

**TOWN COUNCIL OF DEWEY-HUMBOLDT
REGULAR MEETING NOTICE**

Tuesday, October 21, 2014, 6:30 P.M.

**COUNCIL REGULAR MEETING
2735 S. HWY 69**

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

AGENDA

The issues that come before the Town Council are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Council believes that the meeting be a safe place for people to speak. With this in mind, the Council asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Council may vote to go into Executive Session for legal advice regarding any matter on the open agenda pursuant to A.R.S. 38-431.03 (A) (3), which will be held immediately after the vote and will not be open to the public. Upon completion of Executive Session, the Council may resume the meeting, open to the public, to address the remaining items on the agenda. Agenda items may be taken out of order. Please turn off all cell phones. The Council meeting may be broadcast via live streaming video on the internet in both audio and visual formats. One or more members of the Council 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. Invocation.

3. Roll Call. Town Council Members Jack Hamilton, Mark McBrady, Dennis Repan, Sonya Williams-Rowe, Nancy Wright; Vice Mayor Arlene Alen; and Mayor Terry Nolan.

4. Announcements Regarding Current Events, Guests, Appointments, and Proclamations.

Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action.

4.1. Tax Credit Giving Month Proclamation.

4.2. Cities and Towns Week Proclamation.

5. Town Manager's Report. Update on Current Events.

6. Consent Agenda.

7. Comments from the Public (on non-agendized items only). The Council wishes to hear from Citizens at each meeting. Those wishing to address the Council 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 Council. Individuals may address the Council on any issue within its jurisdiction. At the conclusion of Comments from the Public, Council members 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, Council members 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. A **3** minute per speaker limit may be imposed. The audience is asked to please be courteous and silent while others are speaking.

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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.

8.1. **Old Black Canyon Highway Maintenance Issue and Council Direction for future maintenance.** Continued from the September 9, 2014 Council Special Study Session.

9. **Discussion Agenda – New Business.** Discussion and Possible Action on matters not previously presented to the Council.

9.1. **Continued discussion on proposed Ordinance 14-104 regarding Accessory Dwelling Units (ADU).** Staff report on community input and Council discussion and possible action to direct next steps of the proposed ordinance.

10. **Public Hearing Agenda.**

THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.

11. **Comments from the Public.** The Council wishes to hear from Citizens at each meeting. Those wishing to address the Council 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 Council. Individuals may address the Council on any issue within its jurisdiction. At the conclusion of Comments from the Public, Council members 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, Council members 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 Public Comment is 3 minutes per person. The audience is asked to please be courteous and silent while others are speaking.

12. **Adjourn.**

For Your Information:

Next Town Council Meeting: Tuesday, November 4, 2014, at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, November 6, 2014, at 6:00 p.m.

Next Town Council Work Session: Friday, November 14, 2014, at 2:00 p.m.

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

Certification of Posting

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the ____ day of _____, 2014, at ____ p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.
By: _____, Town Clerk’s Office.

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

Tax Credit Giving Month November 2014 Proclamation

Whereas, the State of Arizona tax credit program enables taxpayers to contribute \$200 for a single taxpayer and \$400 for taxpayers filing a joint tax return, and receive a dollar for dollar tax credit on their Arizona tax bill; and.

Whereas, the full amount can be given to a qualified charitable organization of their choice AND a school of their choice; and

Whereas, taxpayers can use their tax dollars to express their beliefs and values by supporting a charity that does the work they hold dear; and

Whereas, by donating to a qualified charitable organization and a school, taxpayers are in effect, given the opportunity to choose how to use a portion of their tax dollars; and

Whereas, taxpayers no longer need to itemize in order to participate in the Arizona Tax Credit Program; and.

Whereas, a donation that qualifies for a state tax credit is also fully deductible on a Federal tax return, reducing the Federal tax liability; and

Whereas, the Arizona Tax Credit Program is a way of keeping our tax money in this community; and

Whereas, keeping tax dollars local through the charitable giving tax credit builds a stronger and better community at no cost to the donors.

Now, therefore, I, Terry Nolan, Mayor of the Town of Dewey-Humboldt, in partnership with Yavapai Big Brothers Big Sisters, do hereby declare November 2014 as "Charitable Tax Credit Giving Month", and for the good of the community, urge residents to keep their money local by making a donation to a qualified local charity and school.

In Witness Whereof, I have hereunto set my hand this sixteenth day of September, in the year of our Lord two thousand fourteen.

*Terry Nolan, Mayor
Town of Dewey-Humboldt*

*Judy Morgan
Town Clerk*

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Cities and Towns Week 2014

WHEREAS the citizens of the Town of Dewey-Humboldt rely on the Town to experience a high quality of life in our community; and

WHEREAS cities and towns in Arizona work 24 hours a day, seven days a week to deliver vital services such as fire, police and emergency medical response to ensure safe communities; and

WHEREAS cities and towns in Arizona also provide services and programs that enhance the quality of life for residents such as parks, utilities, street maintenance, sanitation and recycling services, libraries, community centers and recreational programs; and

WHEREAS it is important for the Town of Dewey-Humboldt to continue to provide excellent delivery of services and programs that our citizens have come to expect in our community; and

WHEREAS it is one of the responsibilities of town officials to ensure open and accessible government through frequent communication with citizens using various avenues and means; and

WHEREAS through participation and cooperation; citizens, community leaders, local businesses and municipal staff can work together to ensure that services provided by the Town of Dewey-Humboldt can remain exceptional elements of the quality of life of our community.

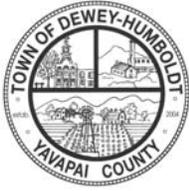
NOW, THEREFORE, be it resolved that the Town of Dewey-Humboldt joins with the League of Arizona Cities and Towns and fellow municipalities across the State of Arizona in declaring October 19-25, 2014, Arizona Cities and Towns Week.

In Witness Thereof, I, Terry Nolan, Mayor of the Town of Dewey-Humboldt have hereunto set my hand this 21st day of October, 2014.

Terry Nolan, Mayor
Town of Dewey-Humboldt

Judy Morgan, Town Clerk

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

REGULAR MEETING OF THE TOWN COUNCIL

October 21, 2014, 6:30 p.m., Town Council Chambers

Agenda Item: 8.1. Old Black Canyon Highway Maintenance Issue and Council Direction for future maintenance. (Continued from the September 9, 2014 council special study session)

To: Town Council
From: Yvonne Kimball, Town Manager
Date Submitted: October 2, 2014

Recommendation: Accept staff recommended maintenance plan

Summary:

At the September 9th Study Session, staff approached the Council regarding Old Black Canyon Highway maintenance. During the meeting, Council had various opinions. Collectively you asked staff to contact the Town (on-call) Engineer and invite the Town Attorney to attend the follow up meeting.

Staff has spoken to the Town Engineer. The Town Attorney plans to be attending the meeting. Enclosed is the September 9th meeting memo in-house staff prepared.



TOWN OF DEWEY-HUMBOLDT
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Phone 928-632-8562 • Fax 928-632-7365

TOWN COUNCIL SPECIAL STUDY SESSION

September 9, 2014, 2:00 p.m. Town Council Chambers

Agenda Item # 3.1 Old Black Canon Highway Maintenance issue and Council direction for future maintenance.

To: Town Council
From: Yvonne Kimball, Town Manager

Date Submitted: September 5, 2014

Recommendations:

Option 1 – direct staff to conduct proper maintenance beginning FY 14-15 (see attached cost estimate)

Option 2 – clearly direct staff to treat this roadway as a private roadway which means the town would refrain from any maintenance, including mowing and pot-holing (as potholing is no longer effective).

Summary:

Although Old Black Canyon Hwy was maintained and paved by the County (before D-H incorporation) and has been used by the public at 500 cars a day (2011 data), it belongs to numerous owners including but not limited to the Town of Dewey-Humboldt. Due to the lack of legal description of the overlapping pieces of the road, the Town is not certain which parts the Town holds title for.

Due to the complication and perhaps other issues that staff is not aware of, the road's proper maintenance has been put on hold for quite a few years, since at least 2010. The town has been limiting the maintenance to "pot holing" and occasionally mowing, only. The practice is temporary and is not how the town maintains other town-owned paved roads.

During the past discussions about the roadway, Council seemed to uphold a collective position that staff should continue the current maintenance practice for OBCH ("potholing and mowing" only, as opposed to maintain it properly like town-owned paved roads).

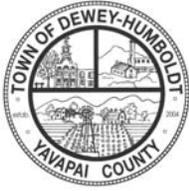
While staff has been diligent to carry out your direction on limited and temporary maintenance, the roadway has been deteriorating to a point that potholing is no longer efficient or effective. Recently Public Works staff potholed those areas on OBC Hwy that are of safety concerns, the material cost was about \$500 and the work took 2 employees one day along with the Public Works (PW) Supervisor's constant supervision to complete. PW staff anticipates that the same work needs to be done 6 times a year in order to keep it up. The effort and money spent to pothole OBC Hwy is no longer efficient or effective from an operational stand point. The road has become an operation nuisance for the three-man department, and staff does not recommend to continue it. (For background, Town Public Works Department has only three employees including the Supervisor. They maintain 50 miles of town roads.)

In order to properly preserve the road, staff proposes that drainage needs to be repaired and then the roadway can be repaired and chip-sealed. The job can be conducted through a combination of in-house work and by contractors. The cost estimates in the amount of approximately \$100,000 are included in the packet and the job can be spread out in three or more years.

Legal counsel, in their August 2012 opinion, has recommended that the Town conduct a survey to come up with legal descriptions of all intertwined road pieces; then the town can proceed to acquire the pieces that do not belong to the town. Although this approach would pose minimum risk, I, as the Town Manager, do not believe that the cost and time involved in this solution is practical.

The third option that staff has come up with is to completely refrain from any maintenance on OBC Hwy. Although this option would save the town money, staff does not recommend this due to the complication of the ownership and the frequent use of the road.

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TOWN COUNCIL REGULAR MEETING

October 21, 2014, 6:30 p.m., Town Council Chambers

Agenda Item: 9.1. Continued discussion on proposed Ordinance 14-104 regarding Accessory Dwelling Units (ADU).

To: Town Council
From: Yvonne Kimball, Town Manager
Date Submitted: October 2, 2014

Recommendation: Consider staff recommendation to modify proposed Ord. 14-104 pertaining to “kitchen facilities” and “roomers and boarders”

Summary:

At Town Council’s direction, P&Z reviewed town codes regarding medical dwelling, guest house, accessory units, over a year ago. As a result, (proposed) Ordinance 14-104 was drafted. Public hearings were conducted for the proposed ordinance. At the February 2014 Council public hearing, community objections were voiced. Although some were generated due to a misunderstanding of the ordinance, the Council directed to delay passage of the ordinance so that staff and P&Z can address community comments. P&Z has met since to discuss the next steps. At the May 8, 2014 P&Z meeting, I advised P&Z that staff will continue gathering public input and bring back an analysis and recommendations. Staff has completed the task and presented the findings at the October 9th P&Z meeting. It is my understanding that P&Z requested to have a joint meeting with council to discuss your expectations of the proposed ADU ordinance. Enclosed please find the analysis report and the proposed Ordinance 14-104 regarding Accessory Dwelling Units. The same report has been reviewed and discussed at their October 9th meeting.

Attachments: Staff ADU ordinance analysis report, proposed Ordinance 14-104 and its associated exhibit

Proposed Ordinance 14-104 regarding Accessory Dwelling Units
By Yvonne Kimball, September 2014

In April 2012, the Council assigned the task of cleaning up town code sections in regards to guest homes, secondary medical dwelling units and accessory dwelling units in the form of a “priority list”. These uses and structures are addressed in the Town Code of Ordinances Sections 153.005, 153.036 through 153.043, 153.048, 153.049 and 153.066 and 153.072. Ordinance 14-104 has been proposed to accomplish the task.

In February 2014, upon months of discussions, staff and P&Z were able to bring Ordinance 14-104 for a public hearing at a council meeting. During and after the meeting, some oppositions were given. Staff also solicited public input on the proposed Ordinance 14-104 via the town’s monthly newsletter and the monthly “Coffee with the TM”. The main concerns gathered and staff analysis are as follows:

1. Zoning districts that would allow ADU?

<u>Current Code Stipulations</u>	<u>Proposed Ordinance 14-104</u>
R1 L: ADU is allowed in all R1L zoned properties	R1L: ADU is allowed for parcels with a minimum size of 70,000 sqft
RMM: allowed (what is allowed in R1L)	RMM: ADU is allowed for parcels with a minimum size of 70,000 sqft
R1: allowed (what is allowed in R1 L and RMM)	R1: ADU is allowed for parcels with a minimum size of 35,000 sqft
RCU: allowed (what is allowed in above zonings)	RCU: allowed if parcels are 87,120 sqft or larger
R2: allowed (what is allowed in RCU)	R2: allowed per RCU regulation (if parcels are 87,120 sqft or larger)
RS: allowed (what is allowed in R1L, RMM, and R1)	RS: ADU Not allowed in RS
C 1 and C2: allowed (what is allowed in R districts)	C1 and C2: ADU Not allowed in C 1 and C2
PAD: maybe; if ADU is located in the front one half of a lot, provided the structure is not nearer the front lot line than the main building(s))	PAD: maybe if ADU is located in the front one half of a lot, provided they are not nearer the front lot line than the main building(s))
RCD: allowed	RCD: not allowed
	<i>The proposed ordinance clarifies the zoning districts that would allow ADU. Staff has not heard much objections about the zoning districts; we think it is because most parcels in town are zoned R1L and R1 and the proposed requirements do not affect majority of the residents. We believe the proposed ordinance is reasonable and consistent with the intent of the definition of “accessory dwelling unit”.</i>

2. Secondary Medical dwelling(SMD) units and the type of structures (mobile homes, park trailers, etc.) allowed for the purpose

<p><u>Current Code Stipulations</u></p> <p>Current code makes no mention of SMD; Current code allows mobile homes to be located in R1, RMM, and RS (but not in R1-L; mobile homes are not specified in RCD and PAD).</p>	<p><u>Proposed Ordinance 14-104</u></p> <p>Proposed code (Ordinance 14-104) would allow accessory structure to be used to care for persons in need, including but not limited to medical needs, so long as the structure complies with the requirements outlined in Ordinance 14-104. Proposed Ordinance 14-104 allows a mobile home to be used as an ADU unless in the zoning districts where mobile homes are allowed which the same as the current code.</p>
	<p><i>Staff heard the misperception that the proposed ordinance would prohibit residents from using mobile home/park trailer for an ADU to care for elder or ill family members/friends. However, we believe that the proposed ordinance is reasonable and reflective of the intent of each zoning districts. For special circumstances, property owners can apply for a use permit and/or special considerations.</i></p>

3. Roomer and boarder / paying relatives or guests

<p><u>Current Code Stipulations</u></p> <p>Current code section 153.038 R1 allows roomers and boarders not to exceed two for any one dwelling unit. The Code does not define “roomer” or “boarder”; Section 153.005 Definitions/Boarding and Rooming House. Based on the definition staff interprets that roomers and boarders are paying occupants and may or may not be related to the primary resident.</p>	<p><u>Proposed Ordinance 14-104</u></p> <p>Proposed ordinance would not allow roomers and boarders. It also specifies that ADU shall be used to house a non-paying or non-reimbursing relative or guest. (Section 153.038 (B) (a)) It is my understanding that P&Z is concerned about the rural and single family character in R1 district and the provision’s enforceability, thereby recommend to disallow “roomer and boarder”.</p>
	<p><i>Staff have heard much input from the community that “roomer and boarder” regulation should stay the same. We believe it is a reasonable consideration because of the community’s characteristics (older citizenry with big properties). Rental issue is another complex subject and could be dealt with along with other comprehensive measures, such as sales tax/licensing requirements.</i></p>

4. Kitchen (and bathroom facilities) in ADU

<p><u>Current Code Stipulations</u></p> <p>Kitchen facilities are optional establishment for ADU or guest house. Bathrooms are required for detached guest houses which is a form of accessory dwelling structure.</p>	<p><u>Proposed Ordinance 10-104</u></p> <p>Proposed Ordinance requires a separate kitchen and bathroom in ADU. (ordinance sections 153.005 ADU definition and 153.072 (G))</p> <p><i>Staff received objection to the requirement of kitchen facilities in ADU. We believe it is a reasonable consideration to consider kitchen optional (rather than mandatory as proposed).</i></p>
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5. Detached or attached structure

<p><u>Current Code Stipulations</u></p> <p>Current code: ADU can be either detached (from the principal structure) or attached to (the principal structure).</p>	<p><u>Proposed Ordinance 14-104</u></p> <p>ADU must be detached from principal structure; proposed ordinance does not address attached room additions.</p> <p><i>Staff finds that the proposed does not prohibit attached room additions.</i></p>
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6. In-law suite

In-law suites are not defined in the current code nor the proposed code. When they are detached from the principle building, in-law suite use/ structure will be addressed under “guest home” in the current code. The proposed ordinance and the current code are essentially the same except for the separate kitchen requirement. We found there is no valid concern.

7. ADU/guest home size

<p><u>Current Code Stipulations</u></p> <p>Current code allows ADU (guest home) not to exceed 750 sqft in size or 25% of the total square footage of the primary structure whichever is greater (Code Section 153.005 Definition/guest home).</p>	<p><u>Proposed Ordinance 14-104</u></p> <p>Proposed has the same requirement (the requirement is not under “Definition”, but under the charging language for ADU: Ordinance Section 153.072).</p>
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8. How about existing guest homes, medical dwelling, accessory structures that may not comply with the proposed ordinance once it becomes effective?

Town Code Section 153.016 nonconforming uses and structures: The lawful use of any building, structure or land existing at the time of the effective date of this chapter may be continued, although such use does not conform to the provisions hereof.

(A) *Discontinuance.* If a nonconforming use shall be discontinued on a continuous basis for a period of 12 months, except as noted for dwelling units, any subsequent use shall conform to the provisions of this chapter. If the use of a dwelling unit as nonconforming lodging is discontinued on a continuous basis for a period of 30 days, the use shall conform to the provisions of this chapter.

9. Property right encroachment

Many were concerned that the proposed ordinance would diminish property value and thereby be in violation of ARS 12-1134 (prop 207). P&Z had the same concern until the town attorney advised that the proposed ordinance would not violate state statutes.

To conclude, staff found that Ordinance 14-104 clarifies contradictories contained in the current code. However, we recommend that P&Z and Council reconsider the requirements regarding “roomer/boarder” and “kitchen facilities”. The rest of the proposed Ordinance 14-104 contains similar requirements as the current code but in a more cohesive manner. To move forward, this same information will be discussed at a council meeting along with P&Z’s direction. When P&Z and Council are satisfied with the proposed changes, the revised Ordinance 14-104 will eventually be decided by the Council for adoption or other actions.

ORDINANCE No. ____

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, DECLARING THE DOCUMENT ENTITLED “DEWEY-HUMBOLDT MUNICIPAL CODE AMENDMENTS RE: ACCESSORY DWELLING UNITS, DATED FEBRUARY __, 2014” AS A PUBLIC RECORD; ADOPTING THE “DEWEY-HUMBOLDT MUNICIPAL CODE AMENDMENTS RE: ACCESSORY DWELLING UNITS, DATED FEBRUARY __, 2014” BY REFERENCE; AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE XV LAND USAGE CHAPTER 153 ZONING REGULATIONS, GENERAL PROVISIONS, § 153.005 DEFINITIONS; USE DISTRICTS, §§ 153.036 R1L DISTRICT (RESIDENTIAL; SINGLE FAMILY LIMITED), 153.037 RMM DISTRICT (RESIDENTIAL; MULTI-SECTIONAL MANUFACTURED HOMES), § 153.038 R1 DISTRICT (RESIDENTIAL; SINGLE FAMILY), § 153.041 RS DISTRICT (RESIDENTIAL; AND SERVICES), § 153.042 C1 DISTRICT (COMMERCIAL; NEIGHBORHOOD SALES AND SERVICES), §153.043 C2 DISTRICT (COMMERCIAL; GENERAL SALES AND SERVICES), § 153.048 PAD DISTRICT (PLANNED AREA DEVELOPMENT), § 153.049 RCD DISTRICT (RESIDENTIAL CAMPING DISTRICT); AND GENERAL REGULATIONS, § 153.066 ACCESSORY USES AND STRUCTURES, AND § 153.072 GUEST HOME RELATED TO PERMITTING ACCESSORY DWELLING UNITS IN THE R1L, RMM AND R1 ZONING DISTRICTS, SUBJECT TO CERTAIN REGULATIONS, AND PROHIBITING ACCESSORY DWELLING UNITS WITHIN THE C1, C2, PAD AND RCD ZONING DISTRICTS; AND PROVIDING DEFINITIONS AND REGULATIONS FOR ACCESSORY DWELLING UNITS RELATED TO LOT SIZE, SETBACKS, UTILITY HOOKUPS, DRIVEWAYS, STRUCTURE SIZE, KITCHENS, AND RESTRICTING USE TO NON-PAYING GUESTS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING PENALTIES

WHEREAS, that certain document entitled “Dewey-Humboldt Municipal Code Amendments Re: Accessory Dwelling Units, dated February __, 2014”, three copies of which are on file in the office of the Town Clerk, is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk; and

WHEREAS, the Town Council has determined that the proposed amendments will clarify and regulate the construction and use of accessory dwelling units in the Town of Dewey-Humboldt, and it is in the best interest of the public health, safety and general welfare of the Town to adopt the proposed amendments;

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

Section I. In General

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

Section II. Savings Clause

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

Section III. Repeal of Conflicting Ordinance

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

Section IV. Penalties

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

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

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 20__.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk

APPROVED AS TO FORM:

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

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE ____ DAY OF _____, 201_, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 201_.

Judy Morgan, Town Clerk

Dewey-Humboldt Municipal Code Amendments
Re: Accessory Dwelling Units
February __, 2014

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

§ 153.005 Definitions:

* * *

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

* * *

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

* * *

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

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

* * *

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

§ 153.036 R1L District (Residential; Single Family Limited)

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

* * *

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

* * *

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

* * *

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

~~(k) Accessory dwelling unit.~~

* * *

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

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

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

* * *

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

* * *

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

* * *

§ 153.038 R1 District (Residential; Single Family).

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

* * *

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

* * *

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

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

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

* * *

§ 153.041 RS District (Residential; and Services).

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

* * *

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

* * *

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

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

* * *

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

* * *

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

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

* * *

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

* * *

§ 153.048 PAD District (Planned Area Development).

* * *

(D) *Uses permitted.*

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

* * *

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

* * *

§ 153.049 RCD District (Residential Camping District).

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

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

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

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

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

(C) *Uses.*

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

* * *

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

§ 153.066 Accessory Uses and Structures

* * *

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

* * *

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

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

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

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

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

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

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

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

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

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