

ORDINANCE NO. 2019-867

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, SECTION 3, ZONING DISTRICTS, BY ADDING A NEW SECTION 3.19, ENTITLED BUSINESS PARK.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the "Town Council") desires to amend the Unified Development Ordinance of the Town of Chino Valley, Section 3 (Zoning Districts), by adding a new Section 3.19 (Business Park), including related regulations and standards (the "Text Amendment"); and

WHEREAS, the Town Council has determined that the Text Amendment conforms with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or other plan; 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; and

WHEREAS, the Planning and Zoning Commission recommended approval of the Text Amendment; and

WHEREAS, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this Ordinance.

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

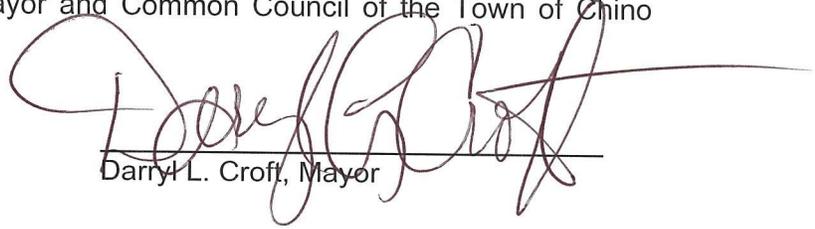
Section 1. The recitals above are incorporated as if fully set forth herein.

Section 2. The Unified Development Ordinance of the Town of Chino Valley, Section 3 (Zoning Districts), is hereby amended by adding a new Section 3.19 (Business Park), including related regulations and standards as set forth in Exhibit A, attached hereto and incorporated herein by reference.

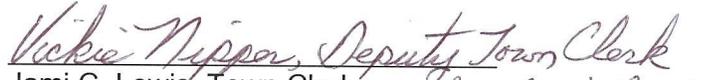
Section 3. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Ordinance.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 23th day of July, 2019.


Darryl L. Croft, Mayor

ATTEST:


Vickie Nipper, Deputy Town Clerk
Jami C. Lewis, Town Clerk *for Jami Lewis*

APPROVED AS TO FORM:


Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 2019-867 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on July 23, 2019, and that quorum was present, and that the vote thereon was 5 ayes and 1 nays and 0 abstentions. 1 Council members were absent or excused.

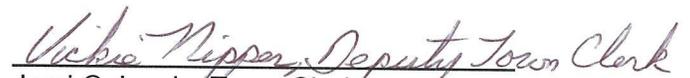

Vickie Nipper, Deputy Town Clerk
Jami C. Lewis, Town Clerk *for Jami Lewis*

EXHIBIT A
TO
ORDINANCE NO. 2019-867

[New Section 3.19 - Business Park]

See following pages.

3.19 "BP" – BUSINESS PARK

A. PURPOSE

This district is intended to provide for high-quality business parks primarily for office, administrative, medical, research industries and light manufacturing in an attractive setting. The regulations and development standards contained within this district include generous screening, quality-landscaping buffering and architecture performance standards to ensure use compatibility with surrounding zoning districts.

B. PERMITTED USES

1. Business and professional offices, banks and similar
2. Professional services including call centers, research and development, high tech businesses
3. Medical and dental laboratories
4. Business, trade, dancing, art, music, and other similar educational facilities
5. Radio and television studios and all attached commercial broadcasting and receiving antennas
6. Indoor commercial recreation establishments
7. Indoor theaters, assembly halls, ballrooms and lodges
8. Headquarters buildings or charitable, philanthropic and welfare organizations provided that their primary activities are administrative and clerical rather than residential in nature
9. Veterinary clinic and animal hospitals, when in a closed building
10. Printing and publishing
11. Wholesale establishments
12. Light manufacturing
13. Packaging companies
14. Warehouses
15. Welding and machine shops
16. Business incubators
17. Digital Production
18. Commercial/Industrial Laboratories
19. Research and Development
20. Small Scale Food Preparation
21. Mechanical Services
22. Public, Government uses

C. CONDITIONAL USES (Conditional Use Permit Required)

1. Convention center
2. Colleges and universities
3. Hospitals and other medical/dental offices and clinics
4. Bottling operations
5. Microbrewery or micro-distillery
6. Restaurant and eateries
7. Hotels and Motels
8. Outdoor Storage of any kind

Customary accessory buildings and structures are permitted, provided they are incidental to a permitted use.

Because no list of uses can be complete, the interpretation of whether a use not specified is consistent with the intent of this zoning district and may be allowed as a conditional use or, where discretion is allowed, a permitted use shall be rendered by the Zoning Administrator with appeal to the Board of Adjustment.

D. PROHIBITED USES

1. Quarries and mines
2. Feed lots
3. Automobile salvage yards/junkyards/storage yards
4. Commercial outdoor kennels
5. Medical marijuana dispensary
6. Medical marijuana off-site cultivation and infusion facilities
7. Heavy manufacturing such as automobile manufacturing plants
8. Slaughterhouses
9. Refineries
10. Hot mix, batch plants, concrete plants, and similar uses
11. Vehicle Motor Sports Facilities
12. Airports
13. Any industry with excessive water usage and no recharge to the aquifer
14. "Dirty" industries that emit excessive particulates or other pollution according to the United States Environmental Protection Agency (EPA) air quality standards
15. Extremely noisy industries
16. Underground liquid petroleum retail and wholesale distribution facilities, including fueling stations
17. Agricultural and farming uses
18. Drive-through uses
19. Residential uses
20. Commercial greenhouses and accessory uses, including onsite sales

E. PROPERTY DEVELOPMENT STANDARDS

1. Minimum Development area: 20 acres total area per business park. May be comprised of one lot or multiple lots, planned in a coordinated, cohesive manner. All lots must be served by a water and sewage disposal system approved by the Town of Chino Valley.
2. Perimeter of overall development must maintain a 50 foot setback from all other districts.
3. Internal Minimum Lot Frontage (must be Right of Way): None
4. Internal Minimum Rear and Side-Yard Building Setback: None
5. Internal Minimum Front Yard Building Setbacks: 50 feet
6. Maximum Building Height: 35 feet maximum permitted, taller than 35 feet may be approved as a conditional use permit
7. Maximum Lot Coverage: None
8. Outdoor Storage: All outdoor storage shall be screened with a six (6) foot screening fence, as permitted.

9. Fencing/screening of uses shall include CMU block / stucco walls, or other similar material. It shall not include chain-link fencing.
10. Architectural Design Standards: Each Business Park, as part of the design shall include the addition of a façade on each structure on each side facing a street that is visually similar to other buildings within the development. Metal siding shall not be a permitted façade material unless the developer can demonstrate that such a material can be visually and aesthetically pleasing. Part of these standards may include a common color palette or theme.

F. PARKING STANDARDS

1. Uses in the BP District shall use Subsection 4.22.5.E (JOINT USE PARKING FOR PAD) in determining required number of parking spaces.
2. All other appropriate regulations of Subsection 4.22 (OFF STREET PARKING AND LOADING) will apply to uses in the BP District.

G. PERFORMANCE STANDARDS

The sum total of the effects of concurrent operations on two or more lots should not be greater or more offensive to the senses than the standards contained herein. Compliance with the provision of these performance standards by single or mutual changes in operational levels, scheduling of operations, and other adjustments is permitted.

1. **BUILDING ENCLOSURES:** Every use permitted in the BP district shall be operated in its entirety within a completely enclosed building or within an area enclosed on all sides by a solid noncombustible fence or wall, as regulated by this ordinance, provided further, that no goods, material, or objects shall be stacked higher than the fence or wall. All fences and walls shall be built in accordance with Section 4.8.
2. **LANDSCAPING:** In the BP district, all required yards shall be landscaped in compliance with UDO Section 4.26 (LANDSCAPE REQUIREMENTS). The perimeter shall be landscaped and maintained by the business park developer/HOA and shall include one (1) 2" caliper tree spaced every 30-feet on center, and three shrubs per tree spaced aesthetically along each street frontage.
3. **ODOROUS MATTER:** No emission of odorous matter shall be allowed in excess of ambient air quality standards, as set forth by regulations adopted by the Arizona Department of Environmental Quality.
4. **HUMIDITY, HEAT OR GLARE:** In the BP district, any activity producing humidity, in the form of steam or moist air, or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat, or glare is not perceptible at or beyond any residential or commercial district boundary. Detailed plans for the elimination of humidity, heat, or glare may be required before the issuance of a building permit.
5. **VIBRATION:** Vibrations shall be measured at the lot line. No vibration is permitted which is discernible to the human sense of feeling for three (3) minutes or more duration in any one (1) hour.
6. **EMISSIONS AND OPEN BURNING:** No emission of particulate matter, sulfur, compound, carbon monoxide, hydrocarbon, nitrogen oxide, and open burning shall be allowed in the BP District.
7. **STORAGE:** In the BP Zone, the storage of materials, supplies, and products on the property outside the building, constructed thereon is permitted at the rear of the property providing that the storage of materials, supplies, and products are within an area enclosed on all sides by a solid noncombustible fence or wall at least six (6) feet in

height, provided further that no goods, materials, or objects shall be stacked higher than the fence or wall.

8. WASTE: No waste material or refuse shall be dumped upon, or permitted to remain upon, any part of the part of the property outside of the buildings constructed thereon. All sewage and industrial waste shall be treated and disposed of in such a manner so as to comply with the standards of the appropriate authority. All plans for waste disposal facilities shall be required before the issuance of any building permit.
9. FIRE AND EXPLOSIVE HAZARDS: Storage, utilization, or manufacture of solid materials which requires free burning and intense burning may be allowed, provided that said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible walls and protected throughout by an automatic fire extinguishing system and in accordance with Standards of American Insurance Association for Storage, Handling, and Use of Flammable Liquids, "American Insurance Association," Pamphlet No. 30, June 1959, or any subsequent revision or amendment thereto.
10. AQUIFER RECHARGE: All uses shall connect to municipal water and sewer and shall discharge at least 65% of water to the sewer.