

STUDY SESSION MEETING NOTICE
TOWN COUNCIL OF DEWEY-HUMBOLDT
Tuesday, December 9, 2014, 2:00 P.M.

COUNCIL STUDY SESSION 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. Roll Call.

2.1. Town Council. Town Council Members Arlene Alen, Mark McBrady, Dennis Repan, Doug Treadway, Nancy Wright; Vice Mayor Jack Hamilton; and Mayor Terry Nolan.

3. Study Agenda. No legal action to be taken.

3.1. Town Building Code (Town Code of Ordinances Title XV Land Usage Chapter 150 Building Codes) changes as related to the 2012 International Code Council Codes (2012 I-codes) summary presentation. A presentation by Town Building Safety Staff.

3.2. APS Franchise Agreement Preliminary Discussion.

3.3. Council discussion on the three tasks given to the Planning and Zoning Commission (P&Z) prior to the January joint meeting with P&Z; three projects being “accessory dwelling unit ordinance (proposed ordinance 2014-104)”, “animal related codes review” and “zoning setbacks review”. Council deliberation of its positions on any or all of the three tasks.

4. Special Session. Legal Action can be taken.

4.1. Discussion and possible action on changing TC’s 30.031, 30.105, and 30.109. [CAARF requested by CM Wright and CM Repan]

4.2. Council ratification of allocating funds from the Contingency Fund account for the purchase of the Ford SUV, as authorized in the FY 14-15 Budget. Ratify the purchase.

4.3. Whether to hold additional special session(s) this month. This is an established agenda item for Council’s discussion on whether to add an additional special study session and if so, to set the date.

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40-ADU

54-Animals

68-Setbacks

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97

5. **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.

6. **Adjourn.**

For Your Information:

Next Town Council Meeting: Tuesday, December 16, 2014, at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, January 8, 2015, at 6:00 p.m.

Next Town Council Work Session: Tuesday, January 13, 2015, 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.



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

TOWN COUNCIL STUDY SESSION

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

Agenda Item: 3.1 Town Building Code (Town Code of Ordinances Title XV Land Usage Chapter 150 Building Codes) changes as they are related to the 2012 International Code Council codes (2012 I-codes) summary presentation.

To: Town council

From: Yvonne Kimball, Town Manager

Date Submitted: December 5, 2014

Summary:

As many of you know, relating to the Building Codes, the Town is currently using the 2006 International Code Council codes (I-codes) with amendments. Many surrounding municipalities and Yavapai County have made strides to adopt the 2012 I-codes.

Town Council directed staff to proceed with preparing for the 2012 I-codes adoption in August. Since then, staff has been working on the building code changes related to the 2012 I-codes. Actual adoption will likely be in early 2015.

Although this code change does not fall within the Planning and Zoning Commission's normal scope of duties, in order to keep the Commission and the public better informed, Town Building Safety staff would like to go over the changes for the Town Building Code changes, especially as they are related to the 2012 I-codes. For example; comparing with the 2006 I-codes, the 2012 codes requires carbon monoxide alarms to be installed in new homes; would this change be appropriate and why?

Enclosed you will find a copy of the presentation made to the Planning and Zoning Commission on Dec. 4th. Some of the information has been shared with the Council in August when staff initially approached the Council on whether to proceed to 2012 I-codes.

In addition to the presentation to the Council, Town Building staff is scheduled to give a similar presentation to the P&Z at the December 4th P&Z meeting, and to the public on December 8th at 10:00 am.

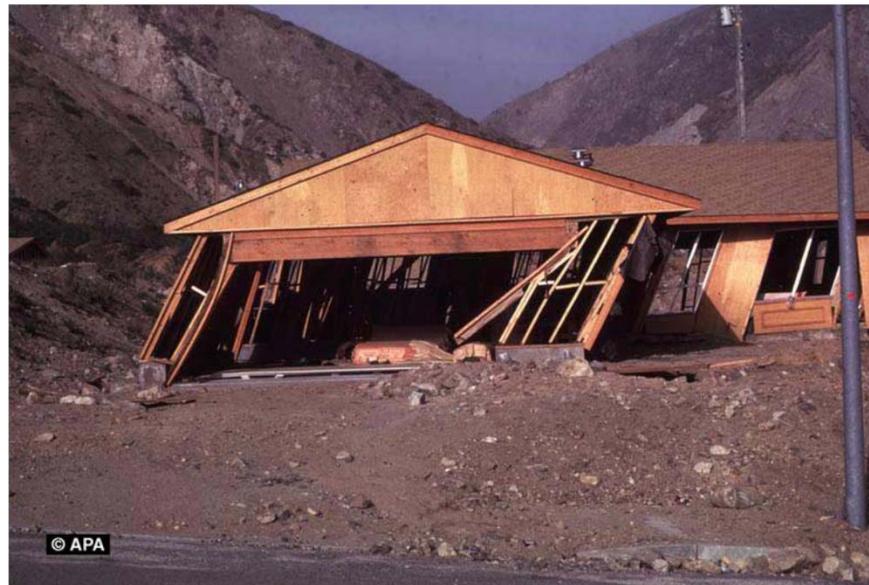
2012 I-Code

Prepared for the:

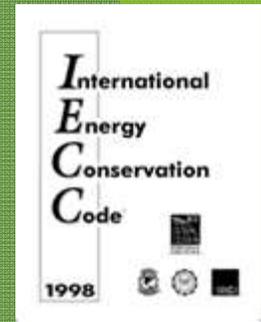
Town of Dewey-Humboldt Planning and Zoning

December 4, 2014

Terry Ford



Model Code-Evolution



- Prior to 1994 there were 3 model codes in the US
- Phoenix and many other communities had their own Code
- There was a great duplication of code ideas and many irregularities from community to community
- **International Code Council** was established in 1994

The I-Codes are International

All 50 states and the District of Columbia have adopted the I-Codes at the state or jurisdictional level.

But all of the I-Codes are amendable at a local level

Climatic areas, we are in CZ-4

Geological areas, we have expansive clays

Desires of the Community

The I-Codes are reviewed Nationally by engineers and professionals of the trades and published on a 3 year cycle.



Three year Cycle

The Town is presently on the 2006 I-Codes as amended.

The **2012 I-Codes** as amended is, has been, or is currently planned to be adopted by Prescott Valley, Prescott, Chino Valley and Yavapai County.

Reasons to advance to the 2012 I-Code

- ▶ Each series of I-Codes keeps the building construction current with the times. There are tweaked with incremental changes.
- ▶ The Builders will have **continuity** from municipality to municipality in the Quad City area and Yavapai County
- ▶ Each jurisdiction can amend the code as desired.
- ▶ The County has been working for the past year exercising the adoption process; because the county is rural with wells and septic systems they are our best model to follow.

SEVEN Amendment ITEMS

1. Arc-Fault Circuit Interrupter
2. Tamper Resistant Receptacles
3. Carbon Monoxide Alarms
4. Permit Requirements for Replacing Gas and Electric Residential Water Heaters (like for like) Exemptions
5. Water Heater Storage Tank Pans
6. Soils Testing
7. Energy Code

Seven Items to Consider

- !. Arc-Fault Circuit Interrupter throughout the new home
(Presently required in all Bedrooms)

26.99 - 46.55 each

10 / home

\$270 - \$465

Recommend NO



Seven Items to Consider

2. Tamper Resistant Receptacles

\$2.25 - \$8.40 each

50 / home

\$113 - \$420

Recommend NO



Seven Items to Consider

3. Carbon Monoxide Alarms

\$24.99 - \$49.99 each

4 / home

\$100 - \$200

Recommend YES with gas appliances

Recommend NO with elect appliances



Seven Items to Consider

4. Permit Requirements for Replacing Gas and Electric Residential Water Heaters (like for like) Exemptions



- ▶ Propane providers report that 80% of the LP gas water heaters replaced by homeowners have some problem, normally in the flue and combustion air requirements.
- ▶ Recommend a permit for LP water heaters and none for electric water heater change outs.

Seven Items to Consider

5. Water Heater Storage Tank Pans

\$20.65 - \$35.35 dependent on size

1 / home

\$21 - \$35

Recommend NO on single story

Recommend NO on two-story,
builders know to put them in homes.



Seven Items to Consider

6. Soils Testing

- ▶ Dewey-Humboldt has very expansive clays in some areas
- ▶ But not all areas
- ▶ Some municipalities require soil engineering on each lot
- ▶ That cost can be between \$500 and \$1500

Recommend NO unless it is obvious that the soil is expansive. Require the contractor / owner sign a acknowledgement that the questionable soil may be present.

Seven Items Considered

7. Energy Code

Recommend staying with the present 2006 Energy Code

- ▶ It provides for Good Insulation, Windows and Foundations
- ▶ HVAC and Building Envelope considerations.

Whereas, the 2012 IECC calls for

- ▶ Tighter Building Envelope
- ▶ Blower Door and Duck Blaster testing adding
- ▶ \$500 -\$1200 to each home.

SEVEN ITEM SUMMARY

NO Arc-Fault Circuit Interrupter

NO Tamper Resistant Receptacles

YES/NO Carbon Monoxide Alarms

(Yes for homes with LP gas appliances)

YES/NO Permit Requirements for Replacing Gas and Electric Residential Water Heaters (like for like) Exemptions

(Yes for the change out of LP water heaters)

NO Water Heater Storage Tank Pans

NO Soils Testing (Case by case basis)

NO Energy Code (Stay with the present 2006 IECC)

The Insurance Services Office

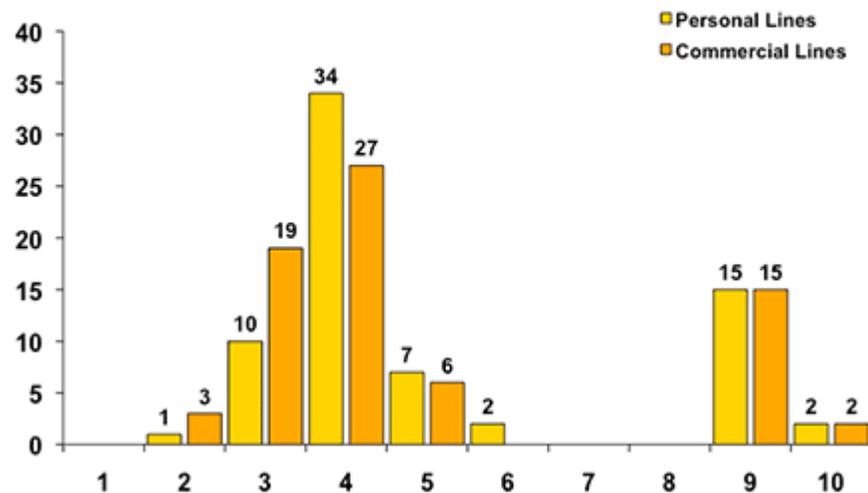
- ▶ The ISO survey rates Building Safety and Fire Departments as to the organization and code compliance. The fewer disasters (fire or structure) the less insurance companies pay out.
- ▶ This survey provides each community with a score from 1 to 10, with 1 being the best and 10 the worst.
- ▶ After the last survey the Town Building Safety Department received a score of 4 as did Yavapai County.
- ▶ Prescott received a 5 last month during their survey, they were told if they did not update their Building Codes their ISO rating would go to 9.
- ▶ Insurance companies may base community insurance rates on the ISO survey.

ISO importance

- ▶ Fire Department ratings are more critical than Building Safety Departments. This makes sense as a quicker response time will put the fire out faster and ultimately cause fewer pay outs by the insurance company.
- ▶ If you live within 5 road miles from the Dewey CYFD fire station your CYFD ISO rating is 5, if you live over 5 miles from a fire station your CYFD ISO rating is 10.
- ▶ If the Building Safety Department I-Codes are more than 5 years out of date (and the 2006 I-Code is) our ISO rating will go from 4 to 9 next year.

This is the ISO rating for communities in AZ.

- ▶ They seldom give an ISO rating of 1 (the best) or 10
- ▶ You can see the cluster is around 3 or 4
- ▶ The 9's you see are generally from outdated codes or poorly run Fire or Building Safety Departments.



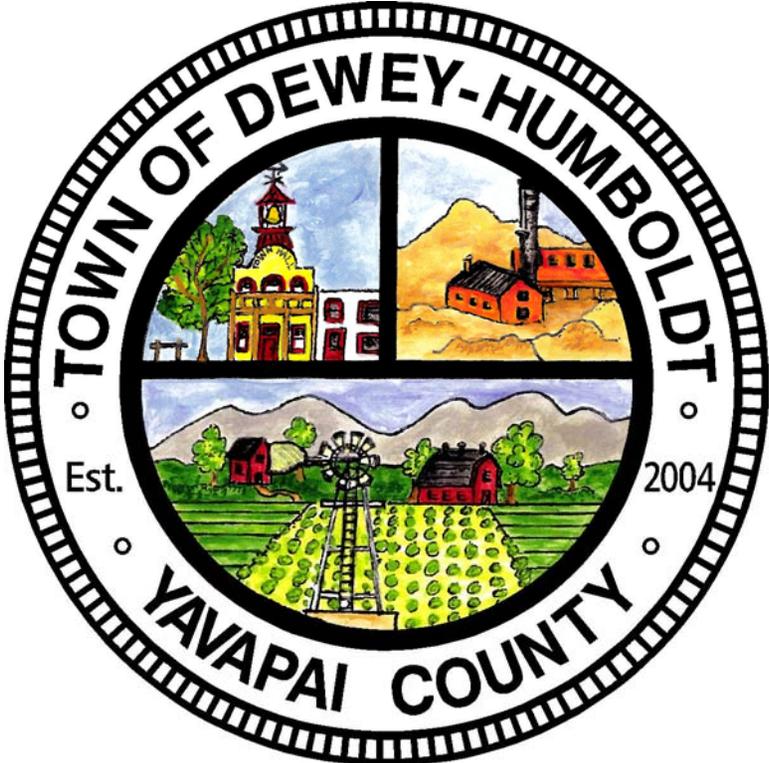
Bottom Line Return on Investment

- ▶ Tighter building envelopes equates to reduced Utility Cost for the citizen.
- ▶ Better ISO scores means reduced insurance rates for the citizen.
- ▶ Less builder confusion as all surrounding communities are on the same code series.
 - ▶ Less Plan Check confusion, quicker turn around.
 - ▶ Less Field Inspection confusion, fewer Red Tags.

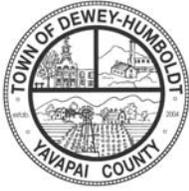
Moving forward with the 2012 codes

- ▶ Prescott Valley and Yavapai County are presently on the 2012 I-Codes
- ▶ Ready for Council adoption by February 1, 2015.

Thank you for your time and consideration



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

TOWN COUNCIL STUDY SESSION

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

Agenda Item # 3.2. APS Franchise Agreement Preliminary Discussion.

To: Mayor and Town Council Members

From: Yvonne Kimball, Town Manager

Date submitted: December 2, 2014

Summary:

The legal counsels of APS and the Town have been working on a franchise agreement. The Town Attorney is attending the meeting to provide the ins-and-outs of the draft franchise agreement.

FRANCHISE AGREEMENT

BETWEEN

ARIZONA PUBLIC SERVICE COMPANY

AND

TOWN OF DEWEY-HUMBOLDT, ARIZONA

Section 1. - Grant of Franchise:

There is hereby granted to Arizona Public Service Company, a corporation organized and existing under and by virtue of the laws of the State of Arizona (herein called "Grantee"), its successors and assigns, a franchise (herein called the "Franchise") to construct, maintain and operate its electrical system, as defined herein, upon, over, along, across and under the present and future public rights-of-way. These rights-of-way include but are not limited to streets, alleys, ways and highways in the Town of Dewey-Humboldt, Arizona (herein called "Town of Dewey-Humboldt"). Grantee's system includes electric power lines, together with all necessary or desirable appurtenances, including, but not limited to, poles, towers, wires, cables, conduits, transmission lines, transformers, switches and communication lines for its own use. This Franchise is for Grantee's use of Town's public rights-of-way to supply and deliver electric energy to Town, its successors, the inhabitants thereof, and all individuals and entities either within or beyond the limits thereof, for all purposes.

Any street lighting service furnished by Grantee to Town or to any street lighting improvement district within Town shall be the subject of a separate agreement and shall not be governed by the provisions of this Franchise.

This Franchise includes the right to use public rights-of-way for the location of communication lines and appurtenances owned and operated by Grantee incidental to supplying electric energy under this Franchise. This Franchise does not include the right to use public rights-of-way for one-way transmissions directly to customers, users or subscribers of video programming, if any, which is required for the selection of or response to video programming. For purposes of the foregoing, the term “video programming” means programming provided by or generally considered comparable to programming provided by a television broadcast station. Grantee agrees that if Grantee uses or leases to others, the wires, towers, cables or lines for any purpose other than supplying electric services, before such use or lease, Grantee or Grantee’s lessee shall apply for and obtain a separate license from Town.

Town shall not be liable to Grantee should Grantee construct facilities pursuant to this Franchise in an area over which Town has erroneously exercised jurisdiction.

Section 2. – Grantee’s Compliance with Town Code; Plans Submitted for Approval; Town Construction near Grantee’s Facilities:

_____Town expressly reserves unto itself, subject to the limitations of the Constitution and laws of Arizona, the right to ensure the safety and welfare of the public, including without limitation to, pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work performed in the public rights-of-way, including without limitation enforcement of this Franchise.

All construction under this Franchise shall be performed in accordance with applicable codes and ordinances of Town with respect to such public rights-of-way. Such construction shall be completed within a reasonable time. Before Grantee makes any installations in the public rights-of-way, Grantee shall upon request or direction from Town obtain a construction

permit and submit for approval a map showing the location of such proposed installations to the designated Town official. Town and Grantee agree and understand that there may be instances when Grantee is required to make repairs that are of an emergency nature. Grantee shall notify Town prior to such repairs, to the extent practicable, and shall obtain the necessary permits in a reasonable time after notification, showing the work performed in the public rights-of-way.

If Town authorizes either directly or through a contractor any construction project adjacent to or near Grantee's facilities operated pursuant to this Franchise, Town shall include in all such construction specifications, bids, and contracts, a requirement that the contractor or his designee must comply with the overhead power line safety laws (A.R.S. § 40-360.41 *et. seq.* as amended).

Section 3. – Construction and Relocation of Grantee's Facilities; Payment:

Annually, Town and Grantee shall provide one another with a general schedule of its known future construction projects in order that construction projects may be coordinated to the extent practicable. Neither party shall finalize the design of any facility without providing the other party notice as set forth in Section 15 below, and a reasonable opportunity to comment. If either party identifies a potential conflict between their existing facilities and the other party's proposed facilities, said party shall immediately notify the other party of such conflict and the parties shall use their best efforts to resolve such conflict.

All facilities installed or constructed pursuant to this Franchise shall be so located or relocated and so erected as to minimize the interference with traffic, or other authorized uses over, under or through the public rights-of-way. Furthermore, Grantee shall not install, construct, maintain or use its facilities in a manner that damages or interferes with any existing

facilities of another utility located in the public rights-of-way and agrees to relocate its facilities, if necessary, to accommodate another facility relocation that has a prior rights interest in the public rights-of-way.

Activities related to the construction of Grantee's facilities within the rights-of-way such as traffic control, backfilling, compaction and paving, and the location or relocation of lines and related facilities shall be subject to regulation by Town. Grantee shall keep accurate records of the location of all facilities in the public rights-of-way and furnish them to Town upon request. Upon completion of new or relocation construction of underground facilities in the public rights-of-way, Grantee shall, upon request or direction from Town, provide Town's Engineer with corrected drawings showing the location of the underground facilities in those cases where the actual location differs significantly from the proposed location. Grantee shall provide to Town the actual location of such new or relocated facilities in the public rights-of-way in an electronic format. Such format shall conform to utility industry best-practice standards. Grantee shall be required to obtain and pay all required fees and charges for construction permits and inspections of all non-electrical transmission or distribution facilities constructed within Town, including but not limited to, office buildings, storage buildings, or repair shops. Permits for electrical transmission or distribution facilities will be issued at no cost under this Franchise

- A. If Town requires Grantee to relocate Grantee's facilities which are located in private easements obtained by Grantee prior to Town's acquisition of said property from which the facilities must be relocated, the entire cost of relocating Grantee's facilities (including the cost of purchasing a new private easement if necessary) shall be borne by Town. Town shall also bear the entire cost of all

subsequent relocations of the relocated facilities required by Town, until such time as Town condemns or purchases Grantee's private easement.

B. Except as covered in Paragraph A above, Grantee shall bear the entire cost of relocating its facilities located on public rights-of-way, the relocation of which is necessary for Town's or a contractor of Town carrying out of Town's governmental functions. Notwithstanding the foregoing, if Grantee is requested to perform work of a temporary nature on a governmental project to relieve construction problems which could be relieved by other means, the cost of said temporary work will be borne by Town or Town's contractor working on the governmental project. Governmental functions are those duties imposed on Town, where the duties involve a general public benefit, not in the nature of a corporate or business undertaking for the corporate benefit and interest of Town. Governmental functions include, but are not limited to, the following:

1. Any and all improvements to Town's public rights-of-way;
2. Establishing and maintaining domestic water systems, sanitary sewers, storm drains, and related facilities;
3. Establishing and maintaining municipal parks, parking spaces, parkways, pedestrian malls, or grass, shrubs, trees and other vegetation for the purpose of landscaping any street or public property;
4. Providing fire protection and other public safety functions; and
5. Collection and disposal of garbage and recyclables.
6. The relocation of Grantee's facilities necessary to carry out the exercise of the Town's police power for urban renewal.

- C. Town will bear the entire cost of relocating any of Grantee's facilities, the relocation of which is necessitated by the construction of improvements by or on behalf of Town in furtherance of a proprietary function. All functions of Town which are not governmental are proprietary.
- D. If Town participates in the cost of relocating Grantee's facilities for any reason, the cost of relocation to Town shall not include any upgrade or improvement of Grantee's facilities as they existed prior to relocation.
- E. Town will not exercise its right to require Grantee's facilities to be relocated in an unreasonable or arbitrary manner, or to avoid its obligation under the Franchise. Town agrees to notify Grantee during the planning and design of Town's projects in rights-of-way that may require relocation of Grantee's facilities and to coordinate its construction plans and schedules with Grantee to determine the most cost-effective design to mitigate Grantee's cost to relocate its facilities.
- F. Town agrees it will not require Grantee to relocate its facilities located within the public rights-of-way without providing Grantee adequate space within the rights-of-way to relocate the facilities that must be moved.
- G. Town will not plant any tree that can normally grow to a height of more than 25 feet under or adjacent to Grantee's overhead power lines in the public rights-of-way. Grantee shall have the authority to prune or remove any trees or shrubs located within or hanging over the limits of the public rights-of-way of Town that in the judgment of Grantee may interfere with the construction, or endanger the operation, of the lines and/or facilities of Grantee. All said vegetation

management work is to be done at Grantee's expense and pursuant to A.N.S.I. Standard A300.

Section 4. – Indemnification:

Town, its departments, officers, employees, agents, successors and assigns, shall in no way be liable or responsible for any accident or damage that may occur in the construction, operation or maintenance by Grantee of its appurtenances hereunder, except to the extent such accident or damage may be proximately caused by the negligent or willful and wanton acts or omissions of Town, its departments, officers, employees, agents, successors and assigns. The acceptance of this Franchise shall be deemed an agreement on the part of Grantee that Grantee shall, to the fullest extent permitted by law, defend, indemnify, and hold Town harmless from and against any and all claims, costs, suits, damages, judgments, expenses and losses including, but not limited to attorney fees and court costs relating to, arising out of, or alleged to have resulted from the exercise of this Franchise by Grantee; provided, however, that such claims, expenses and losses are not the result of the willful misconduct or negligent acts or omissions of Town

Grantee, so long as it maintains, operates or owns facilities, within rights-of-way of Town, at its own cost and expense, shall keep, or cause to be kept, in force insurance against claims and liability for personal injury, death and property damage arising from the construction, operation or maintenance by Grantee of its facilities in a reasonable amount sufficient to insure Grantee's obligations under this Section, with Town named as an additional insured. Grantee shall provide Town with 30 days written notice of material change, cancellation or nonrenewal by the insurer. The policy shall be primary and noncontributing with any policy of Town.

Section 5. – Restoration of Rights-of-Way:

Whenever Grantee shall cause any opening or alteration whatsoever to be made for any purpose in any public right-of-way, the work shall be completed with due diligence within a reasonably prompt time. Grantee will restore the disturbed property to a condition as good as it was prior to such opening or alteration. Town agrees that this requirement shall be deemed met if the disturbed property is restored with comparable materials, so that the restoration meets or exceeds industry and Town standards as adopted by the Town Council.

Section 6. – Franchise Fee:

Grantee shall pay to Town in consideration of the grant of this Franchise a sum equal to two percent (2%) of all revenues of Grantee, including Regulatory Assessments, but excluding transaction privilege taxes and similar governmental impositions, from the retail sales and/or delivery by it of electric energy and other charges for services attendant to the retail sale and/or delivery of electric energy delivered through Grantee's electric distribution system within the present and any future corporate limits of Town, as shown by Grantee's billing records. Grantee shall not, however, pay said franchise fee on revenues charged to Grantee's retail customers by third party electric service providers. Said payments shall be in lieu of any and all fees, charges or exaction of any kind otherwise assessed by Town in any way associated with Grantee's use of the rights-of-way, including but not limited to, the construction of Grantee's facilities hereunder or for inspections thereof during the term of this Franchise.

For the purpose of verifying amounts payable hereunder, the books and records of Grantee shall be subject to inspection by duly authorized officers or representatives of Town at reasonable times.

Beginning AAAA, AA, AAAA, payment as described in the preceding paragraphs shall be payable in quarterly amounts within 30 days after the end of each calendar quarter.

Notwithstanding the provisions of this Franchise, if during the term of this Franchise Grantee enters into any electric franchise with any other municipality in Arizona during the term of this Franchise that provides for a higher percentage of Grantee's revenues than two percent (2%) or includes more categories of revenues than set forth in this Franchise, Grantee shall notify Town Council of such higher percentage or expanded revenue base. Town Council, at its sole discretion, shall have the option to, as applicable: (i) increase Grantee's franchise fee to the higher percentage rate; or (ii) include other revenue categories set forth in the franchise agreement Grantee has with the other entity of this State. Following Town Council's action, Grantee agrees to henceforth pay to Town a new franchise fee at the higher franchise percentage or to include the additional revenue categories.

Section 7. – Additional Fees and Taxes:

Notwithstanding any provision contained herein to the contrary, Grantee shall pay, in addition to the payment provided in Section 6, the following charges, taxes and fees as established in a code or ordinance properly adopted by Town:

- A. General ad valorem property taxes and special district assessments;
- B. Transaction privilege and use tax as authorized by law and collected by Grantee for its retail sales to its electric customers within the present and any future corporate limits of Town;
- C. Other charges, taxes or fees generally levied upon businesses by Town, provided said charge, tax or fee is a flat fee per year and that the annual amount of such fee does not exceed the amount of similar fees paid by any other businesses operated within Town.

Section 8. – Term:

This Franchise shall continue and exist for a period of twenty-five (25) years from DATE; provided, however, that either party may terminate this Franchise on its tenth anniversary by giving written notice of its intention to do so not less than one (1) year before the date of termination. If such notice is given for the purpose of negotiating a new franchise and such negotiation is successful, the party giving the notice of termination shall be responsible for the costs of the resulting franchise election.

Section 9. – Franchise; Non-Exclusive:

This Franchise is not exclusive, and nothing contained herein shall be construed to prevent Town from granting other like or similar grants or privileges to any other person, firm or corporation.

Section 10. – Conflicting Ordinances:

Notwithstanding any other provisions hereof, all ordinances and parts of ordinances in conflict with the provisions hereof, to the extent applicable to a franchised electric public service corporation, are hereby superseded.

Section 11. – Independent Provisions:

If any section, paragraph, clause, phrase or provision of this Franchise, shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Franchise as a whole or any part of the provisions hereof other than the part so adjudged to be invalid or unconstitutional.

Section 12. – Town Use of Facilities:

In consideration of this Franchise and the rights granted hereby, Town shall, if the following six criteria are met, have the right to place, maintain, and operate on Grantee's poles located on public rights-of-way within Town's corporate limits, any and all wires and

appurtenances (other than steps or climbing devices) for Town's fire alarm, police telephone or other municipal communications services utilized for governmental functions:

- A. Town must notify Grantee in writing of Town's intended use of Grantee's poles;
- B. Town shall, to the fullest extent permitted by law, defend, indemnify and hold Grantee harmless from any and all claims, costs, damages, expenses and losses, including but not limited to attorney fees and court costs relating to, arising out of, or alleged to have resulted from Town's use of Grantee's facilities pursuant to this Franchise; provided however, that such claims, expenses and losses are not the result of the willful misconduct or negligent acts or omissions of Grantee.
- C. Town's facilities and the installation and maintenance thereof must comply with the applicable requirements of the Occupational Safety and Health Act, the National Electrical Safety Code, and all other applicable rules and regulations as amended. If Town does not comply with all applicable laws, ordinances and regulations, or if Town's facilities create an immediate safety hazard, Grantee retains the right to remove or correct Town's facilities at Town's expense;
- D. Town's facilities and the installation and maintenance thereof must not cause Grantee's facilities and the installation and maintenance thereof to be out of compliance with all applicable requirements of the Occupational Safety and Health Act and the National Electrical Safety Code and all other applicable rules and regulations as amended. If Town does not comply with all applicable laws, ordinances and regulations, or if Town's facilities create an immediate safety hazard, Grantee retains the right to remove or correct Town's facilities at Town's expense;

- E. Town's use of its facilities shall not interfere with Grantee's use of Grantee's facilities, and;
- F. Town shall be responsible for any incremental costs incurred by Grantee as a result of Town's use of Grantee's facilities.

Section 13. – No Third Party Beneficiaries:

There are no third party beneficiaries to this Franchise agreement between Town and Grantee.

Section 14. – Voter Approval Required:

This Franchise is subject to the approval of the electors of Town. Grantee shall pay all of the costs incurred in conducting the franchise election, except that, if one or more additional propositions are presented to the electors at such election, Grantee shall pay only that portion of Town's election expense determined by dividing all of Town's expenses by the number of issues presented on the ballot.

Section 15. – Notices:

Any notice required or permitted to be given hereunder shall be in writing, unless otherwise expressly permitted or required, and shall be deemed effective either (i) upon hand delivery to the person then holding the office shown on the attention line of the address below, or, if such office is vacant or no longer exists, to a person holding a comparable office, or (ii) on the third business day following its deposit with the United States Postal Service, first class and certified or registered mail, return receipt requested, postage prepaid, addressed as follows:

- A. To Town: Town Clerk
Town of Dewey-Humboldt
PO Box 69
Humboldt, AZ 86329

B. To Arizona Public Service: APS Franchise Department
Arizona Public Service Company
P.O. Box 53999, M.S. 3111
Phoenix, Arizona 85072-3999

Section 16. – Adoption:

We, the undersigned, have adopted this document on the dates written below in accordance with the results of the Town Election on DATE.

TOWN ARIZONA PUBLIC SERVICE COMPANY,
An Arizona Corporation

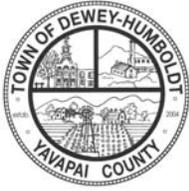
By _____	By _____
Terry Nolan	Daniel T. Froetscher, Sr. Vice President
Town Mayor	APS Transmission, Distribution & Customers
On behalf of the Town of Dewey-Humboldt	On behalf of Arizona Public Service Company
Date: _____	Date: _____

ATTEST:

Judy Morgan, Town Clerk

APPROVED AS TO FORM:

[Curtis, Goodwin, Sullivan,](#)
[Udall & Schwab, PLC](#)
[By Susan D. Goodwin](#)
Town Attorney



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

TOWN COUNCIL STUDY SESSION

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

Agenda Item # 3.3. Council discussion on the three tasks given to the Planning and Zoning Commission (P&Z) prior to the January joint meeting with P&Z; three projects being “accessory dwelling unit ordinance (proposed ordinance 2014-104)”, “animal related codes review” and “zoning setbacks review”.

To: Mayor and Town Council Members
From: Yvonne Kimball, Town Manager

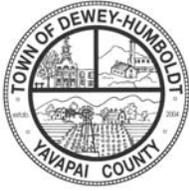
Date submitted: December 2, 2014

Summary:

The Council has given three projects for P&Z to look into. 1. Code review regarding accessory dwelling units, guest homes, medical dwelling (originally tasked in 2012); 2. Review of Animal related code of ordinances for missing links, definitions and such; 3. Zoning setbacks.

Staff and P&Z have done research on the three tasks. At the P&Z Commission’s request, Council agreed to hold a joint meeting in January with P&Z to go over the three subjects. Further, Council wanted to have a work session discussion in December so that collectively the Council can form directions to P&Z and staff.

Enclosed are the reports prepared by staff for the three subjects.



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

MEETING OF THE PLANNING & ZONING ADVISORY COMMISSION

October 9, 2014, 6:00 p.m., Town Council Chambers

Agenda Item: 8.1. Continued discussion on proposed Ordinance 14-104 regarding Accessory Dwelling Units (ADU).

To: Planning & Zoning Commission
From: Yvonne Kimball, Town Manager
Date Submitted: October 2, 2014

Recommendation: Accept 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 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 wishes to present the findings. Enclosed please find the analysis report and the proposed Ordinance 14-104 regarding Accessory Dwelling Units.

We recommend P&Z accept staff’s recommendations outlined in the attached memo.

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>
--	--

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.



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

MEETING OF THE PLANNING & ZONING ADVISORY COMMISSION

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

Agenda Item: 3.3 Animal Code Project Summary

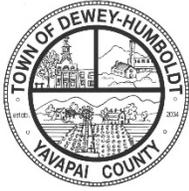
To: Town Council

From: Connie Dedrick, Community Development Officer

Date Submitted: December 2, 2014

Summary: In May 2014 staff was directed by the Town Council to review the current animal code. In August 2014 a "Moving Forward Plan" was developed and approved which included staff research, meeting with Yavapai County Sheriff's Office (who handles the town's animal control services through IGA), discussions with other jurisdictions as well as a community involvement element which was introduced early on to inform on the town code and receive feedback from town residents. Staff has conducted hours of research, held three community outreach meetings since July 2014 and has received feedback from the Commission and Town Council on the issue.

The Project Summary presented to the Planning & Zoning Commission is attached for your review and consideration.



TOWN OF DEWEY-HUMBOLDT
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MEETING OF THE PLANNING & ZONING ADVISORY COMMISSION

DECEMBER 4, 2014 6:00 P.M. Town Council Meeting Chambers

Agenda Item: 9.1 Animal Code Project Summary and Report

To: Planning & Zoning Advisory Commission

From: Connie Dedrick, Community Development Officer

Date: November 7, 2014

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

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

Community Element:

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

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

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

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

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

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

Research:

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

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

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

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

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

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

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

Staff’s Recommendation:

The common elements that have triggered review of the Town’s Animal Code are: barking dogs, “at large” complaints, what constitutes a kennel, missing links and missing definitions. YCSO responds to barking and “at large” complaints (Town Code - Title 90) through an Inter-

governmental agreement. Town staff enforces zoning and land use codes in relation to animal numbers through the Town's code via the complaint process. The State currently defines and regulates exotic animals and it is staff's recommendation to leave this regulation with the State.

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

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

Option 1 – Full Revision of Animal Code

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

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

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

Option 2 – Partial Revision of Animal Code

Consider revising the following definitions and regulations:

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

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

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

Option 3 – No Revision

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

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

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

Ordinance Revision Evaluation Sheet

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

TITLE IX: GENERAL REGULATIONS, CHAPTER 90 – ANIMALS

- 90.01 Definitions
- 90.02 General provisions
- 90.03 Enforcement
- 90.04 Exemptions
- 90.05 Biting animals
- 90.06 Release of impounded dog
- Vicious Animals
 - 90.15 Definitions
 - 90.16 Determination of Town Magistrate
 - 90.17 Control of dangerous animals
 - 90.18 Killing of dangerous animals
- Livestock
 - 90.30 Definitions
 - 90.31 Livestock roaming at large
 - 90.32 Investigation and enforcement
 - 90.33 Payment of citation in lieu of penalties
 - 90.99 Penalty

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

§ 90.01 DEFINITIONS.

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

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

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

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

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

§ 90.02 GENERAL PROVISIONS.

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

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

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

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

§ 90.03 ENFORCEMENT.

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

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

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

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

§ 90.04 EXEMPTIONS.

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

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

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

§ 90.05 BITING ANIMALS.

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

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

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

§ 90.06 RELEASE OF IMPOUNDED DOG.

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

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

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

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

§ 90.15 DEFINITIONS.

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

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

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

§ 90.16 DETERMINATION OF TOWN MAGISTRATE.

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

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

§ 90.17 CONTROL OF DANGEROUS ANIMALS.

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

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

§ 90.18 KILLING OF DANGEROUS ANIMALS.

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

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

*****LIVESTOCK*****

§ 90.30 DEFINITIONS.

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

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

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

§ 90.31 LIVESTOCK ROAMING AT LARGE.

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

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

§ 90.32 INVESTIGATION AND ENFORCEMENT.

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

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

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

§ 90.33 PAYMENT OF CITATION IN LIEU OF PENALTIES.

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

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

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

§ 90.99 PENALTY.

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

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

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

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

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

TITLE XV: LAND USAGE, ZONING REGULATIONS – CHAPTER 153

153.005 DEFINITIONS

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

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

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

§ 153.036 R1L DISTRICT (RESIDENTIAL; SINGLE FAMILY LIMITED)

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

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

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

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

§ 153.046 M1 DISTRICT (INDUSTRIAL; GENERAL LIMITED).

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

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

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

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

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

- (b) Area limitations for uses and buildings;
 - (c) Limitations on hours of operations;
 - (d) Confining uses to closed (or partially closed) buildings; and
 - (e) Prohibitions against livestock and other animals.
- (2) Dispensing of gasoline and similar petroleum products from exposed storage tanks (subject to requirements of Underwriters Laboratories Inc. or similar), provided no such tank shall be located closer than 25 feet to the lot boundaries.
- (3) Manufacturing, machining, tooling, assembly, fabrication, welding, milling, molding, equipping, decorating, glazing, repairing, servicing, cleaning, winding, printing, publishing, pickling, brewing, distilling, salvage (but not wrecking), equipment, material and dead storage yards, plating and polishing, meat packing (no slaughtering except rabbits and poultry), ~~animal treating, boarding, breeding and sales~~, warehousing (including elevators), freight yards, circuses and carnivals, race tracks and stadiums; and
- (4) Signs: see §§ 153.125 through 153.138.
- (C) (1) Yards required: same as for commercial districts;
- (2) Building heights: use permit required to exceed 30 feet or two stories; and
- (3) Building density: no requirements.

(Ord. § 431, passed 9-4-2008)

§ 153.066 ACCESSORY USES AND STRUCTURES.

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

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

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

- (1) The structures shall not be located in the required front yard, or required street side yard, or in front of the front line of the dwelling or principal building;
- (2) The structure shall in no case be located nearer than five feet to any side or rear property line;
- (3) The structure does not exceed a height of 15 feet within a required side or rear yard;
- (4) The structure does not exceed the maximum building height of the zoning district in which the structure is located;
- (5) Not more than two such structures shall be erected per lot or parcel; and
- (6) The tower and antenna shall be retractable.

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

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

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

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

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

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

(F) Allowed animal chart.

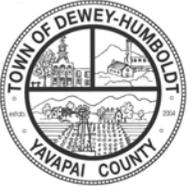
Allowed Animal Chart	
Type	Animals Allowed
Category A - Dairy cow, bison, steer/heifer, horse or other similar size/weight	2 per acre*
Category B - Ostrich, miniature horse, llama, alpaca, sheep, goat, emu or other of similar size/weight	5 per acre*
Category C - Turkeys, peacocks, geese, pheasants, ducks,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

(Ord. § 501, passed 9-4-2008)

Arizona Summary of Law Regarding Exotic Pets

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

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



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MEETING OF THE PLANNING & ZONING ADVISORY COMMISSION

October 9, 2014, 6:00 p.m., Town Council Chambers

Agenda Item: 9.1. Review of existing District Zoning Setbacks per Town Council request.

To: Planning & Zoning Commission

From: Connie Dedrick, Community Development Coordinator

Date Submitted: September 9, 2014

Summary: On September 2, 2014 the Council directed the Planning & Zoning Commission to review the Town Code of Ordinance pertaining to district zoning setbacks.

In land use, setbacks are distances from the property line to structures, streets/roads, and the like. There are setbacks from property lines to homes and other accessory structures. Early on in the 1900's, setbacks were uncommon with the exception of vertical construction or by developers that incorporated setbacks into the design.

With the advent of the automobile, setbacks became more common due to the need for larger roads, sidewalks and public right-of-way requirements. Today setbacks are also incorporated for separation of structures due to fire safety and health hazards.

Enclosed for your review are the following Town and County zoning requirements:

- Town of Camp Verde
- Town of Chino Valley
- Town of Dewey- Humboldt
- Yavapai County

Out of the aforementioned zoning districts, Chino Valley has passed an ordinance amendment whereby building setbacks are based on the street/road in which the property abuts. The ordinance was amended for future roadway acquisition.

Moving Forward: Staff would like to schedule work sessions in the future to assist the Planning & Zoning Commission in researching and for further discussion of this item.

Setback (architecture)

From Wikipedia, the free encyclopedia

A **setback**, sometimes called **step-back**, is a step-like recession in a wall. Setbacks were initially used for structural reasons, but now are often mandated by land use codes, or are used for aesthetical reasons. In densely built-up areas, setbacks also help to get more daylight to the street level.

Contents

- 1 History
- 2 Setbacks and urban planning
- 3 References
- 4 External links

History

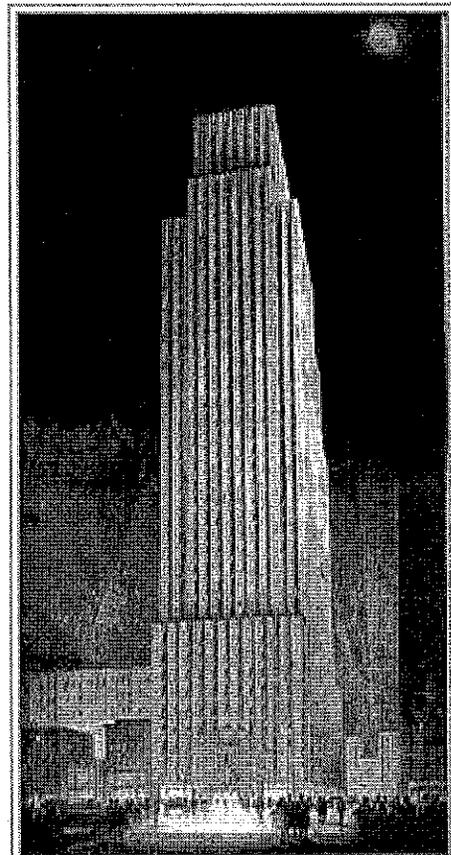
Setbacks were used by ancient builders to increase the height of masonry structures by distributing gravity loads produced by the building material such as clay, stone or brick. This was achieved by regularly reducing the footprint of each level located successively farther from the ground. Setbacks also allowed the natural erosion to occur without compromising the structural integrity of the building. The most graphic example of a setback technique is the step pyramids of Mesopotamia and Ancient Egypt, such as the Tepe Sialk ziggurat or the Pyramid of Djoser.

For centuries, setbacks were a structural necessity for virtually all multi-level load-bearing masonry buildings and structures. As architects learned how to turn setbacks into an architectural feature, most setbacks were however less pronounced than in step pyramids and often skillfully masked by rich ornamentation.

The introduction of a steel frame structural system in the late 19th century eliminated the need for structural setbacks. The use of a frame building technology combined with conveniences such as elevators and motorized water pumps influenced the physical growth and density of buildings in large cities. Driven by the desire to maximize the usable floor area, some developers avoided the use of setbacks, creating in



Setbacks on the Pyramid of Djoser.



New York Daily News Building featuring a number of setbacks. It was designed by architect Raymond Hood, 1929. The 1916 Zoning Resolution of New York led to many soaring, setbacked towers.

many instances a range of fire safety and health hazards. Thus, the 38-story^[1] Equitable Building, constructed in New York in 1915, produced a huge shadow, said to "cast a noonday shadow four blocks long"^[1] which effectively deprived neighboring properties of sunlight.

Setbacks and urban planning

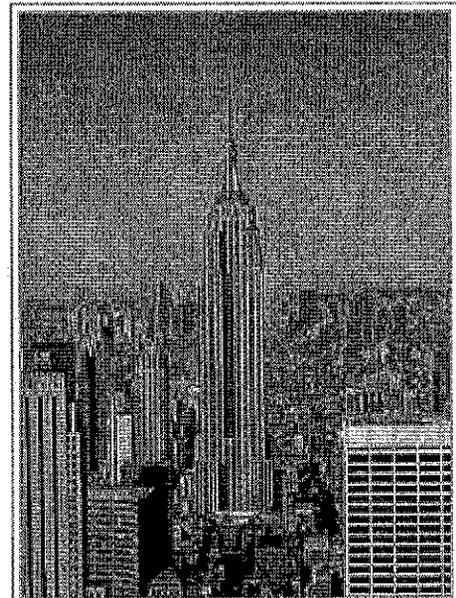
Today many jurisdictions rely on urban planning regulations, such as zoning ordinances, which use setbacks to make sure that streets and yards are provided more open space and adequate light and air. For example, in high density districts, such as Manhattan in New York, front walls of buildings at the street line may be limited to a specified height or number of stories. Above that height, the buildings are required to set back behind a theoretical inclined plane, called *sky exposure plane*, which cannot be penetrated by the building's exterior wall. For the same reason, setbacks may also be used in lower density districts to limit the height of perimeter walls above which a building must have a pitched roof or be set back before rising to the permitted height.

In many cities, building setbacks add value to the interior real estate adjacent to the setback by creating usable exterior spaces. These setback terraces are prized for the access they provide to fresh air, skyline views, and recreational uses such as gardening and outdoor dining. In addition, setbacks promote fire safety by spacing buildings and their protruding parts away from each other and allow for passage of firefighting apparatus between buildings.

In the United States, setback requirements vary among municipalities. For example, the absence of sky exposure plane provisions in Chicago's Zoning Code makes the Chicago skyline quite different from the skyline of New York where construction of tall buildings was guided by the zoning ordinance since 1916. The New York City Zoning Ordinance also provided another kind of setback guideline, one that was intended to increase the amount of public space in the city. This was achieved by increasing the minimum setback at street level, creating in each instance an open space, often referred to as plaza, in front of the building.

References

Notes



Increasing setbacks make the Empire State Building in New York taper with height.



The Malloch Building in San Francisco is stepped back along the contour of the steep side of Telegraph Hill

- ^a ^b Allen, Irving Lewis (1995). "Skyscrapers". In Kenneth T. Jackson. *The Encyclopedia of New York City*. New Haven, CT & London & New York: Yale University Press & The New-York Historical Society. p. 1074. ISBN 0-300-05536-6.

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External links

- NYC Zoning History (<http://www.nyc.gov/html/dcp/html/zone/zonehis.shtml>)

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Categories: Architectural elements | Real property law | Urban studies and planning terminology
| Walls

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Setback (land use)

From Wikipedia, the free encyclopedia

In land use, a **setback** is the distance which a building or other structure is set back from a street or road, a river or other stream, a shore or flood plain, or any other place which is deemed to need protection. Depending on the jurisdiction, other things like fences, landscaping, septic tanks, and various potential hazards or nuisances might be regulated. Setbacks are generally set in municipal ordinances or zoning. Setbacks along state, provincial, or federal highways may also be set in the laws of the state or province, or the federal government.

Homes usually have a setback from the property boundary, so that they cannot be placed close together. Setbacks may also allow for public utilities to access the buildings, and for access to utility meters. In some municipalities, setbacks are based on street right-of-ways, and not the front property line. Nonetheless, many of the world's cities, such as those built in the US before 1916 and the beginnings of zoning in the United States, do not employ setbacks. Zoning –and laws pertaining to site development, such as setbacks for front lawns– has been criticized recently by urban planners (most notably Jane Jacobs) for the role that these laws have played in producing urban sprawl and automobile-dependent, low-density cities.

Older houses have smaller setbacks between properties, as walking was a primary mode of transportation and the distance people walked to actual destinations and, eventually, streetcar stops had to be kept short out of necessity. Distances of one to five feet at most are common in neighborhoods built in the United States before 1890, when the electric streetcar first became popular. Most suburbs laid out before 1920 have narrow lots and setbacks of five to fifteen feet between houses. As automobile ownership became common, setbacks increased further because zoning laws required developers to leave large spaces between the house and street. Recently, in some areas of the United States, setback requirements have been lowered so as to permit new homes and other structures to be closer to the street, one facet of the low impact development urban design movement. This permits a more usable rear yard and limits new impervious surface areas for the purposes of stormwater infiltration.

Mailboxes, on the other hand, often have a *maximum* setback instead of a minimum one. A postal administration or postmaster may mandate that if a mailbox on a street is too far from the curb for the letter carrier to insert mail, without having to get out of the vehicle, the mail may not be delivered to that address at all until the situation is corrected.

References

Retrieved from "[http://en.wikipedia.org/w/index.php?title=Setback_\(land_use\)&oldid=619900311](http://en.wikipedia.org/w/index.php?title=Setback_(land_use)&oldid=619900311)"

Categories: Land management | Urban studies and planning terminology | Zoning

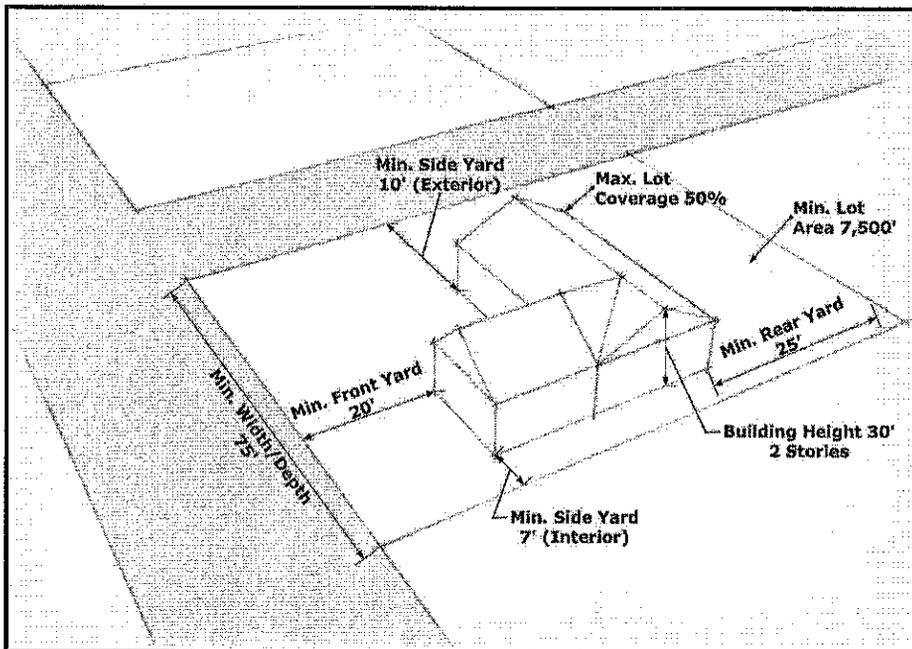
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development or other construction project (subject to District setbacks) for a period not to exceed 12 months.

Table 2-1: R1L Dimensional Standards

Zoning District	"R1L"
Minimum Lot Area (sq.ft.)	7,500'
Minimum Area/Dwelling (sq.ft.)	7,500'
Minimum Width OR Depth (feet)	75'
Maximum Bldg Ht (stories)	2
Maximum Bldg Ht (feet)	30'
Maximum Lot Coverage (%)	50%
Minimum Between Buildings (feet)	10'
Minimum Front Yard (feet)	20'
Minimum Rear Yard (feet)	25'
Minimum Side Yard Interior (feet)	7'
Minimum Side Yard Exterior (feet)	10'

Figure 2-1: R1L Dimensional Standards



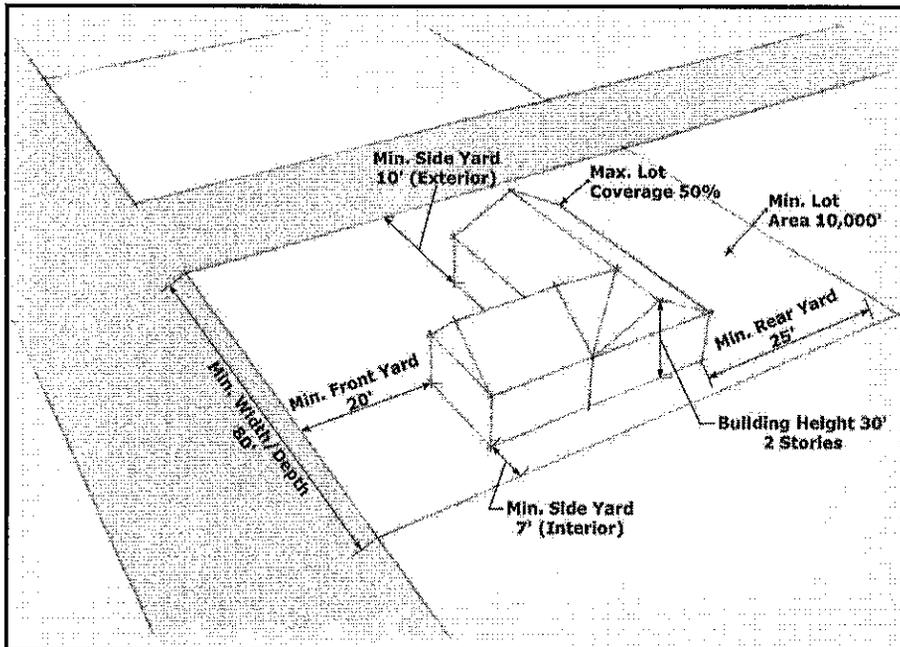
B. R1 DISTRICT (Residential: single-family)

1. Purpose:

Table 2-2: R1 Dimensional Standards

Zoning District	"R1"
Minimum Lot Area (sq.ft.)	10,000'(or as determined by suffix)
Minimum Area/Dwelling (sq.ft.)	10,000'
Minimum Width OR Depth (feet)	80' (or as determined by suffix)
Maximum Bldg Ht (stories)	2
Maximum Bldg Ht (feet)	30'
Maximum Lot Coverage (%)	50%
Minimum Between Buildings (feet)	10'
Minimum Front Yard (feet)	20'
Minimum Rear Yard (feet)	25'
Minimum Side Yard Interior (feet)	7'
Minimum Side Yard Exterior (feet)	10'

Figure 2-2: R1 Dimensional Standards



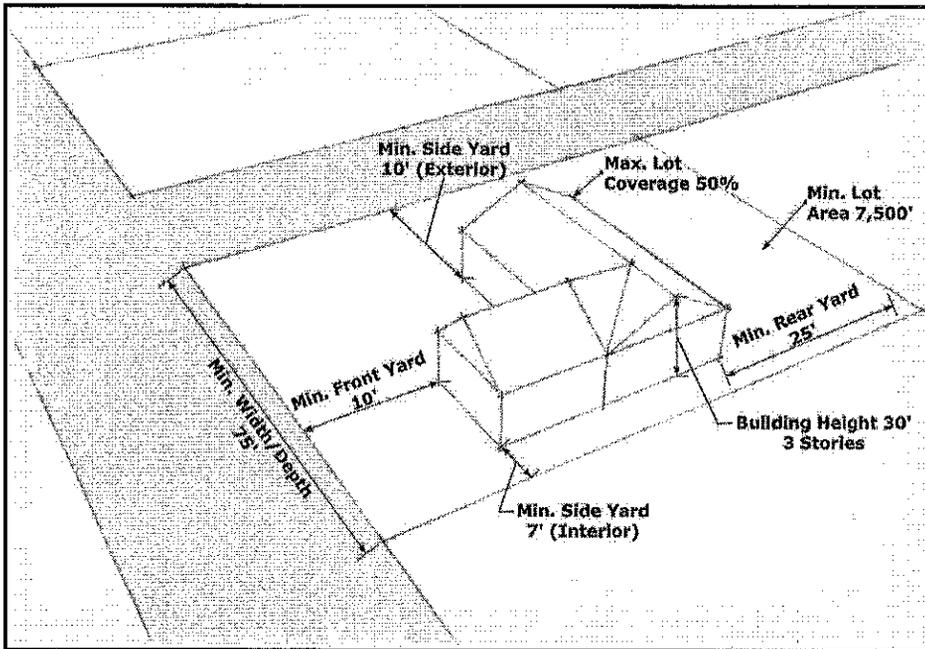
C. R2 DISTRICT (Residential: Duplex & Other Multi-Family Uses)

1. Purpose:
The R2 District is intended to provide for medium-high density residential living including single-family, site built, modular and manufactured housing, multiple-family and group dwelling units. Mobile Homes Prohibited See Part 3 Section 306B.2.c
2. Permitted Uses and Structures:

Table 2-3: R2 Dimensional Standards

Zoning District	"R2"
Minimum Lot Area (sq.ft.)	7,500'
Minimum Area/Dwelling (sq.ft.)	3,000'
Minimum Width OR Depth (feet)	75'
Maximum Bldg Ht (stories)	3
Maximum Bldg Ht (feet)	30'
Maximum Lot Coverage (%)	50%
Minimum Between Buildings (feet)	10'
Minimum Front Yard (feet)	10'
Minimum Rear Yard (feet)	25'
Minimum Side Yard Interior (feet)	7'
Minimum Side Yard Exterior (feet)	10'

Figure 2-3: R2 Dimensional Standards



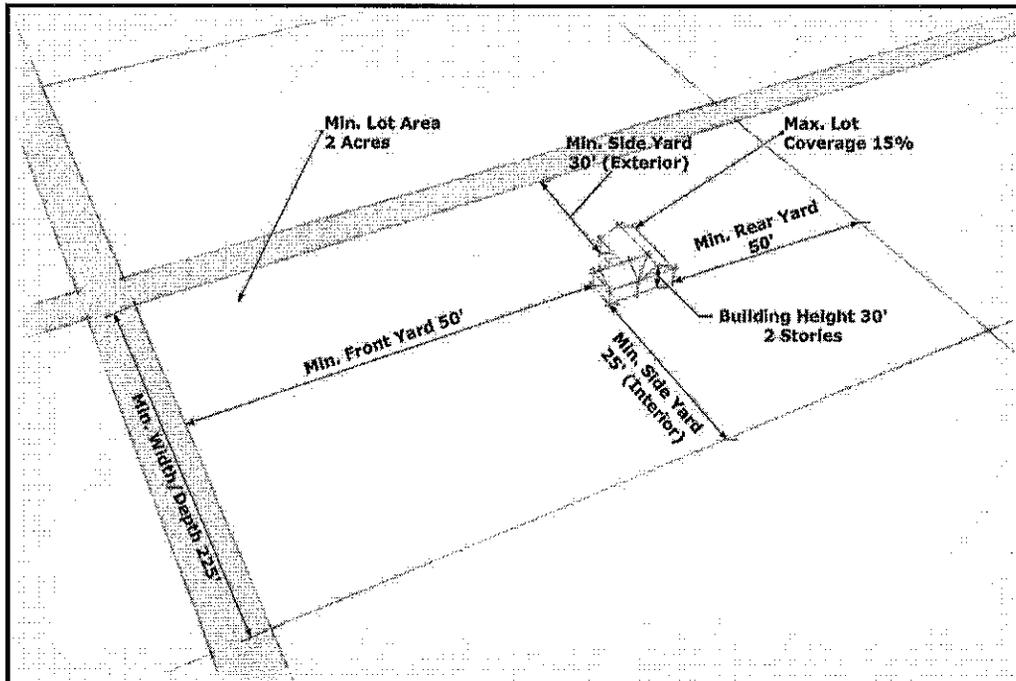
D. R-R DISTRICT (Residential-Rural), (Formerly RCU)

1. Purpose:

Table 2-4: R-R Dimensional Standards

Zoning District	"R-R"
Minimum Lot Area (sq.ft.)	87,120' (2 acres)
Minimum Area/Dwelling (sq.ft.)	87,120' (2 acres)
Minimum Width OR Depth (feet)	225'
Maximum Bldg Ht (stories)	2
Maximum Bldg Ht (feet)	30'
Maximum Lot Coverage (%)	15%
Minimum Between Buildings (feet)	10'
Minimum Front Yard (feet)	50'
Minimum Rear Yard (feet)	50'
Minimum Side Yard Interior (feet)	25'
Minimum Side Yard Exterior (feet)	30'

Figure 2-4: R-R Dimensional Standards



E. RS DISTRICT (Residential and Services)

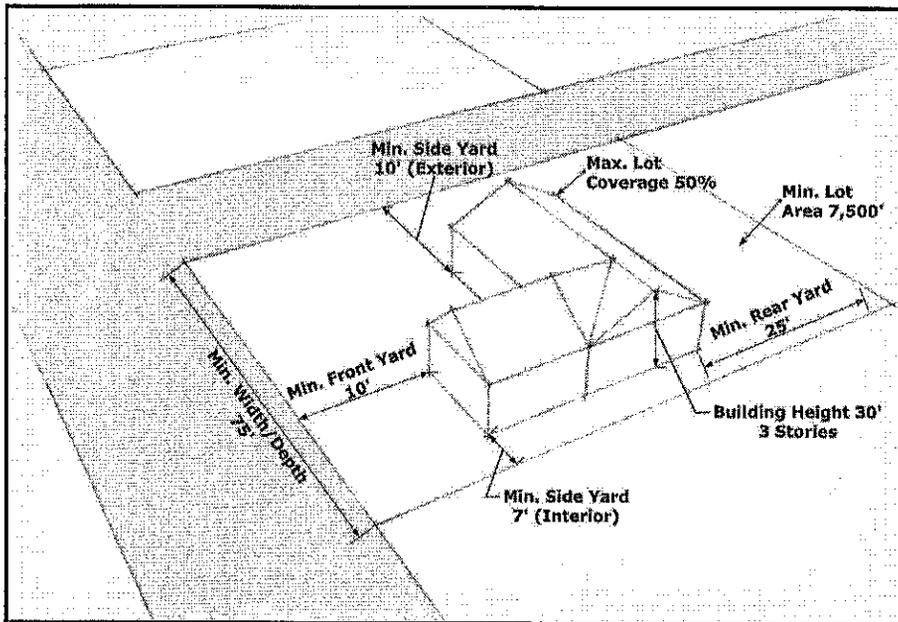
1. Purpose:

The RS District is intended to permit limited services and similar non-residential uses in addition to residential dwelling units. Manufactured, Modular or Site Built. Mobile Homes Prohibited See Part 3 Section 306 B.2.c

Table 2-5: RS Dimensional Standards

Zoning District	"RS"
Minimum Lot Area (sq.ft.)	7,500'
Minimum Area/Dwelling (sq.ft.)	3,000'
Minimum Width OR Depth (feet)	75'
Maximum Bldg Ht (stories)	3
Maximum Bldg Ht (feet)	30'
Maximum Lot Coverage (%)	50%
Minimum Between Buildings (feet)	10'
Minimum Front Yard (feet)	10'
Minimum Rear Yard (feet)	25'
Minimum Side Yard Interior (feet)	7'
Minimum Side Yard Exterior (feet)	10'

Figure 2-5: RS Dimensional Standards



F. C1 DISTRICT (Commercial: Neighborhood sales and services)

1. Purpose:

The C1 District is intended to permit limited business uses, as well as residential uses, to provide convenient supporting and service needs for nearby residents. Manufactured, Modular or Site Built.

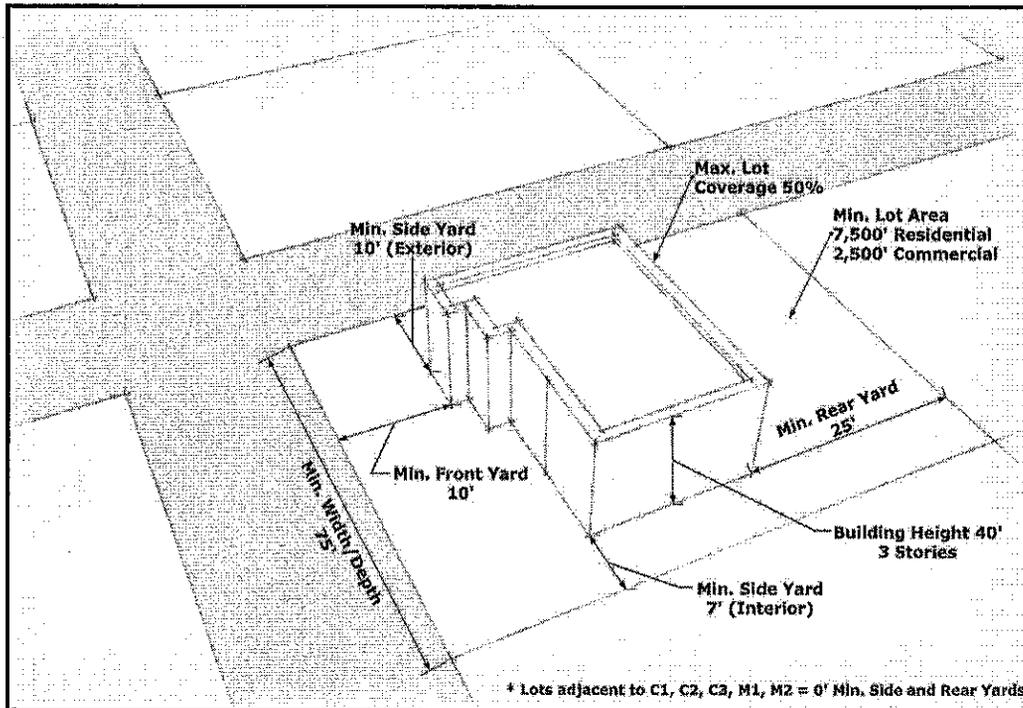
Mobile Homes Prohibited See Part 3 Section 306 B.2.c

Permitted Uses and Structures:

Table 2-6: C1 Dimensional Standards

Zoning District	"C1"
Minimum Lot Area (sq.ft.)	7,500' Res., 2,500' Com.
Minimum Area/Dwelling (sq.ft.)	2,000'; Hotels/Motels 300'/d.u.
Minimum Width OR Depth (feet)	75'
Maximum Bldg Ht (stories)	3
Maximum Bldg Ht (feet)	40'
Maximum Lot Coverage (%)	50%
Minimum Between Buildings (feet)	10'
Minimum Front Yard (feet)	10'
Minimum Rear Yard (feet)	0' (25' adjacent to residential zone)
Minimum Side Yard Interior (feet)	0' (7' adjacent to residential zone)
Minimum Side Yard Exterior (feet)	10'

Figure 2-6: C1 Dimensional Standards



G. C2 DISTRICT (Commercial: General sales and services)

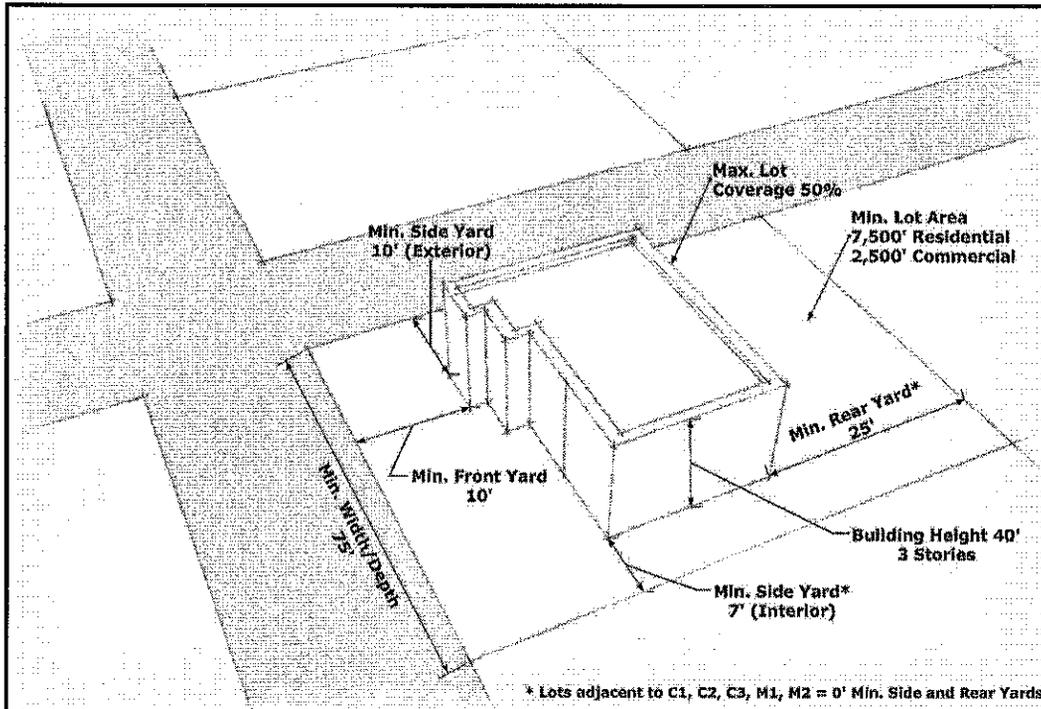
1. Purpose:

The C2 District is intended to permit a broader range of business uses compatible with permitted residential uses in the District and surrounding vicinity.

Table 2-7: C2 Dimensional Standards

Zoning District	"C2"
Minimum Lot Area (sq.ft.)	7,500' Res., 2,500' Com.
Minimum Area/Dwelling (sq.ft.)	1,000'; Hotels/Motels 300'/d.u.
Minimum Width OR Depth (feet)	75'
Maximum Bldg Ht (stories)	3
Maximum Bldg Ht (feet)	40'
Maximum Lot Coverage (%)	50%
Minimum Between Buildings (feet)	10'
Minimum Front Yard (feet)	10'
Minimum Rear Yard (feet)	0' (25' adjacent to residential zones)
Minimum Side Yard Interior (feet)	0' (7' adjacent to residential zones)
Minimum Side Yard Exterior (feet)	10'

Figure 2-7: C2 Dimensional Standards



H. C3 DISTRICT (Commercial: heavy commercial)

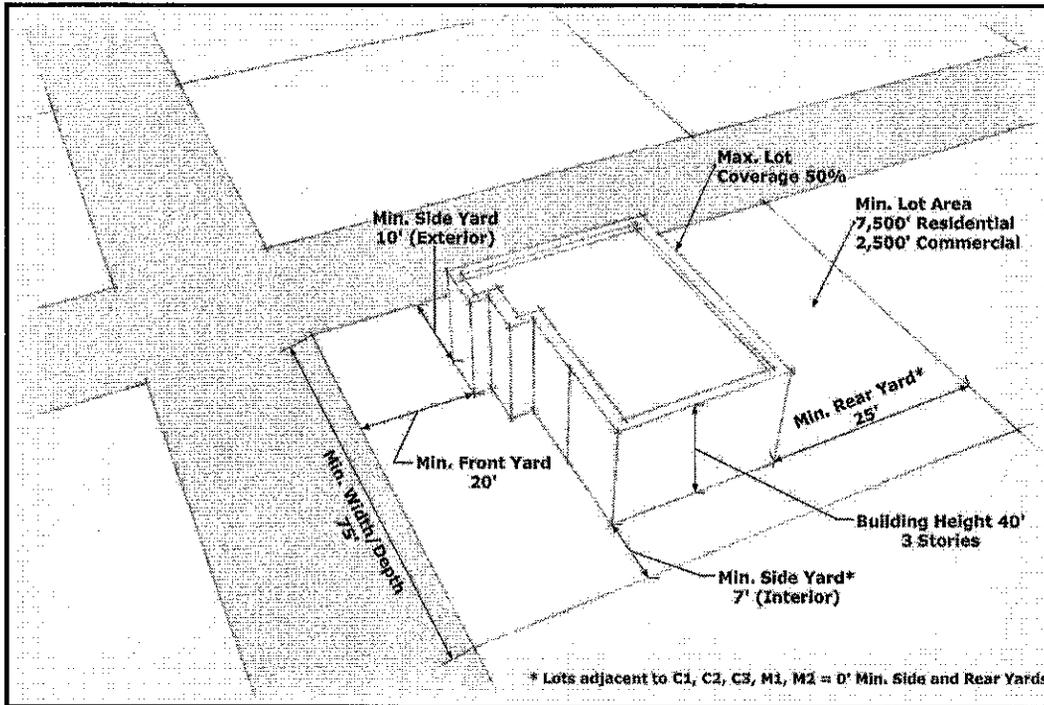
1. Purpose:

The C3 District is intended to accommodate a broad range of commercial sales and service uses, excluding certain activities and operations for which Industrial District zoning (PM, M1, M2) is required.

Table 2-8: C3 Dimensional Standards

Zoning District	"C3"
Minimum Lot Area (sq.ft.)	7,500' Res., 2,500' Com.
Minimum Area/Dwelling (sq.ft.)	1 Caretaker d.u. only
Minimum Width OR Depth (feet)	75'
Maximum Bldg Ht (stories)	3
Maximum Bldg Ht (feet)	40'
Maximum Lot Coverage (%)	50%
Minimum Between Buildings (feet)	10'
Minimum Front Yard (feet)	20'
Minimum Rear Yard (feet)	0' (25' adjacent to residential zones)
Minimum Side Yard Interior (feet)	0' (7' adjacent to residential zones)
Minimum Side Yard Exterior (feet)	10'

Figure 2-8: C3 Dimensional Standards



I. PM DISTRICT (Performance industrial)

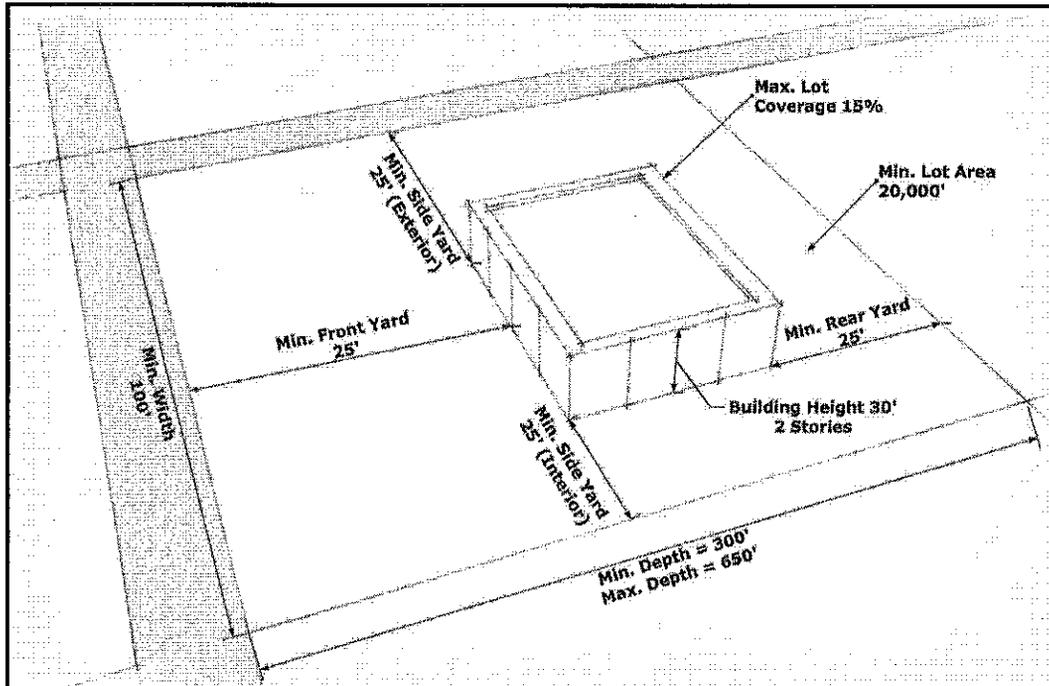
1. Purpose:

The PM District is intended to promote the development and operation of certain uses (such as, but not limited to, laboratories, light manufacturing and assembly) in a limited manner to foster residential

Table 2-9: PM Dimensional Standards

Zoning District	"PM"
Minimum Lot Area (sq.ft.)	20,000
Minimum Area/Dwelling (sq.ft.)	1 Caretaker d.u. only
Minimum Width OR Depth (feet)	100' Wide, 300' Deep, Max 650' Deep
Maximum Bldg Ht (stories)	2
Maximum Bldg Ht (feet)	30'
Maximum Lot Coverage (%)	15%
Minimum Between Buildings (feet)	10'
Minimum Front Yard (feet)	25'
Minimum Rear Yard (feet)	25'
Minimum Side Yard Interior (feet)	25'
Minimum Side Yard Exterior (feet)	25'

Figure 2-9: PM Dimensional Standards



J. M1 DISTRICT (Industrial: General)

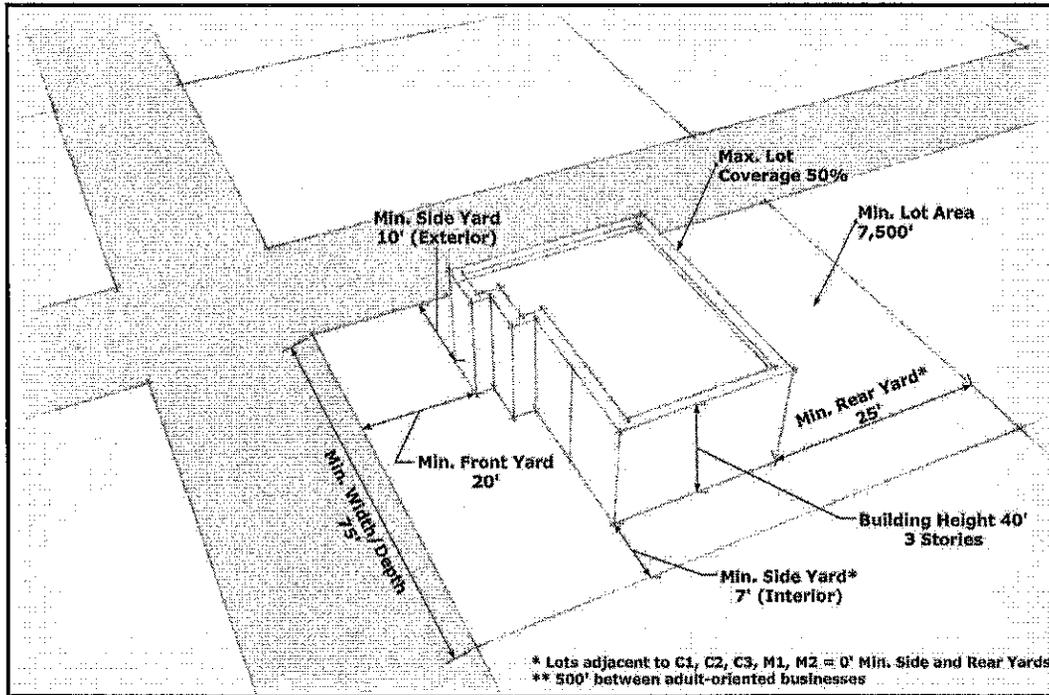
1. Purpose:

The M1 District is intended to provide the type of industrial facilities that, while not necessarily attractive in operational appearances, are installed and operated in a manner so as not to cause inconvenience or substantial detriment to other uses in the District (or to adjacent Districts).

Table 2-10: M1 Dimensional Standards

Zoning District	"M1"
Minimum Lot Area (sq.ft.)	7,500'
Minimum Area/Dwelling (sq.ft.)	1 Caretaker d.u. only
Minimum Width OR Depth (feet)	75'
Maximum Bldg Ht (stories)	3
Maximum Bldg Ht (feet)	40'
Maximum Lot Coverage (%)	50%
Minimum Between Buildings (feet)	10'
Minimum Front Yard (feet)	20'
Minimum Rear Yard (feet)	0' (25' adjacent to residential zones)
Minimum Side Yard Interior (feet)	0' (7 adjacent to residential zones)
Minimum Side Yard Exterior (feet)	10'

Figure 2-10: M1 Dimensional Standards



K. M2 DISTRICT (Industrial: Heavy)

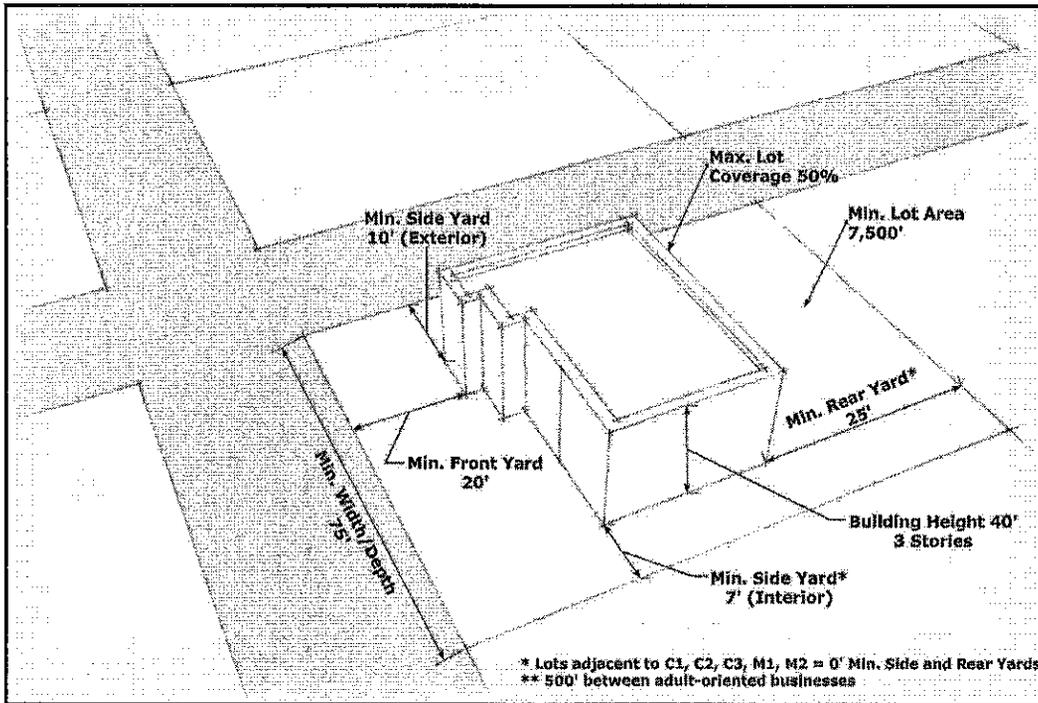
1. Purpose:

The M2 Districts accommodate areas of concentrated fabrication, manufacturing, and industrial uses that are suitable based upon adjacent land uses, access to transportation, and the availability of public

Table 2-11: M2 Dimensional Standards

Zoning District	"M2"
Minimum Lot Area (sq.ft.)	7,500'
Minimum Area/Dwelling (sq.ft.)	1 Caretaker d.u. only
Minimum Width OR Depth (feet)	75'
Maximum Bldg Ht (stories)	3
Maximum Bldg Ht (feet)	40'
Maximum Lot Coverage (%)	50%
Minimum Between Buildings (feet)	10'
Minimum Front Yard (feet)	20'
Minimum Rear Yard (feet)	0' (25' adjacent to residential zones)
Minimum Side Yard Interior (feet)	0' (7' adjacent to residential zones)
Minimum Side Yard Exterior (feet)	10'

Figure 2-11: M2 Dimensional Standards



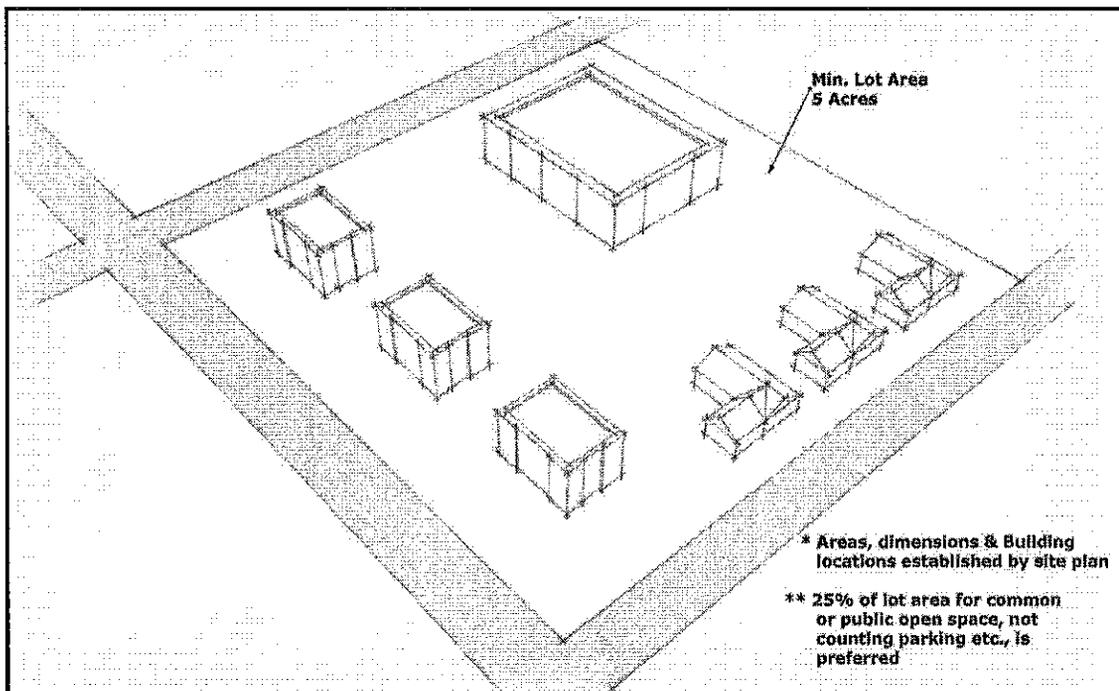
L. PUD (Planned Unit Development)

The Planned Unit Development designation allows the site planner to propose the best use and arrangement of the land, with fewer constraints than those imposed by the existing zoning. Site planners can arrange buildings in any desirable manner, eliminate setbacks to save natural features, reduce the length and width of roads, cluster without side yards, and similar design adjustments.

Table 2-12: PUD Dimensional Standards

Zoning District	"PUD"
Minimum Lot Area (sq.ft.)	5 Acres
Minimum Common/Open Space	25% of Site Area Preferred
Minimum Area/Dwelling (sq.ft.)	Established by Site Plan
Minimum Width OR Depth (feet)	Established by Site Plan
Maximum Bldg Ht (stories)	Established by Site Plan
Maximum Bldg Ht (feet)	Established by Site Plan
Maximum Lot Coverage (%)	Established by Site Plan
Minimum Between Buildings (feet)	Established by Site Plan
Minimum Front Yard (feet)	Established by Site Plan
Minimum Rear Yard (feet)	Established by Site Plan
Minimum Side Yard Interior (feet)	Established by Site Plan
Minimum Side Yard Exterior (feet)	Established by Site Plan

Figure 2-12: PUD Dimensional Standards



M. OS DISTRICT (Open Space Resource Conservation Zone)

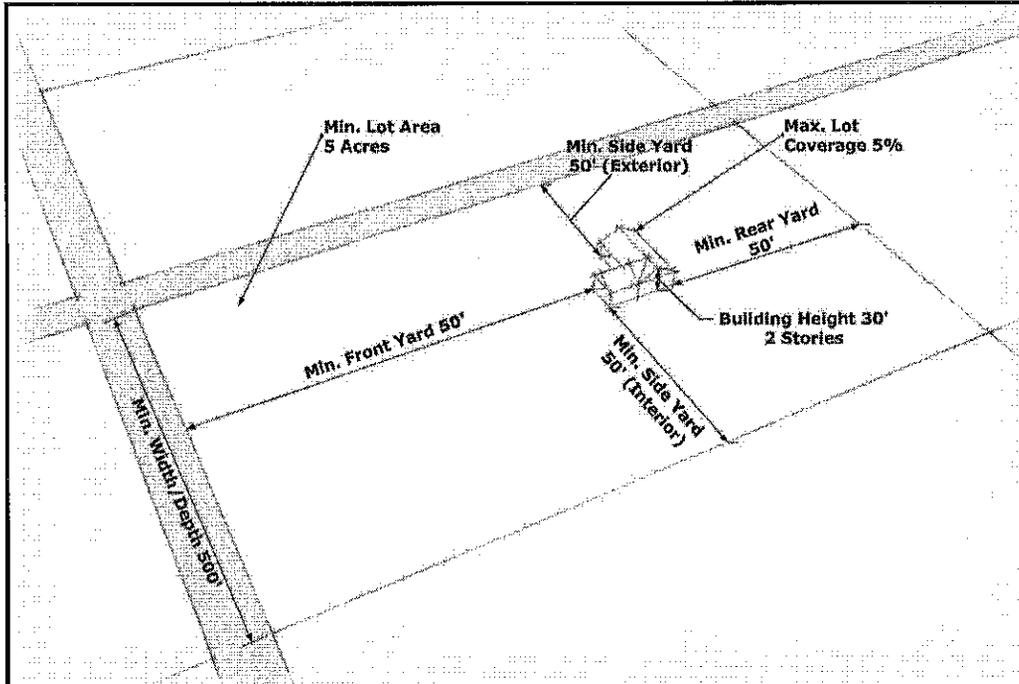
1. Purpose:

The OS District is intended to preserve scenic and recreational areas for public and/or private use.

Table 2-14: AG Dimensional Standards

Zoning District	"AG"
Minimum Lot Area (sq.ft.)	217,800' (5 acres)
Minimum Area/Dwelling (sq.ft.)	217,800' (5 acres)
Minimum Width OR Depth (feet)	500'
Maximum Bldg Ht (stories)	2
Maximum Bldg Ht (feet)	30'
Maximum Lot Coverage (%)	5%
Minimum Between Buildings (feet)	10'
Minimum Front Yard (feet)	50'
Minimum Rear Yard (feet)	50'
Minimum Side Yard Interior (feet)	50'
Minimum Side Yard Exterior (feet)	50'

Figure 2-14: AG Dimensional Standards



SECTION 204 - USE DISTRICT REGULATORY CRITERIA

Use district regulations establish the specifications for building construction on parcels within each designated zone classification. Variations among the several districts differentiate the appropriate parcel sizes and structure spacing necessary to maintain compatibility of land uses, densities and intensities throughout the Town of Camp Verde.

District standards are key determinants for implementing the Town's desired rural, western atmosphere with a range of residential living options, places for commerce, employment, agriculture and open space activities. Zoning district regulations offer basic development distinctions appropriate for a small community -- without becoming unnecessarily complex.

Parcel development standards pertain to the minimum permitted lot areas and dimensions; the height, coverage, placement (including setbacks from property lines) of structures on the parcel. These criteria are further refined, where applicable, by the additional development standards covering siting arrangements, appearance compatibility, parking, signage and outdoor lighting contained in Part Four, Development Standards.

A. Suffix District Lot Area Variations

Minimum lot area requirements may be increased for reasons of density compatibility, variations in terrain or soils, drainage conditions, infrastructure capacity, and other factors relating to the size, spacing and type of structure and/or use to be placed on a lot within a portion of a given zoning district classification. Parcels subject to increased lot area requirements are indicated by a suffix notation, expressed in thousands of square feet, on the Zoning Map. (Example: R1L-12 denotes a minimum 12,000 square foot lot.)

B. Use District Development Criteria

For ease in comparing Camp Verde's district regulations, required measurements for development in each land use category are illustrated in tabular form. (Table is provided for reference only, district provisions as specified in Section 203 shall prevail.)

Chino Valley Zoning Districts

Zoning District	**Front (Amended Ordinance 08-707/08-886)	Rear	Interior	*Street Yard (Amended Ordinance 08-707/08-886)
Open Space/Resource Conservation		Open	Open	20'
Agricultural/Residential – 36 Acre		20'	20'	
Agricultural/Residential – 5 Acre		20'	20'	
Agricultural/Residential – 4 Acre		20'	20'	
Single Family Residential – 2.5 Acre		20'	10'	
Single Family Residential – 2 Acre		20'	10'	
Single Family Residential – 1.6 Acre		20'	10'	
Single Family Residential – 1 Acre		20'	10'	
Single Family Residential – 7,000 Sq. Ft. (Min)		10'	10'	
Multiple Family Residential		20'	10'	
Mobile/Manufactured Home Parks – 4 Acre (Min)		25'	25'	10' (Private Street)
Commercial Light		10'	10'	
Commercial Heavy		50'	50'	
Industrial	**50'	**50'	**50'	**50'
Public Lands	***50'	***50'	***50'	***50'

* Minimum street yard setback = Exterior

** Amended Ord. 08-707/08-886 – To allow for the acquisition of future right-of-way and leave a reasonable building setback for the existing structure

*** From any lot zoned residential



4.28 Building Setbacks when Adjacent to a Street (Add with Ord. 08-707/Res. 08-886)

Intent: Allow for the acquisition of future right-of-way dedications and leave a reasonable building setback remaining for the existing structure.

Setback Requirement: All building setbacks shall be measured from the presumed dedication of 25 feet from the section, mid section, or presumed street center line, which ever applies; whether or not the dedication has actually occurred at this time.

Under special circumstances a reduction in the setback requirement may be granted by the Zoning Administrator.

Building setbacks shall be a minimum of fifty (50) feet from all one (1) mile streets/ arterial.

One (1) mile streets/ Arterial:
Road 6 North
Road 5 North
Road 4 North
Road 3 North
Road 2 North
Center Street
Road 2 South
Outer Loop Road/ Road 4 South
Road 5 South
Road 1 East
Road 1 West
The east side of Reed Road; and
Perkinsville Road

In addition, building setbacks shall be fifty (50) feet from State Route 89 rights of way. Building setbacks shall be a minimum of forty (40) feet from all one half (1/2) mile streets/ collector.

One half (1/2) mile streets/ Collector:
Road 4 1/2 North
Road 3 1/2 North
Road 1 North
Road 1 South
Road 3 South

Building setbacks shall be a minimum of twenty (20) feet from all other streets/local streets.

(B) Requirements of the density regulations are set forth in the table that follows.

Density Regulations

Legend: A = Acres

<i>Dist.</i>	<i>Min Lot Size (in Sq. Ft.)</i>	<i>Min Area per dwelling</i>	<i>Min Lot Width and Depth</i>	<i>Min⁽¹⁾ Yard Set-backs Front</i>	<i>Min^(1,2) Yard Set-backs Rear</i>	<i>Min^(1,2) Yard Set-backs Interior</i>	<i>Min⁽¹⁾ Yard Set-backs Exterior</i>	<i>Max Build-ing Height (Stories)</i>	<i>Max Build-ing Height (Feet)</i>	<i>Max Lot Cover-age (%)</i>	<i>Min Build-ing Spac-ing (Feet)</i>
1	7,500	1,000	75	20	25	7	10	4 ⁽³⁾	50	50	10
2	7,500	2,000	75	20	25	7	10	3 ⁽³⁾	40	50	10
3	7,500	3,000	75	20	25	7	10	2	30	50	10
4	7,500	4,000	75	20	25	7	10	2	30	50	10
5	7,500	5,000	75	20	25	7	10	2	30	50	10
7.5	7,500	7,000	75	20	25	7	10	2	30	50	10
10	10,000	10,000	80	20	25	7	10	2	30	40	10
12	12,000	12,000	90	20	25	7	10	2	30	40	10
18	18,000	18,000	100	30	30	10	15	2	30	25	10
25	25,000	25,000	130	30	30	10	15	2	30	20	10
35	35,000	35,000	145	40	40	20	20	2	30	15	10
70	70,000	70,000	200	50	50	25	30	2	30	15	10
2A	87,120	87,120	225	50	50	25	30	2	30	10	10
175	175,000	175,000	300	50	50	30	50	2	30	10	10
5A	217,800	217,800	325	50	50	40	50	2	30	10	10
10A	435,600	435,600	500	50	50	50	50	2	30	5	10
36A	1,568,160	1,568,160	500	50	50	50	50	2	30	5	10

Notes:

- (1) See yards and courts in § 153.093 for exceptions, deviations, and encroachments from minimum yard (setback) requirements.
- (2) For C1, C2, C3, M1 and M2 Districts: Minimum interior side and rear yard requirements are waived if the yard is contiguous to C1, C2, C3, M1 or M2 zoned property. A setback of 20 feet shall be required whenever a lot zoned commercial or industrial abuts a lot zoned for residential purposes. Front and exterior side yard requirements shall be observed in all cases.
- (3) Use permit required to exceed two stories.

(C) Detached accessory structures, other than structures housing animals, may encroach within five feet to rear lot line to maintain a ten-foot building separation. All other setbacks and building spacing separations must be achieved.

YAVAPAI COUNTY PLANNING AND ZONING ORDINANCE

B. Requirements of the Density Regulations.

Density Regulations:

A=Acres

Dist.	Min Lot Size in Sq. Ft.	Min Area per dwelling	Min Lot Width and Depth	Min (1) Yard Setbacks Front	Min (1,2) Yard Setbacks Rear	Min (1,2) Yard Setbacks Interior	Min (1) Yard Setbacks Exterior	Max Building Height Stories	Max Building Height Feet	Max Lot Coverage Percent	Min Building Spacing Feet
1	7,500	1,000	75	20	25	7	10	2	50	50	10
2	7,500	2,000	75	20	25	7	10	2	40	50	10
3	7,500	3,000	75	20	25	7	10	2	30	50	10
4	7,500	4,000	75	20	25	7	10	2	30	50	10
5	7,500	5,000	75	20	25	7	10	2	30	50	10
7.5	7,500	7,000	75	20	25	7	10	2	30	50	10
10	10,000	10,000	80	20	25	7	10	2	30	40	10
12	12,000	12,000	90	20	25	7	10	2	30	40	10
18	18,000	18,000	100	30	30	10	15	2	30	25	10
25	25,000	25,000	130	30	30	10	15	2	30	20	10
35	35,000	35,000	145	40	40	20	20	2	30	15	10
70	70,000	70,000	200	50	50	25	30	2	30	15	10
2A	87,120	87,120	225	50	50	25	30	2	30	10	10
175	175,000	175,000	300	50	50	30	50	2	30	10	10
5A	217,800	217,800	325	50	50	40	50	2	30	10	10
10A	435,600	435,600	500	50	50	50	50	2	30	5	10
36A	1,568,160	1,568,160	500	50	50	50	50	2	30	5	10

(1) See Section 588 (Yards and Courts) for exceptions, deviations, and encroachments from minimum yard (setback) requirements.

(2) For C1, C2, C3, M1, and M2 Districts: Minimum interior side and rear yard requirements are waived if the yard is contiguous to C1, C2, C3, M1 or M2 zoned property. A setback of twenty feet (20') shall be required whenever a lot zoned commercial or industrial abuts a lot zoned for residential purposes. Front and exterior side yard requirements shall be observed in all cases.

PLEASE NOTE: DETACHED ACCESSORY STRUCTURES, OTHER THAN STRUCTURES HOUSING ANIMALS, MAY ENCROACH WITHIN FIVE FEET (5') TO REAR LOT LINE TO MAINTAIN A TEN FOOT (10') BUILDING SEPARATION. ALL OTHER SETBACKS AND BUILDING SPACING SEPARATIONS MUST BE ACHIEVED.

PLEASE NOTE: THE ABOVE IS GENERAL INFORMATION PERTINENT TO THE ZONING REQUIREMENTS IN THE CREATION OF A BUILDABLE PARCEL. IT DOES NOT DEAL WITH SPECIFIC QUESTIONS, SUCH AS BUILDING SAFETY, FLOODPLAIN UNIT, ENVIRONMENTAL UNIT OR ENGINEERING. THESE DEPARTMENTS SHOULD BE CONTACTED BEFORE ANY ACTUAL SPLITTING IS PURSUED.

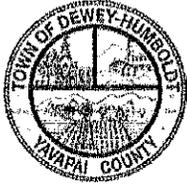
SECTION 519 DENSITY FORMULAS

DENSITY FORMULAS are hereby established for each Density District for the purpose of determining (where applicable) the amount of lot area required for each dwelling unit, hotel or motel unit, or mobile home court space.

- A. In applying Density Formulas to determine the number of units allowed on a lot, credit shall be allowed for the area of any contiguous dedicated half street or half alley (or similar dedicated easements).
- B. Where dwelling units are combined with non-residential uses or structures on a conforming lot, then each eight hundred (800) square feet (or fraction thereof) of area occupied by such shall be deducted from the total Density Formula area in determining the number of units allowed.
- C. The Density may be reduced twenty percent (20%) for any units consisting of a combined bed-living room (commonly referred to as an efficiency apartment).

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Rec'd 11/18/14 pm
JM



TOWN OF DEWEY-HUMBOLDT
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COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: December 9, 2014

Date of Request: November 17, 2014

Type of Action: Routine/Consent Regular

Requesting: Action Report Only

Agenda Item Text (a brief description for placement on the agenda; please be exact):
Discussion and possible action on changing TC's 30.031, 30.105,
and 30.109.

Purpose and Background Information (Detail of requested action). _____
According to ARS 9-236, the mayor shall perform such duties as may be
prescribed by law and ordinance. These are proposed changes to those
duties.

Staff Recommendation(s): _____

Budgeted Amount: None

List All Attachments: ARS & Town Codes

Type of Presentation: Oral

Special Equipment needed: Laptop Remote Microphone
 Overhead Projector Other: _____

Contact Person: CM Repan & CM Wright

Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.

9-236. Mayor; duties

The **mayor** of the common council shall be the chief executive officer of the town, and shall perform such duties as may be prescribed by law and ordinance. In case of the absence of the **mayor** the council may appoint one of their number to act in his stead.

30.109 (C) PROTOCOL AT MEETINGS.

Current: (C) *Procedures.* The presiding officer at any meeting is responsible for interpreting and implementing the rules of order, and shall rule on any point of order raised by a member of the body. The presiding officer may request advice from other members of the body or an appointed parliamentarian before making a ruling. However, any member may, on a point of order, call for a vote on the ruling and specifying an alternative ruling. A vote is then to be called on the point of order and, if a majority of members vote in favor of the proposed alternative ruling, the presiding officer shall defer to the opinion of the majority of the members for that meeting of the body. Otherwise the presiding officer's ruling shall stand. The presiding officer may impose reasonable limits to the time allotted for each member during the discussion phase of the proceedings, but if additional time is requested by the member, the presiding officer must ask for a vote to extend additional time, and if a majority of members agree to additional time, the time shall be granted. The following protocol for each agenda item will ordinarily be observed during regular meetings, but actions of Council are legal whether or not every element of the following subsections are observed:

Proposed: (C) *Procedures.* The chairperson for any council meeting shall be the councilperson that has been selected in accordance to 30.105(F). The chairperson at any meeting is responsible for interpreting and implementing the rules of order, and shall rule on any point of order raised by a member of the body. ~~The chairperson may request advice from other~~ members of the body or an appointed parliamentarian before making a ruling. However, any member may, on a point of order, call for a vote on the ruling and specifying an alternative ruling. A vote is then to be called on the point of order and, if a majority of members vote in favor of the proposed alternative ruling, the chairperson shall defer to the opinion of the majority of the members for that meeting of the body. Otherwise the chairperson's ruling shall stand.

The chairperson may impose reasonable limits to the time allotted for each member during the discussion phase of the proceedings, but if additional time is requested by the member, the chairperson must ask for a vote to extend additional time, and if a majority of members agree to additional time, the time shall be granted. The following protocol for each agenda item will ordinarily be observed during regular meetings, but actions of Council are legal whether or not every element of the following subsections are observed:

30.031 (E)(1)

Current: (1) The Mayor shall act as the chairman of the Council and preside over its meetings in accordance with *Robert's Rules of Order*. However, as a member of the Council, the Mayor shall have the same rights and privileges as all other Councilmembers have including the ability to make, and second, motions and vote on motions made by the Council.

Proposed : (1) The Mayor is a member of Council and as a member of the Council, shall have the same rights and privileges as all other Councilmembers have, including the ability to make, and second, motions and vote on motions made by the Council.

30.031 (E)(2)

Current: (2) The Mayor shall execute and authenticate by his or her signature all such instruments as the Council or any statutes, ordinances or this code may require.

Proposed: (2) The Mayor shall execute and authenticate by his or her signature all such instruments as the Council or any statutes, ordinances or this code may require. If the Mayor cannot or will not execute and authenticate by his or her signature within five (5) days the Vice Mayor or if the Vice-Mayor is unavailable, any council member may sign and when so signed shall have the same force and effect as if signed by the Mayor.

Addition:

30.105 (F) Each member of council may serve as the chairperson of the Council and preside over its meetings in accordance with *Robert's Rules of Order* as stated in Town Code 30.109. The chairperson shall be appointed by a majority vote of council and shall serve as chairperson for a period of time as determined by a majority vote of the Town Council.



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TOWN COUNCIL STUDY SESSION

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

Agenda Item: 4.2 Council ratification of allocating funds from the Contingency Fund account for the purchase of the Ford SUB (Escape), authorized in the FY 14-15 Budget.

To: Town council

From: Yvonne Kimball, Town Manager

Date Submitted: December 4, 2014

Recommendation: Ratify using the Contingency Fund account # to pay for the new vehicle authorized in the budget.

Summary:

During the FY 14-15 budget discussion, the Council allocated \$25,000 under the General Fund to purchase a needed vehicle for the Town's operation. After some discussion the decision was to budget this amount under General Fund/non-Departmental-cost overrun contingency 10-499-9995. The Town's Sound Financial Principles policy requires Town Council approval to spend the money under 10-499-9995.

After the budget was adopted, town staff began to look for the vehicle. We first sought a bidding process and received one bid for a 2014 Ford Escape, which was rejected. Staff then located a 2015 Ford Escape through the State contract with Chapman Ford at a price of \$21,834.65. After waiting for a couple of months, the vehicle is ready to pick up and the invoice is to be processed in today's bill run.

At today's meeting, staff seeks Council ratification for the purchase.