

**RESOLUTION NO. 10-947**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, DECLARING AS A PUBLIC RECORD WITHIN THE MEANING OF A.R.S. § 9-801 THAT CERTAIN DOCUMENTS FILED WITH THE TOWN CLERK AND ENTITLED “UNIFIED DEVELOPMENT ORDINANCE – AMENDMENTS NO. 2 DATED NOVEMBER 9, 2010”**

BE IT RESOLVED by the Mayor and Common Council of the Town of Chino Valley, County of Yavapai, Arizona:

That certain document entitled “Unified Development Ordinance – Amendments No. 2 Dated November 9, 2010,” which was adopted with Ordinance No. 10-742, is hereby declared to be a public record within the meaning of A.R.S. § 9-801, three (3) copies of which are on file in the office of the Town Clerk and which are available for inspection by the public during normal business hours.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Chino Valley, Arizona this 9<sup>th</sup> day of November, 2010.

\_\_\_\_\_  
Jim Bunker, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jami C. Lewis, Town Clerk

\_\_\_\_\_  
Musgrove Drutz & Kack, P.C.  
Town Attorney

**UNIFIED DEVELOPMENT ORDINANCE –  
AMENDMENTS NO. 2 DATED NOVEMBER 9, 2010**

**THE UNIFIED DEVELOPMENT ORDINANCE (UDO) OF THE TOWN SHALL BE AMENDED AS FOLLOWS:**

PART ONE OF UDO AMENDMENTS: In 2006, when the UDO was adopted with Ordinance 06-678, the “PL” Public Land zoning designation was inadvertently left out. Currently, within the Town of Chino Valley, there exist approximately 45 parcels with the “PL” zoning designation. Section 3 is being amended to add “PL” zoning back into the UDO to provide guidance for future development that occurs on these properties.

SECTION 3 – Zoning Districts is hereby amended as follows:

SUBSECTION 3.1 ESTABLISHMENT OF ZONING DISTRICTS – is hereby amended to add “PL” Zoning as part of the list of zoning districts within the Town of Chino Valley.

SUBSECTION 3.18 “PL” – PUBLIC LAND DESIGNATION

SUBSECTION 3.18.1 PURPOSE

THE PRINCIPAL PURPOSE OF THE (PL) PUBLIC LAND DESIGNATION IS TO ALLOW THOSE GOVERNMENT USES WHICH ARE NECESSARY TO SERVE THE PUBLIC IN PARTICULAR LOCATIONS OF THE TOWN AND TO DISTINGUISH THEM FROM PRIVATE USES.

SUBSECTION 3.18.2 PERMITTED USES

- A. PUBLIC SAFETY AND LAW ENFORCEMENT FACILITIES.
- B. PUBLIC FACILITIES SUCH AS HOSPITALS, LIBRARIES, MUSEUMS AND SIMILAR PUBLIC FACILITIES.
- C. PUBLIC SCHOOLS AND PLAYGROUNDS.
- D. GOVERNMENTAL OFFICE BUILDINGS AND GROUNDS, INCLUDING SERVICE AND MAINTENANCE FACILITIES.
- E. PUBLIC RECREATIONAL FACILITIES AND CONVENTION CENTER.
- F. COMMUNITY PARKS, RECREATIONAL FACILITIES, OPEN SPACE AND FINE ARTS CENTER
- G. COLLEGES AND UNIVERSITIES.

H. OTHER USES APPROVED BY THE TOWN COUNCIL.

SUBSECTION 3.18.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED)

- A. PUBLIC WATER PRODUCTION AND STORAGE FACILITIES, PUBLIC SEWAGE TREATMENT PLANTS, PUBLIC FACILITIES FOR THE COLLECTION, TRANSFER AND DISPOSAL OF SOLID WASTES.

SUBSECTION 3.18.4 PROPERTY DEVELOPMENT STANDARDS

- A. MINIMUM LOT AREA: \_\_\_\_\_ NONE

ALL USES APPROVED FOR OCCUPANCY THAT ARE DEVELOPED ON LOTS LESS THAN ONE (1) ACRE IN SIZE MUST BE SERVED BY A WATER AND/OR SEWAGE DISPOSAL SYSTEM APPROVED BY THE TOWN OF CHINO VALLEY

- B. MINIMUM LOT FRONTAGE: \_\_\_\_\_ NONE

- C. MINIMUM AVERAGE LOT WIDTH: \_\_\_\_\_ NONE

- D. MINIMUM SETBACKS:

FROM ANY LOT ZONED RESIDENTIAL \_\_\_\_\_ 50 FEET

MINIMUM BUILDING SETBACK FROM ANY STREET; SEE SECTION 4.28

- E. MINIMUM BUILDING SIZE: \_\_\_\_\_ NONE

- F. MAXIMUM BUILDING HEIGHT: \_\_\_\_\_ 35 FEET

- G. MAXIMUM LOT COVERAGE: \_\_\_\_\_ NONE

- H. OUTDOOR STORAGE: ALL OUTDOOR STORAGE SHALL BE SCREENED WITH A SIX (6) FOOT SCREENING FENCE.

PART TWO OF UDO AMENDMENTS: The new PAD section provides more specifics on the process, clarifies the requirements and provides more detailed information on the quid-quo-pro (something for something) policy. The reason for the replacement of the PAD section is the many vague and unspecified areas that exist in the current section.

SUBSECTION 1.9.4 PLANNED AREA DEVELOPMENT (PAD), 1.9.4.1 PRELIMINARY PAD APPLICATION, 1.9.4.2 PRELIMINARY PAD REVIEW, and 1.9.4.3 FINAL PAD

REVIEW/APPROVAL is hereby deleted and replaced with the Subsection 1.9.4: Planned Area Development Overlay District (PAD):

SUBSECTION 1.9.4 PLANNED AREA DEVELOPMENT OVERLAY DISTRICT: PAD.

1.9.4.1. PURPOSE

THE PURPOSE OF THE PLANNED AREA DEVELOPMENT OVERLAY DISTRICT (“PAD”) IS TO PROVIDE FOR THE ORDERLY DEVELOPMENT OF LAND CONSISTENT WITH THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY WHILE PERMITTING MAXIMUM FLEXIBILITY IN THE DESIGN AND DEVELOPMENT OF RESIDENTIAL, COMMERCIAL AND/OR INDUSTRIAL ENVIRONMENTS OF A QUALITY WHICH COULD NOT BE ACHIEVED BY TRADITIONAL LOT BY LOT DEVELOPMENT UNDER CONVENTIONAL ZONING CONCEPTS. IT IS RECOGNIZED THAT WHILE THE CONVENTIONAL ZONING DISTRICTS AND THE REQUIREMENTS OF THOSE DISTRICTS SET FORTH IN THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN ARE REASONABLE, THERE MAY BE CIRCUMSTANCES IN WHICH IT IS IN THE BEST INTERESTS OF THE TOWN TO PERMIT MODIFICATIONS IN SOME OF THE REQUIREMENTS OF THE ZONING DISTRICTS WHERE A PROPERTY OWNER DEVELOPS LAND IN THE TOWN UTILIZING UNIQUE AND/OR CREATIVE DESIGNS AND TECHNIQUES IN SUCH A MANNER AS TO PROMOTE ITS MOST APPROPRIATE USE, ECONOMICAL PROVISION OF STREETS AND UTILITIES, TO PRESERVE AND UTILIZE OPEN SPACE, TO OFFER RECREATIONAL OPPORTUNITIES CLOSE TO RESIDENTIAL USE, TO ENHANCE THE APPEARANCE OF NEIGHBORHOODS, TO COUNTERACT ADVERSE EFFECTS OF URBANIZATION AND TO PROVIDE FOR THE UNIFIED CONTROL OF DEVELOPMENT OF LAND.

1.9.4.2. PERMITTED USES

A. A PAD DISTRICT MAY CONSIST OF ONE OR MORE UNDERLYING ZONING DISTRICTS AS PERMITTED BY THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN. THE USES PERMITTED IN THE PAD DISTRICT SHALL BE GOVERNED BY THE PERMITTED USES IN THE UNDERLYING DISTRICT OR COMBINATION OF UNDERLYING DISTRICTS, AS APPROVED BY THE COUNCIL. AN “UNDERLYING ZONING DISTRICT” SHALL MEAN THOSE ZONING DISTRICTS SET FORTH IN 3.1 THROUGH 3.27 OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN.

B. THE PAD DISTRICT SHALL COMPLY WITH THE REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT(S) EXCEPT AS OTHERWISE SET FORTH IN THIS ARTICLE AND IN THE SPECIFIC UNIFIED DEVELOPMENT ORDINANCE ESTABLISHING THE SPECIFIC PAD DISTRICT. A PAD DISTRICT MAY BE APPROVED WITH MODIFICATIONS OF THE

REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT SO LONG AS THE INTENT OF THIS UNIFIED DEVELOPMENT ORDINANCE IS MET AND THE RESULTING LAND USE WILL BE OF A QUALITY COMPARABLE TO OR EXCEEDING THE QUALITY WHICH WOULD OTHERWISE RESULT FROM USE SOLELY OF THE UNDERLYING ZONING DISTRICT(S). A PAD DISTRICT MAY ALLOW FOR ONSITE DENSITY TRANSFER WITHIN A RESIDENTIAL DEVELOPMENT, PERMITTING THE DENSITY REGULATIONS OF THE UNDERLYING ZONING DISTRICTS TO BE APPLIED TO THE TOTAL AREA OF THE PAD DISTRICT RATHER THAN SEPARATELY TO INDIVIDUAL LOTS OR UNDERLYING ZONING DISTRICTS.

C. NOTWITHSTANDING THE ABOVE, NO MODIFICATIONS OF THE REQUIREMENTS OF THE UNDERLYING ZONES WITH RESPECT TO USE SHALL BE APPROVED BY VIRTUE OF APPROVAL OF THE PAD APPLICATION.

D. APPLICATIONS FOR CHANGES IN THE UNDERLYING ZONING DISTRICT(S) USES TO INCLUDE, FOR EXAMPLE, A CHANGE FROM SR-1 TO SR-0. 16, WHICH WOULD END UP DESIGNATED SR-0. 16 PAD. MAY BE SUBMITTED AND PROCESSED CONCURRENTLY WITH AN APPLICATION REQUESTING APPROVAL OF A PLANNED AREA DEVELOPMENT OVERLAY DISTRICT.

E. THERE IS NO MINIMUM SIZE FOR A PLANNED AREA DEVELOPMENT. HOWEVER, THE SIZE OF THE AREA INCLUDED IN THE PAD MUST BE SUCH THAT IT ACCOMMODATES THE REQUIREMENTS OF THIS PAD ORDINANCE.

#### 1.9.4.3. MODIFICATION OF STANDARDS AND PROCEDURES

APPLICATIONS FOR A PAD OVERLAY ZONE MAY INCLUDE A REQUEST TO MODIFY THE REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT, EXCEPT AS TO USE, A REQUEST FOR CHANGE OF USE BEING A SEPARATE REZONING REQUEST. MODIFICATION OF THE REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT SHALL BE PERMITTED ONLY UPON A FINDING THAT THE PROPOSED LAND USE CONFORMS TO THE POLICIES, GOALS AND OBJECTIVES ESTABLISHED IN THE TOWN OF CHINO VALLEY'S GENERAL PLAN, IS CONSISTENT WITH THE PURPOSE OF THE PAD AND WILL INCLUDE ALL OR A MAJORITY OF THE FEATURES SET FORTH IN THIS SECTION 1.9.4.3.:

##### A. LANDSCAPING DESIGN FEATURES:

1. USE OF NATIVE PLANT MATERIALS AND THOSE LISTED IN THE DROUGHT TOLERANT PLANT LIST OF THE ARIZONA

DEPARTMENT OF WATER RESOURCES AND PRESCOTT  
ACTIVE MANAGEMENT AREA.

2. LANDSCAPED ENTRY FEATURES.
3. USE OF STREET LANDSCAPING SUCH AS, BUT NOT LIMITED TO, LANDSCAPED MEDIANS AND ADJACENT RIGHTS-OF-WAY.
4. PEDESTRIAN WAY TREATMENT TO CREATE AN AESTHETICALLY PLEASING AND FUNCTIONAL WALKWAY(S).
5. USE OF RECREATIONAL AND OPEN SPACE AREAS.
6. PARKING AREA LANDSCAPING.
7. PERIMETER LANDSCAPING AND WALLS.

B. OPEN SPACE REQUIREMENTS: INTENT – BECAUSE THE PAD PROCESS ALLOWS RESIDENTIAL DENSITIES TO BE COMPRESSED THROUGH THE USE OF “ONSITE DENSITY TRANSFER” THE OPEN SPACE PORTION OF THE DEVELOPMENT IS A CRITICAL ELEMENT IN DETERMINING THE QUALITY OF THE BUILT ENVIRONMENT. ANY AREA DESIGNATED AS OPEN SPACE SHALL BE LIMITED, IN PERPETUITY, TO USE AS OPEN SPACE. THEREFORE, THE OPEN SPACE SHALL BE CREATED IN ACCORDANCE WITH THE FOLLOWING STANDARDS:

1. A MINIMUM OF 20% OF THE TOTAL AREA TO BE DEVELOPED SHALL BE REQUIRED AS OPEN SPACE AND 60% OF THAT 20% SHALL BE CONCENTRATED INTO ONE AREA, UNLESS IT IS SPECIFICALLY FOUND BY THE TOWN THAT DIVIDING THE 60% ACTIVE OPEN SPACE INTO TWO (2) OR MORE AREAS MEETS THE INTENT OF THIS SECTION AND IS BENEFICIAL TO THE TOWN. THIS ONE AREA (OR ALLOWED DIVIDED AREAS) SHALL BE DESIGNATED AS ACTIVE OPEN SPACE AND SHALL INCLUDE A SIGNIFICANT NUMBER OF AMENITIES PROMOTING THE USE THEREOF, SUCH AS, THE FOLLOWING:
  - a. GAZEBOS
  - b. BENCHES
  - c. PICNIC TABLES
  - d. SLIDES

- e. PLAY APPARATUS/ JUNGLE GYM
- f. PEDESTRIAN/ BICYCLE ORIENTED CIRCULATION
- g. EQUESTRIAN FEATURES
- h. BASKETBALL, TENNIS OR RACQUETBALL COURTS
- i. EXERCISE ROOM
- j. CLUBHOUSE
- k. EXERCISE STATIONS AND/OR EQUIPMENT

THE TYPE AND QUANTITY OF IMPROVEMENTS, SUCH AS THOSE ABOVE THAT ARE REQUIRED WILL BE BASED ON THE PROPOSED SIZE, DEMOGRAPHICS, AND TOPOGRAPHY OF THE DEVELOPMENT.

THE REMAINING 40% OF OPEN SPACE IS NOT REQUIRED TO HAVE ANY IMPROVEMENTS AND MAY BE USED TO PRESERVE NATURAL VEGETATION.

2. THE DEVELOPMENT WILL HAVE TO MAKE REASONABLE PROVISION FOR THE:
  - a. PROTECTION OF NATURAL RESOURCES
    - i. NATURAL WASHES
    - ii. TOPOGRAPIC FEATURES
    - iii. PRESERVATION OF HISTORIC SITES AND STRUCTURES
  - b. CONNECTIVITY TO ADJACENT SCHOOLS, PARKS, TRAILS, RETAIL OR COMMERCIAL DEVELOPMENTS.
  - c. PRESERVATION OF WILDLIFE CORRIDORS, AS THE SAME MAY HEREAFTER BE DESIGNATED BY THE TOWN.
3. OPEN SPACE REQUIREMENT FOR ALL NON-RESIDENTIAL PLANNED AREA DEVELOPMENTS:
  - a. COMMERCIAL - PROFESSIONAL AND ADMINISTRATIVE OFFICES, RETAIL SERVICES, HOTELS AND RESORTS, LIGHT INDUSTRIAL OR EMPLOYMENT USES ARE REQUIRED TO PROVIDE LANDSCAPED AREA THAT

EXCEEDS THE LANDSCAPING REQUIREMENTS OF THE UDO BY 10%.

4. THE CALCULATION OF OPEN SPACE AREAS SHALL NOT INCLUDE:
  - a. DRAINAGE AREAS, WAYS, DITCHES, CULVERTS, AND OTHER AREAS USED TO CARRY WATER, PARKING AREAS, DRIVEWAYS, DEDICATED STREETS, ALLEYS AND OTHER PUBLIC RIGHTS-OF-WAYS (DRAINAGE AREA, WAYS, DITCHES, CULVERTS, AND OTHER AREAS USED TO CARRY WATER: AN AREA TO ACCOMMODATE THE FLOW OF WATER AND IS TYPICALLY LINED WITH A WEED BARRIER FABRIC AND RIP-RAP. NOTWITHSTANDING THE FOREGOING, IF THE DEVELOPER PROPOSES TO PLACE AMENITIES, SUCH AS MAINTAINED PARKS OR IMPROVEMENTS SUCH AS ARE REFERENCED IN 1.9.4.3.B.2., IN A DESIGNATED WATER RETENTION AREAS OR BASINS, THE AREA MAY BE INCLUDED IN THE OPEN SPACE CALCULATION IF IT IS DEMONSTRATED THAT THE PROPOSED AMENITIES MEET THE INTENT OF THE ACTIVE OPEN SPACE REQUIREMENTS.
  - b. THOSE PORTIONS OF AREAS REQUIRED TO BE DEDICATED OR SET ASIDE FOR PUBLIC SERVICES OR NON-RECREATIONAL STRUCTURES SUCH AS WATER TANKS, HOSPITALS, POWER SUBSTATIONS, FIRE DEPARTMENT BUILDINGS AND PARKING LOTS FOR THE SAME, BUT AREAS WILL BE INCLUDED WHERE THE AREAS ARE OTHERWISE EXPECTED TO MEET CRITERIA FOR OPEN SPACE AS PROVIDED IN THIS SECTION 1.9.4.

C. SITE DESIGN FEATURES:

1. COMPATIBILITY WITH NATURAL TOPOGRAPHIC AND ENVIRONMENTAL CHARACTERISTICS.
2. PRESERVATION OF NATURAL FEATURES, SUCH AS NATURAL WASHES AND TOPOGRAPHIC FEATURES.
3. CONSIDERATION OF A RAINWATER CAPTURE SYSTEM.
4. PRESERVATION OF VIEW SHED.

5. UTILIZATION OF SUN AND WIND ORIENTATION TO MAXIMIZE ENERGY EFFICIENCY.
6. CIRCULATION PATTERN CONSISTENT WITH GOOD PLANNING PRINCIPLES AND ANY GENERAL PLAN OF THE TOWN AS IT EXISTS NOW OR IN THE FUTURE.
7. VARIATION IN BUILDING SETBACKS.
8. GROUPING OF BUILDINGS (CLUSTER, ETC).
9. PERIMETER SETBACKS.

D. ARCHITECTURAL DESIGN FEATURES:

1. VISUAL AND ARCHITECTURAL FEATURES COMPATIBLE WITH THE WESTERN/SOUTHWESTERN CHARACTER OF THE TOWN.
2. HARMONIOUS USE OF MATERIALS.
3. VARIATIONS IN DWELLING AND/OR BUILDING TYPE.

E. PROPERTY OWNERS OR TENANTS ASSOCIATION:

ANY PROPOSED DEVELOPMENT CONTAINING PROPERTY TO BE OWNED IN COMMON BY THE ULTIMATE PROPERTY OWNERS OR TENANTS WILL FORM A HOMEOWNERS, PROPERTY OWNERS OR TENANTS ASSOCIATION. COVENANTS, CONDITIONS AND RESTRICTIONS (CC&R'S), PROVIDING FOR THE OWNERSHIP AND MAINTENANCE OF SUCH COMMON AREAS, SHALL BE APPROVED BY THE TOWN ATTORNEY PRIOR TO APPROVAL OF THE PAD ZONING OVERLAY AND RECORDED WITH THE FINAL SUBDIVISION PLAT.

F. MAINTENANCE OF OPEN SPACE AND COMMON AREAS:

THE HOME OWNERS VIA THE HOME OWNERS ASSOCIATION FOR THE DEVELOPMENT IS RESPONSIBLE FOR THE MAINTENANCE AND REPAIRS OF THE OPEN SPACE AND COMMON AREAS. IF THE DEVELOPMENT DOES NOT HAVE A HOME OWNERS ASSOCIATION THE MAINTAINANCE OF THE OPEN SPACE AND COMMON AREAS SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS. IF THE AREAS ARE NOT MAINTAINED THE TOWN SHALL HAVE THE RIGHT, BUT NOT THE DUTY, TO ENTER THE PROPERTY AND MAINTAIN AREAS. THE COST OF THE MAINTAINANCE SHALL BE

THE RESPONSIBILITY OF THE ASSOCIATION OR PROPERTY OWNERS AND THE TOWN WILL BE ENTITLED TO REIMBURSEMENT OF ITS COSTS FROM THEM.

1.9.4.4. PAD PROCEDURES

A. STEP 1: CONCEPTUAL MASTER PLAN AND UNDERLYING ZONING DISTRICT:

1. AN APPLICATION FOR PAD APPROVAL SHALL BE MADE ON FORMS PROVIDED BY THE PLANNING DEPARTMENT AND THE APPLICANT SHALL PROVIDE ALL APPLICABLE INFORMATION. ANY CONCURRENT APPLICATION FOR REZONING OF USES OF THE LOTS, SHALL BE MADE IN CONFORMITY WITH RELEVANT PROVISIONS OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN AND SHALL BE, TO THE EXTENT POSSIBLE, HEARD CONCURRENTLY WITH THE PAD'S APPLICATION TO THE EXTENT REASONABLY POSSIBLE.

2. A CONCEPTUAL MASTER PLAN SHALL BE SUBMITTED WITH THE PAD AND REZONING APPLICATION INCLUDING THE FOLLOWING DOCUMENTS AND INFORMATION:

- a. A WRITTEN LEGAL DESCRIPTION OF THE PROPERTY OR PROPERTIES UNDER APPLICATION FOR APPROVAL.
- b. A SURVEY MAP NOTING THE PROPERTY BOUNDARIES AND LEGAL DESCRIPTION, TOPOGRAPHY, EXISTING STRUCTURES, ADJACENT STREETS (LOCATION, NAME AND WIDTH) AND SIGNIFICANT NATURAL FEATURES.
- c. A CONCEPTUAL PLAN WITH NOTES SPECIFYING THE INTENDED LAND USES, TYPES OF STRUCTURES AND INTENSITIES; PRIMARY POINTS OF ACCESS AND MAJOR INTERIOR STREET ALIGNMENTS; SITE PERIMETER SETBACKS AND TYPICAL LANDSCAPING AND SCREENING TREATMENTS.
- d. THE SURVEY MAP AND CONCEPTUAL PLAN SHOULD BE COMBINED INTO ONE PLAN AND MAY INCLUDE OTHER DATA AS REQUESTED BY THE PLANNING DEPARTMENT TO ASSURE COMPLIANCE WITH THIS ARTICLE.

- e. A SCHEDULE FOR DEVELOPMENT OF THE SPECIFIC, PROPOSED USE OR USES FOR WHICH REZONING IS REQUESTED. THE SCHEDULE FOR DEVELOPMENT SHALL INCLUDE A CONSTRUCTION SCHEDULE FOR VARIOUS PHASES OF THE DEVELOPMENT IF CONSTRUCTION PHASES ARE ANTICIPATED.

3. THE PLANNING COMMISSION SHALL HOLD A PUBLIC HEARING TO CONSIDER THE PROPOSED PAD APPLICATION, INCLUDING THE CONCEPTUAL MASTER PLAN AND ANY CONCURRENT APPLICATION FOR REZONING OF THE UNDERLYING USE OF A LOT AS EXPEDITIOUSLY AS POSSIBLE AFTER SUBMISSION OF ALL REQUIRED DOCUMENTS, PLANS AND FEES. IN ADDITION TO THE NOTICE REQUIREMENTS OF THIS SECTION AND 1.9.5, APPLICATIONS FOR A PAD OVERLAY ZONE WHICH INCLUDE A REQUEST FOR ONSITE DENSITY TRANSFER SHALL INCLUDE IN THE NOTICE FOR THE PUBLIC HEARING THAT THE APPLICANT IS REQUESTING ONSITE DENSITY TRANSFER, THE DENSITY REQUIRED BY THE UNDERLYING ZONING DISTRICT, THE PROPOSED DEVIATION AND THE NET DENSITY REQUESTED. ADDITIONALLY, NOTICE OF AN APPLICATION FOR A PAD OVERLAY ZONE TRANSFER WITH A REQUEST FOR ONSITE DENSITY TRANSFER SHALL BE MAILED AT LEAST FIFTEEN (15) DAYS BEFORE THE HEARING TO ALL PROPERTY OWNERS WITHIN THREE HUNDRED FEET (300') OF THE SITE.

4. THE PLANNING COMMISSION MAY RECOMMEND APPROVAL OR DISAPPROVAL OF THE PAD APPLICATION AND MASTER PLAN OR APPROVAL SUBJECT TO SPECIFIC MODIFICATIONS OR CONDITIONS. THE PLANNING COMMISSION SHALL ONLY RECOMMEND APPROVAL WHEN THE PLANNING COMMISSION FINDS THAT THE PROPOSED PAD DEVELOPMENT, WITH ANY SPECIFIED MODIFICATIONS OR CONDITIONS, SATISFIES THE FOLLOWING FINDINGS:

- a. THAT THE REQUESTED MODIFICATIONS TO THE REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE AND THE UNDERLYING ZONING DISTRICTS ARE CONSISTENT WITH THE TERMS OF THIS PAD ORDINANCE AND THAT A HIGHER QUALITY OR MORE APPROPRIATE DESIGN CAN BE ACHIEVED BY NOT REQUIRING STRICT ADHERENCE TO THE TERMS AND REGULATIONS OF THE UNIFIED DEVELOPMENT ORDINANCE.

- b. THAT STRICT ADHERENCE TO THE REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE IS NOT REQUIRED IN ORDER TO INSURE THE HEALTH, SAFETY AND WELFARE OF THE FUTURE OCCUPANTS OF THE PROPOSED DEVELOPMENT.
- c. THAT STRICT ADHERENCE TO THE REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE IS NOT REQUIRED IN ORDER TO INSURE THAT PROPERTY VALUES OF ADJACENT PROPERTIES WILL NOT BE REDUCED.
- d. THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE GOALS, OBJECTIVES AND POLICIES EMBODIED IN THE GENERAL PLAN.

5. THE PLANNING COMMISSION MAY ONLY RECOMMEND APPROVAL OF THE PAD APPLICATION IF IT IS SATISFIED AND MAKES FINDING THAT THE DEVELOPMENT WITH ANY MODIFICATIONS SPECIFIED BY THE COMMISSION MEETS THE REQUIREMENTS OF SECTION 1.9.4., THAT STRICT COMPLIANCE WITH THE UNDERLYING ZONING WILL NOT BE REQUIRED TO AVOID MATERIAL IMPAIRMENT OF ADJACENT PROPERTIES.

6. THE COUNCIL MAY CONDITIONALLY APPROVE OR DISAPPROVE ANY APPLICATION FOR PAD OVERLAY ZONING. THE COUNCIL MAY REFER THE APPLICATION BACK TO THE PLANNING COMMISSION. A CONDITIONAL APPROVAL MAY INCLUDE CONDITIONS DEEMED APPROPRIATE BY THE COUNCIL TO INSURE THAT ALL REQUIRED FINDINGS AS STIPULATED IN PARAGRAPH D. OF THIS SUBSECTION ARE SUBSTANTIATED. ANY APPROVAL SHALL BE BY ORDINANCE AND SHALL SET FORTH:

- a. ANY SCHEDULE FOR DEVELOPMENT FOR THE ORDINANCE APPROVING SPECIFIC USE OR USES FOR WHICH THE REZONING IS BEING REQUESTED;
- b. ANY MODIFICATIONS TO THE REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT OR DISTRICTS, WHICH MAY BE APPROVED;
- c. A STIPULATION THAT THE PAD ZONING IS CONDITIONALLY APPROVED SUBJECT TO THE APPROVAL OF A FINAL SITE PLAN WITHIN THREE YEARS OF THE EFFECTIVE DATE OF THE ORDINANCE.

7. UPON THE EFFECTIVE DATE OF THE ORDINANCE, THE ZONING MAP SHALL BE AMENDED TO DESIGNATE THE AFFECTED AREA WITH A PAD SYMBOL OR SYMBOLS ON THE SUBJECT PROPERTY.

B. STEP 2: FINAL DEVELOPMENT OR SITE PLAN: WITHIN THREE YEARS OF THE EFFECTIVE DATE OF THE AMENDMENT TO PROVIDE FOR PAD OVERLAY ZONING, THE APPLICANT SHALL FILE WITH THE DEVELOPMENT SERVICES DEPARTMENT THE FOLLOWING DOCUMENTS:

1. A FINAL DEVELOPMENT OR SITE PLAN INCORPORATING A FULLY DIMENSIONED PLAN LOCATING ALL PROPOSED INFRASTRUCTURES, INCLUDING: STREETS, STRUCTURES, PARKING AREAS, LANDSCAPED AREAS, WALLS, SIDEWALKS AND OTHER ELEMENTS OF THE DEVELOPMENT OR THE FIRST PHASE OF THE PROPOSED PROJECT. PROPOSED PAD PROJECTS MAY BE PHASED IN DESIGN AND IN DEVELOPMENT SO LONG AS THOSE PORTIONS TO BE FIRST DEVELOPED RESULT IN A PROJECT THAT SUBSTANTIALLY COMPORTS WITH THE REQUIREMENTS OF THIS PAD ORDINANCE.

2. A LANDSCAPE PLAN WITH SCHEMATIC REPRESENTATION OF THE LOCATION OF ALL PLANT MATERIALS, HARDSCAPE, WALKWAYS AND SCREENING WALLS; A PLANT MATERIALS SCHEDULE INDICATING PLANT NAME (LATIN AND COMMON), NUMBER AND SIZES USED IN THE PLAN AND ON CENTER SPACING.

3. TYPICAL BUILDING ELEVATIONS FOR ALL RESIDENTIAL UNITS AND SPECIFIC BUILDING ELEVATIONS FOR ANY COMMERCIAL OR RECREATIONAL BUILDINGS.

4. THE FINAL DEVELOPMENT OR SITE PLAN SHALL BE IN SUBSTANTIAL CONFORMANCE WITH THE CONCEPTUAL MASTER PLAN AND ALL REQUIREMENTS AND CONDITIONS ADOPTED BY THE COUNCIL.

5. THE FINAL DEVELOPMENT OR SITE PLAN MAY BE SUBMITTED SEPARATELY FOR EACH PHASE OF DEVELOPMENT OR AS A WHOLE; EACH SUBMITTAL SHALL REQUIRE A SEPARATE PUBLIC HEARING AND APPROVAL BY THE PLANNING COMMISSION AND COUNCIL PRIOR TO THE VESTING OF THE ZONING OR ISSUANCE OF BUILDING PERMITS. WHEN THE FINAL DEVELOPMENT OR SITE PLAN IS SUBMITTED IN PHASES, THE FIRST PHASE SHALL BE SUBMITTED AS INDICATED ABOVE AND EACH

SUBSEQUENT PHASE WITHIN THREE YEARS OF APPROVAL OF THE PREVIOUS PHASE.

6. WHERE THE PLANNED AREA DEVELOPMENT OVERLAY DISTRICT IS USED TO IMPOSE SPECIAL PROVISIONS REGARDING THE DESIGN AND DEVELOPMENT OF A SUBDIVISION, THE PRELIMINARY SUBDIVISION PLAT AS DESCRIBED IN THE TOWN SUBDIVISION REGULATIONS MAY CONSTITUTE THE APPLICANT'S CONCEPTUAL MASTER PLAN. THE FINAL SUBDIVISION PLAT AS DESCRIBED IN SAID ORDINANCE SHALL CONSTITUTE THE FINAL SITE PLAN, PROVIDED, HOWEVER, THAT THE PLAT AND ANY ADDITIONAL DOCUMENTATION SUBMITTED WITH SUCH PLAT SHALL INCLUDE ALL OF THE ELEMENTS AND DATA PROVIDED FOR IN PARAGRAPHS [1-4] OF THIS SUBSECTION.

C. CHANGES TO THE CONCEPTUAL MASTER PLAN OR FINAL DEVELOPMENT OR SITE PLAN/PAD AMENDMENT:

1. A REQUEST FOR A PAD AMENDMENT SHALL BE REVIEWED BY ALL AFFECTED TOWN STAFF AND AGENCIES. AFTER REVIEW, THE ZONING ADMINISTRATOR (ZA) WILL DETERMINE IF THE AMENDMENT CAN BE APPROVED ADMINISTRATIVELY. ONLY MINOR AMENDMENTS ARE ALLOWED TO BE MADE ADMINISTRATIVELY AND NO AMENDMENTS ARE ALLOWED WHICH CONFLICT WITH THE REQUIREMENTS OF THIS ORDINANCE OR CONDITION PLACED UPON THE PAD OVERLAY APPROVAL. THE FOLLOWING ARE EXAMPLES OF PAD AMENDMENTS THAT CAN BE APPROVED ADMINISTRATIVELY:

- a. REARRANGEMENT OF PARCELS;
- b. REARRANGEMENT OF CIRCULATION; AND
- c. REARRANGEMENT OF OPEN SPACE.
- d. INCREASES IN OPEN SPACE.
- e. DECREASES IN OPEN SPACE NOT TO EXCEED [10%] BUT NOT DECREASING THE SPACE BELOW THAT REQUIRED BY THIS ORDINANCE OR ANY SPECIFIC CONDITIONS OR STIPULATIONS IMPOSED BY THE COUNCIL.
- f. ALTERATIONS IN LANDSCAPING.

- g. ALTERATIONS IN AMENITIES IN ACTIVE OPEN SPACE WHICH DO NOT MATERIALLY IMPAIR THE USE OF SUCH SPACE.

2. IF THE ZONING ADMINISTRATOR DETERMINES THAT THE REQUESTED AMENDMENT EXCEEDS WHAT CAN BE APPROVED ADMINISTRATIVELY, THE REQUEST SHALL BE REVIEWED BY THE COMMISSION AND, THEREAFTER BY THE TOWN COUNCIL.

D. METHOD OF WITHDRAWAL

1. ANY APPLICATION FOR A PAD CAN BE WITHDRAWN BY THE APPLICANT IN WRITING AT ANY TIME PRIOR TO APPROVAL BY THE TOWN COUNCIL.

2. REFUND POLICY: WITHIN FOURTEEN (14) DAYS OF THE SUBMITTAL THE APPLICANT MAY RECEIVE A MAXIMUM OF 75% REFUND. AFTER FOURTEEN (14) DAYS THE APPLICATION FEE IS NON-REFUNDABLE.

E. TERMINATION OF A PAD CLASSIFICATION WITHIN THREE YEARS OF THE EFFECTIVE DATE OF THE PAD CLASSIFICATION THE FINAL DEVELOPMENT PLAN SHALL BE SUBMITTED TO THE PLANNING COMMISSION AND COUNCIL FOR APPROVAL. WHEN THE SUBMITTAL IS PHASED, EACH SUBSEQUENT PHASE SHALL BE SUBMITTED WITHIN THREE (3) YEARS OF APPROVAL OF THE PREVIOUS PHASE.

THE COUNCIL MAY GRANT ONE EXTENSION OF TIME NOT EXCEEDING TWO (2) YEARS FOR ANY PHASE OF THE DEVELOPMENT.

IF THE FINAL DEVELOPMENT PLAN OR A PHASE THEREOF IS NOT SUBMITTED WITHIN THE ABOVE MENTIONED TIME FRAMES, THE COUNCIL, PURSUANT TO ARIZONA REVISED STATUTES § 9-462.01(E), AFTER NOTIFICATION BY CERTIFIED MAIL TO THE OWNER AND APPLICANT WHO REQUESTED THE REZONING, SHALL SCHEDULE A PUBLIC HEARING TO TAKE ADMINISTRATIVE ACTION TO DETERMINE WHETHER THERE IS A GOOD CAUSE, INCLUDING BENEFIT TO THE TOWN, FROM EXTENDING COMPLIANCE FOR AN ADDITIONAL TWO (2) YEARS, AND IF THERE IS NOT, TO CAUSE THE PROPERTY TO REVERT TO ITS FORMER NON PAD OVERLAY ZONING.

PART THREE OF UNIFIED DEVELOPMENT ORDINANCE AMENDMENTS. The change will resolve existing conflicting language relating to Campgrounds in the UDO.

SUBSECTION 4.19 – CAMPGROUNDS is hereby amended to resolve conflicting language:

A. Campgrounds shall only be permitted within a Commercial Zoning district, and shall require a Conditional Use Permit in THE COMMERCIAL LIGHT ZONING DISTRICT in accordance with the provisions of this Ordinance.

B. ALL CAMPGROUNDS SHALL COMPLY WITH THE FOLLOWING GUIDELINES:

1. Site specifications.

a. Sites must be clearly defined, well drained, and reasonably level.

b. Each tent site must be no less than nine hundred (900) square feet in area.

c. Each recreational vehicle site must be no less than one thousand two hundred (1,200) square feet in area, and shall be designated to allow a minimum of fifteen (15) feet between adjoining recreational vehicles.

2. Office and registration facilities. Each campground must provide an adequate and easily identifiable office or registration area. Registration facilities must be located so as not to interfere with the normal flow of traffic in and out of the campground.

3. Restroom facilities. Each campground must conform to State and Federal Guidelines and must have the following facilities as a minimum:

a. One (1) toilet for each ten (10) camping sites, or fraction thereof, excluding sites with sewer hookups used for self-contained recreational vehicles. There shall be a minimum of one (1) toilet provided for each men's and women's restroom regardless of number of campsites. Urinals may be provided for fifty percent (50%) of the toilet requirement of the men's restroom. Toilets shall be partitioned for occupant privacy.

b. One (1) hot water shower shall be provided for each ten (10) camping sites or fraction thereof. There shall be a minimum of one (1) shower for each men and women's restroom

regardless of the number of campsites. Showers shall be partitioned for occupant privacy.

- c. One (1) sink with hot water shall be provided for each ten (10) camping sites or fraction thereof. There shall be a minimum of one (1) sink for each men's and women's restroom regardless of the number of campsites.
- d. Each restroom shall contain shelf space and/or hooks adequate for toilet articles and towels, a good, well lighted mirror directly above each sink, an electric outlet convenient to the sink, ample general illumination, wastebaskets, and windows and doors designed for complete privacy.
- e. Maintenance. Campgrounds must be well maintained in all areas. This includes the grounds, restroom facilities, buildings and any recreational areas and equipment.