



ORDINANCE 2023-A476

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, AMENDING THE TOWN OF CAMP VERDE PLANNING & ZONING ORDINANCE, WITH MINOR TEXT AMENDMENTS WITHIN SECTION 301, EXEMPTIONS TO YARD AND HEIGHT REQUIREMENTS.

WHEREAS, the Town of Camp Verde adopted the Planning and Zoning Ordinance 2011-A374, approved May 25, 2011; and

WHEREAS, Part 6, Section 600, C.1 of the Planning and Zoning Ordinance allows for the amendment, supplementation 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 and text amendments.

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

Section 1. The Mayor and Common Council hereby finds as follows:

- A. Text Amendments may be initiated by the Planning & Zoning Commission, the Town Council, staff of the Town of Camp Verde or by application of a property owner per Part 6, Section 600, C.1 of the Planning and Zoning Ordinance. These Text Amendments were initiated by staff of the Community Development Office.
- B. These Text Amendments were reviewed by the Planning and Zoning Commission on December 01, 2022, in a public hearing that was advertised and posted according to state law. A recommendation for approval was forwarded to the Town Council by the Planning and Zoning Commission on December 01, 2022.
- C. The proposed Text Amendment will not constitute a threat to the health, safety, welfare or convenience to the general public and should be approved.

Section 2. Text Amendments for Section 301, subsection A – Yards and Courts:

A. Yards and Courts

The required setback for a structure on any property is the minimum yard allowed. No structures other than fences, free standing walls, swimming pools, signs and other structures or projections cited in this section shall be permitted in the required setback. No lot shall be divided or diminished so that the setback and lot coverage requirements cannot be met. Structures on different lots shall not share the same yard to meet setback requirements. Except front setbacks in the Townsite Plat may be reduced to match either of the adjacent front property setbacks and may reduce front setbacks to zero.

In calculating setbacks, through lots (fronting on two streets) shall be considered as having two front yards. No door, window or other device, when opened, extended or otherwise in operation, shall protrude beyond a lot boundary.

1. Yard Adjustments: (Where the minimum length or width requirements can be met):

a. Side Yard Deviations

- 1) Any residentially- zoned interior lot lacking rear access shall provide a side yard measuring no less than 9 feet to provide access to any rear parking.
- 2) On a reverse corner lot backing to the adjoining lot, no structure exceeding a four foot height may be located adjacent to the side street within a triangular area formed by a line connecting the street intersection with the required front setback line of the adjoining lot.

b. Legal, Nonconforming Lots – All yards:

~~Structures located on legal, non-conforming lots shall meet the district setback requirements notwithstanding the substandard area of the lot.~~

Setbacks may be administratively adjusted for legal, nonconforming lots where district setbacks cannot be met due to substandard lot size. Setback standards for the nearest zoning district which most closely applies to the actual lot size will be used as the allowable setbacks. Administrative adjustments made under this section shall be documented on all Zoning Clearance documents.

2. Encroachment into Yards (where not in conflict with future width lines): No structure (other than fences, free standing walls or signs) shall be located so as to encroach upon or reduce any open space, yard, setback requirement, lot area or parking area as is designated under these provisions or under the provisions of the District in which it is located, except that:

a. All Yard Encroachments:

- 1) Cornices, eaves, coolers and open balconies, fire escapes, stairways or fire towers may project no more than five feet into any required yard (see definition) or court but no closer than three feet from any lot boundary.

- 2) Chimneys may project two feet into any required yard or court.
- b. Front Yard Encroachments:
 - 1) A bay window or entranceway less than ten feet wide may project three feet into any required front yard.
 - 2) An attached open porch, balcony or carport may project no more than 6 feet into any front yard.
- c. Rear Yard Encroachments:
 - 1) A bay window or entranceway less than ten feet wide may project three feet into any required rear yard.
 - 2) An attached open porch, balcony or carport may project no more than 10 feet into any required rear yard (but no closer than 10 feet from any common lot boundary).
 - 3) A detached accessory structure may be placed in a required rear yard provided it does not:
 - a) Encroach upon the end quarter of a through lot, or double frontage lot
 - ~~b) Be nearer the side property line of the front half of any adjacent lot than the required side yard of such lot.~~
 - ~~e) b)~~ b) No portion of an accessory building to be used for dwelling or sleeping purposes shall be nearer any property line than is allowed for a principal building.
 - ~~d) c)~~ c) Except that none of these provisions for detached accessory buildings shall prohibit their construction in a location farther than 75 feet from any lot boundary.
 - 4) Swimming pool setbacks from any lot boundary shall be no less than five (5) feet for any outdoor private pool and twenty-five feet for any outdoor public pool.

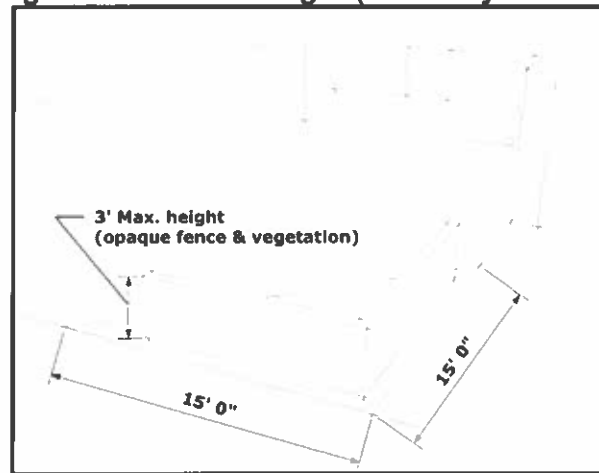
Section 3. Text Amendments for Section 301, Subsection B – Height Limits:

B. Height Limits:

1. **Exceptions to Height Limits:** The district height limitations for buildings are not applicable to spires, cupolas, chimneys, flues, vents, poles, beacons or towers; nor to any bulkhead, elevator, tank (or similar) extending above a room when same occupies no more than 25 percent of such roof area. Any such structure must be so located on a lot that its length (in case of collapse) would be contained within the bounds of the lot unless based on safety engineering data that demonstrates the proposed structure would satisfy this requirement.
2. **Fences and Freestanding Standing Walls:**

- a. The maximum height of a fence or freestanding wall is determined by measuring from the finished grade at the base of the fence or wall.
- b. Fences and freestanding walls within the required yards or setbacks shall maintain the following maximum heights:
 - 1) Fences or freestanding standing walls, not to exceed a height of six (6) feet in any required front yard, with at least the top two (2) feet open fencing, not opaque or solid and not to exceed six (6) feet elsewhere on residentially zoned lots. Agricultural fences (may not be opaque or solid) intended for confining livestock are exempt from the height restrictions.
 - 2) Three feet (3) within the triangular area formed by measuring 15 feet along the boundary of roadways and drives from their intersection. This three (3) foot limit includes hedges and other plantings but may include open fencing above three feet to otherwise permitted height.

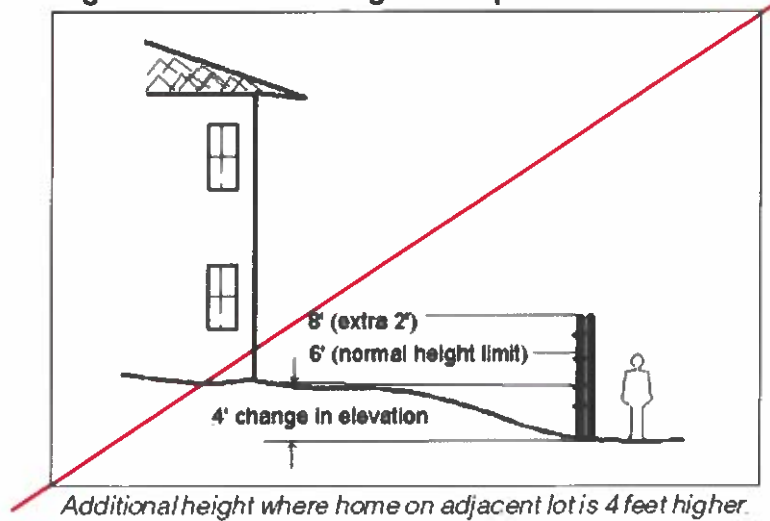
Figure 3-1: Fence Height (Driveway & Street)



- 3) The following exceptions apply to subsection B. 1. above:

A fence or freestanding wall may be erected or altered up to a height of eight (8) feet where the ground floor elevation of the principal dwelling on an abutting lot is at least four feet higher than the elevation at the abutting lot line (see Figure 3-1), where there is an elevation difference of two (2) feet or more between adjacent lots. For purposes of measuring height, the maximum height of eight (8) feet shall be measured from whichever side is taller.

Figure 3- 2: Fence Height Exception



- 4) On commercial and industrial zoned lots: eight feet (8'), except as noted below for utility companies and state licensed marijuana cultivation operations.
- 5) Where a fence or wall is required as a screening or other protection for residentially-zoned lots, it shall comply with the height limits for fences on residentially-zoned lots.
- 6) Exception for utility companies and commercial marijuana cultivation:
 - a. Utility companies such as APS (Arizona Public Service Company), Salt River Project, Unisource, etc. providing support and services for public utilities, are exempt from wall-fence height limits as these installations often require higher walls-fences in order to protect critical infrastructure. Perimeter fences for these utility companies will be only as tall as minimally required by each company.
 - b. Marijuana cultivation facilities, with approved cultivation licenses through Arizona Department of Health Services, are exempt from wall-fence height requirements of this section. Fences for cultivation facilities will be required to meet Arizona State Law requirements.

7. Exceptions to height limits in conjunction with retaining walls:

In instances where a property has been elevated by fill and an approved and permitted retaining wall, a six (6') foot fence would be permitted installed on top of the retaining wall subject to all other fence requirements excepting the height limitation.

3. Buildings:

- a. No portion of any building exceeding four feet in height shall occupy the triangular area formed by measuring back 10 feet along the right-of-way lines from the intersection of two streets.

Section 4. Text Amendments for Section 301, Subsection C – Accessory Uses and Structures

C. Accessory Uses and Structures

1. Accessory Uses and 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. On lots of two acres or more in size, an accessory structure may be constructed for the purpose of storing machinery or other miscellaneous equipment without a primary structure being required. A building permit, ~~and/or a zoning clearance~~ must be obtained prior to installation or construction and all structures must be built to conform to the International Building Code and Zoning District setback requirements.
Perimeter fences are exempt from the above paragraph. Vacant parcels may be fenced, prior to installation of a principle use or structure. Such fences shall comply with all other zoning requirements.
2. Residential uses in manufactured homes and mobile homes and long term stays in RV Parks (over 30 days), that do not include an enclosed garage, shall provide

enclosed storage, attached or detached, of a minimum area of one hundred (100) square feet as an accessory use to such dwellings.

Section 5. All ordinances or parts of ordinances adopted by the Town of Camp Verde in conflict with the provisions of this ordinance or any part of the code adopted are hereby repealed, as of the effective date of this ordinance.

Section 6. This ordinance is effective upon the expiration of a thirty (30) day period following the adoption hereof and upon completion of publication and any posting as required by law.

Section 7. 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 decisions shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by a majority vote of the Town Council in an open meeting by the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona this 19th day of January 2023.

Dee Jenkins 2-22-23
Dee Jenkins, Mayor Date

Attest:

Approved As To Form:

Digitally signed by: Trish Stuhan
DN: CN = Trish Stuhan
email = trish@piercecoleman.com C
= AD O = Pierce Coleman 2-22-23
PLC OU = Attorney
Date: 2023.02.22 14:30:45 -07'00'

Virginia Jones for Cindy Pemberton 2-22-23
Cindy Pemberton, Clerk Date

Trish Stuhan
Town Attorney, Date