

## ORDINANCE Nº 10-65

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING § 153.016 OF THE TOWN CODE REGARDING NON-CONFORMING USES AND STRUCTURES; PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF ANY ORDINANCE OR PART OF ORDINANCES OR CODE PROVISIONS IN CONFLICT THEREWITH.**

**Whereas**, prior to the incorporation of the Town of Dewey-Humboldt, Yavapai County established certain zoning districts over portions of land wherein existing parcels did not thereafter meet the minimum requirements of said zoning districts;

**Whereas**, subsequent to the incorporation of the Town, the Town Zoning Administrator determined that those undeveloped parcels that did not meet the minimum requirements of the overlying zoning districts were non-conforming and therefore unbuildable, wherein no building permits for development would be available; and

**Whereas**, this Ordinance is adopted for the purpose of allowing for the development of those certain non-conforming parcels that may qualify for development, subject to specific conditions in order to protect the health, safety, and general welfare of the residents of the Town in such cases.

**Now, Therefore**, be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona:

1. Amendment of Non-Conforming Uses and Structures. Town Code § 153.016 is hereby amended by the addition of the following new subsection G:

**(G) Special Consideration of Qualified Non-Conforming Parcels.** A non-conforming parcel is a parcel that fails to meet the minimum requirements (such as area, width or length) as prescribed by its overlying zoning use district. Development of such parcels may be considered provided that an individual parcel qualifies and is subject to the following criteria:

- (1) A non-conforming parcel that meets the following criteria is a Qualified Non-Conforming Parcel and may be developed as nearly as possible in conformance with the overlying zoning district:
  - a. Was legally created in full conformance with the zoning in place at the time of parcel creation;
  - b. Has adequate and properly documented access for ingress and egress;
  - c. Meets building setbacks of the overlying zoning district; and
  - d. Meets all Town's building code requirements (Town Code Chapter 150).
- (2) Following the initial construction and development as above of a Qualified Non-Conforming Parcel, the parcel will thereafter be considered a legal non-conforming use.

2. Effective Date. That this Ordinance shall be effective at the soonest date after its passage and approval, according to law.

3. 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.

4. Repeal. 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.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 16<sup>th</sup> day of March 2010.

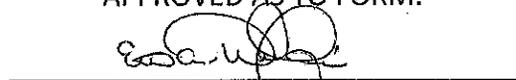


Len Marinaccio, Mayor

ATTEST:

  
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Judy Morgan, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Ethan Wolfinger, Town Attorney

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