

ORDINANCE NO. 2021-899

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE CHINO VALLEY TOWN CODE TITLE XV, LAND USAGE, CHAPTER 154, UNIFIED DEVELOPMENT ORDINANCE, BY AMENDING THE PROVISIONS RELATING TO MEANINGS OF WORDS AND TERMS.

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 modifying the definitions relating to factory-built buildings, guesthouses, manufactured homes, modular homes, motor homes, park model trailers and park trailers, portable camping trailers, recreational vehicles, travel trailers, and truck campers (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, in accordance with Article II, Sections 1 and 2 of the Arizona Constitution, 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 UDO, Section 2.1 (Meanings of Words and Terms), is hereby amended as follows (deleted text is shown in strikethrough, and new text is shown in ALL CAPS):

BUILDING, FACTORY-BUILT. HAS THE MEANING SET FORTH IN A.R.S. § 41-4001(17), AS AMENDED.

GUESTHOUSE. Living or sleeping quarters for the sole use of occupants of the premises, guests of such occupants or persons employed on the premises. Such quarters shall not be rented and/or otherwise listed for income purposes.

“GUESTHOUSE” DOES NOT INCLUDE RECREATIONAL VEHICLES AS DEFINED IN THIS ARTICLE.

MANUFACTURED HOME. HAS THE MEANING SET FORTH IN A.R.S. § 41-4001(25), AS AMENDED, PURSUANT TO THE NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974 AND TITLE VI OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 (P.L. 93-383, AS AMENDED BY P.L. 95-128, 95-557, 96-153 AND 96-339). ~~A movable or portable dwelling of at least four hundred (400) square feet of gross living area (based on external dimensions) and twelve (12) feet or more in width; constructed to be towed on its own chassis and designed so as to be installed with or without a permanent foundation; for human occupancy as a residence containing complete toilet, shower and cooking facilities; which may include one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or two or more units separately towable which can be joined to form a single unit, and constructed on or after June 15, 1976. Does~~“MANUFACTURED HOME” DOES NOT INCLUDE RECREATIONAL VEHICLE OR TRAVEL TRAILER RECREATIONAL VEHICLES AS DEFINED IN THIS ARTICLE. THE REMOVAL OF THE WHEELS AND RUNNING GEAR SHALL NOT CHANGE THE MEANING OF THIS TERM. THE “MANUFACTURED HOME” SHALL NOT INCLUDE “MODULAR HOME” OR “PREFABRICATED HOME” BOTH OF WHICH ARE CONSIDERED “SINGLE FAMILY” OR “MULTIPLE FAMILY” DWELLINGS WHEN WHEN CONSTRUCTED TO CONFORM WITH THE TOWN’S BUILDING ORDINANCES OF THE TOWN, MODULAR HOMES AND FACTORY-BUILT BUILDINGS ARE CONSIDERED SINGLE-FAMILY OR PERMANENT MULTIFAMILY DWELLINGS AND ARE NOT MANUFACTURED HOMES.

MODULAR HOME. A TYPE OF FACTORY-BUILT BUILDING BUILT FOR HUMAN OCCUPANCY AS A RESIDENCE. “MODULAR HOME” DOES NOT INCLUDE A MANUFACTURED HOME OR RECREATIONAL VEHICLE AS DEFINED IN THIS SECTION.

MOTOR HOME. A RECREATIONAL VEHICLE AS DEFINED IN A.R.S. § 41-4001(33)(b), AS AMENDED.

PARK MODEL TRAILERS; PARK TRAILERS. A RECREATIONAL VEHICLE AS DEFINED IN A.R.S. § 41-4001(33)(c), AS AMENDED. A PARK MODEL OR A PARK TRAILER SHALL NOT BE CONSIDERED A SINGLE-FAMILY OR MULTIFAMILY PERMANENT DWELLING, SHALL NOT BE USED AS A GUESTHOUSE, AND SHALL BE RESTRICTED TO MOBILE HOME PARKS, RV PARKS, AND TRAILER PARKS.

PORTABLE CAMPING TRAILER. A RECREATIONAL VEHICLE AS DEFINED IN A.R.S. § 41-4001(33)(a), AS AMENDED.

RECREATIONAL VEHICLE (RV). HAS THE MEANING SET FORTH IN A.R.S. § 41-4001(33), AS AMENDED. ~~A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power~~

~~or is mounted on or drawn by another vehicle. This includes motor homes, travel trailers, fifth-wheel trailers, and campers.~~

TRAVEL TRAILER. A RECREATIONAL VEHICLE AS DEFINED IN A.R.S. § 41-4001(33)(d), AS AMENDED.

TRUCK CAMPER. A RECREATIONAL VEHICLE AS DEFINED IN A.R.S. § 41-4001(33)(e), AS AMENDED.

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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 of this Ordinance.

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 cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Ordinance.

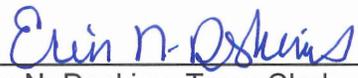
[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 23rd day of March, 2021.



Jack W. Miller, Mayor

ATTEST:



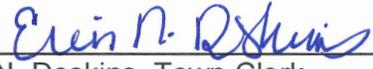
Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:



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

I hereby certify the above foregoing Ordinance No. 2021-899 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on March 23, 2021, and that quorum was present, and that the vote thereon was 6 ayes and 0 nays and 0 abstentions. 1 Council members were absent or excused.



Erin N. Deskins, Town Clerk