



## ORDINANCE 2007 A340

### AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA AMENDING SECTION 108 I OF THE ZONING ORDINANCE AMENDING THE LANGUAGE TO INCLUDE CIRCUMSTANCES A USE PERMIT MAY BE GRANTED AND ADDING THE CRITERIA UNDER WHICH LIMITATIONS MAY BE PLACED ON THE USE PERMIT.

**WHEREAS**, the Town of Camp Verde adopted the Planning and Zoning Ordinance in Ordinance 87 A23, approved July 9, 1987, and

**WHEREAS**, Section 108 of the Planning and Zoning Ordinance allows for the amendment, supplement or change of zoning text regulations of the Planning and Zoning Ordinance by the Town Council, and

**WHEREAS**, the Town Council has an abiding interest in protecting the public health safety and welfare by establishing requirements for provisions of the Planning and Zoning Ordinance by including definitions.

**NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE AS FOLLOWS:**

**Section 1.** Section 108 I of the Zoning Code is hereby amended as the following:

#### I. USE-PERMITS:

1. **Purpose:** Use Permits (UP) are provided for instances where a use or uses normally prohibited by a use district should be allowed due to the unique characteristics of the property and of the surrounding areas, but a rezoning to a less restrictive use district is not appropriate **to ensure the orderly use of land in conformance with the General Plan and applicable Town standards where uses are proposed that may require special limitations or conditions to provide compatibility with other uses.** The UP is combined with some other zoning district.
2. **Uses Permitted:** All uses allowed in the use district with which the UP is combined. Any use permitted under the specific terms of the UP **and noted as (UP) in Section 109.**
3. **Special Provisions:**
  - a. Use Permits are applied for in the same manner as zoning district changes. **The procedure to obtain a use permit**

**shall be that procedure set forth in Section 113 A & B of this ordinance.**

- b. Use Permits will be issued for a maximum period of 10 years and may be extended, and modified, by the Town Council for additional periods **granted only upon a finding by the council that the use covered by the permit, the manner of its conduct, and any structure which is involved, will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in conformity to any conditions, requirements, or standards prescribed by the Town Code or Council.**
- c. Use Permits may contain specific limitations on the scope, nature and duration of the use, as deemed proper **in accordance with the following criteria:**
- (1) Any significant increase in vehicular or pedestrian traffic;**
  - (2) Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;**
  - (3) Contribution to the deterioration of the neighborhood or to the downgrading of property values which, is in conflict with goals, objectives or policies of the General Plan;**
  - (4) Compatibility with existing surrounding structures and uses; and**
  - (5) Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.**
- d. **The burden of proof for satisfying the above requirements shall rest with the applicant. A refusal of a use permit shall not be interpreted as the denial of a right, conditional or otherwise.**

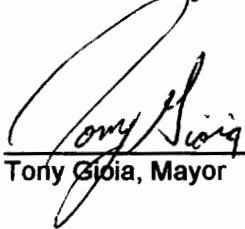
- e. To secure the objectives of this Ordinance, use permits may be for a fixed time period, and a use permit does not grant a vested right beyond the term of the permit. Where an application involves a definite development scheme, the applicant must submit a layout and landscape plan, building elevations and other pertinent data as may be requested. **and the council may condition the Use Permit to fully carry out the provisions and intent of the Ordinance.**
- f.d. the Permittee must obtain building permits within six months from the date the use permit was issued. Failure to obtain a building permit or begin the use shall void the permit unless a delay to start the construction has been granted or an extension has been applied for with the Community Development Director prior to the expiration of the six-month period. Additional extensions must go to Council.
- g.e. Violation of the terms of the Use Permit or this Ordinance voids the Use Permit.
- h.f. If the use or uses for which a Use Permit has been granted are discontinued for a continuous period of six months, the Use Permit is voided.
- i.g. Decisions by the Community Development Director which result in the voiding of the Use Permit may be appealed to the Town Council, subject to an application for appeal being on file in the Community Development Department within thirty (30) days of notification of the Use Permit being voided.
- j.h. Within thirty (30) days of any change, permittees shall notify the Community Development Department of any changes.
- k. ~~If the Use Permit was granted on a non-transferable basis, the new owner/operator of the Use Permit must apply for a transfer of the Use Permit within thirty (30) days of the effective date of the change~~ **The Use Permit is valid and operable only for the specific use as granted and subject to any specified time limit. No use may be modified, changed, altered or increased in intensity, in any manner that conflicts with the Use Permit and/or required conditions of approval, without approval of a new Use Permit.**

**Section 2.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference, are hereby repealed, effective as of the effective date of this ordinance.

**Section 3.** If any section, subsection, sentence, clause, phrase or portion of this ordinance 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 remaining portions thereof.

**Section 4.** This ordinance is effective upon completion of publication and any posting as required by law.

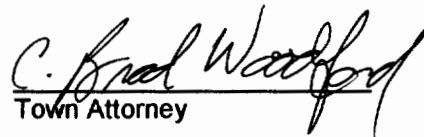
**PASSED AND APPROVED** by a majority vote of the Town Council of the Town of Camp Verde, Arizona on this 5th day of September 2007.

  
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Tony Gioia, Mayor

Date Sept 5, 07

Approved as to form:

Attest:   
\_\_\_\_\_  
Deborah Barber, Town Clerk

  
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Town Attorney