

ORDINANCE NO. 2022-02

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, AMENDING ORDINANCE NO. 2019-07 TO AMEND THE CONDITIONS OF DEVELOPMENT FOR THE ENCLAVE OFF OLIVE PLANNED AREA DEVELOPMENT (PAD) TO REDUCE THE REQUIRED REAR YARD SETBACKS FOR THE PAD; WHICH CONSISTS OF APPROXIMATELY 4.92 ACRES OF REAL PROPERTY LOCATED AT THE NORTHWEST CORNER OF OLIVE AVENUE AND AGUA FRIA RANCH ROAD AND IS ZONED PLANNED AREA DEVELOPMENT WITH THE UNDERLYING ZONING DISTRICT OF SINGLE FAMILY DWELLING UNIT (R-3); ALL RELATED TO DECREASING SETBACK REQUIREMENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR NON-SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the Town Council desires to amend the conditions of development for the “Enclave off Olive Planned Area Development”, which consists of approximately 4.92 acres of real property zoned Planned Area Development with the underlying zoning district of Single-Family Dwelling Unit (R-3) to reduce the required rear yard setbacks; and

WHEREAS, the Town Council has determined that this amendment to the PAD development standards conforms with the Town of Youngtown General Plan; and

WHEREAS, all required public notices were 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 Youngtown, Arizona, as follows:

Section I. In General.

1. The Enclave off Olive Planned Area Development consisting of approximately 4.92 acres of real property described in Exhibit A and shown on Exhibit B (map), zoned Planned Area Development with the underlying zoning district of Single-Family Dwelling Unit (R-3), is hereby amended by amending the “Development Plan” submitted pursuant to Section 17.48.070 of the Town Code to decrease rear yard setback requirements as follows: Section 17.24.060 of the Town Code requires rear yards of not less than thirty-five (35) feet or twenty percent (20%) of the lot, whichever is smaller. This setback was modified in the Development Plan to reduce the minimum rear yard to fifteen (15) feet for one story buildings and twenty (20) feet for two story buildings.

By this Ordinance, the rear yard setback to thirteen (13) feet, instead of twenty (20) for this development, which does not include the patio which would be anywhere from five (5) to seven (7) feet. All rear yard patio covers will be kept to a single level with a maximum height of twelve (12) feet.

2. All other requirements of the Enclave off Olive Planned Area Development "Development Plan" shall remain unchanged.

Section II. 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 III. Providing for Non-Severability.

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, then this entire ordinance is invalid and shall have no force or effect.

Section IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

PASSED AND ADOPTED by the Common Council of the Town of Youngtown, Arizona, this 3rd day of March, 2022, by the following vote:

AYES: 6


NAYES: 0 ABSENT: 0

EXCUSED: 0 ABSTAINED: 1


APPROVED this 3rd day of March, 2022.


Michael LeVault, Mayor

ATTEST:


Nicole Smart, Town Clerk

APPROVED AS TO FORM:

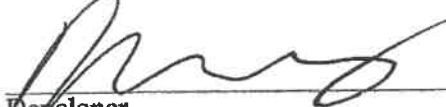

Digitally signed by Trish Stuhan
DN: CN = Trish Stuhan email =
trish@arcecoleman.com C = AD O =
Place Coleman PLLC OU = Attorney
Date: 2022.03.07 13:05:55 -0700

Trish Stuhan, Town Attorney

I, NICOLE SMART, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2022-02 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN ON THE 3RD DAY OF MARCH 2022, WAS POSTED IN THREE PLACES ON THE 11th DAY OF MARCH, 2022.


Nicole Smart, Town Clerk

ACCEPTED:


Developer
By: Dustin Riley, Manager

- Exhibit A: Legal Description
- Exhibit B: Zoning Map

Exhibit A: Legal Description

A PORTION OF TRACT AAA, AGUA FRIA RANCH, ACCORDING TO THE PLAT OF RECORD IN BOOK 632 OF MAPS, PAGE 20, RECORDS OF MARICOPA COUNTY, ARIZONA, BEING SITUATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 25;

THENCE NORTH 89 DEGREES 21 MINUTES 51 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25, A DISTANCE OF 953.07 FEET;

THENCE NORTH 0 DEGREES 38 MINUTES 09 SECONDS EAST, A DISTANCE OF 65.00 FEET TO THE SOUTHWEST CORNER OF THE EXCEPTION PARCEL AS DESCRIBED IN DOCUMENT RECORDED AS 2007-0632477, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 89 DEGREES 21 MINUTES 51 SECONDS WEST PARALLEL WITH AND 65.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 334.75 FEET;

THENCE NORTH 0 DEGREES 04 MINUTES 33 SECONDS WEST, A DISTANCE OF 253.02 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE CONTINUING NORTH 0 DEGREES 04 MINUTES 33 SECONDS WEST, A DISTANCE OF 311.02 FEET;

THENCE SOUTH 89 DEGREES 21 MINUTES 49 SECONDS EAST, A DISTANCE OF 603.35 FEET TO A POINT ON A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 335.00 FEET AND WHOSE CENTER BEARS SOUTH 66 DEGREES 52 MINUTES 22 SECONDS WEST FROM THE LAST DESCRIBED POINT;

THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23 DEGREES 45 MINUTES 47 SECONDS, AN ARC LENGTH OF 138.94 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 0 DEGREES 38 MINUTES 09 SECONDS WEST, A DISTANCE OF 176.00 FEET TO THE NORTHEAST CORNER OF SAID EXCEPTION PARCEL;

THENCE NORTH 89 DEGREES 21 MINUTES 51 SECONDS WEST ALONG THE NORTH LINE OF SAID EXCEPTION PARCEL AND THE WESTERLY PROLONGATION THEREOF, A DISTANCE OF 627.89 FEET TO THE POINT OF BEGINNING.

Exhibit B: Zoning Map

EXHIBIT B



ZONING MAP OF THE TOWN OF YOUNGTOWN

LEGEND

TOWN LIMITS

PARCEL

Zoning Code

C-1

C-2

R

R-1

R-2

R-3

PAD

OS

RIGHT-OF-WAY

Case No. Z2022-02
PAD AMENDMENT
The Enclave Off Olive
4.92 Acres



0 500' 1000' 2000'

Date: September 19-2011

