

ORDINANCE NO. 17-08

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, AMENDING THE CODE OF YOUNGTOWN, ARIZONA, TITLE 17 ZONING, BY REPEALING CHAPTER 17.44 ASD AGE SPECIFIC OVERLAY ZONING DISTRICT, AND ADOPTING A NEW CHAPTER 17.44 RESIDENTIAL DISTRICT WITH NEIGHBORHOOD COMMERCIAL OVERLAY RELATED TO THE CREATION OF MIXED USE OVERLAY DISTRICTS TO PERMIT CERTAIN NEIGHBORHOOD COMMERCIAL ACTIVITIES IN SINGLE-FAMILY DWELLING DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the Town no longer permits adult planned residential development within the limits of the Town and desires to repeal the current Chapter 17.44 ASD Age Specific Overlay Zoning District in the Town Zoning Code; and

WHEREAS, the Town Council desires to create a new overlay to permit mixed use commercial and residential areas to further economic development in the Town; and

WHEREAS, the Town Council has determined that the proposed amendments are necessary to update zoning regulations within the Town, efficiently enforce the zoning law, and meet the best interest of the public health, safety, and welfare of Town residents;

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

Section I. In General.

The Code of Youngtown, Arizona, Title 17 Zoning, Chapter 17.44 ASD Age Specific Overlay Zoning District is hereby repealed.

The Code of Youngtown, Arizona, Title 17 Zoning is hereby amended by adopting a new Chapter 17.44 Residential Districts with Neighborhood Commercial Overlay to read as follows (new text in ALL CAPS):

CHAPTER 17.44 - RESIDENTIAL DISTRICT WITH NEIGHBORHOOD COMMERCIAL OVERLAY

SECTIONS:

17.44.010 - DESIGNATION OF DISTRICT.

THE REGULATIONS SET FORTH IN THIS CHAPTER OR SET FORTH ELSEWHERE IN THIS TITLE, WHEN REFERRED TO IN

THIS CHAPTER, ARE THE REGULATIONS FOR RESIDENTIAL DISTRICTS WITH NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICTS (R-NC OVERLAY). R-NC OVERLAY DISTRICTS MAY BE APPROVED IN SINGLE FAMILY DWELLING DISTRICTS(R-3), ONLY WITHIN THAT AREA BOUNDED BY WEST WISCONSIN SOUTH TO WEST PENNSYLVANIA AVENUE.

17.44.020 - USE REGULATIONS.

A. A BUILDING OR PREMISES IN THIS DISTRICT MAY BE USED FOR THE RESIDENTIAL USES PERMITTED IN THE UNDERLYING RESIDENTIAL DISTRICT AND ANY OF THE FOLLOWING NEIGHBORHOOD COMMERCIAL (NC) USES:

1. ANTIQUE STORE;
2. ART SHOP;
3. BAKERY GOODS STORE;
4. BARBER SHOP, BEAUTY PARLOR, OR SIMILAR PERSONAL SERVICE SHOP;
5. BICYCLE SALES AND REPAIR;
6. BOOK OR GIFT STORE;
7. CAMERA SHOP;
8. CANDY STORE;
9. FLORIST;
10. FURNITURE STORE;
11. NEIGHBORHOOD GROCERY STORE ;
12. ICE CREAM PARLOR;
13. JEWELRY STORE;
14. LEATHER GOODS SHOP;
15. LOCKSMITH SHOP;
16. MUSICAL INSTRUMENT AND SHEET MUSIC SHOP;
17. NOTION AND FIVE-AND-TEN STORE;
18. BUSINESS OR PROFESSIONAL OFFICE;
19. PHOTOGRAPHER'S OR ARTIST'S STUDIO;
20. PRINTING SHOP;
21. RESTAURANT, CAFÉ OR SODA FOUNTAIN;
22. SHOE REPAIR SHOP;
23. TAILOR, CUSTOM; OR
24. TANNING SALONS.

B. RESIDENTIAL DWELLING UNITS ARE PERMITTED ON THE SECOND FLOOR OF THE COMMERCIAL USES DESCRIBED IN SECTION 17.44.020.A.

17.44.030 - ACCESSORY USES—STORAGE—LIGHTING.

- A. ACCESSORY BUILDINGS AND USES CUSTOMARILY INCIDENT TO THE NC USES SET FORTH IN SECTION 17.44.020 ARE PERMITTED IN THIS DISTRICT, INCLUDING PARKING LOTS, ACCESSORY TO A PRINCIPAL USE.
- B. ANY BUILDING USED PRIMARILY FOR ANY OF THE NC USES LISTED IN SECTION 17.44.020 MAY NOT HAVE MORE THAN THIRTY (30) PERCENT OF THE FLOOR AREA DEVOTED TO STORAGE PURPOSES INCIDENTAL TO SUCH PRIMARY USE.
- C. NC USES, EXCEPT SIGNS, SHALL BE RESTRICTED TO CLOSED BUILDINGS. ANY LIGHTING SHALL BE SO PLACED TO REFLECT THE LIGHT AWAY FROM LOTS IN RESIDENTIAL DISTRICTS.

17.44.040 - FENCE AND FREE-STANDING WALL REGULATIONS.

FENCES OR FREE-STANDING WALLS SHALL NOT EXCEED SIX (6) FEET IN HEIGHT IN SIDE OR REAR YARD. FENCES MAY BE SOLID, OF ANY APPROVED FENCING MATERIAL. FENCES IN FRONT YARDS MAY NOT EXCEED TWO AND ONE-HALF FEET IN HEIGHT.

17.44.050 - FRONT YARD REGULATIONS.

- A. LOTS USED FOR NC USES AS SET FORTH IN SECTION 17.44.020 SHALL HAVE A FRONT YARD HAVING A DEPTH OF NOT LESS THAN TWENTY-FIVE (25) FEET, EXCEPT AS PROVIDED IN CHAPTER 17.52.
- B. WHERE LOTS HAVE A DOUBLE FRONTAGE, THE REQUIRED FRONT YARD SHALL BE PROVIDED ON BOTH STREETS.
- C. A CANOPY OR ROOF EXTENSION ON THE FRONT OF A BUILDING SHALL NOT EXCEED EIGHT (8) FEET.

17.44.060 - SIDE YARD REGULATIONS.

- A. FOR LOTS USED FOR NC USES AS SET FORTH IN SECTION 17.44.020, NO SIDE YARD SHALL BE REQUIRED

EXCEPT WHERE A LOT IS ADJACENT TO A RESIDENTIAL LOT, IN WHICH EVENT THERE SHALL BE A SIDE YARD OF NOT LESS THAN SEVEN (7) FEET. IN ALL OTHER CASES, FOR SUCH NC USES, IF A SIDE YARD IS PROVIDED, IT SHALL NOT BE LESS THAN THREE (3) FEET IN WIDTH FOR SUCH NC USES.

- B. NO CANOPIES OR ROOF EXTENSION SHALL PROJECT MORE THAN FIVE (5) FEET ON THE SIDE OF A BUILDING.

17.44.070 - REAR YARD REGULATIONS.

FOR LOTS USED FOR NC USES AS SET FORTH IN SECTION 17.44.020, NO REAR YARD SHALL BE REQUIRED EXCEPT WHERE A LOT IS ADJACENT TO A RESIDENTIAL LOT, IN WHICH EVENT THERE SHALL BE A REAR YARD OF NOT LESS THAN FIFTEEN (15) FEET.

17.44.080 - HEIGHT REGULATIONS.

FOR LOTS USED FOR NC USES AS SET FORTH IN SECTION 17.44.020, NO BUILDING SHALL EXCEED TWO (2) STORIES OR TWENTY-FOUR (24) FEET IN HEIGHT, UNLESS LOCATED WITHIN THE YOUNGTOWN REDEVELOPMENT DISTRICT, IDENTIFIED IN RESOLUTION 00-09. IN SUCH CASE, THE MAXIMUM HEIGHT SHALL BE FORTY-EIGHT (48) FEET OR FOUR (4) STORIES.

17.44.090 - PARKING REGULATIONS.

THE PROVISIONS OF SECTION 17.60.050 SHALL APPLY.

17.4.0100 - SIGN REGULATIONS.

THE PROVISIONS OF CHAPTER 17.64 SHALL APPLY.

17.4.110 - COMMERCIAL HOURS OF OPERATION.

COMMERCIAL HOURS OF OPERATION FOR NC USES SHALL BE LIMITED TO THE HOURS BETWEEN 8:00 A.M. AND 10:00 P.M. MST.

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 Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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 IV. Providing for Penalties.

Any person found in violation of any provision of this Ordinance shall be responsible under Section 17.04.110 of the Town's Zoning Code for a class one misdemeanor, punishable by a fine not more than two thousand five hundred dollars (\$2,500) or by imprisonment for a term not exceeding six months or by both such fine and imprisonment for each violation. Each day that a violation or failure to comply continues shall be a separate offense punishable as herein described.

PASSED AND ADOPTED by the Common Council of the Town of Youngtown, Arizona, this 19th day of October, 2017, by the following vote:

AYES: 7

NAYES: 0

ABSENT: 0

EXCUSED: 0

ABSTAINED: 0


Michael E. LeVault, Mayor

ATTEST:


Interim Town Clerk

APPROVED AS TO FORM:


Gust Rosenfeld, P.L.C.

Town Attorneys

By Trish Stuhan

I, JENNIFER BLACKMAN, INTERIM TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 17.08 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN ON THE 19th DAY OF OCTOBER, 2017, WAS POSTED IN THREE PLACES ON THE 3rd DAY OF NOVEMBER, 2017.


Interim Town Clerk