



Commissioner's Agenda
Planning & Zoning Commission
Chino Valley Town Hall
202 N. State Route 89
Special Meeting - August 9th, 2022, 6:00 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. CONSENT CALENDAR – All items listed under the Consent Calendar will be approved by one motion. There will be no separate discussion of these items unless the Commission or a member of the audience wishes to speak about an item. In which case, the Chair will pull the item from the Consent Calendar to be heard.
- C.1 APPROVAL OF MINUTES – JULY 5, 2022 REGULAR MEETING
- C.2 WITHDRAWALS BY APPLICANT – NONE
- C.3 TIME EXTENSIONS – NONE
- C.4 CONTINUANCES – ONE
- C.4.1 **CUP-2022-01** – This is a request by Derek and Luiz Pereira for a Conditional Use Permit for an Equine Rescue Center on a 5-acre parcel zoned SR-2.5, located at 680 S. Firesky Lane, Chino Valley, Arizona. CONTINUE THIS ITEM TO THE OCTOBER 4TH PLANNING AND ZONING COMMISSION MEETING.
- C.5 APPROVALS – NONE
- D. PUBLIC HEARINGS – NONE
- E. ACTION ITEMS – TWO
- E.1 **Mini-Training** – Planning Commission Discussion, Motions, and What Makes it to Council
- E.2 **TA-2022-07** – Guest House Text Amendment. The Town Council has requested clarification by the Planning Commission, of specific items related to the proposed text amendment, forwarded to Council and heard at their July 12th meeting. The text amendment addresses changes to section 2.1 of the UDO revising the definition of guest house and replacement of existing section 4.1 in the UDO with general regulations for guest house development. The items to be clarified include:
- Definition of what is meant by “New Manufactured Home”
 - Clarification of when stick-built and manufactured guest homes are allowed
 - Manufactured Homes on a permanent foundation
 - Separate meters for utilities (water, sewer, electricity, gas, cable) for guest houses
 - CC&R's and Town Code conflicts
- F. INFORMATION ITEMS
- F.1 Staff
- Council Action on prior P&Z Cases
 - Recreation Vehicle (RV) Parks
 - Subdivision Text Amendment
- F.2 Commission
- F.3 Public
- G. ADJOURN

Zoom Instructions: Please use the link to join the webinar: <https://us02web.zoom.us/j/83054705626>, or by phone: 1 877 853 5247 (Toll Free) or 1 888 788 0099 (Toll Free); Webinar ID: 830 5470 5626

A copy of the agenda packet is available for viewing 12 days prior to the Planning Commission Public Hearing date, at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona.

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

Planning and Zoning Commission Meeting Minutes

July 5, 2022

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, July 5, 2022, at the Town of Chino Valley Council Chambers, 202 N. State Route 89, Chino Valley, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present were; Chair Chuck Merritt; Vice-Chair Gary Pasciak, Commissioner Teena Meadors, Commissioner David Somerville, Commissioner Robert Switzer, Commissioner William Welker and Alternate Commissioner Richard Zamudio. Commissioner Ron Penn was absent.

STAFF MEMBERS present were Will Dingee, Senior Planner; Bethan Heng, Planner; Dee Dee Moore, Process Coordinator; Lawrence Digges, Audio/Video Technician.

CALL TO ORDER: Chair Merritt called the meeting to order at 6:00 p.m. Commission began with the Pledge of Allegiance

Town Councilmember Tom Arnstrong requested that a moment of silence be observed on behalf of prior Mayor Croft and Councilmember Best, in the passing of their wives this last week.

CONSENT CALENDAR – A motion was made by Commissioner Switzer and seconded by Commissioner Meadors to approve the items on the Consent Calendar with the following changes as noted to the May 3, 2022 previously approved minutes:

Page 2, paragraph 4 – that his (Merritt) statement was intended to state that regarding to this zoning case, that property is currently surrounded by commercial. This motion passed unanimously by a 7-0 vote.

CASE# ZC-2022-08: - *This is a request by Jacob and Autumn Rokey to rezone approximately 1 acre of land from Industrial (I) to Single Family Residential 1 Acre Minimum (SR-1), for property generally located on the north side of Granite Creek Road, between Home Lane and Misty Lane, Chino Valley, Arizona.*

Bethan Heng, Planner, presented the staff report and shared that Staff was recommending **APPROVAL**. She noted that the applicant was in attendance. There were no questions from the Commission and **Jacob Rokey**, applicant, did not speak.

Merritt opened the meeting for public comment. There were no comments from the Public.

MOTION - A motion was made by Commissioner Switzer and seconded by Commissioner Meadors to approve ZC-2022-08, as presented by staff. This motion passed with a 7-0 vote.

ACTION ITEMS: THERE WERE NO ACTION ITEMS

INFORMATION ITEMS – FROM STAFF: **COUNCIL ACTION ON PRIOR P&Z CASES:** **Dingee** shared that the project, Zane Grey RV Park, that was continued previously during a Town Council Meeting, was withdrawn by the applicant. He added that this applicant has a 1-year waiting period if he chooses to bring this project back. **Dingee** shared that the Text Amendment regarding the sunset clause for signs was also approved.

INFORMATION ITEMS – FROM THE COMMISSIONERS: There were no items from the Commissioners

INFORMATION ITEMS – FROM THE PUBLIC: There were no comments from the public.

ADJOURN – A motion was made by **Meadors** and seconded by **Pasciak** to adjourn the meeting at 6:12 p.m.

Charles Merritt
Chair

Dee Dee Moore
Prepared By



UPDATE

To: Planning and Zoning Commission
From: Laurie Lineberry, Development Services Director
Date: August 9, 2022
Re: Guest Houses – Discussion at Town Council Meeting on July 12th and Request for Clarification

On July 12th, the Town Council held a public hearing on the text amendment to allow Guest Houses, under certain conditions, to be rented. During that meeting, several members of the public, along with a sitting Planning Commission member, spoke. The Town Council requested clarification from the Planning Commission on the following:

1. *How is a “new” manufactured home defined?*

“New” is defined as a unit that has not been lived in or used and is the same model year as the year in which the unit is proposed to be installed.

2. *Should the text amendment state that stick-built primary residences require stick-built guesthouses and manufactured home primary residences require manufactured home guesthouses?*

The Commission discussed this possibility but did not include this requirement in the approval motion made at their May 3rd meeting. The following tables reflect the options available to the Commission:

Scenario #1	STICK-BUILT Guest House	MANUFACTURED HOME GUEST HOUSE
STICK-BUILT Primary Residence	Allowed	
MANUFACTURED HOME Primary Residence		Allowed

Scenario #2	STICK-BUILT Guest House	MANUFACTURED HOME GUEST HOUSE
STICK-BUILT Primary Residence	Allowed	
MANUFACTURED HOME Primary Residence	Allowed	Allowed

Scenario #3	STICK-BUILT Guest House	MANUFACTURED HOME GUEST HOUSE
STICK-BUILT Primary Residence	Allowed	Allowed
MANUFACTURED HOME Primary Residence	Allowed	Allowed

3. *Are manufactured homes required to be on permanent foundations?*

This requirement was included as part of the motion made by the Planning Commission in their recommendation of approval at the May 3rd meeting.

4. *Clarify if guest houses should have separate meters for utilities.*

The current code does not allow separate meters for utilities for Guest Houses. The Commission can:

- require all utilities (water, sewer, electricity, gas, cable) on-site to have, separate meters for guest houses,
- not allow separate meters for any utilities on-site, to guest houses, or,
- allow the property owner to decide if they choose to have their guest house separately metered.

5. *How do CC&R's work with the Town Code, when the CC&R's do not allow a use and the Town Code does?*

The Town is held accountable to enforce the ordinances that the Town Council adopts. The HOA is responsible for enforcing the CC&R's for their neighborhood. Property owners are responsible for receiving approval from their HOA for a guest house, or be subject to civil enforcement from their HOA.

As a reminder, the Commission made and passed the following motion on guest houses, at their May 3rd meeting:

"A motion was made by Commissioner Switzer and seconded by Vice Chair Pasciak to approve TA-2022-07, as presented by staff and adding the condition that the manufactured home would be allowed as long as they are new and built on a permanent foundation with the same architectural features as the existing home."

The Planning Commission clarifications provided at this meeting will be presented to the Town Council at their August 23rd meeting.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. a.

Meeting Date: 07/12/2022
Contact Person: Will Dingee, Senior Planner
 Phone: 928-636-4427 x-1233
Department: Development Services
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Public Hearing and consideration and possible action to approve Ordinance 2022-920 amending the Town of Chino Valley Unified Development Ordinance by amending certain provisions of Chapter 2 related to the meaning of words and terms, and certain provisions of Chapter 4 related to guest houses. (Laurie Lineberry, Development Services Director)

RECOMMENDED ACTION:

- (i) Hold Public Hearing
- (ii) Approve Ordinance No. 2022-920

SITUATION AND ANALYSIS:

The Unified Development Ordinance (UDO) states that it “may be amended, supplemented, changed, modified or repealed when deemed necessary to best serve the public interest, health, comfort, convenience, safety and general welfare of the citizens of the Town.” This current text amendment request from staff is deemed necessary to best serve the public interest. The proposal is to modify Chapters 2 and 4 of the UDO as they pertain to guest houses. The primary purposes of the modifications are to revise the definition of a guest house to allow for renting of the unit under certain circumstances and to outline the general provisions that would allow a guest home to be built and to be rented.

Nation-wide and within the state of Arizona, housing availability is at an all-time low. The lack of homes for sale or rent, along with the recent increase in housing values, has made it nearly impossible for young families, teachers, police officers, and other similar workers to acquire adequate housing within the Town of Chino Valley. Current zoning regulations allow for the construction and use of a guest house on lots within the following districts: AR-5, AR-4, SR-2.5, SR-2, SR-1.6, and SR-1. Existing code does not allow guest houses to be rented out. Since 2014, 28 guest houses have been built within the Town of Chino Valley.

Within the 2014 General Plan Land Use Element, it discusses the trend of the increasing number of older generations in Chino Valley, reflecting a need for multi-generational housing (where at least two generations of family live on the same lot). This concept supports the renting of guest houses to others, to provide income for the primary resident, and to create housing for families and professionals that cannot find or afford available single-family housing.

This proposed amendment emphasizes the need for the property owner to live on the lot with the rented guest house. This is a requirement that helps to ensure oversight of the renters and the upkeep of the unit, protects the private property rights of neighboring property owners, while maintaining neighbor relations and positive property values.

If an owner desires to rent out a guest house, they will be required to register with an affidavit stating that they acknowledge that as the property owner, they agree to live on the property. The Town will record the acknowledgement so that it is reflected in a Title Search when the property changes hands. If the guest house is not being rented out, the owner is not required to live on the site.

Additional requirements for all guest houses include:

- No separate primary address for the guest house,
- No separate utility meters for the guest house,
- One off-street parking space,
- The main house and the guest house must share a common driveway,
- The guest house must be either a stick-built or a new Manufactured Home.
- Architecturally compatible with the principal residence.

This proposal was discussed with the Town Council at the work session on November 9, 2021 and with the Planning and Zoning Commission during the November 16, 2021 and April 5, 2022 work sessions.

The item was presented to the Planning and Zoning Commission on May 3rd.

The Commission forwarded a recommendation of approval to the Town Council with a 7-0 vote.

Minutes related to this item from the May 3rd Planning and Zoning Commission can be found in Attachment 1.

Fiscal Impact

Fiscal Impact?: N/A

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Text Amendment Language

ORD 2022-920

Attachment 1 - P&Z minutes

Attachment 2 - P&Z Staff Report

PROPOSED CODE LANGUAGE:**2 DEFINITIONS****2.1 Meanings of Words and Terms**

Guest House or Guesthouse – An accessory dwelling unit established in conjunction with a principal residence on the same lot. A guest house is a site-built or new manufactured home unit on a permanent foundation, featuring a kitchen, sleeping and full bathroom facilities; the guest house is subordinate in size and intensity in comparison to the principal residence, per individual zoning district requirements.

Principal Residence – The primary single-family dwelling structure on a residential lot.

4 GENERAL REGULATIONS**4.1 Guest Houses.**

1. **Purpose.** The purpose of this section is to allow for and regulate the establishment of accessory dwelling units for use as guest houses, including for use as rentals, while preserving the character and property values of neighboring properties. Benefits to the community may include expanding the existing housing supply and allowing older homeowners to remain in their homes while obtaining extra income, companionship and security. Requiring owner occupancy in conjunction with the rental is intended to help protect the stability and character of neighborhoods and reduce potential conflicts with surrounding single-family and agricultural neighbors.

2. **Applicability.** One guest house is permitted as an accessory dwelling unit to an existing or planned single-family dwelling, and may be rented out, provided that the provisions in this section are met. In no case shall more than two residential units exist on one lot (one principal residence and one guest house).

3. **Lot Size.** Guest houses are permitted on lots zoned one acre or larger. The lot must meet the minimum size required for the zoning district in which the guest house is proposed.

4. **Unit Size and Placement.** Unit size maximums are reflected in the zoning district in which the unit is being built. Each guest house shall have a minimum size of 400 square feet. Guest houses shall meet all of the same setbacks and building separation requirements as the principal residence and shall be located to the rear of the principal residence.

5. **Owner Occupancy and Registration.**

a. **Owner Occupancy.** No guest house may be rented unless the property owner resides on the property.

b. **Registration.** The property owner shall sign, and the Town shall record, an affidavit for the guest house as a rental unit, acknowledging that the owner must also reside on the property as long as the guest house is being rented.

6. **Existing Units.** Any guest houses existing at the date of adoption of this ordinance can qualify as a rental unit if the property is brought into compliance with the provisions of this section.

7. **Additional Requirements:**

- a. The guest house shall not have a separate primary property address.
- b. The guest house shall not have a separate set of utility meters for water, electricity, or sewer connections.
- c. A minimum of one additional off-street parking space shall be required for the guest house.
- d. The guest house shall share a common driveway with the principal residence. No additional driveway access is allowed from the street to accommodate the guest house.
- e. Mobile homes, travel trailers, park models, recreational vehicles, and other similar structures are prohibited for use as guest houses in all zoning districts. Only site-built and new manufactured homes may become guest houses.
- f. All guest houses must be architecturally compatible with the principal residence on the site.

ORDINANCE NO. 2022-920

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE TOWN OF CHINO VALLEY UNIFIED DEVELOPMENT ORDINANCE BY AMENDING CERTAIN PROVISIONS OF CHAPTER 2 RELATED TO THE MEANING OF WORDS AND TERMS, AND CERTAIN PROVISIONS OF CHAPTER 4 RELATED TO GUEST HOUSES.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the "Town Council") desires to amend the Chino Valley Town Code, Title XV, Land Usage, Chapter 154, Unified Development Ordinance of the Town of Chino Valley (the "UDO"), by amending sections 2.1 (Meaning of Words and Terms) and 4.1 (General Provisions) as set forth herein (the "Text Amendment"); and

WHEREAS, the Town Council has determined that the Text Amendment is not in conflict with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or any other plan; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance; and

WHEREAS, the Town Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent, and found none.

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

Section 1. The recitals above are hereby incorporated as if fully set forth herein.

Section 2. The definition of "guesthouse" in UDO section 2.1 (Meanings of Words and Terms) is hereby deleted in its entirety and replaced with the following:

GUEST HOUSE OR GUESTHOUSE. An accessory dwelling unit established in conjunction with a principal residence on the same lot. A guest house is a site-built or new manufactured home unit on a permanent foundation, featuring a kitchen, sleeping and full bathroom facilities; the guest house is subordinate in size and intensity in comparison to the principal residence, per individual zoning district requirements.

Section 3. The definition of "principal residence" is hereby added to UDO section 2.1 (Meanings of Words and Terms) to read as follows:

PRINCIPAL RESIDENCE. The primary single-family dwelling structure on a residential lot.

Section 4. UDO section 4.1 (General Provisions) is hereby deleted in its entirety and replaced with the following:

4.1 GUEST HOUSES

1. **Purpose.** The purpose of this section is to allow for and regulate the establishment of accessory dwelling units for use as guest houses, including for use as rentals, while preserving the character and property values of neighboring properties. Benefits to the community may include expanding the existing housing supply and allowing older homeowners to remain in their homes while obtaining extra income, companionship and security. Requiring owner occupancy in conjunction with the rental is intended to help protect the stability and character of neighborhoods and reduce potential conflicts with surrounding single-family and agricultural neighbors.

2. **Applicability.** One guest house is permitted as an accessory dwelling unit to an existing or planned single-family dwelling, and may be rented out, provided that the provisions in this section are met. In no case shall more than two residential units exist on one lot (one principal residence and one guest house).

3. **Lot Size.** Guest houses are permitted on lots zoned one acre or larger. The lot must meet the minimum size required for the zoning district in which the guest house is proposed.

4. **Unit Size and Placement.** Unit size maximums are reflected in the zoning district in which the unit is being built. Each guest house shall have a minimum size of 400 square feet. Guest houses shall meet all of the same setbacks and building separation requirements as the principal residence and shall be located to the rear of the principal residence.

5. **Owner Occupancy and Registration.**

a. **Owner Occupancy.** No guest house may be rented unless the property owner resides on the property.

b. **Registration.** The property owner shall sign, and the Town shall record, an affidavit for the guest house as a rental unit, acknowledging that the owner must also reside on the property as long as the guest house is being rented.

6. **Existing Units.** Any guest houses existing at the date of adoption of this ordinance can qualify as a rental unit if the property is brought into compliance with the provisions of this section.

7. **Additional Requirements:**

a. The guest house shall not have a separate primary property address.

- b. The guest house shall not have a separate set of utility meters for water, electricity, or sewer connections.
- c. A minimum of one additional off-street parking space shall be required for the guest house.
- d. The guest house shall share a common driveway with the principal residence. No additional driveway access is allowed from the street to accommodate the guest house.
- e. Mobile homes, travel trailers, park models, recreational vehicles, and other similar structures are prohibited for use as guest houses in all zoning districts. Only site-built and new manufactured homes may become guest houses.
- f. All guest houses must be architecturally compatible with the principal residence on the site.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 6. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

(SIGNATURES ON FOLLOWING PAGE)

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 12th day of July, 2022.

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Gust Rosenfeld PLC, Town Attorney
By: Andrew J. McGuire

I hereby certify the above foregoing Ordinance No. 2022-920 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on July 12, 2022, and that quorum was present, and that the vote thereon was _____ ayes and _____ nays and _____ abstentions. _____ Council members were absent or excused.

Erin N. Deskins, Town Clerk

Attachment 1
Minutes from the Planning and Zoning Commission

TA-2022-07 – GUEST HOUSE- TEXT AMENDMENT – Text Amendment to section 2.1 of the UDO revising the definition of guest house and replacement of existing section 4.1 in the UDO with general regulations for guest house development.

Lineberry provided background details that in August of last year Staff went before the council and discussed this possible amendment. **Lineberry** explained that currently guesthouses are allowed in certain zoning districts, however guesthouses are not allowed to be rented. Staff researched other jurisdictions to see how they handled guesthouses, and some entities do allow guesthouses to be rented. The Town code currently allows guesthouses on properties that are a minimum of 1-acre in size, with the restriction that RV's are not allowed. Staff is recommending that the guesthouse be allowed to be rented out, with the requirement that the property owner live on site. There has been a shortage of affordable housing nationwide.

Lineberry continued with the staff proposal that the new guesthouse would be required to be "stick-built". The owners would also need to sign an affidavit stating that they understood & agreed to the requirement that they needed to live on-site, if they wanted to rent out their guesthouse.

Switzer asked about the installation date of existing manufactured homes and if they would be grandfathered. **Lineberry** stated yes, they would. Currently there are 24 guesthouses that have been permitted since 2014. **Somerville** asked about them being used as Air B&B. **Lineberry** stated that the state has exempted the town from having any control over Air B&B's. **Pasciak** asked about the fee to have a document recorded and if the owner would pay for that. **Dingee** shared that he thought the fee was under \$10 per page.

Switzer asked if there was currently illegal renting of these guesthouses and if Code Enforcement was involved. He also asked if an owner decided to move, and then rent out the home, could they only have one renter. **Lineberry** answered yes, because the owner would not be on-site. **Merritt** thought it sounded good, not perfect, but was the best attempt to bring the situation into focus and control illegal renting and also gives leverage to enact fines. **Lineberry** stated it was very hard to prove that rent is being paid since the federal definition of a family member is far-reaching.

Chair Merritt opened the meeting for public comment.

Donna Armstrong of 2160 Mohave Street felt that basically there were so many primary homes that were already mobile homes, that if the new guesthouses require stick-built, the renters would live better than the owner and that many guesthouses are just smaller mobile homes.

Dan Main felt that this situation has been a historic problem and staff has done a great job. He also shared that the town use to have impact fees that were used for roads and that the Library was built with impact fees too.

Juliann Baker of 2869 N Road 1 East, stated her question was that she currently has a mobile home and it's on 2-acres and if she built a guesthouse to use as a rental, if she moved off the property in order to rent out her house would she have to remove the mobile home. **Merritt** explained that her questions would be answered at the end of the public comment period.

Mary Seale shared that she understood the concerns about the guesthouse being stick-built but also wondered why there couldn't be a cutoff date for the year, like 2020, for the placement of a manufactured home which could be more affordable. She felt that many people may not be able to afford a stick-built home.

There were no further public comments. **Merritt** closed the public hearing.

Merritt asked Staff about the comments about the manufactured homes versus stick-built. **Lineberry** shared that Staff was proposing stick-built guesthouses after reviewing other jurisdictions which specifically

disallowed manufactured homes as guesthouses. She reminded the commission that this proposal could be changed to include manufactured homes. **Merritt** asked about the owner of the property moving, could there still be rental of the guesthouse? **Lineberry** restated that the owner needed to live on the property in order to rent out the guesthouse.

Merritt stated that this Unified Development Ordinance (UDO) revision provides the town the ability to control guesthouse rentals where none currently exists. **Lineberry** stated that there was an option to leave the code as it currently exists, but this amendment would provide protection to neighboring private properties since the property owner would be living on site to oversee any issues or concerns.

Merritt again had to remind the public, because there were comments being voiced out loud, that currently the rental of guesthouses was not being controlled and this text amendment was an attempt to bring it into an area that could be enforced. The proposed amendment may not be perfect but there were additional comments that audience members wanted to voice they would need to attend the Town Council meeting, because the public portion of the current meeting had been closed. The commission doesn't make the rules, but has to abide by them, and responding to the public chatter at the meeting was not adhering directly to the rules. However, **Lineberry** stated the options available are to leave things the way they are, or place these restrictions and keep neighboring property from being infringed upon by renters, who aren't suppose to be there right now, and that there is currently no control over.

Switzer stated that he would like to see a recommendation that manufactured homes be allowed as long as they are on a permanent foundation and that even stick-built should have some architectural design to match the existing home. **Lineberry** added that she did find in the other jurisdictions there were design standards and the requirement for permanent foundations. **Merritt** also mentioned defining a manufactured cut-off date for moving existing units onto a property. **Lineberry** stated the currently manufactured cut-off date is 1976. **Dingee** asked **Switzer** if he was wanting only new units. **Switzer** agreed with that comment. **Merritt** felt that older than 5 to 10 years they start to show wear and tear, and he didn't want to go back to 1976. **Switzer** restated that the units needed to be new. **Merritt** said he was ok with that and felt that the recommendation should include units on a permanent foundation,

A motion was made by Commissioner Switzer and seconded by Vice Chair Pasciak to approve TA-2022-07, as presented by staff and adding the condition that manufactured home would be allowed as long as they are new and built on a permanent foundation with same architectural features as the existing home. Lineberry added that the definition would also be revised to add new manufactured homes. This motion passed with a 7-0 vote.

Attachment 2

Staff Report from Planning and Zoning Commission



TOWN OF CHINO VALLEY
Planning Commission Staff Report
May 3, 2022
File Number TA-2022-07
Text Amendment

PROJECT DESCRIPTION: This is a request for a Text Amendment to Section 2.1 of the Chino Valley Unified Development Ordinance revising the definition of Guest House and replacement of existing Section 4.1 with General Regulations for Guest House development.

BACKGROUND AND ANALYSIS:

The Unified Development Ordinance (UDO) states that it “may be amended, supplemented, changed, modified or repealed when deemed necessary to best serve the public interest, health, comfort, convenience, safety and general welfare of the citizens of the Town.” This current text amendment request from staff, is deemed necessary to best serve the public interest. The proposal is to modify Chapters 2 and 4 of the UDO as they pertain to Guest Houses. The primary purposes of the modifications are to revise the definition of a Guest House to allow for renting of the unit under certain circumstances and to outline the general provisions that would allow a Guest Home to be built and to be rented.

Nation-wide and within the state of Arizona, housing availability is at an all-time low. The lack of home numbers for sale or rent, along with the recent increase in housing values, has made it nearly impossible for young families, teachers, police officers and other similar workers to acquire adequate housing within the Town of Chino Valley. Current zoning regulations allow for the construction and use of a Guest House on lots within the following districts: AR-5, AR-4, SR-2.5, SR-2, SR-1.6, and SR-1. Existing code does not allow Guest Houses to be rented out. Since 2014, 28 Guest Houses have been built within the Town of Chino Valley.

Within the 2014 General Plan Land Use Element, it discusses the trend of the increasing number of older generations in Chino Valley, reflecting a need for multi-generational housing (where at least two generations of family live on the same lot). This concept supports the renting of Guest Houses to others, to provide income to the primary resident and to create housing for the families and professionals that cannot find or afford available single-family housing.

This proposed amendment emphasizes the need for the property owner to live on the lot with the rented Guest House. This is a requirement that helps to ensure oversight of the renters and the upkeep of the unit, protects the private property rights of neighboring property owners, while maintaining neighbor relations and positive property values.

If an owner desires to rent out a guest house, they will be required to register with an affidavit stating that they acknowledge that as the property owner, they agree to live on the property. The Town will record the acknowledgement so that it reflects in a Title Search when the property changes hands. If the Guest House is not being rented out, the owner is not required to live on the site.

Additional requirements for all Guest Houses include:

- No separate primary address for the Guest House,
- No separate utility meters for the Guest House,
- One off-street parking space,
- The main house and the guest house must share a common driveway,
- The Guest House must be stick-built.

This proposal was discussed with the Town Council at the work session on November 9th, 2021 and with the Planning and Zoning Commission during the November 16th, 2021 and April 5th 2022 work sessions. Based on these discussions with the Commission and Council, Staff is proposing the attached amendment to the provisions of Guest Houses within the UDO.

The proposed text amendment is reflected in Attachment A

Staff Recommendation: Staff recommends **APPROVAL** of the text amendment to the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Chapter 2 Definitions and Chapter 4 General Regulations, by revising the definition and adding a new section outlining General Regulations for Guest Houses.

SUGGESTED COMMISSION MOTION: Move to **APPROVE** Text Amendment T-2022-07 as reflected in Attachment A, subject to the staff report and information provided during this hearing.

Effect of the Approval: By approving the Text Amendment, the Planning and Zoning Commission is recommending that the Town Council approve the text amendment to amend Chapters 2 and 4 of the UDO which creates new general regulations for Guest Houses.

Attachments

A
Text Amendment Language

By:

Date: May 3, 2022

Laurie Lineberry, AICP
 Development Services Director
llineberry@chinoaz.net
 (928)636-4427, x1217

Attachment A

Text Amendment Language

2 DEFINITIONS

2.1 Meanings of Words and Terms

Guest House – A guest house is an additional dwelling unit established in conjunction with a single-family dwelling on the same lot. A guest house is a site-built unit on a permanent foundation featuring a kitchen, sleeping and full bathroom facilities; the guest house is subordinate in size and intensity in comparison to the principle dwelling unit, per individual zoning district requirements. A guest house may be rented out, subject to UDO §4.1 Guest House. See General Regulations 4.1 for requirements and restrictions.

4 GENERAL REGULATIONS

4.1 Guest House.

Purpose. The purpose of this section is to allow for and regulate the establishment of accessory dwelling units, whether for rent or not, while preserving the character and property values of the neighborhood. The ability to rent guest houses is one way of expanding the existing housing supply. It also allows older homeowners to remain in their homes and obtain extra income, companionship and security. It allows extended family members a place to stay within the confines of their own residence, while paying rent. In no case shall a guest house be required to be rented.

Applicability. One guest house is permitted as an accessory dwelling to an existing or planned single-family dwelling unit, provided that the provisions in this section are met. In no case can more than two residential units exist on one lot (one primary residence and one guest house).

Lot Size. Guest houses are permitted on lots zoned one acre or larger. The lot must meet the minimum size required for the zoning district where the guest house is proposed.

Unit Size and Placement. Unit size maximums are reflected in the zoning district in which the unit is being built. Each guest house shall have a minimum size of 400 square feet. Guest houses shall meet all setbacks and building separation requirements as the primary residence and shall be located to the rear of the primary residence.

Owner Occupancy and Registration. It is required that the property owner reside on the property, whether it be in the principal unit or the guest house, if the guest house is to be rented. Owner occupancy is intended to help protect the stability and character of a neighborhood and reduce potential conflicts with surrounding single-family and agricultural neighbors.

If a guest house is to be used as a rental, the property owner shall sign and the Town shall record an affidavit for the guest house as a rental unit, acknowledging that the owner must also reside on the property as long as the guest house is being rented.

Existing Units. Guest houses existing at the date of adoption of this ordinance can qualify as a rental unit if the property is brought into compliance with the provisions of this section.

Additional Requirements:

- a. The guest house shall not have a separate primary property address.
- b. The guest house shall not have a separate set of utility meters for water, electricity, or sewer connections.
- c. A minimum of one additional off-street parking space shall be required for the guest house.
- d. The guest house shall share a common driveway with the primary residence with no additional driveway access allowed from the street to accommodate the guest house.
- e. Manufactured homes, mobile homes, travel trailers, park models, recreational vehicles and other similar structures shall be prohibited for use for all guest houses in all districts.