

1. Agenda

Documents: [AGENDA FEBRUARY 03.PDF](#)

2. Packet

Documents: [PACKET FEBRUARY 03.PDF](#)



Town of Chino Valley
MEETING NOTICE
PLANNING AND ZONING COMMISSION

REGULAR MEETING
February 3, 2015
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.** Approve minutes from the October 07, 2014, regular meeting.
 - B.** Approve minutes from the January 06, 2015, Work/Study session.
- 5. PUBLIC HEARING**
 - A.** Rezone approximately 4.78 acres of subject parcel 306-20-032H from Agricultural/Residential- 5 acre minimum (AR-5) to Commercial Light (CL) for the purpose of building a commercial greenhouse on the property.
 - B.** Obtain a conditional use permit for subject parcel 306-20-032H for the purpose of future potential expansion and improvement of the legal non-conforming residential use.
- 6. NON-PUBLIC HEARING ACTION ITEMS**
 - A.** Initiate Public Hearing at the March 3, 2015 regular meeting of the Planning and Zoning Commission to take comment on amendments to UDO Section 1.4 Planning and Zoning Commission and Section 1.5 Board of Adjustment, and make a recommendation to Town Council.
- 7. DISCUSSION ITEMS**
- 8. PUBLIC COMMENTS**
- 9. ADJOURN**

Dated this 29th day of January, 2015.

By: **Ruth Mayday, Development Services Director**

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 the AZ Statewide Relay Service at 1-800-367-8939 (TDD) to request an accommodation to participate in this meeting.

In accordance with Chapter 3, Title 38, Section 38-431.02 Arizona Revised Statutes, public notice is hereby given that four (4) or more members of the Mayor and Town Council may be present at this meeting.



Town of Chino Valley
MEETING NOTICE
PLANNING AND ZONING COMMISSION

REGULAR MEETING
February 3, 2015
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.** Approve minutes from the October 07, 2014, regular meeting.
 - B.** Approve minutes from the January 06, 2015, Work/Study session.
- 5. PUBLIC HEARING**
 - A.** Rezone approximately 4.78 acres of subject parcel 306-20-032H from Agricultural/Residential- 5 acre minimum (AR-5) to Commercial Light (CL) for the purpose of building a commercial greenhouse on the property.
 - B.** Obtain a conditional use permit for subject parcel 306-20-032H for the purpose of future potential expansion and improvement of the legal non-conforming residential use.
- 6. NON-PUBLIC HEARING ACTION ITEMS**
 - A.** Initiate Public Hearing at the March 3, 2015 regular meeting of the Planning and Zoning Commission to take comment on amendments to UDO Section 1.4 Planning and Zoning Commission and Section 1.5 Board of Adjustment, and make a recommendation to Town Council.
- 7. DISCUSSION ITEMS**
- 8. PUBLIC COMMENTS**
- 9. ADJOURN**

Dated this 29th day of January, 2015.

By: **Ruth Mayday, Development Services Director**

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 the AZ Statewide Relay Service at 1-800-367-8939 (TDD) to request an accommodation to participate in this meeting.

In accordance with Chapter 3, Title 38, Section 38-431.02 Arizona Revised Statutes, public notice is hereby given that four (4) or more members of the Mayor and Town Council may be present at this meeting.

P&Z Planning Commission Regular

4. A.

Meeting Date: 02/03/2015

Minutes from previous meeting 10/07/2014

CASE DESCRIPTION:

Approve minutes from the October 07, 2014, regular meeting.

FACTS:

1. Applicant:.....
2. Owner:.....
3. Parcel Number.....
4. Site Area.....
5. Existing zoning:.....
6. Intended Use.....

ANALYSIS:

RECOMMENDATION

Attachments

Previous P&Z_MN_10-07-14

DRAFT

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

**October 7, 2014
6:00 P.M.**

The Planning and Zoning Commission of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on October 7, 2014.

Present: Chair Gwen Rowitsch; Commissioner Gary Pasciak; Vice-chair Chuck Merritt; Commissioner Florence Sloan; Commissioner Corey Mendoza

Staff Present: Planner Ruth Mayday; Assistant Planner Elyse DiMartino; Deputy Town Clerk Liz Hart (recorder)

1) CALL TO ORDER

Chair Rowitsch called the meeting to order at 6:00 p.m.

2) PLEDGE OF ALLEGIANCE

Commissioner Mendoza led the pledge of allegiance.

3) ROLL CALL

4) MINUTES

A) Approve minutes from the August 5, 2014 regular meeting.

MOVED by Commissioner Gary Pasciak, seconded by Commissioner Florence Sloan to approve the August 5, 2014 minutes.

Vote: 4 - 0 PASSED

Other: Vice-chair Chuck Merritt (ABSTAIN)

5) STAFF REPORTS

6) PUBLIC HEARING

- A) The applicant is requesting issuance of a Conditional Use Permit recognizing the Robin Airport as a Conditional Use rather than its current status as a legal non-conforming use. This will allow the owner to rebuild the hangar destroyed by a storm on July 31, 2014, and make other improvements to mitigate impact on the surrounding neighborhood. The subject parcel is located at the southwest corner of the intersection of East Road 1 South and South Road 1 East, and encompasses approximately nine (9) acres.

Director Mayday reported on the July 31, 2014 destruction of Mr. Coury's airpark structure, the history and current zoning, and the requested Conditional Use Permit (CUP).

Mr. Coury's airpark qualifies as a legal non-conforming status with the request and passing of a CUP Mr. Coury could upgrade the airstrip and rebuild a nonconforming structure, which would include electricity and plumbing.

Director Mayday defined airport per UDO and Arizona Revised Statutes (ARS) and advised that this facility does not qualify as an airport as it is not open to the public. Due to the inability to expand, the airstrip limits the size of planes arriving and departing.

Staff recommends forwarding to Council for approval.

Director Mayday advised Commissioner Pasciak that the existing structure is a temporary structure.

Paul Thorn reported that the building is engineered and anchored secured to concrete pillars and will be removed when the proposed structure is erected.

Commissioner Mendoza questioned why a CUP is required and not a building application. Director Mayday advised a CUP is required because an airport is allowed but only as a conditional use, which would allow multiple sub-uses.

Director Mayday advised the length of time of CUP is in perpetuity. The airstrip can be used for landing and taking off but without the CUP, it could not be upgraded to allow a new hanger, lighting, plumbing, electricity, and hard surfacing. A CUP is revocable if there is a violation of the CUP it is not permanent zoning. The rights to take off and land remain regardless of time limits or sale to another party until the time of notification of cease to use.

Chair Rowitsch opened public hearing at 6:18 p.m.

Attorney Andy Fennemore with Fennemore Craig of Phoenix responded to Commissioner Mendoza's question. He advised because Mr. Coury has used the property as an airport before the Town was formed and has grandfathered use of the airport he is entitled to use in perpetuity, unless he stops for six solid months landing an airplane or taking off, he would continue to have that legal non-conforming use forever. Permitting a hanger would allow improvements to the property, and mitigate the impact on the surrounding neighbors making it safer for the community. They held discussions with the Town and legal point of view did not need to ask for this (CUP). There are ways to rebuild the hanger, which is a component of the use of the airstrip, and destruction of wooden hanger does not constitute reducing the value of the airstrip by 50%.

The Town asked for a CUP and Coury guarantees to comply with Town's rules and regulations so there is no disagreement amongst parties. Do not want the misunderstanding, the airfield is a unitary use, but here because want to be good neighbor and work with the Town and appreciate

support.

Chair Rowitsch closed the public hearing at 6:21 p.m.

Vice-chair Merritt advised he did not see an issue with what the Commission was being asking to do. He expressed his concern regarding the attitude about being under the Town's authority but that would not change his opinion it should be grandfathered.

Commissioner Mendoza expressed his wonder at why the issue was presented and why the Commission was reviewing this item and he has no objection to this request.

Chair Rowitsch express opinion that this is a legal non-conforming use and would like to see a nicely developed site that would help mitigate some of the impact to the neighbors.

MOVED by Commissioner Gary Pasciak, seconded by Vice-chair Chuck Merritt to forward the Conditional Use Permit 14-003 to Town Council with a recommendation of approval.

Vote: 5 - 0 PASSED

7) NON-PUBLIC HEARING ACTION ITEMS

8) DISCUSSION ITEMS

9) PUBLIC COMMENTS

10) ADJOURN

MOVED by Vice-chair Chuck Merritt, seconded by Commissioner Florence Sloan to adjourn 6:24 p.m.

Vote: 5 - 0 PASSED

Chair Gwen Rowitsch

Date

P&Z Planning Commission Regular

4. B.

Meeting Date: 02/03/2015

Minutes from previous work-study meeting 01/06/2015

CASE DESCRIPTION:

Approve minutes from the January 06, 2015, Work/Study session.

FACTS:

1. Applicant:.....
2. Owner:.....
3. Parcel Number.....
4. Site Area.....
5. Existing zoning:.....
6. Intended Use.....

ANALYSIS:

RECOMMENDATION

Attachments

Previous P&Z WorkStudy_MN_01-06-15

**MINUTES OF THE WORK/ STUDY SESSION
OF THE PLANNING AND ZONING COMMISSION
OF THE TOWN OF CHINO VALLEY**

**Tuesday, January 06, 2015
6:00 P.M.**

The Planning and Zoning Commission of the Town of Chino Valley, Arizona, convened for a joint work/ study session in the Chino Valley Council Chambers located at 202 N. State Route 89, Chino Valley, Arizona.

Commission Chair Gwen Rowitsch called the meeting to order at 6:00 P.M.

Planning & Zoning Commission Present: Commissioner Gwen Rowitsch (chair), Commissioner Chuck Merritt, Commissioner Gary Pasciak, Commissioner Corey Mendoza, Commissioner Florence Sloan

Staff Present: Development Services Director Ruth Mayday, Town Attorney Phyllis Smiley, Planning Assistant Elyse DiMartino

1. DISCUSSION ITEMS

- a. Discussion of Proposed text amendments for Section 4.21 Sign Regulations: The purpose of this discussion is to review Section 4.21 of Chino Valley's Unified Development Ordinance and sign codes from nearby communities, and to form a stakeholder group to review proposed amendments prior to consideration by the Commission and Council. Staff have reviewed the sign regulations of nearby towns and cities searching for a more concise and clear means of describing the requirements of Chino Valley's sign code. This will be the first of a number of work study sessions that will be held to provide both the business community and the general public the opportunity to participate in revising Section 4.21: Sign Regulations.

Development Service Director Ruth Mayday presented a series of slides explaining:

- The different types of signs
- Sign regulations
- How revising the sign code will affect the public and business owners

The next steps are to establish a work/study group or committee, have another work/ study on February 3rd, take in suggestions, photos, and examples of signage the public likes and doesn't like.

Commissioner Pasciak comments that he agrees this section of the UDO needs to be looked at because many sections are too vague and do not take potential traffic hazards into consideration.

Commissioner Corey suggest we consider the General Plan when revising the sign code.

- b. Discussion of proposed text amendments for Section 1.1 Short Title, Section 1.4 Planning and Zoning Commission, and Section 1.5 Board of Adjustment. The purpose of this discussion is to review proposed amendments to the referenced sections of the UDO, which set forth the manner and regulation of appointment to, removal from, and standards of ethical conduct of appointees to the Planning and Zoning Commission and the Board of Adjustment.

Changes to language were suggested for Sections 1.4.4 (A) to fix a typographical error, 1.5.1 (A) (3.) to add a timeframe to the term of the Board of Adjustment Alternate, and 1.5.6 (B) to fix a typographical error.

2. **PUBLIC COMMENT**

Regarding Section 4.21: Sign Regulations, the public would like to be involved in the process and agree a rewrite has been long overdue. The public gave examples of the types of signs and locations that have worked well for them and their businesses.

3. **ADJOURN**

The commission adjourned at 6:49 P.M.

Dated this 8th day of January 2015.

By: *Elyse DiMartino, Assistant Planner*

Meeting Date: 02/03/2015

ZC15-001

CASE DESCRIPTION:

Rezone approximately 4.78 acres of subject parcel 306-20-032H from Agricultural/Residential- 5 acre minimum (AR-5) to Commercial Light (CL) for the purpose of building a commercial greenhouse on the property.

LOCATION:

The subject parcel is located in Section 15, Township 16 North, Range 2 West, near the North-West corner of East Road 2 North and North Road One East.

FACTS:

1. Applicant:.....Brent Maranell
2. Owner:.....Brent Maranell
3. Parcel Number.....306-20-032H
4. Site Area.....Approximately 4.78 acres
5. Existing zoning:.....Agricultural/Residential- 5 acre minimum.
6. Intended Use.....Rezone to Commercial Light.

ANALYSIS:

Summary

The purpose of this request is to rezone approximately 4.78 acres of subject parcel 306-20-032H. The subject parcel is located in Section 15, Township 16 North, Range 2 West, near the North-West corner of East Road 2 North and North Road One East. Surrounding uses include CL, AR-5, SR-2, & MR-1/ MHP-4.

The applicant would like to build a greenhouse to grow and sell organic produce while maintaining a residence onsite. The property is currently zoned Agricultural/Residential (5 acre minimum) (AR-5). According to the Chino Valley Unified Development Ordinance, the AR-5 zoning permits non-commercial greenhouses up to 600 sq. ft., and commercial greenhouses with a minimum of 10 contiguous acres. Because the property is only 4.78 acres, the applicant is not in compliance to build a commercial greenhouse.

The applicant is requesting to change from an Agricultural/Residential (5 acre minimum) zoning to Commercial Light (CL). The CL zoning will allow the applicant to build a larger commercial greenhouse, as well as allow him to sell the produce onsite.

History

The applicant purchased the home in October of 2014, with the hope of living and running his business in the same location. The property has an existing mobile home and shed on it.

A neighborhood meeting was held on January 20, 2015, at the Town Council Chambers. The applicant described the proposal and was available to answer questions from interested parties. The citizens who attended the neighborhood meeting were in full support of the proposed project.

Findings of Fact

The purpose of the applicants request is to change the zoning of the parcel from Agricultural Residential (AR-5) to Commercial Light (CL). The request to rezone will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare. The proposed use is in conformance with the Town of Chino Valley's General Plan and the potential future Major Community/ Downtown Core. The request to rezone is also in conformance with the zoning classifications in the immediate area. Surrounding uses include: CL, AR-5, SR-2, & MR-1/MHP-4.

RECOMMENDATION

Should the applicant's request to rezone be approved, it would be an asset to the community, providing fresh, local, and organic produce. The business would serve as a buffer and as a transition from Safeway to the church and the residential areas.

Staff recommends forwarding the application on to Town Council with the recommendation of approval.

MOTION: Motion to forward ZC15-001 to Town Council with a recommendation of approval.

Attachments

Staff Report ZC

Maranell Maps



Planning and Zoning Commission Staff Brief

Date: February 03, 2015

Agenda Item: ZC 15-001

Location: 920 E. Road 2 North

Summary

The purpose of this request is to rezone approximately 4.78 acres of subject parcel 306-20-032H. The subject parcel is located in Section 15, Township 16 North, Range 2 West, near the North-West corner of East Road 2 North and North Road One East. Surrounding uses include CL, AR-5, SR-2, & MR-1/ MHP-4.

The applicant would like to build a greenhouse to grow and sell organic produce while maintaining a residence onsite. The property is currently zoned Agricultural/Residential (5 acre minimum) (AR-5). According to the Chino Valley Unified Development Ordinance, the AR-5 zoning permits non-commercial greenhouses up to 600 sq. ft., and commercial greenhouses with a minimum of 10 contiguous acres. Because the property is only 4.78 acres, the applicant is not in compliance to build a commercial greenhouse.

The applicant is requesting to change from an Agricultural/Residential (5 acre minimum) zoning to Commercial Light (CL). The CL zoning will allow the applicant to build a larger commercial greenhouse, as well as allow him to sell the produce onsite.

History

The applicant purchased the home in October of 2014, with the hope of living and running his business in the same location. The property has an existing mobile home and shed on it.

A neighborhood meeting was held on January 20, 2015, at the Town Council Chambers. The applicant described the proposal and was available to answer questions from interested parties. The citizens who attended the neighborhood meeting were in full support of the proposed project.

Findings of Fact

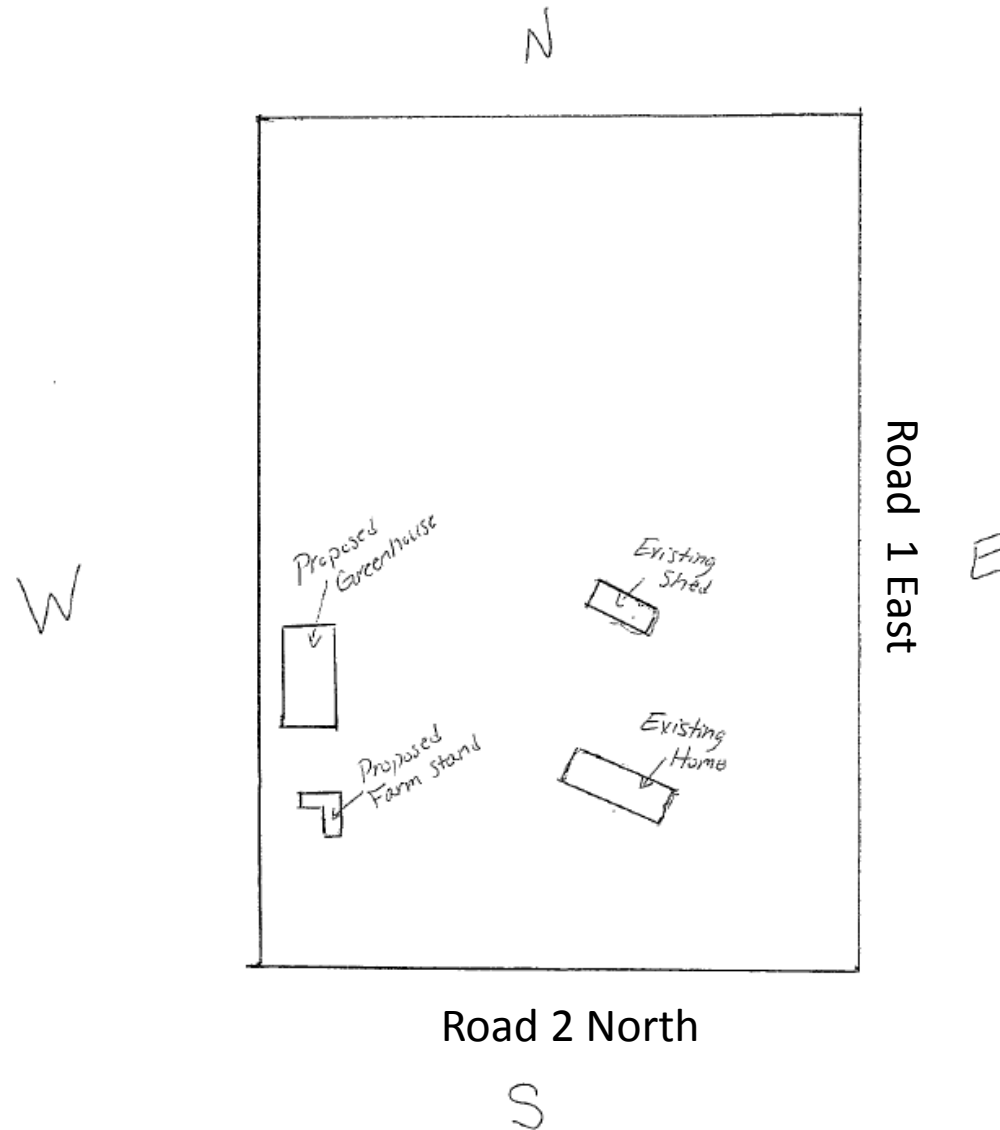
The purpose of the applicants request is to change the zoning of the parcel from Agricultural Residential (AR-5) to Commercial Light (CL). The request to rezone will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare. The proposed use is in conformance with the Town of Chino Valley's General Plan and the potential future Major Community/ Downtown Core. The request to rezone is also in conformance with the zoning classifications in the immediate area. Surrounding uses include: CL, AR-5, SR-2, & MR-1/MHP-4.

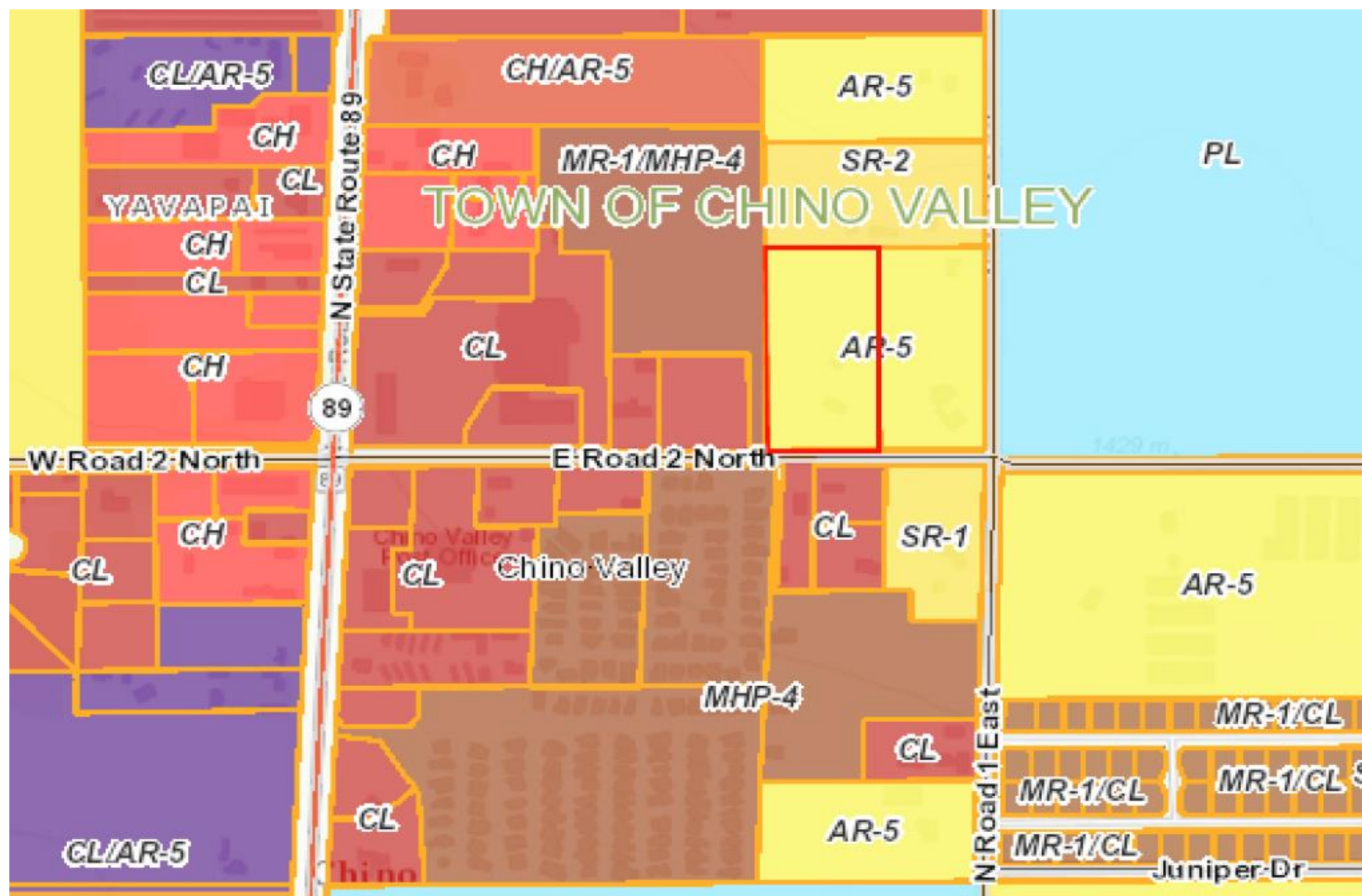
Recommendation

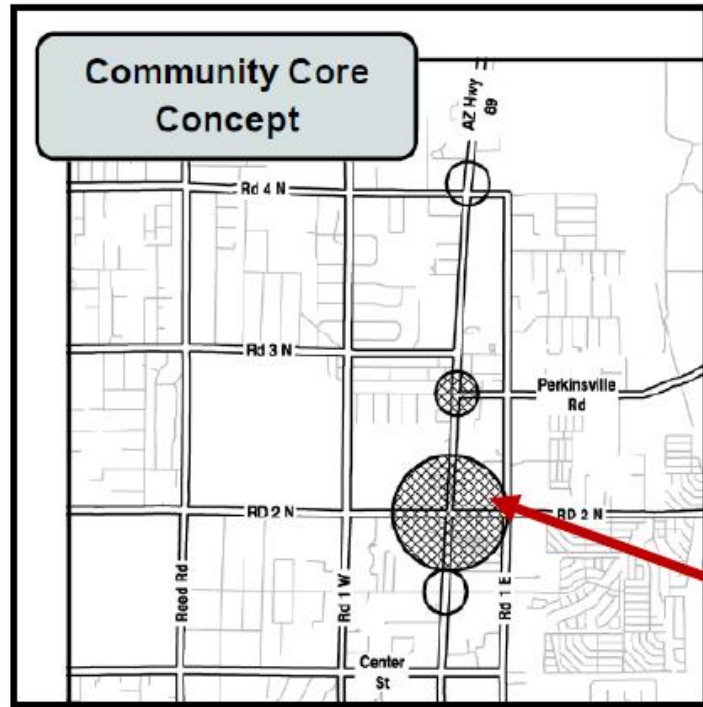
Should the applicant's request to rezone be approved, it would be an asset to the community, providing fresh, local, and organic produce. The business would serve as a buffer and as a transition from Safeway to the church and the residential areas.

Staff recommends forwarding the application on to Town Council with the recommendation of approval.

Maranell Site Plan







Meeting Date: 02/03/2015

CUP 15-001

CASE DESCRIPTION:

Obtain a conditional use permit for subject parcel 306-20-032H for the purpose of future potential expansion and improvement of the legal non-conforming residential use.

LOCATION:

The subject parcel is located in Section 15, Township 16 North, Range 2 West, near the North-West corner of East Road 2 North and North Road One East.

FACTS:

1. Applicant:.....Brent Maranell
2. Owner:.....Brent Maranell
3. Parcel Number.....306-20-032H
4. Site Area.....Approximately 4.78 acres
5. Existing zoning:.....Agricultural/Residential-5 acre minimum
6. Intended Use.....Conditional use permit to maintain residence on Commercial Light property.

ANALYSIS:

Summary

The purpose of this request is to obtain a conditional use permit for subject parcel 306-20-032H. The subject parcel is located in Section 15, Township 16 North, Range 2 West, near the North-West corner of East Road 2 North and North Road One East.

The parcel encompasses 4.78 acres. Surrounding uses include CL, AR-5, SR-2, & MR-1/ MHP-4.

The applicant has requested to rezone the property to Commercial Light (CL). Should the applicant's request be approved, issuing a conditional use permit will allow the property owner to make improvements to his single-family residence immediately, rather than having to conduct an additional CUP process at some time in the future.

History

The applicant purchased the home in October of 2014, with the hope of living and running his business in the same location. The property has an existing mobile home and shed on it.

A neighborhood meeting was held on January 20, 2015, at the Town Council Chambers. The applicant described the proposal and was available to answer questions from interested parties. All parties who attended the neighborhood meeting were in full support of the proposed project.

Findings of Fact

Currently there is an existing mobile home and shed on the property. If the rezoning is approved, the home will become a legal non-conforming use in the Commercial Light zoning district. A conditional use permit will allow the property owner to make improvements at his convenience rather than return at a later date and complete an additional approval process.

The purpose of the applicants request for a conditional use permit is so that he will be able to make improvements to his residence on the Commercial Light property. Without the use permit the residence can be maintained but not expanded or intensified. The request for a conditional use permit will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare. The proposed use is in conformance with the Town of Chino Valley's General Plan and the potential future Major Community/ Downtown Core. The request for a conditional use permit is in conformance with the zoning classifications in the immediate area. Surrounding uses include: CL, AR-5, SR-2, & MR-1/MHP-4.

RECOMMENDATION

Recommendation

Should the applicant's conditional use permit be approved, the applicant would be able to expand and improve his residential use.

Staff recommends forwarding the application on to Town Council with a recommendation of approval.

MOTION: Motion to forward CUP15-001 to Town Council with a recommendation of approval.

Attachments

Staff Report CUP



Planning and Zoning Commission Staff Brief

Date: February 03, 2015

Agenda Item: CUP 15-001

Location: 920 E. Road 2 North

Summary

The purpose of this request is to obtain a conditional use permit for subject parcel 306-20-032H. The subject parcel is located in Section 15, Township 16 North, Range 2 West, near the North-West corner of East Road 2 North and North Road One East. The parcel encompasses 4.78 acres. Surrounding uses include CL, AR-5, SR-2, & MR-1/ MHP-4.

The applicant would like to build a greenhouse to grow and sell organic produce while maintaining a residence onsite. The property is currently zoned Agricultural/Residential (5 acre minimum) (AR-5). The applicant has requested to rezone the property to Commercial Light (CL). Should the applicant's request be approved, a conditional use permit will be needed for the reason that single-family residences are conditional uses in the Commercial Light zoning district.

The applicant is requesting a conditional use permit which will allow him to maintain residence on the property.

History

The applicant purchased the home in October of 2014, with the hope of living and running his business in the same location. The property has an existing mobile home and shed on it.

A neighborhood meeting was held on January 20, 2015, at the Town Council Chambers. The applicant described the proposal and was available to answer questions from interested parties. All parties who attended the neighborhood meeting were in full support of the proposed project.

Findings of Fact

Currently there is an existing mobile home and shed on the property. The home becomes a non-conforming use in the Commercial Light zoning district. A conditional use permit is necessary to bring the home into compliance because single-family residences are a conditional use in the Commercial Light district.

The purpose of the applicants request a conditional use permit to be able to maintain a residence on the Commercial Light property. The request for a conditional use permit will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare. The proposed use is in conformance with the Town of Chino Valley's General Plan and the potential future Major Community/ Downtown Core. The request for a conditional use permit is in conformance with the zoning classifications in the immediate area. Surrounding uses include: CL, AR-5, SR-2, & MR-1/MHP-4.

Recommendation

Should the applicant's conditional use permit be approved, the applicant would be able to run his greenhouse and produce business while living onsite.

Staff recommends forwarding the application on to Town Council with the recommendation of approval.

P&Z Planning Commission Regular

6. A.

Meeting Date: 02/03/2015

Initiate Public Hearing - Amendments to Sections 1.4 and 1.5 Planning and Zoning Commission, and Board of Adjustment

CASE DESCRIPTION:

Initiate Public Hearing at the March 3, 2015 regular meeting of the Planning and Zoning Commission to take comment on amendments to UDO Section 1.4 Planning and Zoning Commission and Section 1.5 Board of Adjustment, and make a recommendation to Town Council.

FACTS:

1. Applicant:.....
2. Owner:.....
3. Parcel Number.....
4. Site Area.....
5. Existing zoning:.....
6. Intended Use.....

ANALYSIS:

The Appointments Committee and Staff have prepared amendments to the following Sections of the UDO: Section 1.4 Planning and Zoning Commission and Section 1.5 Board of Adjustment. The next step in approving the amendments is to hold a Public Hearing before the Planning and Zoning Commission so that it may make a recommendation to the Town Council.

RECOMMENDATION

Both the Appointments Committee and Town Council have reviewed and discussed the draft language. Staff recommends initiating a Public Hearing at the next regular meeting of the Planning and Zoning Commission for the purposes of taking public comment and making a recommendation to Town Council.

MOTION: Motion to initiate a Public Hearing at the next regular meeting of the Planning and Zoning Commission for the purposes of taking public comment and making a recommendation to Town Council.

Attachments

Proposed Amendments

1. Administration and Procedures

1.1 Short Title

This Ordinance shall be known as “The Unified Development Ordinance of the Town OF CHINO VALLEY.”

1.2 Purpose

The purposes of this Ordinance are to secure safety from fire, panic, and other dangers; to provide adequate light and air; to lessen congestion in the streets; to prevent the over crowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage disposal; schools, parks, and other public requirements; to provide for the social, physical, and economic advantages resulting from comprehensive and orderly planned use of land resources; to allow for the orderly implementation of the General Plan; and to otherwise promote the health, safety, convenience, and general welfare of the citizens of Chino Valley, Arizona.

1.3 Interpretations and Application

In its interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of General Plan as adopted by the Council and for the promotion of the public health, safety and general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or Ordinances, except those specifically repealed by this Ordinance, or with restrictions placed upon property by covenant, deed or other agreement between parties, provided that where this Ordinance imposes a greater restriction on land, buildings, or structures than is imposed or required by such existing provisions of law, Ordinance, contract, or deed, the provisions of this Ordinance shall control.

1.4 Planning and Zoning Commission

1.4.1 Establishment; Composition; Terms of Members; Vacancies; Compensation of Members

A) There is hereby established a Planning and Zoning Commission hereinafter called “Commission” of the Town to consist of seven (7) REGULAR members AND ONE (1) ALTERNATE MEMBER, APPOINTED BY THE TOWN COUNCIL. ~~each of whom MEMBERS OF THE COMMISSION shall be a resident QUALIFIED ELECTORS of the Town, to be appointed by Council.~~ The TERM OF EACH REGULAR members ~~of the Commission~~ shall BE ~~serve for~~ three (3) years, except as hereinafter provided. THE TERM OF THE ALTERNATE COMMISSIONER SHALL BE ONE (1) YEAR.

B) THE ALTERNATE MEMBER OF THE COMMISSION SHALL ACT AS A REGULAR MEMBER IN THE ABSENCE OF A REGULAR MEMBER AT ANY MEETING OR HEARING OF THE COMMISSION. THE ALTERNATE MEMBER SHALL NOT, HOWEVER, SUBSTITUTE FOR A REGULAR MEMBER WHO IS PRESENT AT A MEETING OR HEARING BUT HAS DECLARED A CONFLICT OF INTEREST.

BC) TERMINATION; VACANCY.

1. PLANNING AND ZONING COMMISSIONERS SERVE AT THE PLEASURE OF THE COUNCIL.

2. A COMMISSION SEAT SHALL BE DEEMED VACANT IF ANY OF THE FOLLOWING OCCURS:

a. ~~In the event of a death, resignation or removal~~ OF A REGULAR MEMBER from the Commission; OR

b. A REGULAR MEMBER OF THE COMMISSION IS ABSENT AT THREE (3) CONSECUTIVE MEETINGS OR A TOTAL OF FOUR (4) MEETINGS WITHIN ANY ONE (1) YEAR PERIOD; OR

c. AT THE DISCRETION OF THE COUNCIL, A MEMBER ~~, the Council shall fill the vacancy for the unexpired term. Members of the Commission may be removed by the Council for inefficiency, neglect of duty, excessive absenteeism, MISCONDUCT or malfeasance in office. subsequent to an executive session.~~

3. IN THE EVENT OF A VACANCY, THE COUNCIL SHALL FILL THE VACANCY FOR THE REMAINDER OF THE UNEXPIRED TERM.~~No executive session shall be held, if the Commissioner in question requests a public hearing. The Council shall file a written statement of the reasons for removal. Two (2) consecutive unexcused absences or a total of three (3) unexcused absences per calendar year from any regular or special meeting shall be grounds for termination at the will and pleasure of the Council. subsequent to an executive session or public hearing if requested, and such action shall be final.~~

~~1) An excused absence requires the Commissioner to notify the Chair or Vice Chair, directly or indirectly, the Town Hall or Police Department, of their absence from a meeting no later than twenty-four (24) hours prior to commencement of the regular or special Planning and Zoning meeting, unless an emergency occurs.~~

~~2) All other absences shall be deemed unexcused.~~

ED) All members shall serve without pay. However, members may be reimbursed for actual expenses incurred in connection with their duties ~~upon authorization and ratification by the Commission and approval of such expenditures by Council.~~

1.4.2 Powers and Duties

THE COMMISSION SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

1. RECOMMEND TO THE TOWN COUNCIL A GENERAL PLAN AND AMENDMENTS THERETO;
2. ANNUALLY REVIEW PROGRESS TOWARDS IMPLEMENTATION OF THE GENERAL PLAN AND RECOMMEND TO THE TOWN COUNCIL CHANGES DESIRED DUE TO NEW LEGISLATION, DEVELOPMENT TRENDS AND CHANGING ECONOMIC, SOCIAL AND ENVIRONMENTAL CONDITIONS;
3. REVIEW AND MAKE RECOMMENDATION TO THE TOWN COUNCIL ON PROPOSALS TO AMEND THE TOWN ZONING MAP OR THE PROVISIONS OF THE UNIFIED DEVELOPMENT ORDINANCE;
4. INITIATE CHANGES TO THE TOWN ZONING MAP OR THE PROVISIONS OF THE UNIFIED DEVELOPMENT ORDINANCE;
5. REVIEW AND RECOMMEND APPROVAL TO THE TOWN COUNCIL OF DESIGN GUIDELINES OR STANDARDS OF DEVELOPMENT.

~~It shall be the duty of the Commission to formulate and administer any lawful plan duly adopted by the Council for the present and future growth and development of the Town; to make or cause to be made a continuous study of the best present and future use to which land and buildings shall be put within the Town and to recommend to the Council revisions in such plans which, in the opinion of the Commission, are for the best interest of the citizens of the Town; to hold public hearings where necessary; to make recommendations to the Council on all matters concerning or relating to the creation of zoning districts, the boundaries thereof, the appropriate regulations to be enforced therein, and amendments of this Ordinance, and to undertake all activities usually associated therewith and commonly known as "Planning and Zoning." The Commission is also authorized to confer with and advise other City, County, Regional, or State Planning Agencies and Commissions. Minutes of the meetings shall be sent to the Council upon approval.~~

1.4.3 Selection of Officers

The Commission shall elect a Chairperson and Vice Chairperson from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. The Chairperson shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. ~~The Chairperson shall have the power to take evidence.~~ The Vice Chairperson shall perform the duties of the Chairperson in the latter's absence or disability. ~~Vacancies created by any cause shall be filled for the unexpired term by a new election.~~ IN THE EVENT OF VACANCY IN THE CHAIRMANSHIP OF THE COMMISSION, THE VICE-CHAIRMAN SHALL

BECOME CHAIRMAN, AND AN ELECTION SHALL BE HELD AT THE NEXT MEETING TO FILL THE OFFICE OF VICE-CHAIRMAN.

1.4.4 Quorum; Voting

A) Four (4) members shall constitute a quorum. The affirmative vote ~~of~~ a majority of members voting shall be required for ~~passage~~ APPROVAL OR RECOMMENDATION TO COUNCIL of any matter before the Commission.

B) A member who has OR APPEARS TO HAVE, or whose relative has OR APPEARS TO HAVE, a pecuniary or proprietary interest, either directly or indirectly, in any decision of the Commission, shall disclose such interest in the official records of the Commission, and shall ~~thereafter~~ refrain from participating in any DISCUSSION, VOTE OR ANY OTHER manner as a COMMISSION member in such ~~decision~~ MATTER.

1.4.5 Rules; Regulations; Records; Meetings

A. The Commission shall make and publish rules and regulations to govern its proceedings and to provide for its meetings.

B. ALL MEETINGS OF THE COMMISSION SHALL BE HELD AT THE CALL OF THE CHAIR AND AT SUCH OTHER TIMES AS THE COMMISSION MAY DETERMINE. EXCEPT FOR EXECUTIVE SESSIONS AUTHORIZED BY LAW, All meetings of the Commission shall be open to the public.

C. The minutes and records of all Commission proceedings shall be kept and filed as public record in the office of the Town Clerk. MINUTES OF EACH MEETING SHALL CONTAIN A RECORD OF THE NUMBER OF VOTES CAST FOR AND AGAINST EACH ITEM REQUIRING A VOTE. EACH MEMBER PRESENT SHALL NOT ABSTAIN FROM VOTING ON AN ITEM UNLESS HE OR SHE HAS DECLARED A CONFLICT OF INTEREST.

1.4.6 ETHICS

COMMISSIONERS AS APPOINTED OFFICERS OF THE TOWN ARE SUBJECT TO AND SHALL COMPLY WITH THE ETHICS PROVISIONS SET FORTH IN CHAPTER 35 OF THE CHINO VALLEY TOWN CODE.

1.5 Board of Adjustment

1.5.1 Establishment; Composition; Terms of Members; Vacancies; Compensation of Members

A) There is hereby established a Board of Adjustment of the Town to consist of five (5) REGULAR members AND ONE (1) ALTERNATE MEMBER, each of whom shall be appointed by the ~~Chino Valley~~ Town Council.

1. The terms of the members of the Board shall be ~~determined by Council at the time of their appointment. After the initial appointment, all terms shall be for three (3) years.~~

2. All members shall serve without pay. However, members of the Board may be reimbursed for actual expenses incurred in connection with their duties ~~upon authorization and ratification by the Board and approval of such expenditures by Council.~~

3. THE ALTERNATE MEMBER SHALL ACT AS A REGULAR MEMBER IN THE ABSENCE OF A REGULAR MEMBER AT ANY MEETING OR HEARING OF THE BOARD. THE ALTERNATE MEMBER SHALL NOT, HOWEVER, STEP IN FOR A REGULAR MEMBER WHO IS PRESENT AT A MEETING OR HEARING BUT HAS DECLARED A CONFLICT OF INTEREST. THE TERM OF THE ALTERNATE MEMBERS SHALL BE ONE (1) YEAR. (?)

B) MEMBERS OF THE BOARD OF ADJUSTMENT SERVE AT THE PLEASURE OF THE COUNCIL. IN THE EVENT OF A DEATH, RESIGNATION OR REMOVAL FROM THE BOARD, THE COUNCIL SHALL FILL THE VACANCY FOR THE UNEXPIRED TERM. MEMBERS OF THE BOARD ~~SHALL~~MAY BE REMOVED BY THE COUNCIL FOR INEFFICIENCY, NEGLECT OF DUTY, EXCESSIVE ABSENTEEISM, MISCONDUCT, OR MALFEASANCE IN OFFICE AT THE WILL AND PLEASURE OF COUNCIL. A BOARD SEAT SHALL BE DEEMED VACANT IF A MEMBER IS ABSENT AT THREE (3) CONSECUTIVE MEETINGS OR A TOTAL OF FOUR (4) MEETINGS IN ANY ONE (1) YEAR PERIOD.

C) All members shall serve without pay. However, members may be reimbursed for actual expenses incurred in connection with their duties upon authorization and ratification by the Commission and approval of such expenditures by Council.

1.5.2 Powers and Duties

A. It shall be the duty of the Board of Adjustment to:

1. Hear and decide appeals ~~in which it is alleged there is an error in an order, requirement, or~~FROM A decision, DETERMINATION OR INTERPRETATION made by the Zoning Administrator in the enforcement of aTHE Unified Development Ordinance; and to reverse or affirm, wholly or partly, or modify the order, requirement or decision of the Zoning Administrator appealed from, and make such order, requirement, decision or determination as necessary;
2. Hear and decide ~~appeals~~APPLICATIONS for a Variance from the terms of this Ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning

districts ~~AND TO~~ . Any Variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the same zoning district in which such property is located.

B. The Board of Adjustment shall not:

1. Make OR PERMIT any changes in uses permitted in any zoning classification or zoning district, or make any changes in the terms of this Ordinance, provided the restrictions in this paragraph shall not affect the authority of granting Variance pursuant to this article.
2. Grant a Variance if the special circumstances applicable to the property are self-imposed by the property owner.

1.5.3 Application

Applications for a Variance shall be filed on a form provided by the Development Services Department and shall be accompanied by the appropriate fee, together with a Site Plan of the premises and other data required by the Zoning Administrator or his/her designee.

1.5.4 Selection of Officers

The officers of the Board of Adjustment shall be a Chairperson and Vice-Chairperson who shall be selected by the Board each year at its first meeting following July 1st. IN THE EVENT OF VACANCY IN THE CHAIRMANSHIP OF THE BOARD, THE VICE-CHAIRMAN SHALL BECOME CHAIRMAN, AND AN ELECTION SHALL BE HELD AT THE NEXT MEETING TO FILL THE OFFICE OF VICE-CHAIRMAN.

1.5.5 Quorum; Voting

A) Three (3) members shall constitute a quorum. The affirmative vote of a majority of members voting shall be required for ~~passage~~ APPROVAL of any matter before the Board. In the event the matter before the Board is an appeal from a ruling by the Zoning Administrator, a tie vote shall result in upholding the original ruling of the Zoning Administrator.

B) A member who has OR APPEARS TO HAVE, or whose relative has OR APPEARS TO HAVE, a pecuniary or proprietary interest either directly or indirectly, in any decision of the Board, shall disclose such interest in the official records of the Board, and shall thereafter refrain from participating in any DISCUSSION, VOTE OR ANY OTHER manner as a member OF THE BOARD in such decision.

1.5.6 Rules; Regulations; Records; Meetings

A) The Board shall make and publish rules and regulations to govern its proceedings and to provide for its meetings.

B) All meetings of the Board shall AT THE CALL OF THE CHAIR AND AT SUCH OTHER TIMES AS THE BOARD MAY DETERMINE. EXCEPT FOR EXECUTIVE SESSIONS AUTHORIZED BY LAW, ALL MEETINGS SHALL be open to the public.

C. The minutes and records of all Board proceedings shall be kept and filed as public record in the office of the Town Clerk. MINUTES OF EACH MEETING SHALL CONTAIN A RECORD OF THE NUMBER OF VOTES CAST FOR AND AGAINST EACH ITEM REQUIRING A VOTE. EACH MEMBER PRESENT SHALL NOT ABSTAIN FROM VOTING ON AN ITEM UNLESS HE OR SHE HAS DECLARED A CONFLICT OF INTEREST.

1.5.7 EX PARTE COMMUNICATIONS

A) PROHIBITION OF EX PARTE COMMUNICATIONS. THE BOARD OF ADJUSTMENT ACTS AS A QUASI-JUDICIAL BODY. TO ENSURE THAT THE DECISION-MAKING PROCESS IS FAIR AND IMPARTIAL, MEMBERS OF THE BOARD SHALL NOT, DIRECTLY OR INDIRECTLY, PARTICIPATE IN ANY EX PARTE COMMUNICATION RELEVANT TO AN APPLICATION OR APPEAL PENDING BEFORE THAT BODY. EX PARTE COMMUNICATIONS ARE ORAL OR WRITTEN COMMUNICATIONS RELATED TO THE MATTER TO BE HEARD BY THE BOARD AND WHICH IS MADE TO OR BY A MEMBER OF THE BOARD, INCLUDING IN PERSON, TELEPHONIC OR ELECTRONIC COMMUNICATIONS THAT OCCUR OUTSIDE OF A PUBLIC MEETING THE BOARD.

1.5.8 ETHICS

A) BOARDMEMBERS AS APPOINTED OFFICERS OF THE TOWN ARE SUBJECT TO AND SHALL COMPLY WITH THE ETHICS PROVISIONS SET FORTH IN CHAPTER 35 OF THE CHINO VALLEY TOWN CODE.