

ORDINANCE NO. 16-812

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA, CHAPTER 1 ADMINISTRATION AND PROCEDURES, SECTION 1.9 REVIEW AND APPROVAL PROCESSES; SUBSECTION 1.9.5 CITIZEN REVIEW PROCESS RELATED TO NOT REQUIRING STAFF ATTENDANCE AT NEIGHBORHOOD MEETINGS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, after proper notice required by law and in accordance with ARS 9-462.04, the Planning and Zoning Commission held a citizen review meeting on February 2, 2016 and held a public hearing on March 1, 2016, during which the Commission took comment from the public and, after consideration and discussion, recommended approval of the proposed amendments to the Town Council; and

WHEREAS, the Unified Development Ordinance of the Town of Chino Valley, Chapter 1 Administration and Procedures, Section 1.9 Review and Approval Processes, Subsection 1.9.5 Citizen Review Process requires the Zoning Administrator, or his/her designee, to attend neighborhood meetings related to zoning actions, Conditional Use Permits, and Planned Area Developments; and

WHEREAS, the purpose of neighborhood meetings is for the applicant to describe and advocate for their proposed project, be it a zoning change, a Conditional Use Permit, or a Planned Area Development; and

WHEREAS, staff attendance at neighborhood meetings may give the appearance of implicit support of said project, and may also limit the free exchange of comments and concerns at neighborhood meetings; and

WHEREAS, after proper notice in accordance with ARS 9-462.04, the Planning and Zoning Commission held a public hearing on February 2, 2016, during which the Commission took comment from the public and, after consideration and discussion, recommended approval of the ordinance to the Town Council; and

WHEREAS, the Town Council finds this proposed amendment reasonable and in accordance with state regulations governing the citizen review process related to zoning actions, Conditional Use Permits, and Planned Area Developments;

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, Chapter 1 Administration and Procedures, Section 1.9 Review and Approval Processes,

Subsection 1.9.5 Citizen Review Process is hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

1.9.5 Citizen Review Process

* * *

The ~~Zoning Administrator~~ APPLICANT, upon consultation with the ~~applicant~~ ZONING ADMINISTRATOR, shall establish a time, date and place for the neighborhood meeting that provides a reasonable opportunity for the applicant TO INFORM adjacent landowners and ~~those~~ other potentially affected citizens OF THE SUBSTANCE OF THE PROPOSED ACTION AND ADJACENT LANDOWNERS AND OTHER POTENTIALLY AFFECTED CITIZENS WILL BE PROVIDED AN OPPORTUNITY to discuss and express ANY ISSUES OR CONCERNS THAT THEY MAY HAVE WITH THE PROPOSED ~~their respective views concerning the application and any issues or concerns that they may have with the zoning or change of zoning and~~ OR Use Permit proposed by the application BEFORE THE PUBLIC HEARING. THE CITIZEN REVIEW MEETING SHALL BE HELD NOT LESS THAN FIVE DAYS PRIOR TO THE PUBLIC HEARING ON THE APPLICATION. The Zoning Administrator, or his/her designee, MAY ~~shall~~ attend the meeting, but is not required to conduct the meeting. The ~~Zoning Administrator~~ APPLICANT, or his/her designee, shall ~~report the results of the neighborhood meeting~~ SUBMIT A WRITTEN REPORT OF THE OUTCOMES OF THE MEETING, TO THE ZONING ADMINISTRATOR, WHO SHALL INCLUDE THEM IN REPORTS to Commission and Town Council at such time as they take action on the application.

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.

Section 4. Providing for Penalties

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development

Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 22nd day of March, 2016 by the following vote:

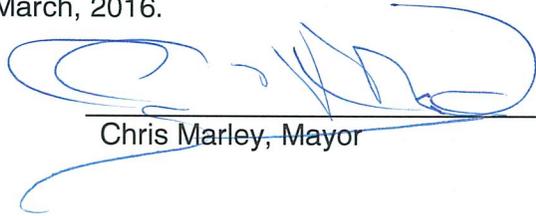
AYES: 7

ABSENT: 0

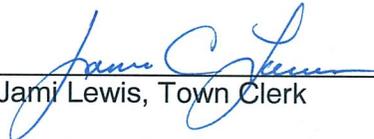
NAYS: 0

ABSTAINED: 0

APPROVED this 22nd day of March, 2016.


Chris Marley, Mayor

ATTEST:


Jami Lewis, Town Clerk

APPROVED AS TO FORM:


Phyllis L.N. Smiley, Town Attorney

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 16-812 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 22nd DAY OF MARCH, 2016, WAS POSTED IN THREE PLACES ON THE 24th DAY OF MARCH, 2016.


Jami Lewis, Town Clerk