

ORDINANCE NO. 14-786

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 1 ADMINISTRATION AND PROCEDURES, SECTION 1.9 REVIEW AND APPROVAL PROCESSES, BY AMENDING SUBSECTION 1.9.2 AMENDMENT TO INCLUDE PADS IN THE AMENDMENT PROCESSES; BY AMENDING SUBSECTION 1.9.4 PLANNED AREA DEVELOPMENT OVERLAY DISTRICT: PAD RELATED TO REVISING THE PROCEDURE AND REQUIREMENTS FOR ESTABLISHING A PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES

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

Section 1. In General

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 1 Administration and Procedures, Section 1.9 Review and Approval Process, Subsection 1.9.4 Amendments is hereby amended to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

1.9.2 Amendment

B. Review. Upon receipt of an application for an amendment, including requests for PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICTS, Use Permits and Conditional use permits, the Development Services Director, or his/her designee, shall review the application for completeness and applicability to this Ordinance and the General Plan, comment on the proposal, and shall adhere to the posting and publication requirements required by Arizona law, including compliance with the Citizen Review Process provided in Section 1.9.5, prior to the public hearing before the Planning and Zoning Commission. Requests for amendments or change of zoning shall be considered by the Planning and Zoning Commission for the purpose of making a written recommendation, which shall, after holding a public hearing at which parties of interest and citizens have been heard, include the reasons for such recommendations, to the Mayor and Council. Council may adopt the recommendation of the Commission without holding a second public hearing if there is no objection, request for public hearing, or other protest.

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The Unified Development Ordinance of Chino Valley, Arizona, Chapter 1 Administration and Procedures, Section 1.9 Review and Approval Process, Section 1.9.4 Planned Area Development Overlay District: PAD, Subsection 1.9.4.1 Purpose and

Subsection 1.9.4.2 Permitted Uses are hereby amended to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

1.9.4.1. Purpose

The purposeS of the pPlanned aArea dDevelopment overlay district (“padPAD OVERLAY DISTRICT”) isARE:

A. ~~to~~ Provide for the orderly development of land consistent with the Unified Development Ordinance of the Town of Chino Valley ~~while~~ **TO** permitting ~~maximum flexibility in the design and development of residential, commercial and/or industrial environments~~ **DEVELOPMENTS IN CONFORMITY WITH THE INTENT AND PURPOSE OF THE GENERAL PLAN AND UNIFIED DEVELOPMENT ORDINANCE.** ~~of a quality which could not be achieved by traditional lot by lot development under conventional zoning concepts. It is recognized that while the conventional zoning districts and the requirements of those districts set forth in the Unified Development Ordinance of the town are reasonable, there may be circumstances in which it is in the best interests of the town to permit modifications in some of the requirements of the zoning districts where a property owner develops land in the town utilizing unique and/or creative designs and techniques in such a manner as to promote its most appropriate use, economical provision of streets and utilities, to preserve and utilize open space, to offer recreational opportunities close to residential use, to enhance the appearance of neighborhoods, to counteract adverse effects of urbanization and to provide for the unified control of development of land.~~

B. **MODIFY UNDERLYING ZONING DISTRICT REGULATIONS TO PERMIT FLEXIBILITY AND INNOVATION IN DEVELOPMENTAL DESIGN AND PROVIDE OPPORTUINTIES FOR UNIQUE OR MIXED-USE DEVELOPMENT.**

C. **PROMOTE ECONOMICAL CONSTRUCTION AND MAINTENANCE OF STREETS AND UTILITIES WITHOUT COMPROMISING PUBLIC SAFETY AND WELFARE.**

D. **PRESERVE AND UTILITZE OPEN SPACE AND OFFER RECREATIONAL OPPORTUNITIES CLOSE TO RESIDENTIAL USE.**

E. **ENCOURAGE THE PRESERVATION OF COMMUNITY CHARACTER AND STABILIZATION OF SURROUNDING NEIGHBORHOODS.**

1.9.4.2 Permitted Uses

A. ~~A SINGLE PAD OVERLAY district may OVERLAY consist of one or more underlying zoning districts. as permitted by the Unified Development Ordinance of the town. The uses permitted in the PAD district shall be governed by the permitted uses in the underlying district or combination of underlying districts, as approved by the Council. An “underlying zoning district” shall mean those zoning districts set forth in 3.1 through 3.27 of the Unified Development Ordinance of the town.~~

B. USE AND DEVELOPMENT OF LAND WITHIN A THE PAD OVERLAY district shall CONFORM TO AND comply with the requirements of the underlying zoning district(s) REGULATIONS AND OTHER REQUIREMENTS SET FORTH ~~except as otherwise set forth in this article and in the specific Unified Development Ordinance, EXCEPT AS MODIFIED BY THE PAD ZONING ORDINANCE.~~ ~~establishing the specific pad district.~~ A pad district may be approved with modifications of the requirements of the underlying zoning district so long as the intent of this Unified Development Ordinance is met and the resulting land use will be of a quality comparable to or exceeding the quality which would otherwise result from use solely of the underlying zoning district(s).

C. A PAD OVERLAY district may allow for onsite density transfer within a residential development, permitting the density regulations of the underlying zoning districts to be applied to the total area of the pad PAD OVERLAY district rather than separately to individual lots or underlying zoning districts.

~~C. Notwithstanding the above, no modifications of the requirements of the underlying zones with respect to use shall be approved by virtue of approval of the pad application.~~

D. Applications for changes in the underlying zoning district(s) ~~uses to include, for example, a change from sr 1 to sr 0.16, which would end up designated sr 0.16 pad.~~ May be submitted and processed concurrently with an application requesting approval of a planned area development overlay district.

E. THE MINIMUM AREA FOR A PAD OVERLAY DISTRICT SHALL BE TWO (2) ACRES. ~~There is no minimum size for a planned area development. However, the size of the area included in the pad must be such that it accommodates the requirements of this pad ordinance.~~

F. PAD OVERLAY DISTRICT MODIFICATIONS TO USES PERMITTED IN THE UNDERLYING ZONING DISTRICT[S] SHALL BE REASONABLY COMPATIBLE WITH AND NOT AVERSE TO THE USES PERMITTED IN THE UNDERLYING ZONING DISTRICT[S].

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 1 Administration and Procedures, Section 1.9 Review and Approval Process, Section 1.9.4 Planned Area Development Overlay District: PAD, Subsection 1.9.4.3 Modifications of Standards and PAD Procedures and Subsection 1.9.4.4 PAD Procedures are hereby deleted in their entirety.

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 1 Administration and Procedures, Section 1.9 Review and Approval Process, Section 1.9.4 Planned Area Development Overlay District: PAD, new Subsection 1.9.4.3 PAD Procedures is hereby added to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

1.9.4.3 PAD PROCEDURES

A. CREATION OF A PAD OVERLAY DISTRICT SHALL BE CONSIDERED AND TREATED AS A CHANGE IN ZONING AND SHALL BE SUBJECT TO THE

PROCEDURES REQUIRED FOR CHANGES IN ZONING, INCLUDING CITIZEN REVIEW, PUBLIC HEARING BY THE PLANNING COMMISSION AND APPROVAL BY THE TOWN COUNCIL.

B. DEVELOPMENT PLAN REQUIREMENTS.

1. *DEVELOPMENT PLAN.* A PAD APPLICATION AND APPROVAL SHALL INCLUDE A DEVELOPMENT PLAN CONSISTING, AT A MINIMUM, OF A SITE PLAN SHOWING THE LOCATIONS OF BUILDINGS AND STREET LAYOUT PLANS. WHERE A MODIFICATION OF THE UNDERLYING ZONING REGULATIONS RELATED TO BUILDING SETBACKS, HEIGHT, DESIGN, OPEN SPACE OR OTHER SITE REGULATION IS REQUESTED, THE APPLICANT SHALL PROVIDE BUILDING ELEVATIONS, BUILDING HEIGHTS, DESIGN GUIDELINES, RESIDENTIAL LOT LAYOUT, AND ANY ADDITIONAL INFORMATION RELEVANT TO THE REQUEST AND AS DETERMINED BY THE PLANNING DEPARTMENT.
2. USE AND DEVELOPMENT OF THE PROPERTY LOCATED WITHIN THE PAD OVERLAY DISTRICT SHALL SUBSTANTIALLY CONFORM TO THE DEVELOPMENT PLAN WHICH SHALL BE APPROVED BY THE TOWN COUNCIL AS AN EXHIBIT TO THE PAD OVERLAY DISTRICT ZONING ORDINANCE.

C. ZONING CONDITIONS. THE PLANNING COMMISSION MAY RECOMMEND AND THE TOWN COUNCIL MAY IMPOSE CONDITIONS OF APPROVAL INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

1. TIMING OR PHASING OF DEVELOPMENT;
2. OFF-SITE IMPROVEMENTS TO MITIGATE THE IMPACTS OF THE PROPOSED DEVELOPMENT;
3. DEVELOPMENT STANDARDS;
4. DESIGN GUIDELINES;
5. CONDITIONS OF USE;
6. DEDICATION OF LAND FOR PUBLIC PURPOSES;
7. DEDICATION TO THE TOWN OF RIGHTS-OF-WAY AS STREETS, ALLEYS, PUBLIC WAYS, DRAINAGE AND PUBLIC UTILITIES AS ARE REASONABLY REQUIRED BY OR RELATED TO THE EFFECT OF THE REZONING;
8. DEDICATION OF EASEMENTS FOR PUBLIC USE OF TRAILS AND OPEN SPACE AREAS;
9. ESTABLISHMENT BY THE DEVELOPER OF A HOMEOWNERS OR PROPERTY OWNERS ASSOCIATION TO ASSURE CONTINUED MAINTENANCE AND OWNERSHIP OF OPEN SPACE AND LANDSCAPED AREAS WITHIN THE PAD OVERLAY DISTRICT;
10. RESERVATION OF LAND FOR FUTURE PUBLIC ACQUISITION.

D. THE PLANNING COMMISSION SHALL HOLD A PUBLIC HEARING ON THE PAD OVERLAY DISTRICT AND REZONING REQUEST PURSUANT TO THE REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE AND ARIZONA STATE LAW.

E. AFTER THE PUBLIC HEARING, THE PLANNING COMMISSION SHALL MAKE A WRITTEN RECOMMENDATION TO THE TOWN COUNCIL THAT THE COUNCIL APPROVE, APPROVE WITH MODIFICATIONS AND/OR CONDITIONS, OR DENY THE PROPOSED CHANGE IN ZONING AND CREATION OF A PAD OVERLAY DISTRICT. THE RECOMMENDATION SHALL INCLUDE THE REASONS FOR THE RECOMMENDATION AND SHALL BE TRANSMITTED TO THE TOWN COUNCIL IN SUCH FORM AND MANNER AS MAY BE SPECIFIED BY THE COUNCIL.

F. THE PLANNING COMMISSION SHALL RECOMMEND APPROVAL ONLY AFTER MAKING THE FOLLOWING FINDINGS:

1. THAT THE REZONING AS PROPOSED OR MODIFIED IS CONSISTENT WITH AND CONFORMS TO THE GENERAL PLAN; AND
2. THAT ALL PROPERTIES WITHIN THE PROPOSED PAD OVERLAY DISTRICT WILL HAVE ADEQUATE ACCESS TO PUBLIC OR PRIVATE STREETS APPROPRIATE TO THEIR USE.

G. THE COUNCIL MAY APPROVE THE REZONING AND CREATION OF A PAD OVERLAY DISTRICT WITHOUT A PUBLIC HEARING IF THERE IS NO OBJECTION, REQUEST FOR A PUBLIC HEARING, OR OTHER PROTEST. IF AN OBJECTION, REQUEST FOR A PUBLIC HEARING OR OTHER PROTEST IS RECEIVED, THE COUNCIL SHALL HOLD A PUBLIC HEARING. THE COUNCIL MAY ADOPT THE RECOMMENDATIONS OF THE PLANNING COMMISSION OR IT MAY APPROVE WITH MODIFICATIONS OR DENY THE REQUESTED CHANGE IN ZONING AND PAD OVERLAY DISTRICT.

H. AMENDMENTS TO THE PAD OVERLAY ZONING DISTRICT. AMENDMENTS TO A PAD OVERLAY ZONING DISTRICT ARE CHANGES IN ZONING AND SHALL BE TREATED AS SUCH FOR ALL PURPOSES INCLUDING BUT NOT LIMITED TO SUBMISSION OF APPLICATIONS, FEES, PUBLIC NOTICE REQUIREMENTS, CITIZEN REVIEW, PUBLIC HEARINGS, PLANNING COMMISSION RECOMMENDATION AND APPROVAL BY THE TOWN COUNCIL.

I. MODIFICATIONS TO THE APPROVED DEVELOPMENT PLAN.

1. NOTWITHSTANDING SUBSECTION H, ABOVE, THE FOLLOWING MODIFICATIONS TO THE APPROVED DEVELOPMENT PLAN ARE NOT CONSIDERED TO BE AMENDMENTS TO THE PAD AND MAY BE ADMINISTRATIVELY APPROVED BY THE DEVELOPMENT SERVICES DIRECTOR UPON SUBMISSION OF A COMPLETE

APPLICATION AND IF, IN THE DISCRETION OF THE DEVELOPMENT SERVICES DIRECTOR, THE MODIFICATIONS ARE CONSISTENT WITH THE APPROVED DEVELOPMENT PLAN, THE PURPOSES OF THE PAD, AND ARE THE MINIMUM REQUIRED TO IMPLEMENT THE PURPOSES OF THE UDO AND IMPROVE THE QUALITY OF DEVELOPMENT:

- a. LESS THAN 10% CHANGE IN THE NUMBER OF SQUARE FEET OF A BUILDING OR NUMBER OF UNITS PERMITTED TO BE DEVELOPED; OR
- b. LESS THAN 10% CHANGE IN BUILDING HEIGHT OR PERMITTED NUMBER OF STORIES; OR
- c. REARRANGEMENT OF THE PROPOSED STRUCTURES AS LONG AS THERE IS NO CHANGE IN HEIGHT, SQUARE FEET, OR NUMBER OF UNITS TO BE DEVELOPED; OR
- d. LESS THAN 10% INCREASE OR DECREASE IN SETBACK OR OPEN SPACE REQUIREMENTS WITHIN THE PAD.

2. APPEALS FROM DECISIONS OF THE DEVELOPMENT SERVICES DIRECTOR PURSUANT TO THIS SECTION SHALL BE HEARD BY THE PLANNING COMMISSION AT A PUBLIC HEARING AFTER NOTICE, AS SET FORTH ABOVE FOR CHANGES IN ZONING.

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.

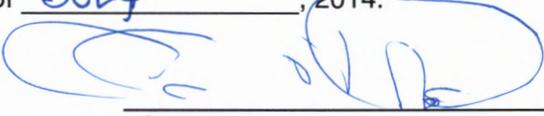
Section 4. Providing for Penalties

Any person found responsible for violating any provision of this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Unified Development Ordinance of the Town of Chino Valley, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 22nd day of July, 2014 by the following vote:

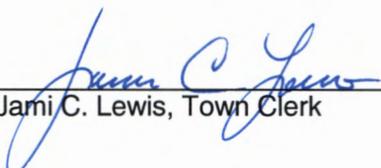
AYES:	<u>5</u>	ABSENT:	<u>1</u>
NAYS:	<u>1</u>	ABSTAINED:	<u>0</u>

APPROVED this 22nd day of July, 2014.



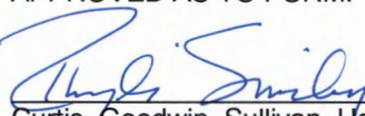
Chris Marley, Mayor

ATTEST:



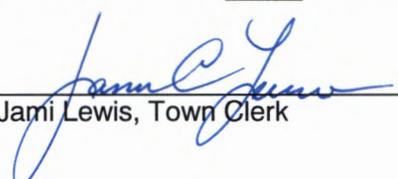
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:



Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis L.N. Smiley

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 14-786 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 22nd DAY OF JULY, 2014, WAS POSTED IN THREE PLACES ON THE 24th DAY OF JULY, 2014.



Jami Lewis, Town Clerk