

1. Agenda

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

2. Packet

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

3. Action Taken

Documents: [ACTION TAKEN JUNE 03.PDF](#)



Town of Chino Valley
MEETING NOTICE
PLANNING AND ZONING COMMISSION

REGULAR MEETING
Tuesday, June 3, 2014
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 the May 6, 2014 Planning and Zoning meeting minutes.
- 5. STAFF REPORTS**
- 6. PUBLIC HEARING**
 - A.** Revise and relocate the subsections of Section 5.5 Modification, Appeals, and Enforcement to the appropriate sections of the UDO, and strike those portions that contradict Arizona Revised Statutes, Town Code, or other portions of the UDO.
 - B.** Public Hearing to take comment on proposed text amendments regulating the manner and placement of special purpose residences such as sober houses and recovery homes, assisted living homes, and assisted living centers.
- 7. NON-PUBLIC HEARING ACTION ITEMS**
 - A.** Election of Officers - In accordance with Section 1.4.3 of the UDO, the Commission shall elect a Chairperson and Vice Chairperson from among its own members.
- 8. DISCUSSION ITEMS**
- 9. PUBLIC COMMENTS**
- 10. ADJOURN**

Dated this TWENTY-EIGHTH day of MAY, 2014.

By: **Ruth Mayday, 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 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.



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P&Z Planning Commission Regular

4. A.

Meeting Date: 06/03/2014

Minutes for 05/06/14 Meeting

CASE DESCRIPTION:

Consideration and possible action to approve the May 6, 2014 Planning and Zoning meeting minutes.

FACTS:

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

ANALYSIS:

RECOMMENDATION

Attachments

05/06/14 P&Z Min.

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

**Tuesday, May 6, 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.

Commissioner Rowitsch called the meeting to order at 6:02 P.M.

Commissioner McCaullay led the Pledge of Allegiance.

Members present: Commissioner Gwen Rowitsch (Chair), Commissioner Chuck Merritt, Commissioner Corey Mendoza, Commissioner Robert McCaullay, Commissioner Florence Sloan, Commissioner Gary Pasciak

Members absent: Commissioner Michael Edmonds

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

4. MINUTES

- A. Approval of minutes from the April 1, 2014 Regular Meeting of the Planning & Zoning Commission.

Commissioner McCaullay moved, seconded by Commissioner Pasciak to approval the April 1, 2014 regular meeting minutes.

5. STAFF REPORTS

Planner Mayday advised the election of officer would be on next month's agenda.

6. PUBLIC HEARING

- A. Extend Amendments to Sections 4.21.7 TEMPORARY SIGNS and 4.21.11 PROHIBITED SIGNS authorized by adoption of Ordinance 10-726 with modifications.

Planner Mayday advised in 2009 prohibition of temporary signage was suspended and expired in January 2014. The sign location needs correcting, as the Town does not own the Right of Way. The correction should read A portable sign is not permitted "To Obstruct the Public Right of Ways, Or"...

Commissioner Pasciak asked for clarification of sections D & E and Item 4 portable signs must be 6 feet back of curb. Planner Mayday clarified the changes as part of the current recommendations and gave examples of these changes.

Commissioner Rowitsch Opened the Public Hearing 6:08 P.M.

Commissioner Rowitsch Closed the Public Hearing 6:09 P.M.

Commissioner Pasciak moved, seconded by Commissioner Merritt to forward the text amendment to Town Council for approval. Passed Unanimously.

B. Consider amendments to the text of the Planned Area Development Overlay District (Section 1.9.4)

Planner Mayday advised upon review with Town attorney they discovered several conflicts between what ordinances say and purpose of a Planned Area Development Overlay District (PAD). In addition, the Town UDO and definitions does not define “open space”. She is suggesting the changes to correct these discrepancies.

Planner Mayday suggested the definition of Open Space. Open Space is an area or areas set aside for recreational uses either active or passive for the use by the general-public when dedicated and accepted by the Town or for use by residents of a PAD where such open space is reserved in perpetuity and is to be owned and maintained by the homeowners association.

Planner Mayday recapped by stating the following objectives:

- To clean up by removing redundant language
- Rewrite major and minor amendment sections
- Changes to process of bringing plans to Planning and Zoning Commission and to Council
- Cannot use PAD process to change zoning
- Minimum acreage of 2 acres especially for residential purposes

Commissioner Pasciak requested clarification on Section 1.9.4.3 item E2 (Eb) that every structure...owned by homeowners association and how it would related to and industrial or commercial area. The suggested change is from homeowners association to a property owners association.

Commissioner Pasciak requested clarification Item C 1.b.2 An increase in the number of dwelling units, using the word “Any change” instead of “An increase”. Planner Mayday advised those types of changes fall under mixed use and any changes would trigger major amendments.

Commissioner Pasciak requested clarification Minor amend item C if 10 days adequate for staff or do you need more? Planner Mayday advised that would be adequate timing.

Commissioner Rowitsch Opened the Public Hearing 6:17 P.M.

Commissioner Rowitsch Closed the Public Hearing 6:18 P.M.

Commissioner Merritt moved, seconded by Commissioner Sloan to move forward with the proposed text amendments with changes that we made tonight on Section 1.9.4 Planned Area Development Overlay District to the Town Council with the recommendation for approval included in 2.1, which was brought to our attention tonight about Open Space. Passed unanimously.

7. NON-PUBLIC HEARING ACTION ITEMS

- A.** Revise and relocate the subsections of Section 5.5 Modification, Appeals, and Enforcement to the appropriate sections of the UDO, and strike those portions that contradict Arizona Revised Statutes, Town Code, or other portions of the UDO.

Planner Mayday advised Section 5.5 is a separate section and not a sub-section of Section 5.

Due to the language in Section 5.5.1 paragraph A it is contradictory to state law needs to be included as a subsection of 5.5 rather than an independent section of the UDO.

5.5.2 Contradicts State law allows appeals to Town Manager and then Board of Adjustment overruling Planning and Zoning Commission and Town Council.

5.5.3 Planner Mayday recommended adding the word “real” in regard to the enforcement actions taken when violated”. If Section 5.5.2 is stricken then Section 5.5.3 will become 5.5.2.

Commissioner Merritt questioned if these changes would bring us into complete compliance with State law and State statute. Planner Mayday advised it would for this section. Commissioner Gwen Rowitsch clarified appeals of the Planning Commission and Council would be referred to the Board of Adjustment. If satisfaction were not met, the appeal would go before Superior Court.

Commissioner Pasciak moved, seconded by Commissioner McCaullay to initiate a public hearing at the next regular scheduled meeting of the Planning and Zoning Commission to take comment on text amendment Section to 5.5 Modification and Enforcement of Subdivision Regulation. Passed unanimously.

B. Consideration of text amendments regulating the manner and placement of special purpose residences such as sober houses and recovery homes, assisted living homes, and assisted living centers.

Planner Mayday advised the UDO does not define assisted living home or assisted living center. She reviewed the definition and restrictions of the homes and centers.

Due to the nature of recovery homes, the language complies with the fair housing act but allow regulation of the manner and placement of these homes. Regulations would require registration, confirmed zoning, operation and management procedure information, residency location separation, occupancy limits, no signage, and adequate parking.

Assisted living center is a residential care institution that provides a contract to provide supervisory care, personal care, or directed care services on a continual basis for 11 or more people. Limited to commercial and multifamily zoning districts.

Assisted living home as 11 or less persons, which can be in a residential setting.

Recovery residence is defined as a dwelling, unit or building used to provide a stable clean and sober environment for individuals recovering from substance abuse. Individuals do not live together as a single housekeeping unit and every person residing in the residence excluding the house manager is an individual with a disability as the term is used in the Federal and State fair housing laws.

Single housing keeping unit is an interactive group of persons occupying a residential unit with restrictions.

Commissioner Rowitsch requested clarification on residency maximums and minimums for assisted living home, assisted living centers and recovery centers. Assisted living homes and centers are regulated by the State. The State does not regulate recovery residences they are regulated by CUP permits and can be limited to an area one-mile separation.

The commissioners questioned further information on:

- Recovery residence restrictions on an addict which also a sex offender.

- Would adding assisted living and recovery units would it be problematic for in a single family residential with a density of 7,000 square foot minimum?
- In adding assisted living homes and recovery homes as a permitted use in high density would it be problematic?
- Would Planning and Zoning Commission review completed registration form? No
- Recommend under zoning changing the word “may” to “shall”.
- Item 4 part 4 procedure, along with an emergency contact telephone number include a name.
- Item 5c HUD standard is two per bedroom so three residences in bedroom largest bedroom and having a HUD building code standard.
- Parking for recovery residence shall be on site, adding the word “all’ parking.
- Request for accommodations if the verbiage was taken from a standard and the clause of being “economically viable” standard can we change it. Planner Mayday advised yes it comes from standards and the intent is not being able to raise fees that it is economically not viable for them to do it intentionally as opposed to any other use.
- on all residential areas add a conditional use permit
- On MPH 4 in higher density make CUP

Commissioner Rowitsch Opened the Public comments 6:41 P.M.

Liz Winn, Winn Home Care, advised she is trying to establish an eight (8) resident assisted living facility and are being mentored by New Horizons. They meet all code/zoning requirements and see a positive effect to Chino Valley in additional job opportunities as well as her personal goals in assisted elder care.

The commissioners asked about:

- Allowing signage on assisted living facility.
- Handling signage on a case by case.
- Precedence set for the current assistance living facility.

Planner Mayday advised home occupation do not have signage but can be added in the CUP language to allow signage. The current assisted living facility is grandfathered.

Commissioner Rowitsch Closed the Public comments 6:49 P.M.

Commissioner Merritt moved, seconded by Commissioner McCaullay to initiate a public hearing at the next regularly scheduled meeting of the Planning and Zoning Commission to take comment on text amendments regulating the manner and placement of sober homes, assisted living centers and assisted living homes and to make recommendations to Town Council for the proposed amendments. Passed. Commissioner Merritt moved, seconded by Commissioner Pasciak to corrected motion to include all the changes and discussion had this evening into the new text realize changes made today. Passed

8. DISCUSSION ITEMS – No discussion items

9. PUBLIC COMMENTS – No public comments

10. ADJOURN

Commissioner Robert McCaullay moved, seconded by Commissioner Pasciak to adjourn 6:50 p.m.

Dated this 12th day of May 2014.

By: *Liz Hart, Town Clerk Assistant*

Meeting Date: 06/03/2014

Amendments to Section 5.5 of the Unified Development Ordinance

CASE DESCRIPTION:

Revise and relocate the subsections of Section 5.5 Modification, Appeals, and Enforcement to the appropriate sections of the UDO, and strike those portions that contradict Arizona Revised Statutes, Town Code, or other portions of the UDO.

FACTS:

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

ANALYSIS:

During the August 20, 2013 Work/Study Session of the Planning and Zoning Commission (P & Z), Staff and Commissioners discussed revisions to Section 5.5 of the Uniform Development Ordinance (UDO) that set forth standards for modification of subdivision plats and enforcement mechanisms for violations of said regulations. At the September 17, 2013 P & Z meeting, the Commission voted unanimously to initiate a Public Hearing for the purposes of taking public comment on the proposed amendments to the text of Section 5, Subdivision Regulations, Subsection 5.5, Modification, Appeals, and Enforcement. Because some time had passed since the Commission first reviewed the text amendments, and because there are new members on the Commission that may not be familiar with the proposed changes, staff brought this item back for reconsideration and initiation of a public hearing.

After discussing the proposed changes, the Commission voted unanimously to initiate a public hearing to take comment on the proposed changes and make a recommendation to Town Council. Notice of the Public Hearing was published and posted in compliance with ARS 9-463.04; the Planning and Zoning Commission is now being asked to conduct said public hearing, and forward the item to Town Council with a recommendation for approval.

The proposed text amendments are as follows:

5.5 Modifications Paragraph A: Modification of Standards is unclear in its current form. While the intent may have been to grant Town Council flexibility to make adjustments to subdivision plats/plans that may or may not be in substantial conformance to the UDO, it references “ this Ordinance”, which could be incorrectly assumed to be the UDO in its entirety rather than Section 5: Subdivision. Staff recommends striking “required by this Ordinance” and replacing it with “set forth in Section 5 Subdivision Regulations”.

The language in 5.5.2 of the UDO contravenes the authority set forth in ARS 9-462.06 (G), and the appeal process set forth in ARS 9-462.06 (K). Section 9.462.06 (G) sets forth the standards for the Board of Adjustments, in whom the authority to deviate from adopted zoning codes has been vested.

Statutorily, the only appeal to the zoning requirements dictated in the UDO is to the Board of Adjustments; any appeal to a decision of the Board of Adjustments is to Superior Court. Staff recommends striking Section 5.5.2 Appeals as it contradicts ARS 9-462.06.

Section 5.5.3 delineates enforcement actions that may be taken when the Ordinance is violated. Paragraph A appears to refer to violations that could apply in general to the entire UDO, while Paragraph B refers to division of property which is specific to subdivision and land splits. At the present time, Staff recommends inserting the word “real” in the first sentence as follows: “Any division of real property” and renumbering it 5.5.3

RECOMMENDATION: Because the current text of Section 5.5 (A) of the UDO is unclear as to which portion of the UDO it

is modifying, instituting an appeals process, or enforcing, clarifying language must be added to specify that the modification process set forth applies only to Section 5, Subdivision Standards and not the UDO as a singular Ordinance. By adding the language that specifies Section 5, it is clear that Town Council's ability to modify standards set forth in the ordinance is limited to those that are contained within the subdivision regulations.

The language in Section 5.5, Subsection 2 directly contradicts the authority and process described in ARS §9-462.06 (G) and (K) and therefore must be brought into compliance with the state statutes. Therefore, this section of the UDO must be stricken in its entirety.

Should the Commission accept the recommendations of staff and strike Section 5.5.2, the following Section 5.5.3 would be renumbered as 5.5.2. The addition of the word "real" preceding the word "property" in Paragraph B of Section 5.5.2 Enforcement would clarify that the division of land ("real property") in a matter that contravenes the subdivision requirements would constitute a public nuisance, and enable the Town to pursue legal remedies.

Finally, as the language regarding appeals has been stricken from this portion of the UDO, Staff recommends renaming it Section 5.5 Modification and Enforcement of Subdivision Regulations.

RECOMMENDATION

Staff recommends forwarding the proposed amendments to the text of UDO Section 5.5 Modification, Appeals, and Enforcement (Subdivision Requirements) to the Town Council with a recommendation for approval.

MOTION: Forward the proposed text amendments to UDO Section 5.5 Modification, Appeals, and Enforcement (Subdivision Requirements) to the Town Council with a recommendation for approval.

Attachments

Draft Ordinance 5.5

ORDINANCE NO. __ - __

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL
OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING
THE TOWN OF CHINO VALLEY UNIFIED DEVELOPMENT
ORDINANCE, CHAPTER 5 SUBDIVISION REGULATIONS, BY
AMENDING SECTION 5.5 MODIFICATIONS, APPEALS, AND
ENFORCEMENT RELATED TO CONFORMING THE UNIFIED
DEVELOPMENT ORDINANCE PROVISIONS TO STATE LAW;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
PENALTIES

WHEREAS, on November 9, 2006, the Town of Chino Valley Town Council adopted Resolution No. 06-812 declaring the Unified Development Ordinance (“**UDO**”) a public record, and adopted Ordinance No. 06-678 adopting the Unified Development Ordinance; and

WHEREAS, the stated purposes of the UDO include: (1) providing for the social, physical, and economic advantages resulting from comprehensive and orderly planned use of resources and (2) promoting the health, safety, convenience, and general welfare of the citizens of the Town of Chino Valley, Arizona (“**Town**”); and

WHEREAS, certain portions of Section 5.5 “Modification, Appeals, and Enforcement” are in conflict with Arizona Revised Statutes; and

WHEREAS, certain portions of said section are unclear as to intent; and

WHEREAS, the UDO cannot meet its intended purpose if it conflicts with Arizona Revised Statutes, or is unclear as to its intent;

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 5 Subdivision Regulations, Section 5.5 Modifications, Appeals and Enforcement is hereby amended to read as follows: (additions show in ALL CAPS; deletions shown in ~~strikeout~~

5.5 Modifications, Appeals and Enforcement

5.5.1 Modifications

A. Modification of Standards

~~Council may modify the standards required by this Ordinance SET FORTH IN SECTION/ CHAPTER 5: SUBDIVISION REGULATIONS as they apply to a particular property when there exist unusual conditions of topography, land ownership, adjacent development or other circumstances which would not be able to be addressed to best serve the interests of the citizens of the Town if the requirements of this Ordinance~~

~~SET FORTH IN SECTION 5.5: SUBDIVISION REGULATIONS were strictly applied.~~

EITHER DETERMINE THAT CERTAIN LANDS MAY NOT BE SUBDIVIDED, BY REASON OF ADVERSE TOPOGRAPHY, PERIODIC INUNDATION, ADVERSE SOILS, SUBSIDENCE OF THE EARTH'S SURFACE, HIGH WATER TABLE, LACK OF WATER OR OTHER NATURAL OR MAN-MADE HAZARD TO LIFE OR PROPERTY, OR CONTROL THE LOT SIZE, ESTABLISH SPECIAL GRADING AND DRAINAGE REQUIREMENTS AND IMPOSE OTHER REGULATIONS DEEMED REASONABLE AND NECESSARY FOR THE PUBLIC HEALTH, SAFETY OR GENERAL WELFARE ON ANY LANDS TO BE SUBDIVIDED AFFECTED BY SUCH CHARACTERISTICS.

B. Modification of Final plat

The Community Development Director may approve, or refer to Council, the following minor modifications to the Final Plat:

1. Lot line adjustments that do not create new lots or reduce the size of any lot below the minimum for that district.
2. Minor changes related to public safety, infrastructure alterations, adjustments and conflicts or a documented change in conditions.
3. Minor changes of a technical or typographical nature.

No other change, erasure, modification or revision shall be made on or of any final plat after approval by the Council unless the Council first approves any proposed alteration; and any alteration shall be void unless approval thereof is endorsed upon the final plat by the Council.

~~5.5.2 Appeals~~

~~A. Appeals: Any decision, or interpretation, of this Ordinance may be appealed to the Town Manager; decisions of the Town Manager may be appealed to Board of Adjustments. The agency to which a decision has been appealed may either:~~

- ~~1. Uphold,~~
- ~~2. Reverse,~~
- ~~3. Modify, or~~
- ~~4. Refer the decision back to its author for reconsideration.~~

~~B. Time Limits: Appeals will only be considered if they are filed within ten (10) working days of a decision. Decisions are final after the ten (10) day appeal period has passed, if no appeal has been filed.~~

~~C. Stays of Proceedings: An appeal suspends the action taken and stays all proceedings in the matter, unless the Town certifies that a stay would cause imminent peril to life or property. Upon such certification, proceedings shall not be stayed except by restraining order as injunctive relief granted by a court of record on application and notice to the Town. Proceedings shall not be stayed if the appeal requests relief that has been previously denied except pursuant to a special action in Superior Court.~~

5.5.32 Enforcement

A. ~~Fines/Imprisonment:~~ Any person, as principal, owner, agent, tenant, employee, or otherwise found violating this Ordinance, or violating or failing to comply with any order or regulation made hereunder, shall be guilty of a civil violation punishable as provided in this Ordinance. Such person shall be deemed guilty of a separate offense for each and every day during which any such violation or failure to comply with these regulations is committed, continued or permitted. All remedies provided for herein shall be cumulative and exclusive. A finding of guilty or responsible and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions. In addition to the other remedies provided herein, any adjacent or neighboring property owner who is damaged by the violation of any provision of this Ordinance may institute any action in law or equity to prevent or abate such violation.

B. ~~Enforcement Action:~~ Any division of REAL property contrary to this Ordinance is hereby declared to be a public nuisance and the Town Attorney may, upon order of Council, or on his own initiative, immediately commence all necessary actions or proceedings for the abatement, enjoinder, and removal thereof in the manner provided by law; and may take such other lawful steps as may be necessary, and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate, enjoin, and restrain any person from violating this Ordinance.

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 _____, 20__ by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 20__.

Chris Marley, Mayor

ATTEST:

Jami 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. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE ____ DAY OF _____, 201__, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 20__.

Jami Lewis, Town Clerk

Meeting Date: 06/03/2014

Discussion and possible initiation of Public Hearing for text amendments related to Special Purpose Residences.

CASE DESCRIPTION:

Public Hearing to take comment on proposed text amendments regulating the manner and placement of special purpose residences such as sober houses and recovery homes, assisted living homes, and assisted living centers.

FACTS:

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

ANALYSIS:

The purpose of these text amendments is to regulate the manner and placement of special purpose residences such as "sober homes" or "recovery residences" that may or may not be regulated by the Fair Housing Act, described in Section 36-581 and 36-582 of Arizona Revised Statutes, or otherwise regulated in the Unified Development Ordinance.

Given the growing demand for sober living and/or recovery homes in the region and the impact they may have on residential neighborhoods, implementing regulations to provide separation between these uses, the number of residents allowed per site, and to protect the health, safety, and general welfare of the community is timely. Additionally, there are group living situations such as elder care facilities that may benefit the community but are not currently defined in the UDO.

Occupants of Sober Living and Recovery Homes meet the definition of "disabled" under the Fair Housing Act (FHA) and Americans With Disabilities Act (ADA), as long as the residents are not using drugs and alcohol. When they relapse, they are no longer considered disabled; thus, almost all sober living homes immediately evict residents that test positive for drugs or alcohol. Sex offenders are not considered disabled as defined by the FHA; in addition, the language in Section 4.10 Special Purpose and Temporary Housing, subsection C (5)(f) precludes the inclusion of "any person whose tenancy would constitute a direct threat to the health or safety of other persons or would result in substantial physical damage to the property of others." Furthermore, anyone seeking tenancy in a recovery home as part of their treatment for drug or alcohol addiction that is also a registered sex offender is required to comply with all other registry and notification requirements in accordance with state and federal law.

So that the establishment of Recovery Homes in Chino Valley is transparent, staff recommends requiring a conditional use permit in all residential zoning districts other than MH (Mobile Home) prior to issuing said home a business license. This would mandate a neighborhood meeting, public hearings, and an opportunity for those affected to comment on the proposed use.

During the discussion of this item at the June 6, 2014 meeting, it was suggested that Recovery Homes not be allowed in the MR (Multi Family Residential) zoning district as it could possibly lead to overcrowding in apartments, as the HUD standard is two persons per bedroom. As staff stated during the discussion, HUD does not regulate the number of persons per bedroom, but rather the minimum dimensions (7 x 10) for a bedroom in units constructed with, rehabilitated with, or otherwise subsidized with HUD funding. As funding of these facilities is not within the purview of the Town, neither is consideration of HUD regulations as they relate to bedroom size. In addition, the limit on residents per bedroom does not result in a higher density than may be comprised by a single family in a similar unit. The location of such a facility in an MR zoning district is appropriate, based on equivalent density. Therefore, staff stands by its original recommendation to include Recovery Homes as a permitted use in the MR zoning district.

Currently, the UDO defines a nursing home as "A health care institution other than a hospital or personal care home (not defined) that is licensed by the State Department of Health Services as a skilled nursing facility for two (2) or more related persons." This does not meet the current definition of Nursing Care Institution or Residential Care Institution as set forth in

ARS 36-401(31) or (39). The UDO also does not define "Assisted Living Home" or "Assisted Living Center" at all; ARS 36-401 clearly differentiates between these four types of special purpose residences.

Persons over the age of 65 are increasing in number in Chino Valley, as the reputation of the Quad Cities area's suitability for retirement grows. There is one (1) Assisted Living Home in the Town; other forms of congregate care such as assisted living or nursing homes are not available here. Nursing homes and convalescent homes are allowed as uses by right in Multiple Family (MR) or Mobile Home Parks (MH).

Staff recommends defining Assisted Living Center(s) and Assisted Living Home(s), and allowing them as conditional uses in residential zoning districts, and as permitted uses in Multiple Family (MH) and Commercial Light (CL) zoning districts.

Staff recommends the following changes to the UDO:

Add the following to Section 2.1 Meaning of Words and Terms:

- A) Assisted Living Home
- B) Assisted Living Center
- C) Recovery Home
- D) Single Housekeeping Unit

Add Assisted Living Homes and Recovery Homes as conditional uses in the following zoning districts: 3.5 Agricultural/Residential 36 acre minimum (AR -36), 3.6 Agricultural/Residential 5 acre minimum (AR-5), 3.7 Agricultural/Residential 4 acre minimum (AR-4), 3.8 Single Family Residential, 2.5 acre minimum (SR-2.5), 3.9 Single Family Residential, 2 acre minimum (SR-2), 3.10 Single Family Residential 1.6 acre minimum (SR-1.6), 3.10 Single Family Residential 1 acre minimum (SR-1), 3.11 Single Family Residential 7,000 square foot minimum (SR-0.16)

Add Assisted Living Centers, Assisted Living Homes, and Recovery Homes as permitted uses in the following zoning districts: 3.13 Multiple Family Residential (MR), 3.15 Commercial Light (CL)

RECOMMENDATION

Staff recommends forwarding the proposed text amendments to Section 2 Definitions, and Sections 3.5 through 3.11, Sections 3.13 and 3.15, for the purposes of regulating the manner and placement of Sober Homes, Assisted Living Centers, and Assisted Living Homes to Town Council with a recommendation for approval.

MOTION: Forward the proposed text amendments regulating the manner and placement of Sober Homes, Assisted Living Centers, and Assisted Living Homes, to Town Council with a recommendation for approval.

Attachments

Recovery Homes

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, AS FOLLOWS: (1) CHAPTER 2 DEFINITIONS, BY AMENDING SECTION 2.1 MEANING OF WORDS AND TERMS TO ADD DEFINITIONS RELATED TO RECOVERY HOMES, ASSISTED LIVING CENTERS, AND ASSISTED LIVING HOMES, AND TO AMEND THE DEFINITION OF "SINGLE HOUSEKEEPING UNIT"; (2) CHAPTER 3 ZONING DISTRICTS, BY AMENDING SECTIONS 3.13.2 PERMITTED USES (MR-MULTI FAMILY RESIDENTIAL), 3.15.2 PERMITTED USES (CL-COMMERCIAL LIGHT), 3.5.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED) ("AR-36" – AGRICULTURAL/RESIDENTIAL (36 ACRE MINIMUM)), 3.6.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED) ("AR-5" – AGRICULTURAL/RESIDENTIAL (5 ACRE MINIMUM)), 3.7.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED) ("AR-4" – AGRICULTURAL/RESIDENTIAL (4 ACRE MINIMUM)), 3.8.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED) ("SR-2.5" SINGLE FAMILY RESIDENTIAL (2.5 ACRE MINIMUM)), 3.9.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED) ("SR-2" SINGLE FAMILY RESIDENTIAL (2ACRE MINIMUM)), 3.10.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED) ("SR-1.6" SINGLE FAMILY RESIDENTIAL (1.6 ACRE MINIMUM)), 3.11.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED) ("SR-1" SINGLE FAMILY RESIDENTIAL (1 ACRE MINIMUM)), 3.12.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED) ("SR-0.16" SINGLE FAMILY RESIDENTIAL (0.16 ACRE MINIMUM)), AND (3) AMENDING SECTION 4.10 "TEMPORARY HOUSING" BY ADDING SUBSECTION C RECOVERY RESIDENCE AND ADDING "SPECIAL PURPOSE AND" TO THE TITLE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, federal and state fair housing laws protect the rights of persons with disabilities to obtain housing and pursuant to federal and state fair housing laws; and

WHEREAS, persons recovering from alcohol and drug addiction are considered persons with disabilities and thus are protected by fair housing laws only to the extent they are not currently using alcohol and drugs; and

WHEREAS, there are facilities that are not required to be licensed by the State of Arizona that are intended to transition such persons from an institutional setting where persons recovering from addictions agree to remain “clean and sober” during their residency. Such facilities are commonly known as “sober living homes” or “sober houses” or “recovery residences”. The residents of these facilities generally live at the facility for six months or less; and

WHEREAS, due to the transitory nature of the residents, increased parking demand, increased traffic, and the potential for impacts to the residential character of neighborhoods, which the Town Council desires to address by providing reasonable regulations to mitigate any impacts to neighbors and neighborhoods while providing persons with a disability opportunities for housing; and

WHEREAS, the Town Council has determined that the proposed amendments will not unreasonably restrict the rights of persons with a disability to fair housing while providing protections and mitigation of impacts to the residential character of neighborhoods, and it is in the best interest of the public health, safety and general welfare of the Town to adopt the proposed amendments; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws.

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 is hereby amended to read as follows:

2. DEFINITIONS

2.1 MEANINGS OF WORDS AND TERMS

ASSISTED LIVING CENTERS A RESIDENTIAL CARE INSITUTION THAT PROVIDES OR CONTRACTS TO PROVIDE SUPERVISORY CARE SERVICES, PERSONAL CARE SERVICES, OR DIRECTED CARE SERVICES ON A CONTINUOUS BASIS FOR ELEVEN OR MORE PEOPLE.

ASSISTED LIVING HOMES A RESIDENTIAL CARE INSITUTION THAT PROVIDES OR CONTRACTS TO PROVIDE SUPERVISORY CARE SERVICES,

PERSONAL CARE SERVICES, OR DIRECTED CARE SERVICES ON A CONTINUOUS BASIS FOR UP TO TEN PEOPLE.

RECOVERY RESIDENCE A DWELLING UNIT OR BUILDING USED TO PROVIDE A STABLE, CLEAN AND SOBER ENVIRONMENT FOR INDIVIDUALS RECOVERING FROM SUBSTANCE ABUSE. INDIVIDUAL RESIDENTS DO NOT LIVE TOGETHER AS A SINGLE HOUSEKEEPING UNIT AND EVERY PERSON RESIDING IN THE RESIDENCE(EXCLUDING THE HOUSE MANAGER) IS AN “INDIVIDUAL WITH A DISABILITY”, AS THAT TERM IS USED IN THE FEDERAL AND STATE FAIR HOUSING LAWS.

SINGLE HOUSEKEEPING UNIT AN INTERACTIVE GROUP OF PERSONS OCCUPYING A RESIDENTIAL UNIT WHERE ALL OF THE FOLLOWING ARE TRUE:

- a. THE RESIDENTS SHARE USE OF AND RESPONSIBILITY FOR COMMON AREAS, HOUSEHOLD ACTIVITIES, AND RESPONSIBILITIES SUCH AS MEALS, CHORES, HOUSEHOLD MAINTENANCE, AND EXPENSES; AND
- b. IF THE RESIDENTS ARE RENTERS, ALL ADULT RESIDENTS HAVE CHOSEN TO OCCUPY THE ENTIRE PREMISES OF THE DWELLING UNIT TOGETHER UNDER A SINGLE WRITTEN LEASE WITH JOINT USE AND RESPONSIBILITY FOR THE PREMISES; AND
- c. THE MAKEUP OF THE HOUSEHOLD OCCUPYING THE UNIT IS DETERMINED BY THE RESIDENTS OF THE UNIT RATHER THAN THE LANDLORD OR PROPERTY MANAGER.

Chapter 3 Zoning District, Sections 3.13.2 Permitted Uses, (MR- Multi Family Residential), 3.15.2 Permitted Uses (CL – Commercial Light); Sections 3.5.3 Conditional Uses (AR-36- Agricultural/Residential (36 Acre minimum), 3.6.3 Conditional Uses (AR-5- Agricultural/Residential (5 Acre minimum), 3.7.3 Conditional Uses, (AR-4- Agricultural/Residential (4 Acre minimum), 3.8.3 Conditional Uses, (SR-2.5- Single Family Residential (2.5 Acre minimum)), 3.9.3 Conditional Uses, (SR-2 - Single Family Residential (2 Acre minimum)), 3.10.3 Conditional Uses, (SR-1.6 - Single Family Residential (1.6 Acre minimum)), 3.11.3 Conditional Uses, (SR-1 - Single Family Residential (1 Acre minimum)), 3.12.3 Conditional Uses, (SR-0.16 - Single Family Residential (0.16 Acre minimum)):

3.5 “AR-36” – Agricultural/Residential (36 Acre Minimum)

* * *

3.5.3 Conditional Uses

* * *

P. Recovery Homes

Q. Assisted Living Homes

* * *

3.6 “AR-5” – Agricultural/Residential (5 Acre Minimum)

* * *

3.6.3 Conditional Uses (Conditional Use Permit Required)

* * *

P. Recovery Homes

Q. Assisted Living Homes

* * *

3.7 “AR-4” – Agricultural/Residential (4 Acre Minimum)

* * *

3.7.3 Conditional Uses (Conditional Use Permit Required)

* * *

P. Recovery Homes

Q. Assisted Living Homes

* * *

3.8 “SR 2.5 – Single Family Residential (2.5 Acre Minimum)

* * *

3.8.3 Conditional Uses (Conditional Use Permit Required)

* * *

G. Recovery Homes

H. Assisted Living Homes

* * *

3.9 “SR 2 – Single Family Residential (2 Acre Minimum)

* * *

3.9.3 Conditional Uses (Conditional Use Permit Required)

* * *

G. Recovery Homes

H. Assisted Living Homes

3.10 “SR 1.6 – Single Family Residential (1.6 Acre Minimum)

* * *

3.10.3 Conditional Uses (Conditional Use Permit Required)

* * *

- G. Recovery Homes
- H. Assisted Living Homes

3.11 “SR 1 – Single Family Residential (1 Acre Minimum)

* * *

3.11.3 Conditional Uses (Conditional Use Permit Required)

* * *

- G. Recovery Homes
- H. Assisted Living Homes

3.12 “SR 0.16 – Single Family Residential (0.16 Acre Minimum)

* * *

3.12.3 Conditional Uses (Conditional Use Permit Required)

* * *

- G. Recovery Homes
- H. Assisted Living Homes

3.13 “MR – Multi Family Residential

* * *

3.13.2 Permitted Uses

* * *

- D. Recovery Homes
- E. Assisted Living Homes

3.15 “CL” – Commercial Light

* * *

3.15.2 Permitted Uses

* * *

AD. Recovery Homes

AE. Assisted Living Homes

Chapter 4 General Regulations, Section 4.10 Temporary Residences:

4.10 SPECIAL PURPOSE AND Temporary Housing

C. RECOVERY RESIDENCE

1. **PURPOSE.** THE PURPOSE OF THESE REGULATIONS IS TO PERMIT PERSONS RECOVERING FROM SUBSTANCE ABUSE TO RESIDE IN A GROUP SETTING IN RESIDENTIAL NEIGHBORHOODS IN ORDER TO FACILITATE INTEGRATION AND STABILIZATION AND TO PROVIDE REASONABLE REGULATIONS TO MAINTAIN THE RESIDENTIAL CHARACTER OF NEIGHBORHOODS AND PREVENT A CONCENTRATION OF SUCH FACILITIES IN ANY PARTICULAR AREA SO AS TO INSTITUTIONALIZE THAT AREA.
2. **REGISTRATION REQUIRED.** PRIOR TO BEGINNING OPERATIONS, THE OWNER OR OPERATOR OF A RECOVERY RESIDENCE SHALL SUBMIT A COMPLETED REGISTRATION FORM TO THE DEVELOPMENT SERVICES DEPARTMENT ON A FORM ESTABLISHED BY THE PLANNING AND DEVELOPMENT SERVICES MANAGER. THE REGISTRATION SHALL BECOME EFFECTIVE UPON VERIFICATION BY THE ZONING ADMINISTRATOR THAT THE REGISTRATION COMPLIES WITH THE REQUIREMENTS OF THE ZONING CODE AND THAT THE RECOVERY RESIDENCE OPERATOR HAS OBTAINED A VALID TOWN OF CHINO VALLEY BUSINESS LICENSE FOR THE RECOVERY RESIDENCE. A REGISTRATION SHALL TERMINATE WHEN THE RECOVERY RESIDENCE USE CEASES.
3. **ZONING CONFIRMATION.** PRIOR TO REGISTRATION, A REQUEST FOR ZONING CONFIRMATION MAY BE SUBMITTED TO THE DEVELOPMENT SERVICES DEPARTMENT TO CONFIRM THAT THE PROPOSED LOCATION OF THE RECOVERY RESIDENCE IS PERMITTED UNDER THIS SECTION.

4. **PROCEDURES.** IN ADDITION TO THE REGISTRATION FORM, THE APPLICANT SHALL SUBMIT AN OPERATIONS AND MANAGEMENT PLAN (“O&MP”) TO ENSURE COMPLIANCE WITH STATE AND LOCAL LAWS. O&MP SHALL INCLUDE (1) NAME AND ADDRESS OF THE BUSINESS OWNER; (2) NAME, ADDRESS AND TELEPHONE NUMBER OF THE PROPERTY OWNER AND PERSON IN CONTROL OF THE PROPERTY; (3) IF THE BUSINESS OWNER AND PROPERTY OWNER ARE NOT THE SAME PERSON OR ENTITY, APPLICANT SHALL PROVIDE A NOTARIZED LETTER OF AUTHORIZATION FROM THE PROPERTY OWNER; (4) EMERGENCY CONTACT TELEPHONE NUMBER; (5) THE NUMBER OF PERSONS OCCUPYING EACH BEDROOM; (6) MAXIMUM NUMBER OF OCCUPANTS; (7) A FLOOR PLAN; (8) RESIDENT SCREENING PROCESS; AND (9) GUEST AND RESIDENT RULES OF CONDUCT.

5. **STANDARDS.** RECOVERY RESIDENCES SHALL BE LOCATED, DEVELOPED, AND OPERATED IN COMPLIANCE WITH THE FOLLOWING STANDARDS:

a. **O&MP COMPLIANCE.** THE RECOVERY RESIDENCE SHALL BE OPERATED AND MANAGED IN COMPLIANCE WITH THE O&MP SUBMITTED WITH REGISTRATION, A COPY OF WHICH SHALL REMAIN ON FILE WITH THE DEVELOPMENT SERVICES DEPARTMENT.

b. **SEPARATION.** THE MINIMUM SEPARATION BETWEEN RECOVERY RESIDENCES SHALL BE 5,280 FEET AS MEASURED FROM THE CLOSEST PROPERTY LINES.

c. **OCCUPANCY.** THE NUMBER OF RESIDENTS, INCLUDING THE HOUSE MANAGER, SHALL NOT EXCEED TWO RESIDENTS PER BEDROOM WITH UP TO 3 RESIDENTS IN THE LARGEST BEDROOM IN THE HOME AND A MAXIMUM OF 11 RESIDENTS IN THE HOME

d. **EXTERIOR APPEARANCE.** THERE SHALL BE NO SIGN OR OTHER EXTERIOR INDICATION OF A RECOVERY RESIDENCE VISIBLE FROM THE STREET.

e. **PARKING.** PARKING FOR THE RECOVERY RESIDENCE SHALL BE ON-SITE AND COMPLY WITH CHINO VALLEY UNIFIED DEVELOPMENT ORDINANCE SECTION 4.22 OFF-STREET PARKING AND LOADING REGULATIONS.

f. **TENANCY.** NO RECOVERY RESIDENCE SHALL HOUSE ANY PERSON WHOSE TENANCY WOULD CONSTITUTE A DIRECT THREAT TO THE HEALTH OR SAFETY OF OTHER PERSONS OR WOULD RESULT IN SUBSTANTIAL PHYSICAL DAMAGE TO THE PROPERTY OF OTHERS.

4. ***REQUEST FOR ACCOMMODATION.*** IF A RECOVERY RESIDENCE OWNER BELIEVES ANY REQUIREMENT OF THE ZONING CODE PREVENTS THE ESTABLISHMENT OF A RECOVERY RESIDENCE IN AN ECONOMICALLY VIABLE MANNER, THE OWNER SHALL SUBMIT TO THE ZONING ADMINISTRATOR A WRITTEN REQUEST FOR ACCOMMODATION AND THE REASONS WHY THE ACCOMMODATION IS REQUIRED. THE WRITTEN REQUEST SHALL CONTAIN SUFFICIENT FACTS TO ALLOW THE ZONING ADMINISTRATOR TO MAKE AN INDIVIDUALIZED DETERMINATION OF THE RECOVERY RESIDENCE'S NEEDS, TO ADDRESS THE TOWN'S SAFETY AND WELFARE CONCERNS, AND TO ASSURE COMPLIANCE WITH THIS SECTION. THE ZONING ADMINISTRATOR SHALL REVIEW THE WRITTEN REQUEST AND DETERMINE:

- a. WHETHER AN ACCOMMODATION SHOULD BE MADE PURSUANT TO THE REQUIREMENTS OF THE FEDERAL AND STATE FAIR HOUSING LAWS; AND
- b. IF SO, THE NATURE OF THE ACCOMMODATION TAKING INTO CONSIDERATION THE REQUIREMENTS OF THE FEDERAL AND STATE FAIR HOUSING LAWS, PUBLIC SAFETY AND WELFARE CONCERNS, AND THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD.

THE ACCOMMODATION SHALL BE MADE ONLY TO THE EXTENT NECESSARY TO COMPLY WITH THE FEDERAL AND STATE FAIR HOUSING LAWS.

Meeting Date: 06/03/2014

CASE DESCRIPTION:

Election of Officers - In accordance with Section 1.4.3 of the UDO, the Commission shall elect a Chairperson and Vice Chairperson from among its own members.

FACTS:

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

ANALYSIS:

The Commission has not yet selected officers. In accordance with Section 1.4.3 of the Unified Development Ordinance (UDO), the Commission shall elect a Chairperson and Vice Chairperson from among its own members. Elected members shall serve for one (1) year and until their successors are elected and qualified.

RECOMMENDATION

Staff recommends the Commission elect a Chairperson and Vice Chairperson.

Motion: To elect ____ (name) ____ as Chairperson to serve for a one (1) year term.

Motion: To elect ____ (name) ____ as Vice Chairperson to serve for a one (1) year term.

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

**Tuesday, June 3, 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.

Commissioner Rowitsch called the meeting to order at 6:00 P.M.

Members present: Commissioner Gwen Rowitsch (Chair), Commissioner Chuck Merritt, Commissioner Corey Mendoza, Commissioner Robert McCaullay, Commissioner Gary Pasciak, Commissioner Michael Edmonds

Members absent: Commissioner Florence Sloan

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

4. MINUTES

- A.** Consideration and possible action to approve the May 6, 2014, Planning and Zoning meeting minutes.

Commissioner Pasciak moved, seconded by Commissioner McCaullay to approve the May 6, 2014, Planning and Zoning meeting minutes

5. STAFF REPORTS

Planner Mayday advised there would not be a Planning and Zoning Commission meeting for July 1, 2014.

6. PUBLIC HEARING

- A.** Revise and relocate the subsections of Section 5.5 Modification, Appeals, and Enforcement to the appropriate sections of the UDO, and strike those portions that contradict Arizona Revised Statutes, Town Code, or other portions of the UDO.

Planner Mayday reviewed the final version of the modification of appeals and enforcement Section 5.5 of Section 5 UDO subdivision regulations. Adoption of final version would:

- Void the current authority of the Town Manager override Council, which is in conflict with State law.
- Clarify vague language
- Strike Section 5.5.1 part “A” replacing it with ARS code defining Council’s authority in considering subdivision plots

The Commissioners requested clarification on informing adjoining property owners when changes are proposed, and bringing UDO into compliance with State regulations in regards to subdivisions.

Planner Mayday advised notification of adjoining property owners is dealt with in the public hearing prior

to Council presentation and the Section 5.5 changes would bring the Town into compliance in regards to subdivisions.

Commissioner Rowitsch opened and closed the public hearing at 6:04 P.M. No comments from the public.

Commissioner Merritt moved, seconded by Commissioner Mendoza to forward the proposed text amendments to the UDO Section 5.5 Modification, Appeals and Enforcement (subdivision requirements) to the Town Council with a recommendation for approval. Motion passed unanimously.

- B.** Public Hearing to take comment on proposed text amendments regulating the manner and placement of special purpose residences such as sober houses and recovery homes, assisted living homes, and assisted living centers.

Planner Mayday reported an intent of the change is to regulate the manner and placement of sober homes, which are not regulated by the State and update the language in assisted living facilities. Planner Mayday recapped State regulations and the Fair Housing Act regulations in regards violations of treatment occupants and sex offender.

The proposed definitions of assisted living facilities and assisted living homes are in agreement with the AZ Department of Health Services regulations.

Zoning for sober homes are included into multi-family zoning district, as # of people per room does not apply unless HUD financing is used.

The commissioners expressed concerns in having sober homes included in multi-family residential, and being Conditional Use vs Permitted Use. Typo corrections were noted.

Commissioner Rowitsch opened and closed the public hearing at 6:12 P.M. No comments from the public.

The commissioners asked about the Town's recourse with people violating recovery home policies, what are measures for monitoring, and who monitors these homes.

Planner Mayday advised recourse is through an acceptable mitigation plan correcting violation and/or loss of business license. Monitoring is through revocation of Use Permit, business license process, on site records request, and neighbor complaints the State monitors facility.

Question were raised regarding notification of adjacent property owners when this type of facility is opening

Commissioner Merritt moved, seconded by Commissioner McCaullay to forward the proposed text amendments regulating the manner and placement of Sober Homes, Assisted Living Centers, and Assisted Living Homes, to Town Council with a recommendation for approval as written. Motion passed unanimously.

7. NON-PUBLIC HEARING ACTION ITEMS

- A.** Election of Officers - In accordance with Section 1.4.3 of the UDO, the Commission shall elect a Chairperson and Vice Chairperson from among its own members.

Commissioner McCaullay moved, seconded by Commissioner Edmonds to elect Commissioner Gwen Rowitsch as Chairman and Commissioner Charles Merritt as Vice-chairman, motion passed unanimously.

8 DISCUSSION ITEMS – No discussion items

9 PUBLIC COMMENTS – No public comments

10 ADJOURN

Commissioner McCaullay moved, seconded by Commissioner Mendoza to adjourn, passed at 6:23 P.M.

Dated this 9th day of June, 2014

By: ***Liz Hart, Town Clerk Assistant***

DRAFT