

1. Planning And Zoning Commission - Agenda

Documents:

[2019_01_15_PZ_SP_AG.PDF](#)

2. Planning And Zoning Commission - Packet

Documents:

[2019_01_15_PZ_SP_PK.PDF](#)



Town of Chino Valley

MEETING NOTICE PLANNING AND ZONING COMMISSION

**SPECIAL MEETING
JANUARY 15, 2019
6:00 P.M.**

**Council Chambers
202 N. State Route 89
Chino Valley, Arizona**

AGENDA

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **MINUTES**
 - a. Consideration and possible action to approve December 4, 2018 regular meeting minutes.
5. **STAFF REPORTS**
6. **PUBLIC HEARING**
 - a. Consideration and possible action to adopt Ordinance 2019-862, amending the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 1, Subsection 1.11, by deleting sub-subsection 1.11.10 in its entirety and amend Subsection 1.6, by amending Subsection 1.6.2 to delete administration of the Town's property maintenance code; and by deleting Section 6 in its entirety, all related to removing property maintenance regulations from the Town's zoning code; providing for repeal of conflicting ordinances; and providing for severability. The content of these deleted sections from the Unified Development Ordinance (UDO) will be reconciled and added to the Chino Valley Town Code so that all of the provisions and requirements related to property maintenance shall remain in full force and effect. (Alex Lerma, Planner)
7. **NON-PUBLIC HEARING ACTION ITEMS**
8. **DISCUSSION ITEMS**

9. PUBLIC COMMENTS

10. ADJOURN

Dated this 8th day of January, 2019.

By: Alex Lerma, Planner

A copy of the agenda and background material provided to the Commissioners is available for public inspection at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona. Further details may be obtained by contacting Development Services Department at 1982 Voss, Chino Valley, Arizona (928) 636-4427.

The Town endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 636-2646 (voice) or use 711 (Telecommunications Arizona Relay Service) to request an accommodation to participate in this meeting.



Town of Chino Valley

MEETING NOTICE PLANNING AND ZONING COMMISSION

**SPECIAL MEETING
JANUARY 15, 2019
6:00 P.M.**

**Council Chambers
202 N. State Route 89
Chino Valley, Arizona**

AGENDA

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **MINUTES**
 - a. Consideration and possible action to approve December 4, 2018 regular meeting minutes.
5. **STAFF REPORTS**
6. **PUBLIC HEARING**
 - a. Consideration and possible action to adopt Ordinance 2019-862, amending the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 1, Subsection 1.11, by deleting sub-subsection 1.11.10 in its entirety and amend Subsection 1.6, by amending Subsection 1.6.2 to delete administration of the Town's property maintenance code; and by deleting Section 6 in its entirety, all related to removing property maintenance regulations from the Town's zoning code; providing for repeal of conflicting ordinances; and providing for severability. The content of these deleted sections from the Unified Development Ordinance (UDO) will be reconciled and added to the Chino Valley Town Code so that all of the provisions and requirements related to property maintenance shall remain in full force and effect. (Alex Lerma, Planner)
7. **NON-PUBLIC HEARING ACTION ITEMS**
8. **DISCUSSION ITEMS**

9. PUBLIC COMMENTS

10. ADJOURN

Dated this 8th day of January, 2019.

By: Alex Lerma, Planner

A copy of the agenda and background material provided to the Commissioners is available for public inspection at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona. Further details may be obtained by contacting Development Services Department at 1982 Voss, Chino Valley, Arizona (928) 636-4427.

The Town endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 636-2646 (voice) or use 711 (Telecommunications Arizona Relay Service) to request an accommodation to participate in this meeting.

Planning and Zoning Commission Special Meeting

4.a.

Meeting Date: 01/15/2019

December 4, 2018 Minutes

CASE DESCRIPTION:

Consideration and possible action to approve December 4, 2018 regular meeting minutes.

ANALYSIS:

RECOMMENDATION

Approve December 4, 2018 regular meeting minutes.

Attachments

December 4, 2018 Minutes

DRAFT

MINUTES OF THE REGULAR PLANNING AND ZONING MEETING OF THE TOWN OF CHINO VALLEY

DECEMBER 4, 2018
6:00 P.M.

The Planning and Zoning Commission of the Town of Chino Valley met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona.

1) CALL TO ORDER

Vice Chair Gary Pasciak called the meeting to order at 6:00 p.m.

2) PLEDGE OF ALLEGIANCE

Vice Chair Gary Pasciak led the Pledge of Allegiance.

3) ROLL CALL

Present: Vice-Chair Gary Pasciak; Commissioner Tom Armstrong; Commissioner Michael Bacon; Commissioner John McCafferty; Commissioner Teena Meadors; Commissioner William Welker; Alternate Welles Geary

Absent: Chair Chuck Merritt

Staff Interim Development Services Director Martin Scribner; Planner Alex Lerma; Public

Present: Works Director/Town Engineer Frank Marbury; Administrative Technician Kathy Frohock (videographer); Deputy Town Clerk Vickie Nipper

4) MINUTES

- a) Consideration and possible action to approve October 2, 2018 regular meeting minutes, with the correction on item 6a motion made by Commissioner McCafferty, not Commissioner Welker.

MOVED by Commissioner Tom Armstrong, seconded by Commissioner Teena Meadors to approve the October 2, 2018 minutes as amended.

AYE: Vice-Chair Gary Pasciak, Commissioner Tom Armstrong, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner William Welker, Alternate Welles Geary

Other: Commissioner Michael Bacon (ABSTAIN)

PASSED

- b) Consideration and possible action to approve November 6, 2018 regular meeting minutes.

MOVED by Commissioner William Welker, seconded by Alternate Welles Geary to approve the November 6, 2018 regular minutes.

AYE: Vice-Chair Gary Pasciak, Commissioner Tom Armstrong, Commissioner Michael Bacon, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner William Welker, Alternate Welles Geary

PASSED - Unanimously

5) STAFF REPORTS

Interim Development Services Director Martin Scribner introduced himself and provided his background and credentials. He reported on the following:

- The January 1st meeting was cancelled due to the holiday but a special meeting on the 15th of the month was being considered. This meeting would be a combined meeting with the Town Council Study Session. The January agenda included a public hearing on the removal of the Property Maintenance code section from the UDO code to the Town Code.
- The February agenda would include a duplex development project that Council discussed at a recent Council Study Session. A February Study Session may be scheduled to discuss the Enterprise Lane Rezone request that was on the current agenda.

6) PUBLIC HEARING

- a) Consideration and possible action to approve a Conditional Use Permit (CUP18-007) for 14.46 acres (approx. 629,877 sq. ft.) of real property located approximately .25 miles south of the southeast corner of East Perkinsville Road and North Road 1 East at 1525 North Road 1 East to rehabilitate the existing well site within the PL (Public Land) zoning district. (Owner of Record: City of Prescott) (Alex Lerma, Planner)

Planner Lerma presented the following:

- City of Prescott (COP) requested a CUP to rehabilitate their well facility located in Chino Valley.
- The property was split in 2005 and in 2008 COP requested a CUP for arsenic equipment, which had expired and the equipment was no longer onsite.
- The current metal building was out of date and would be removed and replaced by a new building. Outdated well equipment would be replaced with new equipment and the old landscaping would be removed and replaced with new landscaping.
- The facility had been around since the late 1940's. The Code required public utility companies to obtain a CUP and this location would become legal non-conforming if the existing well house was removed and replaced.
- Staff recommended approval and did not believe it would cause any noise pollution to area properties.

Jack Hubert, City of Prescott Project Manager presented the following:

- The well came into commission in May of 1968 and the facility had a major rehabilitation in 1987. An Arsenic interim removal facility was placed onsite in 2008 and was decommissioned in 2015.
- The current water capacity of 4,752,000 gallons per day would not be increased.
- The project would entail rehabbing the well including a new sanitary seal to the casing, new pump and motor, and a new building enclosure. Demolition would include removal of

the old steel building, old fencing and landscaping. A new concrete block wall would be installed and new trees and bushes would be placed onsite.

- The total land was 15.25 acres but City of Prescott would be improving 1.13 acres or 7.4% of the total land.

Commission Members, Jack Hubert, COP Project Manager and staff discussed:

- The retention basin would not be visible from the outside.
- The building would be 15 feet tall and the lighting was in the soffit's underneath. The lights would not be operated 24/7 but only on when staff was onsite or during an emergency.
- If approved, City of Prescott wanted to start work in February with completion within four months.

MOVED by Commissioner Michael Bacon, seconded by Commissioner Teena Meadors to recommend approval to the Town Council of this request to allow a Conditional Use Permit for approximately 14.46 acres of real property located approximately .25 mile south of the southeast corner of East Perkinsville Road and North Road 1 East, at 1525 North Road 1 East to allow the rehabilitation of the existing well site including removal of the existing building and construction of a new facility within the PL (Public Land) zoning district.

AYE: Vice-Chair Gary Pasciak, Commissioner Tom Armstrong, Commissioner Michael Bacon, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner William Welker, Alternate Welles Geary

PASSED - Unanimously

- b)** Consideration and possible action to approve Ordinance 18-856 to rezone 12.35 acres (approx. 535,788 sq. ft.) of real property located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North from SR-1 (Single Family Residential-1 acre minimum) to CL (Commercial Light) to allow wholesale nursery **and** consideration and possible action to approve a Conditional Use Permit (CUP18-006) for 12.35 acres (approx. 535,788 sq. ft.) of real property located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North to allow the existing single family residential use within the CL (Commercial Light) zoning district. (Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)(Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)

Planner Lerma presented the following:

- This item was being continued from the last meeting.
- Applicant was requesting a zone change and a CUP, which would be addressed concurrently.
- The property to the east, Prescott Valley Growers, was owned by the applicant.
- The property currently had a single-family residence and an accessory structure and the applicant wanted to continue to keep the residence onsite. If the zone change was approved the house would need a CUP.
- Four residents attended the neighborhood meeting with concerns regarding the zoning district the applicant had requested and the precedence it created for other properties in the area. According to the General Plan Map, this was the last property that could be zoned commercial. Other concerns included the possibility of the property being sold and the property use change to another approved use in the CL zone.

- The Commission could not put limitations on a rezoned property.
- The applicant did not want to consider rezoning the property to AR-5 zone as suggested by the commission because she wanted the option to open the business to outside sales.
- Staff recommended approval of the rezone and the CUP.

Commission Members and staff discussed:

- The site plan submitted by the applicant showed an additional future residence. A CUP in a Commercial Light district did not limit the number of residences. A limit of two residences was specified as a condition of approval for the CUP. There was no limit on the size of the second residence.
- The property was originally rezoned in 2007 for the wholesale nursery from AR-5 to SR-1.
- Commissioners were concerned with future uses of the property if rezoned to CL.
- The CUP would allow for a second residence and would ensure the current residence did not become legal non-conforming if the rezone request was approved.

MOVED by Commissioner John McCafferty, seconded by Commissioner Teena Meadors to recommend approval to Town Council of this request to rezone approximately 12.35 acres of real property located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North from SR-1 (Single Family Residential-1 Acres Minimum) zoning district to CL (Commercial Light) zoning district.

AYE: Vice-Chair Gary Pasciak, Commissioner John McCafferty, Commissioner Teena Meadors

NAY: Commissioner Tom Armstrong, Commissioner Michael Bacon, Commissioner William Welker, Alternate Welles Geary

FAILED

MOVED by Commissioner Teena Meadors, seconded by Commissioner William Welker to recommend denial to Town Council of this request for a Conditional Use Permit for 12.35 acres of real property located approximately .25mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North to allow the existing residential use within the Commercial Light zoning district.

AYE: Commissioner Tom Armstrong, Commissioner Michael Bacon, Commissioner Teena Meadors, Commissioner William Welker, Alternate Welles Geary

NAY: Vice-Chair Gary Pasciak, Commissioner John McCafferty

PASSED

- c) Consideration and possible action to approve Ordinance 18-860 to rezone 1.48 acres of real property generally located 1,663 feet south and 300 feet west of southwest corner of West Road 2 South and State Route 89 at 1328 South State Route 89 from CL (Commercial Light) zoning district to CH (Commercial Heavy) zoning district. (Owner of Record: Dawn Lee Henrickson) (Alex Lerma, Planner)

Planner Lerma presented the following:

- Property was accessed through a 50-foot easement.
- The General Plan recommended the property be Commercial/Multi-family Residential.
- Site improvements included a manufactured home and accessory structures.
- Applicant planned to place 5,040 square feet of buildings for fabrication, welding, manufacturing and storage purposes. A modular home would be used as an office building.
- Neighboring properties had similar uses.
- No one attended the neighborhood meeting and staff had not received any comments.
- Staff recommended approval of this request.

Commission Members, applicant Tim Henrickson and staff discussed the following:

- The intention of the applicant, who also owned the adjacent Lanatana Plaza, was to access both properties from Lanatana Plaza using the turning lane from that area. The driveway that currently accessed the subject property already had the approved ADOT approach and the handicap facility already on it.

MOVED by Commissioner William Welker, seconded by Commissioner John McCafferty to recommend approval to Town Council of this request to rezone approximately 1.48 acres of real property located 1,663 feet south and 300 feet west of southwest corner of West Road 2 South and State Route 89 from CL (Commercial Light) zoning district to CH (Commercial Heavy) zoning district.

AYE: Vice-Chair Gary Pasciak, Commissioner Tom Armstrong, Commissioner Michael Bacon, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner William Welker, Alternate Welles Geary

PASSED - Unanimously

- d) Consideration and possible action to approve Ordinance 18-861 to rezone 5.62 acres of real property generally located 2,250 feet south of the southwest corner of West Road 2 South and State Route 89 at 1458 South State Route 89 from CL/AR-5 (Commercial Light/Agricultural Residential-5 acre minimum) zoning district to CH (Commercial Heavy) zoning district. (Owner of Record: TDH Investments LLC,) (Alex Lerma, Planner)

Planner Lerma presented the following:

- The property included a single-family residence and guest house.
- The property was a blended zoning property of Commercial Light and Agricultural Residential 5-acre minimum.
- The General Plan recommendation was Commercial/ Multi-Family Residential.
- The surrounding zoning was blended zoning including Commercial Light and Agricultural Residential-5 and Commercial Heavy zoning adjacent to State Route 89.
- The Applicant wanted to develop the property into an RV and mini storage property and would develop two 24,750 square foot buildings, each providing 50 covered RV parking areas. Another building to the south would be used for a mini storage area with approximately 120 storage spaces. There would also be an additional 25 uncovered RV parking areas. The current residence would be converted into an office building.
- No one attended the neighborhood meeting and staff had not received any comments.
- A zone change would eliminate the blended zoning, which was a challenge to staff for defining development standards.
- Staff recommended approval of this request.

Commission Members, applicant Tim Henrickson and staff discussed the following:

- A feasibility study with ADOT was completed and it was determined that the applicant was required to modify the ingress/egress drive.
- The site plan also included the setback for the future implementation of Road 3 South dedication to the Town. Ultimately the future entrance would be located on that road once it was developed. The buildings setbacks were based on those development standards and the property would be in compliance if the road was developed.
- Mr. Marbury explained that Road 3 South was recommended to be a collector road in the future but there was not a timeline and the Town was not ready to have the land officially dedicated.

MOVED by Commissioner Teena Meadors, seconded by Commissioner John McCafferty to recommend approval to Town Council this request to rezone approximately 5.62 acres of real property located 2,250 feet south of southwest corner of West Road 2 South and State Route 89 at 1458 South State Route 89 from CL/AR-5 (Commercial Light/Agricultural Residential-5 acre minimum) zoning district to CH (Commercial Heavy) zoning district.

AYE: Vice-Chair Gary Pasciak, Commissioner Tom Armstrong, Commissioner Michael Bacon, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner William Welker, Alternate Welles Geary

PASSED - Unanimously

7) NON-PUBLIC HEARING ACTION ITEMS

8) DISCUSSION ITEMS

- a) Enterprise Lane commercial subdivision is located 207 feet east of State Route 89. Staff will work with the property owners and rezone several properties within Enterprise Lane from (CH) Commercial Heavy to (I) Industrial. Staff will concurrently be requesting a GPA (General Plan Map Amendment) to change the areas land use designation from Commercial/Multi-Family Residential to Employment Park/Commercial Recreation/Education/Public Services. The Industrial zoning district will be the proper classification in the area based on the current land uses. (Alex Lerma, Planner)

Planner Lerma presented the following:

- This item would be discussed at a study session and staff was not prepared to give a recommendation.
- Staff would be initiating a zone change on 13 separate parcels making up approximately 14 acres.
- The lots would be rezoned from Commercial Heavy to Industrial.
- This item was brought to staff a year ago through a business program that triggered staff to do research and make decisions to fix the area.
- Some of the current uses relevant to the Industrial Zoning district included cement quarries, a Porta-Potty storage and cleaning business, and other heavier uses.
- The property owners were supportive of the zone change.
- Staff would also request a General Plan Amendment and map amendment to change it from commercial/multi-family to Industrial/Agri-business/Contained Planned-Community.

Commission Members and staff discussed:

- Contained Planned Community was thought to be a larger planned community although the definition was unclear.
- The Enterprise project would include properties to the north and west but only for the General Plan Use Designation Map and would not affect the zoning of those properties. Over time those properties could be rezoned.
- The property to the north that was zoned Multi Family Residential/Mobile Home Park and currently housed veterans. Staff was working with them to get their project started. Commissioners were concerned with a cement plant near the residential area but the cement plant was already there and was the reason this project began.

9) PUBLIC COMMENTS

Call to the Public is an opportunity for the public to address the Commission on any issue within the jurisdiction of the Commission that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Commission action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

10) ADJOURN

MOVED by Commissioner John McCafferty, seconded by Commissioner Michael Bacon to adjourn the meeting at 7:12 p.m.

AYE: Vice-Chair Gary Pasciak, Commissioner Tom Armstrong, Commissioner Michael Bacon, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner William Welker, Alternate Welles Geary

PASSED - Unanimously

Chair Charles Merritt

Date

Planning and Zoning Commission Special Meeting

6.a.

Meeting Date: 01/15/2019

Unified Development Ordinance Property Maintenance Text Amendment

CASE DESCRIPTION:

Consideration and possible action to adopt Ordinance 2019-862, amending the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 1, Subsection 1.11, by deleting sub-subsection 1.11.10 in its entirety and amend Subsection 1.6, by amending Subsection 1.6.2 to delete administration of the Town’s property maintenance code; and by deleting Section 6 in its entirety, all related to removing property maintenance regulations from the Town’s zoning code; providing for repeal of conflicting ordinances; and providing for severability. The content of these deleted sections from the Unified Development Ordinance (UDO) will be reconciled and added to the Chino Valley Town Code so that all of the provisions and requirements related to property maintenance shall remain in full force and effect. (Alex Lerma, Planner)

ANALYSIS:

See attached staff report

RECOMMENDATION

Staff recommends that Planning and Zoning Commission forward a recommendation of approval to Town Council to adopt Ordinance 2019-862, amending the Town of Chino Valley Unified Development Ordinance, Chapter 154, by Amending Section 1, Subsection 1.11, by deleting sub-subsection 1.11.10 in its entirety and amend Subsection 1.6, by amending Subsection 1.6.2 to delete administration of the Town’s property maintenance code; and by deleting Section 6 in its entirety, all related to removing property maintenance regulations from the Town’s zoning code; providing for repeal of conflicting ordinances; and providing for severability; subject to the following condition:

- The content of these deleted sections from the Unified Development Ordinance (UDO) will be reconciled and added to the Chino Valley Town Code so that all of the provisions and requirements related to property maintenance shall remain in full force and effect.

Attachments

UDO Text Amendment Staff Report

Draft Ordinance 2019-862



TOWN OF CHINO VALLEY PLANNING AND ZONING COMMISSION STAFF REPORT

PUBLIC HEARING: January 15, 2019

SUBJECT: Unified Development Ordinance Text Amendment

APPLICANT: Town of Chino Valley Development Services

REQUEST: Amend Section 1, Subsection 1.11, by deleting subsection 1.11.10 in its entirety and amend Subsection 1.6, by amending sub-section 1.6.2 to delete administration of the Town's property maintenance code; and by deleting Section 6 in its entirety, all related to removing property maintenance regulations from the Town's zoning code; providing for repeal of conflicting ordinances. The content of these deleted sections from the Unified Development Ordinance (UDO) will be reconciled and added to the Chino Valley Town Code so that all of the provisions and requirements related to property maintenance shall remain in full force and effect.

I. BACKGROUND:

In 2006, Town Council adopted Ordinance 06-678 adding sub-subsection 1.11.10: ABATEMENT OF HAZARDS TO PUBLIC HEALTH AND SAFETY AND CIVIL SANCTIONS PURSUANT TO A.R.S. § 9-499, Sub-subsection: 1.6.2 POWER AND DUTIES and Section 6: PROPERTY MAINTENANCE to the Unified Development Ordinance.

II. ANALYSIS:

While the UDO (Unified Development Ordinance) and the Town Code are closely related, they serve different functions. To summarize, the UDO (which includes the zoning code) serves as a regulatory document focusing on land uses (how property in specific geographic zones can be used), density, height of structures, as well as development standards and procedures for creating new subdivisions. The Town Code includes the UDO, but is a more complex document focusing on all details of Town procedure, such as noise, traffic, animal control and maintenance of properties in throughout the Town. It also serves as a regulatory document for other intergovernmental departments outside of development.

Since the enforcement of property maintenance regulations is more operational in nature and not specific to land use policy, staff believes that those sections of the UDO dealing with maintenance of properties should be entirely removed from the UDO and added as a new section to the Town Code, as this type of regulation is not generally within the purview of the Planning and Zoning Commission. As such, the action requested by staff is simple and regarded as organizational in nature.

III. NOTIFICATION:

Notice of this public hearing was published in the local newspaper as required by the Unified Development Ordinance. Residents were informed that a draft version of the Ordinance would be accessible through the Town of Chino Valley websites homepage, under the news flash section at chinoaz.net. Residents were also informed that all written comments would be received by the Development Service Department at the Development Service building.

IV. STAFF RECOMMENDATION:

Staff recommends that Planning and Zoning Commission forward a recommendation of approval to Town Council to adopt **Ordinance 2019-862**, amending the Town of Chino Valley Unified Development Ordinance, Chapter 154, by Amending Section 1, Subsection 1.11, by deleting subsection 1.11.10 in its entirety and amend Subsection 1.6, by amending subsection 1.6.2 to delete administration of the Town's property maintenance code; and by deleting Section 6 in its entirety, all related to removing property maintenance regulations from the Town's zoning code; providing for repeal of conflicting ordinances; and providing for severability; subject to the following condition:

- The content of these deleted sections from the Unified Development Ordinance (UDO) will be reconciled and added to the Chino Valley Town Code so that all of the provisions and requirements related to property maintenance shall remain in full force and effect.

V. EXHIBITS

1. Draft Ordinance 2019-862

ORDINANCE NO. 2019-862

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA, CHAPTER 154 UNIFIED DEVELOPMENT ORDINANCE, BY AMENDING SECTION 1 ADMINISTRATION AND PROCEDURES, SUBSECTION 1.11 VIOLATION AND PENALTY, BY DELETING SUB-SUBSECTION 1.11.10 ABATEMENT OF HAZARDS TO PUBLIC HEALTH AND SAFETY AND CIVIL SANCTIONS PURSUANT TO A.R.S. § 9-499 IN ITS ENTIRETY AND AMENDING SUBSECTION 1.6 ZONING ADMINISTRATOR AND ASSISTANT ZONING ADMINISTRATOR, BY AMENDING SUB-SUBSECTION 1.6.2 POWERS AND DUTIES TO DELETE ADMINISTRATION OF THE TOWN'S PROPERTY MAINTENANCE CODE; AND BY DELETING SECTION 6 PROPERTY MAINTENANCE IN ITS ENTIRETY, ALL RELATED TO REMOVING PROPERTY MAINTENANCE REGULATIONS FROM THE TOWN'S ZONING CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, both the Town of Chino Valley Town Code and the Town of Chino Valley Unified Development Ordinance contain regulations relating to property maintenance in the Town, some of which are in conflict; and

WHEREAS, the Town Council of the Town of Chino Valley finds that the proper place for the property maintenance provisions are in the Town Code; and

WHEREAS, after proper notice required by law and in accordance with ARS 9-462.04, the Planning and Zoning Commission made this document available to the public on December 13, 2018 and held a public hearing on January 15, 2019, during which the Commission took comments from the public and, after consideration and discussion, recommended approval of the proposed amendments to the Town Council; and

WHEREAS, the Town Council finds all legally required notice and public hearing requirements have been satisfied;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

The Unified Development Ordinance of the Town of Chino Valley, Arizona, Section 1, Administration and Procedures, Subsection 1.11 Violation and Penalty, Sub-Subsection 1.11.10 Abatement of Hazards to Public Health and Safety and Civil Sanctions Pursuant to A.R.S. §9-499 is deleted in its entirety.

The Unified Development Ordinance of the Town of Chino Valley, Arizona, Section 1, Administration and Procedures, Subsection 1.6 Zoning Administrator and Assistant Zoning

Administrator, Sub-subsection 1.6.2 Powers and Duties is hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

1.6.2 Powers and Duties

The Zoning Administrator and Assistant Zoning Administrator shall perform the following functions:

1. Enforce this Ordinance by ensuring that all activities, construction, and development within the Town are in conformance with the Town zoning regulations.
2. ~~Administer the Town's Property Maintenance Code, which is included in this Ordinance by reference.~~
3. Administer the Town's Development Guidelines (as may be created and adopted by the Town), which are included in this Ordinance by reference.
- 4-3. Accomplish all administrative tasks required by this Ordinance including receiving and processing applications for all persons requesting a rezone, use permit, plan review, Zoning Administrator, appeal, or other action of the Commission, Board of Adjustment, or Town Council.
54. Subject to the policies of the Commission and Town Council, interpret this Ordinance to members of the public, Town departments, and other branches of government.
65. Serve as planning staff to Council and Commission, and, as necessary, attend meetings of these and other organizations and agencies.

The Unified Development Ordinance of the Town of Chino Valley, Arizona, Section 6 Property Maintenance is deleted in its entirety.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this ___ day of _____, 2019 by the following vote:

Darryl Croft, Mayor

ATTEST:

Jami Lewis, Town Clerk

APPROVED AS TO FORM:

Susan D. Goodwin, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 2019-862 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on _____, 2019, and that quorum was present, and that the vote thereon was ___ ayes and ___ nays and ___ abstentions. ___ Council members were absent or excused.

Jami C. Lewis, Town Clerk