

**THE PLANNING & ZONING ADVISORY COMMISSION  
FOR THE TOWN OF DEWEY-HUMBOLDT  
REGULAR MEETING NOTICE  
Thursday, January 7, 2016 6:00 P.M.**

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

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

## **AGENDA**

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

1. **Call To Order.**
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.**
  - 2.2. **Swearing in newly appointed commissioner, Rich Schauwecker to the Planning and Zoning Commission.**
3. **Roll Call.** Commissioners Jeff Siereveld, Victor Hambrick, Joe Garcia, Rich Schauwecker, Vice Chair Dee Parker and Chair Barry Smylie.
4. **Informational Reports.** Individual members of the Commission and public may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the Commission and public of such events, actions or activities. The Commission will take no discussion, consideration, or action on any such item except that an individual member of the Commission may request an item be placed on a future agenda.
5. **Planner's Update on current events and activities.** No discussion, deliberation or legal action can occur.
6. **Consent Agenda.** All matters listed under the Consent Agenda are considered to be routine by the Commission and will be enacted by one motion. Any item may be removed from the Consent Agenda for separate consideration at a Commissioner's request. If a citizen desires separate consideration of an item, he or she should approach a Commissioner prior to the meeting and ask that the Commissioner request that the item be removed.
  - 6.1. **Minutes.** Minutes from the November 5, 2015 Planning & Zoning Regular Meeting.
7. **Discussion Agenda –New Business.** Discussion and Possible Action on matters not previously presented to the Commission.
  - 7.1. **Kennels** - Discussion of Section 153 of the Town Code, and recommendation on possible definition and code language providing for the management of Kennels in the Town of Dewey-Humboldt.

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

9. **Public Hearing Agenda.**

**9.1 Public Hearing on Ordinance Number 15-118 which adds a new § 153.024 REASONABLE ACCOMMODATIONS providing a procedure for granting reasonable accommodations to handicapped persons pursuant to federal and state Fair Housing and Disabilities laws.**

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**THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.**

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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, January 12, 2016 at 2:00 p.m.

Next Town Council Meeting: Tuesday January 19, 2016 at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, February 4, 2016 at 6:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at [AgendaList@dhaz.gov](mailto: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 AND ZONING ADVISORY COMMISSION  
REGULAR MEETING MINUTES  
NOVEMBER 5, 2015**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, NOVEMBER 5, 2015 AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA, CHAIR BARRY SMYLIE PRESIDED.**

1. **Call To Order.** The meeting was called to order at 6:01 p.m. Chair Barry Smylie presiding.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Done
3. **Roll Call.** Commissioners Jeff Siereveld, Joe Garcia, Vice Chair Dee Parker and Chair Barry Smylie were present. Victor Hambrick was absent and later arrived at 6:03 p.m.
  - 3.1 **Announcement of resignation of Commissioner Ruth Szanto.** Chair Smylie spoke about the resignation of Commissioner Szanto. Sorry to see her leave. Chair Smylie reminded the commission of vacant positions.
4. **Disclosure of Ex Parte Contacts.** Done
5. **Informational Reports.** None
  - 5.1. **Timeline of Council's review of proposed Ordinances (Animal and Reasonable Accommodations) and possible future consideration by Planning and Zoning Commission. Background materials provided for the commission's review.** Chair Smylie spoke about Steven Brown's attendance at the APA State Planning Conference in Tucson. Due to his absence, the agenda item will be deferred for future meeting.
6. **Planner's Update on current events and activities.** None
7. **Consent Agenda.**
  - 7.1. **Minutes.** Vice Chair Parker made the motion to approve the meeting minutes from the August 6, 2015 Planning & Zoning Regular Meeting. Seconded by Jeff Sierveld. Minutes approved as presented.
8. **Discussion Agenda –New Business.**
  - 8.1. **Presentation from Richard Heath, Executive Director of the Greater Prescott Regional Economic Partnership (GPREP) regarding program update.** Chair Smylie introduced Mr. Heath and thanked him for participating in the meeting. Mr. Heath spoke about the background and purpose of GPREP and his background in comprehensive planning and economic development. The target area is the northern region of Yavapai County and includes Dewey-Humboldt. Primary goal is to market the region. Currently putting together a complete marketing package which will include DH. Material will be available on flash drives to present at various events throughout the state. Mr. Heath spoke about strategies to attract developers and investors to the target areas and provide diversity to the region. Mr. Heath spoke about working with the town on whatever level desired and would like to ensure the Planning and Zoning Commission is participating at a level they feel comfortable in.

Chair Smylie made comment about the Commission being only an advisory committee which works off of instruction from the Council. Chair Smylie spoke about the primary focus being to maintain the rural lifestyle and the desire to work in conjunction with economic development and still maintain the town's theme. Future growth over the next 5 to 10 years very probable. Chair Smylie asked Mr. Heath how to deal with this potential growth and maintain the general plan and remain unique.

Mr. Heath spoke about DH level for design standards and land use buffers. Most likely development will happen along the 69 corridor in the form of smaller retail businesses. When planning, need to look at what fits the personality of the town and not compromise the rural character.

Chair Smylie spoke about projects he has been involved with in the past and how the town of Williams overcame diversity of growth and their success with creativity.

Commissioner Garcia asked Mr. Heath about his thoughts for growth in Dewey-Humboldt and what would fit into the General Plan and lifestyle of the town. How to say yes to the right developer. Advertising on the website to attract types of businesses that fit the town.

Mr. Heath spoke about the GPREP website. International. Can customize a marketing strategy for Dewey-Humboldt. Development potential is vast. Opportunities for retail and other commercial business. The new stoplight planned for Main Street intersection will help to get people to stop and look around.

Vice Chair Parker spoke about concerns of water resources.

Commissioner Hambrick questioned Mr. Heath about how GPREP works with other agencies to get information on projections of growth and how future growth will effect DH and natural resources. The community needs to have commercial and residential growth plan to maintain a healthy community.

Commissioner Garcia spoke about revisiting the general plan. Concerns of lack of infrastructure detouring potential commercial base growth.

Chair Smylie spoke about the Arizona Association of governments and history of development. The commission may want to look at bringing information to the council to determine if the commission should consider spending more time on this.

**8.2. An update on the 2012 International Building Codes (I-codes) amendments adoption preparation.** Don Roberts, Building Official gave PowerPoint presentation on the 2012 I-codes proposed for adoption by the council. Mr. Roberts spoke about the major changes in the adoption of the 2012 codes vs. the 2006 codes currently in use by the town. Primary change will effect wall bracing and ark faults. This will result in some additional expense to the homeowner. Most builders already exceeding the code requirements. The change in codes will promote increase in life safety.

**9. Discussion Agenda – Unfinished Business.**

**9.1. 2013 “P&Z work list” status report and formulation of a new future work list for Planning and Zoning Commission (P&Z) to be recommended to the Town Council for their endorsement.** Chair Smylie spoke about the 2013 work list and status report. Items on the list have been completed. Chair Smylie spoke about recent discussion with Town Manager regarding overlay district. Will need to look into this further for clarification and take back to council. Smylie spoke about involvement with groundwater resource advisory committee, currently well represented in region. No need to resurrect a committee. The commission is ready to start a new list to present to council.

**10. Public Hearing Agenda.**

**11. Comments from the Public.** Mayor Nolan spoke and commended the commission for their work and time on the Planning and Zoning board.

Commissioner Garcia asked about the removal of the agenda item #4; Disclosure of Ex Parte Contact. When and how does this item get removed from the agenda.

Chair Smylie spoke about sending a memorandum to staff to request removal of the agenda item.

**12. Adjourn.** Meeting adjourned at 7:21 p.m.

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Chairman Barry Smylie

ATTEST:

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Penney Bell, Administrative Assistant

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

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

**To: Planning & Zoning Advisory Commission**

**From: Steven Brown, Community Planner/Code Officer**

**Date Submitted: December 28, 2015**

**Agenda Item:**

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

**SUMMARY:**

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

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

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

**Prescott Valley definition:**

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

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

**Chino Valley definition:**

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

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

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

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

**Arizona Revised Statutes 11-1001 Definitions:**

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

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

**Alternative 1**

Add the following definitions to Section 153.005

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

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

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

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

## **Alternative 2**

Add the following definition to Section 153.005

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

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

## **Alternative 3**

Add the following definitions to Section 153.005

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

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

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

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

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

### **SUMMARY:**

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

**RECOMMENDATION:**

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

DRAFT

**ORDINANCE No. \_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA LAND USE CODE, TITLE XV LAND USE REGULATIONS, CHAPTER 153 ZONING REGULATIONS, SECTIONS 153.05 DEFINITIONS, 153.035 R1L DISTRICT (RESIDENTIAL; SINGLE FAMILY LIMITED), 153.037 RMM DISTRICT (RESIDENTIAL; MULTI-SECTIONAL MANUFACTURED HOUSE), 153.038 R1 DISTRICT (RESIDENTIAL; SINGLE-FAMILY), 153.039 RCU DISTRICT (RESIDENTIAL; RURAL), AND 153.040 R2 DISTRICT (RESIDENTIAL; MULTI-FAMILY) AS THOSE DISTRICTS INCORPORATE THE PERMITTED USES IN RIL DISTRICTS, AMENDING SECTIONS 153.042 C1 DISTRICT (COMMERCIAL; NEIGHBORHOOD SALES AND SERVICES), PARAGRAPH (B), 153.043 C2 DISTRICT (COMMERCIAL; GENERAL SALES AND SERVICES) AND 153.044 C3 DISTRICT (COMMERCIAL AND MINOR INDUSTRIAL) AS THOSE DISTRICTS INCORPORATE THE PERMITTED USES IN C1 DISTRICTS, 153.046 M1 DISTRICT (INDUSTRIAL; GENERAL LIMITED), PARAGRAPH (B)(3), AND 153.066 ACCESSORY USES AND STRUCTURES RELATED TO ANIMAL USES IN RIL DISTRICTS (RESIDENTIAL; SINGLE FAMILY LIMITED), R1 DISTRICT (RESIDENTIAL; SINGLE-FAMILY), C1 DISTRICT (COMMERCIAL; NEIGHBORHOOD SALES AND SERVICES), C2 DISTRICT (COMMERCIAL; GENERAL SALES AND SERVICES) AND C3 DISTRICT (COMMERCIAL AND MINOR INDUSTRIAL), DISTRICT (RESIDENTIAL; SINGLE-FAMILY),; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING PENALTIES**

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 Land Use Code, Title XV Land Use Regulations, Chapter 153 Zoning Regulations, Sections 153.05 Definitions, 153.036 R1L District (Residential; Single Family Limited), Paragraph (b)(12), 153.037 RMM District (Residential; Multi-Sectional Manufactured House), 153.038 R1 District (Residential; Single-Family) 153.039 RCU District (Residential; Rural), and 153.040 ( R2 District (Residential; Multi-Family) as those districts incorporate the permitted uses in R1L Districts; Sections 153.042 C1 District (Commercial; Neighborhood Sales and Services, Paragraph (B), 153.043 C2 District (Commercial; General Sales and Services) and 153.044 C3 District (Commercial and Minor Industrial) as those districts incorporate the permitted uses in C1 Districts; Section

153.046 M1 District (Industrial; General Limited) Paragraph (B)(3), and 153.066 Accessory Uses and Structures Paragraph (F) are hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 153.005 DEFINITIONS.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given on the following pages. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The word "person" includes individuals, partnerships, corporations, clubs and associations. The following words or terms when applied to this chapter shall carry full force when used interchangeably: lot, plot, parcel or premises; used, arranged, occupied or maintained; sold or dispensed; construct, reconstruct, erect, place or alter (structurally or otherwise).

\* \* \*

**EXOTIC WILDLIFE.** ANIMALS, AND OTHER CREATURES NOT NATIVE TO NORTH AMERICA, REGULATED AS EXOTIC WILDLIFE PURSUANT TO ARIZONA RULES AND REGULATIONS R-12-4-401 THROUGH R-12-4-430.

\* \* \*

**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, BISON, , sheep, goats, rabbits, , chickens, turkeys, , geese, ducks, pigeons,. See also § ~~153.066(E) and (F)~~.

\* \* \*

**KENNEL.** ~~Any place where seven or more dogs are owned, kept, boarded, bred and/or offered for sale.~~ ANY STRUCTURE, LAND, OR COMBINATION THEREOF, USED, DESIGNED, OR ARRANGED FOR THE BOARDING, BREEDING OF ANIMALS FOR A FEE, OR OTHER COMMERCIAL PURPOSE.

\* \* \*

**PETS (HOUSEHOLD).** Dogs, cats, rabbits, birds, pot-belly pigs, FISH and the like. "PETS" ALSO INCLUDES ~~and~~ other small animals not otherwise

classified as EXOTIC, under 100 pounds), for family use only  
(noncommercial) with cages, pens and the like.

\* \* \*

§ 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)(12)

\* \* \*

**§ 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)(17) KENNELS

\* \* \*

**§ 153.046 M1 DISTRICT (INDUSTRIAL; GENERAL LIMITED).**

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

\* \* \*

(B (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~~ KENNELS, warehousing (including elevators), freight yards, circuses and carnivals, race tracks and stadiums; and

\* \* \*

§ 153.066 ACCESSORY USES AND STRUCTURES.

\*\*\*

(F) EXOTIC WILDLIFE. A PERSON WHO MAINTAINS EXOTIC WILDLIFE ON HIS PROPERTY SHALL COMPLY WITH ALL APPLICABLE STATE REGULATIONS RELATED TO EXOTIC WILDLIFE, IN ADDITION TO THE REQUIREMENTS OF THIS CHAPTER.

(FG) Allowed animal chart.

<i>Allowed Animal Chart</i>	
Type	Animals Allowed
Category A - <del>Dairy cow</del> CATTLE, bison, <del>steer/heifer</del> , horse or other similar size/weight	2 per acre*
Category B - , miniature horse, sheep, goat, or other FARM ANIMALS of similar size/weight	5 per acre*
Category C - Turkeys, geese, pheasants, ducks, pigeons, , 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*
Category D – Exotic Animals with state permit.	
*And proportionately greater for larger properties	

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

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**ORDINANCE N<sup>o</sup>-15-118**

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

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

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

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

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

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

Section I. In General

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

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

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

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

**§ 153.005 Definitions**

\* \* \*

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

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

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

**§ 153.024 REASONABLE ACCOMMODATIONS.**

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

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

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

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

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

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

Section II. Savings Clause

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

Section III. Repeal of Conflicting Ordinance

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

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this \_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

EXCUSED: \_\_\_\_\_ ABSTAINED: \_\_\_\_\_

APPROVED this \_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Terry Nolan, Mayor

ATTEST:

\_\_\_\_\_  
Judy Morgan, Town Clerk

APPROVED AS TO FORM:

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

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

\_\_\_\_\_  
Judy Morgan, Town Clerk



# TOWN OF DEWEY-HUMBOLDT

## "Arizona's Country Town"

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

[www.dhaz.gov](http://www.dhaz.gov)

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

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

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

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

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

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

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

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

Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

Is this a Renewal?  Yes  No

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

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Alternative Accommodation Approved: \_\_\_\_\_

\_\_\_\_\_  
Zoning Administrator

\_\_\_\_\_  
Date