpose:

(1) There shall be a landscaped border not less than six feet in width and a solid wall four feet in height shall be erected between the landscaped area and display area (excepting areas for ingress and egress); or

(2) A setback of the display area of at least 20 feet shall be maintained from the abutting street right-of-way.

(D) Where an area of outside display abuts a public right-of-way (or a private street used as if it were a public right-of-way) a setback of the display

area shall be maintained meeting the following minimum conditions:

(1) Twenty feet from the nearest edge of pavement (or useable road surface); and

(2) Six feet from the right-of-way line.

(E) No outside display shall interfere with required parking or maneuvering room for employees and customers, nor with required loading areas, nor with fire lanes to the building(s) nor with pedestrian ways or crosswalks, nor with safe sight distance for ingress and egress.

(F) Paving of display area shall meet minimum town road standards.

(G) Landscaping of a six-foot strip around the periphery of the display area shall be maintained, except where a zero setback is permitted, such as an internal lot line adjacent to a commercial zone.

(H) Lighting of the display area shall be reduced (to the minimum necessary for security purposes) between hours of operation.

(I) No unscreened outside storage of parts, nor outside display or parking of vehicles or accessories not in operating and saleable condition shall take place on the premises (whether or not other outside display is taking place).

(Ord. 08-44 § 561, passed 10-21-2008)

• § 153.086 OUTSIDE STORAGE.

(A) The outside storage of objects and materials shall be permitted as an accessory use (i.e.: where a primary use has already been established) in residential zones plus RS, PAD, PM, RCD and OS zones, provided the following conditions are met:

(1) A property owner or tenant may park or store any number of personally owned vehicles outside on residential property where a primary residential use has been established, provided that all

vehicles are for personal use and are complete, operable and currently licensed and are arranged in an orderly fashion. Vehicles unable to meet these conditions will be deemed disabled or inoperable. Said disabled vehicles or vehicles determined to meet the definition of a junk vehicle are limited to two per parcel. These disabled, inoperable junk vehicles must be placed in the side or rear yard (but not within the required front yard setback) and screened in such a manner so as they are not visible from any public or private street right-of-way or adjacent property. Personally owned vehicles may be offered for sale on an individual person-to-person basis on a residentially zoned parcel where a primary residential use has already been established, provided that no more than two vehicles may be offered for sale at any one time. Unlimited areas of firewood may be stored, provided that the firewood is for on-site personal use only and is stacked no higher than six feet unless against a structure.

(2) Unlimited areas of construction materials may be temporarily stored, provided that the construction materials are for use on-site pursuant to a current, valid construction permit and are stacked no higher than six feet and are kept at least ten feet from all property lines of adjacent occupied residential properties.

(3) A property owner or tenant may park or store any number of personally owned (and for personal use) travel trailers, motor homes, recreational vehicles, boats, boat trailers, utility trailers, or other similar items designed for personal noncommercial uses outside on residential property where a primary residential use has been established. No more than one travel trailer, motor home or recreational vehicle, boat, trailer, etc. which is owned by a party other than the present owner or tenant of the property shall be stored. No travel trailers, motor homes or recreational vehicles on residentially zoned parcels or lots shall be used or made suitable for use for long-term occupancy without a temporary dwelling permit or use permit. Evidence of an intention for long-term occupancy shall include at least three of the following:

(a) Being hooked up to power.

(b) Being hooked up to water.

(c) Being hooked up to sewer or septic facilities.

(d) Being raised or leveled by means of jacks or blocks.

(e) Having a mailbox.

(f) Having any attached or adjacent structure or improvement that enhances the on-site livability and/or decreases the mobility of the vehicle.

(g) Removal of wheels or axles or hitches on a vehicle normally fitted with wheels and axles and/or hitches.

(4) Temporary use of a travel trailer, motor home or recreational vehicle as an occasional overflow guest room for non-paying or non-reimbursing relatives or guests is authorized as outlined provided such interim use does not exceed 90 days of continuous duration or a total of 90 days in a year or one 12-month period. Temporary use of recreational vehicles shall be only authorized upon satisfaction of the following performance criteria:

(a) Subject property is occupied by a permitted primary residential structure.

(b) The Yavapai County Environmental Unit shall be furnished with information to determine that the septic or sanitary facilities are adequate to accommodate additional effluent from the temporary recreational vehicle (RV) unit installation.

(c) Verification by the Zoning Administrator that the foregoing criteria have been addressed prior to authorizing occupancy of the unit.

(5) All boats, trailers, motor homes, travel trailers, recreational vehicles shall be kept in reasonable repair and operable and neatly arranged.

(6) No mobile home shall be placed or kept on a lot without a current valid zoning clearance or a current valid construction permit or temporary

dwelling permit and without erection of permanent foundations and hook ups to facilities, permanent piers, blocks or foundations.

(7) Appliances (washers, dryers, refrigerators, freezers, ranges, stoves, furnaces, water heaters, air conditioners, etc.) may be stored outside, provided said appliances are in an operable condition and are hooked up for personal on-site use and are placed behind a screen wall or landscaping such that the appliances are not within the public view.

(8) Furniture may be stored outside, provided such furniture is in reasonable repair and weather resistant condition and is intended for personal on-site use and are placed behind a screen wall or landscaping such that the ~~appliances~~ **FURNITURE** are not within the public view.

(9) A property owner or tenant may park or store construction, mining, or farming equipment or machinery outside, provided such equipment or machinery is in operable condition and is intended for personal on-site use.

(10) No vehicular parts, components or accessories not independently operable, nor any large non-structural objects, which are in disuse, or for use other than on site shall be stored outside.

(11) Any outside storage unable to meet the above exceptions and conditions must meet one of the following restrictions:

(a) Methods of screening for outside storage may include acceptable wooden fencing, masonry walls, rock walls, landscaped berms or live vegetative screening. All outside storage shall be totally screened from view of any contiguous property or right-of-way or easement and located in the side or rear yard. All screening for outside storage shall be subject to the review and approval of the Planning and Zoning Commission or the Zoning Administrator. Adjoining property owners will be notified by mail of the proposed location and method of screening when an alternative method of screening is presented to staff for their consideration.

(b) Outside storage shall not exceed the heights and square footages provided for the setbacks from the nearest property line as follows:

| <i>Distance to nearest property line</i> | <i>Maximum allowed square footage</i> | <i>Maximum allowed height in feet</i> |
|--|---------------------------------------|---------------------------------------|
| 101 to 200 feet | 200 | 6 |
| 201 to 300 feet | 300 | 6 |
| 301 to 400 feet | 400 | 8 |
| 401 to 500 feet | 500 | 8 |
| 501 or more feet | Unlimited | 8 |

(12) Manufactured homes, mobile homes, travel trailers, recreational vehicles, truck trailers, commercial trailers, boxcars, refurbished sea cargo/ocean-going or freight containers (mobile storage or similar cargo carrying devices) or any other vehicle shall not be attached to or placed on any lot and are not allowed to be stored or utilized for storage purposes in any district, with the exception of the specific allowances referenced in division (A)(1) through (12) and § 153.035. These prohibited vehicles/containers may be considered for storage when there are unique circumstances subject to obtaining an approved use permit.

(13) The outside storage of steel storage containers is allowed as an accessory use, solely for the storage of personal items owned by the property owner, occupant or business (in appropriate commercially designated areas in the RMM or less restrictive use districts provided as follows:

(a) An approval letter from the Zoning Administrator is obtained prior to placement of the unit.

(b) Containers shall meet the minimum yard requirements of the primary structure in the

applicable density district as well as building separation and lot coverage requirements.

(c) All containers shall be painted and maintained either the primary structure color or an earth tone consistent with the surrounding terrain prior to placement.

(d) Any electrical service to comply with applicable adopted building codes and other town codes.

(e) No residential unit to exceed eight feet by 20 feet.

(f) Minimum residential use parcel size is two acres.

(g) Only one unit per residential parcel.

(h) Any unit not able to meet the foregoing performance criteria will require a use permit prior to permitting and installation. Temporary uses of such containers (up to two years) can be administratively approved in conjunction with approved construction/remodeling projects.

(B) The outside storage of objects and materials shall be a permitted accessory use in C1 and C2 (general commercial) zones provided that:

(1) All conditions of outside storage shall be met except that "on-site personal use" shall be construed to include those uses incidental to the permitted commercial (as well as personal) uses pertaining to the property.

(2) All conditions of outside storage shall apply except that one travel trailer, motor home or recreational vehicle may be hooked up to power, water, sewer or septic facilities or otherwise made suitable for long term occupancy for the purposes of a caretaker/watchman's quarters only per parcel in a C1 or C2 zone without a use permit approval or PAD

for a travel trailer/recreational vehicle park for watchman/caretaker purposes.

(3) No merchandise shall be displayed or stored outside in a C1 or C2 zone except as provided for vehicles in the C1 Use District or by use permit (§ 153.091). Merchandise displayed temporarily during business hours only under the roof of an attached porch or carport shall be considered inside display. Vending machines permanently installed against but outside of a structure shall not be considered outside display.

(C) The outside storage of objects and materials shall be a permitted accessory use in C3 (heavy commercial) zones as per divisions (B)(1) and (2), above except that square footage limits and setbacks shall be waived. Height limitations and screening requirements shall not be waived.

(D) The outside storage of objects and materials shall be a permitted accessory use in M1 and M2 (industrial) zones, provided that screening is provided from non-industrially zoned properties within 200 feet.

(E) Outside storage not complying with this division is hereby deemed a public nuisance and shall not enjoy any rights to continuation, restoration, exchange of uses, or expansion as if a lawful non-conforming use, and shall be abated. (Ord. 08-44 § 564, passed 10-21-2008)

• § 153.087 PROTECTIVE SCREENING.

Where a commercial, office or nonresidential use abuts property in any residential zone, a masonry wall six feet in height, above the average elevation of the ground level within a six-foot radius of the point of

strand must be of smooth wire, only. Barriers constructed with materials not designed for fencing are not included in this definition of a *FENCE*.

FLOOR AREA. See *BUILDING FLOOR AREA*.

FREIGHT STATION. A facility for loading, unloading and warehousing of freight.

FREIGHT TERMINAL. A facility for loading and unloading of freight for current distribution but not warehousing.

GARAGE (PRIVATE). An accessory building occupied primarily by the passenger motor vehicles of the families residing on the same lot.

GARAGE (PUBLIC). Any building, other than that defined as a private garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

GRADE (ADJACENT NATURAL GROUND ELEVATION). The lowest point of elevation of the natural surface of the ground, within the area between the building and a line five feet from the building.

GROSS VEHICLE WEIGHT (GVW). The sum total of the weight of a vehicle plus the vehicle's maximum load capacity.

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).

GUESTROOM. One or more rooms intended for occupancy overnight (or longer) by other than

members of the family. If it contains cooking facilities it is deemed a dwelling unit.

HOME OCCUPATION. A use within a primary dwelling or in an attached or detached structure carried on by residents thereof for gain, which use is merely incidental to the residential use and does not change the character thereof by display or otherwise.

HOSPITAL. A place for the treatment or care of human ailments, and, unless otherwise specified, the term shall include sanitarium, clinic, maternity home, rest home, convalescent home and similar.

HOTEL. A building other than a boarding house, which building contains more than five guestrooms and where entrance to the sleeping rooms or apartments is from a common entrance or lobby used primarily for lodging on a daily or weekly basis. For density formula purposes, two such guestrooms may be counted as one dwelling unit.

HOTEL (APARTMENT). A building or group of buildings containing a number of independent suites of rooms for dwelling purposes and in which at least one common dining room is provided. For density formula purposes, each two guestrooms may be counted as one dwelling unit.

INSPECTOR. See *CODE ENFORCEMENT OFFICER*.

INTERIOR LOT. See *LOT*.

JUNK YARD. See *YARD*.

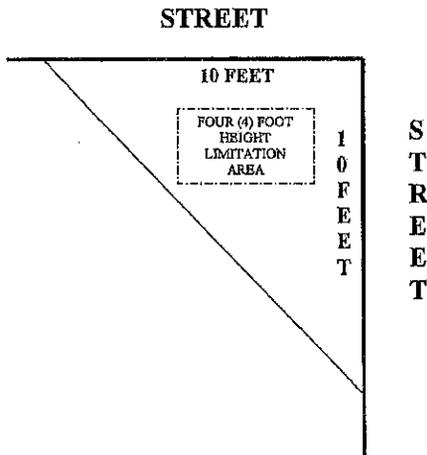
KENNEL. Any place where seven or more dogs are owned, kept, boarded, bred and/or offered for sale.

KEY LOT. See *LOT*.

KINDERGARTEN. Same as *NURSERY SCHOOL*, except when operated in conjunction with a school of general instruction and having accredited instruction.

(C) *Buildings.*

(1) No portion of any building exceeding a height of four feet shall occupy the triangular area formed by measuring ten feet along the right-of-way lines from the intersection thereof (see example below).



(2) Buildings located on sloping lots equal or greater than 26% average slope are permitted an extra story on the downhill side, provided the building height does not exceed the maximum height in feet allowed in the district.
(Ord. 08-44 § 540, passed 10-21-2008)

• § 153.077 HOME OCCUPATION.

(A) *Review criteria.*

(1) *Incidental.* A home occupation shall be conducted in a primary dwelling or in an attached or detached accessory structure and shall be clearly incidental to the use of the primary structure as a dwelling or accessory structure as a garage, workshop, storage shed or barn.

(2) *Appearance.* In no way shall the appearance of the structure or premises be so altered or the conduct of the occupation within the structure be such that it can be recognized as serving a nonresidential use (either by color, materials, construction, lighting, signs, sounds or noises, vibrations, display of equipment and the like).

(3) *Nuisance.* The home occupation shall not cause any sustained or unpleasant noises, vibrations, noxious fumes, dust, odors or glare. The use shall not create any radio or television interference or cause any parking or additional traffic beyond what a normal single family residence would generate in the immediate neighborhood.

(4) *Employees.* No one other than a resident of the dwelling shall be employed in the conduct of a home occupation.

(5) *Storage.* No storage of materials and/or supplies, including vehicles or equipment used in the occupation, indoors or outdoors, shall be permitted which will be hazardous to surrounding neighbors or detrimental to the residential character of the neighborhood. Outside storage shall be in keeping with outside storage requirements for a single family residence per this chapter.

(6) *Vehicles.* The home occupation shall not utilize or rely upon delivery or service from large vehicles not customary in residential areas.

(7) *Traffic.* The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.

(8) *Signage.* Signage shall be in keeping with §§ 153.125 through 153.138 regarding nameplate identification signage for a residence and shall not advertise the home occupation.

(B) *Enforcement.* Home occupations, where permitted, shall be subject to issuance of a home occupation permit and shall comply with the noted criteria. The home occupation application shall be subject to review by the Zoning Administrator at any time. Violation of any of the criteria for a home occupation as set out in this chapter shall be grounds for cancellation of the home occupation permit. The Zoning Administrator shall have the authority to revoke the home occupation permit if it has been demonstrated that the terms and conditions of this section have been violated.

(C) *Appeal.* A decision of the Zoning Administrator approving, disapproving or imposing conditions, regarding the home occupation, may be appealed to the Town Council. Appeal is subject to an application for appeal being on file in the Zoning Administrator within 30 days of notification of action taken on the home occupation.

~~(D) Substandard lots, either as to dimensions or area, that were legally established when same came under the district jurisdiction shall be considered as legal lots in that district.~~

~~(E) Combined lots, to the extent of crossing common boundaries with structures, shall be considered as one lot, except that the front of the individual lots shall remain as the front of the combined lots.~~

~~(F) Wedge-shaped lots shall be considered legal width lots when same (measured at the front required setback line) is not less than the required width for a lot having parallel sides; however, a deeper setback line may be shown on a recorded plat at which location the minimum lot width is acceptable and the required front yard shall thereafter be measured thereto.~~

~~(G) Block (group of lots bounded by streets) shortage of not more than 5% of sufficient frontage to~~

~~create an additional minimum width for the district may be distributed in any suitable manner (which distribution may include corresponding shortages in lot areas).~~

~~(Ord. 08-44 § 543, passed 10-21-2008)~~

§ 153.078 [RESERVED].

§ 153.079 [RESERVED].

§ 153.080 LANDSCAPING AND SCREENING.

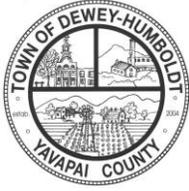
(A) *Purpose.* This section provides standards for the installation and maintenance of landscaping, walls and screening devices in order to preserve and enhance the natural environment and beauty of the town, to minimize the adverse effects of development, and to promote the general welfare of the citizens of the town. Landscaping materials, including ground cover, shrubs and trees facilitate the control of erosion and the reduction of glare and dust, and soften the visual impact of building masses. Walls and screening devices allow the separation of potentially incompatible uses and the buffering of road noise and intensive activities. Landscaping, walls and screening devices together help to effectuate privacy, logical development and enhancement of property values. In order to preserve the unique natural character of the town, these standards emphasize the retention of native trees, shrubs, rock formations and other natural site features. To conserve water resources, use of drought tolerant plant materials and efficient irrigation systems is encouraged.

(B) *Applicability.* This section shall apply to:

(1) All new multi-family and nonresidential development;

[Text continues on Page 137]

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MEETING OF THE TOWN PLANNING & ZONING ADVISORY COMMISSION

August 8, 2013 6:00 p.m. Town Council Meeting Chambers

Agenda Item: Accessory Dwelling Units

To: Planning & Zoning Advisory Commission

From: Warren Colvin, Community Development Coordinator

Date Submitted: July 29, 2013

Recommendation: Discussion and possible action on approving revisions from July 11, 2013 P&Z meeting to ADU requirements and send to Town Council for approval prior to public hearings.

Summary: See attached code text changes made to Accessory Dwelling units, guest homes and secondary medical dwellings.

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§ 153.005 Definitions:

DWELLING UNIT, ACCESSORY (ADU). A separate detached dwelling unit on the same single family lot as the primary dwelling unit that may be used as a separate additional living unit and shall include separate kitchen, sleeping, and bathroom facilities.

§153.072 ACCESSORY DWELLING UNIT (ADU).

Accessory Dwelling Units are permitted only in the R1L and R1 Zoning Districts, subject to the following requirements:

(A) An Accessory Dwelling Unit is permitted only on a minimum lot size of 70,000 square feet in the R1L Zoning District and a minimum lot size of 35,000 square feet in the R1 Zoning District.

(B) The primary dwelling and the ADU shall be in compliance with the set back regulations set forth in § 153.069 Density Districts of this code.

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

(D) The primary and ADU structures shall share a common driveway or entrance.

(E) An ADU 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 ADU shall comply with the separation requirements set forth in the Town Building, Fire and Municipal Codes.

(G) A kitchen facility is required in the ADU structure.

(H) An ADU is to be used to house a non-paying or non-reimbursing relative or guest.