



## ORDINANCE 2000-A159

### ADOPTION OF 2000 SECTION 119 ZONING AMENDMENTS

**AN ORDINANCE OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, ADOPTING BY REFERENCE THE AMENDMENTS TO SECTION 119 (OVERLAY ZONES) OF THE PLANNING & ZONING ORDINANCE (87-A23), AND PROSCRIBING PENALTIES FOR VIOLATIONS THEREOF.**

Section 1. Adoption by Reference: Pursuant to ARS 9-802 (as amended), the Town hereby adopts for application and enforcement the **2000 AMENDMENTS TO SECTION 119 (OVERLAY ZONES) OF THE PLANNING & ZONING ORDINANCE (87-A23)**, dated July 26, 2000, and declared a public record pursuant to Resolution 2000-446.

Section 2. Effective Date: The effective date of the Section 119 amendments shall be upon completion of publication and posting as a penal ordinance as provided by law.

Section 3. Repeal: Upon adoption of these amendments, the general district provisions previously in effect which are inconsistent shall be deemed repealed, with the exception that applications, plan, and properties already having hearings or approvals pending shall continue to be governed by the prior regulations.

Section 4. Penalty: Any person who fails to comply with any provision of Ordinance 87-A23, or uses property in violation of any provision of the Ordinance, or a permit issued therein, shall be guilty of a Class 2 misdemeanor, punishable as provided by law, with each day the property or activity is in violation constituting a separate offense. "Person" includes the property owner, occupant, agent, or any person having control over the use of the property. Enforcement of the Ordinance may also be through injunction or abatement as set forth in ARS 9-462.05, as amended.

**PASSED AND ADOPTED** in open meeting by the Town Council, Town of Camp Verde, Arizona, on the 26<sup>th</sup> day of July 2000, to be effective when publication and posting, pursuant to ARS 9-813, is completed.

*Barbara Miller*  
Barbara Miller, Mayor

Approved as to form:  
*Ron Ramsey*  
Ron Ramsey, Town Attorney

Attest:

*Deborah Barber*  
Deborah Barber, Town Clerk

Please Publish: August 9 and 16

Sent To : *Bugle*  
Fax # : *7-2006*  
Date : *7-31-00*  
Time : *10:00 am*  
Fax'd By : *JS*

Posted by: *Carol Brown* Date: *July 31, 2000*

## **SECTION 119 OVERLAY ZONE**

### **A. INTRODUCTION:**

The following section shall be known and cited as the Camp Verde Overlay Zone Ordinance, and shall be incorporated by reference into the Zoning Ordinance of the Town of Camp Verde, providing the enabling Ordinance for the creation of zones which are to be "overlayed" or superimposed on the General Provision and the Use Districts for the purposes specified herein.

### **B. DESIGN REVIEW OVERLAY ("DRO") ZONES:**

#### **1. PURPOSE:**

A Design Review Overlay (DRO) Zone enables the establishment of additional design and development related requirements or guidelines which would "overlay" or be superimposed upon the regulations for the existing zoning districts and General Provisions applicable to a specific geographic area. The creation and administration of a specific geographic area DRO zone is authorized for the purpose of enriching the lives of the population residing, working, and visiting in the area by promoting harmonious, safe, attractive, desirable, and compatible growth and development of the area. Each DRO zone is thus intended to improve the public health, safety, and welfare by pursuing objectives including but not limited to the following:

- a. To ensure that the design and construction of all developments and structures within the DRO zone support or enhance the community character or value of the area within the zone.
- b. To ensure that all structures and developments within the DRO zone conform with the aesthetic character of their surroundings by properly relating to their site or sites.
- c. To ensure that the design and development of all structures, projects, roads, plantings, drainage ways, and service facilities within the DRO zone protect and enhance the environmental qualities such as air, water, natural vegetation, scenic-vistas, and topography.
- d. To ensure the proper provision for open spaces, parking areas, landscaping, signing and screening of non-compatible uses.

- e. To ensure the protection and enhancement of economic values, natural attractiveness, personal health and safety, and desirable relationships with the surrounding community.
- f. To ensure compliance with other requirements of this Ordinance, the General Town Plan and any specific area plans relating to the DRO zone.

**2. SCOPE:**

- a. A DRO zone may be created to apply to the design and construction of any structure within the geographic boundaries of the zone, which requires a building permit (including sign permit) within the scope and jurisdiction of the Camp Verde Planning and Zoning Ordinance.

A DRO zone may also be created to apply, to the design and development of non-structural features which do not in and of themselves require a building permit, but which pertain to the purposes of the DRO zone and the Planning and Zoning Ordinance.

- b. A DRO zone may be created to apply to any or all use districts within its zone and to any or all uses within the use district.
- c. A DRO zone may establish guidelines or requirements in addition to the general provisions and use districts on which it is overlaid. Design guidelines or requirements for a DRO zone may include, but are not limited to architectural style, landscaping, facades and theme treatments, historic preservation considerations; building colors and materials, scenic areas, public facilities, utilities and lighting.
- d. The content of the design guidelines and requirements (along with other particulars herein described) shall be determined by the owners' of private property within the area proposed for a DRO zone as set forth by the DRO zone application.
- e. A DRO zone shall include private properties owned by a minimum of three separate owners of record of three separate properties, or 10 or more contiguous properties and shall have a minimum size of ten contiguous acres or shall contain a minimum of ten legal lots or parcels.

- f. The geographic area of a DRO zone shall fall entirely within the incorporated area of Camp Verde and shall constitute one contiguous area.
- g. A DRO zone shall not geographically overlap any other DRO zone, nor shall there be permitted any "islands" of non-DRO area completely surrounded by a DRO zone. However, a subsequent DRO zone may surround a DRO zone.
- h. Public land may be included in the area of a DRO zone, however, the DRO provisions shall not apply to the design construction, or development of publicly owned and operated facilities. Public agencies are encouraged to voluntarily comply with the guidelines of the DRO zone within which they are developing.

Whenever public land is included in the geographic area of a DRO zone, signatures representing public land shall not be counted nor shall the acreage of the public land be included in any calculations of required area.

Whenever public land included in a DRO zone is used for private purposes and/or whenever such land comes into private ownership, the guidelines and requirements of the DRO zone shall become applicable.

### **3. NOMINATION PROCESS:**

#### **a. Nomination:**

Any group of three or more separate owners of record of three separate properties, or 10 or more contiguous properties within the incorporated areas of Camp Verde may delineate an area containing their properties (and perhaps others) and nominate that area for a possible DRO zone. Nomination of a DRO zone shall be by letter to the Planning and Zoning Commission describing the geographic extent and proposed content of the DRO zone, together with signatures of supporting property owners as well as any local community groups wishing to express support of the DRO zone.

#### **b. Staff Consultation:**

Upon receipt of the nomination letter, the Planning and Zoning Department shall arrange and hold a consultation with one or more representatives of the nominating group to discuss the procedure,

regulations, plans, fees and other matters relating to the creation and administration of a DRO zone. When the Planning and Zoning Department is satisfied as to the state of preparation of the nominating group, the Department shall recommend to the Planning and Zoning Commission that the nomination for a DRO zone be discussed in a public hearing.

**c. Public Discussion:**

The members of the Planning and Zoning Commission shall hold a public hearing within (or as near as practicable to) the proposed DRO zone area after due public notice, publication, and posting within the area. The facilities must be ADA compliant.

**d. Invitation to Apply:**

After discussion, the Planning and Zoning Commission may invite the nominating group to develop and submit a formal DRO zone application. No more than one DRO nomination will be accepted for formal application for any one area (i.e.: no duplication or overlaps) at any one time. If several DRO zone applications are known to be in preparation for the same or adjacent general areas, the Planning and Zoning Commission may delay one or more applications to foster integration, consistency, compatibility, or feasibility for the welfare of the larger community.

**4. APPLICATION PROCESS:**

**a. Preparation:**

The nominating group shall prepare a full DRO zone application meeting the content requirements below. Upon completion, the nominating group shall submit the application to the Planning and Zoning Department for an advisory review of content and completeness.

**b. Filing:**

When advised of the completeness of the application, the nominating group shall file the application, with Planning and Zoning Department.

Additional copies of the application shall be placed at points of local availability for review by local property owners in such locations as may be approved by the Planning and Zoning Department.

**c. Owners of Record:**

The Planning and Zoning Department shall prepare and submit a certified list of the names, addresses, Assessor's parcel numbers, and acreage of parcels of every owner of record of every parcel (as of the date of recording of the draft DRO zone) within the proposed DRO zone.

**d. Support Petitions from within the DRO zone:**

Within twelve (12) months of the date of recording of the filed application, the nominating group shall obtain and submit to the Planning and Zoning Department the signatures, indicating support, of fifty-seven (57%) percent by area and by number of the owners of record of properties within the defined DRO zone, on a petition which specifies the geographic area and the content of the DRO zone.

**e. Time Limit:**

Failure to obtain the required percentage of valid signatures for the petitions within twelve months of the application shall constitute a failure of the application. New updated application together with new petition signatures shall be required to proceed after a failed application.

**5. APPLICATION CONTENT REQUIREMENTS:**

The filed application shall include the following minimum information:

- a. a proposed name for the DRO zone;
- b. a reproducible map showing the proposed geographic coverage of the DRO zone;
- c. a letter from the Planning and Zoning Commission Staff attesting to the completeness of the application;

- d. a cover letter generally describing the area, purpose and content of the DRO zone signed by a representative of the nominating group;
- e. a list of the names and addresses of the nominating group;
- f. the name, address and telephone number of one or more persons willing to serve as speakers and sources of public information concerning the DRO zone nomination;
- g. a legal description specifying the outer boundaries of the proposed geographic area of the DRO zone by the assessor's number.
- h. a citation of the portions of the Camp Verde general plan and any area plans that relate to the geographic scope of the proposed DRO zone;
- i. A citation of the zoning maps (by Assessor's parcel map system number) for all areas covered by the DRO zone;
- j. the proposed development scope or content proposed to be regulated by guidelines or requirements within the DRO zone;
- k. a detailed sample of the proposed criteria list, charts, guidelines or other specifications to be provided to each applicant requesting review and the standards against which each application will be reviewed;
- l. and other information which the Planning and Zoning Commission, Department, or Town Council may deem necessary.

**6. DRO ZONE ADOPTION PROCESS:**

**a. Certification:**

Upon receipt of the lists of owners of record, and the petitions containing the required signatures on consent petitions, the Planning and Zoning Department shall certify the validity of the signatures on both petitions.



**b. Planning & Zoning Commission Hearings:**

Upon certification of the petitions, the Planning and Zoning Commission shall hold at least one public hearing and formulate a recommendation to the Town Council as to the general advisability and particulars of the proposed DRO zone.

All hearings by the Planning and Zoning Commission and the Town Council shall follow procedural requirements of the Arizona Revised Statutes and the Planning and Zoning Ordinance of Camp Verde.

**c. Town Council Hearings:**

Subsequently, the Town Council shall hold a public hearing to consider the adoption of the DRO zone as proposed and/or amended.

The Town Council shall hear the DRO application together with the Planning & Zoning Commission's recommendations and public input. At the first Town Council hearing, the Council may only approve or deny the DRO application as recorded or move to hold in abeyance or move to amend and re-hear (with re-advertisement calling attention to the content of the proposed amendment(s)). At a second and subsequent Town Council public hearings, the Council may approve duly advertised amendments.

**d. Upon Adoption:**

The adopted DRO zone shall be incorporated into the Town Zoning Map.

**7. AMENDMENTS TO THE DRO ZONE:**

**a. Amendment:**

After adoption, any Amendment to a DRO Zone which in the determination of the Planning and Zoning Department materially alters the area coverage and/or the content of the design guidelines or requirements or their applicability shall follow the same procedural and content requirements specified for the original nomination, application, and adoption of a DRO zone.

**b. Rescission:**

The rescission of a DRO zone shall follow the same procedure and requirements as any amendment, except as provided below for abandonment.

**c. Abandonment:**

A DRO zone may be abandoned upon the initiation of the Planning & Zoning Commission according to the following procedures:

- 1) The Planning & Zoning Commission in discussion moves to initiate a public hearing to consider a finding of fact.
- 2) The Planning and Zoning Commission, after a public hearing, adopts a finding of fact of extraordinary circumstances (including but not limited to substantial unworkability of the DRO zone; de-facto abandonment of the DRO zone by the property owners; impending public turmoil or other threat to the public welfare) and upon the basis of such finding initiate a second public hearing to consider the abandonment of the DRO zone.
- 3) The Planning and Zoning Commission, adopts a recommendation to the Town Council to abandon the DRO zone.
- 4) The Town Council, after a public hearing;
  - a) Concurs in the finding of fact of extraordinary circumstances; and
  - b) Adopts the Planning and Zoning Commission recommendation to abandon the DRO zone.

**8. DRO IMPLEMENTATION:**

- a. A DRO zone shall be created and its guidelines and requirements shall become effective 30 days after its adoption as a zone by the Town Council. The adopted DRO zone and its contents and geographic scope shall be on file in the Planning and Zoning Department. Each DRO zone shall be numbered and its geographic scope depicted on the official zoning maps of Camp Verde in the Planning & Zoning Department.

- b. Each application for a permit for work within a DRO will contain such additional information necessary to address the criteria identified in the DRO. The Planning and Zoning staff will review each request for a permit with the DRO criteria in addition to any other general criteria required for approval of a permit. In the event an application for a permit contains insufficient information or is in conflict with the requirements of the DRO or other city requirements the staff will notify the applicant of the deficiencies. Upon request of the applicant the staff will schedule a meeting to discuss and attempt to resolve any outstanding issues. The Planning and Zoning staff will not issue any permit, which is in substantial conflict with the DRO or Town general criteria.

**9. APPEALS:**

Any applicant who is denied a permit based on DRO criteria may appeal the decision of the Planning and Zoning Department to the Planning and Zoning Commission. The applicant or Planning and Zoning Department may appeal the decision of the Planning and Zoning Commission to the Town Council. There will be no filing fee for any appeals. All appeals must be made, in writing, within 30 days of the decision to be appealed.

**10. COMPLIANCE:**

The failure to construct any structure within the DRO zone in a manner consistent with the content of the building permit and the application as approved shall constitute a violation of the Planning & Zoning Ordinance. Citation of a violation of the DRO zone requirements and guidelines shall be initiated by either the Zoning Inspector or by a signed complaint to the Planning & Zoning Department Zoning Inspector.

**11. AUTHORITY:**

The Camp Verde Town Council hereby authorizes the creation and administration of Design Review Overlay Zones adopted consistent with this enabling ordinance and the Camp Verde Planning and Zoning Ordinance of which this is a part.

# PUBLISHER'S AFFIDAVIT

STATE OF ARIZONA, }  
County of Yavapai, } ss  
Richard E. Larson

.....first having  
been duly sworn, on his oath says:


That he is the Publisher of The Verde Independent, a Three Times  
Weekly Newspaper published at Cottonwood, Yavapai County, Arizona;  
that the notice attached hereto, namely, .....  
NOTICE OF ORDINANCE

.....  
has, to the personal knowledge of affiant, been published and legally  
printed in said County of Yavapai in the newspaper aforesaid, according  
to law, from the 9th day of August, 2000, to the 16th day of  
August, 2000, both inclusive, without change, interrup-  
tion or omission, amounting in all to 2 insertions, made on the  
following dates:

August 9, 16, 2000

.....  
*Richard E. Larson*  
.....  
(Signature)

Subscribed and sworn to before me this 17 day of Aug., 2000,

in witness whereof, I have hereunto set my hand and seal of office.  
 LAURE THOMSON  
Notary Public - State of Arizona  
YAVAPAI COUNTY  
My Comm. Expires Aug. 29, 2003  
*Laure Thomson*  
.....  
Notary Public  
My Commission Expires Aug. 29, 2003

## Public Notice

ORDINANCE 2000-A169  
ADOPTION OF 2000 SECTION 119 ZONING  
AMENDMENTS

AN ORDINANCE OF THE TOWN OF CAMP  
VERDE, YAVAPAI COUNTY, ARIZONA,  
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OF THE PLANNING & ZONING ORDINANCE  
(87-A23), AND PROSCRIBING PENALTIES  
FOR VIOLATIONS THEREOF.

Section 1. Adoption by Reference: Pursuant to  
ARS 9-802 (as amended), the Town hereby  
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9-462.05, as amended.

PASSED AND ADOPTED in open meeting by  
the Town Council, Town of Camp Verde, Arizona  
on the 26th day of July 2000, to be effective when  
publication and posting, pursuant to ARS 9-813, is  
completed.

§ Barbara Miller, Mayor  
Approved as to form:  
§ Ron Ramsey, Town Attorney  
Attest:  
Deborah Barber, Town Clerk  
2TVIPublish August 9, 16, 2000.

# PUBLISHER'S AFFIDAVIT

STATE OF ARIZONA, }  
County of Yavapai, } ss

Richard E. Larson

.....first having  
been duly sworn, on his oath says:

That he is the Publisher of The Verde Independent, a Three Times  
Weekly Newspaper published at Cottonwood, Yavapai County, Arizona;  
that the notice attached hereto, namely, .....  
ORDINANCE NO. 2000-A159  
.....  
.....  
.....

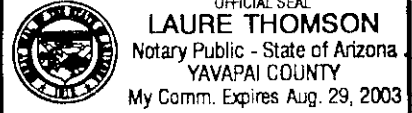
has, to the personal knowledge of affiant, been published and legally  
printed in said County of Yavapai in the newspaper aforesaid, according  
to law, from the 22nd day of Sept, 2000, to the 27th day of  
Sept, 2000, both inclusive, without change, interrup-  
tion or omission, amounting in all to 2 insertions, made on the  
following dates:

September 22, 27, 2000  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

*Richard E. Larson*  
.....  
(Signature)

Subscribed and sworn to before me this 28 day of Sept, 2000,

in witness whereof I have hereunto set my hand and seal of office.



*Laure Thomson*  
.....  
Notary Public

My Commission Expires Aug. 29, 2003

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